City of Hamilton

PLANNING COMMITTEE ADDENDUM

Meeting #: 19-009
Date: June 4, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

Pages

6. DELEGATION REQUESTS

*6.3 Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (For today's meeting) *4*

*6.4 Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (No copy)

*6.5 Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (No copy)

*6.6 Axel Binneboese, Swisscan Properties Inc. / Halton Place Horse & Country Ltd., respecting a Community, Wellness and Tourism Oriented Business Proposal (For the June 18th meeting) *5*

*6.7 Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (No copy)

*6.8 Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and 10.1 (A Place to Grow: Growth Plan, 2019 (For today's meeting) *6*

8. PUBLIC HEARINGS / DELEGATIONS

8.1 Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook (PED19105) (Ward 11)

*8.1.a Staff Presentation *7*

8.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road (Stoney Creek) (PED19106) (Ward 10)

*8.2.a Staff Presentation *17*

8.3 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton (PED19116) (Ward 2)

*8.3.b Added Written Submissions: *32*
(b) Per Kleefisch

(c) Stephen Watson

(d) Rashmi Nathwani

(e) Robyn Gillam

(f) Nick Dika

(g) Jo-Ann Tetreault

(h) Kate Berry

*8.3.c Registered Delegations: *46*
1. Shawn Selway

2. Bill Johnston (letter attached)

*8.3.d Staff Presentation *47*

9. STAFF PRESENTATIONS

9.1 Bill 108, More Homes, More Choice Act, 2019 - Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (PED19125/LS19020)

*9.1.a Staff Report *78*

12. NOTICES OF MOTION

*12.1 Corporate Policy for Official Planning Notification During Mail Strikes *120*

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Outstanding Business List

13.1.b Items to be Removed:

*13.1.b.a 17D - Sign Variance Appeal - 430 McNeilly Road, Stoney Creek
(Settled at the Local Planning Appeal Tribunal July 3, 2018)

Form: **Request to Speak to Committee of Council**
Submitted on Wednesday, May 29, 2019 - 2:54 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Carolyn Zanchetta

Name of Organization: Hamilton Naturalists' Club

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Bill 108 Schedule 5 and the Ontario government's proposed changes to the Endangered Species Act are set to leave our most vulnerable species and ecosystems without adequate protection. The Hamilton Naturalists' Club stresses the importance of protecting, maintaining, and improving biodiversity in the City of Hamilton.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: **Request to Speak to Committee of Council**
Submitted on Thursday, May 30, 2019 - 4:50 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==

Name of Individual: Axel Binneboese

Name of Organization: Swisscan Properties Inc. / Halton Place Horse & Country Ltd.

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:
We are a landowner in the Hamilton / Ancaster area and would propose to bring a very community, wellness and tourism oriented business to the area - we would like to introduce this concept to a member of the planning committee and hope to have an opportunity / appointment sometime in the first three weeks of June to do so.

Thank you for consideration

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: **Request to Speak to Committee of Council**
Submitted on Monday, June 3, 2019 - 9:17 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Lynda Lukasik

Name of Organization: Environment Hamilton

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I am interested in speaking on behalf of Environment Hamilton to Item 9.1 and Item 10.1 on the June 4th Planning Committee agenda.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

WELCOME TO THE CITY OF HAMILTON

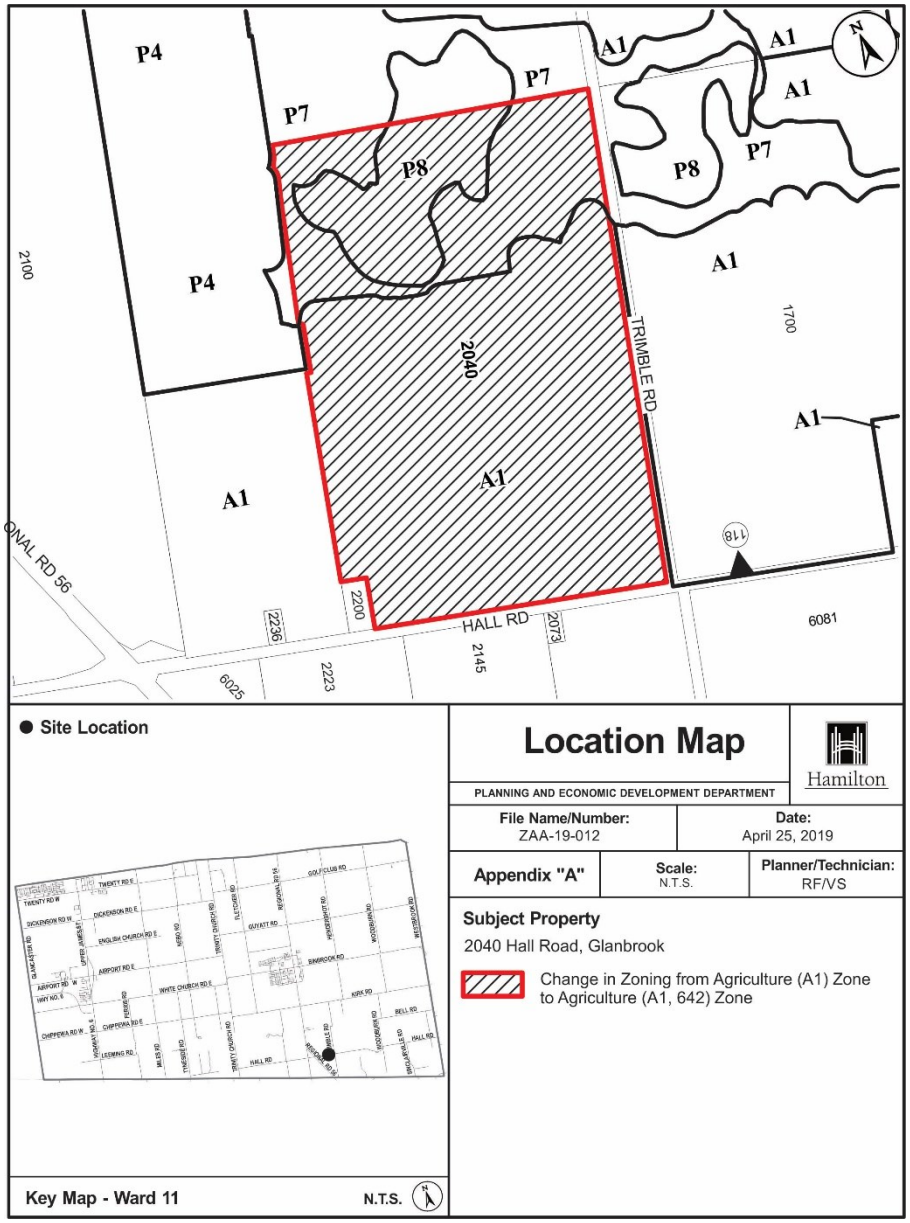
PLANNING COMMITTEE

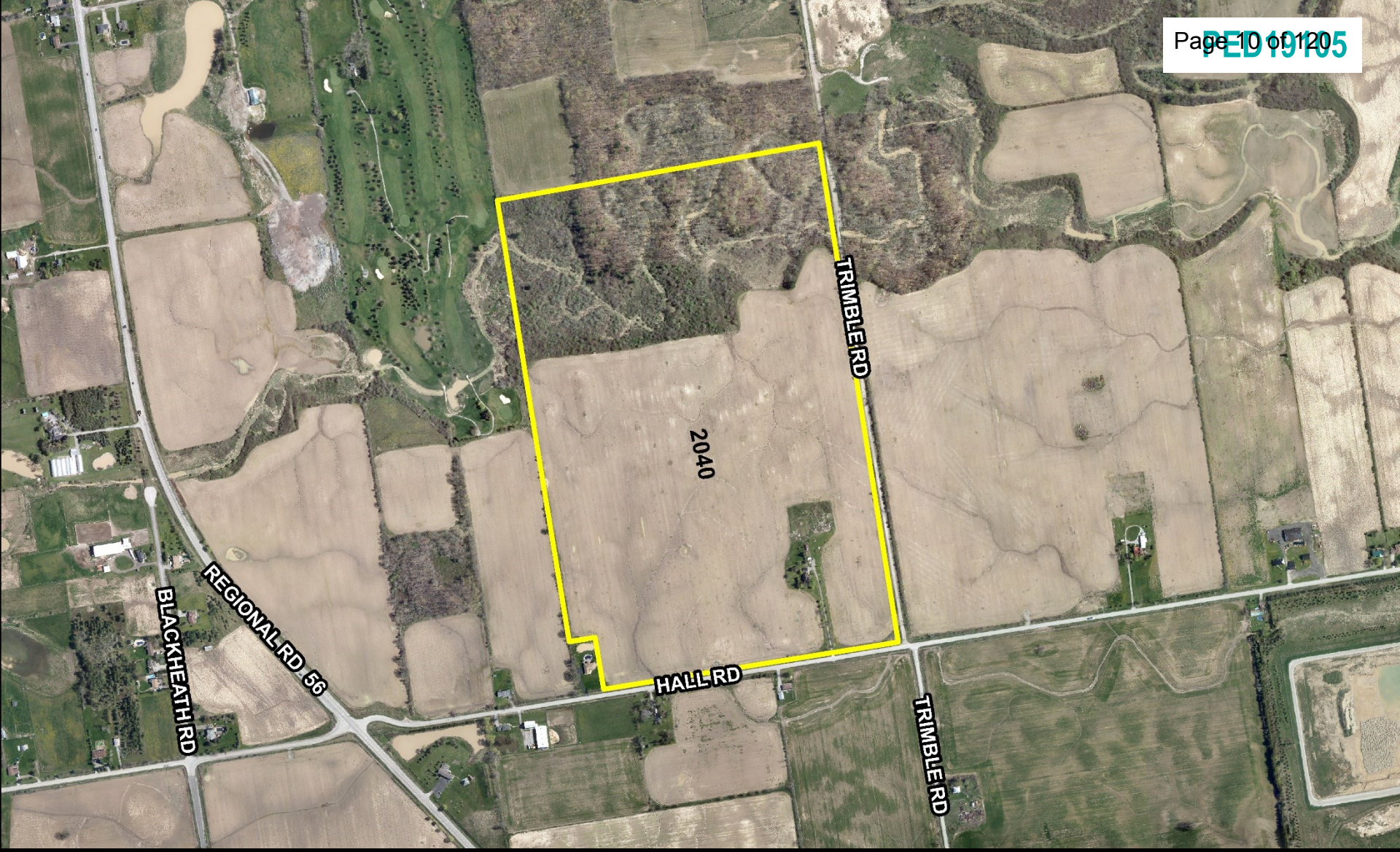
June 4, 2019

PED19105 – (ZAA-19-012)

Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook.

Presented by: Ryan Ferrari

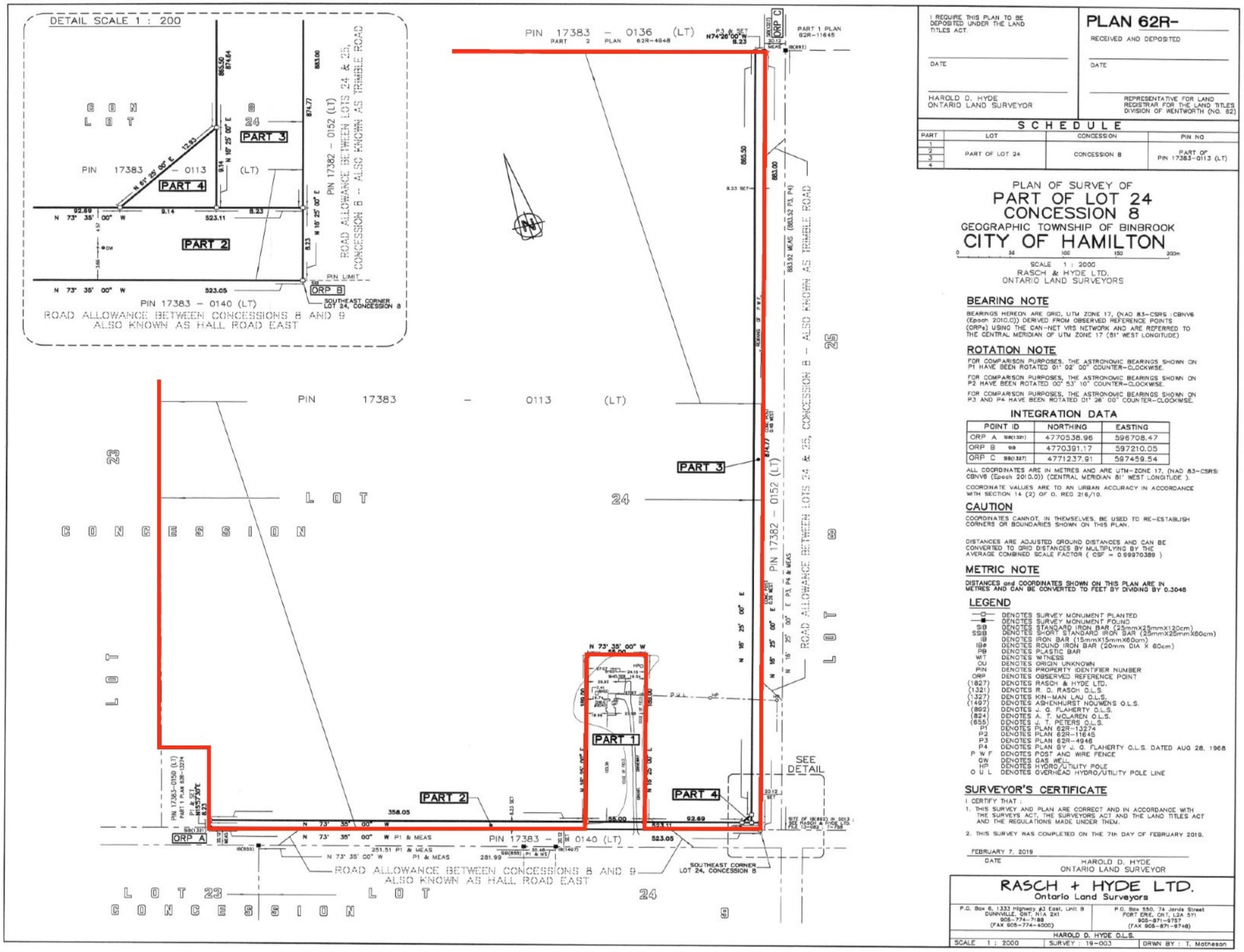

P4
P7
P8
A1
2040
TRIMBLE RD
HALL RD
2100
1700
6081
2200
2236
2073
2145
2223
6025
ONAL RD 56
118
Site Location
Location Map
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Hamilton
File Name/Number:
ZAA-19-012
Date:
April 25, 2019
Appendix "A"
Scale:
N.T.S.
Planner/Technician:
RF/VS
Subject Property
2040 Hall Road, Glanbrook
Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone
Key Map - Ward 11
N.T.S.



SUBJECT PROPERTY 2040 Hall Road, Glanbrook

PED19105

Appendix E



FED19105

Photo 1

Subject Lands looking north.

FED19105

Photo 2

Surplus Farm Dwelling to be Severed.

FED19105

Photo 4

Looking north at the retained farmland.

FED19105

Photo 5

Looking north at the retained farmland.

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

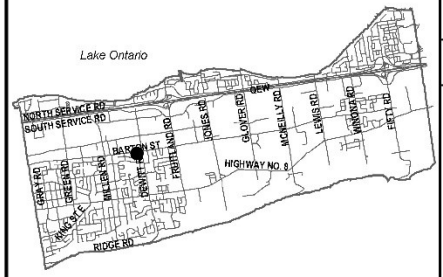
June 4, 2019

PED19106 – (ZAC-17-079 & UHOPA-17-36)

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road, Stoney Creek.

Presented by: Melanie Schneider

● Site Location



Key Map - Ward 10 N.T.S.

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number:	Date:
ZAC-17-079 & UHOPA-17-36	March 12, 2019

Appendix "A"	Scale:	Planner/Technician:
	N.T.S.	MS/VS

Subject Property

514 & 516 Barton Street & 293 Dewitt Road

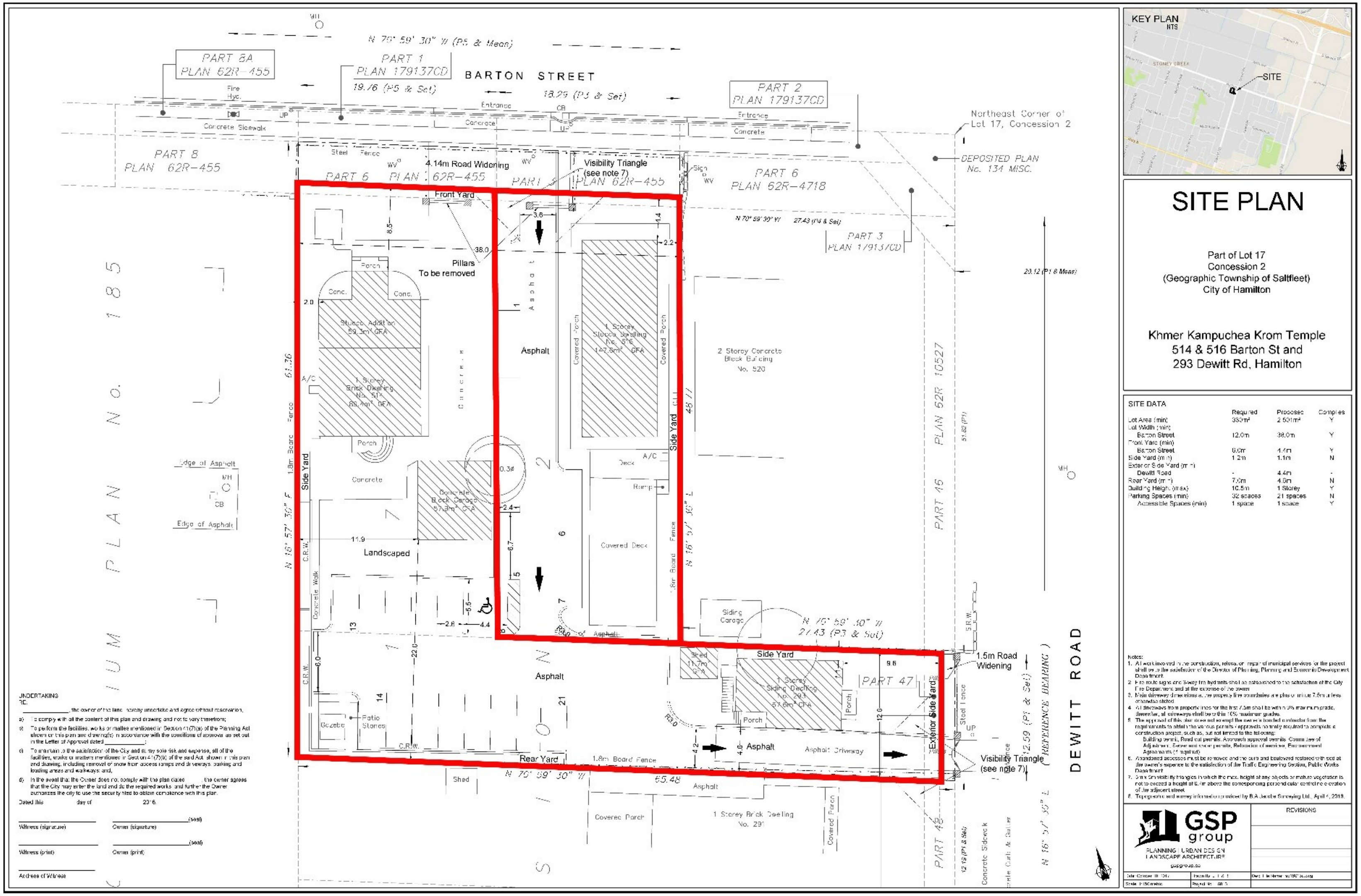
Block 1 - Lands to be rezoned from Single Residential "R2" Zone to Neighbourhood Institutional (I1, 726) Zone

Block 2 - Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 726) Zone

SUBJECT PROPERTY

514 & 516 Barton Street & 293 Dewitt Road, Stoney Creek

PED19106
Appendix E



FED19106

Photo 1

Subject Lands from Barton Street.

