



# City of Hamilton

## PLANNING COMMITTEE ADDENDUM

**Meeting #:** 18-006  
**Date:** April 17, 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

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### 4. DELEGATION REQUESTS

- \*4.5 Kim Zanello, 15 Ridgemount Drive, to ask the City to oppose the OMB (now LPAT) appeal from Sonoma Homes for 1518-1540 Upper Sherman Avenue (for future meeting.)
- \*4.6 Brenda Khes, GSP Group, on behalf of 20 Miller Drive, Ancaster, respecting Item 8.1, Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (PED18036(a)) (For today) 4
- \*4.7 Shawn Murray, 127 Cayuga Avenue, Ancaster, respecting Item 8.1, Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (PED18036(a)) (For today's meeting)

### 8. DISCUSSION ITEMS

- 8.1 Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law NO. 87-57 - Redevelopment in Mater Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (Public meeting held March 20,2018)
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**Form: Request to Speak to Committee of Council**  
Submitted on Friday, April 13, 2018 - 11:31 am

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Brenda Khes

**Name of Organization:** GSP Group Inc.

**Contact Number:** 905.572.7477

**Email Address:** [bkhes@gspgroup.ca](mailto:bkhes@gspgroup.ca)

**Mailing Address:**

162 Locke Street S, Suite 200

Hamilton ON L8P 4A9

**Reason(s) for delegation request:** To speak to PED18036(a) and a current ZBA/DPS application. Letter to follow.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No





April 13, 2018

File No: 15049

City of Hamilton  
71 Main St West  
Hamilton, ON  
L8P 4Y5

Dear Members of Planning Committee:

**Re: PED18036(a)  
20 Miller Drive, Ancaster**

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On behalf of the owner of 20 Miller Drive in Ancaster (1921753 Ontario Ltd.), we respectfully request that the proposed Zoning By-Law being brought forward by Planning Staff in relation to the Existing Residential (ER) zones in Report PED18036(a) not hinder the advancement of the Zoning By-Law Amendment and Draft Plan of Subdivision applications for 20 Miller Drive (ZAC-16-048, 25T-201606).

In good faith we have been actively working with City Staff on preparing the Staff Report to approve the applications to Planning Committee. The file has been advanced to the stage that in March, the draft Zoning By-Law and Subdivision conditions, prepared by the City, have been reviewed and agreed upon with the understanding that they would be incorporated into the Staff Report. The Zoning By-Law Amendment and Draft Plan of Subdivision is to facilitate an infill redevelopment of a surplus school site (1.05ha) at a low density of 21 units per hectare for 22 single detached units.

It is important to note that this site is not zoned Existing Residential, but rather Institutional and the allowance for low density residential is permissible within the UHOP subject to compatibility criteria.

With regards to the applications at 20 Miller Drive, the applications are distinct from the individual ER zoned lot redevelopment in that a comprehensive and thorough review by all departments and agencies is required, including Traffic, Public Works, Engineering etc. – a point that the ER zone Staff Report acknowledges individual building permit applications do not require. Specifically, with the approval of the Draft Plan of Subdivision, the developer is required to upgrade to an urban cross section, which includes installing light standards, sidewalks and managing the grading and servicing to incorporate the infill

development. The impact on the neighbourhood is mitigated through the establishment of these requirements.

In addition, the Site does not directly abut Existing Residential Lots on all lot lines. Rather, the blocks abut only three interior side lot lines and three rear lot lines. The remaining lot lines abut municipal roads, providing a separation distance from the surrounding single detached lots located on the opposite side of the right-of-way. This proposed interface between the two zones has been established in other locations within Ancaster in By-Laws passed in 2004 and 2012. We have further proposed to mitigate the side yard interface by establishing a site specific side yard increase of approximately 13 feet, as well as maintain the increased side yard requirement for corner lots.

The applications are consistent with the Provincial Policy Statement (2014) and Growth Plan for the Greater Golden Horseshoe (2017), providing an appropriate level of intensification to contribute to provincial intensification targets, while respecting the surrounding single detached land use.

The applications conform with the Urban Hamilton Official Plan (UHOP). In conformity with the UHOP, the Garner Neighbourhood Secondary Plan specifies transition policies with regards to adjacent lot size which has been implemented in the Draft Plan of Subdivision. In addition, the residential criteria regulations that assess compatibility have been reviewed. A Planning Justification Report was submitted which provided a thorough review of the evaluation criteria and the assessment demonstrated conformity.

These are the same criteria that the City has identified in the initial Staff Report relating to the ER zones and to which they reference that the new ER By-Law will direct new development in the ER zone that is “more complementary to established neighbourhood patterns, built form, and character.”

*Compatible* is defined in the UHOP as “land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

The proposal is an appropriate redevelopment of a vacant school property, providing considerate low density residential intensification in a transitional residential neighbourhood as the ER zone in proximity to 20 Miller Drive has recently undergone an approximate 10% lot by lot new home redevelopment.

In conclusion, the above details highlight the uniqueness of the Site Specific Zoning By-Law Amendment and Draft Plan of Subdivision applications for 20 Miller Drive and the distinction that they have apart from the redevelopment of individual existing residential lots referred to within Staff Report PED 18036(a). In addition, the applications (ZAC-16-

048, 25T-201606) have significantly advanced through the planning approvals process favourably with the City of Hamilton, having recently reviewed the draft Zoning By-Law and Draft Plan conditions. Any changes imposed at this stage, over two years into the process, would result in a detrimental impact to the feasibility of the development. Therefore, we respectfully request that any approvals brought forth with regards to amending the ER zone not prejudice the advancement of the applications relating to 20 Miller Drive.

Yours truly,

**GSP Group**



Brenda Khes, MCIP, RPP

Associate Senior Planner



Sarah Knoll, MCIP, RPP

Senior Planner

cc: 1921753 Ontario Ltd.  
Councillor Ferguson  
Ms. Yvette Rybensky, Senior Project Manager  
Ms. Melanie Scheider, Planner II  
Ms. Anita Fabac, Manager of Development Planning Heritage and Design

## 8.1(e)

**From:** Ramon Akiopkian [mailto:consultrsa@yahoo.ca]

**Sent:** April 16, 2018 11:47 AM

**To:** Bedioui, Ida <Ida.Bedioui@hamilton.ca>; Fulford, Alana <alana.fulford@hamilton.ca>

**Subject:** ER zoning bylaw changes

Hi Alana/Ida,

Sorry for the late letter, I wish I had an opportunity to bring up these matters at the last City meeting which I attended but could not stay.

Some of the major concerns I will list below, but most of the neighbours are not "fully" aware how these changes proposed will affect them. A proper Formal letter should be mailed to anyone having an ER zoned property with detailed explanations on the proposed changes, not just a meeting with "neighbours" that the Councillor held or what was heard in the news.

The changes proposed are unnecessary, just reinforce the current bylaw which is actually currently in place and conservative. The drastic changes, especially the lot coverage from 35% to 25% is unacceptable. This will affect current home values in all the neighbourhoods that are under renewal, as this is the future of Ancaster. I hope the City understands that these changes proposed will affect market value and hence a home for example with a 60 x 110, worth approx. 600K, will no longer retain its value because it's not feasible to redevelop/investors/future buyers with plans, which is the trend here in Ancaster. If these homes lose property value due to the Bylaw changes, this exposes the city to potential class action lawsuits and litigation. A home owner with a substantial LOC ( line of credit ) will be put into debt as a result of this and who's fault is it really in the end. Please understand the impact of these changes. A neighbour told me he wants to add a garage addition, and when I mentioned the side yard setback proposal, he was upset as this affect the single car garage he wants to build. Yes, he can apply for a variance, but that costs money and unnecessary delays when he already has the existing permission to do so.

I hope this helps with your decision making process, once again, enforcing the current bylaw is pretty straight forward. I do not agree with some houses built in the past with 10ft of backyard left and no trees. The lot coverage must be 50% or so, which is a bit too much. I live in a ER neighbourhood and have a rental home/investment. I am against majority of these proposed changes and hope you will reconsider some of the proposals, I am happy with my existing zoning bylaw currently in place.

I will list my issues below in point form to make this a little easier and not write an essay.. Please reply back stating you rec'd my email just so I know it went thru.

Thank you

Ramon Akiopkian  
137 and 138 Valleyview Dr

1. Negative property value impact on small to medium sized lot, affecting home owners directly

## 8.1(e)

2. Steers potential future residents from out of town that are thinking to build to different communities with more flexibility on design. We need to attract these types of individuals to Ancaster, especially will the available industrial zoned areas available in Hamilton and future potential industry/businesses that may or could be opened here.
3. Redevelopment is the future of old Ancaster. Many homes are in poor condition and left unmaintained. There are no Heritage designated homes in most of these areas. Rebuild is good for the Hamilton economy too!
4. Height, side yard set back, lot coverage under existing Bylaw are fine, enforce it. Increasing the rear yard would be ok. Focus on that.
5. Review lot drainage/grading plans as part of Plans submission. This makes sense.
6. Storm drainage culverts are not maintained, when a redevelopment occurs, the developer pays to install a new one. This is the root of most of the complaints, I see it happen everytime it rains and can tell you which houses will be affected because they are clogged with debris or closed completely
7. The War time era homes have many health potential issues like Lead lines, Asbestos clad siding, lead roof sewer boots, vermiculite in attics, poor insulation levels and windows, etc etc.
8. The proposed changes will affect Architectural design, which is a major issue, Nobody wants to see longer, narrow and flat roofed houses. The current trend in rebuild is 10ft ceiling height and it doesn't leave much left for roof design and drainage.
9. Balconies on the side of a house is a bit too much, and shouldn't be allowed. I agree
10. Focus on the front yard setback, no one should be buildi

# 9.1

## Revised

# MOTION

Committee Date: April 17, 2018

**MOVED BY COUNCILLOR COLLINS.....**

**SECONED BY COUNCILLOR .....**

### **Significant Municipal Planning Initiatives Before the Ontario Municipal Board (now the Local Planning Appeals Tribunal)**

WHEREAS the Province has introduced a new legislative process for appeals of land use planning matters;

WHEREAS the transition regulations for the new process are such that a number of “legacy” Planning Act matters will still be heard under the former Ontario Municipal Board process;

WHEREAS these “legacy” matters include appeals of significant municipal planning initiatives, such as Hamilton’s Commercial and Mixed Use Zoning By-law as well as other municipally-initiated Planning Act applications;

WHEREAS the hearing of these appeals will be delayed as a result of the new appeal process, thereby delaying when these important municipal planning initiatives can come into force and effect;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton urge the Province and the Environment and Lands Tribunals Ontario to prioritize municipally-initiated matters for expedited hearings where these matters remain subject to the old Ontario Municipal Board process;
- (b) That the City of Hamilton urge the Province to provide the necessary resources to the Local Planning Appeals Tribunal to ensure that these municipally-initiated matters ***that are identified by the municipality for expedited hearings*** are dealt with as quickly as possible.

## CONTEXT

This petition is the result of discussions that people had at an event at the Hamilton Public Library on Tuesday, March 6, 2018. **Over 200 Hamiltonians** came out to listen to residents present their concerns about the City's proposal to change its Secondary Plan and to discuss how those changes would impact the downtown core. These concerns were recorded and serve as the foundation for this petition.

This petition isn't all that people had to say about their downtown and what they want for Hamilton. We have also compiled a [position statement](#) which outlines some more of the specifics and some of the reasons why people identified certain things as being important to put in a petition - they go together.

We ask you to sign this petition to let the City of Hamilton know that you support a **people's plan for downtown** and the broad concerns outlined below.

## PUBLIC MEETING

We want the public meeting currently scheduled for Tuesday, April 17 at 9:30 AM to be held at a time **later in the day** so that more people can attend. We also ask that you structure the agenda in order to assign delegates to a specific order and set a strict start time for delegations so that people will know approximately when they will be speaking.

## FRAMEWORK and GUIDELINES

**We want City Council to withhold approval of the draft Secondary Plan** until City staff have prepared a new draft that includes an enforceable Framework that governs the implementation of the Secondary Plan and we want a set of specific Guidelines as part of that Framework.

City staff have prepared "Tall Building Guidelines" which are meant to regulate the form of new tall buildings. In the same way, we want City staff to prepare Guidelines that address each of the following communities (see the position statement for detail on this): Accessibility, Art, Environment, Heritage, Immigration/Refugees, Music, Neighbourhoods, Social Agencies, Small Business, and Tenants.

It may be useful for some of this to come in the form of Sustainability and Accessibility Guidelines and for some of this to be part of a "Social Impact Assessment".

Some of the overarching issues that continued to come up were (by no means is this an exhaustive list):

- Affordable housing that's geared to income rather than market rates
- Discretionary height limits as a way to leverage community benefits, including affordable housing
- Mandatory inclusionary zoning
- Tax incentives and grants for vulnerable communities
- Protection of heritage properties, music venues, and other vulnerable buildings

## CITY STAFF

We want more City staff hired to support the Framework, Guidelines, and Secondary Plan. There are not currently enough City resources in place to deal with the scope of the plan. It's not reasonable for

residents (volunteers) to be expected to continue to bear the burden of managing the issues associated with development and to be the ones fighting for community benefits on a case-by-case basis.

\*\*\*

Email us at [peoplesplanfordowntown@gmail.com](mailto:peoplesplanfordowntown@gmail.com) to be added to our mailing list so you can keep up to date with campaign news and upcoming events.



