



City of Hamilton

PLANNING COMMITTEE POST-MEETING

Meeting #: 19-018
Date: November 19, 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

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- 14.1 Closed Session Minutes - November 5, 2019 (Distributed under separate cover)
- Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to: litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



PLANNING COMMITTEE MINUTES

19-017

November 5, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors M. Pearson (Chair), J. Farr (1st Vice Chair),
C. Collins, B. Johnson (2nd Vice Chair), B. Clark, M. Wilson,
J.P. Danko, J. Partridge, T. Whitehead

Also in Attendance: Councillor E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Municipal Heritage Committee Report 19-008 (Item 7.1)

(Partridge/Whitehead)

(i) 2019 Staff Work Plan Update (PED19204) (City Wide) (Item 10.1)

That Report PED19204 respecting the 2019 Staff Work Plan Update, be received.

(ii) Education and Communication Working Group Proposal respecting a Heritage Workshop (Added Item 10.2)

- (a)** That the proposal to conduct a Heritage Workshop for the public on February 20, 2020 (during Heritage Week), and attached hereto as Appendix A, be approved; and
- (b)** That the cost of catering and potential room rental to host a Heritage Workshop for the public, to an upset of \$350, be approved and funded from Account 57540-812040.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES- Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

2. Adjustments to School Crossing Guard Locations (PED19212) (Wards 1, 3, 5, 9, 13 and 15) (Item 7.2)

(Clark/Farr)

- (i) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns and lunch program changes in Wards 1, 3, 5, 9, 13, and 15 as outlined in Appendix "A" attached to Report PED19212, be approved;
- (ii) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2020/2021 school year.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES- Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19205) (City Wide) (Item 7.3)

(Wilson/Danko)

That Report PED19205 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

4. Application for Zoning By-law Amendment for Lands Located at 2798 and 2804 King Street East and 8 Vienna Street, Hamilton (PED19209) (Ward 5) (Item 8.1)

(Whitehead/Partridge)

- (a) That Zoning By-law Amendment Application ZAR-19-037 by Tommar Construction Co. Limited and Tamlann Investments Ltd. c/o Sam Desto, Owner, for a change in zoning from the “AA” (Agricultural) District to the “C/S-1790” (Urban Protected Residential, Etc.) District, Modified (Block 1) for lands located at 2798 and a portion of 2804 King Street East, Hamilton and for a modification to the “C” (Urban Protected Residential, Etc.) District (Block 2), for a portion of the lands located at 8 Vienna Street, Hamilton, in order to facilitate future severance applications for the purpose of land assembly and permit the development of one single detached dwelling as shown on Appendix “A” to Report PED19209, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19209, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and comply with the Urban Hamilton Official Plan; and,

(b) *That there were no public submissions received on this matter.*

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES- Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

5. City Initiative 19-H – Modifications to Zoning By-law Nos. 6593 and 05-200 - Lands on the west side (bay side) of Beach Boulevard (PED19190) (Ward 5) (Item 8.2)

(Farr/Danko)

- (a) That City Initiative 19-H to further amend the “C/S-1436” (Urban Protected Residential, etc.) District and “G/S-1436” (Neighbourhood Shopping Centre, etc) District, modified, of Zoning By-law No. 6593, to increase the minimum ground floor elevation to 76.5 metres from 76.0 metres above mean sea level and to update technical references to the regulations and Schedules of By-law No. 99-170, for lands on the west side (bay side) of Beach Boulevard, in the former City of Hamilton, as shown on Appendix “A”, to Report PED19190, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “B” to Report PED19190, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED19190, be added to District Maps Nos. E-80b, E-80c, E-80d, E-80e and E-80f of Zoning By-law No. 6593 as “C/S-1436b” (Urban Protected Residential, etc.) and “G/S-1436b” (Neighbourhood Shopping Centre, etc) Districts; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan.
- (b) That City Initiative 19-H to amend Zoning By-law No. 05-200 to add a site-specific exception to the Neighbourhood Commercial (C2) Zone to require a minimum building elevation of 76.5 metre above mean sea level, greater side yard setbacks and accessory building regulations, for the properties located at Nos. 328, 336, 344 (part), 400, 532, 536, and 538 Beach Boulevard, in the former City of Hamilton, as shown on Appendix “A” to Report PED19190, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “C” to Report PED19190, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan.
- (c) That the City Solicitor be instructed to appeal and oppose any Committee of Adjustment approvals where the application was not supported by the

Planning and/or Growth Management Divisions and the approval would permit a minimum ground floor elevation of less than 76.5 metres above mean sea level or a side yard less than the minimum required by the Zoning By-law, for lands on the west side (bay side) of Beach Boulevard; and,

(d) *That there were no public submissions received on this matter.*

Result: Main Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

6. Fencing By-law Appeal Process (Item 11.1)

(Whitehead/Partridge)

That staff be directed to look at the feasibility of having an appeal process for the Fencing By-law.

Result: Motion CARRIED by a vote of 7 to 2, as follows:

NO - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 NO - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

7. Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 for the Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue (Hamilton) (Ward 7) (LS18020(a)/PED18172(a)) (Item 14.2)

(Farr/Clark)

- (a) That the recommendations (a), (b), (c), (d), (e) and (f) contained in Report LS18020(a)/PED18172(a), and the appendices thereto, remain confidential until made public as the City's position before the Local Planning Appeal Tribunal; and,
- (b) That the balance of Report LS18020(a)/PED18172(a), appendices thereto and recommendations therein remain confidential.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

8. 198 First Road West and 165 Upper Centennial Parkway Appeals Settlement (Added Item 14.3)

(Clark/Johnson)

That the direction provided to staff in Closed Session, respecting 198 First Road West and 165 Upper Centennial Parkway Appeals Settlement, be approved.

Result: Motion CARRIED by a vote of 8 to 1, as follows:

NO - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 Angela Riley respecting a Request for a Taxi Stand (For the November 19th meeting)

2. NOTICES OF MOTION (Item 12)

12.1 Reduction in MLE Vehicles

3. PRIVATE AND CONFIDENTIAL (Item 14)

14.3 198 First Road West and 165 Upper Centennial Parkway Appeals Settlement

(Clark/Johnson)

That the agenda for the November 5, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
NOT PRESENT - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) October 15, 2019 (Item 4.1)

(Farr/Partridge)

That the Minutes of the October 15, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES- Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(d) DELEGATION REQUESTS (Item 6)

- (i) Angela Riley respecting a Request for a Taxi Stand (For the November 19th meeting) (Added Item 6.1)**

(Danko/Johnson)

That the Delegation Request from **Angela Riley respecting a Request for a Taxi Stand be approved for the November 19th meeting.**

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES- Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) Application for Zoning By-law Amendment for Lands Located at 2798 and 2804 King Street East and 8 Vienna Street, Hamilton (PED19209) (Ward 5) (Item 8.1)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a

party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Whitehead/Partridge)

That the public meeting be closed.

CARRIED

(Whitehead/Danko)

That the staff presentation be waived.

CARRIED

Katelyn Gillis, T. Johns Consulting Group, was in attendance and indicated support for the staff report.

(Whitehead/Partridge)

That the recommendations in Report PED19209 be ***amended*** by adding the following sub-section (b):

(b) *That there were no public submissions received on this matter.*

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(ii) City Initiative 19-H – Modifications to Zoning By-law Nos. 6593 and 05-200 - Lands on the west side (bay side) of Beach Boulevard (PED19190) (Ward 5) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing

of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Whitehead/Collins)

That the public meeting be closed.

CARRIED

(Collins/Clark)

That the staff presentation be waived.

CARRIED

(Collins/Whitehead)

That the recommendations in Report PED19190 be ***amended*** by adding the following sub-section (d):

(d) *That there were no public submissions received on this matter.*

Result: *Amendment CARRIED by a vote of 9 to 0, as follows:*

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 5.

(f) NOTICE OF MOTIONS (Item 12)

(i) Reduction in MLE Vehicles (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion:

WHEREAS, City Council has unanimously declared a Climate Crisis.

WHEREAS, Vehicles are a major contributor to green house gas emissions.

WHEREAS, There are approximately 35 cars that make up part of the Municipal Law Enforcement Fleet.

WHEREAS, Reducing the use of vehicles, particularly lone occupant vehicles, will likely translate to a reduction in operating costs.

WHEREAS, Cycling / Transit / Walking is both good for the environment and a healthy model option of transportation for City if HAMILTON Employees.

THEREFORE BE IT RESOLVED:

That in an effort to lead by example as a Corporation of the City of Hamilton during this officially declared Climate Crisis, that the appropriate staff be requested to report back to Planning Committee and/or the 2020 Operating Budget Process on considerations respecting reducing the amount of vehicle use by MLE staff during day to day operations that may include, but not be limited to cycling, transit, car share and car pooling.

(ii) Feasibility of Including the “Glanbrook Sports Park” into the Binbrook Urban Boundary (Added Item 12.2)

Councillor Johnson introduced the following Notice of Motion:

WHEREAS, Glanbrook has grown exponentially in the past 20 years and the demand for recreation programs has increased significantly;

WHEREAS, Glanbrook residents travel on average 5 km to access recreation programs;

WHEREAS, according to the capital budget, Glanbrook is slated for a recreation centre in 2028;

WHEREAS, Recreation centres require approx. 25 acres (10 hectares);

WHEREAS, the only available land is the “Glanbrook Sports Park” that currently has an arena, baseball and soccer facilities as well as the municipal centre;

WHEREAS, “Glanbrook Sports Park” is approx. 25 acres (10 hectares);

WHEREAS, “Glanbrook Sports Park” is within the Greenbelt and abuts the urban boundary;

WHEREAS, “Glanbrook Sports Park” has a very fragile septic system and well;

WHEREAS, Installation of new infrastructure such as water and sewer is not allowed within Greenbelt lands;

WHEREAS, according to Growth Plan for the Greater Golden Horseshoe, the need for a settlement area boundary expansion has been justified in accordance with policy 2.2.8.225 acres (10 hectares) can be included in the Binbrook Village urban boundary;

THEREFORE BE IT RESOLVED:

That staff be directed to look at the feasibility of including the lands of the “Glanbrook Sports Park” into the Binbrook Village Urban Boundary.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (13.1)

(Farr/Wilson)

That the following changes to the Outstanding Business List, be approved:

12A - Regulation of Rental Housing
Current Due Date: November 5, 2019
Proposed Due Date: December 3, 2019

12B - Request to Designate 437 Wilson Street East (Ancaster)
Current Due Date: September 17, 2019
Proposed Due Date: May 5, 2020

14A - Adding 206, 208 and 210 King St E to the Register of Property of Cultural Heritage Value or Interest
Current Due Date: July 9, 2019
Proposed Due Date: April 7, 2020

17B - Designation of the Gore District as a Heritage Conservation District
Current Due Date: October 1, 2019
Proposed Due Date: April 7, 2020

18G - 8475 English Church Road - Zoning and OPA Amendments
Current Due Date: September 3, 2019
Proposed Due Date: February 18, 2020

18L - Review of the C6 and C7 Zoning Regulations
Current Due Date: September 17, 2019
Proposed Due Date: February 18, 2020

19G - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091)
Current Due Date: December 3, 2019
Proposed Due Date: January 14, 2020

19Q - Application for Zoning By-law Amendment for 116 and 120
Barnesdale Ave N (PED19117)
Current Due Date: October 1, 2019
Proposed Due Date: June 14, 2020

19R - 282 McNab Street North (OPA and Zoning By-law Amendment)
Current Due Date: TBD
Proposed Due Date: March 24, 2020

19S - 370 Concession Street (Zoning By-law Amendment)
Current Due Date: TBD
Proposed Due Date: June 14, 2020

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(ii) Increasing Fees for Metered Parking Spaces, Off-street Parking Lots and Parking Fines (Added Item 13.2)

(Collins/Farr)

- (a) That staff be directed to report back to the next Planning Committee meeting with options and alternatives related to increasing the fees of metered parking spaces, off-street parking lots and parking fines; and,
- (b) That the information include, but not be limited to, the fees charged by comparable municipalities.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead

YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – October 15, 2019 (Item 14.1)

(Collins/Danko)

- (a) That the Closed Session Minutes of the October 15, 2019 meeting of the Planning Committee be approved, as presented; and,
- (b) That the Closed Session Minutes of the October 15, 2019 meeting of the Planning Committee remain confidential.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(Clark/Partridge)

That the Committee move into Closed Session, respecting Items 14.2 and 14.3, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to: litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

- (ii) **Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 for the Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue (Hamilton) (Ward 7) (LS18020(a)/PED18172(a)) (Item 14.2)**

Staff provided the Committee with legal advice on the matter.

For further disposition of this matter, refer to Item 7.

- (iii) **198 First Road West and 165 Upper Centennial Parkway Appeals Settlement (Added Item 14.3)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 8.

(i) ADJOURNMENT (Item 15)

(Danko/Whitehead)

That there being no further business, the Planning Committee be adjourned at 10:59 p.m.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED19211) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Delia McPhail (905) 546-2424 Ext. 6663
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **City Initiative CI-19-E – Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan**, to amend policies, schedules and maps, to implement policy and mapping corrections for Volume 1 – Parent Plan, Volume 2 – Secondary Plans, and Volume 3 – Area and Site Specific Policies, be **APPROVED** on the following basis:

- (a) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED19211, be adopted by Council.
- (b) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED19211, be adopted by Council.
- (c) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS) 2014 and conform to A Place to Grow (Growth Plan for the Greater Golden Horseshoe, 2019) and the Greenbelt Plan, 2017.

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

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

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

SUBJECT: Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED19211) (City Wide) – Page 2 of 5

EXECUTIVE SUMMARY

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

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

The Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED19211, contains proposed policy and mapping changes to correct the matters identified in Appendices “C” – “C2”, inclusive, of Report PED19211. These Appendices include the background and rationale for the proposed amendments identified in Appendix “A” to Report PED19211.

Similarly, the Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED19211, contains proposed policy changes to correct the matters identified in Appendices “D” – “D1”, inclusive, of Report PED19211. These Appendices include the background and rationale for the proposed amendments identified in Appendix “B” to Report PED19211.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Policy F.1.17.7 of Volume 1 for both the Urban and Rural Hamilton Official Plans allows administrative amendments without requiring a public meeting process under the *Planning Act*.

HISTORICAL BACKGROUND

The UHOP was adopted by Council on June 9, 2009, received Ministerial Approval on March 16, 2011, and was approved by the OMB on August 16, 2013.

The RHOP was adopted by Council on September 27, 2006, received Ministerial Approval on December 24, 2008, and was approved by the OMB on March 7, 2012.

SUBJECT: Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED19211) (City Wide) – Page 3 of 5

The application of both the UHOP and RHOP, through the development review process and in the preparation of secondary plans, has resulted in the identification of areas where administrative and technical revisions to the existing policies are required to provide clarity with respect to intent. It is necessary to ensure the policy intent of the UHOP and RHOP continues to be clear and correct, and the policies remain easy to read and apply. Changes to the UHOP and RHOP are required to correct policy and mapping inconsistencies, grammar, reference numbering errors and typographical errors.

Within Chapter F of Volume 1, the UHOP and RHOP provide direction on Official Plan Amendments. UHOP Policy F.1.1.4 b) and RHOP Policy F.1.1.3 c) indicates that the City of Hamilton may undertake amendments to update and streamline the administration of municipal planning policies.

Policy F.1.17.7 of the UHOP and RHOP states:

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

The UHOP and RHOP updates are being undertaken in two parts: 1) Administrative Amendment (Report PED19211), in accordance with UHOP/RHOP Policy F.1.17.7 above, is required to correct minor format changes, typographical and grammatical errors, policy number changes and minor revisions to update UHOP/RHOP mapping; and, 2) a future Housekeeping Amendment that requires a public meeting (tentatively scheduled for Q1 2020) to add policies, a definition, correct consistencies between policies and mapping, and to delete redundant policies / wording. An Administrative Amendment (Report PED19211) provides an historical record of minor format changes, typographical and grammatical errors that may otherwise have been addressed by staff without a formal tracking system. In contrast, a Housekeeping Amendment concerns more significant changes that warrant a public meeting.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement, 2014

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

SUBJECT: Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED19211) (City Wide) – Page 4 of 5

A Place to Grow (Growth Plan for the Greater Golden Horseshoe)

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

Greenbelt Plan

The Greenbelt Plan sets the policy foundation for regulating development within the Greenbelt Plan Area. Although there are no direct policies that deal with Administrative Amendments, none of the changes proposed in this Amendment are inconsistent with the Greenbelt Plan.

RELEVANT CONSULTATION

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

Planning and Economic Development Department:

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

In addition, staff informed the Development Industry Liaison Group (DILG) of this Administrative Amendment at their meeting on October 29, 2019.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

The proposed revisions in the Amendments (Appendices “A” and “B” to Report PED19211) do not change the intent of the UHOP or RHOP policies.

SUBJECT: Administrative Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED19211) (City Wide) – Page 5 of 5

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

- Correct policy number/reference errors (Appendices “C” and “D” to Report PED19211);
- Correct typographical and grammatical errors (Appendices “C1” and “D1” to Report PED19211); and,
- Update UHOP mapping (Appendix “C2” Report PED19211).

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

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Draft Urban Hamilton Official Plan Amendment
- Appendix “B”: Draft Rural Hamilton Official Plan Amendment
- Appendix “C”: Summary Table of Proposed Amendments to correct policy number / reference errors – UHOP All Volumes
- Appendix “C1”: Summary Table of Proposed Amendments to correct typographical and grammatical errors – UHOP All Volumes
- Appendix “C2”: Summary Table of Proposed Amendments to update mapping – UHOP All Volumes
- Appendix “D”: Summary Table of Proposed Amendments to correct policy number / reference errors – RHOP All Volumes
- Appendix “D1”: Summary Table of Proposed Amendments to correct typographical and grammatical errors – RHOP All Volumes

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix "A"	Volume 1: Chapter B – Communities
Appendix "B"	Volume 1: Chapter C – City Wide Systems and Designations
Appendix "C"	Volume 1: Chapter E – Urban Systems and Designations
Appendix "D"	Volume 1: Chapter F – Implementation
Appendix "E"	Volume 1: Schedule C – Functional Road Classification
Appendix "F"	Volume 1: Schedule C-2 – Future Right of Way Dedications
Appendix "G"	Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.5 – Meadowlands Neighbourhood III Secondary Plan
Appendix "H"	Volume 2: Chapter B.5.0 – Glanbrook Secondary Plans – Section B.5.1 – Binbrook Village Secondary Plan
Appendix "I"	Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland Winona Secondary Plan
Appendix "J"	Volume 2: Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan
Appendix "K"	Volume 3: Chapter B – Urban Site Specific Policies
Appendix "L"	Volume 3: Map 2 – Urban Site Specific Key Map

attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

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

2.0 Location:

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

3.0 **Basis:**

The basis for permitting this Amendment is:

- Clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar) in the Urban Hamilton Official Plan.
- Urban Hamilton Official Plan Volume 1, Chapter F, Section F.1.0, Policy 1.1.4 requires that a City-initiated amendment be completed to update and streamline administration of municipal planning policies.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 **Actual Changes:**

4.1 **Volume 1 – Parent Plan**

Text

4.1.1 Chapter B – Communities

- a. That the following policy of Volume 1: Chapter B – Communities be amended, as outlined in Appendix "A":
 - B.3.2.2.2

4.1.2 Chapter C – City Wide Systems and Designations

- a. That the following policies of Volume 1: Chapter C – City Wide Systems and Designations be amended, as outlined in Appendix "B":
 - C.3.4.1
 - C.4.8.6

4.1.3 Chapter E – Urban Systems and Designations

- a. That the following policies of Volume 1: Chapter E – Urban Systems and Designations be amended, as outlined in Appendix "C":
 - E.2.5.3
 - E.5.5.9

4.1.4 Chapter F – Implementation

- a. That the following policy of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix "D":
 - F.1.12.10

Schedules and Appendices

4.1.5 Schedules

- a. That Volume 1: Schedule C – Functional Road Classification be amended by:
 - i. identifying a portion of Mountain Brow Road as "Major Arterial";
 - ii. identifying Upper Red Hill Valley Parkway south of Rymal Road East from "Major Arterial" to "Proposed Major Arterial"; and
 - iii. realigning the "Proposed Collector Road" extending from Twenty Road East to reflect the current Municipal Class Environmental Assessment (EA) process,

as shown on Appendix "E", attached to this Amendment.
- b. That Volume 1: Schedule C-2 – Future Right of Way Dedications be amended, as outlined in Appendix "F".

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.5 – Meadowlands Neighbourhood III Secondary Plan

- a. That the following policy of Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.5 – Meadowlands Neighbourhood III Secondary Plan be amended, as outlined in Appendix "G", attached to this Amendment:
 - B.2.5.1.1

4.2.2 Chapter B.5.0 – Glanbrook Secondary Plans – Section B.5.1 – Binbrook Village Secondary Plan

- a. That the following policies of Volume 2: Chapter B.5.0 – Glanbrook Secondary Plans – Section B.5.1 – Binbrook Village Secondary Plan be amended, as outlined in Appendix "H", attached to this Amendment:

- B.5.1.13.1
- B.5.1.13.11

4.2.3 Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland Winona Secondary Plan

- a. That the following policies of Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland Winona Secondary Plan be amended, as outlined in Appendix "I", attached to this Amendment:
- B.7.4.13.14
 - B.7.4.13.15

Maps

4.2.2 Map

- a. That Volume 2: Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan be amended, by adding the letter "a" following the number "1" in the Legend entry "Low Density Residential 1" to read "Low Density Residential 1a", as shown on Appendix "J", attached to this Amendment.

4.3 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.3.1 Chapter B – Urban Site Specific Policies

- a. That Volume 3: Chapter B – Urban Site Specific Policies, Dundas Urban Commercial and Mixed Use Site Specific Policy "UDMU-1" be amended as outlined on Appendix "K", attached to this Amendment.

Maps and Appendices

4.3.2 Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by replacing the "UDMU-1" identification with "UDC-1", as shown on Appendix "L", attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____th day of ___, 201X.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK

Appendix "A" – Volume 1: Chapter B – Communities

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
B.3.2.2.2 The City shall monitor the policies of Sections B.3.2 – Housing and B.2.4 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets.	B.3.2.2.2 The City shall monitor the policies of Sections B.3.2 – Housing and B.2.4 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets.

Appendix "B" – Volume 1: Chapter C – City Wide Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added	
C.3.4.1 The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 - Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the other land use designations in accordance with Policies C.3.2.1 and C.3.4.9.	C.3.4.1 The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 - Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the other land use designations in accordance with Policies C.3.2.1 and C.3.4.9.
C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule GF – Airport Influence Area of the Rural Hamilton Official Plan.	C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule F – Airport Influence Area of the Rural Hamilton Official Plan.