FED19106
Photo 2

514 Barton Street and adjacent townhouse dwellings to the west.

FED19106

Photo 3

293 Barton Street.

PED19106

Photo 4

Parking area within Subject Lands.

PED19106
Photo 5

Single detached dwellings south of lands from Dewitt Road.

PED19106
Photo 6

Single detached dwellings on east side of Dewitt Road.

Photo 7

Existing commercial adjacent to Subject Lands.

FED19106

Photo 8

Lands to the north east.

FED19106

Photo 9

Existing commercial to the north of Subject Lands.

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

Chamberlain, Lisa

From: Per Kleefisch
Sent: May 30, 2019 11:10 AM
To: Chamberlain, Lisa
Subject: Re: JvN/d Application - James/Ferrie

Hello Lisa,

I have been following the initial stages of the JvN/d proposed project at James/Ferrie with great interest and would like to write a few words of support in advance of the Planning Committee hearing on June 4. I live in the Keith neighbourhood, near Barton and Wentworth, and have been a Hamilton resident for 7 years.

It is refreshing and, indeed, amazing that a developer is able (and willing) to put together a project like this using market principles and without relying on major subsidization. I strongly believe that this project (and others like it) need to be supported by the municipal government. Hamilton is in a growth phase again and I believe we have the potential to continue and enhance our vision of inclusivity - where the larger market forces are balanced by city council guidance.

I sincerely believe and hope that the Planning Committee will continue to be guided by an overall vision of what this amazing city is and can be.

Thank you,

Per Kleefisch

Hamilton

Chamberlain, Lisa

From: SW
Sent: May 30, 2019 12:53 AM
To: Chamberlain, Lisa
Subject: some notes in support of the JvN/d home:front project at 468-476 James St S
Attachments: JvNd condo collective hf 3.html

Hi, Lisa Chamberlain:

Attached please find an .html document which delves into several aspects related to the project, as well as some of the broader topic of affordable housing and homelessness.

I have submitted this as I am unable to attend the June 4 public meeting (I am in China until June 5.)

I hope you don't find the document overwhelming. I have tried to keep the extra perhaps helpful info in a Supplemental section. By the sheer numbers of references and articles on the internet that pertain to housing issues, it is clear that it is a concern that is quite here for the long term.

I am interested in many aspects related to housing, and so some of the information may be insufficiently relevant to Hamilton City's Design Panel concerns for the home:front project. I apologize for being long-winded and for digressing.

I look forward to your approval of the project proposal set out by architect JvN/d and his team. It could be a model that many cities and towns elsewhere could adapt.

Sincerely,

Stephen Watson

JvN/d condo collective h:f

(start of feedback already submitted to the City of Hamilton Design Review Panel around July 28, 2018)

SW
To
Jul. 28, 2018 at 3:51 a.m.
Hi, Emily:
I filled in the feedback form.
Did it arrive okay?
I paste it below for backup.
It's written in my open and inclusive style, with quotes and references that go beyond local boundaries but intrinsically help establish new proximities and spur new dialogues.
Regards,
steve watson

JvN/d condo collective 468 James St. N. home:front

List of emails from JvN/d since 2017.11.13
https://us16.campaign-archive.com/home/?u=dace53f330dcd94dbc1c95a29&id=a2c1396113
√

Thoughts in support of the JvN/d home:front project

1) Yes, certainly. For those who are serious about lifting themselves out of poverty or near poverty, the JvN/f financial arrangement offered by architect van Nostrand gives a chance to those to whom established banks and credit unions do not cater. A unit in **home:front** will likely increase in value and increase in equity and thus give the owner a good credit rating, confidence in the future, and more favourable standing in today's money-conscious society.

2) I love the idea of rooftop gardens. Apart from having a cooling effect for the residents on the top floor, the gardens could provide some fresh veggies, nuts, fruit. In addition, under the recommendations of some permaculture experts, along with the input from h:f residents, rooftop raised beds would give both young and old the opportunity to see Nature in her full potential and beauty, as well as save some money.

Tailored to a small environment, the rooftop could have a bonsai section, as well as power-generating cycling machines for residents to put back into the grid while at the same time keeping fit. Areas with solar ovens would allow for rooftop picnics or partiesin the daytime or evening, and star and city skyline gazing at night.

The widening of the sidewalk on the Ferrie Street side allows for the inclusion of some carefully chosen shade trees and park benches. Moreover, those with western, southern, or eastern facing units, have some latitude and freedom of expression in decorating their balcony with plants or solar devices. Not quite to the extent of architect Luciano Pia's *25 Verde*, but perhaps similar to his design but on a smaller scale!

The building design is functional and modern and allows for a higher populated density with a smaller ecological footprint. Solar light wells could help sunlight penetrate those units facing more to the north or not on the periphery. This minimal space living and close proximity of fellow dwellers facilitates more human interaction, and allows one to get to know one's neighbours. We are not talking tiny houses here, but tiny condos in an open-concept DIY interior, giving free-range and income possibilities for unit owners. Removing load bearing walls while still allowing for sound-proof, lightweight, movable partitions between units gives the owner flexibility to alter, remove, add interior elements with relative ease.

The use of different building materials and textures will give an attractive and varied appearance to the facade.

3) Streetscape was covered in the previous section. Hardy tree species along the more south-facing sides of the building will help oxygenate and de-carbonize the air. Extra-width of the sidewalks accommodates those in quad-scooters or with walkers. The tradition of including the street names using metal panels in the sidewalk will help

remind the occupants of Hamilton's legacy of steel and iron.

Bicycle and tricycle storage and re-charge and maintenance facilities certainly will encourage residents to give up or reduce usage of the a family car. Small footprint ironworks — such as the "Heaven's Door" panels (gates) made using abandoned farming equipment and rural amenities by Bob Dylan in his Black Buffalo Ironworks foundry ** — could be used at the entrances to the building, paying tribute in a small way to the iron ore tradition which Dylan grew up with.

The parking area will be underground, and require a lot of excavation. As a former construction volunteer at the arcology prototype Arcosanti***in Arizona, I am in favour of slowing down and supporting the return of walking as the main mode of personal transport. We now have apps such as Uber and carshare apps (rent a car by the hour). Greener transport (bikes, ebikes, scooters, e-scooters) with apps and hardware within easy reach (such as Sobi, Bolt, Lime, Bird, Jump, Lyft, Spin, Skip) gives us a wide range of choices other than the default fossil fuel burning car, truck, bus.

If excavation is to be done, it might be worthwhile to consider putting in some geothermal wells, giving almost free heat or cool air to warm and cool the building in winter and summer. I will not explore the geothermal route in this paper.

* https://www.archdaily.com/609260/25-green-luciano-pia
** https://www.heavensdoor.com/irongallery
*** arcosanti.org (http://arcosanti.org/)

4)
"The so-called housing shortage, so much talked about in the press these days, cannot be simply dismissed by admitting that the working class is generally living in bad, overcrowded, and unhealthy apartments... The term "housing crisis", as it is currently understood, essentially stands for nothing other than the worsening of the already miserable housing conditions, caused by the influx of people into the cities..." Engels, "The housing Question", 1872

Further reading (the housing question has been with us since at least 1872) http://hct.aaschool.ac.uk/the-quasi-nomadic-cell-at-the-threshold-of-the-collective-dwelling/
I hope the architect's plan and vision dovetails with the minds of Hamilton's urban designers. If the population of the city is to increase by at least 50% in the next ten to fifteen years, we must favour housing solutions that do not require additional land currently owned by struggling farmers; in other words, it needs add a moderate vertical dimension to the landscape without widening the perimeter.

----end of first feedback sent to Hamilton City Council in 2018 July----

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----start of 2019 05 25 new feedback to Hamilton City Design Review Panel---

Introduction
Name: Stephen Watson
Originally from Toronto, I spent most of my life living and teaching in Africa, India, South Korea, and China. Projects I have volunteered on include Arcosanti (carless urban laboratory of the future) and tree-planting and erosion control in Auroville, India. I am recently retired, but still keep strong interests in permaculture/agroforestry, micro-habitats, design, and art.

How to reference the project
Perhaps the project needs a better name than **home:front**.
We already have *harbourfront, waterfront, lakefront, bayfront,* We need something that refers to Hamilton's steel mill background. Something like *Anvil Associates, Anvil Village, Anvil Collective, Anvil Abodes, Anvil Hive, Hamilton Hive Initiative, Hamilton Hive Housing and Retail, Anvil Anchor, Anchor Estates, Co-operate, BayAreaCollective, Ancilla***, *Ancilla Housing Collective, Ancilla Housing Coop, BayAreaHousing, BayAreaServices, PierNear, condomondo,...*
***ancilla* plural *ancillae*: an aid to achieving or mastering something difficult (from the Latin where it meant *female servant)*

But, since the architect has given it the name **home:front**, I will stick to that for now.

= SUPPLEMENTAL STARTS =
= =

Quick look at some housing developments in cities worldwide

What follows below is news about various housing projects. They are not all similar to **home:front**, but often look at smaller projects such as pocket suites. Some links point to tiny house projects which (when taken collectively) indicate the changing perspective of millennials and others who choose to live as urban nomads: that less is more and we must reduce our carbon footprint and harmful housing habits.

Let's (as warm-up) have a look at what other cities are doing in the area of housing, then we will look at Hamilton's forum on the topic. What follows is supplemental to our discussion. It can be bypassed if you wish.

Small collection of websites wherein various cities try to resolve the problems and challenges of city homelessness and affordable housing

But first we should look at some newly minted (or revived) terminology that has become part and parcel with this urban housing r)evolution.:

Some relevant terms and interesting websites

- *tiny house movement* — A movement where people design and build small cottages with floor area from less than 100sf (23sm) to 200 or 300sf (not sure of upper limit). They are often built on a trailer, allowing the owner to easily re-locate. Many are off-grid, but still manage to design in overhead showers, hot tubs, radiant floor heat, cooling vents, repurposing grey and black water,
- *pocket housing*— occupies usually a single building lot from which its previous building has been demolished and replaced by a specially designed compact building of mini-suites, often with common shared spaces.
- *row housing co-living co-housing* https://philly.curbed.com/2019/5/23/18637205/san-francisco-startup-philly-rowhomes-coliving-rental Vivahouse prefab modular housing system https://www.dezeen.com/2018/11/16/vivahouse-prefabricated-co-living-modular-london/ co-housing movement of the 1960s (see pdf IMAGINE)
- IKEA's miniatured wooden block village *Space10* https://www.dezeen.com/2019/03/08/solarville-space10-village-solar-energy-blockchain/ co-living and shared spaces (2 slide) https://www.dezeen.com/2018/10/16/brave-new-world-shared-living-shared-housing-space10/ ****IMAGINE pdf magazine (download pdf) (superb!) https://s10.io/imagine-report
- A-frame https://philly.curbed.com/2017/10/5/16402546/a-frame-cabin-rentals-pennsylvania floating A-frame school ... floor plans for 10 offices https://www.dezeen.com/2019/05/25/office-floor-plans-interesting/
- 10 office designs https://www.dezeen.com/2019/05/25/office-floor-plans-interesting/
- arcology (architecture + ecology) — a 3d urban megastructure that incorporates green house, solar advantage, and no cars. See sample sketches by Paolo Soleri. It is a set of architectural design principles aimed toward the design of enormous habitats (hyperstructures) of extremely high human population density.||| seaside arcology for southern China http://www.cityfarmer.org/frick.html#frick ||| http://www.essential-architecture.com/STYLE/STY-073.htm ||| http://arcology.com/ https://www.pinterest.ca/RedHenColorado/post-arcology/ ||| A prototype (called Arcosanti Urban Laboratory) is under construction near Mayer, Arizona www.arcosanti.org >>**living closely in a dynamic environment increases interactions and bonds, creating abundant stimulus and opportunity.**<< ||| Soleri's book https://www.amazon.com/Arcology-City-Image-Paolo-Soleri/dp/0262690411

pdf pocket housing
https://www.hastingshousing.com/docs/wysiwyg/Pocket_Housing_Presentation.Nov2013.pdf

pocket 'hoods (different definition)
http://pocket-neighborhoods.net/whatisaPN.html

Next, still — as part of our preparation to look at Hamilton's improved housing options -- we will now look first at some projects underway in other cities. Although not identical to **home:front**, the sheer magnitude of the scope of links and projects indeed shows that the city is a magnet and that young people are often becoming their own developers and builders, opting for smaller living quarters for short stays. There is also the added task of cleaning and maintaining the several thousand square feet of interior space in a monster suburban villa (which still seems to be the preferred choice for many couples and families).

WINNIPEG

pocket suites, pocket housing
https://tinyhouseblog.com/apartment-living/pocket-suites-in-winnipeg/
pocket houses
www.sam.mb.ca/pockethouses/index.html
https://www.pocketliving.com
mb pockethousing realtor
https://www.sam.mb.ca/find-a-home/single-persons-housing

VANCOUVER (UBC)

2016 03 14 Vancouver UBC Nano Studio micro-apartment student housing solution (Van is 3rd least affordable housing behind HK and Sydney)
https://www.treehugger.com/tiny-houses/nano-student-micro-apartments-university-british-columbia-ubc.html
shrt video https://vimeo.com/156141434

LUND SWEDEN

Lund, Sweden student housing, the BoKompakt
https://www.treehugger.com/tiny-houses/compact-student-housing-sweden-fair-companies.html

- https://housing.justlanded.com/en/Finland_Southern-Finland_Helsinki/For-Rent_Apartments/Laurinniityntie-Helsinki-1435967
- https://www.vuokraovi.com/vuokra-asunto/vaasa/keskusta/kerrostalo/yksio/845972
- https://www.laurea.fi/en/international/exchange-students-and-trainees/housing/

VERMONT

Green Mtn towable tiny house
Vermont's Green Mountain College [Renewable Energy and Ecological Design students' build: OTIS (which stands for Optimal Traveling Independent Space) and is an aerodynamic, pod-shaped design, made to be towed on a standard 5 by 8 foot trailer and a four-cylinder vehicle.
https://www.treehugger.com/green-architecture/otis-optimal-travel-independent-space-green-mountain-college.html
>> It has its own rainwater collection system that feeds into the indoor plumbing, in addition to the 120-watt solar panel system to provide electricity. To handle human waste, the OTIS uses a composting toilet<<
www.greenmtn.edu/reed/reed-projects.aspx
http://www.greenmtn.edu/
college is closing
https://www.greenmtn.edu/message-from-the-president/

NEW YORK

micro-apartments
https://ny.curbed.com/micro-apartments-nyc
razed 6-storey gives way to 8-story (13 micro-units of 500sf topped by 2 full-floor apartments)
https://ny.curbed.com/2019/1/22/18192678/lower-east-side-micro-apartment-seward-park
New York building with options
https://www.theassemblage.com
nyc affordable housing
https://ny.curbed.com/affordable-housing-nyc

LOS ANGELES

UCLA CItyLab https://www.treehugger.com/tiny-houses/bihome-ucla-students-design-tiny-home-affordable-housing-crisis.html

HONG KONG

40 sf cubicle
https://www.treehugger.com/urban-design/hong-kong-cubicle-public-housing-crisis.html
>> HK has a 320,000-person-long waiting list for public housing<<

PHILADELPHIA
*modular building in Philly (similar to Home:Front?)
https://philly.curbed.com/2019/5/14/18623453/lvl-modular-prefab-building-west-philly-rent-chestnut

other cities
https://www.curbed.com/cities-directory

car design meets minimal living
2017 Dezeen x MINI (Cooper) Living
https://www.dezeen.com/miniliving/
>> MINI's co-living destination in Shanghai "brings know-how from vehicles into places where we live"
>> Car brand MINI is diversifying into urban development with the MINI Living building in Shanghai, which will see a disused industrial complex transform into apartments, offices and leisure spaces.<<

Carlo Ratti Livingboard prefab housing for India
https://www.dezeen.com/2018/12/30/carlo-ratti-livingboard-prefab-housing-rural-india/

security, lighting, fire prevention, ventilation
Foster + Parters integrated building services system https://www.dezeen.com/2018/04/04/foster-partners-launches-integrated-building-services-system/?li_source=LI&li_medium=rhs_block_1
https://www.fosterandpartners.com

========== SUPPLEMENTAL ENDS ==========

HAMILTON

It has been reported that Hamilton city council is having a serious look at laneway housing as a solution to homelessness in the city. This concern has been raised in 2012, 2016, 2017, and now 2019. What were the outcomes? Time may be spent looking at a topic, but following up with practical action is the real test of success. Let's hope that the **home:front** project will infuse a new ethic and vision, and the surrounding community be uplifted.

We all know that laneway housing requires lanes and the built roadway grid. One benefit is that it *does* add to urban density and it could be a solution for homelessness.