## **People's Plan for Downtown Hamilton**

Recipient: City Council (Hamilton, ON)

Letter: Greetings,

Tell City Council and staff: NO to their proposed Secondary Plan for downtown Hamilton

# Signatures

Name	Location	Date
People's Plan for Downtown Hamilton	Canada	2018-03-13
Kathryn Rehner	Hamilton, Canada	2018-03-13
Jackie Levitt	Hamilton, Canada	2018-03-13
Spring & Jackson Neighbourhood	Hamilton, Canada	2018-03-13
Samuel Allemang	Hamilton, Canada	2018-03-13
Cameron Kroetsch	Hamilton, Canada	2018-03-13
Jessica Merolli	Hamilton, Canada	2018-03-13
Paul Copcutt	Hamilton, Canada	2018-03-13
Robert Reed	Hamilton, Canada	2018-03-13
Lee Reed	Hamilton, Canada	2018-03-13
Daniela Mertz	Hamilton, Canada	2018-03-13
Angelune Des Lauriers	Hamilton, Canada	2018-03-13
Ian Borsuk	Hamilton, Canada	2018-03-13
Nicole Smith	Hamilton, Canada	2018-03-13
Jackson Hudecki	Hamilton, Canada	2018-03-13
Jeff Martin	Burlington, Canada	2018-03-13
T Mpofu	Conception, Canada	2018-03-13
John Neary	Hamilton, Canada	2018-03-13
Ritch Whyman	Hamilton, Canada	2018-03-13

Name	Location	Date
Rebecca Katz	Hamilton, Canada	2018-03-13
Jared Kunar	HAMILTON, Canada	2018-03-13
wilma White Man Left	Canada	2018-03-13
Anne Rehner	Caistor Centre, Canada	2018-03-13
Mark Rejhon	Hamilton, Canada	2018-03-13
Sarah Beatty	Hamilton, Canada	2018-03-13
Julie Marquis	Hamilton, Canada	2018-03-13
Carol Priamo	Hamilton, Canada	2018-03-13
Sarah Kovacs	Hamilton, Canada	2018-03-13
Heidi Clelland-Sauer	Dundas, Hamilton, Canada	2018-03-13
Maria Antelo	Hamilton, Canada	2018-03-13
Rani Hemaïd	Hamilton, Canada	2018-03-13
Lu Sea	Canada	2018-03-13
Hanna Mathieson	Hamilton, Canada	2018-03-13
rasha taha	Hamilton, Canada	2018-03-13
Sandra duMont-daSilva	Canada	2018-03-13
ron Rubin	Hamilton, Canada	2018-03-13
Maggie Martineau	Hamilton, Canada	2018-03-13
Dianne Twombly	Hamilton, Canada	2018-03-13
Cees van Gernerden	Hamilton, Canada	2018-03-13
Eleanor Chithalen	Port Dover, Canada	2018-03-13
Frances Murray	Hamilton, Canada	2018-03-13

Name	Location	Date
Sara Froese	London, Canada	2018-03-13
Sheila Idoine	Hamilton, Canada	2018-03-13
Jim Fitzgerald	Hamilton, Canada	2018-03-13
Lauren Brady	Hamilton, Canada	2018-03-13
margaret j	hamilton, Canada	2018-03-13
Jason Morse	Hamilton, Canada	2018-03-13
Adele D'Arcy	Hamilton, ON, Canada	2018-03-13
Lydia Mills	Hamilton, Canada	2018-03-13
Jason LOPEZ	Hamilton, Canada	2018-03-13
Angela Morley	Hamilton, Canada	2018-03-13
Ronald Weihs	Hamilton, Canada	2018-03-13
Daniel King	Hamilton, Canada	2018-03-13
Sean Hurley	Hamilton, ON, Canada	2018-03-13
Trisha Lavoie	Hamilton, Canada	2018-03-13
Harley Carbary	HAMILTON, Canada	2018-03-13
Tara Bursey	Hamilton, Canada	2018-03-13
Stevan Garic	Hamilton, Canada	2018-03-13
Anne Marie Pavlov	Hamilton, Ontario, Canada	2018-03-13
jenny white	Cambridge, Canada	2018-03-13
Michael ALLGOEWER	Hamilton, Canada	2018-03-13
Doris Charpentier Lavergne	Sudbury, Canada	2018-03-13
Sarah Stevenson	Hamilton, Canada	2018-03-13

Name	Location	Date
Laura Street	Hamilton, Canada	2018-03-13
Taien Ng-Chan	Hamilton, Canada	2018-03-13
Eric Fitzpatrick	Hamilton, Canada	2018-03-13
greg rotsaert	hamilton, Canada	2018-03-13
Chris Parkinson	Hamilton, Canada	2018-03-13
Catherine Silverglen	Hamilton, Canada	2018-03-13
Shannon Mitchell	Toronto, Canada	2018-03-13
Alex Balch	Hamilton, Canada	2018-03-13
Sally McKay	Hamilton, Canada	2018-03-13
Patricia Hitchcock	Hamilton, ON, Canada L8K3L8, Armed Forces Americas (except Canada), US	2018-03-13
Derek Page	Hamilton, Canada	2018-03-14
Thomas Atterton	Dundas, ON, Canada	2018-03-14
Mikk Wheeler	Hamilton, Canada	2018-03-14
Cynthia Lokker	Hamilton, Canada	2018-03-14
chris labenski	hamilton, Canada	2018-03-14
Tim perkins	Hamilton, Canada	2018-03-14
Mary Porter	Toronto, Canada	2018-03-14
Thea Haines	Hamilton, Canada	2018-03-14
Sanjay Patel	Canada	2018-03-14
Sef Aldarawish	Canada	2018-03-14
Michael derkson	Canada	2018-03-14

Name	Location	Date
Marina Neave	Canada	2018-03-14
Catherine McPherson	Hamilton, Canada	2018-03-14
Kim Dunlop	Hamilton, Canada	2018-03-14
Ike Langendoen	Canada	2018-03-14
Heather Kanabe	Hamilton, Canada	2018-03-14
Allison Jack	Toronto, Canada	2018-03-14
Eric Tuck	Hamilton, Canada	2018-03-14
Christina Rayburn	Hamilton, Canada	2018-03-14
Anna Wiesen	Hamilton, Canada	2018-03-14
Sandy Leyland	Hamilton, Canada	2018-03-14
Sina Safari	Canada	2018-03-14
Shari Dunn	Hamilton, Canada	2018-03-14
Kai McKane	Canada	2018-03-14
Tarikh Paul	Canada	2018-03-14
Kelly Coxson	Hamilton, Canada	2018-03-14
Venetta Kaplanis	Canada	2018-03-14
Tyler Gelinis	Canada	2018-03-14
Suriah Ross	Canada	2018-03-14
Don Glover	Oakville, Ontario, Canada	2018-03-14
Don Welch	Hamilton, Canada	2018-03-14
L Clelland	Hamilton, ON, Canada	2018-03-14
Emily groom	Hamilton, Canada	2018-03-14

Name	Location	Date
M Cunningham	Hamilton, Canada	2018-03-14
Donald Vermithrax	Hamilton, Canada	2018-03-14
Tom Finochio	Hamilton, Canada	2018-03-14
James MacNevin	Hamilton, Canada	2018-03-14
Joyce Muir	Hamilton, Canada	2018-03-14
Tabya Miller	Canada	2018-03-14
Shannom Zoldi	Canada	2018-03-14
Thomas Jackson-Brown	Canada	2018-03-14
Shahram T.	Hamilton, Canada	2018-03-14
Fiona Averill	Canada	2018-03-14
Mary Hilker	Canada	2018-03-14
Brooklyn Munroe	Vernon, Canada	2018-03-14
Samantha Helmer	Canada	2018-03-14
Mark Prier	Hamilton, Canada	2018-03-14
Jacqueline Cantar	Hamilton, Canada	2018-03-14
shonna guyon	paris, Canada	2018-03-14
Carlton Hickok	Hamilton, Canada	2018-03-14
Sharron Tweedle	Hamilton, Canada	2018-03-14
Kim Morgan	Hamilton, Canada	2018-03-14
Jason Sheldon	Hamilton, Canada	2018-03-14
Brandon Braithwaite	Hamilton, Canada	2018-03-14
Donna Kozacki	Hamilton, Canada	2018-03-14

Name	Location	Date
Shahzi Yasmin	Canada	2018-03-14
Dan Schneider	Saint Marys, Canada	2018-03-14
Jessica Serafin	Hamilton, Canada	2018-03-14
Ursula Madey	Hamilton, Canada	2018-03-14
Caillin Kowalczyk	Hamilton, Canada	2018-03-14
Stylo Nefertiti	Hamilton, Canada	2018-03-14
Douglas Crosbie	Cambridge, Canada	2018-03-14
Jeremy Kroetsch	Brampton, Canada	2018-03-14
Marianne Van der Wel	Hamilton ON, Canada	2018-03-14
Alexandre Pofelski	Hamilton, Canada	2018-03-14
Sean Springer	Hamilton, Canada	2018-03-14
Anna Kristine Fabian	Canada	2018-03-14
Laura Stewart	Hamilton, Canada	2018-03-14
Bonnie Copestick	Hamilton, Canada	2018-03-14
Valerie Poynter	Hamilton, Canada	2018-03-14
Rob Maddison	Hamilton, Canada	2018-03-14
Michael Hutchings	Hamilton, Canada	2018-03-14
Robert Bowers	Hamilton, Canada	2018-03-14
Deborah Boyce	Hamilton, Canada	2018-03-14
Janice Brown	Hamilton, Canada	2018-03-14
Julia Ross	Toronto, Canada	2018-03-14
Brendan Jowett	Winnipeg, Canada	2018-03-14



Name	Location	Date
Jessica Foran	Hamilton, Canada	2018-03-14
Kevin O'Toole	Hamilton, Canada	2018-03-14
Gloria Beers	Canada	2018-03-14
Cindy Gibson	Canada	2018-03-14
Denise Toth	Stoney Creek, Canada	2018-03-14
Alicia Danielle	Oakville, Canada	2018-03-14
Suzanne Dykeman	Toronto, Canada	2018-03-14
Naomi Frohlich	Hamilton, Canada	2018-03-14
Karen Trollope-Kumar	Hamilton, Canada	2018-03-14
Rose Driedger	Hamilton, Canada	2018-03-14
Susan Crowe Connolly	Hamilton, Canada	2018-03-14
Margaret Baines	Hamilton, Canada	2018-03-14
linda miocinovich	Hamilton, Canada	2018-03-14
Doreen Stermann	Hamilton, Canada	2018-03-14
K Sakala	Hamilton, Canada	2018-03-14
Bjarke Risager	Hamilton, Canada	2018-03-14
Barry Conway	Hamilton, Canada	2018-03-14
Ariel Bader-Shamai	Toronto, Canada	2018-03-14
Scott Peacock	Hamilton, Canada	2018-03-14
jessica panetta	Toronto, Canada	2018-03-14
Tim Anderson	Hamilton, Canada	2018-03-14
Barbara Szakszon	Stoney Creek, Canada	2018-03-14

Name	Location	Date
Cat Cayuga	Hamilton, Canada	2018-03-14
Ian Johnson	dundas, Canada	2018-03-14
Joseph Provost	Canada	2018-03-14
Michael Connelly	Hamilton, Canada	2018-03-14
Stephanie Vegh	Hamilton, Canada	2018-03-14
Peter Rogers	Hamilton, Canada	2018-03-14
beth chichakian	hamilton, Canada	2018-03-14
Bradley Crowe	Ottawa, Canada	2018-03-14
Claudia W	Canada	2018-03-14
Xinrui Wang	Canada	2018-03-14
Mark Weingartner	Hamilton, Canada	2018-03-14
Dawn Sawford	Hamilton, Canada	2018-03-14
michael peacefull	Hamilton, Canada	2018-03-14
Geordan Trotter	Hamilton, Canada	2018-03-14
Kate W	Hamilton, Canada	2018-03-14
Lynn Gates	Hamilton, Canada	2018-03-14
Jen Baker	Hamilton, Canada	2018-03-14
Kelly austen	Grimsby, Canada	2018-03-14
Frank Rocchi	Hamilton, Canada	2018-03-14
Rowan Allcorn	Canada	2018-03-14
Madonna Dicks	Canada	2018-03-14
Megan Hystad	Canada	2018-03-14

Name	Location	Date
apneet deol	Canada	2018-03-14
Mike Forster	Hamilton, Canada	2018-03-14
Hannelore Cooke	Ancaster, Canada	2018-03-14
Mary Simon	Hamilton, Canada	2018-03-14
Gary Dennis	Hamilton, Canada	2018-03-14
Patricia Janet Weingartner	Dundas, Canada	2018-03-14
Steve Dylag	Hamilton, Canada	2018-03-14
Debbie Heistad	Canada	2018-03-14
Cee C	Canada	2018-03-14
Tziporah Zilberg	Hamilton, Canada	2018-03-14
Lindsay Soomet	Hamilton, Canada	2018-03-14
Tricia Cook	Toronto, Canada	2018-03-14
Annette paiement	Hamilton, Canada	2018-03-14
Svava Juliusson	Hamilton, Canada	2018-03-14
Michael Schuster	Hamilton, Canada	2018-03-14
Julie Smith	Hamilton, Canada	2018-03-14
joseph banich	Hamilton, Canada	2018-03-15
Angel P	Canada	2018-03-15
Chris Boyce	Hamilton, Canada	2018-03-15
Candace Kielbiski	Hamilton, Canada	2018-03-15
Wilamina McGrimmond	Hamilton, Canada	2018-03-15
connie bowes	hamilton, Canada	2018-03-15

Name	Location	Date
M K	Canada	2018-03-15
Violet turner	Canada	2018-03-15
Josie Dikschei	Canada	2018-03-15
kate grabowski	Hamilton, Canada	2018-03-15
Miranda Hyde	Canada	2018-03-15
Christopher Jenkins	Canada	2018-03-15
Patricia Stark	Canada	2018-03-15
ethyn howe	Canada	2018-03-15
Jennifer Morgan	Canada	2018-03-15
Linda Chenoweth	Hamilton, Canada	2018-03-15
Robert Hawco	Canada	2018-03-15
Patricia Poore	Hamilton, Canada	2018-03-15
Barb Allen	Hamilton, Canada	2018-03-15
Ian Sloan	Hamilton, Canada	2018-03-15
Volker Fieguth	Canada	2018-03-15
Wade Rickert	Hamilton, Canada	2018-03-15
Anthony Haley	Hamilton, Canada	2018-03-15
Edwina Hylton	Canada	2018-03-15
Helena Tobias	Hamilton, Canada	2018-03-15
Melanie Rehberg	Hamilton, Canada	2018-03-15
Sacha Slade	Hamilton Ontario, Canada	2018-03-15
René Chavez	Hamilton, Canada	2018-03-15

Name	Location	Date
Tasty GP	Canada	2018-03-15
Donovan Mowatt	Canada	2018-03-15
Shannon Jackson	Canada	2018-03-15
Lucas Richard	Canada	2018-03-15
Adrean Farrugia	Hamilton, Canada	2018-03-15
Brian Simon	Hamilton, Canada	2018-03-15
Terri Urbaniak	Brampton, Canada	2018-03-15
Khaln Smiderle	Hamilton, Canada	2018-03-15
Jocelyn Weatherbe	Hamilton, Canada	2018-03-15
Ashley Watson	Scarborough, Canada	2018-03-15
Mike Rigglesford	Brantford, Canada	2018-03-15
Dave Cherkewski	Hamilton, Canada	2018-03-15
Marybeth Leis Druery	Hamilton, Canada	2018-03-15
Adam Bentley	Hamilton, Canada	2018-03-15
Shawn Selway	Hamilton, Canada	2018-03-15
Robbie Edwards	Canada	2018-03-15
Emily Wagner	Hamilton, Canada	2018-03-15
Seema Narula	Hamilton, Canada	2018-03-15
Marisa Kohut	Hamilton, Canada	2018-03-15
Colleen mcconnell	hamilton, Canada	2018-03-15
Joachim Brouwer	hAMILTON, Canada	2018-03-15
Trevor Horsman	Canada	2018-03-15

Name	Location	Date
Harriet Njiraini	Canada	2018-03-15
Austin Gouthro	Canada	2018-03-15
Megane Labergge	Canada	2018-03-15
Natalie Wong	Canada	2018-03-15
Harry Fowler	Canada	2018-03-15
Joanne Amey	Canada	2018-03-15
Lawrence Chong	Canada	2018-03-15
Nancy Guerette	Canada	2018-03-15
Wilson Sy	Canada	2018-03-15
Ahasan Chowdhury	Toronto, Canada	2018-03-16
Matias Rozenberg	Toronto, Canada	2018-03-16
Eileen Suffoletta	Hamilton, Canada	2018-03-16
Roberta Belanger	Canada	2018-03-16
Glenn Rivers	Canada	2018-03-16
Terry Gulaga	Canada	2018-03-16
roxanne rheault	Canada	2018-03-16
Randy Kay	Hamilton, Canada	2018-03-16
Lynn Watkins	Hamilton, Canada	2018-03-16
Peter Lewis	Canada	2018-03-16
Raquel Soares	Canada	2018-03-16
Judy Snider	Hamilton, Canada	2018-03-16
Lateefa Osmani	Canada	2018-03-16