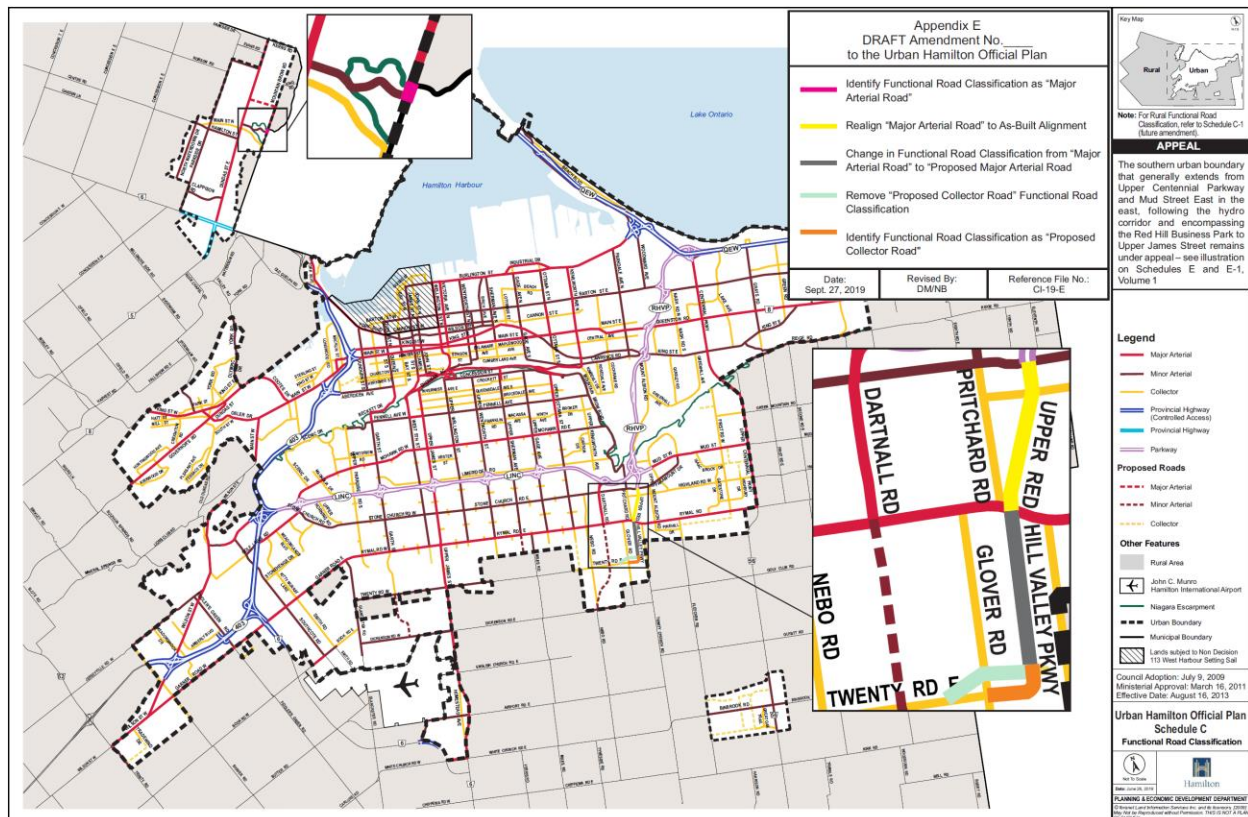
Appendix "C" – Volume 1: Chapter E – Urban Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added	
E.2.5.3 Majority Activity Centres shall be served by a range of transportation modes.	E.2.5.3 Major Activity Centres shall be served by a range of transportation modes.
E.5.5.9 All <i>development</i> in the Airport Employment Growth District shall comply with Sections B.3.5.6.3 – Noise, Vibration and Emissions and C.4.8 – Airport.	E.5.5.9 All development in the Airport Employment Growth District shall comply with Sections B.3.6.3 – Noise, Vibration and Emissions and C.4.8 – Airport.

Appendix “D” – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
F.1.12.10 Council may pass by-laws, in accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990 c. P.13, as amended, to permit expansions or enlargements of any buildings or structures used for purposes prohibited in the applicable zoning by-law if the buildings or structures were lawfully used for the such purposes on the day of the passing of the applicable zoning by-law, provided the by-law maintains the intent and purpose of this Plan.	F.1.12.10 Council may pass by-laws, in accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990 c. P.13, as amended, to permit expansions or enlargements of any buildings or structures used for purposes prohibited in the applicable zoning by-law if the buildings or structures were lawfully used for the such purposes on the day of the passing of the applicable zoning by-law, provided the by-law maintains the intent and purpose of this Plan.

Appendix "E" – Volume 1: Schedule C – Functional Road Classification



Appendix "F" – Volume 1: Schedule C-2 – Future Right of Way Dedications

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>Modify four (4) entries:</p> <p>Dundas Street East (Hwy 5) from Highway 6 to Hamilton Street 36.576 – 45.720; from Hamilton Street to First Street 20.000 – 22.000; from First Street to New East – West Road Avonsyde Boulevard – 36.576 – 45.720; from New East – West Road Avonsyde Boulevard to East City Limit – 47.000</p>	<p>Dundas Street East from Highway 6 to Hamilton Street 36.576 – 45.720; from Hamilton Street to First Street 20.000 – 22.000; from First Street to Avonsyde Boulevard – 36.576 – 45.720; from Avonsyde Boulevard to East City Limit – 47.000</p>
<p>Modify one entry:</p> <p>New East-West Road (Waterdown) from Through Waterdown North Development Area – 32.000; from Centre Road to Parkside Drive – 36.000; from Parkside Drive to Dundas Street – 36.000</p>	<p>New East-West Road (Waterdown) from Through Waterdown North Development Area – 32.000; from Centre Road to Parkside Drive – 36.000</p>
<p>Add one entry:</p> <p>Avonsyde Boulevard from Parkside Drive to Dundas Street East – 36.000</p>	<p>Avonsyde Boulevard from Parkside Drive to Dundas Street East – 36.000</p>
<p>Modify one entry:</p> <p>Upper James Street from Rymal Road to 150 metres north of new Highway # 6 South – 45.000</p>	<p>Upper James Street from Rymal Road to 150 metres north of Highway 6 South – 45.000</p>

Appendix “G” – Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section
B.2.5 – Meadowlands Neighbourhood III Secondary Plan

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1 a , Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.	B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1 a a , Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.

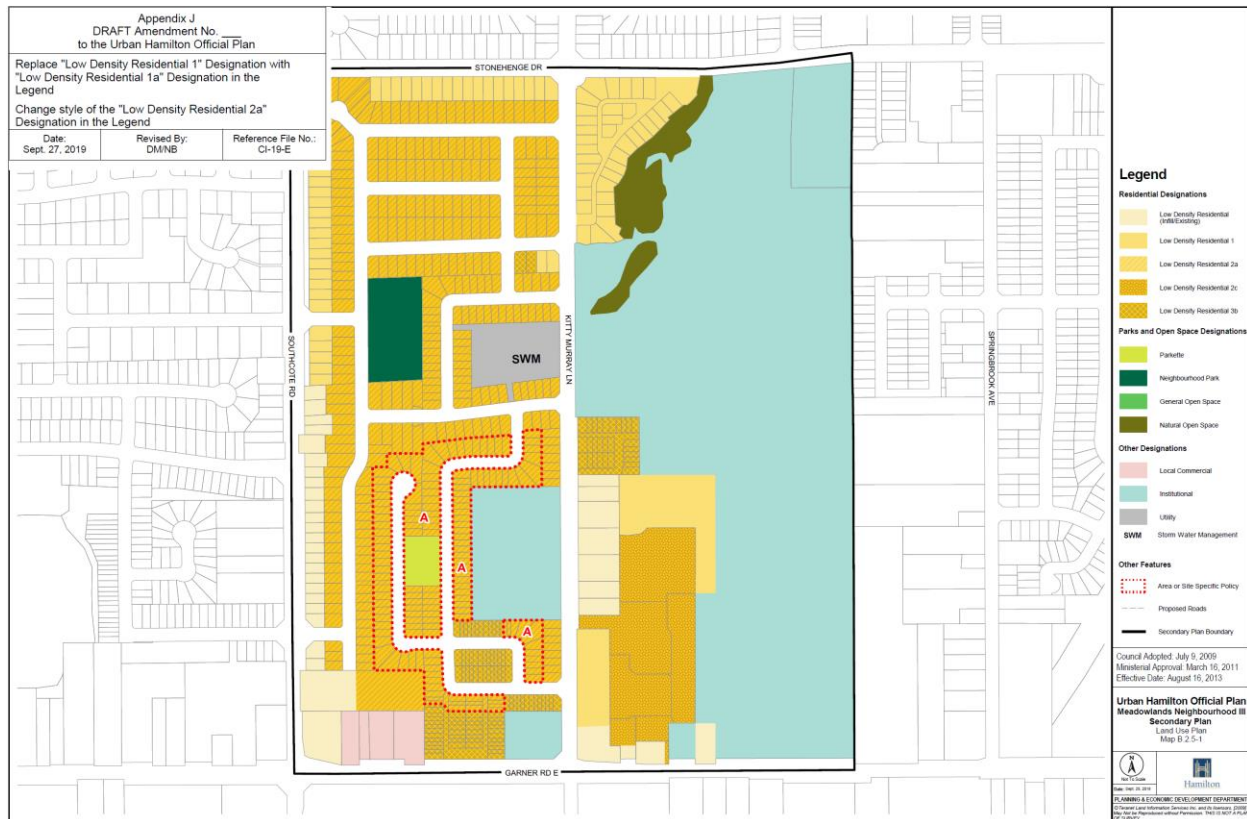
Appendix "H" – Volume 2: Chapter B.5.0 – Glanbrook Secondary Plans – Section
B.5.1 – Binbrook Village Secondary Plan

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>Area Specific Policy – Area A</p> <p>B.5.1.13.1 For lands generally located on the east side of Highway 56, north of Binbrook Road, designated Low Density Residential 2d, and identified as Area Specific Policy – Area A on Map B.5.1-1 – Binbrook Village – Land Use Plan, the following policies shall apply:</p> <p>a) the lands are intended for private and permanent adult lifestyle developments or Low Density Residential 2d <i>development</i> on the following basis:</p> <p>ii) <i>development</i> and <i>redevelopment</i> shall comply with Policies B.5.1.810.31; and,</p>	<p>Area Specific Policy – Area A</p> <p>B.5.1.13.1 For lands generally located on the east side of Highway 56, north of Binbrook Road, designated Low Density Residential 2d, and identified as Area Specific Policy – Area A on Map B.5.1-1 – Binbrook Village – Land Use Plan, the following policies shall apply:</p> <p>a) the lands are intended for private and permanent adult lifestyle developments or Low Density Residential 2d <i>development</i> on the following basis:</p> <p>ii) <i>development</i> and <i>redevelopment</i> shall comply with Policies B.5.1.10.1; and,</p>
<p>Site Specific Policy – Area K</p> <p>B.5.1.13.11 In addition to Section B.5.1.4.5 de i), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 3e, and identified as Site Specific Policy – Area K on Map B.5.1-1 – Binbrook Village Secondary Plan, townhouses shall also be permitted, which may be developed as a standard block townhouse development or as freehold townhouse units on a private road.</p>	<p>Site Specific Policy – Area K</p> <p>5.1.13.11 In addition to Section B.5.1.4.5 e) i), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 3e, and identified as Site Specific Policy – Area K on Map B.5.1-1 – Binbrook Village Secondary Plan, townhouses shall also be permitted, which may be developed as a standard block townhouse development or as freehold townhouse units on a private road.</p>

Appendix “I” – Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans –
Section B.7.4 – Fruitland Winona Secondary Plan

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added	
B.7.4.13.14 Rapid Transit In addition to Policies C.4.4.8 through C.4.4.12 11 – Rapid Transit of Volume 1, the following policies shall apply to the Fruitland-Winona Secondary Plan area:	B.7.4.13.14 Rapid Transit In addition to Policies C.4.4.8 through C.4.4.11 – Rapid Transit of Volume 1, the following policies shall apply to the Fruitland-Winona Secondary Plan area:
B.7.4.13.15 Inter-Regional Transit Network In accordance with Policy C.4.4.13 12 .1 of Volume 1, a proposed inter-modal transportation terminal has been conceptually identified within the vicinity of the intersection of Fifty Road and the South Service Road as shown on Map B.7.4-3 Fruitland-Winona Secondary Plan – Transportation Classification Plan.	B.7.4.13.15 Inter-Regional Transit Network In accordance with Policy C.4.4.12.1 of Volume 1, a proposed inter-modal transportation terminal has been conceptually identified within the vicinity of the intersection of Fifty Road and the South Service Road as shown on Map B.7.4-3 Fruitland-Winona Secondary Plan – Transportation Classification Plan.

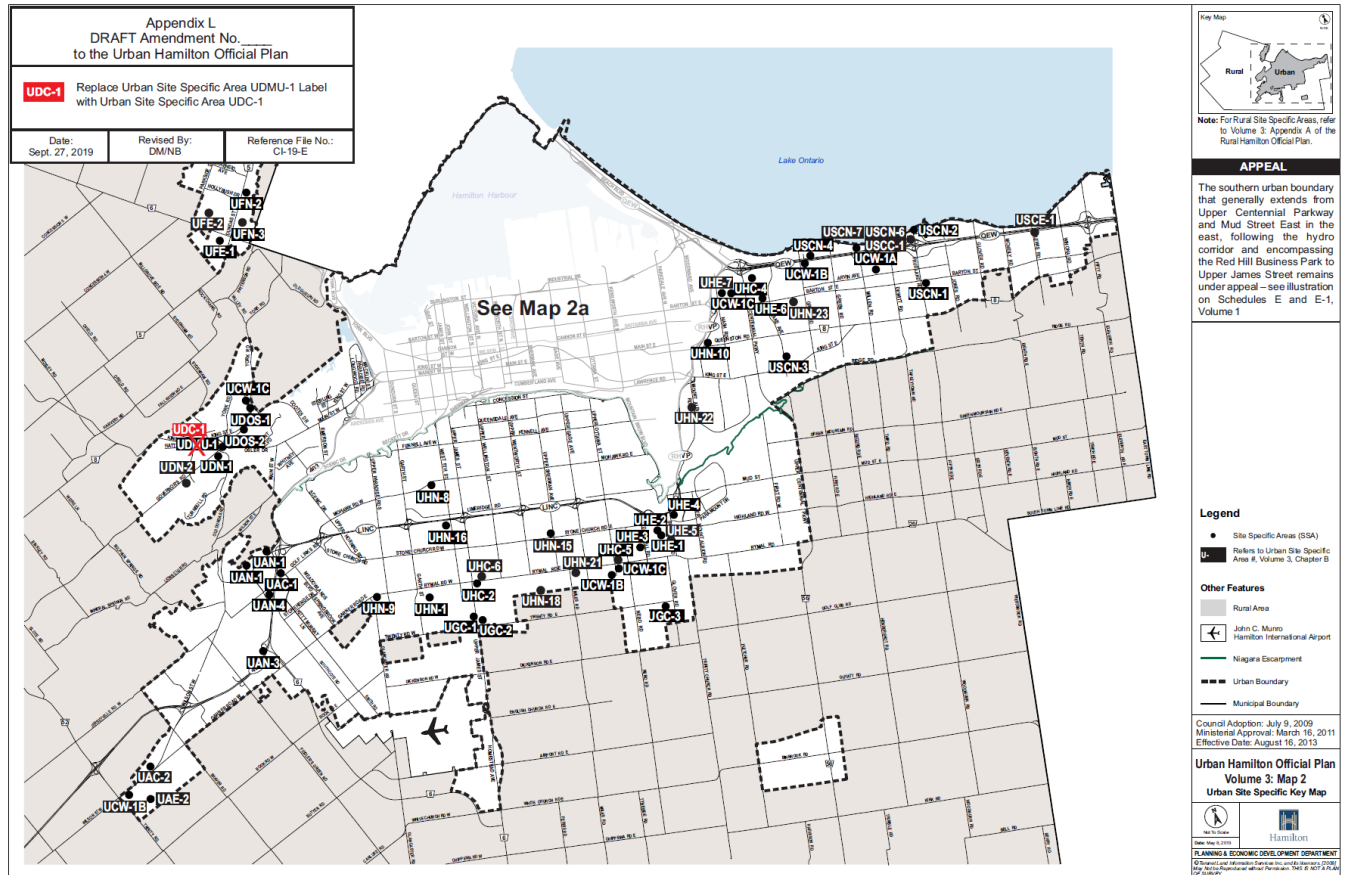
Appendix "J" – Volume 2: Meadowlands Neighbourhood III Secondary Plan – Land Use Plan



Appendix "K" – Volume 3: Chapter B – Urban Site Specific Policies

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
UDMUC-1 Lands located at 71 Main Street and a portion of 10 Baldwin Street, former Town of Dundas	UDC-1 Lands located at 71 Main Street and a portion of 10 Baldwin Street, former Town of Dundas

Appendix "L" – Volume 3: Map 2 – Urban Site Specific Key Map



Schedule 1

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

The following text, together with:

Appendix "A"	Volume 1: Chapter B – Communities
Appendix "B"	Volume 1: Chapter C – City Wide Systems and Designations
Appendix "C"	Volume 1: Chapter F – Implementation
Appendix "D"	Volume 1: Chapter G - Glossary
Appendix "E"	Volume 3: Chapter B – Rural Site Specific Areas

attached hereto, constitutes Official Plan Amendment No. "X" to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

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

2.0 Location:

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

3.0 Basis:

The basis for permitting this Amendment is:

- Clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar) in the Rural Hamilton Official Plan.
- Rural Hamilton Official Plan Volume 1, Chapter F, Section F.1.0, Policy 1.1.3 requires that a City-initiated amendment be completed to update and streamline administration of municipal planning policies.
- The proposed amendment is consistent with the Provincial Policy Statement,

2014 and conforms to the Greenbelt Plan, 2017 and the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter B – Communities

- a. That the following policies of Volume 1: Chapter B – Communities be amended, as outlined in Appendix “A”:
 - B.3.5.3.8
 - B.3.5.3.13
 - B.3.5.3.14 a)
 - B.3.5.3.16
 - B.3.6.3.5

4.1.2 Chapter C – City Wide Systems and Designations

- a. That the following policies of Volume 1: Chapter C – City Wide Systems and Designations be amended, as outlined in Appendix “B”:
 - Table C.2.6.1
 - Table C.2.6.2
 - C.3.1.2
 - C.3.1.3 a) iii)
 - C.3.1.4 a)
 - C.3.3.1
 - C.3.3.2
 - C.5.1.1
 - C.5.1.1 a)
 - C.5.1.1 b)

4.1.4 Chapter F – Implementation

- a. That the following policy of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix “C”:
 - F.3.2.5.4

4.1.5 Chapter G – Glossary

- a. That Volume 1: Chapter G – Glossary be amended by amending one definition, as outlined in Appendix "D".

4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.2.1 Chapter B – Rural Site Specific Areas

- a. That Volume 3, Chapter B – Rural Site Specific Areas, Site Specific Policy R-42 be amended as outlined in Appendix "E" to this Amendment

5.0 Implementation:

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

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the day of month, 2019.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK

Appendix “A” – Volume 1: Chapter B – Communities

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added	
B.3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.13.9.	B.3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.3.9.
B.3.5.3.13 Notwithstanding Section B.3.5.13.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.	B.3.5.3.13 Notwithstanding Section B.3.5.3.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.
B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations: a) The parkland standards in Section B.3.5.13.9;	B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations: a) The parkland standards in Section B.3.5.3.9;
B.3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs: a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.13.9;	B.3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs: a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.3.9;
B.3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following: a) sound-proofing measures, construction techniques, and materials; b) layout and design of the structure or outdoor living areas; c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; d) building setbacks; and, e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.	B.3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following: a) sound-proofing measures, construction techniques, and materials; b) layout and design of the structure or outdoor living areas; c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; d) building setbacks; and, e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.

Appendix "B" – Volume 1: Chapter C – City Wide Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations	Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations
Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations	Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations
C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met: c) A <i>small scale</i> residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law.	C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met: c) A <i>small scale</i> residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law.
C.3.1.3 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5) a) Exploration and extraction of <i>petroleum</i> resources, including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within <i>Rural Hamilton</i> and outside the designated Rural Settlement Areas provided all the following criteria are met: iii) Notwithstanding b a) above,	C.3.1.3 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5) a) Exploration and extraction of <i>petroleum</i> resources, including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within <i>Rural Hamilton</i> and outside the designated Rural Settlement Areas provided all the following criteria are met: iii) Notwithstanding a) above,
C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: a) Except as permitted in Sections D.2.1.1.46 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;	C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: a) Except as permitted in Sections D.2.1.1.6 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added	
C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. ... Ancillary commercial uses may be permitted as defined by Section B.3.5.13, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.	C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. ... Ancillary commercial uses may be permitted as defined by Section B.3.5.3, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.
C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.13, Parkland Policies of this Plan.	C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.3, Parkland Policies of this Plan.
C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following: a) Prior to or at the time of application ... the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.25 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time. b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.25 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. ...	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with all of the following: a) Prior to or at the time of application ... the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time. b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. ...

Appendix "C" – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added	
F.3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.25.3 , the required Hydrogeological Study shall, in the case of a permitted severance in the <i>rural area</i> , or of the lots within a multi unit site plan development in a Rural Settlement Area: ...	F.3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.5.3 , the required Hydrogeological Study shall, in the case of a permitted severance in the <i>rural area</i> , or of the lots within a multi unit site plan development in a Rural Settlement Area: ...

Appendix “D” – Volume 1, Chapter G – Glossary

Proposed Change	Proposed New Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>Transportation Corridor: A transportation corridor includes any or all of the following:</p> <ul style="list-style-type: none"> a) major roads, arterial roads, and highways for moving people and goods; eb) rail lines/railways for moving people and goods; ec) transit rights-of-way/transitways including buses and light rail for moving people. 	<p>Transportation Corridor: A transportation corridor includes any or all of the following:</p> <ul style="list-style-type: none"> a) major roads, arterial roads, and highways for moving people and goods; b) rail lines/railways for moving people and goods; c) transit rights-of-way/transitways including buses and light rail for moving people.

Appendix “E” – Volume 3: Chapter B – Rural Site Specific Areas

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>R-42 Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough</p> <p>1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule “D” – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-42, a <i>cannabis growing and harvesting facility</i> shall be permitted, subject to the following policies:</p>	<p>R-42 Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough</p> <p>1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule “D” – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-42, a <i>cannabis growing and harvesting facility</i> shall be permitted, subject to the following policy:</p>

Appendix “C” – Summary Table of Proposed Amendments to Incorrect Policy References – UHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter C – City Wide Systems and Designations, Section 4.8 Airport Policies	C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule GF – Airport Influence Area of the Rural Hamilton Official Plan.	C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule F – Airport Influence Area of the Rural Hamilton Official Plan.	Numbering error – Improper reference to Schedule F – Airport Influence Area of the Rural Hamilton Official Plan.
Volume 1: Chapter E – Urban Systems and Designations, Section 5.5 Employment Area – Airport Employment Growth District Designation	E.5.5.9 All <i>development</i> in the Airport Employment Growth District shall comply with Sections B.3. 56.63 – Noise, Vibration and Emissions and C.4.8 – Airport.	E.5.5.9 All <i>development</i> in the Airport Employment Growth District shall comply with Sections B.3.6.3 – Noise, Vibration and Emissions and C.4.8 – Airport.	Numbering error – Improper policy number reference to the Noise, Vibration and Emissions policies, which are found within Section B.3.6.3.

