



City of Hamilton

CITY COUNCIL ADDENDUM

19-011

Wednesday, June 12, 2019, 5:00 P.M.

Council Chambers, Hamilton City Hall

71 Main Street West

5. COMMUNICATIONS

5.9 Correspondence respecting the Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton:

*5.9.f North End Neighbourhood Association

*5.9.g Corktown Neighbourhood Association

*5.9.h Bill and Lisa Majoros

*5.9.i Rob Fiedler

*5.9.j Lynda Gottlieb

*5.9.k Ginette Peters

*5.9.l Carole Peters

*5.9.m Peggy-Anne Mansfield and Deborah Mercer

Recommendation: Be received and referred to the consideration of Item 5 of Planning Committee Report 19-009

6. COMMITTEE REPORTS

6.6 Audit, Finance and Administration Committee Report 19-009 - June 6, 2019

*6.6.a Amending Motion to Item 9 of the Audit, Finance and Administration Committee Report 19-009

8. NOTICES OF MOTIONS

*8.1 Celebrate Ontario 2019 Hamilton Results

Urgency – Seeks to acquire input in a timely manner from all the festivals / events throughout the City who have been impacted by the change to the Celebrate Ontario funding objectives and priorities.

*8.2 Audit and Accountability Fund: Expression of Interest

Urgency – As per Communication Item 5.4 (b) the deadline for the submission of Expressions of Interest is June 30, 2019.



May 8, 2019

Stephen Robichaud
Director, Planning & Chief Planner
Corporation of the City of Hamilton,
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Re: JvN Developments 468 James Street North - ZAC-18-020

Dear 'Mr.Robichaud.

North End Neighbourhood Association (NENa), the neighbourhood association for the North End neighbourhood, has formed a planning committee to consider and comment on planning changes and developments in our neighbourhood. Fifteen neighbourhood residents have volunteered to be active members of the committee.

We understand that the City Planning Committee may be considering the referenced JvN application at a meeting this month. Our neighbourhood Planning Committee would like to participate in any meetings or discussions regarding this proposed development.

The details of the JvN proposal have been circulated to our Planning Committee and reviewed at a meeting of the Committee on June 5th. After a full discussion, we are able to provide you with the Committee's preliminary comments on the development application as described on the SVN portal.

1. The Committee is appreciative of the attempts by Mr. Van Nostrand to develop creative solutions to the need for affordable housing in Hamilton and for his communication from time to time with the neighbourhood association.
2. The JvN Application appears to proceed on the basis that our neighbourhood's approved secondary plan, Setting Sail, is outmoded and should be changed. While we acknowledge that James Street is designated in Setting Sail as an area of gradual change and is designated as our neighbourhood's primary retail and commercial street, we are very concerned that our approved secondary plan might be amended in a piece-meal fashion, one project at a time.

The core features of Setting Sail and its goal of reinforcing the character of our neighbourhood as a child and family friendly community remains important to the residents of our neighbourhood. As required by Setting Sail, change is to be assessed by a comprehensive and integrated group of planning principles, not on an ad hoc basis.

If there is a need to amend Setting Sail in order to change in the character of the developments on James Street from that approved in Setting Sail, that change should occur only after the future character of the entire street from Strachan to Guise has been considered and approved for all sites on the street. A comprehensive treatment of James Street North will provide a more effective process in which to assess impacts of the changes on the character of the neighbourhood and the impacts on homes close to James Street. To vary from Setting Sail by approving one project at this time will undoubtedly set a precedent that will be relied on by subsequent developers and will pre-empt the future amendment process.

3. Aspects of the proposed development and in particular the concept of its flexibility of unit size make it difficult to assess its impact on the neighbourhood.

It appears the entire building could be student housing, used for Airbnb or alternatively for family housing. We have some difficulty in commenting on the project in detail when its ultimate format is not yet defined.

This applies particularly in the case of parking. We are very concerned that Mr. VanNostrand proposes approximately one third parking space per unit. We are not convinced that the comparables used for assessing the parking needs of the proposed development are appropriate. Our Committee is

concerned that the reduced parking requirements being sought (approximately one parking space for every three units) will not reflect the actual demand for parking by residents, visitors and commercial uses for the foreseeable future and adversely impact adjacent homes.

4. We are not aware of a legislative framework that would assure the community that the attractive aspects proposed in the application will in fact be enforced through a binding process that the neighbourhood can impact. With the lack of participation rights at the Site Plan Approval stage, we are focussed on making a contribution at the zoning and official plan stage. Given the way in which the attractive aspects of the proposal have been presented, those features, if approved, should be subject to the same neighbourhood participation and long term binding assurances as the structural aspects.

These are our preliminary comments. We will continue to develop our comments and suggestions as the City's planning process moves ahead.

We would appreciate if we might be advised of the date and time when the application will be considered by the City Planning Committee as we would like to be a delegation for that meeting.

Thank you for your consideration.