PARTIAL DOCUMENTATION OF HAMILTON CITY'S INTEREST IN AFFORDABLE HOUSING

2012.09.22
https://www.thespec.com/opinion-story/2256907-affordable-homes-pocket-housing-gradually-emerging-in-hamilton/
http://www.sprc.hamilton.on.ca/2012/09/affordable-housing-pocket-housing/

2015.03.19
https://raisethehammer.org/article/2545/is_affordable_housing_a_priority_for_the_broader_hamilton_community:_one_year_later

2017 hamilton laneway homeless
http://www.rcinet.ca/en/2017/03/04/tiny-houses-a-solution-to-homelessness-in-hamilton-ontario/
designer emma cubits
http://www.sprc.hamilton.on.ca/2017/02/tiny-house-wave-comes-to-hamilton-with-new-affordable-housing-project/

indigenous youth homeless housing
https://www.cbc.ca/news/canada/hamilton/indigenous-homeless-youth-program-ready-for-clients-friday-1.4988383

affordable housing workshop
https://www.raisethehammer.org/article/1337/

2019 hamilton tiny laneway homes
https://www.cbc.ca/news/canada/hamilton/tiny-houses-1.4320161?__vfz=medium%3Dsharebar&fbclid=IwAR3UGgdPuuYyRgpxYsWMy2mb4teORHUl-GOyTAwLBfVSuEWfImMB30eJ0ME

emma lea cubitt's master thesis on laneway housing
https://uwspace.uwaterloo.ca/handle/10012/3603

home:front breaks new ground. Its minimalist approach, its flexibility of interior design and use, its innovative financial model, its inclusion of shared spaces — all offer considerable advantage and quick appeal to anyone informed of the trends and alternatives that bypass the mainstream realtors with their sky-high rental rates and astronomical selling prices.

Let's do more with less and all get behind the 8-ball for the JvN/d **home:front** project!

---- end of feedback for JvN/d composed on 2019 05 27 ----

Chamberlain, Lisa

From: SW
Sent: May 30, 2019 1:40 AM
To: Chamberlain, Lisa
Subject: link to free zine -- IMAGINE: Exploring the brave new world of shared living

Hi, Lisa Chamberlain:

I tried to attach a very interesting e-zine, IMAGINE issue 2. But the file was over the limit for attachments to hamilton.ca.

This issue is called **IMAGINE: Exploring the brave new world of shared living**.

The link below should open up the pdf file, and hopefully the City Design Panel members can enjoy its many articles and insights.

https://space10.io/collection/imagine-exploring-the-brave-new-world-of-shared-living/

Kind regards,

Steve Watson

Hamilton, ON

Chamberlain, Lisa

From: Rashmi Nathwani
Sent: June 1, 2019 2:14 PM
To: Chamberlain, Lisa
Cc: Emily from JvN/d
Subject: 468-476 James St N, Proposed development

Hello Lisa Chamberlain:

I am a former and prospective resident of Hamilton, I would like to record my support for the above project. It is an innovative and affordable housing proposal that will enhance the city downtown and environs.
Sincerely,

Rashmi Nathwani, MBA, MASc, P. Eng

Chamberlain, Lisa

From: Robyn Gillam
Sent: June 2, 2019 5:40 PM
To: Chamberlain, Lisa
Subject: 468James

Steve Robichaud
Director, Planning & Chief Planner
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Re: Incremental Changes to the City of Hamilton's Official Plan

Dear Mr. Robichaud,

On behalf of the <INSERT NEIGHBOURHOOD ASSOCIATION NAME HERE>, I'm writing to indicate that we are aware that there are applications currently under review, including 468 James Street North in the North End, which seek to make "ad hoc" or incremental changes to the City's Official Plan.

We are not supportive of this method of changing the Official Plan, or other secondary and neighbourhood plans, that focuses on changes in response individual development applications.

Instead, changes to approved secondary plans should be carried out in a manner that enables the neighbourhood to assess, study, and contribute to potential changes in a comprehensive manner rather than attempting to deal with one project at a time.

Sincerely,

Robyn Gillam

Chamberlain, Lisa

From: Nick Dika <
Sent: June 3, 2019 1:15 PM
To: Chamberlain, Lisa
Subject: Development Application 468-476 James St. North

Hi Lisa,

My name is Nick Dika and I've been a resident of the North End for six years now. I live on Ferrie street just west of McNab.

I'm sending an email to lend my support to to the JVND development on James St. North. As the city continues to grow and develop, I think it's very important to prioritize affordable housing and believe the JVND team is looking at innovative and inclusive solutions when it comes to housing in the city.

I'm unable to attend Tuesday's Planning Committee meeting but I wanted to send an email letting you know that the project is one that I support and hope gets approved by the city.

Thanks for your time and consideration,
Nick Dika

Chamberlain, Lisa

From: Jo-Ann Tetreault
Sent: June 3, 2019 1:47 PM
To: Chamberlain, Lisa
Subject:

Hi Lisa

I can not make the meeting

I am a widow, semi retired.
Would like to be fully retired but my income is not enough.
The housing project is a wonderful plan.
There are more seniors that every who are in need of affordable housing
I am now renting in the North end and would like to be able to stay in this area.
I am looking forward to hearing more about this project.
Please keep me informed
Thank you

Jo-Ann Tetreault

Chamberlain, Lisa

From: Kate Berry
Sent: June 3, 2019 2:42 PM
To: Chamberlain, Lisa
Subject: Submission of comments re: Development application for 468-476 James Street North

Dear Sir/Madam,

RE: Development application for 468-476 James Street North

I write to express my support for the proposed development at 468-476 James Street North.

I am a single parent living in a rented property in the North End, since 2015. My child attends Bennetto Public School. We love our neighbourhood and hope to be able to stay here long term and grow the roots we have already put down. The biggest barrier to us staying in the area is the affordability of housing. I hope to be able to own my home in the future, but that will be very challenging based on my income and the average property prices in the North End. Hence it is with great interest that I have followed the design and consultation for the proposed development by JvN/d as a place that could offer feasible home ownership to someone like me. I think that the proposal is innovative and progressive and it will set a benchmark for other housing developments in Hamilton and across Canada.

Best regards
Kate Berry

Hamilton,

17 Witherspoon Street,
Dundas, Ontario L9H 2C4
June 3, 2019

Re: Item 8.3 June 4, 2019 Planning Committee agenda, 468-476 James Street North

Dear City Planning Committee:

If we as a city are to meet the growing and serious need for affordable housing in Hamilton, the city of Hamilton needs to act with all the flexibility it can and to strongly encourage innovative solutions. By affordable, I mean housing that costs less than 30 per cent of gross household income for the lowest 60 per cent of income earners—the definition in the city's Housing and Homelessness Action Plan.

I know the city has made significant and important efforts to tackle the issue, so I'm not being critical. Yet key targets elude us. The city's Official Plan and Housing and Homeless Action Plan goal of 300 new affordable units a year is not close to being met. Each year only about a third of that target has been achieved since the action plan was approved in 2013. The action plan set a goal of reducing the wait list for subsidized housing by 50 per cent by 2023. Yet the list has *grown* by 25 per cent, as rents keep rising and affordable units become harder to find.

JvN/d's proposal for 468-476 James North is both flexible and tremendously innovative: flexible sized units, flexible construction including sweat equity, flexible tenure (own and rent) and flexible and innovative financing. And if NvN/d can actually deliver condo ownership to people earning as little as $25,000 a year, that is startling. Households with that income are not be able to afford the average *rent* in the city, let alone buy even the cheapest house.

Yet I share neighbours' concerns that an eight-storey building exceeds the standard set by the secondary plan for the neighbourhood and that the planning department's justification for exceeding the standard may set a precedent for other developments, most of which will not bring the benefits of affordable housing that the JvN/d plan does.

If eight storeys is needed to make this project viable, and to make it possible to provide housing that is affordable, let me suggest a possibility that would appear not to set such a negative precedent.

It would be preferable to permit the extra storeys for 468-476 James North as a trade-off for the community benefit of affordable housing units. Such trade-offs are allowed under Section 37 of the Planning Act and in Chapter F, Section 1.9, of the city's Urban Official Plan. That section allows the city to permit greater height or density than allowed in the zoning bylaw in return for securing community benefits that include affordable housing. Proceeding that way, there would be only a limited precedent for future taller buildings, justifiable only if they too provide the community benefit of affordable units.

Respectfully submitted,

Bill Johnston

WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

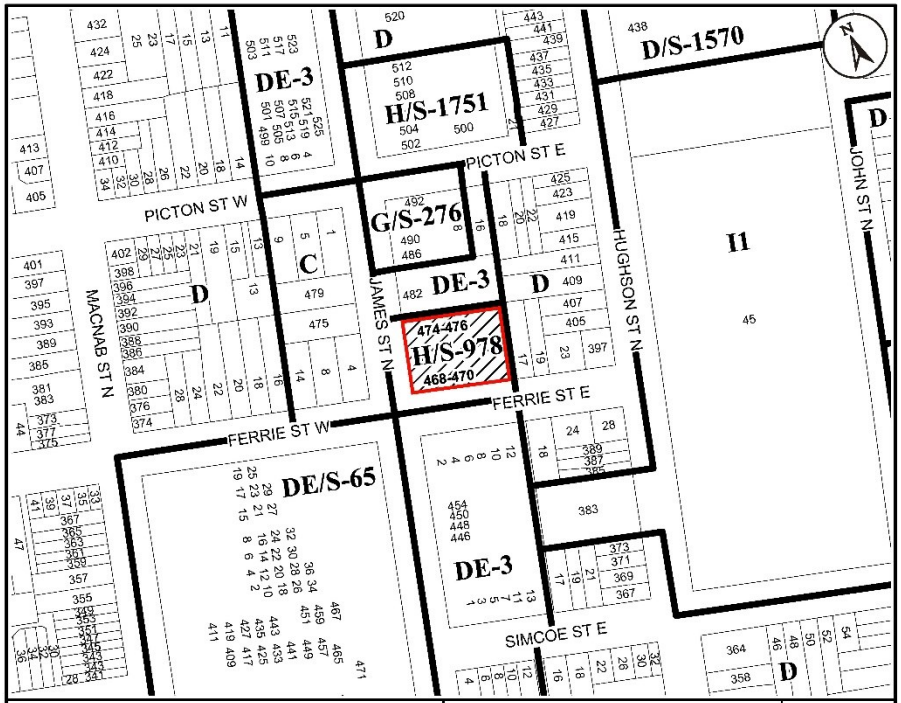
June 4, 2019

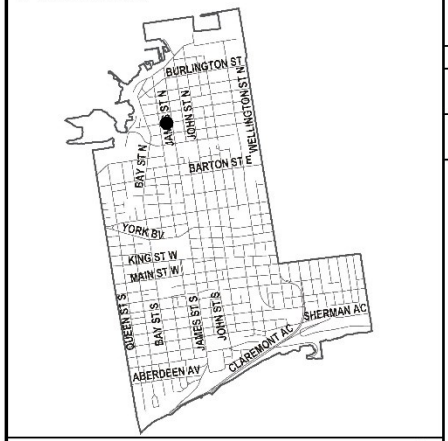
Presented by: Daniel Barnett

PED19116 – (ZAC-18-020 & UHOPA-18-007)

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton.

Presented by: Daniel Barnett





Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

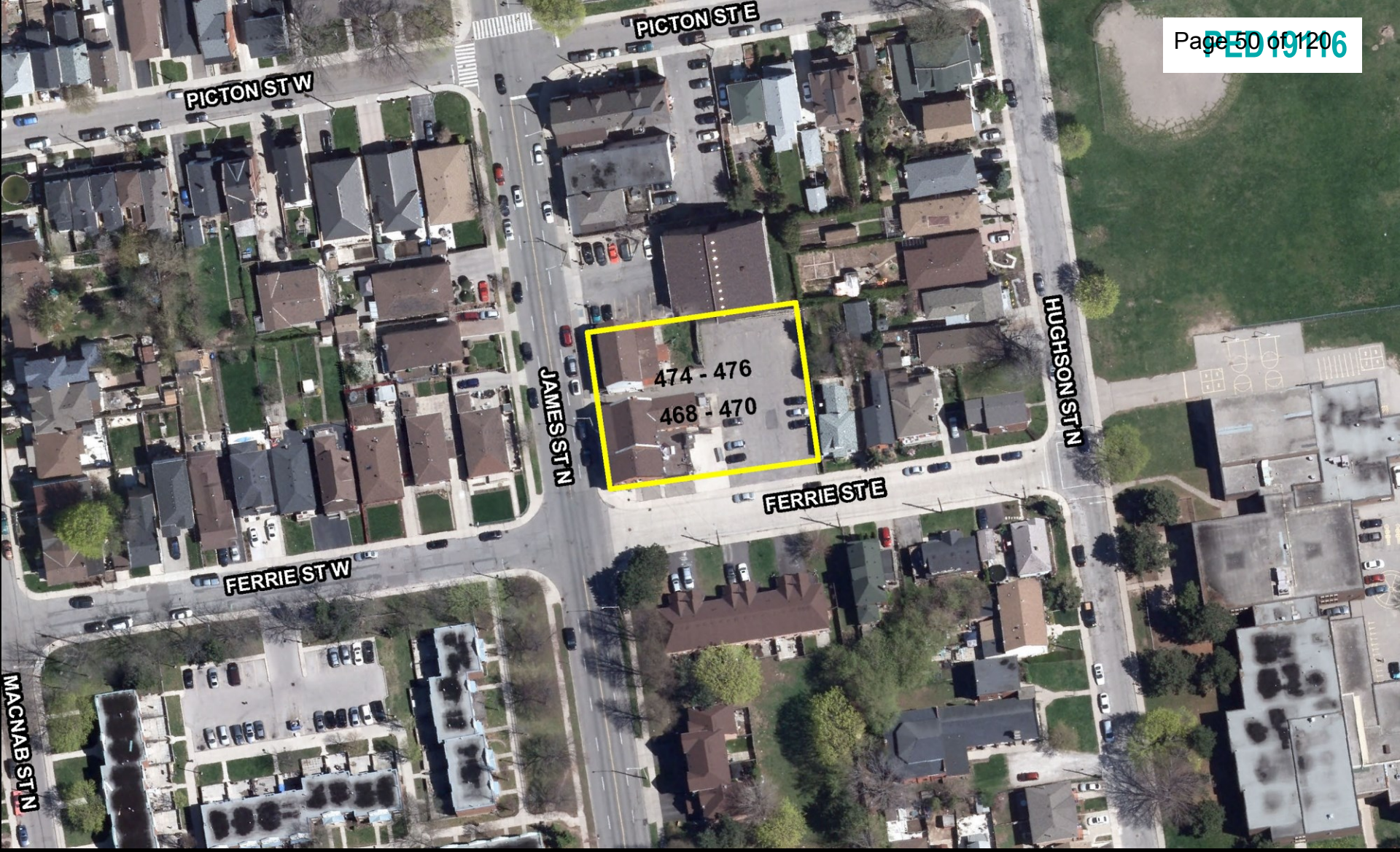
Hamilton

File Name/Number:	Date:	
ZAC-18-020 / UHOPA-18-007	May 3, 2019	
Appendix "A"	**Scale:** N.T.S.	**Planner/Technician:** AL/AL

Subject Property

468 - 470 & 474 - 476 James Street North

To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a-'H1','H2'"" (Community Shopping and Commercial, Etc.) District, Holding, Modified



SUBJECT PROPERTY 468 – 470 & 474 – 476 James Street North, Hamilton

3.1 ARCHITECTURAL DRAWINGS

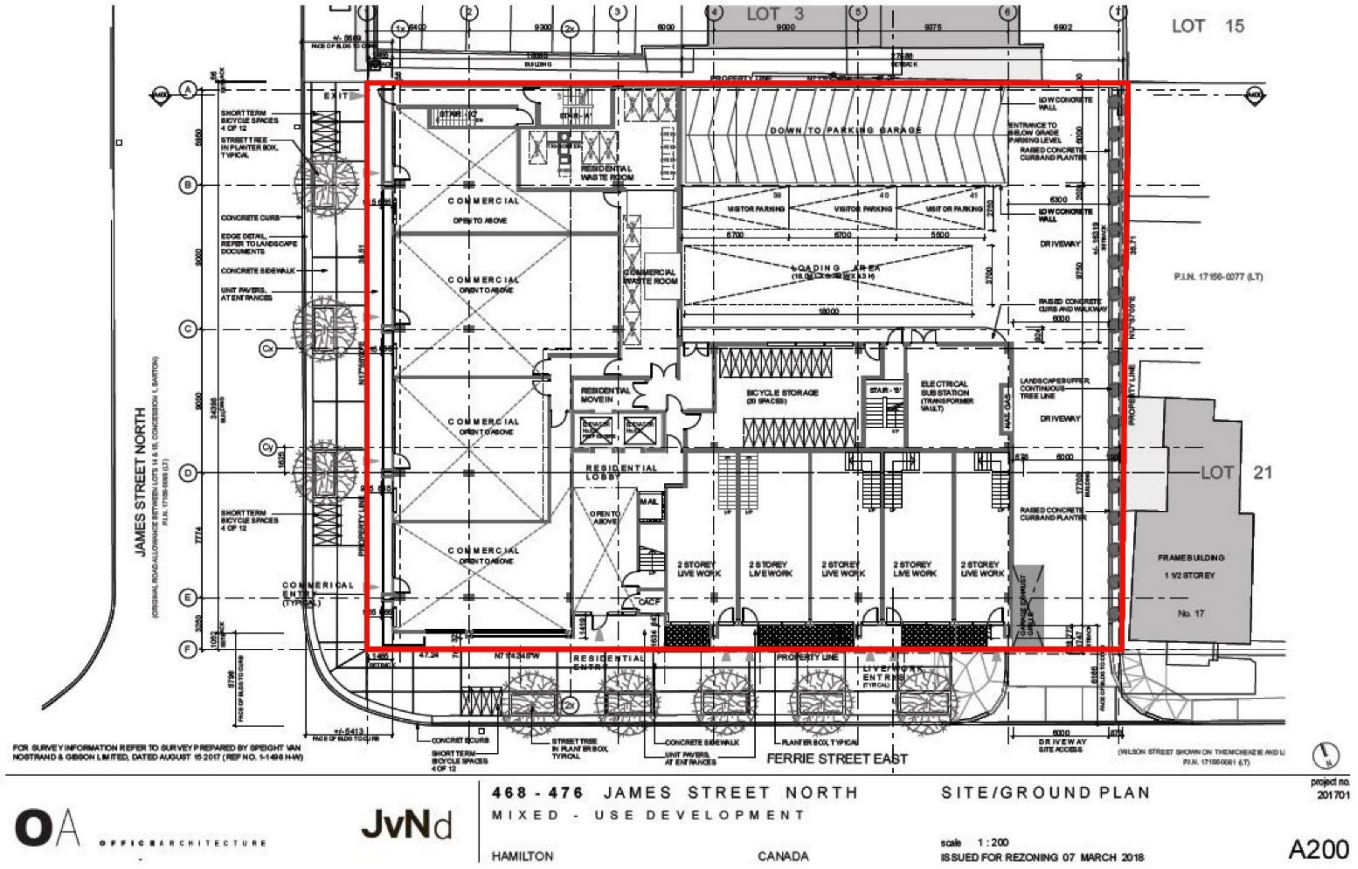
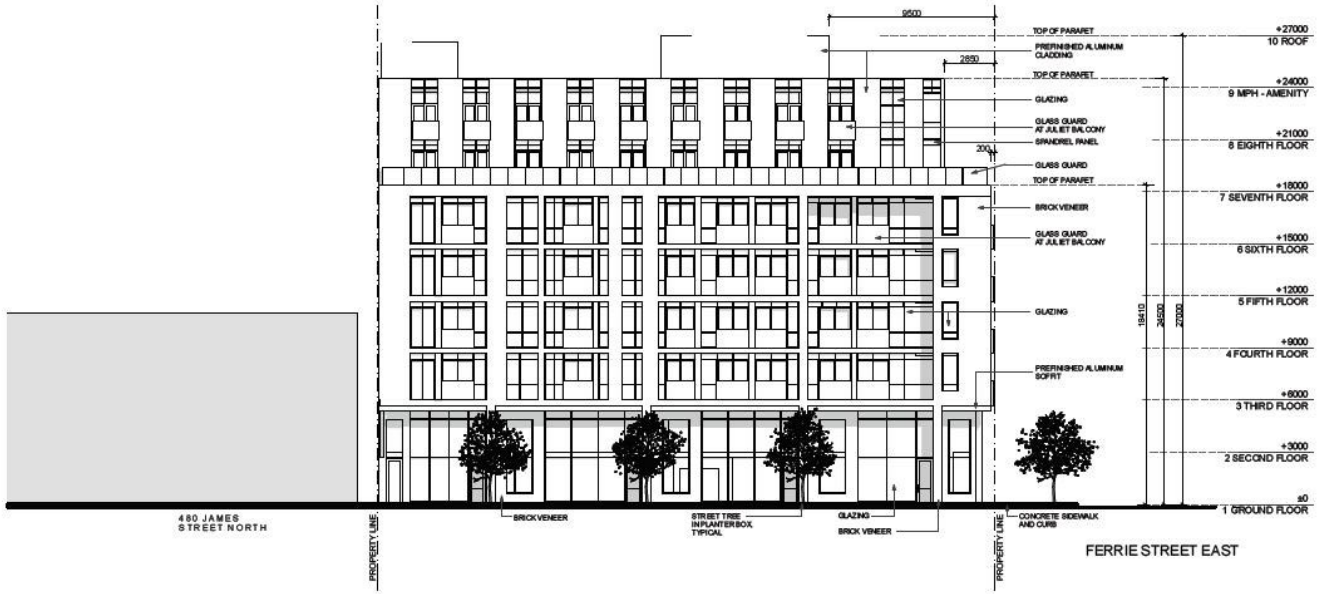


Figure 10: Proposed site/ground plan.