Name	Location	Date
Ying Peng	Montréal, Canada	2018-03-16
Wajid Memon	Canada	2018-03-16
John Little	Canada	2018-03-16
Shoaib Syed	Canada	2018-03-16
Paul Weinberg	Hamilton, Canada	2018-03-16
Jon Davey	Hamilton, Canada	2018-03-16
Greta Rice	Canada	2018-03-16
Albert Jagt	Hamilton, Canada	2018-03-16
Samrand Abdi	Canada	2018-03-16
Alexandra Sadokierski	Canada	2018-03-16
David Rew	Canada	2018-03-16
Andy raffay	Hamilton, Canada	2018-03-16
Levana Hadad	Canada	2018-03-16
Deborah Curtis	Canada	2018-03-16
Mason Dragish	Canada	2018-03-16
N A	Canada	2018-03-16
GERARDO ROQUE	Hamilton, Canada	2018-03-16
Kim Hunt	Canada	2018-03-16
Albert Nathan	Canada	2018-03-17
Helen williams	Canada	2018-03-17
Janice Lamb	Hamilton, Canada	2018-03-17
Tammy Lawless	Burlington, Canada	2018-03-17

Name	Location	Date
Justin Kraemer	Canada	2018-03-17
mary janiga	Hamilton, Canada	2018-03-17
Abhay Rathi	Canada	2018-03-17
helen doucet	Canada	2018-03-17
Hareram Shah	Canada	2018-03-17
Mithsy Duclervil	Canada	2018-03-17
maria kraszewska	Canada	2018-03-17
Francine Johnston	Canada	2018-03-17
Mimi Damas	Canada	2018-03-17
Jackie Cole	Canada	2018-03-17
Jossette Degiorgioj	Canada	2018-03-17
Ruth-Anne Lotocki	Stoney Creek, Canada	2018-03-17
Mary Francita Delos Reyes	Canada	2018-03-17
Lory Ping	Canada	2018-03-17
Arlene Lutter Hoppenheim	Canada	2018-03-17
Maureen Meyer	Canada	2018-03-17
Joseph Blackburn	Burlington, Canada	2018-03-17
John Nawrocky	Hamilton, Canada	2018-03-17
Jeff deBruin	Hamilton, Canada	2018-03-17
Helema Roller	Canada	2018-03-17
Jake Beale	Canada	2018-03-17
John Somers	Canada	2018-03-17



Name	Location	Date
nancy schultz	Canada	2018-03-17
connie kidd	Hamilton, Canada	2018-03-17
Yadhavan Selvaratnam	Canada	2018-03-17
Perreault Micheline	Canada	2018-03-17
Line Lavoie	Canada	2018-03-17
Line Lavoie	Canada	2018-03-17
Rai Gied	Canada	2018-03-18
Anis Hosein	Canada	2018-03-18
hailey none yo business	Canada	2018-03-18
megan english	Toronto, Canada	2018-03-18
Julia Macina	Canada	2018-03-18
Aleda O'Connor	Ancaster, Canada	2018-03-18
D SCOTT MUNRO	Dundas, Canada	2018-03-18
Barbara Cantwell	Hamilton, Canada	2018-03-18
Isobel Hood	Markham, Canada	2018-03-19
Sara Andrea Alvarez Fuertes	Canada	2018-03-19
Mary Anne McDougall	Hamilton, Canada	2018-03-19
Brian Kelly	Hamilton, Ontario, Canada	2018-03-19
Danielle Belliveau	Hamilton, Canada	2018-03-19
Sheri Selway	Hamilton, Canada	2018-03-19
Frank Soberg	Hamilton, Canada	2018-03-19
Thongsay Phommavong	Stoney Creek, Canada	2018-03-19

Name	Location	Date
k turcotte	hamilton ontario, Canada	2018-03-20
Matthew Walker	Hamilton, Canada	2018-03-20
Ursula Hoffmann	Toronto, Canada	2018-03-20
Mike Belmore	Hamilton, Canada	2018-03-20
Judy Cantwell	toronto, Canada	2018-03-20
Suzanne Kelly	Hamilton, Ontario, Canada	2018-03-20
Michael Dorcas	Hamilton, Canada	2018-03-20
Margot Corbin	Hamilton, Canada	2018-03-20
Leisha Dawson	Hamilton, Canada	2018-03-20
Joseph James	?L8L2L9, Canada	2018-03-20
David Sporbeck	Hamilton, Canada	2018-03-20
Simon Read	Hamilton, Canada	2018-03-20
Kyle Stewart	Hamilton, Canada	2018-03-20
Hayden James	Canada	2018-03-20
Devon Solley	Hamilton, Canada	2018-03-20
Andrew Dumoulin	Hamilton, Canada	2018-03-20
Salman Chowdhury	Milton, Canada	2018-03-20
Farjad Iqbal	Milton, Canada	2018-03-20
Johnathon Hothi	Canada	2018-03-20
Karl J Andrus	Toronto, Canada	2018-03-20
Ezak Datsko	Hamilton, Canada	2018-03-20
Ken McLaren	Hamilton, Canada	2018-03-20

Name	Location	Date
Mariew-lyne fournier	Toronto, Canada	2018-03-20
Melissa Conway	Hamilton, Canada	2018-03-20
Brylle Burcelango	Hamilton, Canada	2018-03-20
Helen Varga	Hamilton, Canada	2018-03-21
Dominika Jazwiec	Stoney Creek, Canada	2018-03-21
Jennifer McMaster	Hamilton, Canada	2018-03-21
Troy Noseworthy	Hamilton, Canada	2018-03-21
Anthony Meszaros	Hamilton, Canada	2018-03-21
Shannon Dockstader	Hamilton, Canada	2018-03-21
Amanda Holloran	Toronto, Canada	2018-03-21
Alissa Kooiman	Hamilton, Canada	2018-03-21
Rochelle Martin	Hamilton, Canada	2018-03-22
Ana Murray	Toronto, Canada	2018-03-22
Valerie Byron	Hamilton, Canada	2018-03-22
Karl Wlasenko	Hamilton, Canada	2018-03-22
Brandon Consoli	Grimsby, Canada	2018-03-22
Donna Hiebert	Hamilton, Canada	2018-03-22
Harinder Bhogal	Hamilton, Canada	2018-03-22
Kate Vukelich	Hamilton, Canada	2018-03-23
Grant Cassidy	Hamilton, Canada	2018-03-23
Chun Zhang	Hamilton, Canada	2018-03-24
Rabia Z	Hamilton, Canada	2018-03-26

Name	Location	Date
Muriel Westmorland	Hamilton, Canada	2018-03-27
Diane Dent	Hamilton, Canada	2018-03-27
Gary Smith	Hamilton, Canada	2018-03-28
Wendy Sammut	Hamilton, Canada	2018-03-28
Valerie Cousens	Hamilton, Canada	2018-04-02
Kojo Dampthey	Hamilton, Canada	2018-04-03
brenda ginn	hamilton, Canada	2018-04-05



## **POSITION STATEMENT: PEOPLE'S PLAN FOR DOWNTOWN**

This position statement is our attempt to make sure that all of the feedback from residents gets presented to the City and our attempt to expand on some of the points in the main body of the petition in greater detail.

While we understand and appreciate that some of these things are not “traditionally” found in a Secondary Plan, these are the things that people want. They can be incorporated into an enforceable Framework and Guidelines. We encourage the City to do much broader genuine consultation with these communities (and others) to ensure that their views are represented accurately.

## **CONTEXT: DETAIL**

On Tuesday, March 6, 2018, a group of over 200 people met at the Central Branch of the Hamilton Public Library to discuss our concerns about the proposed draft to the Secondary Plan.

The chairs from the breakout groups at the event contributed to the work of coming up with what's in this document. It is co-authored by a coalition of downtown residents and community groups, including downtown tenants and housing advocates, neighbourhood association leaders, immigrants and refugees who access essential services downtown, front-line workers from downtown social agencies like food banks and shelters, artists and musicians, small business owners, environmental advocates, and heritage conservationists.

This event was organized on a short timeline by a handful of volunteers who felt that the City hadn't done adequate public consultation in the drafting of the Secondary Plan. The plan was dramatically altered between May 2017 and October 2017, without consulting community members in the process and without alerting community members to the changes.

We know that this document is long. People had a lot to say and we don't feel great about condensing too much of it. We also know that it doesn't represent every Hamiltonian or everyone who lives downtown.

We realize that the communities represented in the petition are broad, sometimes too general, and don't completely represent the needs of the wider community of downtown residents. A lot of voices were excluded from this process because of how precariously the event came together and how quickly it was planned as a result of the timelines put in place by the City. Those timelines meant that we had to get this out before the next iteration of the draft became available (according to the City, this will be around March 19, 2018).

We want to do more and we'll try to do more between now and the Planning Committee meeting where the changes to the Secondary Plan will be discussed (Tuesday, April 17, 2018).

#### **FRAMEWORK and GUIDELINES: DETAIL**

We expect that these Guidelines will include the following with respect to **each of the communities** mentioned below:

- The ability for residents to bargain community benefits with developers in exchange for discretionary height and density
- Grants, tax incentives, and subsidies
- Control increases in property taxes (both residential and commercial) as the result of increased property value by requesting assistance (as the City of Toronto did) from the Municipal Property Assessment Corporation and the Province of Ontario

We have also broken this down by community:

### **Accessibility**

- Develop Accessibility Guidelines that will provide detailed requirements for building design in development and redevelopment, accompanied by periodically updated resource information, including: where to go for grants or funding, where to go for other resources, what the City considers accessible - coordinate with ACPD if they have the capacity to assist and hire a consultant to fill in the gaps

### **Art**

- Beneficial tax rates for venues
  - Galleries, not for profits, music venues, theatre
  - Cafe/galleries, restaurant/music venues
- Sidewalk uses
  - Tables, buskers, social space
- Mixed use/live work spaces (subsidies, social housing)
- Social clusters/ arts “zones” (e.g. Toronto’s “distillery district”)
- Incentivize heritage preservation in concert with cultural uses (theatres, armouries)

### **Environment**

- Schedule of well-being requirements – with time specific targets based on this list:
  - Wastewater - with downtown intensification, consideration needs to be given to our capacity sustainability manage more wastewater. Consideration needs to be given to how to utilize wastewater more creatively - possibly extract heat in order to reduce the heat burden that

wastewater places on our natural waterways. Are there opportunities to reuse waste and grey water?

- Use building heat - redirect waste heat into an expanded district heating system.
- Sunlight blockage - firm rules must be observed to prevent sunlight blockage in the downtown core.
- Plantings - greening the core - need strong policies requiring streetscape greening in the downtown core using native trees, shrubs and plants. Opportunities should also be explored to require 'creative greening' through rooftop gardens and greening high rise podiums through tree plating.
- Energy reduction - Need Hamilton to develop a green building code that requires developers to build energy efficient, green buildings downtown.
- Public and active transit contributions - need to be accommodated and amplified as the urban core is redeveloped. These elements need to be considered at the outset to ensure that our downtown evolves into a transit, cycling and pedestrian friendly core.
- Reduce minimum parking requirements to promote more efficient use of land and to encourage public transit use and active transportation for those living in the core.
- Promote renewable energy - including geothermal, solar and wind where feasible.
- Low intensity development (LID) - moving away from non-permeable paving - swales on parking lots and in street boulevards to amplify our ability to handle stormwater more naturally in the core.
- Lighting - pay attention to reducing light pollution in the core both for migratory bird protections and for the benefit of human populations. Examples exist of motion-triggered LED street lighting systems in other jurisdictions both to save energy and to reduce light pollution.



- Biophilic bias - The build urban form in Downtown Hamilton needs to mimic nature to create spaces that are comfortable and welcoming for humans and other living organisms.
- Build resilience - By taking into consideration the climate crisis and the impacts of extreme heat, cold and extreme storm events, a city core that is able to adapt and survive these conditions is one that is more resilient.
- Urban food security - Community gardens, urban green houses - including requirements that developers integrate gardens/ greenhouses into new buildings to support the surrounding community's ability to grow and harvest fresh, healthy food in the downtown core.
- Happiness index checklist - Propose that Hamilton adopt the 'Gross National Happiness Index' pioneered by Bhutan. See <http://www.grossnationalhappiness.com/> for more details. The index includes a checklist covering 9 domains:
  - Psychological well being
  - Health
  - Education
  - Time use
  - Cultural diversity and resilience
  - Good governance
  - Community vitality
  - Ecological diversity and resilience
  - Living standards

### **Heritage: Conservation, Preservation, Designation**

- Ensure that all heritage properties, including those yet to be designated by the City, are not given zoning permission under the Secondary Plan; special additional zoning to protect these properties
- Control any increases in property taxes and find ways to offer tax incentives to those who own/maintain heritage properties

- Create a strict penalty system for land owners who “sit” on properties and additional penalties for under maintenance and land speculation
- Prioritize heritage conservation over development - break up total blocks zoned for maximum thirty storey height development to exclude and protect heritage properties on that block
- Enforce the Provincial guidelines with respect to heritage properties and ensure that they are applied consistently across the City
- Hire more heritage staff
- Make the list of “to be designated” heritage buildings public and designate these buildings on an aggressive timeline (also made available to the public)
- Create policies to ensure that the design of new buildings on vacant or infill sites near heritage buildings and in heritage districts and zones follows special design criteria which will ensure new development is sensitive to, and compatible with, nearby historic buildings
- Require cultural impact assessment studies and structural condition reports prepared by qualified heritage consultants who are independent of the developer

### **Immigrants, Refugees, Social Services**

- Avoid displacement of both marginalized groups and services (i.e. libraries, social services for migrants)
- Gentrification might impact initiatives like safe injection sites
- Programs may be shut down because of reduced numbers, exacerbating the food desert - all the services people need are downtown and if people are displaced from downtown then how do they access these services?
- Types of housing available for families are limited
- Contradictory messaging welcoming newcomers but keeping it unaffordable

- Youth: stakeholders are competing for funding that is simultaneously being reduced - as Provincial and other funding models change some programs are defunded; at the same time the various programs that support immigrants and refugees must compete with one another for the same money leading to an overall eventual reduction in services
- Poverty exacerbates mental health: lack of services for immigrants and refugees who experience mental health issues
- We need more conversations including migrants, economically excluded groups accessibility interpreters/different languages
- Special education on dealing with landlords and tenant issues (link to asking for a city-wide Education Department - see below under Staffing: Detail)
- A policy to restrict the use of housing stock for Airbnb rentals (similar to stricter penalties for property owners inflating vacancy problems, abandoning buildings, etc.)