Herman Turkstra
Chair,
NENa Planning Committee



**CORKTOWN
NEIGHBOURHOOD
ASSOCIATION**

www.corktownhamilton.ca
@corktownhamont

June 10, 2019

Honourable Mayor Fred Eisenberger and
Members of Hamilton City Council
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Dear Worship and Members of Hamilton City Council:

Our friends in the North End Neighbourhood Association recently communicated their concerns pertaining to the approval of a development project in their neighbourhood which involves making incremental changes to the City's Official Plan.

As a neighbourhood association representing Corktown, a neighbourhood with a large number of active planning applications in Ward 2, hearing about extemporaneous amendments to the Official Plan, or other approved secondary and neighbourhood plans, is a major cause of concern to us, particularly when they occur in the absence of useful public participation.

Allowing the amendment of community developed and Council approved secondary plans one development at a time sets a dangerous precedent. We are optimistic that Hamilton City Council's will agree and make their decision accordingly.

Sincerely,

Tima Hussain
Chair

Pilon, Janet

Subject: We are writing to ask you to reconsider the decision of Planning Committee on June 4th to approve an 8-storey mixed-use development at 468-476 James Street North

From: Bill Majoros

Sent: June 11, 2019 1:37 PM

To: clerk@hamilton.ca

Subject: We are writing to ask you to reconsider the decision of Planning Committee on June 4th to approve an 8-storey mixed-use development at 468-476 James Street North

Mayor Eisenberger and members of City Council,

We are writing to ask you to reconsider the decision of Planning Committee on June 4th to approve an 8-storey mixed-use development at 468-476 James Street North. We have lived at 18 Ferrie Street West for 25 years and attended and spoke at the statutory public meeting held at Planning Committee last week to voice our concerns about this proposed development. We would like to reiterate them.

We understand the proposed development will be 8 storeys. That is a significant departure from what is currently permitted by our neighbourhood's secondary plan, Setting Sail, and we feel it will not respect or enhance the character of the existing neighbourhood, which is comprised mainly of low-rise residential housing that rarely exceeds 3 storeys.

The proposed development will introduce a 6 storey streetwall along Ferrie Street East across from our house with 2 more storeys above that slightly stepped back. That will dramatically change the look and feel of our block. As neighbours, we are not opposed to redevelopment of 468-476 James Street North, but the proposed development seems insensitively designed and does not adequately transition to minimize impacts to us, other adjacent properties, and the overall streetscape. The renderings that have been made publicly available show the new building will have a minimal setback at street-level along Ferrie Street East. This will make the resulting building seem especially imposing to us as we live directly across from it. We do not regard this as welcome and would prefer the development be more in keeping with what Setting Sail permits, a 2-4 storey building that more sensitively addresses the existing character of our street.

In addition to the height and scale of the proposed development we are also concerned that the addition of 92 flexible units will create traffic and parking issues on our street. There may be a rationale for reducing the required parking for the development to slightly more than one parking space for every third unit, but that is out of step with prevailing conditions in the North End where the

vast majority of households own at least one car. Street parking on adjacent blocks is limited. We foresee problems accommodating the parking needs that will likely arise from the proposed development but be not provided for as part of the development itself. And even if the reduced parking results in future residents having fewer cars and driving less than might otherwise be expected, the amount of traffic generated by the development will still be considerable relative to current levels. The current proposal includes access to surface and underground parking via Ferrie Street at the rear of the lot, which is mid-block. That will greatly increase the amount of traffic on the street almost directly across from our front porch.

For the 25 years that we have lived in the North End it has been a neighbourhood near downtown that has a unique vibe that is hard to put into words. It is an urban neighbourhood that is mostly quiet and friendly. We know our neighbours and value the community feel that exists. Change has largely occurred in a modest, organic way thus far in the neighbourhood. Though we are not opposed to redevelopment of this site, this proposal will be the first significant redevelopment in our immediate vicinity and we are told that 468-476 James Street North will set the pattern for other developments along James

Street North. Whatever its merits, we don't think the proposal approved at Planning Committee last week strikes an appropriate balance that manages planned for change along James Street North in a way that is sensitive to the existing character of the neighbourhood and minimizes possible adverse impacts on us as existing residents. City Council should reconsider Planning Committee's decision and not approve the proposed development in its current form.

Respectfully,

Bill and Lisa Majoros

Pilon, Janet

Subject: Concerning the Approval of a Development Application for 468-476 James Street North

From: Rob Fiedler

Sent: June 11, 2019 1:51 PM

To: clerk@hamilton.ca

Cc: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; jean-paul.danko@hamilton.ca; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Concerning the Approval of a Development Application for 468-476 James Street North

Mayor Eisenberger and members of City Council,

I'm writing to convey my concerns about Planning Committee's decision on June 4th to approve a development application for an 8-storey mixed use building at 467-478 James Street North. I think City Council should reconsider and not approve this application as it represents a significant departure from the area's approved and in-force secondary plan, Setting Sail. Approval in my view effectively represents an ad-hoc replanning of the James Street North corridor in the North End and does so without a single public meeting being conducted by City staff, other than the statutory public meeting convened at Planning Committee last week.