ARCHITECTURAL DRAWINGS



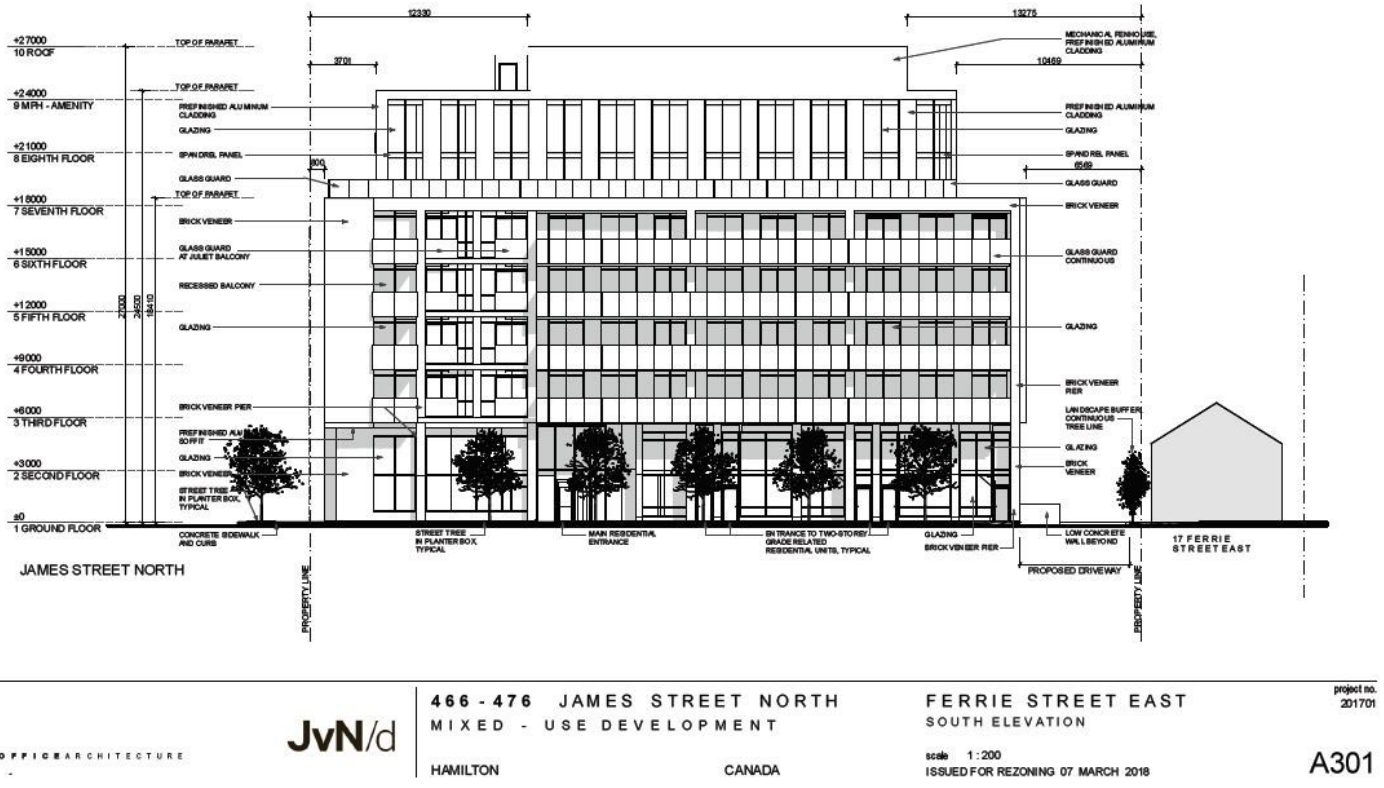
OA OFFICE ARCHITECTURE JvN/d

466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION
scale 1 : 200
ISSUED FOR REZONING 07 MARCH 2018

project no. 201701
A300

Figure 20: Proposed west elevation, James Street North facade.



OA OFFICE ARCHITECTURE JvN/d

466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION
scale 1:200
ISSUED FOR REZONING 07 MARCH 2018

project no. 201701
A301

Figure 21: Proposed south elevation, Ferrie Street facade.

ARCHITECTURAL DRAWINGS

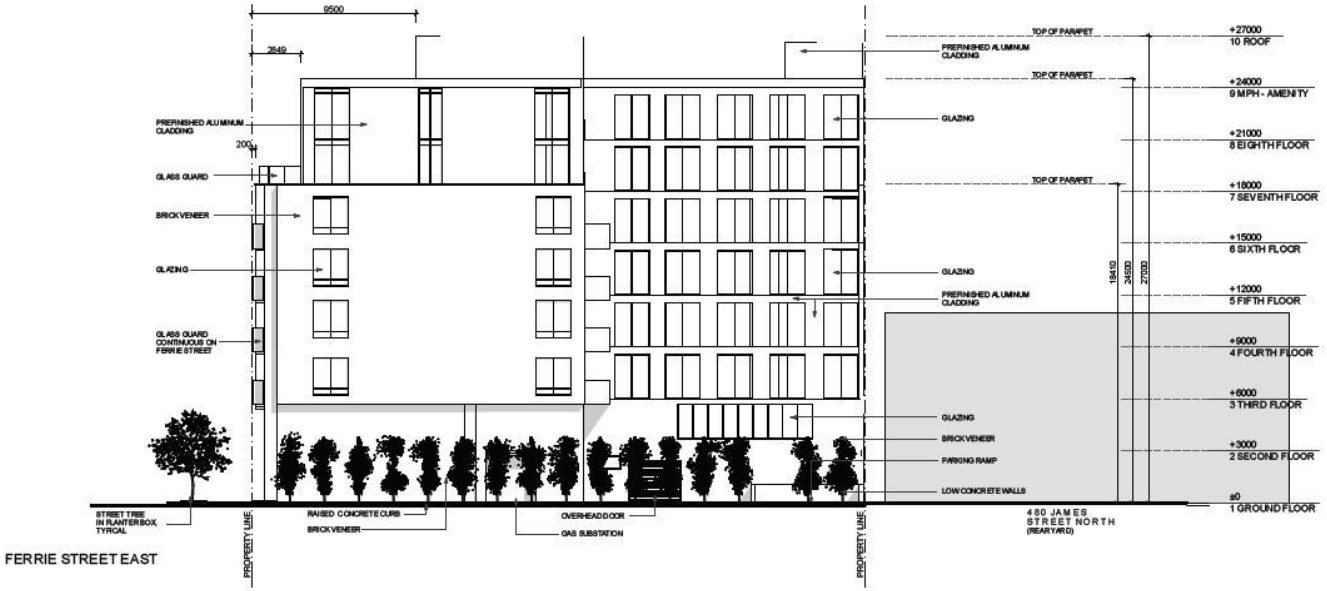


Figure 22: Proposed south elevation.

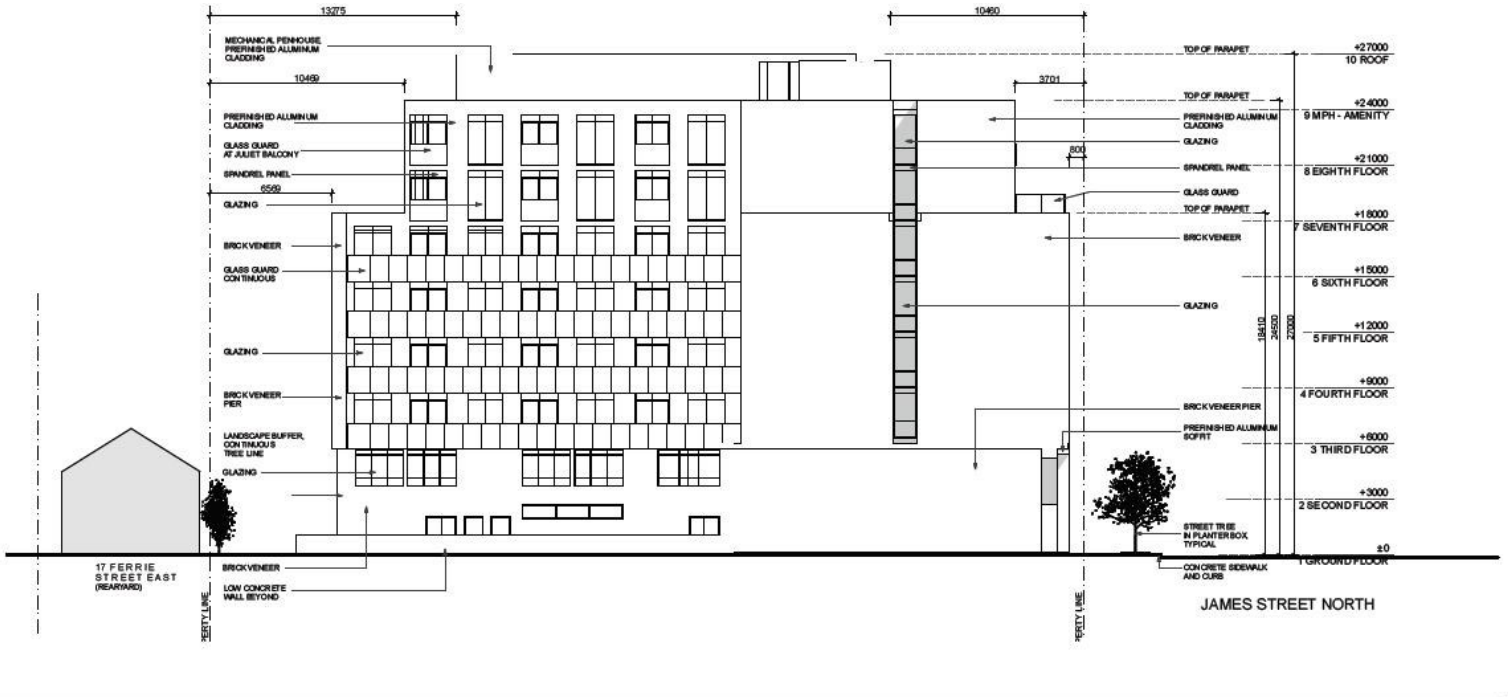
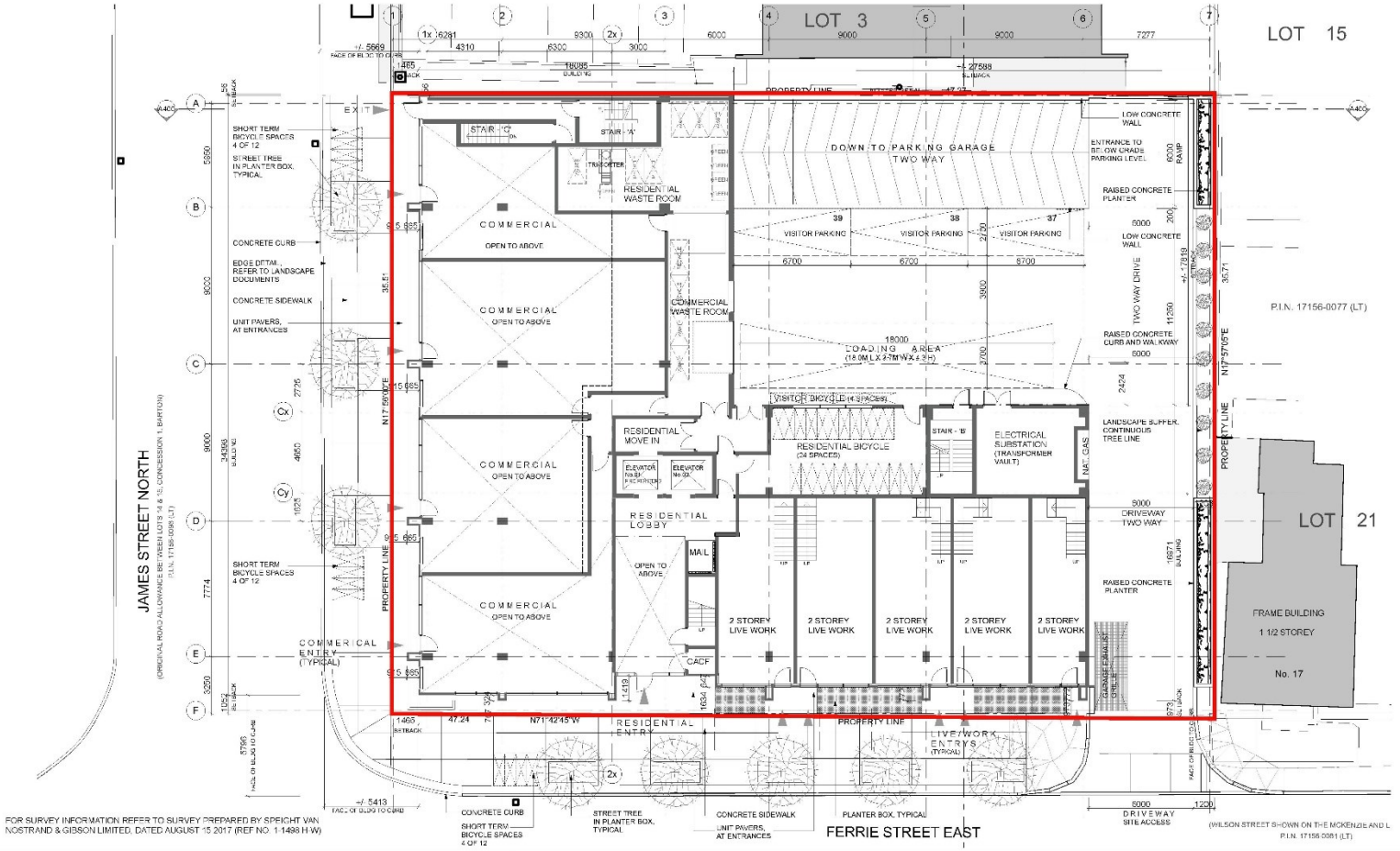


Figure 23: Proposed north elevation.