## Music

- Grants, subsidies and/or incentives to:
  - grow or support small and mid-sized venues, for local up and coming acts;
  - grow or support ancillary art/music spaces (rehearsal space, recording space, social spaces, public venues/performance space, etc);
  - grow audiences (attacking the venue problem backwards - by helping make shows free, cheaper or more accessible to audiences) - the City should have a campaign to promote live music/other things and make this accessible for artists;
  - grow or support non-profit groups/venues/spaces for music (e.g. New Vision United Church, HARRRP) making sure that existing venues are zoned into a special tax assessment category to protect them from increases to property taxes;

- address housing for musicians and/or artists, to help keep them in the community (e.g. Artscape Wychwood Barns); and
  - include guidelines for “cultural planning” which do not exist in the current Secondary Plan and include wording/provisions that seek to protect and foster the work of racialized, vulnerable and otherwise marginalized communities.
- Some money from private for-profit condominium development should go to subsidize music spaces/scene
  - Music zoning for arts district
  - Challenge the condominium noise complaint zoning changes (that predate the condominiums that are/have been built across/next to pre-existing venues - protect venues)

### **Neighbourhoods: Complete Communities, Affordable Housing, Balanced Decision Making**

- We want the City to create a rationale for why they think that we need to make these changes - apart from the Province’s plan - what specific things justify the changes they are proposed (include this rationale as part of the Secondary Plan)
- Affordable housing (geared to income, not based on CMHC market rates)
- Focus on improving existing housing stock
- Green spaces
- Build more mid-size developments - the so-called “missing middle”
- Incentives for small business and non-profit groups
- Policy on displacement (i.e. right of return for tenants)

- Take away height increases from heritage buildings and lots abutting heritage buildings
- Remove “as of right” height zoning (30 storeys)
- Qualify development applications - make sure that developments which go through the application process get built and include steep fines if they do not get built; timelines should be tightened up for this in the conditional approval and building permit processes
- Higher development fees
- “Complete streets” including appropriate traffic studies and traffic calming measures as part of new development
- Residents to have more decision making powers and to form a “Neighbourhood Review Panel” (similar to panel that exists in Toronto and to the panel that exists in Hamilton - Design Review Panel)
- Hearings about developments to be outside of business hours so that residents can attend; polling residents to find out good dates/times before setting things
- Hiring more City staff to facilitate meetings between residents and developers
- Better/earlier method to inform residents of developments
  - Website with all development info (like Toronto’s Committee of Adjustment website)
  - Bigger/better signs (e.g. minor variance signs very small)
  - Notification signs/letters written using Clear Language principles
  - More information about development (e.g. floor plans)
  - Distribute notifications beyond 200/300m - should be increased to renters/residents not just homeowners and up to 500m

- Seeking clarification on some of the following parts of the current draft:
  - 6.1.4.4 - “transfer of development rights” - not clear what this means or how this works
  - 6.1.13.14 - “the redevelopment of the Hamilton City Centre (former Eatons Centre)” - what is this redevelopment proposal?
  - 6.1.13.17 - what is a “prime area”
  - 6.1.13.11 - MacNab Street is missing from the list of streets

### **Small Business**

- Landlord does not give proper attention to upkeep - with respect to building inspectors and City staff there is not enough consistency; a building can get approval at one point and then not later (differing opinions from different building inspectors)
- Risk of demolition, long term vacancy, land speculation
- Public education and grants for small business owners
- Improve “Open for Small Business” strategy; greater transparency, consistency with renovations
- Staff support for construction disruption (especially on LRT route) including how to deal with construction noise and street access
- Parking structures so customers will have somewhere to park (e.g. downtown St. Catharines)
- More transit infrastructure
- Tax incentives for small business
- More green space - more parks and the maintenance of existing parks

- New tax assessment categories for small businesses for actual use, not “highest and best” use

### **Tenants: Affordability, Accessibility, Displacement, Discretionary Zoning**

- Protect the existing affordable housing stock
  - Prohibit conversion of purpose-built rental units to condominiums
  - Proactively use City’s bylaw enforcement powers to urge upgrading of existing units in poor
  - Condition, intervening on behalf of vulnerable tenants who are reluctant to ask for repairs from their landlords for fear of reprisal
    - Standardized levels of service (cleaners, maintenance, parking) - municipal responsibility
    - Fire safety (old wiring)/repair program for older buildings
    - Health and safety (pests, repairs, price cap, quality of life)
- Minimize the effects of displacement
  - Adopt a formal Zero Displacement Policy for tenants: require that any redevelopment application above a certain number of units include a Tenant Assistance Plan to relocate inherited tenants as part of the approvals process (e.g. 3 months’ notice prior to eviction, 3 months’ rent to compensate for moving expenses and other fees, staff member to support tenants in housing search and move, plan to involve tenants in consultation process)
  - Require that inherited tenants are offered first right of refusal for newly built units in redevelopment projects (at equivalent rent)
  - Hire staff to assist with staggering development so that displaced tenants can be housed in new rental units in the downtown core (e.g. Regent Park model)

- Buyouts of these units by developers/landlords/Real Estate Investment Trusts should be tied to a fund to subsidize low-income renters and to retrofit social housing buildings to make them properly accessible
- Invest in public education campaigns related to tenant rights through the City or by funding projects like the Social Planning and Research Council's Displacement Project: Tools for Tenant Rights course
- Provide funding to organizations like the Hamilton Community Legal Clinic who provide free legal aid to tenants advocate to the Province to close the Above-Guideline Rent Increase (AGI) loophole and demand real rent control
- Encourage a new supply of genuinely affordable rental and ownership units
  - Abandon the current definition of "affordable housing": we want 15-20% of new units to be rent geared to income affordable housing (not based on the CMHC market rates)
  - "Affordable housing" should be clearly defined as rental or ownership housing for low- or moderate-income households that does not cost a household more than 30% of its before-tax income
  - Retrofit existing social housing stock to be more energy efficient to lower operational costs
  - Use financial contributions from market developments to repair existing, empty social housing units to be habitable again
  - Prioritize building of social housing units as part of sale of public assets
  - Make municipally owned properties available to non-profit housing developers at zero cost and cover their development-related expenses (development approval costs, building permit fees, legal fees, and site servicing)
  - Advocate to the Province for changes to the Provincial inclusionary zoning framework and adopt a municipal inclusionary zoning policy that requires that (at a minimum) 10% of units and 20% of units near transit hubs be



allocated for affordable housing

- Planned mix of condominiums & apartment buildings - rental vs. ownership; tied to progressive vacancy rate system (to be developed) and if developers do not want to build affordable rental units then the City should use city-owned lands to do the building (e.g. Barton/Tiffany)
- Implement a Family Friendly Housing Policy to mandate that at least 30% of all units in new developments be two- and three-bedroom units
- Encourage diverse supply of housing options through infill developments and small-scale intensification (secondary suites, row-houses, tiny houses, granny flats, laneway houses) in low- and medium-density neighbourhoods
- Specifications for new builds:
  - Community engagement/rooms for meetings in new buildings (community centres)
  - Accessibility features for aging in place: Buildings that people can retire in
  - Wheelchair accessibility, more buildings accessible (bathrooms)
- Remove all pre-zoning of 30-storey buildings
  - Maintain discretionary zoning provisions in order to make use of Section 37 (or equivalent powers afforded under recent amendments to the *Planning Act*)
  - Utilize this process in order to extract concessions with regards to other two demands and to leverage community benefits (i.e. Toronto Community Benefits Network)

## **CITY STAFF: DETAIL**

The City needs to lead and in order to do that they must be appropriately staffed. Ongoing staff shortages in departments related to planning, heritage, and housing are making the problem unmanageable for vulnerable Hamiltonians.

Some examples of areas where staff are needed include, but are not limited to:

- Consistent building inspection
- Support for small businesses in the LRT corridor (from the City, not Metrolinx)
- Community engagement between residents and developers (on equal terms)
- Support for effects on vulnerable communities especially with respect to displacement (rehousing, displacement services, restitution for forced displacement, staggering the development of new rental housing when existing rental housing is eliminated)
- Getting the waiting list of nearly 1,000 heritage properties properly classified
- Enforcement of municipal, provincial, and federal regulations currently being ignored by City staff due to chronic under hiring
- Education of all councillors who sit on City committees (an Education Department would be the most appropriate way to deal with this) (e.g. City of Vancouver)

April 13<sup>th</sup>, 2018

Ida Bedioui  
Legislative Co-ordinator for the Planning Committee  
City Clerks Office  
1st Floor, 71 Main Street West  
Hamilton, Ontario, L8P 4Y5  
Email: [ida.bedioui@hamilton.ca](mailto:ida.bedioui@hamilton.ca)

Dear Ms. Bedioui:

**Re: City of Hamilton Amendments to the Downtown Secondary Plan and Zoning By-Law  
05-200**

- **15 Queen Street South (2491034 Ontario Inc.)**

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We have reviewed the proposed Downtown Secondary Plan and corresponding updates to Zoning By-Law 05-200 with regards to the planning approvals granted for our development at 15 Queen Street South.

An amendment to By-Law 05-200 respecting the subject lands was approved by Council on October 25<sup>th</sup>, 2017 changing the zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Prime Retail Streets (D2, 625) Zone with the passing of By-Law 17-219. This amendment allows for a mixed use development of up to 78 metres in height and includes several provisions with regards to built form and parking requirements.

Through discussions with Staff, it has come to our attention that the site was not included in the site-specific exceptions that are being proposed in the revised Downtown Zones. As such, we are requesting that the site specific zoning in By-Law 17-219 be recognized and that any additional conformity issues (i.e. setbacks, parking stall sizes, etc.) that may arise from the proposed Downtown Secondary Plan and corresponding updates to Zoning By-Law 05-200 be added to the existing special exception 625 so as to permit the development as proposed.

We trust that this shall be sufficient. If you should have any questions or require additional information, please do not hesitate to contact the undersigned.

Sincerely,



Kyle Bittman

April 13, 2018

Chair and Members of the Planning Committee  
c/o Ms. Ida Bedioui  
Legislative Co-ordinator for the Planning Committee  
City Clerks Office  
1st Floor, Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario, L8P 4Y5

Dear Chair and Members of the Planning Committee:

**Re: Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074)  
April 17, 2018 Planning Committee Meeting  
Sonoma Development Group Inc.  
71 Rebecca Street  
Proposed Thirty (30) Storey Residential Condominium**

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We are Planning Consultants for Sonoma Development Group Inc. ("Sonoma") the owner of 71 Rebecca Street in Downtown Hamilton. On April 17, 2018, the Planning Committee is holding a Public Meeting under the *Planning Act* to consider updates to the Downtown Secondary Plan ("DSP") and the Downtown Zones in Zoning By-law 05-200.

By way of background, in June of 2017, Sonoma submitted applications to amend the DSP and By-law 05-200 to permit a forty (40) storey, condominium residential building at 71 Rebecca Street, located north of the proposed John/Rebecca Community Park. Upon consultation with City planning staff and subsequent to the Public Information Meeting held on November 28, 2017, the proposal was revised to a thirty (30) storey building. The redevelopment of 71 Rebecca Street will bring with it remediation of a brownfield site and incentive to redevelop other brownfield sites and vacant properties downtown. All technical studies have been submitted, updated and reviewed and the applications have been in process for approximately ten (10) months.

As Committee and Council are aware, the review of the DSP was introduced to the public at a Public Information Centre in June 2011. At a Public Open House in February 2017, staff presented and explained the proposed updates. Extensive consultation took place, and the detailed Zoning By-law regulations were revised a number of times. The City-initiated updates are very positive for downtown redevelopment, including the proposed building at 71 Rebecca Street. We commend City staff on their work and for continually seeking input from various stakeholders throughout the process.



One significant update to the DSP and Zoning By-law is the increase in building heights permitted (maximum of 97 metres). Downtown Hamilton is an Urban Growth Centre and taller buildings will help the City achieve its intensification targets. Updated Downtown Zone regulations and the Tall Building Guidelines will help shape the fabric of downtown redevelopment.

As the City-initiated updates to the draft DSP and zones evolved and changed over the past ten (10) months, Sonoma has worked diligently with City staff and has made every attempt to comply with both the adopted revisions to By-law 05-200, which are not yet in effect and the proposed revisions in order to comply with the direction City staff are taking.

The City-initiated update to the DSP eliminates the need for an UHOPA for 71 Rebecca Street and the property will be rezoned to the Downtown Central Business District (D1) Zone. As noted above, Sonoma and its consultants have worked with staff to address all of the updated zone regulations as they have evolved and changed. At this point in time, only three (3) minor modifications are required to the proposed zoning regulations to facilitate the redevelopment of 71 Rebecca Street.

The three (3) minor modifications required are:

1. The previous version of the Downtown Zoning By-law Amendment required that a 3.0 metre building step back occur at a building base height of 11.0 metres, across the downtown area. The most recent revision included varying the height for the required step back based on the right-of-way widths of the abutting streets.

Given the right-of-way width of Rebecca Street, the new General Provisions section associated with the Downtown Zones requires a building step back of 3.0 metres at a height of 7.5 metres along Rebecca Street. For the proposed building, the step back of 3.0 metres occurs at a height of 9.25 metres, complying with the previous version of the draft Downtown Zoning By-law Amendment.

It is important to note that the building at 71 Rebecca Street will face three (3) streets and the height at which a step back must occur varies from 7.5 metres (Rebecca Street); 22 metres (John Street North) and 16 metres (Catharine Street North). In our opinion a step back at 9.25 metres is reasonable, appropriate and meets the general intent of the new General Provisions associated with the Downtown Zones.

2. The D1 Zone lot coverage maximum is 85%. Given that City staff has interpreted the covered sidewalk space (overhang of parking level above) to be part of the lot coverage calculation, the proposed lot coverage has been calculated at 98%.

Should the 'unenclosed' sidewalk space not be included, the lot coverage would be 84% and would not be exceeded. In our opinion the increase in the lot coverage is technical in nature and is reasonable, appropriate and meets the general intent of the updated D1 Zone regulations.

3. A few months ago, City staff requested that the parking levels within the proposed building be redesigned to include as many parking stalls as possible at the revised parking stall dimensions set out in By-law No.17-240, adopted on November 8, 2017 and under appeal. Even though the building was originally designed based on the parking stall dimensions currently in effect, the architect provided as many parking stalls as possible at the revised dimensions, while also maintaining the required number of parking stalls.

The proposed building will have 198 parking stalls plus 6 barrier-free stalls for a total of 204 stalls. This total meets the revised parking ratios proposed for the Downtown Zones.

Approximately 30% of the parking stalls to be provided meet both the updated width and length dimensions and 47% meet the updated length dimension. Approximately 80% of the total number of parking stalls to be provided are larger in area than the area currently required. The breakdown of parking stall sizes is shown on Attachment No. 1 to this letter.

We could argue that the 'in effect' parking stall dimensions should continue to apply to the proposed redevelopment. Other downtown redevelopments recently approved are based on the 'in effect' dimensions. However, Sonoma has worked with staff to provide increased parking stall sizes wherever possible.

We respectfully request that a new section be added to the Downtown Zoning By-law Amendment to capture the above-noted minor modifications for 71 Rebecca Street. Attachment No. 1 to this letter provides the wording for the proposed new section to be added to the Zoning By-law.

In our opinion, the modifications for 71 Rebecca Street are technical in nature and will not impact any surrounding existing or future land use. The inclusion of the zoning modifications for 71 Rebecca Street in the Downtown Zoning By-law Amendment will eliminate duplication in the planning process.

We thank you for your consideration of this matter and will be in attendance at the April 17, 2018 Planning Committee meeting to provide a brief presentation related to our request, and to answer any questions the Committee may have.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**



Glenn J. Wellings, MCIP, RPP

Copy: Sonoma Development Group Inc.  
Councillor Jason Farr, Ward 2 Councillor  
Steve Robichaud, Director, Planning and Chief Planner  
DPAI

## ATTACHMENT NO. 1

That SCHEDULE C – SPECIAL EXCEPTIONS of By-law 05-200 is hereby amended by adding:

- xxx. For the lands zoned Downtown Central Business (D1) Zone identified on Map \_\_\_\_\_ of Schedule "A" - Zoning Maps and described as 71 Rebecca Street, the following special regulations shall apply:
- a) Notwithstanding Schedule "F" - Special Figure 15, a minimum 3.0 metre step back shall be required from the Rebecca Street building base façade height at 9.25 metres.
  - b) Notwithstanding Section 6.1, Downtown Central Business District (D1) Zone, Subsection 6.13 e), the maximum lot coverage shall be 98%.
  - c) Notwithstanding Section 5, Parking Regulations, Subsection 5.2 b) ii), the parking stall sizes within the parking structure shall be:
    - i) 59 parking stalls at 2.8 m x 5.8 m;
    - ii) 93 parking stalls at 2.6 m x 5.8 m;
    - iii) 36 parking stalls at 2.6 m x 5.5 m;
    - iv) 10 parking stalls at 2.8 m x 5.5 m;
    - v) 3 barrier-free parking stalls at 4.6 m x 5.8 m;
    - vi) 3 barrier-free parking stalls at 4.6 m x 5.5 m; and,Parking stall sizes at grade shall be:
    - vii) 4 car share parking stalls at 2.6 m x 5.5 m.