I have lived in the North End since 2011 and support intensification. I believe strategic and thoughtful mixed-use redevelopment/residential intensification along James Street North can make a positive contribution to the neighbourhood and can be done in a way that respects and enhances the existing character of neighbourhood. Unfortunately, I have to agree with the Design Review Panel's high-level assessment that the proposed development for 468-476 James Street North is "aggressive" for its context.

I worry that its approval will undermine Setting Sail and that without further steps to comprehensively consider the recommendations of the James North Mobility Hub Study and amend Setting Sail as part of a process to bring it into Hamilton's Urban Official Plan (UHOP) we will be subject to a series of site-specific official plan amendments without a firm basis or transparent planning framework to guide us.

I served as President of the North End Neighbours in 2015, which has since become the North End Neighbourhood Association, and have taken an active interest in planning and development in the North End since 2013, when I attended public meetings as part of the James North Mobility Hub Study and Metrolinx's planning for the West Harbour GO. I don't feel the development application being recommended for approval by the Planning Committee is in keeping with what was conveyed to the public then and it appears to exceed with regard to height and massing what is contemplated by the recommendations of the James North Mobility Hub Study approved by Council in September 2014.

As the Mobility Hub Study was conducted specifically in response to the province's decision to build a GO station on the southern edge of the North End neighbourhood, I find it disconcerting that the City seems willing in such a short time to disregard the recommendations of the study that pertain to the scale of development that should occur along James North from Strachan to Burlington Street and approve changes that further depart from the approved secondary plan for the area. This can only reduce public trust in the planning process.

Respectfully submitted,
Rob Fiedler

Pilon, Janet

Subject: Submission to Mayor and Council regarding Planning Committee's recommendation to approve a development application for 468-476 James Street North

From: Lynda Gottlieb

Sent: June 11, 2019 3:02 PM

To: clerk@hamilton.ca

Cc: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Submission to Mayor and Council regarding Planning Committee's recommendation to approve a development application for 468-476 James Street North

Mayor Eisenberger and members of City Council,

I live on MacNab North across from the Jamesville townhouses in the North End.

I have lived in the North End since 1957 and can recall Canadian Cottons, which once stood on most of the block from Ferrie to Strachan, James to MacNab. It was similar in height to a 6 storey building and was built out to the sidewalk. It was an imposing structure. I'm not convinced that 6+ storey buildings constructed straight-up at the sidewalk is a step in the right direction for James North today and I worry that it is where things are heading across the street from me on the Jamesville site, which is now vacant and boarded up awaiting redevelopment of up to 650 units. It is my understanding that the proposed development at 468-476 James Street North is being allowed to disregard our secondary plan, Setting Sail, which says it should be no more than 4 storeys tall. I'd like development in the North End to stick to the plan. I ask that you not approve this development as proposed.

Sincerely,

Lynda Gottlieb

Pilon, Janet

Subject: Please delay approval for 8-storey mixed-use development at 468-476 James Street North! Please consult with the citizens!

From: Ginette Ginette

Sent: June 12, 2019 6:46 AM

To: clerk@hamilton.ca

Cc: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; jean-paul.danko@hamilton.ca; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Please delay approval for 8-storey mixed-use development at 468-476 James Street North! Please consult with the citizens!

Ginette Peters

Wednesday June 12, 2019

Mayor Eisenberger and members of City Council,

You are the citizens of Hamilton's only defense against aggressive development with the aim of maximizing profit. Please consider the residents of the North End of Hamilton and delay final approval for the an 8-storey mixed-use development at 468-476 James Street North, so an actual dialog with the residents can occur. Please represent our interests!

Why take pause now?

There was **no consultation** with the residents of this neighbourhood by our elected representatives. The only consultation was done by the developer, who obviously has a vested interest. Who is considering us? I sent in a letter to Adam Lucas back in April, but the recent meeting was held at a time of year and day that precluded my involvements due to employment obligations. Otherwise, no one has reached out to us.

This development **grossly exceeds** the allotted development for this area as per the City's Official Plan and Setting Sails. It is too tall, the foot print too big, the setback/transitions to the surrounding buildings too steep, and there just isn't enough parking for the number of units.

I heard that a study was done of the building's shadow, but I have not see it, and I have had **no opportunity to comment** on the study. As someone who might be living in that shadow don't I have that right?

It is also concerning that this recent vote may be used to **set a precedent** for other properties that are going to be developed in the neighbourhood. What do we want the North End to be like in the future? A condo hub, or residential housing as it has been for many, many years? A long term desirable vision for the

development of the North End of Hamilton could yield higher profits long term by creating a livable, desirable community, rather than a short term high density money grab!

This proposal is the first major redevelopment in my area since moving here 20 years ago and I would have hoped that these changes could be carried out with greater concern for the taxpaying citizens, by having an actual dialog with them about what we would envision for our communities rather than allowing profits of developers drive the process.