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

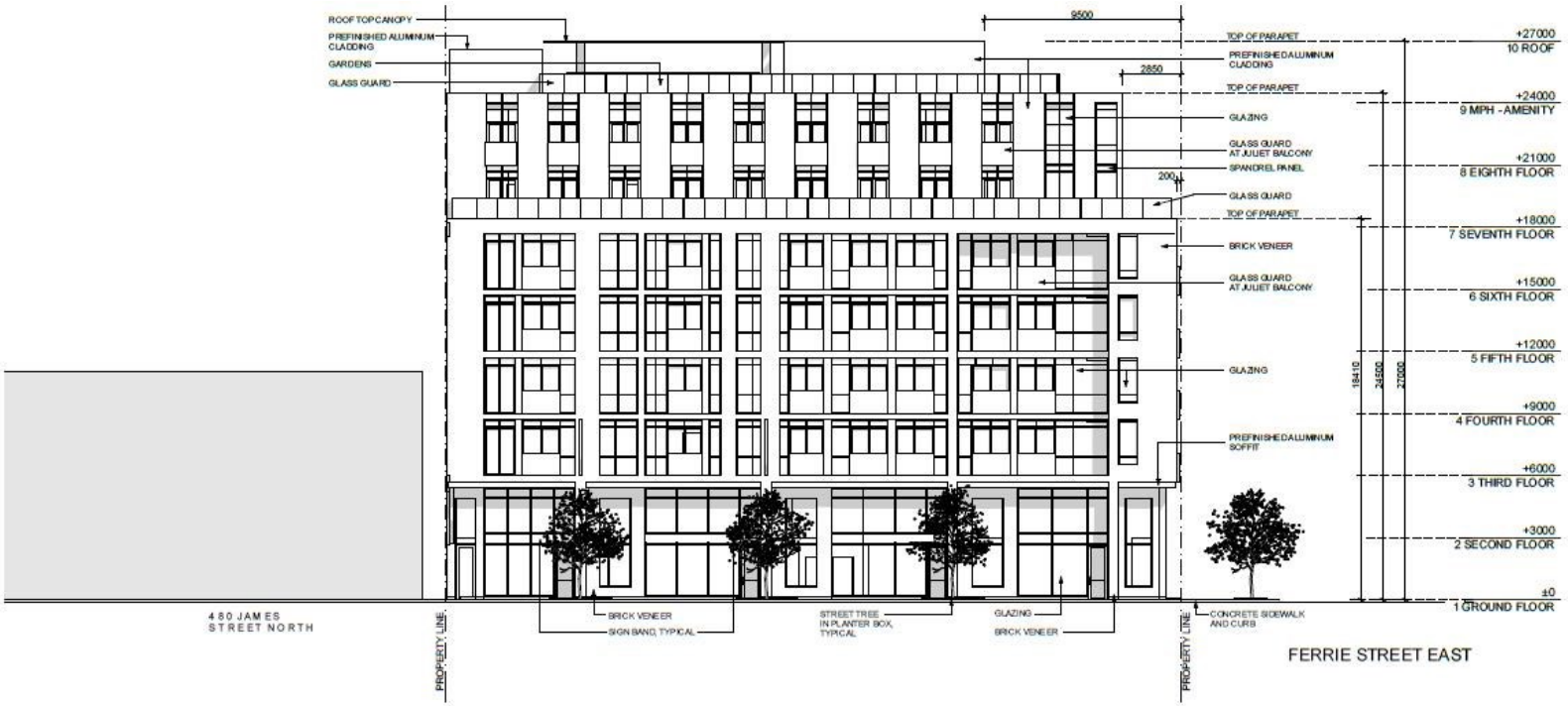
HAMILTON CANADA

SITE/GROUND PLAN

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A200



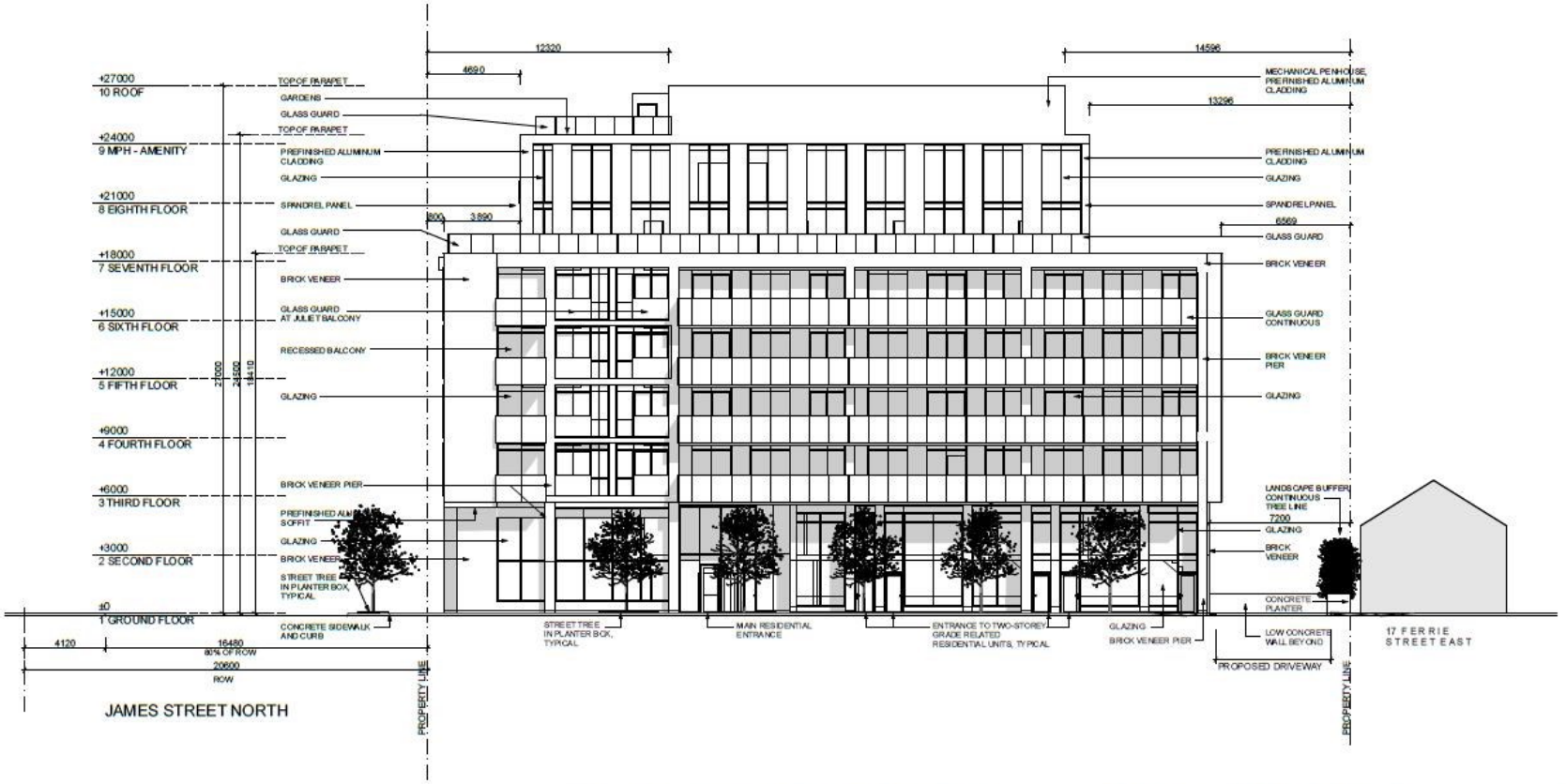
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701
A300



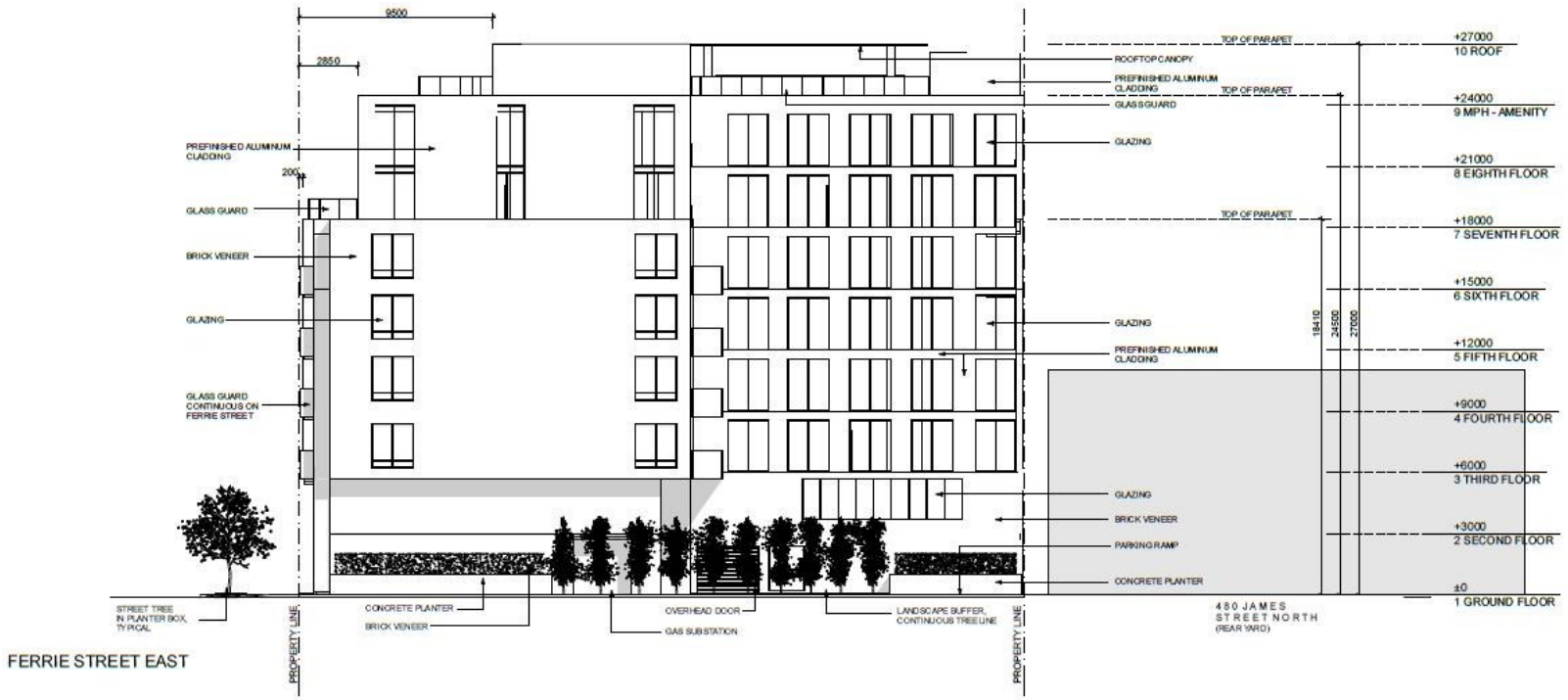
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701
A301



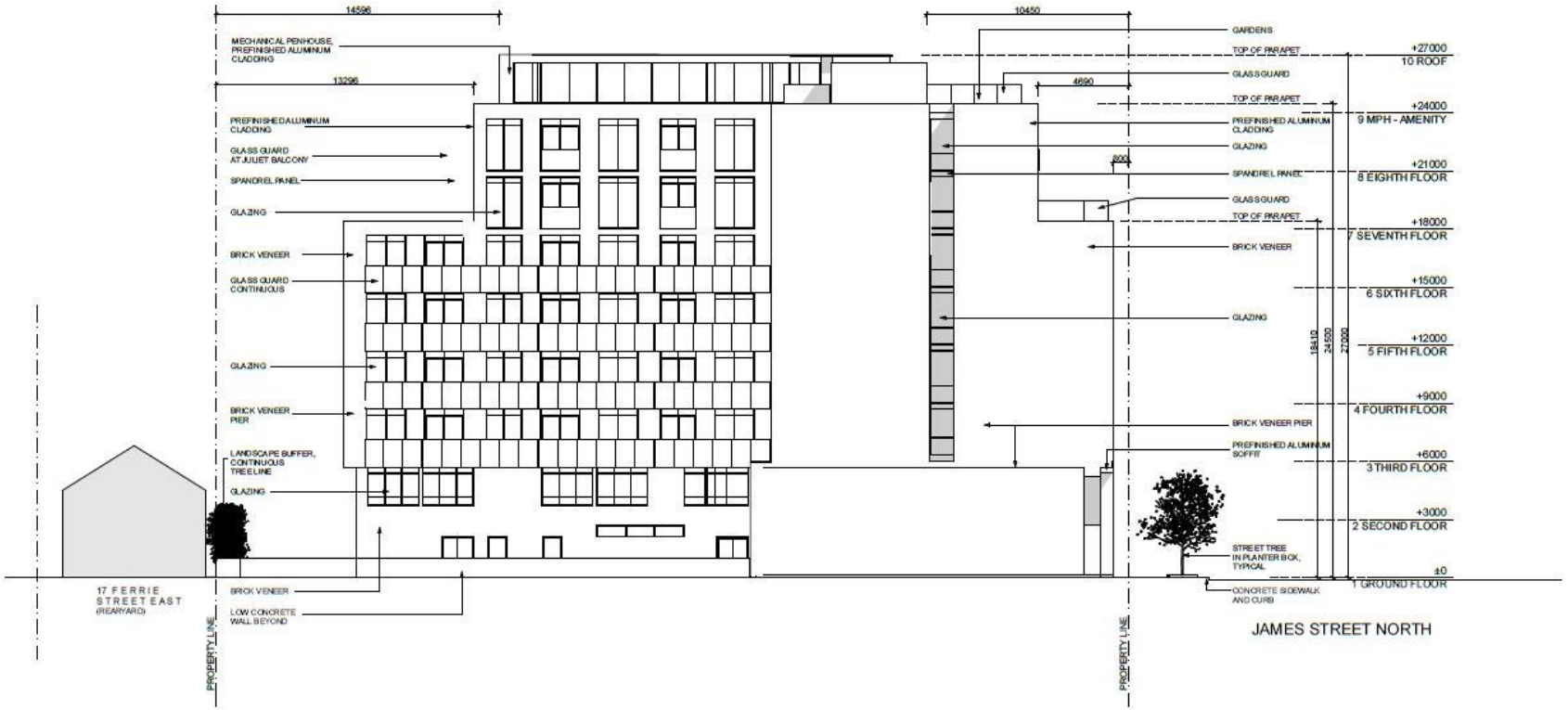
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

REAR
EAST ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701
A302



OA OFFICE ARCHITECTURE

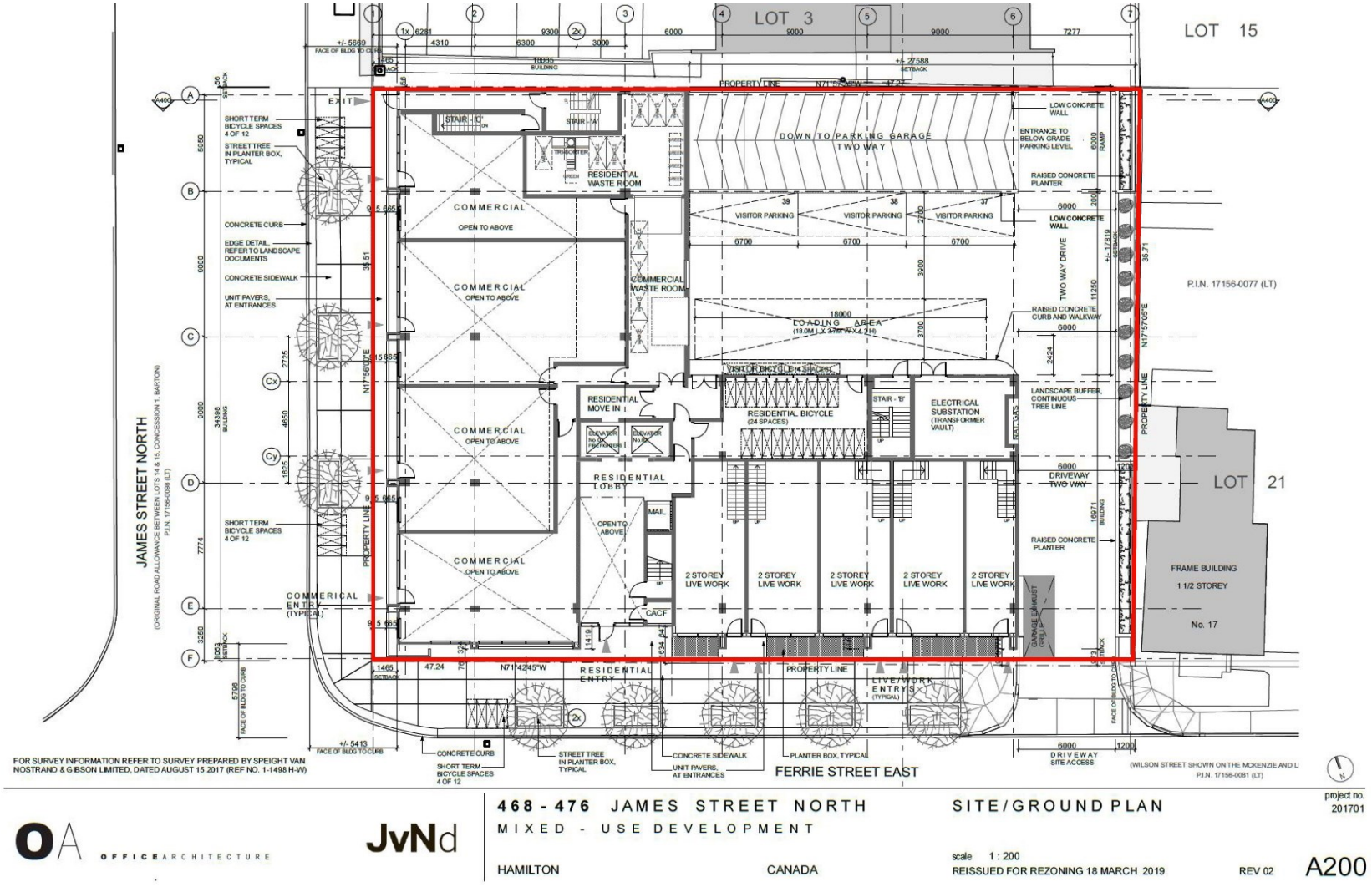
JvNd

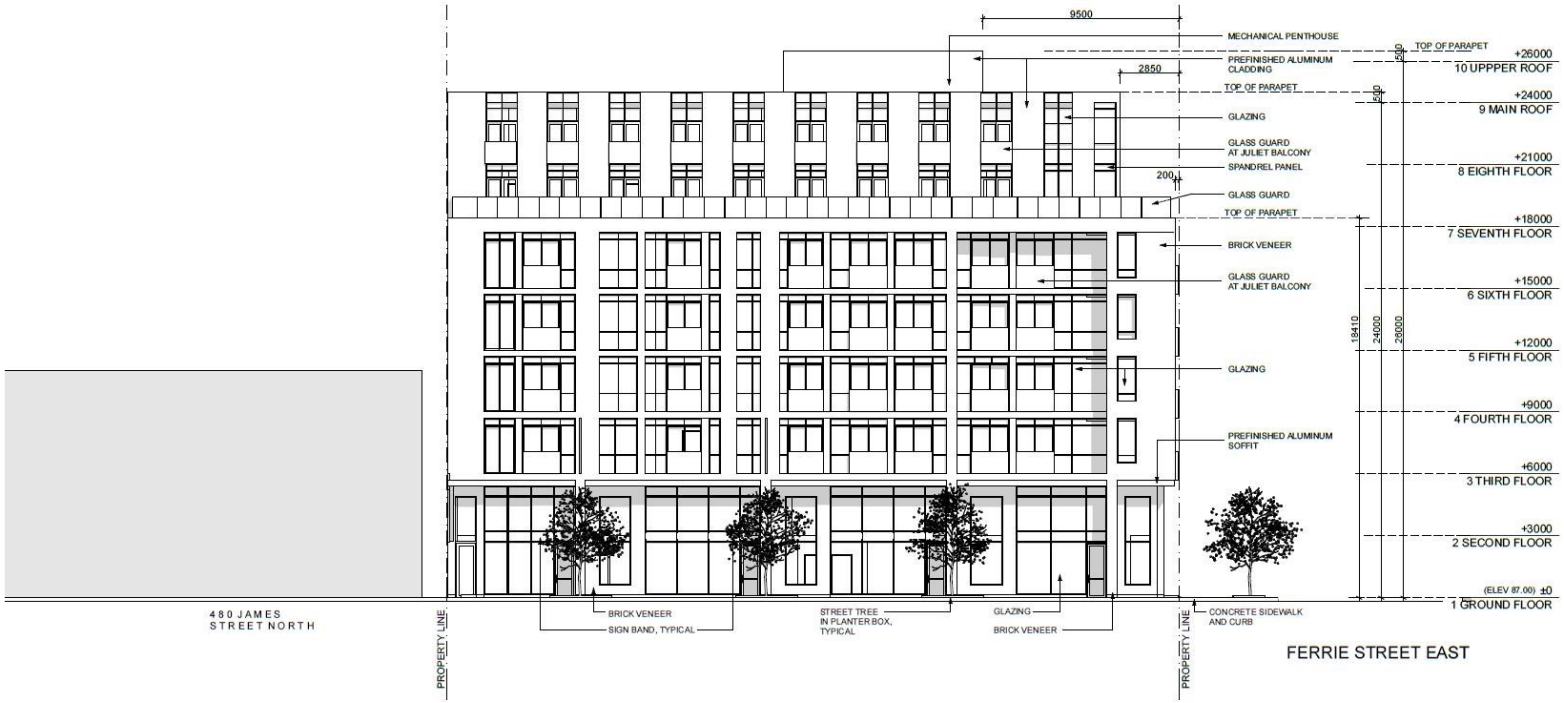
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