April 13, 2018

Ida Bedioui  
Legislative Co-ordinator for the Planning Committee  
City Clerks Office  
1<sup>st</sup> Floor, 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Dear Ida:

We are the current property owners of the following addresses located in downtown Hamilton:

6 James Street North, 2 James Street North, 1 King Street East, 3 King Street East, 5 King Street East, 7-9 King Street East, 13-15 King Street East, 17 King Street East, 19-31 King Street East and 35 King Street East.

With the exception of 35 King Street East, a designated historical building, all properties were purchased with the intent of future redevelopment.

We have reviewed the Proposed Downtown Hamilton Secondary Plan and have an objection to the proposed height restrictions placed on our properties.

Our intent is to play a significant role in rejuvenating the downtown core and we feel that the proposed mid-rise height will limit our ability to effectively redevelop our property.

Respectfully,



Beth Molnar  
Property Manager

# 13.1(i)

## **Brief submitted for consideration by the City of Hamilton Planning Committee for its April 17, 2018 hearing on the Downtown Hamilton Secondary Plan**

From Bill Johnston, 17 Witherspoon Street, Dundas ON L9H 2C4

I respectfully ask the Planning Committee to consider the following proposed changes to the Downtown Hamilton Secondary Plan, as well as one question related to the Plan, as the committee considers Item 13, Official Plan Amendment and Zoning By-Law Amendments for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074) on April 17, 2018.

In the text below, the clauses where I am proposing changes are shown in bold and the proposed changes are shown as both bold and underlined. I first quote the section as it is, then the section as I recommend it should be and then I explain the reason for the proposed change. The clauses appear in the order they appear in the plan.

**6.1.2 c/** Promote Downtown living... The Downtown Hamilton Secondary Plan identifies opportunities for a range of housing types catering to a variety of income levels and household characteristics.

PLEASE CHANGE TO: The Downtown Hamilton Secondary Plan **encourages** a range of housing types catering to a variety of income levels and household characteristics.

Explanation: "Encourages" in this sentence is both stronger and more accurately reflects the contents of the plan.

**6.1.3.3 b/** Create a diversified housing supply in the Downtown geared to the needs of various age groups, household size, and income levels with increased opportunities for affordable housing.

PLEASE CHANGE TO: Create a diversified housing supply in the Downtown geared to the needs of various age groups, household sizes, **abilities**, and income levels with increased opportunities for affordable housing.

Explanation: There needs to be specific recognition of the need for more barrier-free units for downtown to accommodate both the full variety of people and to allow people to age in place.

**In Section 6.1.4.6, PLEASE ADD:**

**6.1.4.6 e/** the impact on local schools, libraries and other social amenities.

Explanation: Additional housing in the downtown will have impacts on various social amenities that need to be planned for. Requiring evidence of such impacts will aid in that planning.

**6.1.4.8 d** A bylaw passed under Section 34 of the Planning Act is required to permit increases in height.

PLEASE CHANGE TO: A bylaw passed under Section **37** of the Planning Act is required to permit increases in height.

Explanation: This appears to be a typo.

**6.1.4.10** The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted...

PLEASE CHANGE TO: The development of housing with a full range of tenure, affordability, **accessibility** and support services shall be provided for and promoted...

Explanation: There needs to be specific recognition of the need for more barrier-free units for downtown to accommodate both the full variety of people and to allow people to age in place.

**6.1.4.24** Development proposals for tall buildings containing residential units shall be encouraged to provide a range of unit types and unit sizes, including those suitable for larger households, and those with children and seniors.

PLEASE CHANGE TO: Development proposals for tall buildings containing residential units **shall** provide a range of unit types and unit sizes, including those suitable for larger households, and those with children and seniors.

Explanation: Provision of a range of unit types and sizes, etc. should be required, not just encouraged, to meet earlier articulated goals for the downtown.

**6.1.5.1 b/** local commercial uses shall be permitted on the ground floor of buildings containing multiple dwellings, in accordance with Section E3.8—Local Commercial Policies of Volume 1, and the following: i) notwithstanding Policy E.3.8.2, only the following uses shall be permitted: retail and service uses such as a craftsperson shop, day nursery, commercial school, office, personal service, repair service, restaurant, studio, art gallery, and tradesperson shop; ...

QUESTION: It is not clear to my why there are these restrictions on commercial uses in buildings containing multiple dwellings, especially given the city's shift towards more permissive retail zoning. Would not uses such as corner stores/small groceries and pharmacies, for instance, be useful to serve the residents living above?

### **Infrastructure, Energy and Sustainability Policies**

Generally, the clauses here all talk about “encouraging” certain things rather than requiring that things “shall” happen. I understand the difficulty of prescribing exactly what has to happen with each development but I question whether the city will meet its climate change goals if it does not **require** that at least some energy-saving or other environmental measures shall be adopted. Perhaps the introductory clause could say: **development shall meet include at least one of the following measures.**

**6.1.15.6 [the armoury]** Any future development of the property shall be encouraged to conserve the Nationally significant site.

PLEASE CHANGE TO: Any future development of the property **shall** conserve the Nationally significant site.

Explanation: This is a National Historic Site. It should be conserved—encouragement to conserve is not adequate. It should require an amendment to the Official Plan to do anything other than conserve the site.

# 13.1(j)

-----Original Message-----

From: Jeff de Bruin

Sent: April 15, 2018 6:42 PM

To: Bedioui, Ida <Ida.Bedioui@hamilton.ca>

Subject: Downtown Secondary Plan

Good morning Ida Bedioui.

I'm writing to you about the downtown plans for Hamilton. I live in this area and I'm worried about its future.

Now that we have people Toronto coming to buy and or stay here, their thoughts, ideas and their money could change how the downtown will look and feel in the coming years. They have left Toronto for a reason, the cost. They have more money than Hamiltonians in this area and they have been buying house and properties here already. This has me and others worried that we Hamiltonians will not be able to live in our own city because of them. In my area a lone, they have bought places, fixed them up and now are charging rent prices that people in this area can not afford.

The result of this is more homeless people in Hamilton.

For an example, I have an monthly income of about \$1,000.00. Out of this \$1,000.00, \$475.00 for rent and then the usual bills, Internet, cell phone and food. The renovated places are now going for \$800.00 for a single room as I have and \$1,100.00 for a two bed room place.

Tell me how can I and other be able to afford this new price? We will be displaced from here to an other place if we can find a place. If not, the streets look good. Crime in Hamilton will go up as people can afford to live in their own city as this affects Hamilton itself.

People in this area are here for two main reasons; 1) they like it here, 2) this is all they can afford here.

I would like to see my city, our city to keep its people here and not have other people who have money change my city, our city to suit them. They left a place for a reason, money! I hope that my city, our city does not get blinded by their money and forget about its own people as they have a mandate to do.

Best Regards

Jeff de Bruin



April 16<sup>th</sup>, 2018

230-17

**Via Email & Delivered**

Members of Planning Committee and Council

c/o Ms. Ida Bedioui  
Legislative Coordinator

City Clerk's Office  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Members of Planning Committee and Council:

**RE: Draft Downtown Secondary Plan and Zoning By-law Review**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) would like to take this opportunity to thank Planning Staff, in particular, Mses. Alissa Mahood and Shannon McKie for their commendable work in bringing forward the draft Downtown Secondary Plan and Zoning By-law.

The background work for any secondary plan process is a complicated, complex and dynamic process. Nowhere is this truer than when preparing one for Hamilton's downtown. The consultation process was thorough and engaging wherein constructive feedback was well received by the City that resulted in significant improvements the Secondary Plan and Zoning By-law.

While we consider the adoption of the Secondary Plan and passing of the Zoning By-law as a notable milestone for the Downtown, there is one item that we would like to bring to the attention of Council and City Staff. The March 19, 2018 release of the draft documents implements **Section 37 Agreements via the use of Holding Provisions** and this was not contemplated in the previously released draft in November, 2017. UrbanSolutions appreciates the merit of Section 37 Agreements and the value they can bring to the community. However, our concern relates the use of Holding provisions to secure such agreements in advance of the completion of the City-wide Section 37 review process noted in Staff Report No. PED18074.

It is our professional opinion that it is premature to apply Holding Provisions that require Section 37 Agreements when the City has not completed the related study nor established any protocol, provisions or guidelines similar to those that exist in municipalities who have been utilizing Section 37 of the *Planning Act* for some time. We can draw a comparison to the stakeholder engagement process as part of every 5 year review of the Development Charges By-law. A similar engagement process is warranted for Section 37 Agreements prior to enshrining them into the Zoning By-law.

UrbanSolutions looks forward to a continued productive working relationship with City staff to implement and see to it that the City's Downtown goals and objectives are realized.

Regards,  
**UrbanSolutions**



Sergio Manchia, MCIP, RPP  
*Principal*



Matt Johnston, MCIP, RPP  
*Principal*

cc. Messers. Jason Thorne, MCIP, RPP and Steve Robichaud, MCIP, RPP, City of Hamilton  
Mses. Alissa Mahood, MCIP, RPP & Shannon McKie, MCIP, RPP, City of Hamilton



April 16<sup>th</sup>, 2018

258-17

**Via Email & Delivered**

Chair and Members of Planning Committee

c/o Ms. Ida Bedioui  
Legislative Coordinator

City Clerk's Office  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

**RE: Draft Downtown Secondary Plan and Zoning By-law Review  
71 Rebecca Street, Hamilton**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf Kaneff Properties Limited, owner of 80 John Street North and we are pleased to submit this letter regarding the Draft Downtown Secondary Plan and Zoning By-Law review in relation to Official Plan Amendment Application No. UHOPA-17-023 and Zoning By-law Amendment Application No. ZAC-17-053 proposed at 71 Rebecca Street, Hamilton.

Following a review of the April 13, 2018 written submission on behalf of Sonoma Development Group Inc., Kaneff understands exceptions to the draft zoning by-law are being sought with regards to the podium and lot coverage. While not noted in the aforementioned April 13, 2018 correspondence, it is also understood that additional exceptions to the draft zoning by-law are required with regards to building step backs above 44 metres in height.

As noted in the written submission of today's date with regards to their lands at 80 John Street North, Kaneff Properties Limited is in full support of the Secondary Plan policies and Zoning By-law regulations as currently proposed and respectfully requests the modifications being pursued by the proponent for their lands at 71 Rebecca Street not granted.

In accordance with the *Planning Act*, please provide the undersigned with written copy of any Council decision for this matter.



Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*

cc. Mses. Anna-Maria Kaneff and Kristina Kaneff, Kaneff Properties Limited  
Mr. Sergio Manchia, MCIP, RPP, and Ms. Katie Rauscher, UrbanSolutions



April 16, 2018

258-17

**Via Email & Delivered**

Chair and Members of Planning Committee

c/o Ms. Ida Bedioui  
Legislative Coordinator

City Clerk's Office  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

**RE: Draft Downtown Secondary Plan and Zoning By-law Review  
80 John Street North, Hamilton**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf Kaneff Properties Limited and we are pleased to submit this letter regarding the Draft Downtown Secondary Plan and Zoning By-Law review for the lands municipally known as 80 John Street North.

The subject lands are designated as "Downtown Mixed Use" as illustrated on Map B.6.1-1- Land Use Plan of the Downtown Secondary Plan. The City of Hamilton Zoning By-law No. 05-200 places the subject lands in the Downtown Central Business District (D1, H17, H19, H20) Zone. Map B.6.1-2 Maximum Building Heights designates the subject lands as "High-rise 2" while Schedule F of the Zoning By-law permits a maximum building height of 97 metres.

While concerned with the various parking stall sizes applicable to structured parking facilities and the proposed Holding provisions requiring Section 37 Agreements to be in place in advance of the City completing the pending City-wide Bonusing Study noted in Staff Report PED 18074, Kaneff Properties Limited is in full support of the balance of the Secondary Plan policies and Zoning By-law regulations as currently proposed.

In accordance with the *Planning Act*, please provide the undersigned with written copy of any Council decision for this matter.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*

cc. Mses. Anna-Maria Kaneff and Kristina Kaneff, Kaneff Properties Limited  
Mr. Sergio Manchia, MCIP, RPP, and Ms. Katie Rauscher, UrbanSolutions



April 16<sup>th</sup>, 2018

230-17

**Via Email & Delivered**

Chair and Members of Planning Committee

c/o Ms. Ida Bedioui  
Legislative Coordinator

City Clerk's Office  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Chair and Members of Planning Committee:

**RE: Draft Downtown Secondary Plan and Zoning By-law Review  
44 Hughson Street South, 75 James Street South and 9 Jackson Street East**

On behalf of LiUNA Local 837, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to provide this second submission regarding the Draft Downtown Secondary Plan and Zoning By-Law review for lands municipally known as 44 Hughson Street South, 75 James Street South and 9 Jackson Street East.

On August 25<sup>th</sup>, 2017, UrbanSolutions submitted a letter outlining concerns with regards to the proposed land use designation in the draft Secondary Plan and draft Zoning By-law. We appreciate that some of these concerns have been addressed in current drafts wherein the subject lands are designated as "Downtown Mixed Use" as illustrated on Map B.6.1-1- Land Use Plan of the Downtown Secondary Plan. The City of Hamilton Zoning By-law No. 05-200 places the subject lands in the Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20). Map B.6.1-2 Maximum Building Heights designates the subject lands as "High-rise 1". Draft Schedule F of the Zoning By-law limits building height to 71 metres.

There are four outstanding areas of concern they are:

- Policy 6.1.4.37 of the Secondary Plan prohibits development from casting any net new shadow on Prince's Square located at 50 Main Street East;
- The various parking stall sizes applicable to structured parking facilities;
- The draft zoning proposes to split the zoning between the Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) ; and,

- The proposed Holding Provisions applicable to the property (H19 and H20) require a Section 37 Agreement. This format of a Holding provision is premature until the City-wide Section 37 Bonusing Study noted in Staff Report PED18074 is complete.

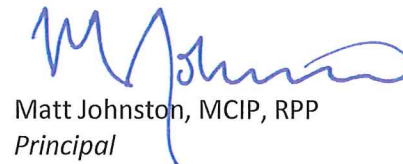
The aforementioned concerns can be addressed by allowing height above 71 metres using sun shadow analysis based on specific development proposals without need for an Official Plan Amendment to address Policy 6.1.4.37. Further the subject properties should be placed in one zone without the proposed Holding provisions.

Please feel free to contact the undersigned with any questions or comments.

Regards,  
**UrbanSolutions**



Sergio Manchia, MCIP, RPP  
*Principal*



Matt Johnston, MCIP, RPP  
*Principal*

- cc. Mr. Steve Robichaud, MCIP, RPP and Mses. Alissa Mahood, MCIP, RPP & Shannon McKie, MCIP, RPP, City of Hamilton  
Messers. Joseph Mancinelli and Riccardo Persi, LiUNA Local 837  
Mr. Shawn Marr, The Hi-Rise Group



April 16<sup>th</sup>, 2018

204-17

**Via Email & Delivered**

Chair and Members of Planning Committee

c/o Ms. Ida Bedioui  
Legislative Coordinator

City Clerk's Office  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Chair and Members of Planning Committee:

**RE: Draft Downtown Secondary Plan and Zoning By-law Review  
154 Main Street East & 49 Walnut Street South**

On behalf of the owner Brooklyn Contracting Inc., UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to provide this second submission regarding the Draft Downtown Secondary Plan and Zoning By-Law review for lands municipally known as 154 Main Street East and 49 Walnut Street South.