Please reconsider this development imagining that you were living beside the site! Imagining that you would actually be affected on a daily basis by it because that is what I and my neighbours are facing, and we need someone to represent our interests.

Regards,

Ginette Peters

Pilon, Janet

Subject: Submission to City Council regarding Planning Committee's recommendation to approve a development application for 468-476 James Street North

From: Carole Kenny Peters

Sent: June 11, 2019 4:29 PM

To: clerk@hamilton.ca

Cc: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Submission to City Council regarding Planning Committee's recommendation to approve a development application for 468-476 James Street North

Mayor Eisenberger and members of City Council,

I am writing you in regards to Planning Committee's decision on June 4th to approve an 8-storey mixed-use development at 468-476 James Street North. I have lived at 23 Ferrie Street East for 9 years. I attended and spoke at the statutory public hearing on June 4th and the Planning Committee last week to request the development application be denied approval in its current form. I would appreciate if you would reconsider giving final approval.

I understand that at 8 storeys the proposed development will be significantly taller than is currently permitted by the zoning plan, Setting Sail, and I feel at that height it does not respect and will not enhance the character of the existing neighbourhood.

I live three doors to the east of the proposed development and have viewed drawings and renderings that show the development's distance from my neighbour's property line and house. The development as proposed will dramatically change the character of the neighbourhood. More than a year ago, I submitted written comments to the City planner responsible for the file and indicated that the development was not appropriate for this site. I wish to convey to you that I still hold that view and that I am not totally opposed to the development at 468-476 James Street North.

I also wish to convey that the development, which is to include 92 flexible units, will create traffic and parking issues on Ferrie Street East and nearby streets such as Hughson Street North. It is unclear to me how the reduced parking requirements were arrived at, but my observation as a resident is that the vast majority of households in the North End of Hamilton have limited parking is limited for those without parking on their properties. I can only foresee future difficulties that are likely to arise from the proposed development if an adequate supply of parking spaces are not provided on site.

For the 9 years that I have lived on Ferrie Street East in the North End, I would describe the area's character as a quiet place to live that is near downtown, but not as busy or hectic. I know my neighbours and value the community character of the block. I think that is worthy of careful consideration in planning decisions such as this. I'm not opposed to the development if it is planned and managed to consider impacts on existing residents.

This proposal will be the first significant redevelopment near my home and I'm told that 468-476 James Street North is the only other development along James Street North. Given that, I would appreciate if City Council would reconsider the proposal.

the hope that the proposal might be revised in such in a way as to be more sensitive to the existing charac
minimize the development's impact on adjacent residents.

Sincerely,

Carole Peters

Pilon, Janet

Subject: Letter to Council, re: 468 James Street North

From: Debb Mercer

Sent: June 11, 2019 4:01 PM

To: clerk@hamilton.ca

Cc: Office of the Mayor <mayor@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; jean-paul.danko@hamilton.ca; Pauls, Esther <Esther.Pauls@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Herman Turkstra ; Rob Fiedler; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Peggyanne Mansfield

Subject: Re: Letter to Council, re: 468 James Street North

On Jun 11, 2019, at 11:47 AM, Rob Fiedler <rob.fiedler@tmalaw.ca> wrote:

Mayor Eisenberger and members of City Council,

We are residents of the Guise Street Co-op in the North End and are writing to you because Planning Committee's decision on June 4th to approve an 8-storey mixed-use development at 468-476 James Street North may set a precedent for other development applications along what are designated in our area's secondary plan, Setting Sail, corridors of gradual change. There is a similar development application moving through the approval process for the northeast corner of James and Burlington where the Bank of Nova Scotia used to be. The developer also wants 8 storeys and significantly reduced parking requirements. We expect that the approval of 468-476 James Street North will now be cited to support height and density increases beyond Setting Sail in this instance as well.

One of us served as president of the North End Neighbours in 2013-14 (now the North End Neighbourhood Association) and we are both active participants in our co-op. We are aware of the many planning exercises and visions the City has produced for our neighbourhood over the years. We worry that despite all the public meetings that residents have attended in the past and their varied contributions to plans and studies such as Setting Sail and the James North Mobility Hub Study that final approval of 468-476 James Street North will significantly rewrite the rules for development along James North in our neighbourhood going forward. And we feel that approval of the proposed development does this without an adequate *public* planning process. We ask that you reconsider the Planning Committee's decision.