SIDE
NORTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701

A303


LOT 3
LOT 15
LOT 21
JAMES STREET NORTH
(ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 14 & 15, CONCESSION 1, BARTON)
P.I.N. 17156-0098 (LT)
FERRIE STREET EAST
DOWN TO PARKING GARAGE TWO WAY
ENTRANCE TO BELOW GRADE PARKING LEVEL
LOW CONCRETE WALL
RAISED CONCRETE PLANTER
VISITOR PARKING
TWO WAY DRIVE
LOADING AREA
RAISED CONCRETE CURB AND WALKWAY
LANDSCAPE BUFFER, CONTINUOUS TREE LINE
DRIVEWAY TWO WAY
COMMERCIAL
OPEN TO ABOVE
RESIDENTIAL WASTE ROOM
COMMERCIAL WASTE ROOM
RESIDENTIAL MOVE IN
RESIDENTIAL LOBBY
RESIDENTIAL BICYCLE (24 SPACES)
ELECTRICAL SUBSTATION (TRANSFORMER VAULT)
2 STOREY LIVE WORK
LIVE/WORK ENTRYS (TYPICAL)
COMMERCIAL ENTR. (TYPICAL)
RESIDENTIAL ENTRY
SHORT TERM BICYCLE SPACES 4 OF 12
STREET TREE IN PLANTER BOX, TYPICAL
CONCRETE CURB
EDGE DETAIL, REFER TO LANDSCAPE DOCUMENTS
CONCRETE SIDEWALK
UNIT PAVERS, AT ENTRANCES
PROPERTY LINE
FRAME BUILDING 1 1/2 STOREY
No. 17
P.I.N. 17156-0077 (LT)
FOR SURVEY INFORMATION REFER TO SURVEY PREPARED BY SPEIGHT VAN NOSTRAND & GIBSON LIMITED, DATED AUGUST 15 2017 (REF NO. 1-1498 H-W)
OA OFFICE ARCHITECTURE
JvNd
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON
CANADA
SITE/GROUND PLAN
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019
REV 02
project no. 201701
A200



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

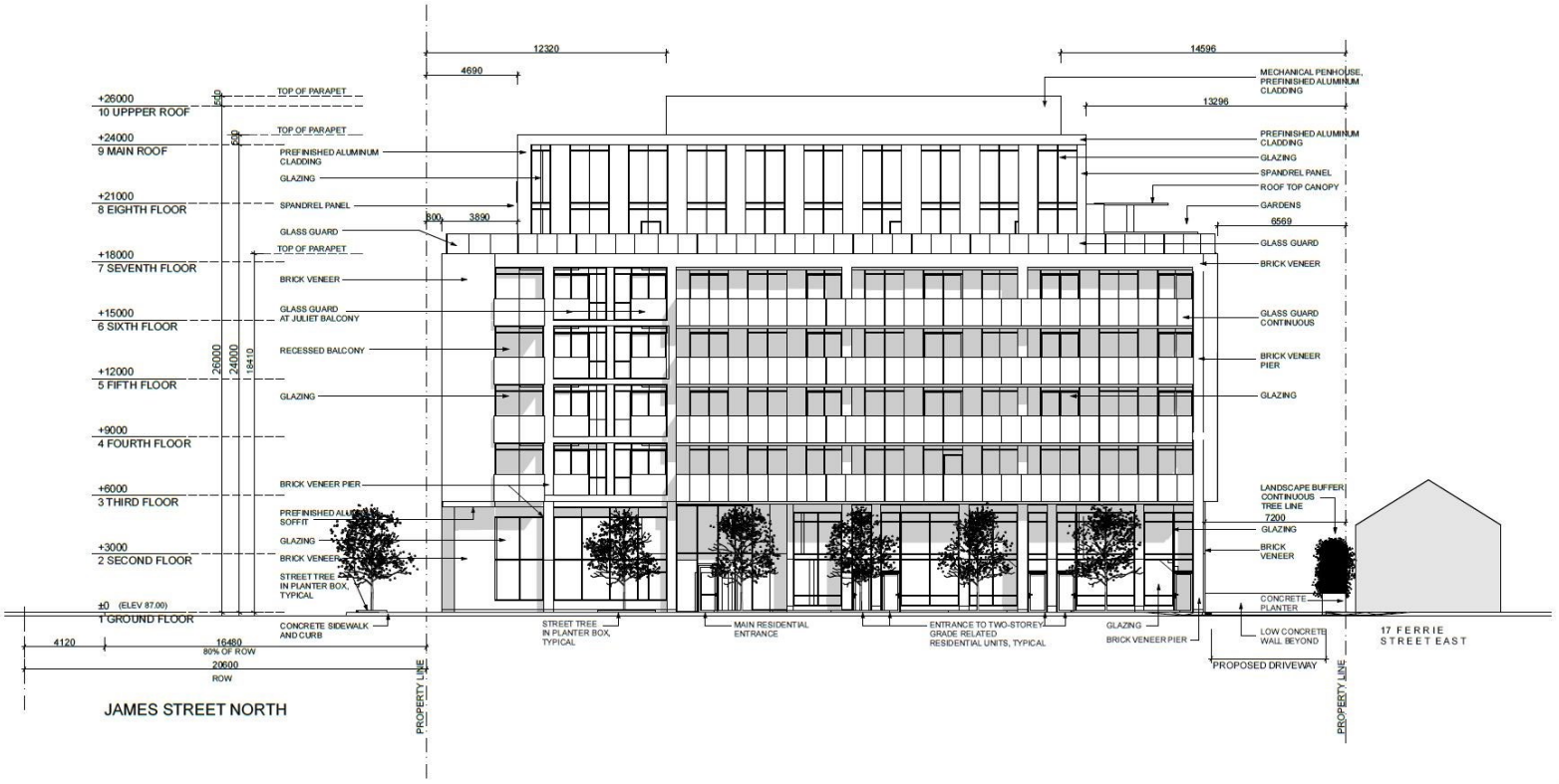
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A300



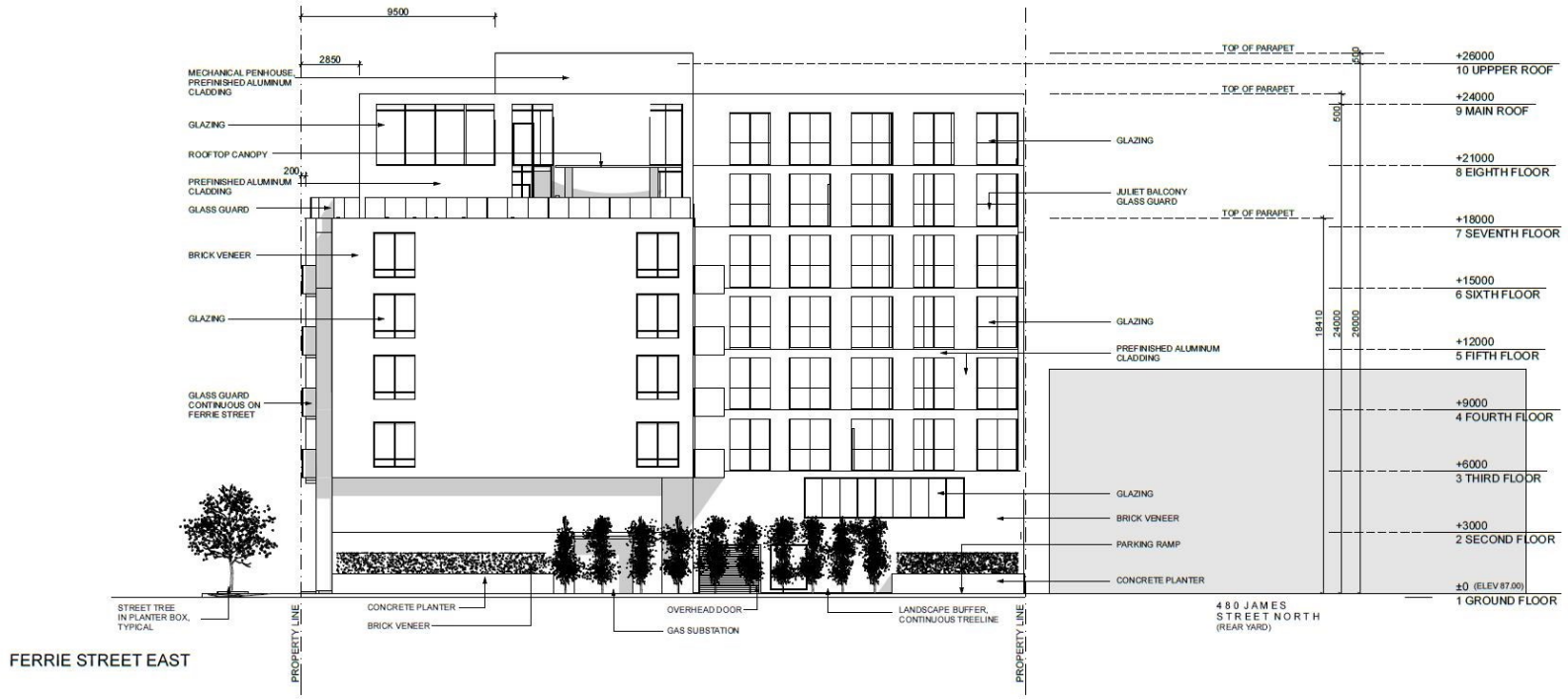
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701
A301



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

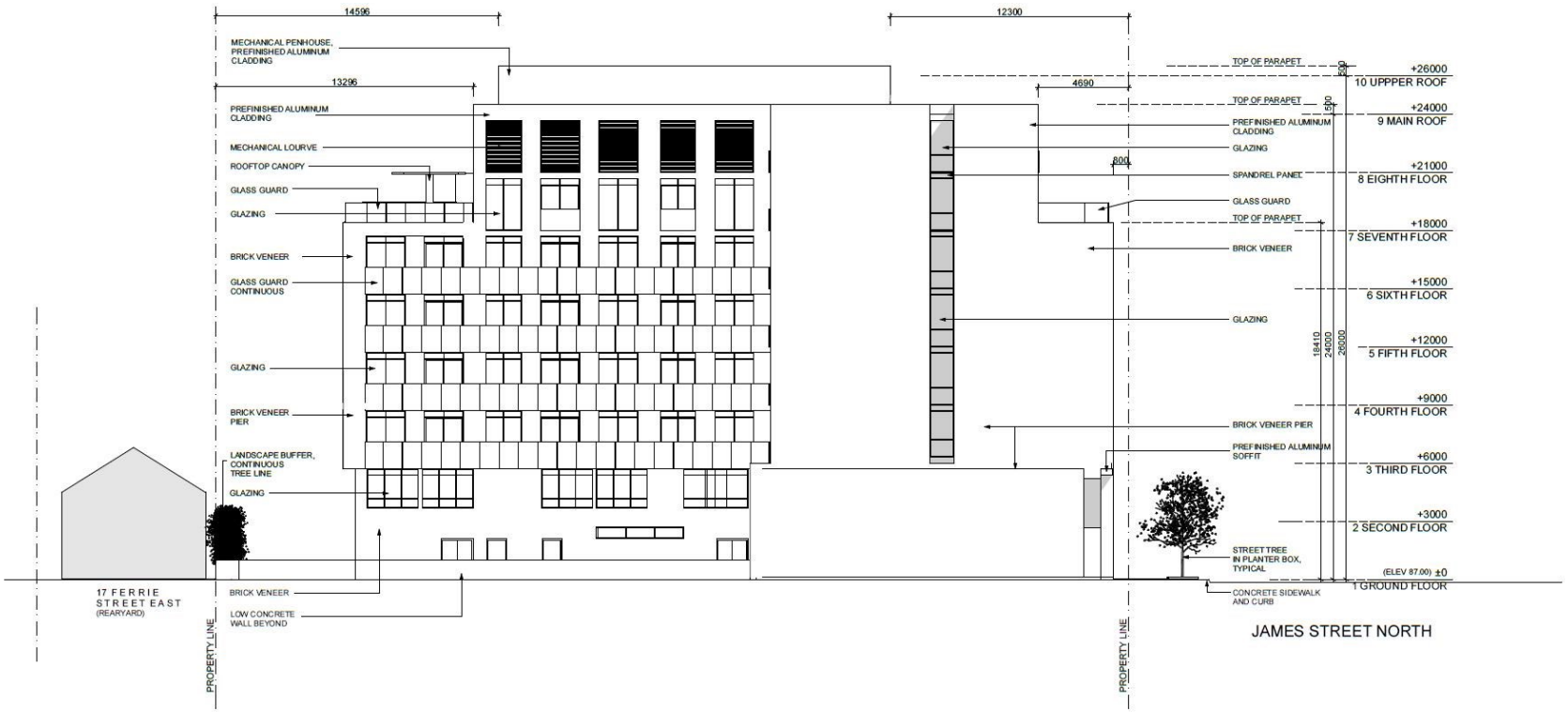
HAMILTON CANADA

REAR
EAST ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A302



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

SIDE
NORTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701
A303

FED19116
Photo 1

Photo of existing buildings on the Subject Lands (468 & 470 James Street North), as seen from James Street North looking east.

PED19116
Photo 2

Photo of existing buildings on the Subject Lands (474 & 476 James Street North), as seen from James Street North looking east.

PED19116

Photo 3

Photo of the existing rear parking lot on the Subject Lands, as seen from Ferrie Street East looking north.

PED19116

Photo 4

Photo of the rear of the existing buildings on the Subject Lands, as seen from Ferrie Street East looking north west.

PED19116

Photo 5

Photo of 17 Ferrie Street East located to the east of the Subject Lands, as seen from Ferrie Street East looking north east.

PED19116
Photo 6

Photo of 18, 24, and 28 Ferrie Street East located to the south east of the Subject Lands, as seen from Ferrie Street East looking south east.

FED19116

Photo 7

Photo of 2 to 12 Ferrier Street East located to the south of the Subject Lands, as seen from Ferrie Street East looking south.

PED19116

Photo 8

Photo of 4 Ferrier Street West located to the west of the Subject Lands, as seen from James Street North looking west.

PED19116
Photo 9

Photo of 482 James Street North located to the north of the Subject Lands, as seen from James Street North looking east.

PED19116
Photo 10

Photo of 482 James Street North located to the north of the Subject Lands, as seen from James Street North looking east.

PED19116
Photo 11

Photo of 486, 490 and 492 James Street North located to the north of the Subject Lands, as seen from James Street North looking east.

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

Hamilton

CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	Bill 108, *More Homes, More Choice Act, 2019* – Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (LS19020/PED19125) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanna Wice (905) 546-2424 Ext. 4638 Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY: **SIGNATURE:**	Nicole Auty City Solicitor Legal and Risk Management Services per NA Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATIONS

(a) That Council adopt the submissions and recommendations as provided in Report LS19020/PED19125 regarding Schedules 5, 9, 11, and 12 of Bill 108, *More Homes, More Choice Act*, 2019;

(b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "A" to Report LS19020/PED19125;

(c) That the Director of Planning and Chief Planner and the City Solicitor be authorized to make submissions on Bill 108, *More Homes, More Choice Act,*

2019 and any associated regulations consistent with the concerns raised in Report LS19020/PED19125.

EXECUTIVE SUMMARY

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature. If enacted, this Bill would made amendments to 13 different statutes; the purpose of this Report is to provide information on the changes proposed to be made to the *Local Planning Appeal Tribunal Act, 2017*, the *Ontario Heritage Act*, the *Planning Act* and the *Endangered Species Act*.

Changes to the *Ontario Heritage Act* include new timeframes and notice provisions including when a property is added to the Register and permitting property owners to object to their property being included in the Register, to permit demolition or removal of a property in a Heritage Conservation District only if it would not affect the property's heritage attributes as listed in the Heritage Conservation District Plan, and that all municipal heritage appeals will be heard by the LPAT instead of the Conservation Review Board.

Changes to the *Planning Act* include restricting where Inclusionary Zoning can be applied, reduced development application processing timelines, deletion of Section 37 and replacement with a Community Benefits Charge and deletion of the alternative parkland dedication requirements based on density.

Further changes to the *Planning Act* relate to changes to the *Local Planning Appeal Tribunal Act, 2017.* Those amendments remove previous changes made to the planning appeals process that introduced a threshold test for appealing from major land use planning decisions, reducing the first appeal to a summary hearing on the threshold test, and providing municipalities the opportunity to make a second decision. Those changes were made as part of Bill 139 which reformed the Ontario Municipal Board process; Bill 108 reverts the planning appeal process back to the OMB *de novo* hearing procedures.

Changes to the *Endangered Species Act* include broadening the Committee on the Status of Species at Risk in Ontario (COSSARO) member qualifications to include members with expertise in "community knowledge", requiring COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside of Ontario before classifying a species as endangered or threatened and increased discretionary powers to be given to the Minister.

Staff do not support the proposed changes to the *Ontario Heritage Act*, *Planning Act*, *Endangered Species Act*, and *Local Planning Appeal Tribunal Act, 2017.*

The Province has not released information on the regulations required for implementation of Bill 108 and therefore it is not possible to fully understand the implications of the changes proposed by this Bill.

The deadline for comments on Bill 108 is June 1, 2019. As such and given the timing, staff-level comments have been submitted to the Province and through this Report and are contained at Appendix "A" to Report LS19020/PED19125. If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submissions that were made have been adopted by Council for the City of Hamilton.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Bill 108 will have financial implications on the City. The degree and magnitude are unknown at this time, but largely implicate the changes to section 37, parkland, and the development charges regime. Some of these implications are more fully described in the May 14, 2019 Information Report provided by Finance and Corporate Services.

Staffing: At this time, Bill 108 only proposes changes and there are no staffing implications at this time. However, if Bill 108 is enacted as currently drafted, there will be staffing resourcing implications associated with the changes.