Appendix “C” – Summary Table of Proposed Amendments to Incorrect Policy References – UHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter F – Implementation, Section 1.12 Existing, Non- Complying and Non- Conforming Uses	F.1.12.10 Council may pass by-laws, in accordance with Subsection 34(10) of the <u>Planning Act, R.S.O., 1990 c. P.13</u> , as amended, to permit expansions or enlargements of any buildings or structures used for purposes prohibited in the applicable zoning by-law if the buildings or structures were lawfully used for the such purposes on the day of the passing of the applicable zoning by-law, provided the by-law maintains the intent and purpose of this Plan.	F.1.12.10 Council may pass by-laws, in accordance with Subsection 34(10) of the <u>Planning Act, R.S.O., 1990 c. P.13</u> , as amended, to permit expansions or enlargements of any buildings or structures used for purposes prohibited in the applicable zoning by-law if the buildings or structures were lawfully used for the such purposes on the day of the passing of the applicable zoning by-law, provided the by-law maintains the intent and purpose of this Plan.	Improper reference to appropriate subsection of the <u>Planning Act, R.S.O., 1990 c. P.13</u> .
Volume 2: Chapter B.5.1 Binbrook Village Secondary Plan Policies	Area Specific Policy – Area A B.5.1.13.1 For lands generally located on the east side of Highway 56, north of Binbrook Road, designated Low Density Residential 2d, and identified as Area Specific Policy – Area A on Map B.5.1-1 – Binbrook Village – Land Use Plan, the following policies shall apply: a) the lands are intended for private and permanent adult lifestyle developments or Low Density Residential 2d <i>development</i> on the following basis: ii) <i>development</i> and <i>redevelopment</i> shall comply with Policies B.5.1.8 10.31 ; and,	Area Specific Policy – Area A B.5.1.13.1 For lands generally located on the east side of Highway 56, north of Binbrook Road, designated Low Density Residential 2d, and identified as Area Specific Policy – Area A on Map B.5.1-1 – Binbrook Village – Land Use Plan, the following policies shall apply: a) the lands are intended for private and permanent adult lifestyle developments or Low Density Residential 2d <i>development</i> on the following basis: ii) <i>development</i> and <i>redevelopment</i> shall comply with Policies B.5.1.10.1; and,	Numbering error – Occurred when the Ontario Municipal Board approved the UHOP and Policy B.5.1.8.3 was renumbered to B.5.1.10.1.

Appendix “C” – Summary Table of Proposed Amendments to Incorrect Policy References – UHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 2: Chapter B.5.1 Binbrook Village Secondary Plan Policies	Site Specific Policy – Area K B.5.1.13.11 In addition to Section B.5.1.4.5 de i), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 3e, and identified as Site Specific Policy – Area K on Map B.5.1-1 – Binbrook Village Secondary Plan, townhouses shall also be permitted, which may be developed as a standard block townhouse development or as freehold townhouse units on a private road.	Site Specific Policy – Area K 5.1.13.11 In addition to Section B.5.1.4.5 e) i), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 3e, and identified as Site Specific Policy – Area K on Map B.5.1-1 – Binbrook Village Secondary Plan, townhouses shall also be permitted, which may be developed as a standard block townhouse development or as freehold townhouse units on a private road.	Numbering error – Policy B.5.1.4.5 e) i) identifies the permitted uses within the Low Density Residential 3e designation.
Volume 2: Chapter B.7.4 Fruitland Winona Secondary Plan Policies	B.7.4.13.14 Rapid Transit In addition to Policies C.4.4.8 through C.4.4.12 11 – Rapid Transit of Volume 1, the following policies shall apply to the Fruitland-Winona Secondary Plan area:	B.7.4.13.14 Rapid Transit In addition to Policies C.4.4.8 through C.4.4.11 – Rapid Transit of Volume 1, the following policies shall apply to the Fruitland-Winona Secondary Plan area:	Policy C.4.4.12 was deleted in its entirety and subsequent policies were renumbered through OPA No. 65 (Transit Oriented Corridor Zone Implementation). The policies concerning Rapid Transit in Chapter E range from Policies C.4.4.8 through C.4.4.11.

Appendix “C” – Summary Table of Proposed Amendments to Incorrect Policy References – UHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 2: Chapter B.7.4 Fruitland Winona Secondary Plan Policies	B.7.4.13.15 Inter-Regional Transit Network In accordance with Policy C.4.4. 13 12 .1 of Volume 1, a proposed inter-modal transportation terminal has been conceptually identified within the vicinity of the intersection of Fifty Road and the South Service Road as shown on Map B.7.4-3 Fruitland-Winona Secondary Plan – Transportation Classification Plan.	B.7.4.13.15 Inter-Regional Transit Network In accordance with Policy C.4.4.12.1 of Volume 1, a proposed inter-modal transportation terminal has been conceptually identified within the vicinity of the intersection of Fifty Road and the South Service Road as shown on Map B.7.4-3 Fruitland-Winona Secondary Plan – Transportation Classification Plan.	Policy C.4.4.12 was deleted in its entirety and subsequent policies were renumbered through OPA No. 65 (Transit Oriented Corridor Zone Implementation). Therefore, Policy C.4.4.13.1 became C.4.4.12.1.

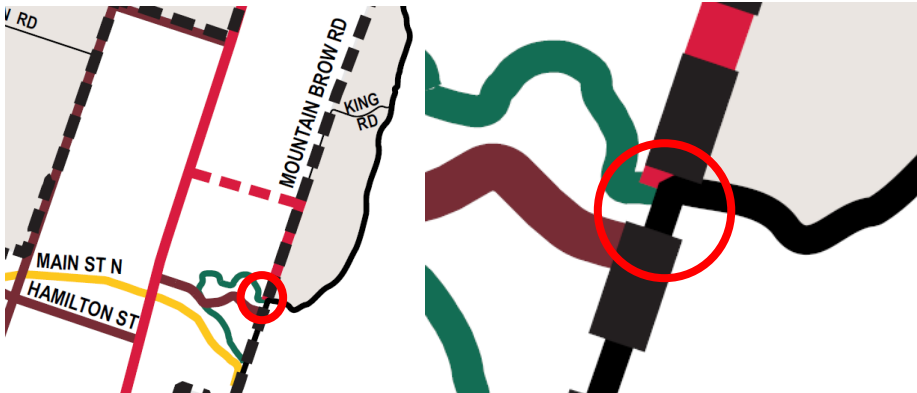
Appendix “C1” – Summary Table of Proposed Amendments to Typographical and Grammatical Errors – UHOP All Volumes

UHOP Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter B – Communities, Section 3.2 Housing Policies	B.3.2.2.2 The City shall monitor the policies of Sections B.3.2 – Housing and B.2. 24 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets.	B.3.2.2.2 The City shall monitor the policies of Sections B.3.2 – Housing and B.2.4 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets.	Grammatical and numbering error – Improper reference to Section B.2.4
Volume 1: Chapter C – City Wide Systems, and Designations, Section 3.4 Utilities Designation Policies	C.3.4.1 The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 - Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the other land use designations in accordance with Policies C.3.2.1 and C.3.4.9.	C.3.4.1 The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 - Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the other land use designations in accordance with Policies C.3.2.1 and C.3.4.9.	Grammatical error.
Volume 1: Chapter E – Urban Systems, and Designations, Section 2.5 Major Activity Centres	E.2.5.3 Majority Activity Centres shall be served by a range of transportation modes.	E.2.5.3 <i>Major Activity Centres</i> shall be served by a range of transportation modes.	Typographical error.


Appendix “C1” – Summary Table of Proposed Amendments to Typographical and Grammatical Errors – UHOP All Volumes

UHOP Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 2: Chapter B.2.5 Meadowlands Neighbourhood III Secondary Plan Policies	B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1a, Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.	B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1a, Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.	Grammatical error – Meadowlands Neighbourhood III Secondary Plan Policy B.2.5.1.2 references “Low Density Residential 1a”, not “Low Density Residential 1”. The density range referenced in Policy B.2.5.1.2 meets the criteria of the Low Density Residential 1a category identified in Volume 1: Appendix B.
Volume 3: Chapter B – Urban Site Specific Policies	UDMUC-1 Lands located at 71 Main Street and a portion of 10 Baldwin Street, former Town of Dundas	UDC-1 Lands located at 71 Main Street and a portion of 10 Baldwin Street, former Town of Dundas	Numbering error – There is no UDM prefix for Site Specific Policies in Volume 3. Commercial and Mixed Use naming convention is UDC. Therefore, UDMU-1 is properly referenced as UDC-1.

Appendix "C2" – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
Volume 1: Schedule C – Functional Road Classification	<p>Complete the connection of the Major Arterial Road classification for Mountain Brow Road to Mill Street.</p> 	Mapping error.

Appendix "C2" – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p><i>Volume 1: Schedule C – Functional Road Classification</i></p>	<p>Realign Upper Red Hill Valley Parkway between Stone Church Road East and Rymal Road East to as-built alignment.</p> <p>Change portion of Upper Red Hill Valley Parkway south of Rymal Road East to "Proposed Major Arterial" and realign connection with the as-built portion north of Rymal Road East.</p> <p>Change alignment of proposed "Proposed Collector Road" extending from Twenty Road East to reflect the current Municipal Class Environmental Assessment (EA) process.</p> 	<p>Existing mapping does not properly reflect the alignment of the Upper Red Hill Valley Parkway.</p> <p>The Municipal Class Environmental Assessment (EA) process for the proposed extensions of the Upper Red Hill Valley Parkway and Twenty Road East is currently underway.</p>

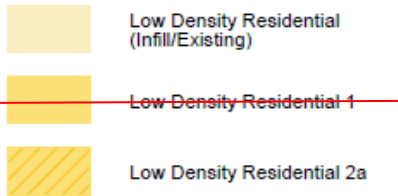
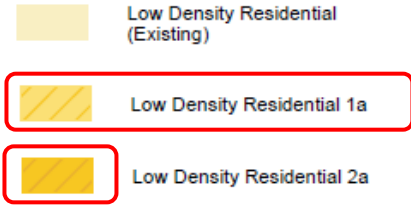
Appendix “C2” – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes				Why Change is Required
Volume 1: Schedule C-2 Future Right-of-Way Dedications	Add the word “East” after Dundas Street and delete “(Highway 5)” and replace “New East – West Road” with “Avonsyde Boulevard”.				<p>On June 26, 2019, Hamilton City Council passed By-law No. 19-145 to rename Highway No. 5 East to Dundas Street East.</p> <p>Registered Plan No. 1231 affirmed the name of the New East-West Road as Avonsyde Boulevard.</p>
	Dundas Street East (Hwy 5)	Highway 6	Hamilton Street	36.576 – 45.720	
		Hamilton Street	First Street	20.000 – 22.000	
		First Street	New East – West Road Avonsyde Boulevard	36.576 – 45.720	
		New East – West Road Avonsyde Boulevard	East City Limit	47.000	
Volume 1: Schedule C-2 Future Right-of-Way Dedications	Separate New East-West Road entry, by creating new entry for “Avonsyde Boulevard”, adding the word “East” after the words “Dundas Street” and listing the new entry in alphabetical order within the table.				<p>Registered Plan No. 1231 affirmed the name Avonsyde Boulevard for this portion of the New East-West Road.</p> <p>On June 26, 2019, Hamilton City Council passed By-law No. 19-145 to rename Highway No. 5 East to Dundas Street East.</p>
	New East-West Road (Waterdown)	Through Waterdown North Development Area		32.000	
		Centre Road	Parkside Drive	36.000	
	Avonsyde Boulevard	Parkside Drive	Dundas Street East	36.000	

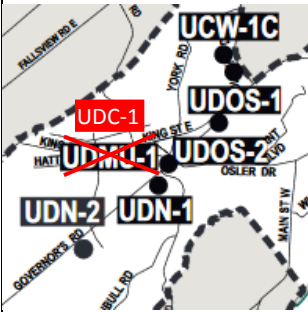
Appendix "C2" – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes				Why Change is Required
	Add the word “metres” between the number “150” and the word “north”.				Typographical error.
	Upper James Street	Mohawk Road	Rymal Road	36.576	
		Rymal Road	150 metres north of new Highway # 6 South	45.000	

Appendix “C2” – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 2: Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan</p>	<p>Replace “Low Density Residential 1” with “Low Density Residential 1a” in the Legend to reflect Policy B.2.5.1.2 b).</p> <p>Change style of “Low Density Residential 2a” designation in the Legend to be consistent with the style of that designation in other Secondary Plans.</p> <p>Legend</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="304 634 699 889"> <p>Residential Designations</p>  <p>Low Density Residential (Infill/Existing)</p> <p>Low Density Residential 1</p> <p>Low Density Residential 2a</p> </div> <div data-bbox="753 634 1161 898"> <p>Residential Designations</p>  <p>Low Density Residential (Existing)</p> <p>Low Density Residential 1a</p> <p>Low Density Residential 2a</p> </div> </div>	<p>Mapping error – Meadowlands Neighbourhood III Secondary Plan Policy B.2.5.1.2 references “Low Density Residential 1a”, not “Low Density Residential 1”. The density range referenced in Policy B.2.5.1.2 meets the criteria of the “Low Density Residential 1a” category identified in Volume 1: Appendix B. This correction does not impact development rights because there are no policies within this Secondary Plan referring to the “Low Density Residential 1” designation. Change the style of the “Low Density Residential 2a” designation in the legend to be consistent with other Secondary Plans.</p>

Appendix “C2” – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 3: Map 2 Urban Site Specific Key Map</p>	<p>Replace “UDMU-1” with “UDC-1” for lands located at 71 Main Street & 10 Baldwin Street, Dundas.</p> 	<p>OPA No. 43 (By-law No. 15-298) assigned the Site Specific Number UDMU-1 because the designation is Mixed Use – Medium Density. However, the appropriate prefix for Site Specific Policies within the Commercial and Mixed Use Designations is “C”.</p>

Appendix “D” – Summary Table of Proposed Amendments to Correct Policy Number / Reference Errors – RHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter B – Communities, Section 3.5.3 Parkland Policies	B.3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.43.9.	B.3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.3.9.	Numbering error.
	B.3.5.3.13 Notwithstanding Section B.3.5.43.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.	B.3.5.3.13 Notwithstanding Section B.3.5.3.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.	Numbering error.
	B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations: a) The parkland standards in Section B.3.5.43.9;	B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations: a) The parkland standards in Section B.3.5.3.9;	Numbering error.
Volume 1: Chapter B – Communities, Section 3.5.3 Parkland Policies	B.3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs: a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.43.9;	B.3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs: a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.3.9;	Numbering error.

Appendix “D” – Summary Table of Proposed Amendments to Correct Policy Number / Reference Errors – RHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added	
<i>Volume 1: Chapter B – Communities, Section 3.6.3 Noise, Vibration and Other Emissions Policies</i>	B.3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following: a) sound-proofing measures, construction techniques, and materials; b) layout and design of the structure or outdoor living areas; c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; d) building setbacks; and, ae) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.	B.3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following: a) sound-proofing measures, construction techniques, and materials; b) layout and design of the structure or outdoor living areas; c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; d) building setbacks; and, e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.	Numbering error.
<i>Volume 1: Chapter C – City Wide Systems and Designations, Section 2.6 Natural Heritage System – Mineral Aggregate Operations Policies</i>	Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations	Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations	Numbering / formatting error. Relevant policies reference Table C.2.6-1.
	Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations	Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations	Numbering / formatting error. Relevant policies reference Table C.2.6-2.

Appendix “D” – Summary Table of Proposed Amendments to Correct Policy Number / Reference Errors – RHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added	
Volume 1: Chapter C – City Wide Systems and Designations, Section 3.1 Rural Area General Provisions Policies	C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met: c) A <i>small scale</i> residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law.	C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met: c) A <i>small scale</i> residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law.	Numbering error.
Volume 1: Chapter C – City Wide Systems and Designations, Section 3.1 Rural Area General Provisions Policies	C.3.1.3 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5) a) Exploration and extraction of <i>petroleum resources</i> , including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within <i>Rural Hamilton</i> and outside the designated Rural Settlement Areas provided all the following criteria are met: iii) Notwithstanding ba a) above,	C.3.1.3 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5) a) Exploration and extraction of <i>petroleum resources</i> , including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within <i>Rural Hamilton</i> and outside the designated Rural Settlement Areas provided all the following criteria are met: iii) Notwithstanding a) above,	Numbering error.

Appendix “D” – Summary Table of Proposed Amendments to Correct Policy Number / Reference Errors – RHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added	
<i>Volume 1: Chapter C – City Wide Systems and Designations, Section 3.1 Rural Area General Provisions Policies</i>	C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: a) Except as permitted in Sections D.2.1.1.46 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;	C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: a) Except as permitted in Sections D.2.1.1.6 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;	Numbering error.
<i>Volume 1: Chapter C – City Wide Systems and Designations, Section 3.3 Open Space Policies</i>	C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. ... Ancillary commercial uses may be permitted as defined by Section B.3.5.43, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.	C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. ... Ancillary commercial uses may be permitted as defined by Section B.3.5.3, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.	Numbering error.

Appendix “D” – Summary Table of Proposed Amendments to Correct Policy Number / Reference Errors – RHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter C – City Wide Systems and Designations, Section 3.3 Open Space Policies	C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.13, Parkland Policies of this Plan.	C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.3, Parkland Policies of this Plan.	Numbering error.
Volume 1: Chapter C – City Wide Systems and Designations, C.5.1 Private Water and Wastewater Services Policies	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following: a) Prior to or at the time of application ... the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.25 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time. b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.25 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. ...	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following: a) Prior to or at the time of application ... the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time. b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. ...	Numbering error.

Appendix “D” – Summary Table of Proposed Amendments to Correct Policy Number / Reference Errors – RHOP All Volumes

Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter F – Implementation, Section 3.2 Council Adopted Guidelines and Technical Studies Policies	F.3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.25.3 , the required Hydrogeological Study shall, in the case of a permitted severance in the <i>rural area</i> , or of the lots within a multi unit site plan development in a Rural Settlement Area: ...	F.3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.5.3, the required Hydrogeological Study shall, in the case of a permitted severance in the <i>rural area</i> , or of the lots within a multi unit site plan development in a Rural Settlement Area: ...	Numbering error.
Volume 1: Chapter G – Glossary	Transportation Corridor: A transportation corridor includes any or all of the following: a) major roads, arterial roads, and highways for moving people and goods; ab b) rail lines/railways for moving people and goods; bc c) transit rights-of-way/transitways including buses and light rail for moving people.	Transportation Corridor: A transportation corridor includes any or all of the following: a) major roads, arterial roads, and highways for moving people and goods; b) rail lines/railways for moving people and goods; c) transit rights-of-way/transitways including buses and light rail for moving people.	Numbering error.

Appendix “D1” – Summary Table of Proposed Amendments to Typographical Errors – RHOP All Volumes

RHOP Section	Proposed Change	Proposed New / Revised Policy	Rationale
	Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added		
Volume 1: Chapter C – City Wide Systems and Designations, 5.1 Private Water and Wastewater Services	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with all of the following:	Grammatical error — deleted redundant word “the”.
Volume 3: Chapter B – Rural Site Specific Areas	R-42 Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough 1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule “D” – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-42, a <i>cannabis growing and harvesting facility</i> shall be permitted, subject to the following policies:	R-42 Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough 1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule “D” – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-42, a <i>cannabis growing and harvesting facility</i> shall be permitted, subject to the following policy:	Grammatical error — only one policy is applicable to both Areas A and A-1.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Revised Urban Hamilton Official Plan Amendment Application UHOPA-17-022 by 998071 Ontario Inc. (Owner)**, for an amendment to the Ancaster Wilson Street Secondary Plan to establish a site specific policy to permit a three storey multiple dwelling in conjunction with the existing heritage building on the subject lands, for lands known as 280 Wilson Street East, as shown on Appendix “A” to Report PED19217, be **APPROVED** on the following basis:
- i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19217, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).
- (b) That **Revised Zoning By-law Amendment Application ZAC-17-051, by 998071 Ontario Inc. (Owner)**, for a further modification from the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density –

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) - Page 2 of 25

Pedestrian Focus (C5a, 643, H114) Zone to permit a three storey (14.3 m) multiple dwelling at the rear of the lands located at 280 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED19217, be **APPROVED** on the following basis:

- i) That the draft By-law, attached as Appendix “C” to Report PED19217, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED19217.

The Holding Provision Mixed Use Medium Density – Pedestrian Focus (C5a, 643, H114) Zone applicable to lands shown on Schedule “A” to Appendix “C” to Report PED19217 be removed conditional upon:

- (1) The applicant receive confirmation that the letter from the *Ministry of Tourism, Culture and Sport*, indicating that report P007-028-2019/P007-1029-2019 has been entered into the *Ontario Public Register of Archaeological Reports* has been received by the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (2) The applicant completes an Archaeological Monitoring Plan to be implemented at the construction stage to ensure no burials or deeply buried archaeological materials are present within the remainder of a 10m buffer around the known limits of the adjacent cemetery, to the satisfaction of the Manager of Development Planning, Heritage and Design.”
- iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Urban Hamilton Official Plan (UHOP) and the City of Hamilton Zoning By-law No. 05-200, on lands municipally known as 280 Wilson Street East, to permit the development of a three storey (14.3 m), 18 unit multiple dwelling at the rear of the subject lands, behind an existing 2.5 storey mixed use building, as shown on Appendix “A” to Report PED19217. The existing building is

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listed on the City's Inventory of Architectural and / or Historical Properties of Interest and comprised of two commercial units on the ground floor and one dwelling unit above, which would be maintained with this development proposal. The proposed 18 unit multiple dwelling would have a maximum height of 14.3 m, or three storeys, and an underground parking garage for up to 36 parking spaces. Up to five surface parking spaces are proposed for the existing mixed use building, to be shared with the proposed multiple dwelling for visitor parking.

The Urban Hamilton Official Plan Amendment proposes to establish a site specific policy to permit a stand alone multiple dwelling in conjunction with the existing heritage structure and to increase the maximum permitted height from 2.5 storeys to 3 storeys within the "Mixed Use – Medium Density, Pedestrian Focus" designation of the Ancaster Wilson Street Secondary Plan. The Zoning By-law Amendment proposes modifications to the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to address the location of the existing building on site, modified yard and planting strip requirements, number of parking spaces, location of the loading space, drive aisles, and to permit dwelling units on the ground floor.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) (PPS), conform to A Place to Grow Plan (2019), and will comply with the Urban Hamilton Official Plan, subject to the proposed amendment. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, incorporates and respects a building listed in the City's Inventory of Architectural and / or Historical Interest, provides an alternative housing form for the surrounding commercial area and supports developing a complete community.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) - Page 4 of 25

HISTORICAL BACKGROUND

Proposal

The subject property, known as 280 Wilson Street East (Ancaster), is located on the east side of Wilson Street East, north of Halson Street and south of Church Street and is 0.22 hectares in size (see Appendix “A” to PED19217). The subject lands contain a 2.5 storey mixed use building, with two commercial units on the ground floor and a dwelling unit on the second floor. The building is listed in the City’s Inventory of Buildings having Architectural and / or Historical Interest and is intended to be retained as part of the proposal.

The original submission of these applications proposed a 3.5 storey, 22 unit multiple dwelling. Based on feedback from staff and members of the public, the proposal has since been revised to 3 storeys in height (14.3 m) and 18 dwelling units. The proposal includes 38 underground parking spaces, 5 surface parking spaces, a 3.0 m rear yard setback, and a 2.4 m side yard setback tapering to 3.0 m adjacent to an institutional use.

Urban Hamilton Official Plan Amendment

The subject lands are designated “Mixed Use Medium Density – Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan, which permits a maximum building height of 2.5 storeys. The applicant has requested an increase in height to permit a maximum 3 storey multiple dwelling to be constructed at the rear of the subject lands, requiring an amendment to the Ancaster Wilson Street Secondary Plan.