Sincerely,

Peggy-Anne Mansfield and Deborah Mercer

CITY OF HAMILTON

AMENDING MOTION

Council Date: June 12, 2019

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR

9. 2019 Development Charges By-law and Background Study (FCS19050) (City Wide) (Item 10.4)

WHEREAS the Province released Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019 and the Bill received Royal Assent on June 6, 2019;

WHEREAS Bill 108 will ultimately result in many services (generally referred to as soft services) that the City collects Development Charges for, to no longer to be eligible for inclusion in a Development Charges Study and By-law;

WHEREAS Bill 108 provides transition provisions for Development Charge By-laws that expire after May 2, 2019;

WHEREAS once Bill 108 is proclaimed in force Development Charges By-laws may only impose Development Charges for the services listed in subsection 2(4) of the *Development Charges Act, 1997, as amended* which results in the exclusion of soft services from Development Charges;

WHEREAS the draft Development Charge By-law being recommended to Council for approval in FCS19050 is before Council for passage on June 12, 2019 but contains a provision which would delay the by-law coming into force until July 6, 2019;

WHEREAS the date of proclamation of Bill 108 unknown;

WHEREAS the City of Hamilton has undertaken a Development Charges Background Study dated March 13, 2019;

WHEREAS extraordinary hours of staff and consultants time has been allocated to ensuring that the 2019 Development Charges Background Study and calculation reflect the costs necessary to service the anticipated development within the City;

WHEREAS the impacts of Bill 108 cannot be fully understood by municipalities since the regulations have not been released;

WHEREAS staff has identified a risk regarding the effective date of the 2019 Development Charges By-law and the transition provisions contained within Bill 108, given how quickly the Provincial Government may Proclaim the Bill; specifically, the effective date of July 6, 2019 in the 2019 Development Charges By-law and the ability to collect for soft services at the rates determined necessary to support the capital needs related to growth through the 2019 Development Charges calculation;

WHEREAS there is a \$3,593 difference per single family dwelling in the soft service Development Charges between the current Development Charges collected for soft services and the amount calculated for soft service through the 2019 Development Charges Background Study;

WHEREAS July 6, 2019 has consistently been communicated as the date that the 2019 Development Charge rates would take effect;

WHEREAS there is a need to mitigate the risk identified while acknowledging that developers have been working with July 6, 2019 as the date increased Development Charges would take effect;

WHEREAS Addendum #2 to the 2019 Development Charges Background Study, dated June 7, 2019, has been prepared and released by Watson Associates Economists Ltd. and communicated by the City through the City's website and twitter account;

WHEREAS the City has met all legislated timelines and consultation periods required prior to passing and enacting a new Development Charges By-law;

WHEREAS this motion addresses the request from the June 6, 2019 Audit, Finance and Administration Committee meeting for staff to report back to Council on June 12, 2019 with language regarding transitional concerns related to Bill 108 and the 2019 Development Charges By-law;

WHEREAS it is the intent of Council that the proposed 2019 Development Charges By-law to be passed, enacted and take effect prior to the proclamation of Bill 108;

BE IT THEREFORE RESOLVED:

- (i) That the recommendations (a), (c) and (f) of Item 9 of Audit, Finance and Administration Committee Report 19-009 respecting the 2019 Development Charges By-law and Background Study (FCS19050) be **amended** as follows:
- (a) That the 2019 City of Hamilton Development Charges Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 7, 2019**, be approved;
 - (c) That **the increase in need for services as set out in** all of the growth capital projects listed in the City of Hamilton Development Charges Background Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 7, 2019**, be approved, in principle, subject to annual capital budget approvals;
 - (f) That the “Local Service Policy” as included in the 2019 City of Hamilton Development Charges Study, as amended, be implemented effective **June 13**, 2019 and that the Planning and Economic Development Department be directed to make any updates required to co-ordinate the City’s financial policies for new development with the “Local Service Policy”;
- (ii) That the proposed 2019 Development Charges By-Law attached as Appendix “A” to Report FCS19050, be **amended** as follows:
- (a) That the fifth recital be **amended** by replacing “General Issues Committee” with “Audit, Finance, and Administration Committee” as follows:

“WHEREAS the Council of the City of Hamilton, through its **Audit, Finance and Administration Committee**, has received written submissions and heard all persons who applied to be heard no matter whether in objection to, or in support of, the said By-law;”
 - (b) That Schedule A be replaced with **Revised** Schedule A, attached hereto;
 - (c) That Schedule B be replaced with **Revised** Schedule B, attached hereto;
 - (d) That Schedule C be replaced with **Revised** Schedule C, attached hereto;

- (e) That Table 1 be replaced with **Revised** Table 1, attached hereto;
- (f) That the Downtown Hamilton CIPA Table in Sub-section 27 (a) be replaced with **Revised** Table 2, attached hereto;
- (g) That Subsection 38 (a) and (b) be deleted and replaced with the following:

Indexing

38. The Development Charges set out in **Revised** Schedule "A" and **Revised** Schedule "B" of this By-law shall be adjusted annually without amendment to this By-law by the percentage change during the preceding year, as recorded in the Statistics Canada's Building Construction price index, by type of building (non-residential building) (Table 18-10-0135-01) for the City of Toronto, as may be amended or replaced from time to time. This adjustment shall take place as follows:

(a) the initial adjustment shall **be on July 6, 2020 at 12:01 am**, and

(b) thereafter, adjustment shall be made each year on **July 6**.