Legal: Legal Services and the Planning Division will continue to monitor the status of Schedules 5, 9, 11 and 12 of Bill 108 and report back where necessary with recommendations for the implementation of Bill 108, if enacted.

HISTORICAL BACKGROUND

Under the previous Provincial government, the planning system was reviewed, and changes were made through Bill 139 that resulted in various changes to the *Planning Act* and with the creation of the Local Planning Appeal Tribunal. (It should be noted that at that time, there were no changes to the *Ontario Heritage Act* ("OHA") other than technical amendments or to the *Endangered Species Act*). Those changes came into force on April 4, 2018.

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced in the Legislative Assembly and received first reading. This Report serves to provide an update on the proposed legislative changes only as they relate to Schedule 5 (changes to the *Endangered Species Act*), Schedule 9 (changes to the *Local Planning Appeal*

Tribunal Act, 2017), Schedule 11 (changes to the *Ontario Heritage Act*), and Schedule 12 (changes to the *Planning Act*). Changes made through other schedules will be discussed in separate reports brought to the attention of Council by other divisions.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Changes to the *Ontario Heritage Act*, *Planning Act* and *Endangered Species Act*

In summary, staff are not supportive of the proposed changes to the *Ontario Heritage Act*, the *Planning Act* or the *Endangered Species Act*. The proposed changes will have an impact on the City's finances, the ability to secure parkland, the evaluation of development applications, the conservation of heritage resources and the protection of endangered species. The proposed changes should not proceed without the appropriate regulations and meaningful consultation with municipalities.

An analysis of the proposed changes, including implications and recommendations, is included in Appendix "B", "C" and "D" to Report LS19020/PED19125.

Should the Province proceed with the proposed changes, staff will report back to Council on any development application process changes and staffing implications expected.

Changes to Planning Appeals Processes and Procedures

Bill 108 proposes a number of changes to the *Planning Act* and the *Local Planning Appeal Tribunal Act, 2017* that make significant changes to the land use planning appeals process. Largely, these have the result of returning the process to that of the former Ontario Municipal Board. It is unclear how these changes would support the stated goal of bring more homes to market faster. Some of those changes are noted below:

Shortened timelines for municipal decisions, no timeline for LPAT decisions

> In order to file for an appeal of a non-decision, the time periods are proposed to be reduced significantly. The power of the Minister to create regulations setting a time period for LPAT decisions to be made within is also proposed to be deleted, which means that the regulation that sets out the time periods for LPAT decisions will likely be repealed. The result of this change is that while the time for a municipality to consider an application has shrunk, the period of time in which the LPAT may consider a matter will be unfettered. These changes will likely result in a greater number of non-decision appeals, creating an increased workload for the LPAT, resulting lengthy periods for the resolution of appeals.

Return to "good planning" test and *de novo* hearings

One of the significant aspects of the Bill relates to the reform of the LPAT's hearing process to restructure the hearing process, remove the deferential test established by Bill 139, and return to the pre-LPAT OMB *de novo* hearing. As a result of Bill 139, a "first appeal" process was created that requires an appellant to base its appeal on Provincial policy/plan consistency/conformity, with the matter being returned to Council for further consideration. This step was created to give greater weight to municipal decisions and to deter appeals.

Bill 108 would remove that process and revert to the *de novo* style hearing. The *de novo* hearing was the lengthy hearing that included submissions by the parties along with the calling and examining of witnesses and evidence. The test in those appeals is merely "good planning", which sometimes results in municipal decisions being overturned, despite the municipal position being good planning, because another position was regarded as "better" planning.

Certain appeals limited

There were a few changes made that would limit certain types of appeals: there is no appeal related to parts of an official plan that are necessary to establish a develop permit system that was required to be created by the Minister.

For matters where the City needs approval from the Ministry for an official plan amendment, if the Ministry fails to make a decision within 120 days, those decisions may now only be appealed by the City or the applicant (if the amendment is in response to an application).

Potential for mandatory mediation

Bill 108 introduces changes to the legislation that would allow the Tribunal to create rules that would require mandatory mediation or other alternative dispute resolution in proceedings. Mandatory mediation has the potential to result in mediations where one or more parties are forced to participate where they are unable or unwilling to compromise. This then could result in wasted time and resources in these proceedings.

Limitations on community involvement in hearings

One of the proposed changes would result in the limitation of a participant in a hearing to only written submissions being filed. Previously, under the Ontario Municipal Board process, a participant to a proceeding had the ability to make

oral submissions to the Board, as well as provide written material. The participant could have been subject to questioning by the parties. Given this proposed new restriction, this may result in a greater number of participants seeking party status in proceedings to protect their right to participate more fully in the proceeding.

Ability to set differential fees for different types of proceedings

One of the changes made to the *Local Planning Appeal Tribunal Act, 2017* permits the Tribunal to set different fees for different types of proceedings and "different classes of persons". It is unknown at this time how the LPAT may exercise this power, but the fee structure for various types of appeals would have an impact on the ability for some to participate in proceedings.

Transitioning of existing appeals

It is unclear at this time how the Province would transition existing appeals before the LPAT if Bill 108 is enacted. Currently, there are two "streams" of appeals at the LPAT: matters commenced under the OMB process, known as "OMB legacy appeals", as well as appeals commenced under the LPAT system.

There has been an existing backlog of both types of matters: the OMB legacy appeals have been somewhat stalled as the Province had frozen the LPAT's ability to fill vacant positions resulting the LPAT not having a full complement of adjudicators to handle those appeals. These appeals are currently being scheduled as far out as late-2020. Current LPAT process appeals have been slowed down given the conflicts that have arisen regarding the proper interpretation and implementation of the amended legislation.

Nevertheless, the provisions in Bill 108 permit the Minister to create transition regulations that contain rules for the transitioning of appeals that were commenced before, on or after the Bill comes into force.

Given the re-creation of the OMB process, this could result in three streams of appeal types, adding to the complexity of the procedures for matters currently before the Tribunal.

Changes to Heritage Appeals Processes and Procedures

Bill 108 makes significant changes to the objections and appeals proceedings for heritage matters. Most of these types of matters currently proceed typically before the Conservation Review Board ("CRB"), with demolition matters proceeding to the LPAT.

The CRB considers matters and reports back to municipal councils who have the power of the final decision; the CRB does not issue binding decisions on municipalities.

The changes proposed would result in the elimination of the CRB's involvement in municipal heritage objections and appeals and instead those matters would be sent to the LPAT for final determination. The changes would introduce new appeals related to designations and alterations.

Generally speaking, the changes proposed to the *Ontario Heritage Act* collectively result in a more rigid and litigious process for heritage matters. While there are still quite a number of unknowns, what has been drafted so far in the Bill will likely result in an increase in challenges to heritage matters for the City.

Procedural Next Steps

At the time of the drafting of this Report, Bill 108 was being debated at Second Reading at the Legislative Assembly. Should the Province wish to proceed with this Bill, it may be subject to further discussion at a standing committee and may be debated further in Third Reading. If it passes Third Reading, it can receive Royal Assent whereupon Bill 108 becomes law. However, the Bill's changes would only come into force upon each individual schedule's proclamation.

There are a significant number of proposed changes that necessitate the creation of regulations. As indicated, no regulations have been proposed at this time, making it difficult to understand the implications of the changes. It is unknown whether the City will be consulted as a stakeholder in the creation of those instruments.

Given the short time in which staff had to review this Bill, and in addition to the unknowns with respect to the regulations necessary to implement the changes proposed in the Bill, a further report discussing the changes in further detail along with implementation measures will be prepared for Council's consideration if the Bill is enacted.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Letters submitted to the Province with comments
Appendix "B" – Proposed Changes to the *Ontario Heritage Act*
Appendix "C" – Proposed Changes to the *Planning Act*
Appendix "D" – Proposed Changes to the *Endangered Species Act*

Hamilton

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Email: Steve.Robichaud@hamilton.ca

May 30, 2019

Ministry of Environment, Conservation and Parks
c/o Macdonald Block Mailing Facility
77 Wellesley Street West
PO Box 200
Toronto, ON
M7A 1N3

Re: Bill 108 - (Schedule 5) – The Proposed More Homes, More Choice Act: Amendments to the Endangered Species Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 5 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Endangered Species Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Endangered Species Act*

Staff are not supportive of the proposed changes as they will have the effect of adding additional processes and delay to the classification, listing, and protection of species at risk. Changes are also being proposed which may undermine the role of COSSARO. The proposed changes are not detailed therefore it is difficult for staff to fully assess the implications without the details.

- Staff recommends that "community knowledge" be deleted.
- Staff recommends that the consideration of species condition in a broader geographic context be deleted.
- Staff recommends that the extension of timing to add species to the Species at Risk list be deleted.
- Staff recommends that the reconsideration of classifications be deleted.
- Staff recommends that the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and temporary suspension to protect of up to three years be deleted.
- Staff recommends that the discretion remain with the Lieutenant Governor in Council.
- Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the SAR Conservation Fund, the details of the agency, including who would be on the board, and where and funds would be dispersed.
- Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the Landscape Agreements.

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May 30, 2019

Lorraine Dooley
Ministry of Tourism, Culture and Sport
401 Bay Street
Suite 1800
Toronto, ON
M7A 0A7

Re: Bill 108 - (Schedule 11) – The Proposed More Homes, More Choice Act: Amendments to the Ontario Heritage Act

Dear Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 11 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Ontario Heritage Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Ontario Heritage Act*

Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers. In particular, the City is not supportive of the transfer of objections on heritage matters to the Local Planning Appeal Tribunal.

The following are the City's comments and recommendations:

- Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".

- Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.

- Staff requests the Province to remove the requirement that the property be on the Register before the building permit application is made.

- Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate. Should the Province proceed with including this requirement, the Province should consult with municipalities on the "prescribed event" and the regulation should clearly describe what constitutes a "prescribed event" prior to proceeding with these proposed changes to the Act.

- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.

- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.

- Staff advises the Province to consult with municipalities on the "prescribed" information and that the regulation should clearly describe what constitutes "prescribed" information.

- Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.

Hamilton

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Email: Steve.Robichaud@hamilton.ca

May 30, 2019

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street
13th Floor
Toronto, ON
M5G 2E5

Re: Bill 108 - (Schedule 12) – The Proposed More Homes, More Choice Act: Amendments to the Planning Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 12 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the *Planning Act*. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Planning Act*

In general, the City is not supportive of the proposed changes. The changes will provide municipalities with less time to adequately review development applications and impact the City's ability to increase the supply of affordable housing. Furthermore, the changes will decrease the deference given to municipal decision-making in achieving these and other goals.

The following are the City's comments and recommendations:

- Staff supports the proposed change that expands the opportunities for second units throughout the City. Issues such as compatibility, context and appropriate zoning standards need to be evaluated.

- Staff do not support the proposed change to restrict inclusionary zoning to limited areas in the City. This proposed change will restrict the City's ability to increase the supply of affordable housing. Staff requests the Province to permit municipalities to utilize the inclusionary zoning provisions City wide.

- Staff do not support the Minister requiring a development permit system to be put in place as this should be up to municipalities.

- Staff do not support the proposed change to delete the grounds for appeals. Staff requests the Province to retain the existing *Planning Act* grounds for appeals given that the Official Plan is the tool for translating provincial plans and policies into a local land use vision.

- Staff do not support the proposed changes to the timeframe for non-decision appeals. Staff requests the Province to retain the existing Planning Act timeframes.

- Staff do not support the proposed changes. Staff requests the Province to retain the existing criteria for parkland dedication.

- Staff do not support the proposed changes to who may appeal a decision on a Plan of Subdivision. Staff requests the Province to retain the existing Planning Act appeal rights.

Schedule 11 – Changes to the *Ontario Heritage Act*

The following is a summary of the proposed changes to the *Ontario Heritage Act*:

- Establishing "prescribed events and principles" that shall be considered when making decisions.
- New timeframes and notice provisions including when a property is added to the Register. Municipalities will need to provide notice within 30 days of a property being added to the Register and property owners will be able to object to their property being included in the Register.
- With respect to Heritage Conservation Districts, Bill 108 will permit demolition or removal only if it would not affect the property's heritage attributes as listed in the Heritage Conservation District Plan. If the heritage attributes are not specifically listed, the Act does not prohibit demolition or removal.
- Bill 108 will now require that all appeals be heard by the LPAT instead of the Conservation Review Board and has expanded the powers of the LPAT from the power the Conservation Review Board previously had. The power to make a final decision on designating a property has been removed from Council and now rests with the LPAT which will be final and binding.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and staff recommendations to the Province. Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Prescribed Principles	N/A	Section 26.0.1 The proposed changes would establish "prescribed principles" that shall be considered when making decisions under Part IV or V.	What constitutes a "prescribed principle" has not been provided. Clearer direction of "prescribed principle" is needed and in the absence of these details it is not possible to fully assess the implications of this proposed change. **Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".**
Adding Properties to the Register	N/A	Section 27(5) and (6) The Act now requires notice be given to a property owner within 30 days of a property being added to the Register. The notice is to include a statement explaining why the property is of cultural heritage value or interest, a description of the property, a statement that if the owner objects	Staff currently has a process for adding properties to the Register. Individual properties are not added without a detailed review of the heritage value of the property. In addition, Staff currently provides a notice to an owner prior to the recommendation to add the property to the Register. The proposed changes will require a revision to the City's process from notifying an owner before

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		they may serve the Clerk with a notice of objection setting out the reasons and relevant facts, and an explanation of the restriction concerning demolition or removal.	to after it has been added to the Register. The proposed change will require municipalities to undertake a more robust assessment before adding a property to the Register. There must be a statement explaining why the property is of cultural heritage value or interest. This is currently not required by the Act. These proposed changes will impact the amount of time and cost it takes to add a property to the Register and will result in additional staff resources. This proposed change may have an impact on the heritage inventory work that the City currently undertakes as each property on the inventory will require an assessment of the properties cultural heritage value or interest given that the methodology and subsequent analysis must be robust enough to defend the decision in the event the decision is made to designate the property. The proposed change permits a property owner to object to the property being added to the Register. The proposed change does not identify

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			a timeframe for when an owner may serve a notice of objection and is open-ended. **Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.**
Notice of Objection to adding Property to the Register	N/A	Section 27 (7) and (8) The Act now requires that if a notice of objection has been served, the municipality shall consider the notice and make a decision as to whether it should continue to be included on the Register and provide notice of the council's decision to the owner within 90 days of the decision.	The proposed change would require that Council consider an owners objection and make a decision as to whether it wishes to continue to include the property on the Register. Notice of council's decision must be given to the owner within 90 days of the decision. The proposed change will require a revision to the City's processes and will require additional staff resources to address the additional work and report preparation required.
Restriction on demolition	N/A	Section 27(9), (10) and (11) The owner shall not demolish or remove a building or structure for a property on the Register unless the owner gives Council at least 60 days	This notice would only apply if the property is on the Register before a building permit application to demolish is made. If it is not on the Register, but may have cultural heritage value, notice by the owner is not required.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		notice in writing of the owner's intention. This only applies if the property is on the Register before a building permit application is made.	The notice must also be accompanied by plans and information that Council may require. The Act does not include provisions by which a property owner may withdraw their notice of intent to demolish. This proposed change would limit the City's ability to add a property to the Register after a building permit application has been made in order to provide interim protection. Properties that are listed on the Inventory are afforded no protection and cannot be added to the Register to provide interim protection. Heritage resources will be lost because of this proposed change. Where previous research on a property has not been done, this puts the City in a difficult position which may result in proceeding directly to designating a property. **Staff requests the Province to remove the requirement that the property be on the Register before the building permit**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			application is made.
Designation Limitation	N/A	Section 29(1.2) A new section has been added to the Act that proposes that Council will not be permitted to give notice of an intention to designate a property more than 90 days after a "prescribed event" has occurred. There are currently no limitations on when a Council may provide notice of an intention to designate.	The new section now includes a limitation as to how much time a Council has to give notice for an intention to designate a property after a "prescribed event" has occurred. Under the current Act, Council is not restricted. The new section does not describe what constitutes a "prescribed event" nor were regulations provided for clarification. As such, in the absence of details it is not possible to fully assess the implications of this proposed change. **Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate.** **Should the Province proceed with including this requirement, the Province should consult with municipalities on the "prescribed event" and the regulation should clearly describe what constitutes a "prescribed event" prior to proceeding with these proposed changes to the Act.**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Objection to Designation	Subsections 29(6) to (17) currently outline the process for notice of objections to a designation and that objections would be referred to the Conservation Review Board (CRB). A person who objects currently has 30 days after the publication of the notice in the newspaper to serve the Clerk with a notice of objection. Previously, an appeal to the CRB was non-binding and resulted in a report to Council setting out its findings and recommendations. Council could then	Subsections 29(6) to (17) have been replaced with new notice requirements for objections. A Council will now be required to consider the objection and make a decision whether or not to withdraw the intention to designate 90 days after the end of the 30 day objection period. If an objection is not served, Council may pass a by-law in the following circumstances: By-law is passed within 120 after the publication of the notice of intention to designate; It must include a statement explain the heritage value or interest and the heritage attributes; Must provide the owner or anyone who objected with a copy of the By-	Additional opportunities have been included for decisions of Council on designating a property to be reconsidered (within 90 days of receiving an objection). Additional timeframes have been included for passing a by-law. If a by-law is not passed within 120 days, Council has the option to restart the process. Power to designate has been removed from Council and transferred to the LPAT. Decisions should be made by Heritage experts such as the Conservation Review Board. The proposed changes will lengthen the process and add to the volume of appeals before the LPAT which may result in delays in decision making. Proposed changes will require modifications to the City's designation process and will require additional staff resources.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	pass a by-law designating the property or withdraw the notice of intention to designate. The decision of Council would be final.	law; Notice must be published in the newspaper of the passing of the by-law; and, The notice must include that the by-law may be appealed within 30 days after the date of publication of the notice. Objections would now be appealed to the LPAT. For an appeal, the record of the decision must be forwarded to the LPAT within 15 days of the notice of appeal.	**Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.**
Powers of the LPAT	N/A	Section 29 (15) and (16) After holding a hearing the LPAT shall dismiss the appeal or allow the appeal in whole or in part. The LPAT may dismiss all or part of an appeal without holding a hearing if	The powers the Conservation Review Board currently has are proposed to be expanded for the LPAT including the ability to dismiss all or part of an appeal. Decisions should be made by heritage experts such as the Conservation Review Board on