Zoning By-law Amendment

At the time of submission, the subject lands were zoned Village Area “VA” Zone in the Ancaster Zoning By-law No. 87-57. The “VA” Zone only permitted existing uses. In 2017, Council adopted new CMU Zones, including the Mixed Use – Medium Density, Pedestrian Focus (C5a, 570) Zone for the subject lands. The proposal has been reviewed against this Zone which implements the direction of the UHOP and the Ancaster Wilson Street Secondary Plan in terms of scale of development. Accordingly, a modification to the Mixed Use-Medium Density, Pedestrian Focus (C5a, 570) Zone is required to permit a maximum height of 14.3 m instead of 9.0 m and to permit dwelling units on the ground floor instead of commercial uses. Additional requested modifications to the (C5a, 570) Zone include yard setbacks, planting strip requirements, location of loading space, drive aisle dimensions, and an increase to the maximum number of required parking spaces.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) - Page 5 of 25

Chronology:

<u>June 5, 2017:</u>	Applications ZAC-17-051 and UHOPA-17-22 received.
<u>June 22, 2017:</u>	Applications ZAC-17-051 and UHOPA-17-22 deemed incomplete.
<u>August 23, 2017:</u>	Applications ZAC-17-051 and UHOPa-17-22 deemed complete.
<u>September 21, 2017:</u>	Circulation of the Notice of Complete Application mailed to 81 property owners within 120 m of the subject lands.
<u>September 29, 2017:</u>	Public Notice sign posted on site.
<u>November 30, 2018:</u>	Updated Public Notice Sign showing updated (C5a, 570) Zone
<u>March 29, 2019:</u>	Updated Concept Plan received by Planning staff.
<u>May 6, 2019:</u>	Attendance at Ancaster Community Council by Owner and Applicant.
<u>October 23, 2019:</u>	Public Notice Sign updated with Public Meeting date.
<u>November 1, 2019:</u>	Circulation of Notice of Public Meeting mailed to 81 property owners within 120 m of the subject lands.

Details of Submitted Application

<u>Location:</u>	280 Wilson Street East (Ancaster)
<u>Owner:</u>	998071 Ontario Inc.
<u>Agent:</u>	GSP Group Inc. (c/o Brenda Khes)
<u>Property Description:</u>	<p><u>Frontage:</u> 18.75 m</p> <p><u>Lot Depth:</u> 81.97 m</p> <p><u>Area:</u> 0.22 ha</p>

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) - Page 6 of 25

Services: Full Municipal Services

EXISTING LAND USE AND ZONING:

<u>Subject Lands:</u>	Existing building with two commercial units and one dwelling unit above	Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone
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Surrounding Lands:

North	Commercial and Former Ancaster Town Hall	Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone
East	Village Green Park	Community Park (P2) Zone
South	St. John's Anglican Church and Cemetery	Community Institutional (I2) Zone
West	Commercial	Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1. b), by accommodating a range of mix and uses to meet long term needs.

Furthermore, the proposal is consistent with Policy 1.1.1. e) which promotes cost effective development patterns and standards to minimize land consumption and servicing costs. The application is also consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and proposes additional dwelling units on underutilized lands.

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In addition, the following policies are also applicable as they relate to archaeological resources:

- “2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.”

The subject lands meet three of ten criteria for defining archaeological potential as follows:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. The subject property is located directly adjacent to the St. John's Anglican Church Cemetery wherein over 1,500 burials have taken place since 1824. An archaeological assessment will be required and as such, a Holding Provision has been included to address the archaeological requirements. An Archaeological Assessment has been completed but has not been accepted by the Ministry of Tourism, Culture and Sport. Once the confirmation has been received by the City and an associated Archaeological Monitoring Plan approved, the “H” Holding Provision can be lifted by By-law.

The subject property is located adjacent to 260-274 Wilson Street East (St. John's Anglican Church), a property designated under Part IV of the *Ontario Heritage Act*, as well as adjacent to 283 and 286 Wilson Street East, which are properties included in the City's Inventory of Buildings of Architectural and / or Historical Interest. In addition, the subject property is developed with a 2.5 storey brick dwelling that is included in the City's Inventory of Buildings of Architectural and / or Historical Interest.

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A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by McCallum Sather Architects in April 2017. The report assesses the impact of the proposed development on the existing structure at 280 Wilson Street East, which would remain on site as part of the development proposal. The report was also forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee (HMHC) and was accepted at their meeting on September 26, 2017. The Policy and Design Working Group recommended that the CHIA report be forward to the Inventory and Research Group to review and consider adding the property to the Register. The Inventory and Research Group reviewed the CHIA and forwarded their recommendation to add the property to the register in their September 2017 meeting notes to the HMHC. Staff will bring forward the recommendation to add the property to the register to the HMHC in Q4, 2019, or early Q1, 2020.

The proposed multiple dwelling has been designed to ensure the height of the new structure is compatible with the existing building on site and includes façade materials that evoke a similar character as the existing building. This design will ensure the development does not detract from the existing heritage building while providing a smooth transition between old and new buildings.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2014).

A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2019)

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.1 outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- It supports a range and mix of housing options, including second dwelling units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Conserve and promote *cultural heritage resources* to support the social, economic, and cultural welling-being of all communities, including First Nations and Métis communities.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply to the applications.

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“2.2.1.2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

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

2.2.1.4. Applying the policies of this Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces”

These applications propose to introduce additional dwelling units in the established Ancaster Village Core, which includes a range of employment uses, local stores and public service facilities within walking distance. Further, the proposal will maintain the existing commercial uses within an existing cultural heritage resource on site and parking will be provided within the new building. The proposal would introduce new housing forms for a variety of stages of life and incomes within a settlement area. The

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proposed development will be located on lands having direct access to existing municipal water and wastewater systems. In addition, the lands are serviced by HSR #16 and are directly adjacent to existing bike lanes on Wilson Street East, which ensures a range of transportation options.

Based on the foregoing, the proposal conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Ancaster Community Node” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations. Further, the lands are located along a Pedestrian Focus Street, per Table E.4.3.1 of the UHOP. In addition, the lands are designated as “Mixed Use – Medium Density, Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan.

The following policies, amongst others, apply to the proposal.

Mixed Use – Medium Density Designation

- “E.4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to pedestrian focus streets:
- j) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.
 - k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.”

The proposed development will be located at the rear of the existing mixed use building. The proposed height of three storeys ensures that the development reflects a human scale. This development will provide an opportunity to improve the pedestrian connections on site, by reducing the amount of surface parking on site and creating enhanced pedestrian connections from the proposed and existing buildings to the street. The proposed building will also provide a covered entrance to ensure appropriate weather protection for future residents.

- “E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal

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services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;

f) multiple dwellings; and,

g) accessory uses.

E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1.

E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.”

The development includes a low rise multiple dwelling while retaining the existing commercial uses on site and at grade to ensure Policies E.4.6.5 and E.4.6.15 are met. Since the proposal is for a multiple dwelling at the rear of the property, Policy E.4.6.9 is not met and an Official Plan Amendment is required. This is further discussed in the Analysis and Rationale for Recommendation Section of Report PED19217.

Residential Intensification

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

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

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- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

The subject lands are located within the Ancaster Community Node, being a primary location for residential intensification. Since the location of the new building will be to the rear of the site and behind the existing mixed use building, the established built form and street patterns remain unchanged, achieving compatible integration with the lands to the north, being a residence and municipal parking lot, and east and south of the property, which includes a place of worship and cemetery. The proposed multiple dwelling will add to the range of dwelling types in the Ancaster Community Node.

A Transportation Impact Study, prepared by Paradigm Transportation Solutions Ltd, dated August 2017 was submitted in support of the application to ensure that adequate transportation capacity is available.

Community Nodes

- E.2.3.3.1 The following areas are identified as Community Nodes on Schedule E – Urban Structure:
 - a) the downtowns of the former municipalities of Dundas, Ancaster, Flamborough (Waterdown), and Stoney Creek;
- E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing and housing with supports. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.
- E.2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.
- E.2.3.3.12 Notwithstanding Policy E.2.3.3.7, some Community Nodes may be developed as lower intensity nodes appropriate to the character of their

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adjacent Neighbourhoods, other infrastructure, or transportation constraints as follows:

- a) Due to transportation constraints and the existing character of the adjacent neighbourhoods, a target density in the range 50 persons and jobs per hectare shall apply to the Ancaster Community Node. This target may be adjusted through the development of a secondary plan.

E.2.3.3.18 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

E.2.3.3.20 Automobile access will continue to be important to Community Nodes but it shall be balanced with the need to improve pedestrian and transit access and opportunities for active transportation.

E.2.3.3.21 Parking shall be provided through on-street parking, in parking structures, and in surface lots to the rear or sides of commercial buildings.

E.2.3.3.22 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support transit.”

The proposed multiple dwelling will provide a new housing form and support a range of uses within the Ancaster Community Node with approximately 100 persons and job per hectare provided on the subject lands. Height and massing of the development, per policies E.2.3.3.11 and E.2.3.3.18, will be further discussed in the Secondary Plan Section of this report. The proposal currently includes a total of 38 underground parking spaces, and five at grade parking spaces to ensure the focus of the development is not geared towards the parking component. Further, the applicant will be required to demonstrate adequate pedestrian connections are provided on site at the Site Plan Control stage.

Transportation Network

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- b) Major arterial roads, subject to the following policies:

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- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
 - i) existing built form;
 - ii) natural heritage features;
 - iii) an existing streetscape; or,
 - iv) a known cultural heritage resource;

it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved;”

This portion of Wilson Street East is identified as a Major Arterial Road on Schedule “C” – Functional Road Classification. Further, Schedule “C-2” – Future Road Widening of the UHOP identifies that this portion of Wilson Street East shall have a right of way width of 20.117 m, whereas the current width is 19.4 m. The existing heritage building on site has a 0.2m setback from the property line, before any road widenings are taken. Since the proposal aims to maintain the existing cultural heritage resource and existing built form on site, it is not feasible to widen the existing right of way to 20.117 m and therefore, **no road widenings** are requested by staff.

Natural Heritage

The following policy provides direction regarding tree and woodland protection:

- “C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

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Trees have been identified on the subject lands, which may be impacted by development activity. Accordingly, a Tree Protection Plan (TPP) has been prepared by GLN Farm and Forest Research Co. Ltd. (Michael Plowman; certified arborist), dated May 11, 2017, in support of the application. Staff note that additional revisions are required to the submitted plan as the plan has not been prepared in accordance with the City's Tree Protection Plan Guidelines (revised October 2010). Accordingly, a revised TPP would be required to be completed at the Site Plan Control stage.

Ancaster Wilson Street Secondary Plan

The subject lands are designated "Mixed Use – Medium Density, Pedestrian Focus" in the Ancaster Wilson Street Secondary Plan. In addition, the lands are within the Village Core area of the Secondary Plan.

"B.2.8.6.1 Ancaster Community Node Policies In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.
- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan.
- a) Mixed Use, Commercial, and Institutional development and redevelopment is encouraged within the Village Core area, though the scale of development shall be consistent with the historic character of the area. The scale and design of buildings is detailed in Policy 2.8.12 of this Plan, and the supporting Urban Design Guidelines."

The proposed development will establish a new housing type within the Ancaster Community Node in a scale and of a design that is sympathetic to the Village Core area, as further discussed below.

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Pedestrian Focus Streets

- “B.2.8.8.5 A portion of the lands designated Mixed Use – Medium Density within the Village Core area are also identified as Pedestrian Focus Streets on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan. In addition to the Policy E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply:
- a) Notwithstanding Policy 2.8.8.4 c), building height shall not exceed 2.5 storeys on Pedestrian Focus Streets.
 - e) Private and public parking areas are permitted on lands designated Mixed Use - Medium Density, and identified as Pedestrian Focus Streets, subject to the following:
 - i) Parking areas shall be buffered from the street through the use of building placement or enhanced landscaping;
 - ii) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings”

The proposed development consists of a three storey multiple dwelling located behind the existing two and a half storey mixed use building. The proposed increase in height and multiple dwelling at the rear requires an Official Plan Amendment. This is further discussed in the Analysis and Rationale for Recommendation Section of Report PED19217.

The proposed development will allow for consolidated parking on site, including an underground parking area to ensure no conflicts with the pedestrian environment and access to buildings.

Urban Design Policies

- “B.2.8.12.1 In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:
- b) In accordance with Policy F.1.19.6 of Volume 1, an Urban Design Report may be required for development or redevelopment, demonstrating how the proposal meets the policies of this Secondary

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Plan and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- h) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians.
- i) Mixed use and commercial development or redevelopment shall provide a buffer, such as landscaped areas, for adjacent sensitive land uses.
- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A - Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
 - ii) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
 - 3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any development or redevelopment;"

An Urban Design Brief prepared by GSP Group, dated April 2017 was submitted in support of the proposal. The Brief confirmed that the proposed development will complement the established character area in terms of design, style, building materials and characteristics. Additionally, staff are encouraging direct pedestrian connections from the street to the proposed multiple dwelling by increasing building setbacks to encourage an interactive streetscape and outdoor space. In particular, side yard setbacks adjacent to the place of worship and cemetery have been increased to 3.0 m, with the exception of a few "pinch points," allowing for sustainable plantings, a walkway and landscaping to provide a buffer between areas.

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“B.2.8.13.1 Cultural Heritage Policies

The following policies shall apply to the cultural heritage resources within the Ancaster Wilson Street Secondary Plan:

- a) Due to the important heritage and character considerations within the Ancaster Wilson Street Secondary Plan, in addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the evaluation of new development or redevelopment applications in the Ancaster Wilson Street Secondary Plan shall emphasize the requirements of the Cultural Heritage Resources Policies of Volume 1.
- b) The retention and conservation of historical buildings, structures, or features on their original sites shall be encouraged through:
 - ii) Maintaining a listing of historical designated and listed properties of interest. Historic buildings are shown on Appendix A - Character Areas and Heritage Features;
- c) When development or redevelopment is proposed adjacent to existing designated or listed heritage buildings, as shown on Appendix A - Character Areas and Heritage Features, a Planning Justification Report shall detail how the proposed development or redevelopment is consistent with the character and style of the surrounding heritage buildings.”

As previously noted, archaeology and built heritage have been satisfactorily addressed through the recommended Holding Provision and the requirement for completion of the CHIA prepared by McCallum Sather Architects, dated April 2017.

Based on the foregoing, the proposal complies with the policies of the UHOP and the Ancaster Wilson Street Secondary Plan, subject to the Official Plan Amendment for increased height and to permit a multiple dwelling at the rear along a Pedestrian Focus street.

Ancaster Wilson Street Secondary Plan Urban Design Guidelines

The lands are located within the Village Core of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines (UDG). The subject lands are identified as “Typology A” in the UDG. The following excerpts of the Guidelines apply:

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Design Intent

“The intent of the design guidelines for the Village Core Design District is to enhance and promote its existing character to preserve the identity of the community and maintain the pedestrian scale of the corridor. Primary elements of the guidelines that achieve this include:

- Building masses are compact and sited in individual lots with defined front and side yards
- Building materials and details are simplified
- Walkability, pedestrian access and comfort is prioritized
- Vehicle parking is located in connected rear lots.”

The applicant is proposing a minimum 2.4 m side yard tapering to 3.0 m to provide separation from the adjacent cemetery. The proposed building will have a height of approximately 12.5 m as seen from the street, which is similar to the maximum peak of the existing mixed use building and ensures the massing remains compact. The applicant has requested a maximum height of 14.3 m to address the downward slope at the rear of the site (see Appendix “C” to Report PED19217).

Further, Section 3.1.4.1 of the Guidelines provides the following direction with regards to the built form:

- “Roofs should have an overhang (Height and Roofline)
- Roofs should be pitched to reflect the historic buildings in the district (Height and Roofline)
- Buildings should be grey-buff coloured stone, red brick or wood cladding (Wall Materials)
- Balconies could be provided in the rear yard (Appurtenances)
- Should be a side yard on both sides of the building (Setback and Orientation)
- Should provide direct pedestrian connection from parking area to the building entrance and street (Access)
- Side yards should be landscaped (Landscape)”

The proposal consists of a red brick building that has been designed to include roof overhangs and a pitch that is reflective of historic buildings within the district. The

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proposed brick material complements the character of the existing building on site. Side yards have been provided to ensure adequate separation from adjacent uses and access to the rear of the site has been provided. The proposed three storey building represents a built form to encourage strong pedestrian connections throughout the site and to the public sidewalk. The proposal currently includes balconies in the side yards of the proposed building, which staff recommend be recessed in order to provide Juliette balconies, which will not negatively impact the massing and articulation of the side facades and will eliminate encroachment into the side yards. Side yard setbacks and landscape strips will be provided on both sides of the building, allowing for buffering and defined separation between uses.

Based on the foregoing, the proposal meets the intent of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

Hamilton Zoning By-law No. 05-200

At the time of submission, the subject lands were zoned Village Area “VA” Zone in the Ancaster Zoning By-law No. 87-57. On November 8, 2017, City Council adopted the CMU Zones, including the Mixed Use-Medium Density, Pedestrian Focus (C5a, 570) Zone which applies to the subject lands. The applicant is requesting further modifications to the (C5a, 570) Zone which are further discussed in Appendix “D” to Report PED19217. The current zone does not permit residential uses on the ground floor of a building.

RELEVANT CONSULTATION

Forestry and Horticulture have advised that there are no municipal tree assets on site. However, at the Site Plan Control stage, the applicant will be required to provide a Landscape Plan for review should any municipal trees be proposed as part of the redevelopment.

Recreation Division, Healthy and Safe Communities Department advise that the Village Green Park offers five tennis courts, a spray pad, a child’s play structure, and two lawn bowling greens. Due to the proposed proximity of the residential development, the applicants shall have regard for the noise and lighting impacts of the park. The warning clause recommended by Parks and Cemeteries staff below will address this comment.

Parks and Cemeteries Section, Public Works Department have noted that the following clauses shall be provided in any future purchase, sale, and / or lease agreements in the proposed development:

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Dwellings Abutting Village Green Park

“Purchasers are advised that Village Green Park is a community Park and as a result the Park may occasionally experience higher volumes of noise and lighting due to outdoor activity levels within the Park, including amenities that have lighting to allow for evening use. Per By-law 01-219, no person shall encroach upon or take possession of any park, by any means whatsoever, including the construction, installation of maintenance of any fence, or structure, the dumping or storage of any materials, or planting, cultivating, grooming, or landscaping, thereon.”

This warning clause will be required to be addressed through the Site Plan Control Stage and through the Draft Plan of Condominium stage (if applicable).

Healthy Environments Division, Healthy and Safe Communities Department have noted that any future cooling tower proposed on site must be registered with Healthy and Safe Communities prior to operation. Accordingly, this requirement has been forwarded to the applicant for their information.

Recycling and Waste Disposal Section, Public Works Department have provided the standard requirements for municipal recycling and waste collection. In particular, staff have noted that the proposed design may not accommodate appropriate width and turning radii to allow the site to be serviced by waste collection vehicles. This will be further evaluated through the Site Plan Control process. Should public waste collection vehicles not be accommodated on site, the development may require a private waste hauler. The applicant proposes to provide a waste collection room within the proposed building, which would be accessed from the U shaped drive aisle, as shown on Appendix “E” to Report PED19217.

PUBLIC CONSULTATION

In accordance with the Council’s Public Participation Policy, the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were circulated as part of the Notice of Complete Application to 81 property owners within 120 m of the subject lands on September 21, 2017. A Public Notice Sign was installed on the property on September 29, 2017 and updated on November 30, 2018 to reflect current zoning on site. To date, two submissions have been received by the City and are further discussed in the Analysis and Rationale for Recommendation Section of Report PED19217 (see Appendix “F” to Report PED19217). The Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* on October 23, 2019, with the Public Sign updated on November 1, 2019.

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Public Consultation Strategy

The applicants submitted a Public Consultation Strategy with the initial submission of the application. The applicants proposed that once staff's initial comments had been provided, a meeting would be set up with the Ancaster Community Council to present the proposal. The applicants presented to Ancaster Community Council on May 6, 2019. No concerns were expressed from the Community Council.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to A Place to Grow;
 - (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,
 - (iii) The proposed development complies with the UHOP policies regarding residential intensification and the Ancaster Wilson Street Secondary Plan.
2. The purpose of the proposed Official Plan Amendment is to establish a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a maximum height of three storeys, whereas a maximum height of 2.5 storeys is currently permitted and to allow a multiple dwelling at the rear of the property.

The proposed development has been designed to align with the built form of the existing mixed use building on site, which is intended to be retained. The proposed height will result in a 1.3 m difference between the existing height and what is proposed for the new building, as seen from the street. The proposed site specific requires that the existing heritage building remain on site to ensure that the established street edge along Wilson Street East maintains the maximum height of 2.5 storeys and the existing building is protected. Since the new development will be located at the rear of the site, the setback of the building will ensure the massing and height does not detract from the existing built form and street scape.

Additionally, the Official Plan Amendment acknowledges that the development proposal will continue to retain the existing mixed use building at the front of the site. Requiring commercial uses on the ground floor of a building at the rear of the site will limit pedestrian visibility for commercial uses and would have a negative impact on those businesses. The proposed multiple dwelling will provide for a use that can take better advantage of being located behind an established street wall due to

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increased privacy and using the existing building as screening from potential noise impacts and will increase the range of dwelling types in the area.

Based on the foregoing, Staff support the proposed Urban Hamilton Official Plan Amendment.

3. The proposed Zoning By-law Amendment proposes modifications to the Mixed Use-Medium Density, Pedestrian Focus (C5a, 570) Zone to permit residential on the ground floor with reduced yard setbacks and a maximum height of 14.3 m as a result of the grade difference at the rear of the lands. Staff are supportive of the proposal as it allows for greater separation of dwelling units from the street, whereas if commercial units were required on the ground floor, their limited visibility from the street could negatively impact businesses. The applicant has successfully demonstrated that modified setbacks will continue to provide adequate separation from the adjacent Community Park and that appropriate landscaping can be provided. Staff note that the proposal for increased height is appropriate, since the multiple dwelling is located at the rear of the property and the massing will be perceived similarly to buildings with frontage on Wilson Street East. The proposed modifications are further discussed in Appendix "D" to Report PED19217.
4. A Holding Provision has been added to the amending Zoning By-law to ensure that an archaeological assessment is completed, including a monitoring plan that will be implemented during the construction stage. Once this requirement has been satisfied, the 'H' Holding Provision can be lifted by By-law. The applicant has indicated that the archaeological assessment has been started and will be completed shortly.
5. Development Engineering staff have reviewed the applications and have identified that sufficient capacity is available in the municipal water system to support the proposed development. Additionally, the sanitary sewer system recently underwent upgrades to ensure associated pumping stations have the capacity to support additional development on this portion of Wilson Street East. Therefore, staff have no concerns with the amendments from an Engineering perspective at this time.
6. As part of the public circulation of this proposal, two items of correspondence were received by the City from the public, attached as Appendix "F" to Report PED19217. The issues and concerns from the submissions are generally summarized as follows:

Completion of Submitted Materials

The adjacent property owner had requested copies of the submitted materials regarding the proposal and identified concerns with the lack of review of impact on

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) - Page 24 of 25

the cemetery at the rear of the St. John's Anglican Church, which was established approximately 200 years ago. Through subsequent review of the proposal, the applicants have provided supplementary information to ensure that encroachment of grave sites have not occurred over the shared property line of the subject lands and the Church. This information has been provided to our Cultural Heritage staff who have no further concerns in this regard.