- (h) That Section 44 be **amended** such that the by-law shall take effect as of June 13, 2019.

Date By-law Effective

44. This By-law shall come into force and take effect at 12:01 a.m. on **June 13, 2019**.

- (iii) That the recommendations (d) and (e) of Item 9 of Audit, Finance and Administration Committee Report 19-009 respecting the 2019 Development Charges By-law and Background Study (FCS19050) be **amended** as follows:

(d) That, having considered the matters in Report FCS19050 including the changes incorporated into the **proposed** 2019 Development Charges By-law, attached hereto as Appendix "A" **as amended** of Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;

- (e) That Appendix "A" **as amended**, attached to Report FCS19050 respecting the 2019 Development Charges By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted;

- (iv) That the following sub-section (m) be added, to address Council's intent to enact the proposed 2019 Development Charges By-law to take effect prior to the proclamation of Bill 108:

(m) That after having considered the foregoing matters set out in Report FCS19050, including all the changes to the proposed 2019 Development Charge By-law including those described in paragraph (d) above and all matters set out in this motion, no further meeting under section 12 of the Development Charges Act, 1997 is required.

Main Motion as Amended to read as follows:

- (a) That the 2019 City of Hamilton Development Charges Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 7, 2019**, be approved;
- (b) That, whenever appropriate, the City requests that grants, subsidies and other contributions be clearly designated by the provider as being to the benefit of existing development (or new development, as applicable);
- (c) That ***the increase in need for services as set out in*** all of the growth capital projects listed in the City of Hamilton Development Charges Background Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 7, 2019**, be approved, in principle, subject to annual capital budget approvals;
- (d) That, having considered the matters in Report FCS19050 including the changes incorporated into the ***proposed*** 2019 Development Charges By-law, attached hereto as Appendix "A" ***as amended*** of Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;
- (e) That Appendix "A" ***as amended***, attached to Report FCS19050 respecting the 2019 Development Charges By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted;
- (f) That the "Local Service Policy" as included in the 2019 City of Hamilton Development Charges Study, as amended, be implemented effective **June 13, 2019** and that the Planning and Economic Development Department be directed to make any updates required to co-ordinate the City's financial policies for new development with the "Local Service Policy";

- (g) That, where public stormwater management facilities have been provided at the cost of a developer, as a condition of development approval and the said facilities are deemed to be permanent and part of an ultimate solution, “credits for services in-lieu” for the related stormwater component of the Development Charge will be applied for any unbuilt units upon the said facilities being included in the Development Charge Background Study and any applicable addendum(s). Should external future development lands take benefit of said stormwater management facilities and where a best efforts provision has been included within the development agreement under which the facility was built, the City will collect the full Development Charge from the external developer and reimburse the original developer (constructor of storm pond) only the original value of the proportionate share of the best effort;
- (h) That the General Manager of Finance and Corporate Services be delegated authority to authorize Development Charge deferral agreements as outlined in Section 34 of the DC By-law, attached hereto as Appendix “A” of Report FCS19050;
- (i) That Development Charge Reserves be set up for the following type of Development Charge collections;
 - (i) Waste Diversion Residential Reserve;
 - (ii) Waste Diversion Non-Residential Reserve;
 - (iii) Stormwater Combined Residential Reserve;
 - (iv) Stormwater Combined Non-Residential Reserve;
 - (v) Stormwater Separated Residential Reserve;
 - (vi) Stormwater Separated Non-Residential Reserve;
 - (vii) Administrative Studies – Community Based Studies Residential Reserve;
 - (viii) Administrative Studied – Community Based Studies Non-Residential Reserve;
- (j) That, having considered the matters in Report FCS19050 including the changes incorporated into the amending GO Transit By-law attached hereto as Appendix “B” to Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;
- (k) That Appendix "B" attached to Report FCS19050 being a By-law to amend By-law 11-174 – “City of Hamilton GO Transit Development Charge By-law, 2011”, prepared in a form satisfactory to the City Solicitor, be passed and enacted; and,
- (l) That staff be directed to report back to the Audit, Finance & Administration Committee regarding the anticipated impact of Bill 108: More Homes, More Choice Act 2019 on the 2019 Development Charges By-law once the regulations are released and the Bill has received Royal Assent.

(m) That after having considered the foregoing matters set out in Report FCS19050, including all the changes to the proposed 2019 Development Charge By-law including those described in paragraph (d) above and all matters set out in this motion, no further meeting under section 12 of the Development Charges Act, 1997 is required.