On August 25<sup>th</sup>, 2017, UrbanSolutions submitted a letter outlining concerns with regards to the proposed land use designation in the draft Secondary Plan and draft Zoning By-law. We appreciate that much of these concerns have been addressed in current drafts wherein the subject lands are designated as "Downtown Mixed Use" as illustrated on Map B.6.1-1- Land Use Plan of the Downtown Secondary Plan. The City of Hamilton Zoning By-law No. 05-200 places the subject lands in the Downtown Central Business District (D1, H17, H19, H20) Zone. Map B.6.1-2 Maximum Building Heights designates the subject lands as "High-rise 2", permitting a maximum building height of 30 storeys.

As you may know, UrbanSolutions participated in the June 21<sup>st</sup>, 2017 Development Review Team meeting in relation to Formal Consultation No. FC-17-079. Subsequently a Zoning By-law Amendment Application (ZAC-17-074) and a Preliminary Site Plan Application (PSR-18-009) were submitted. The purpose of the applications is to consider a proposed development of a twenty-five (25) storey tower with 267 residential units and approximately 432m<sup>2</sup> of ground floor commercial. The rear of the property will have a seven (7) storey parking structure with 272 proposed parking spaces.




There are four outstanding areas of concern they are:

- Policy 6.1.4.37 of the Secondary Plan prohibits development from casting any net new shadow on Ferguson Station located at 244 & 248 King Street East;
- The proposed podium design for the development proposal being reviewed via ZAC-17-074 & PSR-18-009 is in conflict with draft Section 6.1.3 – Downtown Central Business District (D1) Zone – Regulations;
- The various parking stall sizes applicable to structured parking facilities; and,
- The proposed Holding Provisions applicable to the property (H19 and H20) require a Section 37 Agreement. This format of a Holding provision is premature until the City-wide Section 37 Bonusing Study noted in Staff Report PED18074 is complete.

The aforementioned concerns can be addressed by allowing the built form to proceed as proposed in ZAC-17-074 and PSR-18-009 and without the proposed Holding provisions.

Please feel free to contact the undersigned with any questions or comments.

Regards,  
**UrbanSolutions**

  
Sergio Manchia, MCIP, RPP  
*Principal*

  
Matt Johnston, MCIP, RPP  
*Principal*

cc. Mr. Steve Robichaud, MCIP, RPP and Mses. Alissa Mahood, MCIP, RPP & Shannon McKie, MCIP, RPP, City of Hamilton  
Brooklyn Contracting Inc.  
Vrancor Group

# 13.1(p)

To the members of Hamilton City Council,

Regarding transitional heights along the west part of Cannon St. between James and Bay Sts. As I have previously stated to councillor Farr at the Ward 2 Community Council meetings, and in writing by email, the residents of the Central Neighbourhood expect the city to enforce a moderate increase in height from existing 2-3 storey dwellings and businesses on the north side of Cannon to mid-rise across the street on the south side. It is not appealing to envision high-rise 2 designations immediately adjacent to low-rise buildings.

I feel that mid-rise on both sides of Cannon St. is an appropriate transition for the area and it will be the same as the transition east of James in Beasley neighbourhood. Residents in the Central neighbourhood are in support of development and recognize the benefit of intensification in the Hamilton downtown core, but in order to feel confident that the city will make intelligent and informed decisions about where high-rise buildings fit, we need to see the plan reflect reasonable height transitions around the edge of the downtown boundary.

I am confident that you can show sound judgement and leadership on this matter.

Sincerely,  
Sarah Kovacs  
Central Neighbourhood Association



# 13.1(q)

**From:** Rick Yates]  
**Sent:** April-16-18 9:12 AM  
**To:** McKie, Shannon; Travis, Heather; Coe, Emily  
**Cc:** Mahood, Alissa; Downtown Hamilton Review  
**Subject:** Re: [SUSPICIOUS MESSAGE] RE: Classification of land at 154&156 Cannon Street

As owners of the property we officially oppose this zoning by-law and would like this entered into the records. This zoning change impacts our business and future growth and income. We expect to appeal the by-law and want this as our written submission to the council.

If this is not the proper submission then I am requesting the form today from you for submission tomorrow and requesting time to speak to the council informing them of our position and potential appeal of the zoning by-law decision if made tomorrow.

Thanks for responding back and we'll see you tomorrow in council

Rick Yates  
President - 2478845 Ontario Inc.

**From:** Scott Patterson [<mailto:scott@lpplan.com>]  
**Sent:** April-13-18 9:08 AM  
**To:** 'shannon.mckie@hamilton.ca'  
**Cc:** 'Bryan Dykstra'; 'Amanda Drumond'  
**Subject:** 107 MacNab Street North - Copley (P-1028)

Good morning Shannon

On behalf of the proponent for the redevelopment of 107 MacNab Street, I am contacting you regarding the update to the Hamilton Downtown Secondary Plan and the new Downtown Central Business District (D1) Zone. It is my understanding you are the Planner heading up these matters.

Our group attended a Preliminary DRT meeting on April 11, 2018 to discuss the project at 107 MacNab for Copley. At this meeting it was encouraged by Ms. Kim Roberts that we complete a zoning analysis of the proposed site plan with regard to the new "D1" zone and request site specific exceptions to recognize the Copley project as needed. Subsequent to the meeting we have also received confirmation from Mr. Steve Robichaud that the proposal would proceed on the basis of being considered a "Craftsperson Shop" until such time as the HDSP and the zoning process were completed. (Copy of email attached)

We have reviewed the proposed Downtown Central Business District (D1) Zone in relation to the Copley project and believe there are a few site specific exceptions that we would request be included to recognize the project going forward. Special Exception #688 is already included in the Draft zoning and would recognize the Copley project as follows:

***688. Notwithstanding Section 6.1.1 of this By-Law within the lands zoned Downtown Central Business District (D1) zone, identified on Map 910 of Schedule "A"- Zoning Maps and described as 107 MacNab Street North, Clothing Manufacturing shall also be permitted.***

The inclusion of this Special Exception would recognize the Copley use however we would also request the following:

1. Map 910 of Schedule "A" should be updated to have the Special Exception # 688 identified for the subject lands. This is not currently noted on the Draft we have available to us.
2. Notwithstanding clauses be added to #688 as follows:
  - i) Notwithstanding 6.1.3c)iv) - A driveway with a maximum width of 11.7m shall be permitted for ingress and egress.
  - ii) Notwithstanding 4.2b)iii) – For the purposes of a clothing manufacturer on the subject lands, no parking spaces will be required for any part of an existing building or for any addition or expansion of an existing building.

With these items added to the mapping and Special Exception #688 we believe that the "D1" zoning will recognize and help implement the project going forward.

I would welcome the opportunity to speak with you about these items should you have any questions or concerns and am available all day today at your convenience.

With thanks  
 Scott

**Scott J. Patterson, BA, CPT, MCIP, RPP**  
**Senior Planner, Principal**



**Labreche Patterson & Associates Inc.**  
*Professional Planners, Development Consultants, Project Managers*  
 330-F Trillium Drive, Kitchener, ON N2E 3J2  
 P: 519.896.5955 | F: 519.896.5355  
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**Please visit our website: [www.lpplan.com](http://www.lpplan.com)**



April 16, 2018

Planning Committee  
City of Hamilton

To Whom It May Concern:

Since its founding in 1972, the Durand Neighbourhood Association has been dedicated to protecting the diversity, vibrancy, and historic character of the Durand. The DNA's efforts have thus, necessarily aimed at preventing unrestrained development and unfocused real estate speculation. The result of our early effort was the first Neighbourhood Plan 1977. More recently the DNA has, over the past 5 years, continued with this tradition through our engagement with the City in the Downtown Secondary Plan Review process.

The DNA has met on 2 separate occasions with City Staff to present our concerns, as well as submitting our concerns to the October draft of the Downtown Secondary Plan. We have also taken part in the relevant public consultation processes over the past 5 years. The DNA appreciated the responsiveness the City and its Planning Department has displayed throughout this process and, generally, we are pleased with the resulting Downtown Secondary Plan before us today.

The Durand is already one of most densely populated neighbourhoods in Hamilton, with 14,797 people per square kilometer, according to the 2016 Canadian Census. However, the DNA still respects need for urban intensification, as outlined in the Province's Places to Grow / Growth Plan for the Greater Golden Horseshoe, 2017. We also support the idea that intensification in the downtown, including along major thoroughfares and on vacant parking lot sites, is integral to the development of complete communities. This said, the DNA's historic dedication to protecting the diversity, vibrancy, and historic character of our neighbourhood remains, now with a focus on the effective implementation of the Downtown Secondary Plan. An effective implementation is one that respects the need for a diverse range of housing for residents of all income levels in the Durand, one that continues to protect the historic character of our neighbourhood, and one that realizes an increased vibrancy in the commercial portions of the Durand, both along Main Street and along James Street South. The DNA does not believe proposals, like the current proposal for Television City, are effective in achieving any of these goals – undisciplined intensification does not necessarily lead to affordable housing stock, the mindful preservation of historic character, or improved commercial outcome for anyone other than developers.

Additionally, as Section 37 funds become part of the development discussion in Hamilton, the DNA encourages the City to ensure that we do not fall into the trap of accepting substandard development for the sake of these funds. Section 37 funds can be used in the provision of housing, in particular rental and affordable housing; community facilities and services; new child care facilities; cultural facilities; protection of cultural heritage resources; and, transit station improvements. Certainly Hamilton could benefit to additional funds in any of these areas; however, Section 37 along will not solely resolve any of these individual needs in the City, let alone all of them. As such, the DNA views Section 37 in much the same way we view zoning for 30 storey maximum heights in the Durand – while not inherently opposed, both should be used sparingly and only in situations where their use has been thorough studied and appropriately justified by City staff. To that end, the DNA supports the idea that Section 37 be utilized were an already exceptional development proposal could benefit from the additional flexibility Section 37 provides the developer, while also provided additional community benefits to the local residents.

The Durand Neighbourhood Association thanks the Committee and staff for their work in developing the Downtown Secondary Plan. We appreciated the efforts that have been made to communicate and engage with the DNA and local residents throughout the process. We support the Downtown Secondary Plan in its current form. That said, we encourage the City to be mindful in the finalization and implementation of the Plan, and to continue to engage the community to ensure that the Plan respects the needs and expectations of those it impacts.

Sincerely,

Christopher Redmond  
President, Durand Neighbourhood Association

On behalf of the Board of Directors, DNA

With files and input by: Paul Nichols, Chair – DNA Planning Committee; Janice Brown, Past President; Frances Murray, Past President

CC: Jason Farr, City Councillor, Ward 2

**From:** Gabriel Zelea  
**Sent:** April 16, 2018 11:26 AM  
**To:** Bedioui, Ida <Ida.Bedioui@hamilton.ca>  
**Subject:** comments on city plan

Please include my comments in tomorrows discussion with the planning committee Thank-you  
Gabriel Zelea



# 13.1(u)

**From:** Bryan Dykstra [<mailto:bdykstra@blackspoint.ca>]

**Sent:** April-12-18 2:13 PM

**To:** Thorne, Jason

**Cc:** Office of the Mayor; Farr, Jason; Murray, Chris; Norton, Glen; Robichaud, Steve; Fabac, Anita; Kehler, Mark; [scott@lpplan.com](mailto:scott@lpplan.com); [victor@lpplan.com](mailto:victor@lpplan.com)

**Subject:** 107 MacNab St N - Copley Redevelopment

Dear Mr. Thorne:

I am writing you with regards to the Site Plan Application and current approvals process for 107 MacNab Street N.

My company, Blacks Point Development, has been working with Copley Limited for more than 4 years to find a new, permanent home for their company in downtown Hamilton. During that time we reviewed many options and eventually settled on redeveloping a site at which they are already partially located.

Approximately one year ago, we filed our pre-consultation for the project with the use specified as 'craftsperson shop'. The definition, as we understood it, fairly reflected the business of Copley and fit neatly into the existing zoning. Our request was waived as it was determined that a formal consultation was unnecessary at that time (see attached). This resulted in our team assuming we were in good standing and that we had a clear path forward with regards to zoning. Please note that the building size and operation proposed at that time is reflective of the proposal before the City today.

Fast forward one year. We have participated in Design Review Committee meeting and our formal site plan application was made on February 13<sup>th</sup>. We had hoped to have conditional site plan approval by the end of March, or shortly thereafter. We anticipated that we would be filing for our building permit immediately after and commencing our site works mid-May and construction in June or July.

Some weeks after our application, we were informed that staff no longer believed Copley fit into their interpretation of the definition of a 'craftsperson shop'. We were advised that we would need to follow a different zoning approach and that as a result our site plan application would be held up. The subsequent proposal made by staff was to pursue a site specific zoning which would be included in the Downtown Hamilton Secondary Plan (DHSP). While we are grateful for this option, it leaves our application at the mercy of any appeals or other obstructions that may delay the passing of the DHSP.

Our project at 107 McNab St N. is time sensitive and delays to our construction may risk the entire project. Due to the structure of our deal with Copley, unexpectedly losing 3-4 months to appeals of the DHSP may result in a complete reset. It has a domino effect of delaying our plans for redeveloping the other two Copley properties on Hughson Street and York Boulevard – for which we have exciting urban offices and other uses planned.

I firmly believe that you (and everyone copied) are strongly in support of having Copley relocated into a future-friendly home in downtown Hamilton. I believe that everyone acknowledges this use is unique in the core and that the history of Copley in this community warrants extraordinary consideration. I believe that everyone is committed to making this happen and seeing Copley invest more than \$10M to be part of downtown Hamilton's future.

Considering all the above, I am requesting you further accommodate our application by allowing it to be processed as a 'craftsperson shop' and clearing the way for us to predictably achieve site plan and building permit. This would decouple our project from the Secondary Plan and ensure that we can move forward with certainty. We would commit to making any necessary changes now to conform to the proposed zoning once the DHSP is passed and the site specific zoning is in place however at this time we are in need to progress as a 'craftsperson shop'. We have reviewed this matter in detail and given that there is no size limitation on a 'craftsperson shop' use, the interpretation by staff is subjective and permitting our use could be supported at this time. The DHSP and zoning process will follow through and

ultimately recognize the use in a way staff envision, however that process may have impacts on timing which we cannot afford.

I appeal for your consideration of the special circumstances of this file and ask that you temporarily reassess the Copley use as that of a 'craftsperson shop' and permit this application to proceed to Site Plan Approval separately from the DHSP and zoning matters.

Sincerely,

--

Bryan Dykstra

Partner

Blacks Point Development Inc.

(m) 416.523.2788

[www.blackspoint.ca](http://www.blackspoint.ca)





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

File No. 158090

April 16<sup>th</sup>, 2018

The City of Hamilton  
 Planning and Economic Development Department  
 Development Planning, Heritage and Design  
 71 Main Street West, 5<sup>th</sup> Floor  
 Hamilton, Ontario  
 L8P 4Y5

Attn: Mrs. Alissa Mahood, MCIP, RPP – Senior Project Manager – Community  
 Planning

**Re: Draft Downtown Hamilton Secondary Plan – Objection Letter  
 206-208 King Street West, Hamilton**

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Dear Mrs. Mahood,

We represent King Stuart Developments Inc., who is subject to an agreement of purchase and sale with Hamilton Store Fixtures Limited., the owner of the lands municipally known as 206 – 208 King Street West, Hamilton. The subject lands are located on the northeast corner of the King Street West and Caroline Street North. The subject lands are also the subject of an ongoing Zoning By-law Amendment Application ZAC-17-046; which was deemed complete on June 2<sup>nd</sup>, 2017.