Additionally, dimensional inconsistencies between the Site Plan drawing and the Site Statistics Chart were noted. Through subsequent revisions to the site design, the errors have been corrected on the appropriate drawings.

Compatibility

Both submissions received by the City identified concerns with the interface between the existing cemetery and the proposed building. Staff note that the UHOP requires transitional side yards and landscaping between adjacent uses to assist in compatibility. The proposed yard modifications have been further discussed in Appendix "D" to Report PED19217 to ensure these concerns are addressed.

Height

Both submissions identify concerns with the original proposed height of three and a half storeys. The applicant has worked with the adjacent property owner to resolve the concerns identified in the submitted correspondence. Additionally, the applicant reduced the height to three storeys which is supported by Staff.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be used in accordance with the Mixed Use Medium Density (C5a, 570) Zone which permits a range of commercial uses with residential uses permitted above.

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.

Economic Prosperity and Growth

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12) - Page 25 of 25

Healthy and Safe Communities

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

Built Environment and Infrastructure

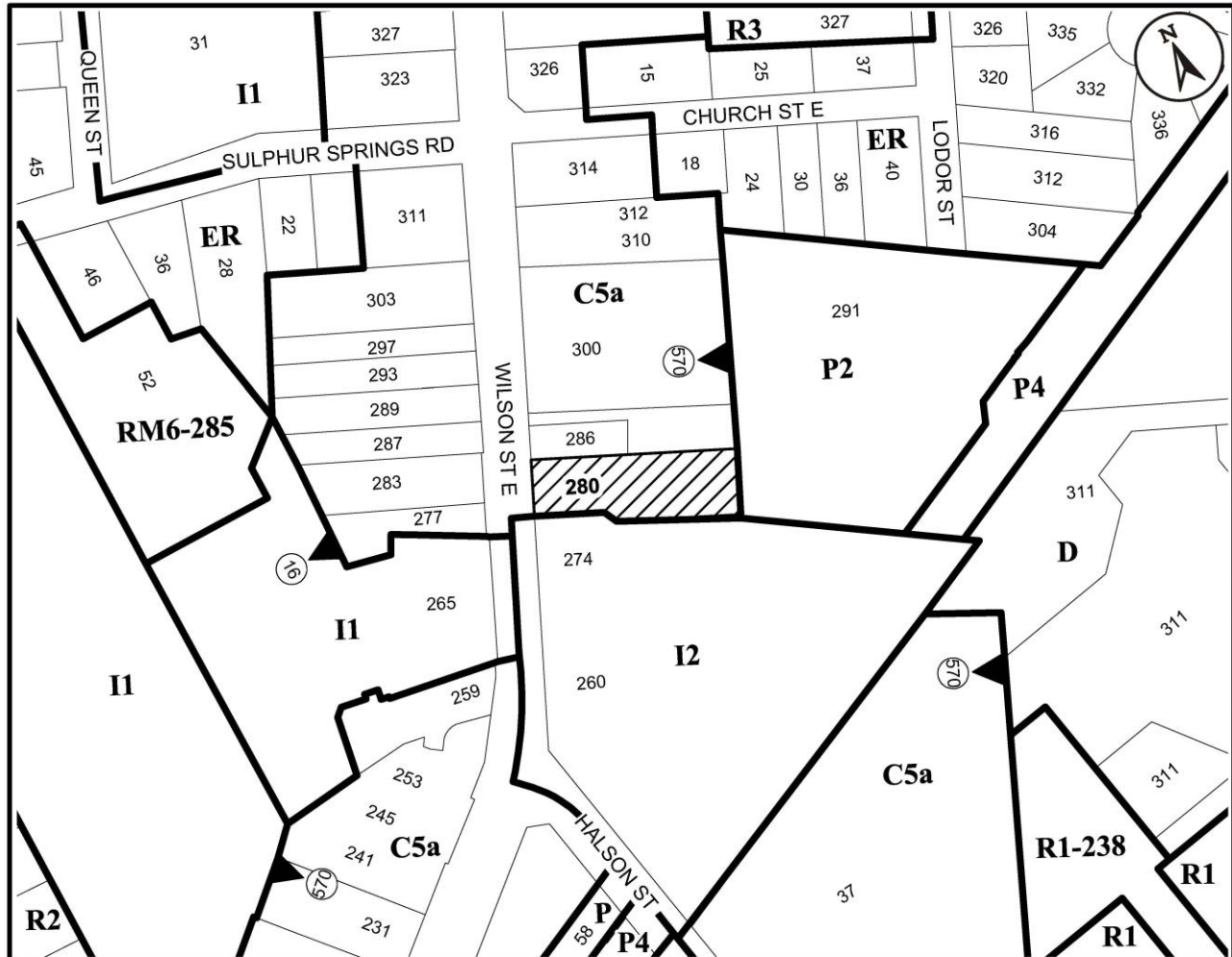
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

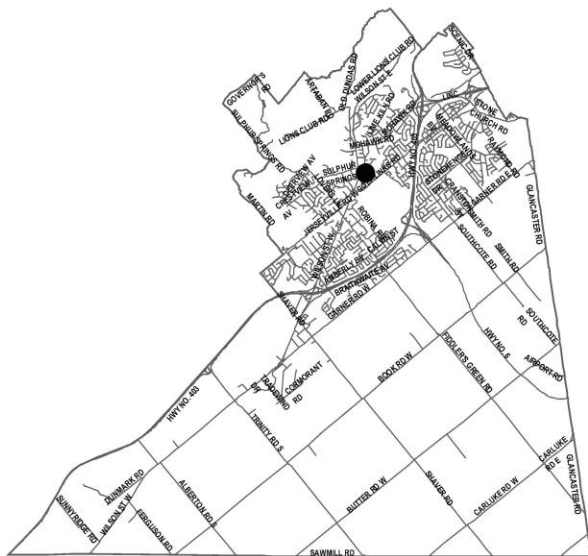
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map
Appendix "B" – Draft Official Plan Amendment
Appendix "C" – Draft Zoning By-law Amendment
Appendix "D" – Zoning Chart
Appendix "E" – Concept Plan
Appendix "F" – Public Submissions



● Site Location



Key Map - Ward 12

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-051 & UHOPA-17-22

Date:
September 9, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MS/AL

Subject Property

280 Wilson Street East



Change in zoning from Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density, Pedestrian Focus (C5a, 643, H114) Zone

Schedule “1”

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

The following text, together with Appendix “A” – Volume 2, Map B.2.8-1 – Ancaster Wilson Street Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish a Site Specific Policy Area within the Ancaster Wilson Street Secondary Plan to permit an increased height for a *multiple dwelling* within the Mixed Use – Medium Density – Pedestrian Focus designation.

2.0 Location:

The lands affected by this Amendment are known municipally as 280 Wilson Street East, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development will introduce a new *multiple dwelling* to broaden the mix of land uses within the Ancaster Community Node.
- The proposed development maintains the general character of the Ancaster Wilson Street Secondary Plan's Village Core.
- The proposed Amendment will maintain the general built form envisioned for the Ancaster Wilson Street Secondary Plan.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 **Actual Changes:**

4.1 **Volume 2 – Secondary Plans**

Text

4.1.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.8 – Ancaster Wilson Street Secondary Plan

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.8 – Ancaster Wilson Street Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area "X"

- B.2.8.16.11 For the lands identified as Site Specific Policy – Area X on Map B.2.8-1 Ancaster Wilson Street Secondary Plan – Land Use Plan, designated Mixed Use – Medium Density – Pedestrian Focus, and known as 280 Wilson Street East, the following policy shall apply:
- a) Notwithstanding Policy E.4.6.9 of Volume 1 of the UHOP, medium density, ground related residential housing forms shall be permitted on a *pedestrian focus street*.
 - b) In addition to Policy B.2.8.8.5 a), building height shall not exceed 3 storeys for new development where:
 - ii) the existing heritage building on lands located at 280 Wilson Street East is retained on site."

Maps

4.1.2 Map

- a. That Volume 2, Map B.2.8-1 – Ancaster Wilson Street Secondary Plan – Land Use Map be amended by identifying the subject lands as Site Specific Policy Area "X", as shown on Appendix "A", attached to this Amendment.

5.0 **Implementation:**

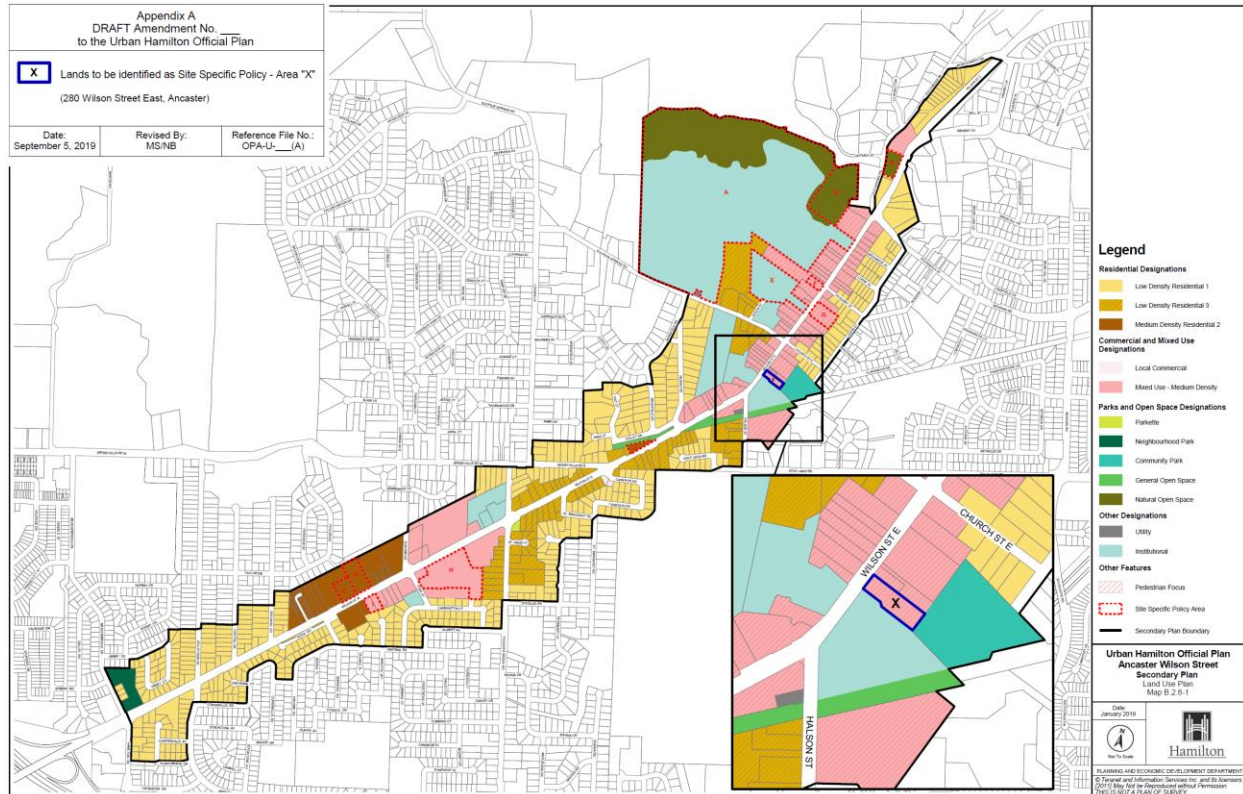
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the
____th day of ___, 2019.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority: Item ,
Report (PED19XXX)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 280 Wilson Street East, Ancaster

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on November 19, 2019; and.

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan, upon the adoption of the Urban Hamilton Official Plan Amendment No. XXX;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Maps 1175 and 1229 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by changing the zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density - Pedestrian Focus (C5a, 643, H114) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:
 - "643. Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 643) Zone, identified on Maps 1175 and 1229 of Schedule "A" – Zoning Maps and described as 280 Wilson Street East, the following special provisions shall apply:
 - a) Notwithstanding Subsection 5.2 i), a One-Way and Two-Way Aisle Width of 3.5 m shall be provided.
 - b) Notwithstanding Subsection 5.2.1 c) a loading space shall be permitted in a required southerly side yard abutting an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.
 - c) Notwithstanding Subsection 5.6 c) Parking Schedule for all Zones, except Downtown Zones for Dwelling Units and Dwelling Units in

Conjunction with a Commercial Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones):

- ii) Dwelling units greater than 50.0 square metres in gross floor area 2 per unit
- d) In addition to Subsections 10.5.a.1 and 10.5a.1.1, a multiple dwelling shall be permitted and restricted in accordance with the following provisions:
 - i) A Multiple Dwelling shall have a minimum 12.0 metre setback from the front lot line.
 - ii) Notwithstanding Subsection 10.5a.1.1 ii) 2., residential uses shall be permitted on the ground floor.
- e) Notwithstanding Subsections 10.5a.3 b), c), d)i), d)ii), and d)iii) the following regulations shall apply to a multiple dwelling having a minimum setback of 12 metres from the front lot line:
 - i) Minimum Rear Yard 3.0 metres.
 - ii) Minimum Side Yard 3.0 metres, abutting a Residential or Institutional Zone or lot containing a residential use except as detailed in Figure 1 of Schedule "B" – Property Details.
 - iii) Maximum Building Height 14.3 metres.
- f) Notwithstanding any other provisions of this By-law, the building existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, façade length, and building height.
- g) Notwithstanding any other provisions of this By-law, Subsections 10.5a.3 h) ii), iv), v), vi), viii), and ix) shall not apply to New Development on lands where the building existing as of the date of passing of this by-law remains on site.

3. That Schedule "D" – Holding Provisions be amended by adding the Holding Provision as follows:

"114 Notwithstanding Section 10.5a of this By-law, within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 643) Zone, identified on Maps 1175 and 1229 of Schedule A – Zoning Maps and described as 280 Wilson Street East, no development shall be permitted until such time as:

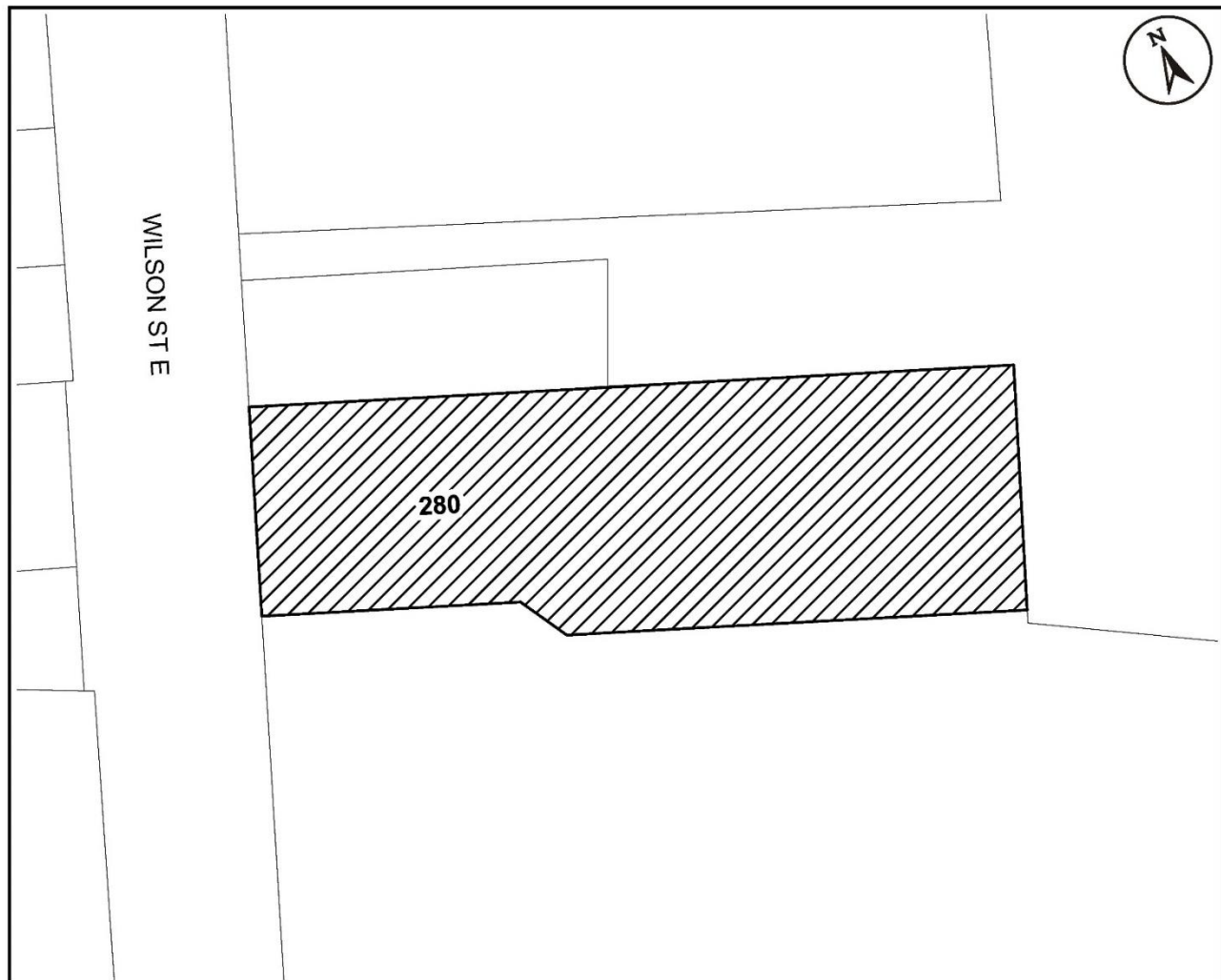
- i) The applicant receive confirmation that the letter from the *Ministry of Tourism, Culture and Sport*, indicating that report P007-028-2019/P007-1029-2019 has been entered into entered into the *Ontario Public Register of Archaeological Reports* has been received by the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.
 - ii) The applicant completes an Archaeological Monitoring Plan to be implemented at the construction stage to ensure no burials or deeply buried archaeological materials are present within the remainder of a 10m buffer around the known limits of the adjacent cemetery, to the satisfaction of the Manager of Development Planning, Heritage and Design."
4. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-051
UHOPA-17-22



This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Maps 1175 & 1229

Subject Property

280 Wilson Street East



Change in zoning from Mixed Use Medium
Density, Pedestrian Focus (C5a, 570) Zone to
Mixed Use Medium Density, Pedestrian Focus
(C5a, 643, H114) Zone

Scale:
N.T.S.

File Name/Number:
ZAC-17-051

Date:
Sept. 9, 2019

Planner/Technician:
MS/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Specific Modifications to the Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone

Regulation	Required	Modification	Analysis
Permitted Uses	Dwelling units permitted above the ground floor only	Dwelling units permitted on the ground floor	The proposed modification acknowledges that with the existing mixed use building being retained, the intent of the Official Plan is met. The development maintains the existing mixed use development at the front of the site with a residential development at the rear. Requiring commercial units on the ground floor of the new development would limit visibility from the street and could have a negative impact on the success of commercial businesses without proper street presence. The proposal allows for the separation of dwelling units from the street to a more secluded area of the site. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum Rear Yard Setback	7.5 metres	3.0 metres	<p>The proposed modification seeks a reduction in the rear yard setback, which is located adjacent to the Village Green Park.</p> <p>The proposed modification will allow for a varied articulation of the proposed multiple dwelling and some ground level amenity space at the rear of the site. The minimum setback of 3.0 m also provides adequate space for a viable building footprint, which would not be possible with the required 7.5 m setback. The applicant has demonstrated that the 3.0 m setback will continue to provide adequate separation from the adjacent Community Park and that appropriate landscaping can be provided. Based on the foregoing, the modification is reasonable and supported by staff.</p>
Minimum Side Yard Setback	7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use	3.0 metres, except 2.4 metres, 2.6 metres and 2.96 metres as illustrated in Schedule B, abutting a Residential or Institutional Zone or lot containing a residential use	<p>The proposed modification supports the Ancaster Wilson Street Secondary Plan and the associated Urban Design Guidelines which promote transitional side yards and massing along the Village Core area of Wilson Street while providing separation between the municipal parking lot to the north and cemetery to the south for privacy purposes for the proposed dwelling units.</p> <p>Due to the configuration of the lot, there is a pinch point along the southerly side of the side having a minimum 2.4 m, 2.6 m and 2.96 m setbacks. Staff have recommended that these pinch points be detailed in Schedule "B" – Property Details to ensure the minimum 2.4 m, 2.6 m and 2.96 m setbacks are restricted only to the pinch points on site. Based on the foregoing, the modification is reasonable and supported by staff.</p>
Maximum Building Height	9.0 m	14.3 m	The purpose of the By-law is to maintain a consistent street edge along Wilson Street East which is characterized by low typology heritage buildings. The proposed modification has been requested to apply only to the proposed multiple dwelling at the rear of the site and will not alter the established character of the buildings on

			Wilson Street East. Since the new building will be setback, the massing of the building will be perceived similarly to the buildings set against the street edge. This building will have a height of 12.5 metres from the front but slopes down at the rear. The requested modification reflects the grade change, which backs onto the Village Green Community Park and will not have a negative impact on surrounding land uses. Based on the foregoing, the modification is reasonable and supported by staff.
Location of Existing Building			In order to ensure the established character of the Wilson Street East streetscape is maintained, Staff are recommending that the required built form for new development not apply and that the existing building shall be deemed to comply with the Zoning By-law. This modification reflects that the proposed building is an existing building and will be located away from the street and could not feasibly meet the required setbacks. Based on the foregoing, the modification is reasonable and supported by staff.
Number of Parking spaces	Minimum 0.3 spaces per unit to maximum 1.25 spaces per unit	Minimum 2 spaces per unit	The applicant proposes to provide 43 parking spaces on site, five of which would be surface, and the remainder below grade. The intent of the minimum and maximum parking requirements is to limit the amount of surface parking on a site. Since the majority of parking will be provided below grade, the intent of this provision in the By-law will continue to be maintained. Based on the foregoing, the modification is reasonable and supported by staff.
Location of Loading	Shall not be in permitted in a required yard abutting a Residential Zone or Institutional Zone and shall be screened from view.	May be permitted in a required side yard abutting an Institutional Zone and shall be screened from view.	Due to the configuration of the site, there is limited opportunity to locate the loading area away from the adjacent Institutional Zone. Screening will continue to be provided between the loading space and the adjacent Place of Worship, which will not be used on a frequent basis as the loading will be for waste removal and moving residents in and out of the building. Therefore, minimal negative impact is anticipated. Based on the foregoing, the modification is reasonable and supported by staff.
Drive Aisle Width	4.5 m wide drive aisle for a 45° parking angle	3.5m wide drive aisle for a 45° parking angle	The proposed modification acknowledges the location of the existing building on site, which is located approximately 3.5m from the side lot line. Access to the site will be provided by a one way, U shaped driveway. The applicant has demonstrated that the proposed aisle will continue to support the site and that service vehicles can maneuver the site safely. Based on the foregoing, the modification is reasonable and supported by staff.





MEMORANDUM

To: St. John's Anglican Church, Ancaster

Date: October 24, 2017

No. of Pages: 9

From: James Webb, MCIP, RPP

Re: Preliminary Planning Assessment
Proposed Development, 280 Wilson Street East, Ancaster, City of Hamilton

WEBB Planning Consultants have been retained by St. John's Anglican Church to undertake an assessment of development applications that have been submitted for the property located at 280 Wilson Street East, Ancaster.