SCHEDULE A TO BY-LAW 19-XXX
Municipal Wide Development Charges – Effective June 13, 2019 to July 5, 2019

Table A1:

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedrooms+ (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)
Municipal Wide "Soft" Services:						
Parkland Development	2,352	1,683	1,377	942	760	0.11
Indoor Recreation Services	4,430	3,171	2,594	1,775	1,431	0.20
Library Services	1,045	748	612	419	338	0.05
Administrative Studies - Community Based Studies	330	236	193	132	107	0.17
Long Term Care	125	89	73	50	40	0.01
Health Services	1	1	1	-	-	0.00
Social & Child Services	15	11	9	6	5	0.00
Social Housing	648	464	379	260	209	0.00
Airport lands	419	300	245	168	135	0.21
Parking services	490	351	287	196	158	0.25
Provincial Offences Administration	40	29	23	16	13	0.02
Total Municipal Wide "Soft" Services	9,895	7,083	5,793	3,964	3,196	1.02
Municipal Wide "Hard" Services:						
Services Related to a Highway	2,867	2,174	2,234	1,750	950	8.05
Public Works Facilities, Vehicles & Equipment	784	561	459	314	253	0.41
Police Services	524	375	307	210	169	0.26
Fire Protection Services	462	331	271	185	149	0.23
Paramedics	137	98	80	55	44	0.03
Transit Services	1,917	1,372	1,123	768	619	0.98
Administrative Studies - Engineering Services Studies	166	119	97	66	54	0.08
Waste Diversion	657	470	385	263	212	0.13
Total Municipal Wide "Hard" Services	7,514	5,500	4,956	3,611	2,450	10.16
GRAND TOTAL MUNICIPAL WIDE (SOFT AND HARD)	17,409	12,583	10,749	7,575	5,646	11.18

SCHEDULE A TO BY-LAW 19-XXX
Municipal Wide Development Charges – Effective July 6, 2019

Table A2:

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedrooms+ (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)
Municipal Wide "Soft" Services:						
Parkland Development	2,352	1,683	1,377	942	760	0.11
Indoor Recreation Services	4,430	3,171	2,594	1,775	1,431	0.20
Library Services	1,045	748	612	419	338	0.05
Administrative Studies - Community Based Studies	330	236	193	132	107	0.17
Long Term Care	125	89	73	50	40	0.01
Health Services	1	1	1	-	-	0.00
Social & Child Services	15	11	9	6	5	0.00
Social Housing	648	464	379	260	209	0.00
Airport lands	419	300	245	168	135	0.21
Parking services	490	351	287	196	158	0.25
Provincial Offences Administration	40	29	23	16	13	0.02
Total Municipal Wide "Soft" Services	9,895	7,083	5,793	3,964	3,196	1.02
Municipal Wide "Hard" Services:						
Services Related to a Highway	10,769	7,708	6,306	4,314	3,479	8.05
Public Works Facilities, Vehicles & Equipment	784	561	459	314	253	0.41
Police Services	524	375	307	210	169	0.26
Fire Protection Services	462	331	271	185	149	0.23
Paramedics	137	98	80	55	44	0.03
Transit Services	1,917	1,372	1,123	768	619	0.98
Administrative Studies - Engineering Services Studies	166	119	97	66	54	0.08
Waste Diversion	657	470	385	263	212	0.13
Total Municipal Wide "Hard" Services	15,416	11,034	9,028	6,175	4,979	10.16
GRAND TOTAL MUNICIPAL WIDE (SOFT AND HARD)	25,311	18,117	14,821	10,139	8,175	11.18

SCHEDULE B TO BY-LAW 19-XXX
Stormwater, Water and Wastewater Development Charges – Effective June 13, 2019 to July 5, 2019

Table B1:

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedrooms+ (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)
Wastewater and Water Services						
Wastewater Facilities	4,048	2,897	2,371	1,622	1,308	1.95
Wastewater Linear Services	5,029	3,697	3,171	2,169	1,644	2.61
Water Services	4,767	3,412	2,792	1,910	1,540	2.29
Stormwater Services - Combined Sewer System (Area as per Schedule D)						
Stormwater Drainage and Control Services	7,065	5,106	4,313	3,001	2,293	1.41
Stormwater Services - Separated Sewer System (All areas outside of Combined Sewer System Area identified on Schedule D)						
Stormwater Drainage and Control Services	7,065	5,106	4,313	3,001	2,293	1.41
Total Urban Services - Combined Sewer System	20,909	15,112	12,647	8,702	6,785	8.26
Total Urban Services - Separated Sewer System	20,909	15,112	12,647	8,702	6,785	8.26

SCHEDULE B TO BY-LAW 19-XXX
Stormwater, Water and Wastewater Development Charges – Effective July 6, 2019

Table B2:

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedrooms+ (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)
Wastewater and Water Services						
Wastewater Facilities	4,048	2,897	2,371	1,622	1,308	1.95
Wastewater Linear Services	5,415	3,876	3,171	2,169	1,749	2.61
Water Services	4,767	3,412	2,792	1,910	1,540	2.29
Stormwater Services - Combined Sewer System (Area as per Schedule D)						
Stormwater Drainage and Control Services	3,948	2,826	2,312	1,582	1,275	0.00
Stormwater Services - Separated Sewer System (All areas outside of Combined Sewer System Area identified on Schedule D)						
Stormwater Drainage and Control Services	10,462	7,488	6,127	4,191	3,380	2.16
Total Urban Services - Combined Sewer System	18,178	13,011	10,646	7,283	5,872	6.85
Total Urban Services - Separated Sewer System	24,692	17,673	14,461	9,892	7,977	9.01