We are writing to express our objection to the Draft Downtown Hamilton Secondary Plan and the associated Draft policies for Zoning By-law 05-200. After review of the relevant materials available online, we have objections with the following items as it relates to the subject lands:

*Building Stepbacks*

The City of Hamilton's Draft Downtown Zoning By-law 05-200 incorporates new building setback requirements within Section 6.0 "Downtown Zones General Provision". These setback requirements would impose the following restrictions on the proposed development:

1. A minimum 3.0 metres stepback shall be required from the building base façade height show in Schedule "F" – Special Figure 15. The building base façade height for this section of King Street West and Carolina Street North is 16 metres and 11 metres respectively.
2. A minimum 3.0 metre stepback shall be required for any portion of a building exceeding 22.0 metres in heights from a side or rear lot line, except any flankage lot line.
3. The following additional stepback shall be required for any portion of a building exceeding 44.0 metres in height:



1. a Minimum of 9.5 metres from a lot line abutting a laneway
2. A minimum of 12.5 metres from any side or rear lot line except a flankage lot line.

If these setbacks are applied to the proposed development, the developable envelope of the building tower above 22 metres in height would be severely impacted, and the developable envelope of the tower above 44 metres in height would be virtually non-existent. This would clearly be detrimental to the feasibility of the project. Further, the existing building on the subject lands is  $\pm 14.3$  metres in height, and is built up-to the property line. The existing heritage building would need to be drastically modified in order to accommodate the required building base façade height as identified in Schedule "F" – Special Figure 15.

The purpose of the draft required building setbacks is to help mitigate any adverse impacts (shadowing, overlook, wind, servicing) the proposed development would impose on the surrounding neighbourhood. It is also to ensure that an appropriate separation distance can be achieved between towers, should adjacent lands be developed in a similar fashion. As part of the Zoning By-law Amendment process, the applicant is required to provide justification and analysis for the proposed setbacks and setbacks, with respect to separation distances and adverse impacts. Many of these reports have already been provided to the City through the Zoning By-law Amendment process and the findings of which are satisfactory.

We would request that the Draft Downtown Zoning mapping and text be modified to acknowledge the proposed building setbacks and setbacks (through special exception). We would also request that, should the above option not supported by the City, that the applicant reserve the right to amend the submitted Zoning By-law Amendment application (ZAC-17-046) to provide relief from the new Downtown Zoning provisions, in order to permit the development as proposed.

#### *Lot Frontage and Area*

The City of Hamilton's Draft Downtown Zoning By-law 05-200 also implements a 35 metre minimum frontage requirement, and a 1,575 square metre minimum lot area requirement, for all lands where a building exceeding 44 metres in height can be permitted. This provision would unduly disqualify certain lands from high density development (above 44 metres in height), based solely on a minimum lot frontage and lot area criteria. The subject lands have a lot frontage of  $\pm 21.2$  metres (King Street West) and a lot area of  $\pm 859$  square metres. The issue of insufficient lot frontage can be dealt with by referring to Caroline Street North as the frontage, this flexibility was included within Section 6.0 a) ii) of the Draft Zoning. However, the minimum lot area proposed within the Draft zoning still poses a significant barrier to redeveloping the lands. The proposed draft provisions would essentially disqualify the subject lands from developing a building above 44 metres in height, due to lot area requirements. It is our opinion that the subject lands can accommodate a proposed development of greater height, at approximately 16 storeys (58 metres); as demonstrated through the architectural design and supporting materials submitted as part of Application No. (ZAC-17-046).





A minimum requirement for lot frontage and lot area for high rise development ignores the varying site-specific characteristics and properties of the many parcels suitable for high density development in the City's Downtown. The feasibility for each parcel to accommodate a high rise development should be examined and evaluated independently, through detailed design and study, in order to determine if additional land assembly is required or if the site can support a high rise development on its own. Eliminating a large portion of the development parcels Downtown from high rise candidacy, will greatly impact the City's ability to accommodate intensification, in accordance with the Growth Plan for the Greater Golden Horseshoe (2017). This is increasingly valid for the City's Downtown, where the existing fragmented lot fabric may make land assembly more difficult.

This could be particularly impactful for parcels of land along major transportation corridors, where transit oriented development and intensification is highly encouraged through Local and Provincial planning policy. Under the Draft Downtown Zoning framework, developable parcels in a close proximity to high-order transit infrastructure may be excluded from suitable intensification, solely because they do not meet rigid frontage and/or area requirements. The subject lands are a prime example of this circumstance as they are directly adjacent to the planned B-Line of the proposed LRT.

We would request that the Draft Downtown Zoning text and mapping be modified to acknowledge the existing lot area of the subject lands as permitted for high rise development. This could be accomplished through a site-specific exception to the Downtown Zoning. We would also request that, should the above option not be agreeable to the City, that the applicant reserve the right to amend the submitted Zoning By-law Amendment application (ZAC-17-046) to provide relief from the new Downtown Zoning provisions, in order to permit the development as proposed.

### *Conclusion*

We look forward to working collaboratively with City Staff in hopes of reaching a suitable solution to the items discussed herein. The current application under municipal review (ZAC-17-046), was deemed complete (June 2<sup>nd</sup>, 2017), well before the future implementation date of the new Downtown Zoning and Downtown Secondary Plan, and accordingly, should be reviewed against the existing policy structure under which it was submitted. I note that Staff has included a "Development Applications" Section 4, within Staff Report PED18074, which outlines that "*Projects currently in the development process will be reviewed based on the planning framework that applied at the time of application and will be looked at on a case-by-case basis*". Our office would suggest that this should be the case for this application. Should this not be possible, we would request that Staff implement a Site-Specific Exception to the new Downtown Secondary Plan and Zoning that implements the development as it is proposed. The client reserves the right to amend the submitted Zoning By-law Amendment application to address any new Zoning provisions that would impact the implementation of the proposed development.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to



contact our office. This correspondence should be considered a written submission to Council under the *Planning Act*.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Kloibhofer', written over the typed name.

Franz Kloibhofer, MCIP, RPP  
Senior Planner  
**A. J. Clarke and Associates Ltd.**

Copy - King Stuart Developments Inc. Attn: Mr. Vernon Shaw  
Copy - Councillor Farr – City of Hamilton - Hamilton City Hall, 2<sup>nd</sup> floor - 71 Main  
St. West, Hamilton

April 16, 2018

DELIVERED BY EMAIL TO: [Alissa.Mahood@hamilton.ca](mailto:Alissa.Mahood@hamilton.ca)

City of Hamilton Planning Department  
71 Main St. W.  
Hamilton, ON L8P 4Y5  
Attention: Alissa Mahood

Re. Proposed re-zoning of 154 Cannon St. E., Hamilton, 156 Cannon St. E., Hamilton, 124  
Ferguson Ave N., Hamilton, ON and 66 Kelly St., Hamilton, ON

To whom it may concern:

I am writing this letter with respect to the process the City is undertaking to re-zone the above-mentioned properties. The purpose of this letter, as well as the verbal presentation that I am planning to make tomorrow, April 17, 2018, at the planning committee meeting, is to make an official objection to the proposed zoning changes.

While my organization does not currently own any of the properties listed above, as a tenant, it is a major stakeholder and our objection is based on the following:

- We are objecting as a tenant
- We are objecting to address the issue of standing, we have an option to purchase/right of first refusal in our lease (i.e. we may be the owner one day)
- We are objecting because we have concerns about the change negatively impacting and restricting our business' growth, our current use of the property, as well as any potential expansion/future use

If you require any further information at this time, or in the future, please contact me at your earliest convenience.

Yours truly,



**Ian P. Ladd**  
Chief Executive Officer  
CARSTAR LC Group  
C. 416.720.4812  
E. [iladd@lsgcarstar.com](mailto:iladd@lsgcarstar.com)



April 16, 2018

Mayor Eisenberger & Members of City Council  
71 Main Street West  
Hamilton, ON L8P 4Y5

**RE: Official Plan Amendment & Zoning By-law Amendment for the Downtown Hamilton Secondary Plan**

Dear Mayor Eisenberger & Members of City Council,

Please accept this submission as Environment Hamilton's formal comments regarding the final draft version of the Downtown Hamilton Secondary Plan. We appreciate the opportunity to provide input on this draft plan. There are plan elements that we applaud and support; there are also plan elements that we believe need to be stronger. Finally, we have a number of suggestions for elements that appear to be missing from the plan but should be included. Our suggestions for strengthening and adding to the plan are set out in the paragraphs that follow.

**6.1 Downtown Hamilton Secondary Plan**

In this section, it is stated that 'Downtown shall be the location for tall buildings, and shall be planned for a range of uses appropriate to its role as the City's pre-eminent node.' We are in complete agreement with this statement, but have serious concerns about whether the plan goes far enough to ensure that measures are in place to position the downtown core to serve effectively as the City's pre-eminent node. Our concerns will be highlighted as they relate to specific sections of the plan. Generally speaking, we have concerns regarding some issues related to transportation/mobility in and through the core, and sustainability & resilience planning for the core.

**6.1.2 Principles and 6.1.3 Objectives**

In the sections setting out plan principles and objectives it would be helpful to include targets that indicate, where possible, the desired outcomes of the principles and objectives laid out in these sections. For instance, section 6.1.3.4 describes enhancing streets and public spaces by establishing 'new locations and policies for parks and open spaces directed toward increasing the overall tree canopy in the Downtown'. By how much? Similar questions can be asked about other principles and objectives listed at the front of the Secondary Plan. A section with targets would set a bar to strive for and enable Hamiltonians to start to better visualize the change the Plan is aiming to achieve. Other targets might include: achieving a population increase target for Downtown Hamilton, increasing affordable housing units in the downtown core by a specified number or overall percentage of units built city wide, providing a specified number of secured bike parking spaces in the core, transitioning over to a certain % renewable energy use for the downtown plan area, etc.

We have some additional general comments to make regarding the specific elements included in the Principles and Objectives sections of the Plan.

Principle (h) recognizes the Niagara Escarpment as essential because of the visual benefits this geological feature brings to the core. This principle should also recognize the critically important role this forested swath plays in improving local air quality, and helping to mitigate the impacts of climate change. The escarpment serves as incredibly effective 'natural green infrastructure', bringing a variety of benefits that are critical to the core of our city including: moderating stormwater flows, offering cooling benefits in summer to offset urban heat island effect and insulating benefits in

winter, and filtering out air pollution to mention a few. These additional elements must be acknowledged to underscore the importance of the Niagara Escarpment to Downtown Hamilton.

Principle (i) – Improve climate change mitigation and adaptation - is laudable but, unfortunately, it does not appear that the necessary actions required to apply this principle in reality are set out in the detailed sections of the Secondary Plan – and where reference is made to such actions, there is a lot of encouragement and little in the way of requirements. We have a variety of suggestions that would enable the city to strengthen the ability of the Downtown Secondary Plan to achieve climate change mitigation and adaptation. **Our central recommendation is that the City of Hamilton consider replicating the approach the City of Toronto is using – through the Toronto Green Standard – the city’s ‘sustainable design guidelines’ for new private and public developments.** The Toronto Green Standard includes tiers of action. Tier 1 actions ARE MANDATORY and integrated into the building permitting process, while Tier 2 and 3 actions are voluntary – but come with incentives including reductions in development charges. The Toronto Green Standards are guidelines that exist as part of the city’s Official Plan. A more ambitious version of the Toronto Green Standards has been approved by Toronto City Council and will come into force on May 1<sup>st</sup> of this year – and this version demonstrates clear and strong connections to Toronto’s climate action plan, also known as TransformTO. More details about the Toronto Green Standards can be found at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

Objective 6.1.3.3 speaks to the need to create quality residential neighbourhoods. Of particular concern for Environment Hamilton is the need to ensure that there is affordable housing – including geared to income housing - available in close proximity to higher order transit corridors. For instance, if we fail to take steps to ensure that residential development along the east-west LRT corridor is truly inclusive, we will have failed to achieve one of the fundamental goals required to create a resilient and sustainable community. We need mobility justice in the core of our city – safe streets for people to walk and ride and easy access to public transportation for those who rely on it the most! This concern is also relevant to Objective 6.1.3.7 – Diversity of Housing.

Objective 6.1.3.4 focuses on Enhancing Streets & Public Spaces – and speaks to the need to c) Establish new locations and policies for parks and open space directed towards increasing the overall tree canopy in the Downtown. We are pleased to see reference to the tree canopy and the need to increase the tree canopy, but would recommend that reference be made to the 35% tree canopy target set for the city. Further, as you will be aware, the city has just embarked on the development of an Urban Forest Strategy. Reference should be made to the overall 35% canopy target that the city is currently striving for, with acknowledgement that more direction will come through the Hamilton Urban Forest Strategy once it is finalized. Ideally, there should be a section in the plan exclusively focused on the Urban Forest that speaks to its essential importance to the city core and the need to protect and enhance the forest.

Objective 6.1.3.5 speaks to Mobility and Complete Streets, recognizing that (T)he transportation system in the Downtown includes an integrated network for pedestrians, cyclists, transit users and drivers’ and that (T)he Downtown benefits when these integrated networks collectively provide a range of safe and sustainable travel choices to ensure mobility and accessibility for all people, contributing to the creation of complete communities. This objective requires that development shall:

*b) Prioritize pedestrians, cyclists and public transit relative to private automobiles through the application of Complete, Livable, Better Streets policy.*

Unfortunately, this objective, along with the land use policies that follow, fails to acknowledge the challenges we face in the core as a result of the nature of some of the traffic that shortcuts through the core. More explanation will follow in specific sections below, but it is not just automobiles that pedestrians and cyclists currently contend with in the core; industrial trucks are the 18-wheeled elephants in the room. We want to state clearly from the start that we acknowledge there is a need for trucks to travel in and out of the downtown core to deliver goods. It is obvious that truck traffic of this nature must be accommodated in effective ways to allow the core to function. However, we believe the time is long past due for the City of Hamilton to review and revise truck routes in order to restrict the shortcutting of



heavy industrial trucks through the core of the city. It is important to note that this problem appears to be getting worse, with new industrial developments on Hamilton Port Authority Lands in the far west end of the West Harbour industrial lands. These new facilities have contributed to an uptick in the number of large grain trucks rolling through the core of our city. Ironically enough, the proponent of these new developments is also challenging the city's own plans to redevelop our harbourfront with more residential housing.