Provided below is a summary of the development proposal and our analysis having regard to the guiding planning framework for this area which includes the City of Hamilton Urban Official Plan, the recently adopted Wilson Street Secondary Plan, the current and draft Zoning By-laws. In completing this assessment we have reviewed the Site Plan and supporting studies prepared for the project including a Planning Justification Report, Urban Design Brief, Cultural Heritage Impact Assessment and a Tree Protection Plan.

The assessment concludes with our preliminary planning opinions regarding the merits of the planning amendments necessary to implement the proposal and recommendations for follow-up.

1.0 PROPERTY DESCRIPTION

The subject property is located on the East side of Wilson Street East, immediately to the north of St. John's Anglican Church. The parcel has 18 metres of frontage on Wilson Street, a depth of approximately 90 metres, and an area of 0.23 hectares (0.57 acres).

The site is currently developed with a 2 ½ storey brick building located in close proximity to the street edge. The current brick structure was constructed in 1870. The building has since undergone renovations with a two storey addition at the rear which accommodates residential uses.

As noted in the Heritage Assessment completed by Mcallum Sather, the existing building is a Listed Heritage building pursuant to the City's Inventory of Buildings of Architectural and/or Historical Interest, Hamilton's Heritage Volume 2 – September 2002. Referenced as the "Gurnett Store", the property and building are not designated by the Ontario Heritage Act.

Attn.: St. John's Anglican Church
Re: 280 Wilson Street, Ancaster

October 24, 2017
Page 2

As stated in the supporting studies, the development concept for the lands is directed by the intent to preserve the existing building based on the heritage attributes and it's contribution to the historical fabric of the Ancaster Village Core area.

St. John's Anglican Church is a designated heritage property under the Ontario Heritage Act. Pursuant to a designating By-law that was adopted by Council of the Town of Ancaster in 1991, both the lands and buildings are included in the designation. Pursuant to Provincial and local Planning Policy, any development of adjoining lands shall consider the conservation of the designated heritage property. This Policy basis provides equal importance to both the heritage attributes of the church buildings and the church grounds, the latter including the cemetery that is in immediate proximity to the development proposal.

2.0 SUMMARY OF PROPOSED DEVELOPMENT

We have reviewed the Site Plan prepared by Disimone Architect's and provide the following points to summarize the proposed form and scale of development:

- A 3 ½ storey building is situated to the rear of the "Gurnett Store", the total measured height of the building is 16.0 metres whereas a maximum height of 10.5 metres is permitted by the current Zoning;
- The plans are not clear with regard to the location of the half storey, whether within the roof line or proposed as a raised basement;
- The proposed building will contain a total of 22 multiple dwelling units. Based on the site area, the density is equal to 115 units per net residential hectare. No specific breakdown is provided with regard to the number of units per floor or the varying size of the dwelling units;
- The building has limited setbacks to the boundaries of the property, a rear yard setback of 0.0 metres, a northerly side yard setback of 1.0 metres and a southerly side yard, abutting the St. James Church, of 1.2 metres;
- The intensity of the built form is equal to a lot coverage of 60%, the landscaped open space is 362 square metres, less than 10% which is low;
- A site grading plan has not been prepared, it is unclear how the proposal will match grades with the adjoining church property, retaining walls may be necessary to achieve the height transition;
- On-site parking is provided as a combination of surface parking and underground parking beneath the residential building. A total of 4 parking spaces are proposed for the existing commercial building and 44 for the residential use. 7 of these spaces are surface parking the balance beneath the residential building;

Attn.: St. John's Anglican Church
Re: 280 Wilson Street, Ancaster

October 24, 2017
Page 3

- The submission included rendered perspective drawings illustrating the architectural treatment for the elevations. The building will incorporate a sloped roof, windows are shown in the roofline but unclear if these are necessary to accommodate usable floor area or simply an architectural treatment to add variety to the roof profile;
- The southerly elevation of the proposed building immediately abuts the St. John's Church property, primarily situated against the open space area of the site encompassing the cemetery. The elevation includes windows and balconies which overlook the property of St. John's Church;
- A tree preservation plan has been prepared in support of the development proposal and confirms a number of mature trees located along the mutual property boundary with St. John's.

3.0 REQUIRED PLANNING APPROVALS

As described in the Notice of Application mailed by the City, the following planning amendments are necessary to implement the proposal:

3.1 Secondary Plan Amendment:

- To permit a height of 3 ½ storeys whereas only 2 ½ storeys are permitted

3.2 Zoning By-law Amendment – VA Zone of Ancaster ZBL:

- Building height of 16.0 metres whereas 10.5 is permitted;
- Stand alone residential building containing 22 dwelling units whereas the current Zoning would permit existing residential uses and one detached dwelling;
- A rear yard setback of 0.0 metres whereas 9.0 metres is required;
- Lot coverage of 60% whereas 50% is permitted;
- Reduction in on-site parking for the multiple dwelling building;

3.3 Zoning By-law Amendment – Proposed CMU Zoning

A new comprehensive Zoning By-law is being prepared by the City of Hamilton with the Regulations for Commercial and Mixed Use Areas to be adopted by City Council in November 2017. 280 Wilson Street is proposed to be rezoned as "C5a" Zone – Mixed Use Medium Density. While not currently in affect, the proposed Zoning represents City Council's position and should be taken into consideration in evaluating the merits of the proposed redevelopment.

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Re: 280 Wilson Street, Ancaster

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3.4 Site Plan Approval & Plan of Condominium:

The development will also require approval of an Application for Site Plan Approval and a Draft Plan of Standard Condominium. These Applications implement matters including detailed design and infrastructure, and tenure for the proposed residential Condominium building.

4.0 PLANNING FRAMEWORK

The key land use policies and regulations that are intended to provide guidance on the development of lands include the Urban Hamilton Official Plan (UHOP), the recently adopted Wilson Street Secondary Plan, the Zoning By-law of the former Town of Ancaster, and the draft Commercial and Mixed Use Zoning that is intended to apply to commercial properties on a City-wide basis.

4.1 Urban Hamilton Official Plan (UHOP)

The Urban Hamilton Official Plan (UHOP) is the upper tier planning document for the City that sets out the land use Policies intended to guide the growth and development of the City. Volume One of the UHOP provides the general Policies with detailed Policies being implemented through the Secondary Plans contained in Volume Two of the Plan.

According to the Land Use Plan of Volume One, the Wilson Street corridor is designated as a Mixed Use Medium Density area which is generally intended to develop as a mixed use area with an emphasis on achieving compact development patterns that will evolve over time as mixed use areas.

Consistent with Provincial Policy, the UHOP provides Policies to implement intensification throughout the urban area with a focus on growth within the built-up areas of the City. The proposed development of 280 Wilson Street is an example of intensification as the lands are currently underutilized and the proposal will develop the property at a higher density than currently exists.

The UHOP provides criteria to evaluate residential intensification developments and we would highlight the following criteria per Policy 2.4.1.4 (a):

"The relationship of the proposal to existing neighborhood character so that it maintains, and where possible, enhances and builds upon the desirable established patterns and built form."

The above establishes a threshold wherein new development is to maintain, and where possible, enhance established neighbourhood character. This criteria in our view is not met by the proposed form and scale of development, in particular, the development of the interior portion of the lot with minimal setbacks, does not enhance the desired character.

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Re: 280 Wilson Street, Ancaster

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4.2 Ancaster Wilson Street Secondary Plan

Adopted by City Council in July 2014, the Ancaster Wilson Street Secondary Plan generally applies to lands adjoining Wilson Street from Montgomery Drive to Meadowbrook Drive, extending out to incorporate abutting lands. The Plan was the subject of an OMB appeal and is now in full force and effect as a Secondary Plan under Volume Two of the Urban Hamilton Official Plan.

The length of the Wilson Street corridor varies with respect to its function and built form. To recognize this diversity, five "character areas" are identified, the subject property and St. John's are within the Village Core area which extends from Rousseaux Street to Halson Street.

The Secondary Plan outlines specific policies for each of the character areas, for example, the Village Core is recognized as one of two main commercial areas. The implementing Urban Design Guidelines for the Secondary Plan also provides area specific guidance on the design for new buildings and lands.

With respect to detailed land use policies, the property at 280 Wilson Street is designated as Mixed Use Medium Density. The lands are also included in the Pedestrian Predominant Street overlay which establishes additional detailed design policies to guide built form with the intent of creating vibrant streetscapes and a more pleasant pedestrian environment.

Policies for the Mixed Use Medium Density (MUM) designation confirm that a range of commercial uses and multiple dwellings are permitted, either in mixed use or stand-alone buildings. The longer term intent is for these areas to develop as truly mixed use areas. Policies do not set specific density provisions.

Building height is generally permitted up to 6 storeys in the MUM designation, however, the detailed policies of the Secondary Plan provide an area specific notwithstanding provision that requires a minimum building height of two storeys and a maximum height of three storeys.

As noted, properties located along Wilson Street are subject to the Pedestrian Predominant Street overlay and the corresponding Policies of Volume One of the UHOP and the Secondary Plan. This has significant implications with respect to built form as Policies for Pedestrian Predominant Streets state a maximum building height 2.5 storeys within the Ancaster Core. This Policy direction takes precedence over the height policies for the MUM designation.

The Secondary Plan includes policies for Cultural Heritage. These are relevant to the subject property as St. John's church is a designated heritage property and the Village Core is identified as a Cultural Heritage Landscape. As 280 Wilson is a listed heritage property, its redevelopment is also subject to the Heritage Policies, albeit to a lesser degree than a designated property.

Attn.: St. John's Anglican Church
Re: 280 Wilson Street, Ancaster

October 24, 2017
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Taken in broad context, the Heritage Policies would require that the redevelopment demonstrate that the heritage attributes of St. John's are conserved by the proposed development. In our view, the assessment of impacts would include both built heritage and heritage landscapes such as the cemetery at the rear of the church property that is characterized as a naturalized open space area having significant cultural heritage value.

Policies require that these elements of the landscape are to be conserved and protected. The proposed building mass exceeds permitted height provisions, this condition is exacerbated by minimal separation from the interior lot line, in our view the scale and massing of the proposal conflicts with the intent to protect and conserve cultural heritage.

Summary of Key Secondary Plan Policies:

Permitted uses include residential and commercial uses, to be developed in either standalone or mixed use buildings;

Building height is capped at 2 ½ storeys for Pedestrian Predominant Streets;

Urban Design Policies encourage the retention of the cultural heritage character of the Village Core, new buildings should be built at the street edge;

Cultural Heritage Policies state that heritage resources, including built heritage and cultural heritage landscapes, shall be protected and conserved.

4.3 Town of Ancaster Zoning By-law

The subject property is presently zoned as "VA" – Village Area Zone according to the Town of Ancaster Zoning By-law No. 87-57.

The permitted uses of the VA zone are limited to a commercial buildings existing at the date of passing of the By-law and residential uses existing at the date of the passing of the By-law. Multiple dwellings in the form of an apartment building are not a permitted use, the Zone Change submitted by the proponents seeks to add this as an additional permitted use.

Performance Regulations of the VA Zone relevant to the proposed development include the following, the required modification are noted in brackets:

- Maximum Lot Coverage: 50% (60%)
- Minimum Side Yard: 0.0 metres, 1.5 metres if abutting a residential zone;
- Minimum Rear Yard: 9.0 metres (0.0 metres)
- Maximum Height: 10.5 metres (16.0 metres)

Attn.: St. John's Anglican Church
Re: 280 Wilson Street, Ancaster

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- Parking Regulations: 58 spaces required (48 spaces provided).

4.4 Proposed Comprehensive Zoning Amendments (CMU)

The City of Hamilton is in the process of implementing new Zoning Regulations to implement the City wide policies of the Urban Hamilton Official Plan and recently adopted Secondary Plans. The proposed Commercial and Mixed Use (CMU) Zoning has been considered by the City's Planning Committee and is tentatively scheduled for adoption by City Council in early November, 2017.

According to the draft Zoning Regulations, 280 Wilson Street East is to be rezoned to the "C5a" category – Mixed Use Medium Density, Pedestrian Predominant Street. Consistent with the Policies described above in the review of the Wilson Street Secondary Plan, the following summary of key Regulations of the "C5a" Zone is provided:

- The Permitted uses include a wide range of commercial uses, dwelling units are permitted in conjunction with a commercial use. We interpret this to require a mixed use building form as opposed the standalone residential building as proposed by the applicants;
- Minimum rear yard: 7.5 metres (0.0 proposed);
- Minimum side yard: 7.5 m. abutting an Institutional Zone (1.0 proposed);
- Building height: Maximum of 22 metres (16.0 m proposed)
- Parking: 4 commercial and 22 residential spaces (44 provided)

The C5a Zone also includes Regulations intended to guide built form for new development. Regulations include a minimum of 75% of the lot width as building façade, minimum building heights and the requirement to have building entrances facing the street.

280 Wilson Street and abutting properties along Wilson Street are also subject to Area Specific Regulation No. 570. Consistent with the height policies described above, the effect of the exception is to limit permitted height to 9.0 metres (29.5 feet), the proposal exceeds the permitted maximum by 7.0 metres (21.9 feet)

Based on the draft Regulations, the extent of the non-compliance is greater wherein a side yard of 7.5 metres is required abutting the Church property and maximum height is to be capped at 9.0 metres, measured from grade to the peak of the building. The "C5a" Zone also restricts residential uses, dwellings are permitted in conjunction with commercial uses and shall only be permitted above the ground floor.

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Re: 280 Wilson Street, Ancaster

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5.0 EVALUATION AND COMMENTS

The emerging Planning Policies that apply to the Ancaster Core Area permit mixed use and stand alone medium density residential projects. Specific to building heights, we have noted the City's intent to restrict height in the Ancaster Core area to maintain consistency and compatibility with the established built form. Policy and draft Regulations seek to limit height to maximum of 2 ½ storeys, the draft CMU Zoning Regulations implement the intent by capping height at 9.0 metres.

The justification provided in support of the proposal has focused on impacts to the streetscape of Wilson Street. The analysis has provided a limited analysis of impacts to the interior of the block which have a greater impact on the passive open space areas of the Church property.

We disagree with the statement provided in support of the proposal that the gradation of building heights is appropriate with the taller building situated away from the public street frontage. This position is contrary to planning principles wherein the interior portion of the block is regarded as an area for passive amenity space and matters of overlook and compatibility should be of greater concern. The sensitivity of this interface is heightened given the location of the cemetery, an area that should be protected from incompatible development.

In support of the above comment, it is noted that the City's new Zoning By-law Regulations have emphasized the importance of the interface where development adjoins Institutionally Zoned properties. The draft Regulations applicable to 280 Wilson Street require a minimum interior side setback of 7.5 metres based on the Institutional Zoning for St. John's.

The rationalization for locating the proposed building at the rear of the site is preservation of the existing listed heritage building. In our view, the impacts of pushing the proposed building to the rear of the site with no rear yard setback are not justified by preserving a building having limited heritage value, ie: listed, not designated. The development should be reconsidered with an emphasis on locating the proposed building closer to the street edge and either incorporating the façade of the existing building or demolition and replacement with a new building that is in keeping with the heritage character.

6.0 RECOMMENDATIONS

Based on our review, we believe there are legitimate concerns with the proposed form and scale of development being proposed for the property located at 280 Wilson Street. There are conflicts with the applicable Planning Policy framework and amendments are required from the current and proposed Zoning By-law Regulations that are otherwise intended to guide appropriate development.

As follow-up, there are a number of related initiatives to be pursued to ensure that the input from St. John's is reflected in the planning process.

Appendix "F" to Report PED19217
Page 9 of 13

Attn.: St. John's Anglican Church
Re: 280 Wilson Street, Ancaster

October 24, 2017
Page 9

St. John's should request a meeting with the proponents to outline the concerns with the development proposal and seek modifications as necessary to mitigate impacts. At a minimum, the proposed building height will need to be reduced to conform with the Secondary Plan and the placement of the building reviewed to establish appropriate setbacks at the rear and side of the property.

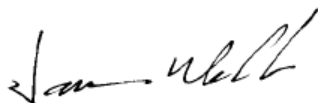
To ensure that the concerns of St. John's are reflected in the City's review of the development proposal, written comments should be sent to the Planning Department for their consideration. These comments will be reflected in any future reporting and will form part of the public record.

The Ward Councilor should also be contacted at the earliest opportunity to ensure that the concerns regarding the proposed form and scale of development are communicated.

Thank you for the opportunity to present this preliminary planning assessment, we look forward to the opportunity to meet with St. John's Church to further explain the findings of our review and address any questions you may have.

Yours truly,

WEBB Planning Consultants



James Webb, MCIP, RPP

cc: Gerald Aggus, Ross & McBride

October 2, 2017

Via Email

Melanie Schneider, City of Hamilton
Planning & Economic Development Department
Development Planning Heritage and Design – Suburban Team

Re: Files ZAC-17-051 and UHOPA-17-022

Please be advised that we have serious concerns with the above referenced development proposals. As we have not yet received all of the documents submitted by the applicants we offer only preliminary comments at this time, with the intention of providing additional comments once full documentation has been received.

1) Errors and omissions in documentation submitted by the applicants

We are very concerned that the documentation submitted by the applicants which we have reviewed to date contains numerous serious errors & omissions. Specifically:

a) Heritage Impact Assessment, McCallumSather, April 2017

- Page 8, ASP Land Use, erroneously shows the subject lands fronting on the north side of Golflinks Road.
- 2.5 Adjacent Cultural Heritage – this section fails to address nearby listed heritage properties and does not identify the Ryerson Chapel, located directly across the street as a heritage property. In addition in the description of St. John's Anglican Church there is no mention of the historic cemetery which is immediately adjacent to the proposed development. The cemetery is approximately 200 years old and predates the church building by 50 years or more. It contains hundreds of historic headstones and the St. John's Churchyard Committee has expended significant effort and financial resources to undertake conservation work on dozens of historic headstones in the cemetery. Historic cemeteries are an important part of the built heritage of a community. The failure of this report to identify the cemetery as part of the adjacent cultural heritage and to consider the impacts of the development on the cemetery and the appropriate setbacks necessary to mitigate such impacts is a major omission which should be corrected.
- Page 24 states that the subject property "is considered a building of interest but is not currently listed or designated as a heritage asset." This statement is in error and contradicts the figure on Page 10 (ASP Character Areas and Heritage Features) which clearly show the subject property as a listed heritage property. Page 2 of the Planning justification report also states that the site contains a listed heritage building.
- Page 32 - the side elevation drawings are mislabelled with north shown as south and vice-versa.
- Page 33 to 35 – The axonometric views provided do not include a true south view as from the cemetery, but rather only a west view from the street. A true south view would show a massive 3.5 storey 52' high structure set back just one metre from the edge of the cemetery and 3 metres from existing gravestones with no intervening vegetative buffer

since the proponent proposes to remove the existing 10 metre+ tall trees along the boundary with the cemetery. Clearly the failure to provide a true south view is misleading and should be corrected. Similarly, the east view fails to show the existing paved public trail in Village Green Park which is within 2 or 3 metres of the proposed structure which will tower over the trail with no vegetative buffer, as the proponents propose to build to the property line with a 0 metre setback and removing all existing vegetation including 10+ metres tall trees. Again this is highly distorted and misleading view that should be corrected.

- Heritage Impacts – the report focuses almost solely on heritage impacts on the Gurnett Store with no mention of impacts on the adjacent historic cemetery.
- Visual impacts (4.5, pg. 38) considers only street view with no mention on the serious visual impacts on the adjacent historic St. John's Cemetery and the Village Green Park and public trail.
- Based on the concerns expressed above we find the Heritage Impact Assessment incomplete and misleading and urge the City of Hamilton not to accept this report unless it is amended to address the shortcomings identified above.

b) **Site Plan DeSimone Architect**, as circulated Sept 12, 2017

- The site plan includes a table of Zoning site statistics in the bottom left corner. In this table the minimum side yard permitted under By-law 87-57 within the VA zone is listed as 0 metres and it is claimed that the proposal complies with the by-law with regard to side yard setback. In fact the) metre side yard standard applies to commercial uses and not to residential uses such as the proposed apartment building. The standard for existing residential uses and any expansion of such uses under the bylaw is a minimum 1.5 metre setback as per Section 25.3 (e). Any supposition that a new residential development would be subject to a commercial rather than the established residential setback requirement is both unreasonable and misleading. As such the site plan should be changed to show a minimum 1.5 metre setback under the existing by-law with an asterisked explanation that this is the standard for existing residential uses and the proposed multi-unit apartment development is not a permitted use.
- A similar error exists in the same table under maximum lot coverage. The bylaw provides for a maximum lot coverage for residential uses of 35%, not the 50% shown in the table. Again this error misleads readers into thinking that the proposal comes close to meeting the lot coverage standard for residential use when in fact it exceeds that standard by 60%.
- The right hand panel of the Site Plan shows site statistics. Under the heading existing building it claims 3.5 storeys (16m) this is not correct and is in fact what is proposed for the new building. Under the Proposed Building it erroneously claims a proposed height of 3 storeys. It also claims a maximum 60% building coverage which is at odds with the 56% claimed in the Zoning site statistics on the same site plan.
- These are serious and misleading errors all of which give the incorrect impression that the proposed development is either in compliance with certain standards in the existing by-law or close to being in compliance when this is clearly not the case. ***We are very disappointed that such inaccurate and misleading information has been included in the preliminary circulation and we feel strongly that the Site Plan must be corrected and included in a revised preliminary circulation with a new date for comments,***

before any further steps in the process can take place.

c) Planning Justification Report, GSP Group, May 2017

- Page 6 of this report states that a walkway long the south side of the building will connect the building interior with the pathway system within Village Green Park. As a maximum of 1 metre space will exist between the building as proposed and the fence along the cemetery there is no room for such a walkway.
- The Preliminary Site Plan on page 7 shows a delivery entrance on the south side of the front of the proposed apartment building. All deliveries must enter the property via the existing narrow driveway on the south side of the Gurnett Store building (280 Wilson Street E.) Given the very limited space between the existing and proposed building and the location of the proposed port-cochere and accessible parking space it will not be possible for anything but small delivery vans to drive in forwards and then have space to back into the delivery entrance. The only option for larger vehicles would be to back in from Wilson Street. This would be very dangerous and create serious traffic congestion and safety concerns. This is a serious flaw in the site plan.
- Figure 8 on page 8 is incorrectly labelled as "South Elevation – Facing Parking Lot and Park", when in fact it faces St. John's Church & Cemetery.
- Page 35 summarizes the Arborist Report and Tree Preservation Plan which claims that there are only 11 trees on the site 8 of which are "insignificant" and proposed for removal. Several of these "insignificant" are by our estimate 10+ metres in height and 25 cm diameter and they provide the only vegetative buffer between the proposed development and St. John's Cemetery and Village Green Park. The classification of such trees as insignificant is ridiculous. We will provide further comments upon receipt and review of the Arborist Report.
- Page 55 states that having a 3.5 storey 16m tall building overlooking the St. John's Cemetery "does not negatively impact private amenity space and will not conflict with these uses". This is patently false. The proposed development will have a huge negative visual impact on this highly attractive historic cemetery. The cremation gardens in particular which St. John's has recently approved major enhancements to will be towered over by the proposed building with no buffer and no privacy for mourners at graveside services and visitors to the cemetery.