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		the LPAT is of the opinion that there are no grounds to allow all or part of the appeal or that the appeal is not made in good faith, is frivolous or vexatious or is made only for the purpose of delay, appellant has not provided a written reason in support of the objection, has not paid the fee or has not responded to a request by the LPAT. Before dismissing an appeal, the LPAT shall notify the appellant and give the appellant an opportunity to make representations with respect to the dismissal.	heritage matters. It is also not clear on what basis the LPAT will be making decisions. For planning matters there is the "best planning" equivalency test, but a similar test does not exist for heritage matters before the LPAT. Using the LPAT will lengthen the process and add to the volume of appeals before the LPAT which may result in delays in decision making. **Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.**
Amending By-laws	Appeals were previously heard by the Conservation Review Board	Section 30.1(7) to (16) The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT.	Currently the Conservation Review Board hears these matters. Decisions should be made by heritage experts such as the Conservation Review Board. Using the LPAT will lengthen the process and add to the volume of appeals before the LPAT which
Repealing By-laws by	Appeals were previously heard by	Section 31(5) to (14)	

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Council	the Conservation Review Board	The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT. The powers of the LPAT have been expanded.	may result in delays in decision making. **Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.**
Repeal of by-law by owner	Appeals were previously heard by the Conservation Review Board	Section 32(2) to (18) The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT. The powers of the LPAT have been expanded.	
Heritage Permits (Alteration of Property)	Appeals were previously heard by the Conservation Review Board	Section 33(2) to (16) The Act now outlines that for a heritage permit application, it must be accompanied with "prescribed" information and material. Appeals will now be heard by the LPAT. The powers of the LPAT have been expanded.	Currently a heritage permit application is to include information as set out by a Council. The proposed change indicates that the Province will identify what information must be included in an application through reference to "prescribed" information. As discussed previously, these matters should continue to be heard by the Conservation Review Board. **Staff requests that the Province reinstate**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			referral of objections to the Conservation Review Board for a hearing and report.
Heritage Permits (Demolition of Designated Property)	Previously restricted *demolition or removal* to a building or structure on the property Appeals will continue to be heard by the LPAT	Section 34(1) to (4.4) and 34(3) to (7) The Act now outlines that for a heritage permit application, it must be accompanied with "prescribed" information and material. The Act proposes to permit the demolition or removal whether or not the demolition or removal would affect the property's heritage attributes set out in the designating by-law. The application for demolition or removal must be deemed complete and the applicant must be informed. The Act now includes revised notice requirements for a Heritage Permit. The powers of the LPAT have been expanded.	Currently a heritage permit application is to *include information as set out by a Council*. The proposed change indicates that the Province will identify what information must be included in an application through reference to "prescribed" information. Changes to our process will be required as this is *a new requirement*. **Staff advises the Province to consult with municipalities on the "prescribed" information and that the regulation should clearly describe what constitutes "prescribed" information.**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Heritage Conservation Districts		Section 39.1.2 A new section has been proposed that a Council shall consider the "prescribed principles, if any" when council exercises a decision making authority.	The new section does not describe what constitutes "prescribed principles" nor were regulations provided to provide clarification. Clearer direction of "prescribed principles" is needed. **Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".**
Heritage Conservation Districts		Section 42 (1) A new section has been proposed that requires property heritage attributes to be included in a heritage conservation district plan. These are needed with respect to demolition or removal.	This change is more restrictive and requires specific heritage attributes to be listed for a property in a Heritage Conservation District Plan. Demolition or removal would not be permitted if it would affect the heritage attributes included in the Heritage Conservation District Plan. If the heritage attributes are not listed, demolition or removal is permitted in a Heritage Conservation District. This would impact the City's existing Heritage Conservation District Plans that do not contain specific heritage attributes for each property and

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			could result in the demolition or removal of properties with the Plan area. There is no transition for existing Plans that may not have been developed in accordance within the proposed changes. Future Heritage Conservation District Plans will require more time and more money to prepare as the proposed change is similar to the detail required to designate a property. **Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.**

Schedule 12 – Changes to the *Planning Act*

The following is a summary of the proposed changes to the *Planning Act*:

- Inclusionary zoning restricted to major transit station areas or where a development permit system is in place.
- Decrease in timeframes for non-decision appeals for Official Plan Amendments, Zoning By-law Amendments, and Plans of Subdivision.
- Appeals for Plans of Subdivision and Condominium limited to applicant, municipality, Minister or public body.
- Repeal of Section 37 and replacement with a Community Benefits Charge.
- Parkland dedication by-law is no longer in effect once a Community Benefits Charge By-law has been passed.
- The alternative parkland dedication requirements based on density have been removed.
- Removal of the threshold test for consistency/conformity with relevant policies and plans, returning to "good planning" review powers by Local Planning Appeal Tribunal.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and staff recommendations to the Province. In summary, with the exception of second unit policies, Staff are not supportive of the proposed changes.

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Second Unit Policies	"The use of two residential units in a detached house, semi detached house or row house if no building or structure ancillary to the detached house, semi	"if no building or structure ancillary to the detached house, semi detached hour or rowhouse contains a residential unit" has been	Currently the UHOP permits second units within a single and semi detached. The UHOP will need to be amended to allow second units in row houses and within

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	detached hour or rowhouse contains a residential unit"	deleted	accessory structures. Staff are currently developing consolidated zoning regulations regarding secondary units. Staff are supportive of the proposed change in urban areas. For the rural areas, the City should have the opportunity to review the feasibility of second units in the context of servicing and source water protection. **Staff supports the proposed change as it expands the opportunities for second units throughout the City. Issues such as compatibility, context and appropriate zoning standards need to be evaluated.**
Inclusionary Zoning	An Official Plan shall contain policies that authorize inclusionary zoning with no geographic restriction as to where it may be used. It is a prescribed requirement through the use of the word	An Official Plan may contain policies that authorize inclusionary zoning in respect of a protected major transit station area or within a development permit system area.	The use of inclusionary zoning is proposed to be restricted to only a major transit station area, where a development permit system is in place or where the Minister orders a development permit system be put in place. The City does not have a development permit system in place therefore this proposed change would be not applicable.

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	"shall".		The application of inclusionary zoning would be restricted to the LRT corridor from McMaster University to Queenston Rd. Under the Growth Plan, Go Stations are not major transit stations and therefore inclusionary zoning would not apply. The proposed change will reduce the opportunities to create new affordable housing units. **Staff do not support the proposed change to restrict inclusionary zoning to limited areas in the City. This proposed change will restrict the City's ability to increase the supply of affordable housing. Staff requests the Province to permit municipalities to utilize the inclusionary zoning provisions City wide.** **Staff do not support the Minister requiring a development permit system be put in place as this should be up to municipalities.**
Grounds for	An appeal on an Official Plan or	This section has been	The existing grounds for appeals provides

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Appeals	Zoning By-law Amendment may only be made on the basis that the decision is inconsistent with a policy statement or conflicts with a Provincial Plan.	deleted in its entirety.	greater emphasis to the decision-making powers of Council. **Staff do not support the proposed change to delete the grounds for appeals. Staff requests the Province to retain the existing Planning Act ground for appeals *given that the Official Plan is the tool for* translating provincial plans and policies into a local land use vision.**
Development Review Timeframes	Currently appeals for non-decision may be issued as follows: Official Plan Amendment: 300 days (210 + 90 day extension) Zoning By-law Amendment: 150 days Plan of Subdivision: 180 days	The proposed timeframes for non-decision appeals are as follows: Official Plan Amendment: 120 days Zoning By-law Amendment: 90 days Plan of Subdivision: 120 days	The proposed timeframes are proposed to be significantly reduced requiring the City to make decisions based on the information initially submitted with the application that in most cases requires additional details or further refinement. It will also limit opportunities for public consultation. It also may create an adversarial process, instead of a collaborative process. In addition, the reduced timeframes may result in a greater number of appeals to the LPAT, delaying projects. Reducing the timeframes can result in the exclusion of community consultation and

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			refinement of development proposals. **Staff do not support the proposed changes to the timeframe for non-decision appeals. Staff requests the Province to retain the existing Planning Act timeframes.**
Community Benefits Charge	Section 37	Deletion of Section 37 and replaced with a new Community Benefits Charge	An information report was previously prepared by Finance staff providing a summary of the proposed changes. Detailed comments on the new charge will be further discussed in a future report to be prepared by Finance staff. In general, City staff are not supportive of the proposed *Planning Act* changes and the removal of Section 37.
Conveyance of Land for Park Purposes	Currently the Planning Act permits land in the amount not exceeding 2% for commercial or industrial purposes and 5% for all other purposes, be dedicated for park or other public recreational purposes.	Parkland dedication by-law is no longer in effect once a Community Benefits Charge By-law has been passed. Repeal the alternative parkland dedication requirements based on	Detailed comments on the proposed change will be further discussed in a future report to be prepared by Finance staff. In general, City staff are not supportive of the proposed changes. **Staff do not support the proposed**

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	If an Official Plan contains policies related to the provision of land for park or other public recreational purposes, the municipality may, in the case of a subdivision for residential purposes, require that land be conveyed at a rate of 1 hectare for each 300 dwelling units, or at a lesser rate determined by the municipality. In lieu of land, the *Planning Act* permits a municipality to require payment of lieu of land. The *Planning Act* currently requires the municipality to prepare and make available to the public a parks plan that examines the need for parkland.	density. Plans of subdivision that are approved with a condition of parkland are not subject to a Community Benefits Charge By-law. The requirement to complete a parks plan that examines the need for parkland has been deleted.	**changes. Staff requests the Province to retain the existing criteria for parkland dedication.**
Appeals for Plans of Subdivisions and Condo	Currently the Planning Act allows the applicant, a person or a public body that made oral or written submissions, the	Changes are proposed that would limit third-party appeals of a plan of subdivision. Only the	The proposed change would restrict appeals to those public bodies and persons identified in the *Planning Act* and not allow a person who gave oral or written submissions the

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	Minister, or a municipality in which the land is located, to appeal the decision of the approval authority to the LPAT.	applicant, municipality, Minister, public body or prescribed person, or municipality in which the land is located will have the right to appeal a decision of an approval authority.	opportunity to appeal. This proposed change would prohibit a third party appeal, such as an appeal from a resident or neighbourhood association. For joint applications, a Zoning By-law or Official Plan Amendment may be appealed to the LPAT but not the subdivision application. Details of the subdivision such as tree preservation and grading are addressed after the application has been submitted but the community will not be able to participate in the LPAT hearing or on refining the sub **Staff do not support the proposed changes to who may appeal a decision on a Plan of Subdivision. Staff requests the Province to retain the existing Planning Act appeal rights.**

Schedule 5 – Changes to the Endangered Species Act, 2007

Summary of proposed changes to the *Endangered Species Act*:

- Broaden Committee on the Status of Species at Risk in Ontario (COSSARO) member qualifications include members with expertise in "community knowledge".
- Requiring COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside of Ontario, before classifying a species as endangered or threatened.
- Increased discretionary powers to be given to the Minister.
- Once a new SAR is listed, the Minister may make an order that temporarily suspends all or some of the protections for a period of up to three years.
- New landscape agreements and a SAR Conservation Trust are proposed.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and recommendations to the Province. Staff are not supportive of the proposed changes as they will have the effect of adding additional processes and delay to the classification, listing, and protection of species at risk. Changes are also being proposed which may undermine the role of COSSARO. The proposed changes are not detailed therefore it is difficult for staff to fully assess the implications without the details.

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Assessment, Listing and Protection of	The Committee on the Status of Species at Risk in Ontario (COSSARO), an independent	Broadening COSSARO Member Qualifications:	"Community knowledge" has not been defined and there is concern that broadening the COSSARO membership

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
SAR	committee comprised of experts with scientific backgrounds and Aboriginal Traditional Knowledge, classify species as extirpated or extinct, endangered, threatened or special concern. Each species added to the Species at Risk in Ontario (SARO) list is through regulation. Once the species is added, it receives general habitat protection. Currently, COSSARO can submit a report to the Minister at any time and the species must be added to the list within 3 months.	The proposed changes will broaden COSSARO member qualifications to include members with relevant expertise in "community knowledge".	would allow non-scientific input into a species classification. It is unclear why the membership of COSSARO needs to be altered. **Staff recommends that "community knowledge" be deleted.**
		Consideration of Species Condition in a Broader Geographic Context: It is proposed that COSSARO consider a species' condition around its broader biologically relevant geographic area, inside and outside of Ontario, before classifying a species as endangered or threatened. If the overall risk to a species in the broader relevant geographic area is lower, COSSARO would be required to adjust the species' classification to the lower category.	This conflicts with the preamble of the Act, which references the precautionary principle (where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize protection). This approach relies on other jurisdictions to protect SAR and does not consider that species at the northern limit of their range may receive little or no protection, which is particularly important with climate change impacts. **Staff recommends that the consideration of species condition in a broader geographic context be deleted.**

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		Extension of Timing to add Species to SARO List: The revised ESA proposes to extend the timeframe for making regulations from 3 months to 12 months after receiving the COSSARO Report (Section 7(4)).	It is unclear how this would improve the current process since it would further delay the protection of SAR. Also, it is contrary to the Province's intended purpose of "streamlining processes" and improving "outcomes for the species and its habitat". **Staff recommends that the extension of timing to add species to the Species at Risk list be deleted.**
		Reconsideration of Classifications: The revised ESA proposes to allow the Minister to reconsider the classification of a species if it is determined that the classification may no longer be appropriate (opinion is to be based on scientific information). For species that are not yet on the list or are listed as special concern, the species would not be added to the SARO list or listed to a more endangered status during COSSARO's re-assessment.	This means that if a party provides scientific opinion which differs from COSSARO's, the classification must be reconsidered if the Minister agrees. Since COSSARO uses the best available knowledge (including emerging trends) to evaluate species, it is unclear what new evidence could be provided that would change the classification. This allows for competing scientific opinions, undermines the role of COSSARO, and delays listing and protection of species.

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			Staff recommends that the reconsideration of classifications be deleted.
Assessment, Listing and Protection of SAR	The Province has 12 months from the time of listing to prepare a Recovery Plan or Management Strategy for the species and to identify the regulated portions of its habitat.	Removal of Mandatory Requirement for Developing Habitat Regulations: Currently, the legislation requires that the habitat regulation (which protects SAR and their habitat) be made within 12 months of listing. The proposed ESA removes the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and retains the option to develop a regulation "when needed". Within the proposed ESA, once a new SAR is listed, the Minister may make an order that temporarily suspends all or some of the protections for a period of up to three years. During this time, the species will be on the SARO list, but may not	This would result in delays in identifying the SAR protected habitat, which would create uncertainty for proponents and negatively impact SAR. For some listed species, a 3-year delay in protection could result in further decline, and the species may not recover. This delay in protection of listed species does not meet the Province's intent to improve outcomes for SAR and their habitat.

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		be fully protected (Section 8 (1)).	**Staff recommends that the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and temporary suspension to protect of up to three years be deleted.**
Greater Minister Discretion	Currently, the Lieutenant Governor in Council (LGIC) is responsible for developing and approving habitat regulations.	The proposed revisions to the ESA include new sections which provide the Minister of Environment, Conservation and Parks (MECP) with "greater Minister discretion on protections, while keeping the assessment as a science-based process". While the role of classifying species would remain with COSSARO, the proposed changes would provide the Minister with the following new powers: • Currently, the Lieutenant Governor in Council (LGIC) is responsible for developing and approving habitat regulations. The new ESA proposes giving this responsibility to the Minister. • The Minister would no longer need to consult with an	This may result in delay or uncertainty for City Environmental Assessment projects, since there would be increased opportunities for Minister discretion on SAR habitat regulations. The change to clarify that recovery strategies are advice to government are concerning as advice does not have to be taken or acted upon which may lessen the importance of recovery strategies. **Staff recommends that the discretion remain with the Lieutenant Governor in Council.**

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		independent expert for the "D" permit process and would replace the LGIC in this role. • A change is proposed to clarify that recovery strategies are advice to government. • Once a SAR is listed, the Minister may make an order that temporarily suspends all or some of the SAR protections for a period of up to three years if certain criteria are met. These criteria include non-scientific reasons, such as "if applying the prohibition would have significant social or economic implications". If the species is listed and warrants protection, delaying SAR protection for up to three years could negatively impact the species. This proposed process does not reflect the "precautionary principle" in the Preamble or the Province's intent to streamline processes and achieve improved outcomes for SAR.	

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		• The Minister would have the power to make regulations limiting the application of the prohibitions for a species. Limitations may be applied to the prohibitions (examples given are: only applying to geographic areas, or certain stages of the species development).	
SAR Conservation Fund and Trust	N/A	Sections 20.1 to 20.18 provide for the establishment of the SAR Conservation Fund and an agency (SAR Conservation Trust) to manage and administer this Fund. This would give proponents the option to pay a charge instead of completing certain on-the-ground activities (such as habitat restoration or compensation) required by the ESA. The payment-in-lieu funds would be used to support "strategic, coordinated, and large-scale actions that assist in the protection and recovery of SAR". The new agency would receive the funds and disburse them to third parties in	This approach encourages the loss of more habitat and reduced habitat protection. If proponents are provided with the option of payment-in-lieu, they may be reluctant to avoid or mitigate impacts to SAR habitat within the affected municipality. This reduces the accountability that proponents have to protect SAR. In addition, the implementation details of the agency are not clear, including who would be on the board, and where and how funds would be dispersed. **Staff advises the Province not to proceed until the Province consults**

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		order for activities to be completed.	**with municipalities and other key stakeholders on the SAR Conservation Fund, the details of the agency, including who would be on the board, and where and how funds would be dispersed.**
Landscape Agreements	N/A	Section 16.1 allows the Minister to enter into Landscape Agreements. A Landscape Agreement allows people who undertake "multiple activities" to be able to pursue limited conservation banking. Conservation banks allow compensation when a species or habitat is affected during development by providing credits that can be purchased to offset their negative impact. The agreement would require that the person take reasonable steps to minimize adverse effects on the species, consider all reasonable alternatives, and undertake beneficial actions.	This approach reduces accountability and does not lend itself to addressing site or species-specific concerns. This approach could result in reductions to species diversity in Hamilton, with compensation provided in other parts of Ontario. **Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the Landscape Agreements.**

12.1

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: June 4, 2019

MOVED BY COUNCILLOR COLLINS……

Corporate Policy for Official Planning Notification During Mail Strikes

WHEREAS, the Planning Act prescribes the options the City of Hamilton can use for giving notice of an application to the Committee of Adjustment for a minor variance or severance;

WHEREAS, the two statutory options available to the City of Hamilton are to give notice by placing an advertisement in the newspaper or by first class mail to property owners combined with posting a sign on the property;

WHEREAS, as a result of the most recent mail disruption at Canada Post which required the City of Hamilton to give notice by placing an advertisement in the newspaper; and,

WHEREAS, not all affected residents read the newspaper or what appear to be technical notices placed in the newspaper and residents miss the opportunity to participate in the Committee of Adjustment decision making process;

THEREFORE BE IT RESOLVED:

That Planning staff report back to Planning Committee on a strategy for informing residents that goes beyond the traditional newspaper advertisement in the event of future disruptions in mail delivery service.