Objective 6.1.3.6 – Sustainable & Resilient Downtown needs more objectives in the list that are requirements. Again, the City of Toronto's 'Toronto Green Standard' should be looked at and emulated. Consider the final element of Objective 6.1.3.6 (e) Investigate ways to leverage green infrastructure opportunities to improve air quality, absorb stormwater, minimize the urban heat island, and expand biodiversity. This objective is pretty vague – and there does not appear to be any more detailed guidance anywhere else in the secondary plan- including any reference to detailed city policies around green infrastructure requirements. Contrast that to Toronto and the Toronto Green Standard. If you are a developer in Toronto putting up a mid- or highrise building, you MUST implement a list of Tier 1 actions. These actions fall under several categories including: air quality; energy efficiency, gHg, and resilience; water balance, quality and efficiency; ecology; and solid waste. Here is one example of a mandatory Tier 1 requirement under 'ecology' that could just as easily be placed under air quality or water balance:

## **URBAN FOREST – INCREASE TREE CANOPY**

### Tier 1

#### EC 1.1 Tree Planting Areas and Soil Volume

Create tree planting areas within the site and in the adjacent public boulevard that meet the soil volume and other requirements necessary to provide tree canopy. Determine the total amount of soil required by the following formula:

$$40\% \text{ of the site area} \div 66 \text{ m}^2 \times 30 \text{ m}^3 = \text{total soil volume required}$$

Ensure that each separate tree planting area has a minimum space of 30m<sup>3</sup> soil. <sup>1,2</sup>

#### EC 1.2 Trees Along Street Frontages

Plant large growing shade trees along street frontages that are spaced appropriately having regard to site conditions and have access to a minimum of 30 m<sup>3</sup> of soil per tree.<sup>3,4,5</sup>

#### EC 1.3 Parking Lots

Parking Lots: If surface parking is permitted and provided, plant large growing shade trees throughout the parking lot interior at a minimum ratio of one tree planted for every five parking spaces supplied.<sup>6</sup>

#### EC 1.4 Watering Program

Provide a watering program for trees for at least the first 2 years after planting.<sup>7</sup>

- *Toronto Green Standard – Version 3 – May 1 2018*

We are proposing that the City of Hamilton consider integrating other Tier 1 mandatory requirements found in the Toronto Green Standard into relevant sections of the draft Downtown Hamilton Secondary Plan – or into a policy that is referenced in the Downtown Hamilton Secondary Plan. We believe that these issues are important enough that we are past the 'encouragement' stage and ready for the 'mandatory' stage. We say this understanding that the municipality is not empowered to push private developers as far as we might want to see these efforts go, but also cognizant of the fact that more needs to be asked for from new developments in the downtown core. The City of Toronto has demonstrated that more can be required – and we believe the City of Hamilton should also be imposing similar requirements.

Section 6.1.4.8 – Section 37 Bonusing – is a new section added to this latest draft of the Downtown Hamilton Secondary Plan. We very much appreciate that the city listened to community voices – including Environment Hamilton – and added this important planning tool to the Downtown Secondary Plan. We believe very strongly that municipalities should be utilizing all of the tools at their disposal to ensure that community benefits can be extracted from developers



wherever possible. We are impressed with the approach being proposed by the City of Hamilton, where a community benefits agreement will be required under s37 when a developer proposes a building higher than 12 storeys (~44 meters) in downtown areas that permit taller buildings. This will hopefully ensure that important community benefits receive additional financial support as a result of new development in the core. We also want to recognize our strong support for the municipality's commitment to protect escarpment views by not permitting buildings to surpass the height of the escarpment – even if this means limiting building heights in highrise zones to less than 30 storeys. The escarpment brings many benefits, as we have already described, including providing an incredibly beautiful green backdrop to our city core that we must work to preserve as the downtown grows up.

While we are very pleased to see Section 37 Height and Density Bonusing added to the Downtown Secondary Plan, we are concerned that the list of potential community benefits is far too limited. We have already raised concerns regarding the general lack of strong commitment to sustainability and resilience in the plan. The truncated list of community benefits that will be eligible for s37 support in Downtown Hamilton only exacerbates this problem. It is worth comparing the two lists of community benefits that the City of Hamilton has indicated it will consider under s37 agreements. The full list in the Urban Official Plan includes many more options – 18 in total - when compared to the five options listed in the Downtown Secondary Plan. While we certainly support the use of s37 to prioritize support affordable housing, we are extremely concerned that the list of 5 includes no serious options for increasing environmental sustainability/resilience. We strongly recommend that the Downtown Secondary Plan remain open to a range of options by including the full list of community benefits that appears in the Urban Hamilton Official Plan. We would go so far as to suggest that additional community benefits should be added in order to provide tools to make critical elements like enhanced energy efficiency for new buildings requirements rather than just recommendations. The City of Guelph's list of s37 community benefits is helpful here. Their list includes the following, among other benefits:

- *the provision of buildings that incorporate sustainable design features; and*
- *the provision of energy and/or water conservation measures that support the objectives of the \*Community Energy Plan. (\*the City of Hamilton could replace with Community Climate Action Plan)*

It is worth looking at what other municipalities are doing too. The City of Vaughan has used s37 to encourage new condominium dwellers living along higher order transit lines to get on public transit by requiring developers to provide transit passes as a community benefit in s37 agreements. These approaches – whether to require enhancements that increase the overall efficiency and sustainability of a building or to provide benefits and features that encourage active or sustainable transportation – can achieve both enhanced environmental performance and more affordable living scenarios for residents at the same time. We believe Hamilton needs to include similar options on the community benefits list that would open the door to making sustainable, resilient building and living in the core more viable.

We also encourage the city to consider adopting the stronger wording that the City of Guelph has used when describing s37 community benefits and affordable housing. Their Downtown Secondary Plan reads as follows:

- *the provision of housing that is affordable to low and moderate income households, special needs housing or social housing*

Finally, we want to acknowledge that we remain concerned about the level of benefit s37 bonusing will bring when the city continues to offer such generous rebates on development charges for new development in the downtown core. We understand that a plan is in place to reduce the rebates over time – but we worry that this is not happening as swiftly as it should, given the strong interest to develop in the core. We urge the City of Hamilton to adopt a more aggressive plan to reduce development charge rebates for new development in Downtown Hamilton!

In Section 6.1.4.25 – Built Form – It is great to see that there are firm requirements around rooftops and the use of rooftops as places where, through greening, climate enhancement and stormwater management can be achieved. Further, it is also good to see reference to reducing energy consumption and improving air quality through

‘incorporating best practices and appropriate technology’. But our read of this section of the Plan is that it applies only to rooftop design and function and we are left wondering why these requirements are not being applied more broadly in the core.

For section 6.1.4.46 – requirement for charging stations where a development requires parking, a target should be set so that there is a clear expectation for the number of charging stations per number of parking spots. The same can be said about section 6.1.4.47 – which speaks to the provision of parking spaces for autonomous and car share vehicles. WE believe this requirement should be mandatory, not just encouraged. And a set minimum number of spaces should be established.

Section 6.1.7 - Parks & Open Space Designations – provides the ideal opportunity to add elements to the Downtown Secondary Plan that will build sustainability and climate resilience. We strongly recommend that more details be added to recognize the value of a healthy urban forest – on many levels – and the need to make maximum use of parks and open space designations – including privately owned publicly accessible open spaces – to achieve ambitious urban forest canopy targets. Further, there should be mandatory requirements to establish more of these precious green spaces in the core in a manner that generates all of the benefits that urban green infrastructure is capable of providing – like helping to better manage stormwater flows, improve air quality provide shelter from the sun and cooling benefits – and to simply provide more habitat in the core.

In section 6.1.12 – General Transportation Policies, subsection 6.1.12.3 focuses on the Downtown Transportation Master Plan. We wonder whether this plan is being updated as part of the City Wide Transportation Master Plan (TMP) update. It is unclear to us at this point what the status is of the City-Wide TMP update or whether this process is getting close to a conclusion. Further, we are completely confused about if and when there will be a truck route review as part of the TMP update. We believe that there is an urgent need to look at the travel patterns of industrial trucks in our city core. These vehicles are short-cutting through our downtown core to get to and from Highway 403. They also travel up the Clairmont Access to get to the LINC/ 403. But these travel patterns clash with city efforts to create a livable core. Industrial trucks generate localized air pollution – especially fine, respirable particulate pollution – a confirmed cause of lung cancer in humans. These vehicles also create unsafe environments for vulnerable roadway users, they inflict considerable wear and tear on roadways not designed for heavy vehicles, and they generate considerable noise pollution. There are viable alternative routes for these vehicles via Burlington Street and the QEW or Red Hill Valley/LINC. We want the opportunity to talk about this issue as part of a formal review process. We were told a review would take place last year. Now we are being told a review will take place this year – but no firm timelines have been shared with the public. When will the truck route review happen? We believe that addressing the industrial truck short-cutting issue is an essential element if we have any hope of making Downtown Hamilton the city’s ‘pre-eminent node’.

Subsection 6.1.12.6 – acknowledges that walking accounts for more daily trips in Downtown Hamilton than any other mode of transportation. This is quite an incredible fact and it speaks to the need for more action to be taken to ensure that Downtown Hamilton is a safe pedestrian environment. We know more work needs to be done to make major intersections in the core more pedestrian friendly and wonder if and how the Downtown Secondary Plan might play a role in ensuring that these improvements are made.

Subsection 6.1.12.11 – includes important elements for promoting and supporting sustainable forms of transportation, but the requirements only go as far as ‘all development shall be encouraged to...’. We recommend that the City of Hamilton again look to the Toronto Green Standards for a framework that would facilitate mandating many of these essential elements of a sustainable transportation system for the core.

Subsection 6.1.12.12 – Streetscape Master Plans – could be strengthened by including a strong commitment from the

municipality to integrate street trees into these plans – including providing the necessary underground infrastructure to ensure these trees thrive – as an integral element of streetscape master plans. These plans must also include commitments to low impact development (LID). The city must be a leader on this front – and commit to innovative approaches like stormwater bioswales, permeable paving and other approaches that can be used to create beautiful green streetscapes that also serve as important green infrastructure. City commitments should be the minimum, with the possibility of building on this by requiring private sector developers to do the same – just as Toronto is doing with the Toronto Green Standard. The same arguments can be used for the areas referenced in Rapid Transit Rapid Transit subsection 6.1.12.21 – In locations where the public right-of-way of streets intersect with the priority transit corridor on King Street – including Mary Street, Walnut Street, and Ferguson Avenue. The likely loss of trees along King Street due to the LRT corridor is reason enough to pay special attention to maximizing the urban canopy and use of LID in these areas!

Finally, in Section 6.1.13 – Infrastructure, Energy & Sustainability Policies, reference is made in subsection (c) to low impact development (LID) but only on a ‘shall be encouraged’ basis. Again, we suggest the City of Hamilton pursue an approach similar to the Toronto Green Standard as a structured method for mandating and/or incentivizing these approaches for private development. The City of Hamilton itself must lead the way by committing to using these methods in Downtown Hamilton wherever possible.

We appreciate this opportunity to provide comments on the draft Downtown Hamilton Secondary Plan!



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cc Board of Directors – Environment Hamilton



Project No.: 1748

April 16, 2018

**Sent VIA EMAIL**

Ida Bedioui, Legislative Coordinator  
Planning Committee  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
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***Re: Item 13.1 of the April 17, 2018 Planning Committee  
Downtown Hamilton Secondary Plan  
163 Jackson Street West, Hamilton***

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We are the planning consultants with respect to the above-noted property (herein referred to as the “subject site”). On behalf of the ownership group (Television City Hamilton Inc.), we request that the Planning & Development Committee consider the following comments on the proposed Official Plan Amendment and Zoning By-law for the Downtown Hamilton Secondary Plan.

**Existing Applications:**

As you are aware, applications to amend the Urban Hamilton Official Plan (File No. UHOPA-17-027) and Hamilton Zoning By-law 05-200 (File No. ZAC-17-063) have been filed with the city for a proposed mixed commercial and residential redevelopment of the subject site and have been appealed to the Ontario Municipal Board. Given that these applications are being reviewed on a site specific basis, we request that the subject site be identified as a site specific policy area that recognizes the resolution of the current development applications.

**Niagara Escarpment:**

The proposed Downtown Hamilton Secondary Plan (Appendix “B” to Report PED18074) recognizes the importance of the Niagara Escarpment and incorporates a policy framework that is intended on protecting views and connections to it. In this regard, it is important to understand that the Niagara Escarpment Commission (the “NEC”) is a statutory provincial body who’s mandate is to develop, interpret and apply policies, including the Niagara Escarpment Plan (the “NEP”), that maintain and

enhance the vitality of the Escarpment's unique environmental and landscape features. Furthermore, the NEP includes objectives, land use designations, development criteria, and parks and open space system policies. The NEP provides a planning policy framework to ensure, among other things, that development within and adjacent to the escarpment does not negatively impact it, including negative impacts to views of the escarpment. It is important to acknowledge that the majority of Downtown Hamilton Secondary Plan area, including the subject site, fall outside of the NEP and NEC's authority.

### **Building Height Cap:**

The proposed Downtown Hamilton Secondary Plan (see Policy B.6.1.4.14) establishes a maximum building height, where no building is to be taller than the height of the escarpment. The proposed Zoning By-law Amendment (Appendix "D" to Report PED18074) establishes a maximum building height of 77 metres for the subject site.

Provincial policy provides policy direction that supports intensification and the optimization of land on sites that are well served by municipal infrastructure, particularly higher order public transit. In this regard, the Downtown Secondary Plan Area is identified as the City's *Urban Growth Centre* and includes a number of *Major Transit Station Areas* that cover the entire Downtown Secondary Plan Area, including the subject site. In our opinion, the optimization of density on the subject site and throughout the Downtown Secondary Plan Area is consistent with both good planning practice and overarching Provincial and City policy direction. Optimization of land use in the Downtown Secondary Plan Area would support transit ridership; support regionally-significant employment, institutional, recreational, retail and entertainment uses; and, support walking and cycling as viable alternative modes of transportation. Furthermore, optimizing residential and commercial intensification on the subject site and throughout the downtown will result in population and job growth that will contribute to the achievement of forecasts in the Growth Plan and the UHOP.

In our opinion, the maximum building heights proposed in the Draft Secondary Plan and Draft Zoning By-law Amendment does not give full effect to the Growth Plan and UHOP and an increase to the proposed heights contemplated for the subject site and throughout the Downtown Secondary Plan area is appropriate. In this regard, the proposed secondary plan does not rationalize the proposed maximum building heights, however, the Staff Report (PED18074) and Summary Report (Appendix "A" to PED18074) note the following:

*“Downtown Hamilton Viewshed Analysis*

*Part of the review and update of the Downtown Hamilton Secondary Plan included carrying out a viewshed analysis in order to identify locations within the Downtown where additional detailed visual impact assessments should be provided in order to understand and limit the loss of views to the Niagara Escarpment to ensure that the contribution the Escarpment makes to the character of the Downtown is not impaired. The viewshed analysis was based on a 35 year build out scenario for the Plan area to determine if there were existing views to the Niagara Escarpment and Hamilton Harbour. The current views were compared to the view in the 35 year build out model to determine what views would be impacted by future development. Recommendations from the viewshed study have been implemented in the Secondary Plan.”*

It appears the Downtown Hamilton Viewshed Analysis (the “Viewshed Analysis”) was used to rationalize and generate the maximum building heights (including the cap of the top of the escarpment) and Appendix C (Draft Viewshed Analysis), which includes *Locations where there may be impacts to views*, *Locations where there are impacts to views*, and *View corridor to Niagara Escarpment*. However, based on our review and understanding, the Viewshed Analysis was never presented at any public consultation event, made available to the public and/or stakeholder groups, and/or circulated for comment by any interested parties or third party peer reviewers.

The resulting building height cap has far reaching implications related to optimizing land in the downtown and matters of urban design related to a uniform versus a varied skyline. Given the importance of this issue, it is our opinion that the proposed secondary plan should not be approved until the Viewshed Analysis has been presented to the public, including key stakeholder groups, and peer reviewed by a third party such as the City’s Design Review

In summary, thank you for the opportunity to comment on the proposed secondary plan and draft zoning by-law amendment. We respectfully request that the Planning & Development Committee consider the proposed modifications for the subject site and table the item until the Viewshed Analysis has been properly analyzed.

Also, we request to be notified of the City's decision and all future meetings related to the proposed Downtown Hamilton Secondary Plan and Zoning By-law Amendment.

Should you require any additional information, please do not hesitate to contact the undersigned.

Respectfully Submitted,

**Bousfields Inc.**



David Falletta, MCIP, RPP

/DF:jobs

cc. Television City Hamilton Inc. (via e-mail)

N. Smith, Turkstra Mazza Associates (via e-mail)