2) General Preliminary Comments and Concerns

- We do not object in principle to a residential use including a small apartment building on the subject property.
- We strongly object to any height over the maximum 10.5 metres currently permitted.
- We strongly object to any lot coverage greater than 35% maximum currently permitted.
- We insist upon much greater setbacks and vegetative buffers from St. John's Cemetery and Village Green Park, with a minimum 5 metre setback from the former and 7.5 metres from the latter and the retention of all trees and supplemental plantings to provide enhanced screening.
- We have serious concerns regarding traffic and safety which we will elaborate on after receiving and reviewing the transportation plan.
- We are very concerned that the preliminary circulation contained^d Site Plan with many

serious errors an that the circulation did not adequately details the very significant variances between what is proposed and what is currently permitted. We ask that a revised preliminary circulation with a corrected site plan and more detailed information of the proposal and it's compliance with current standards be undertaken prior to any further steps in the planning process.

- We request hard copies of all documents submitted by the applicants

Respectfully Submitted,

Frank Ernest

N. Joyce Ernest

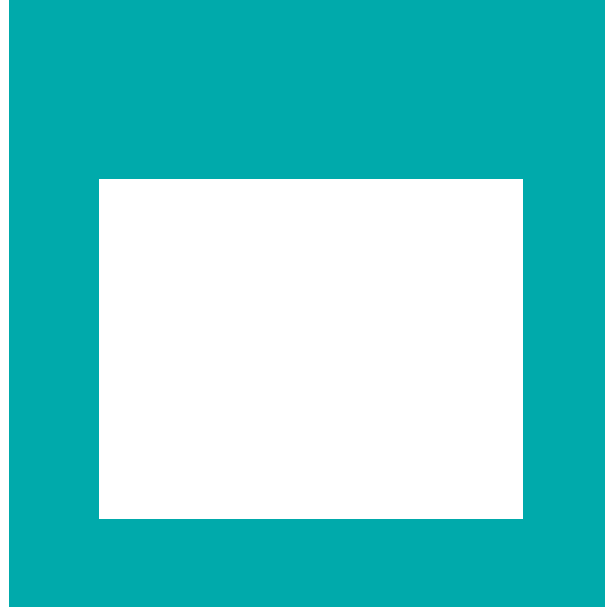
Alan Ernest

Authorization of Agent

We hereby Authorize Alan Ernest to Act as our agent with regards to all matters pertaining to development proposals for 280 Wilson St. East Ancaster, including City of Hamilton Files ZAC-17-051 and UHOPA-17-022.

Frank H. Ernest N. Joyce Ernest

dated at Ancaster this 2nd Day of October 2017.



WELCOME TO THE CITY OF HAMILTON

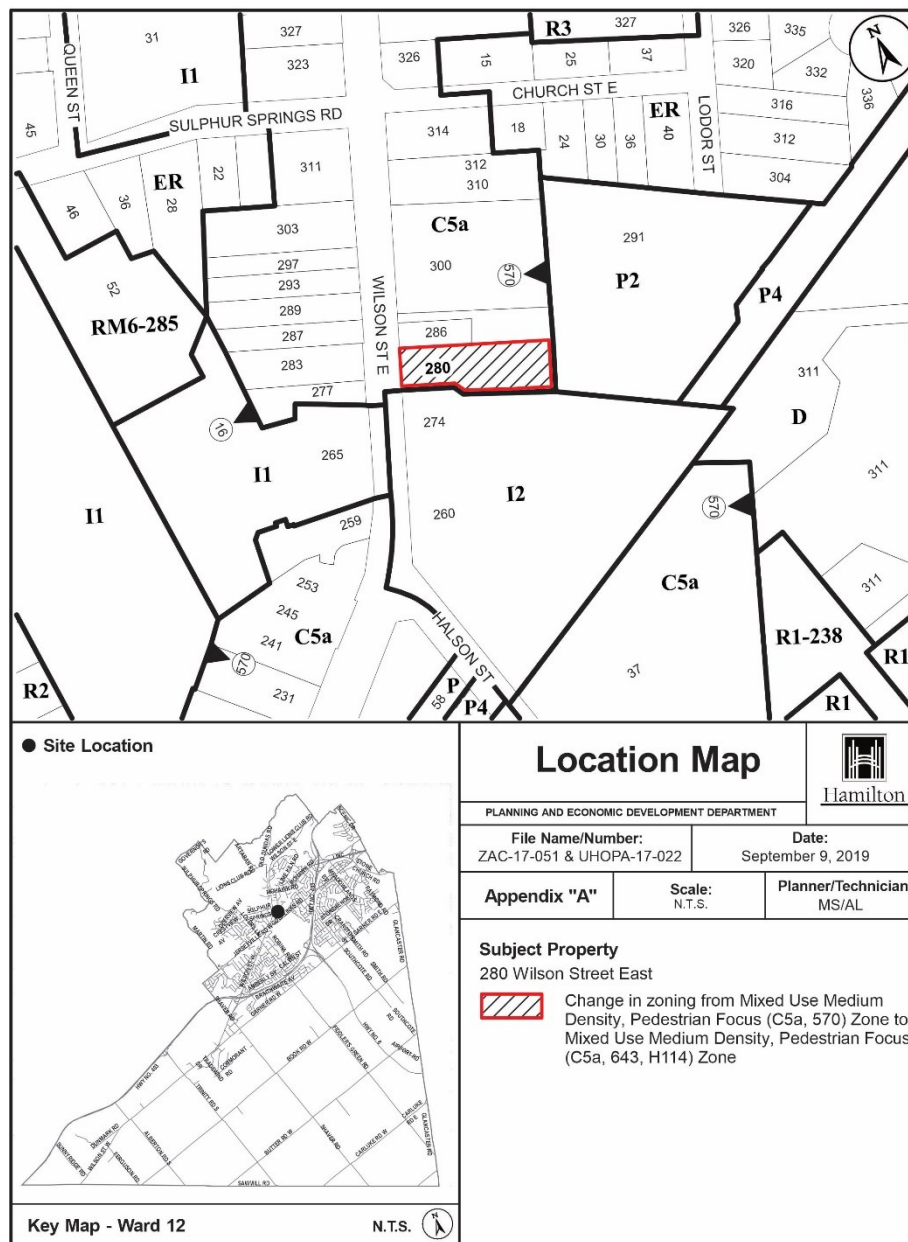
PLANNING COMMITTEE

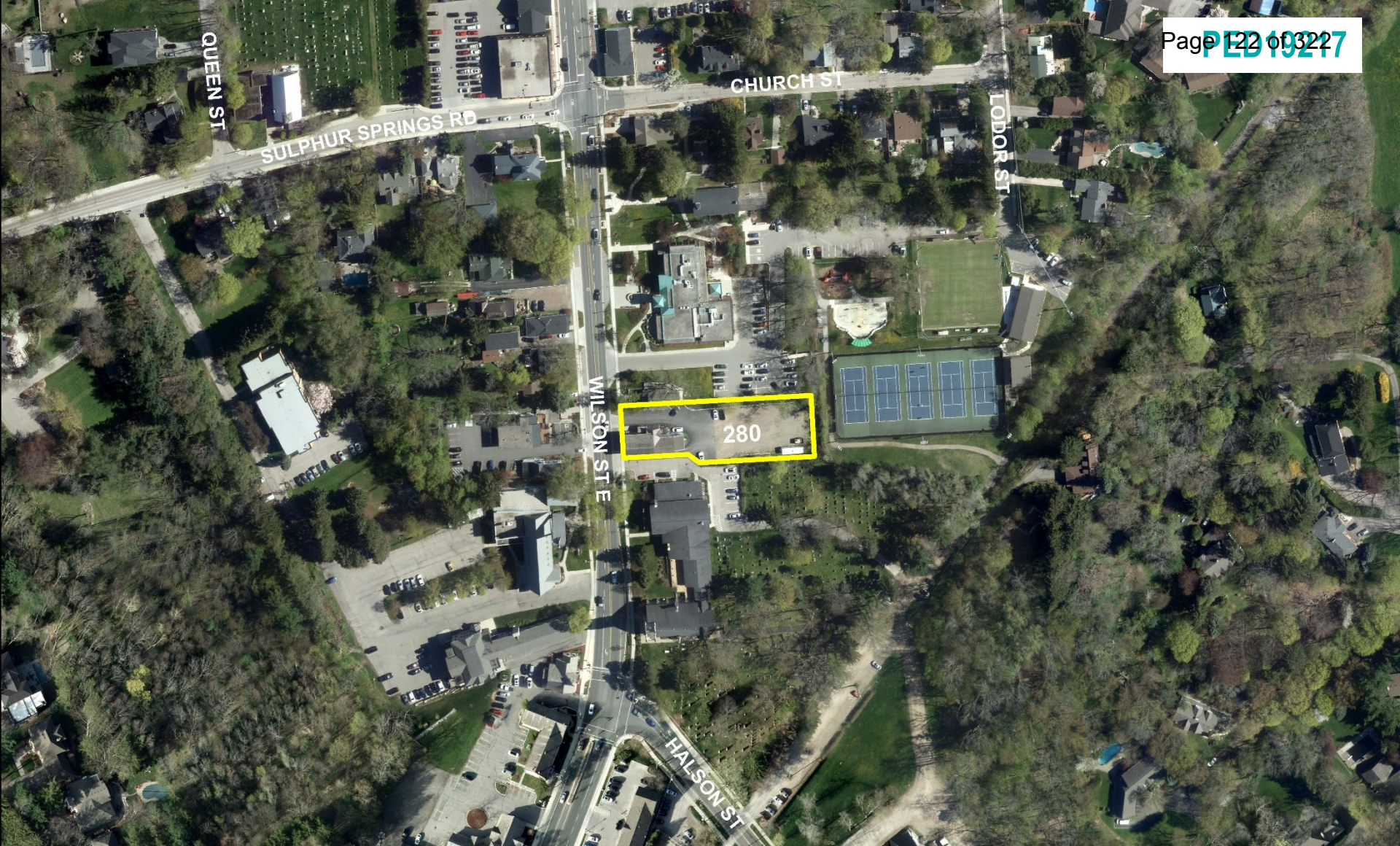
November 19, 2019

PED19217 – (ZAC-17-051 / UHOPA-17-022)

Applications to Amend the Urban Hamilton Official Plan and City of
Hamilton Zoning By-law No. 05-200 for Lands Located at
280 Wilson Street East, Ancaster

Presented by: Melanie Schneider





SUBJECT PROPERTY



280 Wilson Street East, Ancaster

FILE: DA-

No. 300
HAMILTON PUBLIC LIBRARY - ANCASTER BRANCH

No. 286
1 STOREY BRD DRIVING
DOMINATION

FILE: DA-

WILSON STREET (THE KING'S HWY. #2)

KEY PLAN

FIRE ROUTE
CITY OF U.S. ROAD

PROPOSED MULTI-UNIT RESIDENTIAL CONDOMINIUM APARTMENT
BUILDING AREA - 10,764 SF (1000 SM)

VILLAGE GREEN PARK

No. 280
PARKING SPACES
DRIVING DOMINATION

STATISTICS

Regulations	Bylaw 28-87 (Old Zone)	Council Approved 08-200 (New Zone)	Proposed	BT-1 (New Zone)	BT-2 (New Zone)
Permitted uses	28-1 Existing commercial	28-1 Office Dwelling units in conjunction with commercial use	1 existing residential use in conjunction with commercial use	✓	✓
Lot Area (m ²)	N/A	N/A	10,764	N/A	N/A
Lot Frontage	N/A	N/A	33.0m	N/A	N/A
Lot Coverage	25.7%	N/A	N/A	✓	✓
Front Yard	25.7m	10.5m	10.5m	✓	✓
Side Yard (min)	25.7m	10.5m	10.5m	✓	✓
Rear Yard (min)	25.7m	10.5m	10.5m	✓	✓
Height (max)	25.7m	10.5m	10.5m	✓	✓
Parking: Office	14 spaces	5.6 g/s	5.6 g/s	✓	✓
Parking: Apartments	14 spaces	14 units	14 units	✓	✓
Parking: Bicycles	14 spaces	14 spaces	14 spaces	✓	✓
Parking: Visual Barrier	14 spaces	14 spaces	14 spaces	✓	✓

KEY PLAN

1 SITE PLAN
DATE: 11-10-2016

UNDERTAKING
re: 280 WILSON STREET EAST, ANCASTER

1. I, THE UNDERSIGNED OF THE LAND, HEREBY UNDERTAKE AND AGREE TO THE FOLLOWING:

(a) TO COMPLY WITH ALL THE CONDITIONS OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

(b) TO MAINTAIN THE EXISTING ROADS OR WATERWAYS (WHICH ARE NOT TO BE REMOVED OR ALTERED) AS SET OUT IN THE LETTER OF APPROVAL;

(c) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT ALL TIMES, THE ROAD AND EXISTING ROADS OR WATERWAYS (WHICH ARE NOT TO BE REMOVED OR ALTERED) AS SET OUT IN THE LETTER OF APPROVAL;

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280 WILSON STREET EAST
998071 ONTARIO INC.

1 SITE PLAN
DATE: 11-10-2016

NOT FOR CONSTRUCTION

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DATE: 11-10-2016

NOT FOR CONSTRUCTION



Subject Lands from Wilson Street East



Rear of the Subject Lands looking towards St Johns Cemetery



280 Wilson Street East from the rear, showing rear of existing building



Rear of the Subject Lands looking towards the Village Green Park, including steep slope upward



St. John's Anglican Church to the south



Location of proposed multiple dwelling from Ancaster Town Hall parking lot



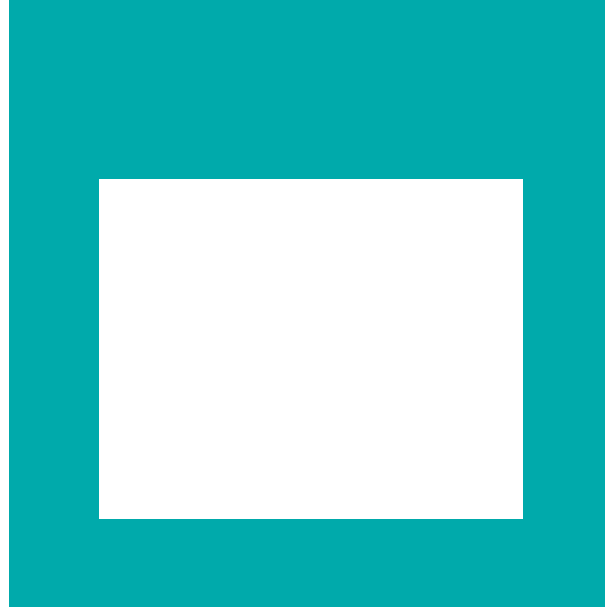
Ryerson United Church to the west of the site



Existing uses on the west side of Wilson Street East, including commercial



Existing commercial use to the north of the Subject Lands



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	The Housing for Hamilton Community Improvement Plan for the Roxborough Mixed Income/Tenure Demonstration Project (PED19208) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Phillip Caldwell (905) 546-2424 Ext. 2359 Edward John (905) 546-2424 Ext. 4860
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Housing for Hamilton Community Improvement Plan (2019), attached as Appendix "A" to Report PED19208, be approved;
- (b) That, subject to the approval of recommendation (a), the Housing for Hamilton Community Improvement Plan Implementing By-law, attached as Appendix "B" to Report PED19208, be enacted;
- (c) That, subject to the approval of recommendation (b), the program terms and administrative processes for the Roxborough Access to Homeownership Grant Program, attached as Appendix "C" to Report PED19208, be approved and appended to the Housing for Hamilton Community Improvement Plan;
- (d) That, subject to the approval of recommendation (b), the program terms and administrative processes for the Roxborough Rental Housing Loan Program, attached as Appendix "D" to Report PED19208, be approved and appended to the Housing for Hamilton Community Improvement Plan;

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

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

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

**SUBJECT: The Housing for Hamilton Community Improvement Plan for the
Roxborough Mixed Income/Tenure Demonstration Project
(PED19208) (Ward 4) - Page 2 of 11**

- (e) That the General Manager of Healthy and Safe Communities be authorized to approve applications, and execute agreements, under the Roxborough Access to Homeownership Grant and Roxborough Rental Housing Loan Programs with agreement content satisfactory to the General Manager and in a form satisfactory to the City Solicitor;
- (f) That, subject to the approval of recommendation (c) and (d), parkland dedication requirements for residential townhouses and multi-residential units located within the Roxborough Community Improvement Project Area and which meet the eligibility criteria of the Roxborough Access to Homeownership Grant and/or Roxborough Rental Housing Loan Programs be suspended under Section 12 of the City of Hamilton's Parkland Dedication By-law for a period of seven years beginning from the date of adoption of the Housing for Hamilton Community Improvement Plan By-Law.

EXECUTIVE SUMMARY

The Roxborough Demonstration Project (RDP) is a joint public-private housing redevelopment which will deliver a mix of market and below market homeownership and rental housing options through the redevelopment of approximately 12.5 acres of land within the McQueston neighbourhood in East Hamilton.

The RDP is intended to be a model for the creation, and integration of, mixed income and mixed tenure housing options within a changing neighbourhood. The RDP will also support on-going revitalization efforts in the McQueston neighbourhood through the redevelopment of a vacant, former school site, the replacement of existing CityHousing Hamilton (CHH) housing stock which is at the end of its intended life cycle as well as introduce a new supply of homeownership and rental housing options within the community.

In total, the RDP will consist of approximately 650-750 mixed income and mixed tenure residential units including:

- 103 family-oriented Rent-Geared-to-Income and affordable rental units to be owned and operated by CHH;
- Over 200 multi-residential rental units with capped rents;
- Approx. 200 - 250 below market homeownership townhouse units; and,
- Approx. 100 -150 maisonettes and condominium units geared towards seniors and smaller households.

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**SUBJECT: The Housing for Hamilton Community Improvement Plan for the
Roxborough Mixed Income/Tenure Demonstration Project
(PED19208) (Ward 4) - Page 3 of 11**

On June 26, 2019, Report HSC19034 was approved by Council which included a direction to staff that a Community Improvement Plan (CIP) and associated program descriptions, terms and administrative procedures for financial incentive programs required to facilitate the non-CHH component of the RDP be brought forward to Planning Committee for a statutory public meeting.

Appendix “A” to this Report contains the Housing for Hamilton Community Improvement Plan (HHCIP) which establishes the supporting policy framework under which the City may provide financial incentives that will support the goal of minimizing financial barriers to, and stimulating private sector investment in, a broad spectrum of housing options to meet the needs of Hamilton’s residents.

Contained as appendices to the HHCIP are the program descriptions, terms and administrative processes for HHCIP’s two incentive programs which are intended to facilitate the non-CHH component of the RDP; the Roxborough Access to Homeownership Grant and Roxborough Rental Housing Loan Programs contained in Appendix “C” and “D” to this Report respectively. These incentive programs provide grants and/or forgivable loans equivalent to the value of municipal Development Charges (DC) for below-market homeownership units and/or residential rental units with capped rents and which meet specific parameters in keeping with the goals of the RDP.

In addition, planned parkland dedication waivers are proposed for units which meet the parameters of the above programs which would be facilitated under Section 12 of the Parkland Dedication By-Law and discussed further in this Report.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The cost of grants and forgivable loans provided for under the Roxborough Access to Homeownership Grant and Roxborough Rental Housing Loan Programs are estimated to be \$10.47 M based on the DC rates effective July 6, 2019 and the current development plans for the RDP.

The impact of suspending parkland dedication requirements will be approximately \$3.9 M.

It is noted that through the intensification of the lands, the provision of financial incentives will be offset through the increased tax assessment generated by the demonstration project. Each new townhouse is projected to generate approximately \$4 K-\$4.5 K annually, while the rental apartment buildings will generate approximately \$550 K annually (excluding the CHH

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building which is exempt). In total the demonstration project is expected to generate approximately \$2.3 M in new tax income annually.

Staffing: Administration of the HHCIP and associated incentive programs will be accommodated by existing staff within the Housing Services Division.

Legal: Under Section 28 of the *Planning Act*, municipalities with enabling policies in their Official Plans may adopt a CIP for the purposes of providing grants and/or loans within a Community Improvement Project Area (CIPA) which would otherwise be prohibited under Subsection 106(2) of the *Municipal Act*. These grants and/or loans may be provided to the registered owner(s), assessed owner(s) or tenant(s) (or their respective assignees) of lands within the CIPA.

Municipal authorization for the establishment of CIPs are contained in Section 1.15 of the Urban Hamilton Official Plan and referenced in Section 3.0 of Appendix “A” to the Report.

The adoption of a CIP by a municipality must be conducted in accordance with the applicable policies under Sections 17 and 28 of the *Planning Act* as well as the City’s Public Participation and Notification Policies contained in Chapter F, Section 1.17 of the Urban Hamilton Official Plan. These policies include requirements for stakeholder engagement, public notice and a statutory public meeting. Public notice of the statutory public meeting at which the HHCIP was to be considered by Committee was published in The Hamilton Spectator on November 1, 2019.

HISTORICAL BACKGROUND

The RDP is a joint public-private housing redevelopment consisting of approx. 650-750 mixed income and mixed tenure units, including 103 Rent-Geared-to-Income and affordable rental units, with a significant amount of larger 3 to 4-bedroom units, to be owned and operated by CHH.

The RDP is located on approximately 12.5 acres of land within the McQueston Neighbourhood in East Hamilton and includes:

- The site of the former Roxborough Park School, which has been closed since June 2015 and which was demolished in 2017; and
- Lands currently owned by CHH which contain 91 Rent-Geared-to-Income townhouses and 16 one-bedroom market apartments.

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The school site was purchased by Roxborough Park Inc. (RPI), with the intent of developing a market priced residential development.

Prior to proceeding with these plans, the City and RPI entered into discussions regarding the potential for the former school site to form part of a larger redevelopment effort that could deliver a new model of housing within the city. This model would go beyond creating market housing and instead include the creation of a range of housing options that could achieve broader goals for the community including:

- Creating integrated mixed income and mixed tenure residential developments;
- Spurring investment and redevelopment that would serve as an economic catalyst to support the revitalization of the McQueston neighbourhood; and,
- Reducing the potential for the displacement of existing residents and avoid significant income disparities between existing and future residents as a result of a new development in the community.

As part of these discussions, an opportunity was identified to include CHH's existing lands within the community for the purposes of facilitating this new model of housing. The inclusion of these lands would enable CHH to replace its existing housing stock which had been identified as being at the end of its intended lifecycle and in need of significant Capital expenditure going forward. In addition, the replacement of these units in concert with the development of RPI's lands would allow for a comprehensive redevelopment plan that would allow for better integration of the CHH's housing within the community.

In order to facilitate the development of below market homeownership opportunities as well as the integration of a significant rental housing component to the project, it was identified that financial incentives would be required. In September 2018, Council approved Report PED16236(b) and the establishment of a CIPA for the above-mentioned lands in order to establish the boundaries in which a new CIP and associated financial incentive programs could be created and applied within in order to facilitate the RDP. The approach to establish a CIPA was considered the most appropriate as it would create the framework under which the programs could be replicated to facilitate similar models of development on other suitable sites in the future, subject to Council approval. This approach also provides the City with the most effective means of ensuring that the specific desired outcomes of the RDP would be achieved.

The subsequent creation of the implementing CIP and associated financial incentive programs for use in the Roxborough CIPA were to occur once the sale of CHH's lands

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and the costs of CHH's new building were approved by the CHH Board. This approval occurred in principal, and subject to continued negotiations with RPI to obtain specific legal and financial commitments, at an in-camera meeting of the CHH Portfolio Committee on October 24, 2017.