SCHEDULE C TO BY-LAW 19-XXX

Special Area Charges – Effective June 13, 2019 to July 5, 2019

Table C1:

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedroom (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)
Additional Special Area Charges Dundas/Waterdown	1,588	1,147	970	674	515	1.04

Special Area Charges – Effective July 6, 2019

Table C2:

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedroom (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)
Additional Special Area Charges Dundas/Waterdown	1,971	1,410	1,154	789	637	1.04

Table 1 - Industrial Development Charges to be Imposed

Service	Combined Sewer System and Separated Sewer System	Combined Sewer System	Separated Sewer System
	Effective June 13, 2019 - July 5, 2019	Effective July 6, 2019	Effective July 6, 2019
Water Services	0%	0%	0%
Wastewater Facilities	100%	100%	100%
Wastewater Linear Services	100%	100%	100%
Stormwater Drainage and Control Services	100%	100%	100%
Services Related to a Highway	73%	80%	69.5%
Public Works	0%	0%	0%
Police Services	0%	0%	0%
Fire Protection Services	0%	0%	0%
Transit Services	0%	0%	0%
Parkland Development Services	0%	0%	0%
Recreation Facilities	0%	0%	0%
Library Services	0%	0%	0%
Administrative Studies	0%	0%	0%
Paramedic Services	0%	0%	0%
Social and Child Services	0%	0%	0%
Social Housing	0%	0%	0%
Health Services	0%	0%	0%
Long-Term Care	0%	0%	0%
Provincial Offenses Administration	0%	0%	0%
Airport Services	0%	0%	0%
Parking Services	0%	0%	0%
Waste Diversion	0%	0%	0%

Table 2: Downtown Hamilton CIPA Partial Exemption

Date	Percentage of reduction (%)	Percentage of development charge payable (%)
June 13, 2019 to July 5, 2019	70	30
July 6, 2019 to July 5, 2020	60	40
July 6, 2020 to July 5, 2021	50	50
July 6, 2021 to July 5, 2022	40	60
July 6, 2022 to July 5, 2023	40	60
July 6, 2023 to June 12, 2024	40	60

CITY OF HAMILTON NOTICE OF MOTION

Council: June 12, 2019

MOVED BY COUNCILLOR J. FARR.....

Celebrate Ontario 2019 Hamilton Results

WHEREAS, festivals play a significant role in celebrating Hamilton, supporting our arts and culture committees, while providing positive regional, provincial and national recognition to Hamilton;

WHEREAS, the City of Hamilton provides not-for-profit organizations funding in support of free unique festival and event programming, who in turn leverage that support with other funding agencies; and

WHEREAS, the 2019 Celebrate Ontario grant results, announced on May 27, 2019 revealed a change in funding objectives and priorities across the province, impacting several Hamilton festivals.

THEREFORE BE IT RESOLVED:

- (a) That Tourism and Culture staff be directed to communicate with Hamilton organizations that applied to the 2019 Celebrate Ontario fund; and
- (b) That Tourism and Culture staff be directed to report back to the General Issues Committee with information on the local impact of the Celebrate Ontario fund including those that received funding and those that did not.

CITY OF HAMILTON NOTICE OF MOTION

Council: June 12, 2019

MOVED BY MAYOR EISENBERGER.....

Audit and Accountability Fund: Expression of Interest

WHEREAS, the Minister of Municipal Affairs and Housing has announced the launch of the Audit and Accountability Fund;

WHEREAS, the Audit and Accountability Fund offers large municipalities an opportunity to benefit from provincial funding to conduct service delivery and administrative expenditure reviews with the goal of finding efficiencies while protecting front-line services;

WHEREAS, the proposed review project will:

- (a) Review municipal service delivery expenditures to find efficiencies. The review project could take a number of forms including:
 - a. A line-by-line review of the municipality’s entire budget;
 - b. A review of service delivery and modernization opportunities
 - c. A review of administrative processes to reduce costs
- (b) Result in a final report by the independent third-party reviewer that provides specific and actionable recommendations for cost savings and improved efficiencies.
- (c) Be completed by November 30, 2019. Municipal applicants will be required to post publicly the independent third-party report that outlines the analysis, findings and actionable recommendations by November 20, 2019.

WHEREAS the Province is providing one-time funds up to \$250,000 or greater in some circumstances for eligible projects; and

WHEREAS, interested municipalities must confirm to the Ontario government its intention to apply to the program by June 14, 2019 and an Expression of Interest by June 30, 2019;

BE IT THEREFORE RESOLVED:

That staff provide at the June 19, 2019 GIC options for potential application to the Audit and Accountability Fund, that fall within the criteria of the program guidelines, with an associated cost of up to \$250,000.