At the June 26, 2019 Council meeting, Report HSC19034 was approved which included, among other matters, preliminary program terms for a new Roxborough financial incentive program and the following associated staff direction:

“That staff be directed to bring forward the recommended draft program description to the Roxborough CIPA, as contained in Appendix “A” to Report HSC19034, to the Planning Committee for a statutory public meeting in accordance with Section 17 (15) (d) of the *Planning Act*,”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Housing for HHCIP, contained in Appendix “A” to this Report, fulfils legislated requirements under Section 28 of the *Planning Act* for the purposes of providing grants and/or loans within the Roxborough CIPA.

The HHCIP establishes the supporting policy framework under which the City may provide financial incentives that will support the City's goal of minimizing financial barriers to, and stimulating private sector investment in, a broad spectrum of mixed income and mixed tenure housing options that will meet the needs of Hamilton's residents.

The purpose and goals of the HHCIP are supported by applicable Provincial and City housing policy including those contained in the Provincial Policy Statement (2014), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Urban Hamilton Official Plan (2013) and the City's Housing and Homelessness Action Plan (2013). These supporting policies are further discussed in Section 4.0 of the HHCIP contained in Appendix “A” to this Report. The implementing By-law for the HHCIP is contained in Appendix “B” to this Report.

Contained as appendices to the HHCIP are the program descriptions, terms and administrative processes for HHCIP's two incentive programs; the Roxborough Access to Homeownership Grant and Roxborough Rental Housing Loan Programs, contained in Appendix “C” and “D” respectively to this Report.

Although the recommended incentive programs are applicable to only the Roxborough CIPA and intended to facilitate the associated demonstration project, the overall policy framework and format of the HHCIP is such that additional CIPAs and/or housing

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related incentives programs could be added as amendments to the HHCIP over time for other geographic areas/projects at Council's discretion.

RELEVANT CONSULTATION

The HHCIP and associated financial incentive program has been jointly developed by Housing Services and Economic Development staff. Staff from CHH as well as Legal and Financial Services have been consulted in the preparation of this Report.

Staff have engaged with relevant stakeholders in the preparation of the HHCIP including representatives of the RPI development consortium who will be undertaking the development of the RDP.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The HHCIP has been prepared by staff in response to the establishment of the Roxborough CIPA in 2018 as well as Council's approval of Report HSC19034 in June 2019 respecting the planned RDP.

The HHCIP contains two incentive programs which are intended to facilitate the RDP:

- The Roxborough Access to Homeownership Grant Program (RAHGP) which is intended to provide grants equivalent to the value of municipal DCs for below-market homeownership units provided within the Roxborough CIPA. Grants provided under this program are intended to support the creation of homeownership townhouse units at below-market prices ranging between \$380 K - \$420 K per unit with a median average of \$400 K in order to provide greater access to homeownership within the City and contribute to the broader spectrum of housing options available within the McQueston neighbourhood specifically.

Based on the DCs in effect at the time of this Report, the value of a grant under this program, on an eligible per unit basis, would be \$31,128.

The grants would also support the creation of smaller maisonettes and condominium units geared towards seniors and smaller households. These units would increase the range of ownership units within the community and be accessible to lower income households given that they would be priced lower than the grade related townhouses. Precise required price thresholds will be determined on an individual project basis.

Based on the DCs in effect at the time of this Report, the value of a forgivable loan under this program, on an eligible per unit basis, would range between

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\$17,422 for bachelor and one-bedroom units to \$25,467 for units containing two or more bedrooms.

- The Roxborough Rental Housing Loan Program (RRHLP) is intended to provide forgivable loans equivalent to the value of municipal DCs required for multi-residential rental units created within the Roxborough CIPA. Forgivable loans provided under this program are intended to support the creation of new residential rental units with rental rates that are capped at 175% of the Average Market Rent for the Hamilton Census Metropolitan Area (CMA). Units provided under this program will ensure rental housing options are available within the community at or under this threshold for a period of 10 years and contribute to the broader spectrum of housing options available within the McQueston neighbourhood.

Based on the DCs in effect at the time of this Report, the value of a forgivable loan under this program, on an eligible per unit basis, would range between \$17,422 for bachelor and one-bedroom units to \$25,467 for units containing two or more bedrooms.

Together, these programs are intended to facilitate the creation of approximately 200 below market homeownership townhouse units, 100 below market maisonette and condominium units, and over 200 multi-residential rental units with rents capped for a period of 10 years. These units would be in addition to the 103 family-oriented Rent-Geared-to-Income and affordable rental units which are to be provided as part of the planned development and which will be owned and operated by CHH.

Since the initial draft program terms and administrative processes for the above grant and forgivable loan programs were provided in Report HSC19034, staff have continued to engage with representatives of RPI, as well as staff from Legal and Financial Services. These discussions have resulted in numerous refinements to the program structure, terms and administrative processes. Key changes are discussed below.

- Range of Units Prices

Previously staff Report HSC19034 indicated a maximum cost of \$397 K per unit, however, following discussions with RPI it was considered that providing a range of \$380 K - \$420 K per unit with a median average of \$400 K per unit would provide the opportunity for the developer to offer a number of different unit types (stacked/back-to-back/street townhouses) at below market prices. This approach

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was considered appropriate and as a result likely to ensure a greater mix in the type and location of product offered at below market prices.

- Demolition Credits

It is noted that 107 dwelling units exist within the current development lands that would be demolished as a result of the proposed development. DC credits are offered in instances of redevelopment whereby existing units that are to be demolished are treated as a credit against DCs for future new units.

Given that these existing units are currently owned and operated by CityHousing Hamilton these 107 residential units are not automatically eligible for a demolition credit. Notwithstanding this, the proposed program would be extended to include these units, provided they satisfy the cost requirement of not exceeding \$420 K.

- Range of Unit Types and Seniors Building

Through the detailed design process, it was identified that there is an opportunity to provide an even greater range of ownership unit types and additional unit specific reduced-price points, compared to that proposed through the delivery of townhouse units alone.

The developer has proposed the creation of maisonettes and midrise multiple dwelling units geared towards older adults in addition to the existing discussed range of unit types and tenures. The addition of such units would further advance the goal of establishing a complete community that offers a diverse range of unit options and at a range of different price points.

In order to ensure a proportion of those units are kept below a predetermined price threshold the program has been modified to include such units. Given that these additional unit types would be in the form of maisonette and multiple dwelling units and generally smaller unit sizes, the program would establish separate price thresholds. Given the potential range in both size and form of these units, additional price thresholds will be determined on an individual project basis through the delegative approval of staff. These price thresholds would be nuanced to ensure even lower prices for units reflective of their size and form and therefore increasing the opportunity for a greater number of households to access ownership housing.

To ensure the diverse range of units is included within the development, additional provisions within the program have been added to ensure a minimum threshold of rental units and ground related townhouses have also been added.

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In addition to the above, staff have investigated the most advantageous means by which planned parkland dedication waivers could be provided. To this end, staff are recommending use of Section 12 of the Parkland Dedication By-law which states the following:

“EXCEPTION

12. Council may vary any of the requirements for parkland dedication or payment in lieu thereof set out in this By-law provided that such variance is:
- (1) less onerous or stringent than the requirement set out herein;
 - (2) applicable for a temporary, specified period of time;
 - (3) applicable to a specified type or class of development or redevelopment; and,
 - (4) applicable to the whole of the City or a specified geographical area thereof.

The period of time specified pursuant to subsection 12(2) above may be extended once for an additional period of time not to exceed the period of time specified for the original variance.”

The use of Section 12 will allow staff to efficiently provide parkland dedication waivers for the RDP as it eliminates the need for staff to create and administer a separate incentive program under the HHCIP as well as removes the requirement for cash-in-lieu of parkland dedication fees to be paid by the applicant and then subsequently reimbursed by the City under such a program.

In accordance with Section 12, staff are recommending that parkland dedication requirements be suspended in accordance with the following parameters:

- That parkland dedication requirements be suspended for a period of seven years in order to allow sufficient time for all applicable Building Permits to be submitted for the RDP;
- That classes of development eligible for the suspension of parkland dedication requirements include residential townhouses and residential units contained in multi-residential buildings consistent with the planned demonstration project; and,
- That the suspension of parkland dedication requirements be limited to the geographic area consisting of the Roxborough CIPA.

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In addition to the above, staff are further recommending that the suspension of parkland dedication requirements only apply to those units which meet the parameters of the RAHGP and/or the RRHLP.

ALTERNATIVES FOR CONSIDERATION

N/A

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.

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” Housing for Hamilton Community Improvement Plan (2019)
- Appendix “B” Implementing By-law for the Housing for Hamilton Community Improvement Plan (2019).
- Appendix “C” Program Description, Terms and Administrative Processes for the Roxborough Access to Homeownership Grant Program.
- Appendix “D” Program Description, Terms and Administrative Processes for the Roxborough Rental Housing Loan Program.

PC/EJ:dt

Housing for Hamilton Community Improvement Plan

HEALTHY AND SAFE COMMUNITIES DEPARTMENT

CITY OF HAMILTON

NOVEMBER 2019



Hamilton

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FIGURES

Figure 1 – Roxborough Community Improvement Project Area Boundary

APPENDICIES

- A. Roxborough Access to Homeownership Grant Program (RAHGP)
- B. Roxborough Rental Housing Loan Program (RRHLP)

1.0 INTRODUCTION

Across the Greater Toronto and Hamilton Area (GTHA), affordability of housing and limited opportunities for both rental housing and home ownership have become significant social and land use planning issues which are threatening the ability for municipalities to create and sustain complete communities which are home to all peoples.

Housing affordability is an issue which requires innovative solutions from all levels of governments in collaboration with private sector investment. Although there is no single tool or action which will address affordability, City Council is committed to identifying opportunities to reduce barriers to the creation of a wider range and choice of housing with the tools available to it. This Community Improvement Plan is one such opportunity.

2.0 PURPOSE OF THIS CIP

This Community Improvement Plan is intended to provide incentives which will minimize financial barriers to, and stimulate private sector investment in, the creation of a wider range and choice of housing to meet the needs of Hamilton’s residents. Incentives contained within this CIP are focused towards the development or redevelopment of targeted, under-utilized properties within the Hamilton Urban Area that are suitable for accommodating new mixed-income, mixed-tenure and affordable residential developments.

The expected outcome of this CIP is to provide new housing opportunities for persons with higher social and economic vulnerability; increase housing supply on under-utilized properties, provide new and/or revitalized affordable housing stock and generally support the integration of people from a variety of income groups into healthy, socially cohesive and financially sustainable communities.

3.0 LEGISLATIVE AUTHORITY

The provision of financial incentives or other undertakings by a municipality to facilitate or carry-out community improvement in Ontario are primarily governed by the *Planning Act* and *Municipal Act*. Together these acts identify the tools, and their parameters, which municipalities may authorize and utilize for community improvement.

3.1 Provincial Legislation

Section 28 of the *Planning Act* permits a municipality to establish a Community Improvement Plan (CIP) for the purposes of facilitating the community improvement of an area through the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the *Municipal Act*.

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A CIP may be enacted by a municipality, by by-law, provided that:

- The municipalities Official Plan contains provisions relating to community improvement (Planning Act, Subsection 28 (2));
- The CIP identifies the geographic Community Improvement Project Area (CIPA) for which Council is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason (Planning Act, Subsection 28(2)) and which includes the provision of affordable housing (Planning Act, Subsection 28 (6)); and
- The total of all grants, loans and/or tax assistance provided with respect to lands or buildings within the CIPA do not exceed the eligible costs as described within the CIP (Planning Act, Subsection 28(7.3)).

Once a CIP has come into effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement (Planning Act, Subsection 28(3));
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto (Planning Act, Subsection 28(6)(a));
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP (Planning Act, Subsection 28(6)(b));
- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole, or any part of the, eligible costs of the CIP (Planning Act, Subsection 28(7)); and
- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities (Planning Act, Subsection 28(7.1)).

3.1 Municipal Authorization

Community improvement policies are contained in Section 1.15 of the Urban Hamilton Official Plan (UHOP). In particular, the UHOP states the following with respect to municipal authorization of CIPs:

- It is the intent of Council through Community Improvement to promote and maintain a high-quality living and working environment throughout the City. Community Improvement shall be accomplished through (1) the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services, and, (2) the establishment of policies and programs to address identified economic, land development and housing supply issues or needs throughout the Urban Area.” (UHOP, Chapter F, Section 1.15); and
- Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the Planning Act, R.S.O., 1990 c. P.13. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area. (UHOP, Chapter F, Section 1.15.1).

4.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose and goals of this CIP as outlined in Sections 2.0 and 4.0 respectively as well as the associated incentive programs described in Section 7.0. The key policies from applicable policy documents are outlined below.

4.1 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments. The PPS emphasizes the need for strong communities and identifies the need to provide sufficient housing which is affordable, and which will serve a broad range of needs within the community.

This CIP is consistent with the PPS and specifically addresses the following provincial interests identified within the PPS:

- Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including

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industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (PPS, Section 1.1.1 (b));

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate-income households (PPS, Section 1.4.3(a));
- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including those with special needs requirements (PPS, Section 1.4.3 (b));
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (PPS, Section 1.4.3 (d)); and
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (PPS, Section 1.4.3 (e)).

4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for managing long-term growth within the Greater Golden Horseshoe (GGH), including Hamilton, while supporting economic prosperity, protecting the environment and helping communities to achieve a high quality of life. The Growth Plan envisions the GGH as an area with an increasing amount and variety of housing that is sufficient to reflect market demands and the needs of local communities in terms of income and household sizes.

This CIP is consistent with the Growth Plan and specifically addresses the following principles and policies as identified within the Growth Plan:

- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households (Growth Plan, Section 1.2.1);
- Provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (Growth Plan, Section 2.2.1 (4)(c));

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- Support housing choice through the achievement of the minimum intensification and density targets of the Growth Plan and identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents (Growth Plan, Section 2.2.6 (1)(a)(i));
- Identifying mechanisms, including the use of land use planning and financial tools, to support housing choice (Growth Plan, Subsection 2.2.6 (1)(b));
- Supporting the achievement of complete communities by planning to diversify overall housing stock across a municipality (Growth Plan, Subsection 2.2.6 (2)(d); and
- Supporting the achievement of complete communities by municipalities through the use of available tools to require multi-unit residential developments to incorporate a mix of unit sizes that accommodate a diverse range of household sizes and incomes (Growth Plan, Subsection 2.2.6 (3)).

4.3 Urban Hamilton Official Plan (2013)

The Urban Hamilton Official Plan (UHOP) is the City’s long-term policy framework which establishes the City’s vision for the future in terms of managing land use change and the physical development of the city as it is affected by environmental, social and economic factors. The development of new mixed-income, mixed-tenure developments that increase the supply of affordable housing addresses the social and economic challenges facing the City.

This CIP is consistent with the UHOP and specifically addresses the following goals and policies of the Plan:

Goals

- Increase Hamilton’s stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing (UHOP, Chapter B, Section 3.2.1.3); and
- Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options (UHOP, Chapter B, Section 3.2.1.4).

Policies

- Many households in Hamilton cannot obtain housing that is affordable or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic and/or personal circumstances where a level

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of support is required to live independently. Hamilton’s aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of affordable housing and housing with supports in meeting the housing needs of those without the resources to participate in the private housing market (UHOP, Chapter B, Section 3.2.3);

- Where appropriate, assistance shall be provided, whether by the City and/or senior governments, to encourage the development of affordable housing, with priority given to projects in areas of the City that are lacking in affordable housing. City assistance may include selling or leasing of surplus City land or financial assistance (UHOP, Chapter B, Section 3.2.3.2); and
- Investment in new affordable housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives (UHOP, Chapter B, Section 3.2.3.6).

4.4 Housing and Homelessness Action Plan (2013)

The City’s 10-year Housing and Homelessness Action Plan (HHAP) is a strategic implementation plan to address affordable housing and homelessness in Hamilton. The development of the Action Plan was informed by extensive community engagement and a comprehensive needs analysis which provided the basis for the development of a framework to inform decisions about housing resource allocation in the city. This framework includes a series of fundamental strategies which are designed to address the supply, affordability and quality of Hamilton’s affordable housing stock.

This CIP is consistent with the HHAP and specifically addresses the following strategies of the Plan:

- Explore the potential for new incentive and funding programs and expand and promote more broadly existing City incentive programs to increase the supply of affordable housing (e.g., capital grants/loans, tax deferrals, waived development and other charges, etc.) (HHAP, Strategy 1.2);
- Explore the feasibility/further promote opportunities that exist in the Urban Hamilton Official Plan for density bonusing and use of Community Improvement Plans to offer other incentives for affordable housing (HHAP, Strategy 1.5);
- Encourage mixed housing and mixed income development in all urban neighbourhoods by increasing opportunities for rental, social and affordable

housing in areas that currently offer limited opportunities (HHAP, Strategy 2.1(a));

- Encourage mixed housing and mixed income development in all urban neighbourhoods by exploring opportunities for social housing communities to redevelop to include a mix of new housing options (HHAP, Strategy 2.1(c));
- Increase homeownership opportunities for renters, including social housing tenants (HHAP, Strategy 2.3);
- Explore options that ensure social housing applicants and tenants have as much choice as possible (HHAP, Strategy 2.8); and
- Increase the number of rental units that meet the needs of the larger families (HHAP, Strategy 4.6).

5.0 COMMUNITY IMPROVEMENT PROJECT AREA

This Community Improvement Plan is intended to apply in targeted areas of the Hamilton Urban Area which contain sites that are in transition, under-utilized and/or in need of repair, rehabilitation and redevelopment and where there is opportunity for the provision of mixed income, mixed tenure and affordable housing to be provided.

The following Community Improvement Project Areas (CIPA) are the subject of this CIP:

5.1 Roxborough

The Roxborough CIPA is an area located within the McQueston Neighbourhood in East Hamilton the detailed boundaries of which are identified in Figure 1 to this CIP. The area consists of the former Roxborough Park School as well as other existing residential properties including a townhouse complex owned and operated by CityHousing Hamilton.

The Roxborough CIPA was identified for its potential to accommodate a new mixed income, mixed tenure and affordable housing demonstration project based on the following attributes within the CIPA:

- The area contains a former school site which provides opportunities for new residential development within the existing neighbourhood;
- The area contains an existing townhouse complex owned and operated by CityHousing Hamilton which has been identified as being at the end of its intended life and in need of significant capital for repairs.

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- The area is located within the McQueston Neighbourhood which was the subject of a study by the Social Planning and Research Council (SPRC, 2012)) which found that the social and economic vulnerability of this neighbourhood’s population is more significant than other neighbourhoods in the City, particularly with respect to young families and the elderly.
- The area is serviced by a variety of significant modes of transportation including but not limited to, the Red Hill Parkway, the Confederation GO Station at Queen Elizabeth Way (QEW) and Centennial Parkway and is in proximity to a future stop on the planned Light Rail Transit (LRT) route.

The Roxborough CIPA was approved by City Council in 2018 via report PED16236(b) and designated by By-law No. 18-300.

The following incentive programs contained in Section 7.0 of this CIP are applicable within the Roxborough CIPA:

- Roxborough Access to Homeownership Grant Program (RAHGP); and
- Roxborough Rental Housing Loan Program (RRHLP).

6.0 GOALS OF THIS CIP

The goals and objectives of this CIP are to foster developments which are consistent with Provincial and City policy frameworks as detailed in Section 3.0 and which build upon these policies by achieving the following specifically:

- Result in a net increase in the number of affordable and market housing provided;
- Create a spectrum of affordable housing options, including households with incomes below the 40th income percentile (i.e. deeper affordability);
- Maintain or exceed current service level standards for City Housing Hamilton where developments include a property currently or formerly owned and operated by CityHousing Hamilton;
- Create a mix of housing based on tenure including rental and ownership options;
- Achieve a high quality of urban design and deliver significant environmental improvements including through such means as, for example, Passive Housing standards;
- Developments must achieve a mix of unit sizes and bedrooms to ensure a range of housing needs are met within the community, including for larger households;
- Provide enhanced accessibility standards;

- Ensure affordability of housing is maintained over the long-term; and
- Explore opportunities for the inclusion of community support services through co-ordination with housing services and other external agencies.

7.0 INCENTIVE PROGRAMS

This CIP contains incentive programs which are intended to be applied within a specific, targeted Community Improvement Plan Area based on the specific needs and context of that area. Notwithstanding the above, some programs may be applicable across more than one CIPA. CIPA's which are the subject of an incentive program are identified within the purpose statement of each program below as well within the description of each CIPA contained in Section 4.0.

Detailed program descriptions, eligibility criteria and program administration matters are provided for each program in the applicable appendix to this CIP.

7.1 Roxborough Access to Homeownership Grant Program (RAHGP)

7.1.1 Purpose

The Roxborough Access to Homeownership Grant Program (RAHGP) is intended to provide grants equivalent to the value of municipal Development Charges for below-market homeownership units created within the Roxborough Community Improvement Plan Area (CIPA). Grants provided under this program are intended to support the provision of homeownership units at below-market prices to enable greater access to homeownership within the City and contribute to the broader spectrum of housing options within the Roxborough CIPA specifically.

7.2 Roxborough Rental Housing Loan Program (RRHLP)

7.2.1 Purpose

The Roxborough Rental Housing Loan Program (RRHLP) is intended to provide forgivable loans equivalent to the value of municipal Development Charges required for rental units created within the Roxborough Community Improvement Plan Area (CIPA). Forgivable loans provided under this program are intended to support the creation of new residential rental units which meet a specific rent threshold in the City and which will contribute to the broader spectrum of housing options within the Roxborough CIPA specifically.

8.0 ADMINISTRATION AND MONITORING

This Community Improvement Plan, and the programs contained therein, will be administered by the Housing Services Division of the Healthy and Safe Communities Department.

The Housing Services Division will monitor the use of incentive programs contained within this CIP and their effectiveness in terms of metrics which correspond to the stated purpose and goals of this CIP as contained in Sections 2.0 and 7.0 respectively. This monitoring will be on an individual project and aggregate basis and the subject of an annual report to City Council.

9.0 AMENDMENTS AND TRANSITIONAL MATTERS

This Community Improvement Plan (CIP) will be reviewed from time to time to ensure that it is adequately reflecting existing City policies and priorities, Provincial policies and community needs. Community and applicant feedback regarding this CIP and its associated incentive programs may also lead to amendments and / or minor revisions to the detailed incentive program descriptions, eligibility criteria and program administration terms contained in the Appendices to this CIP.

9.1 Formal Amendments

A formal amendment to this CIP is required in the following instances:

- To introduce any new financial incentive programs, to be added to Section 7.0;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan; or
- To add, extend, remove or otherwise change the Community Improvement Project Area's which are the subject of this CIP as contained in Section 5.0.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the Urban Hamilton Official Plan. As per the Urban Hamilton Official Plan, notification of the required public meeting for Community Improvement Plan amendments shall be given at least 17 days prior to the date of the meeting. The notice shall be given in accordance with the applicable requirements of the *Planning Act* regulations. Council decisions shall take place no sooner than a minimum of 17 days from the time the first notification is given. Proposed amendments will be circulated to the Ministry of Municipal Affairs and Housing prior to approval for consultation purposes. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City's web site and direct or electronic mail outs and surveys.

9.2 Other Amendments

City Council has adopted, by resolution, detailed implementation measures to allow for the efficient administration of each incentive program. These administrative procedures are contained in the detailed program descriptions and terms contained as an appendix to this CIP. Changes to this appendix will be adopted by City Council by resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes.

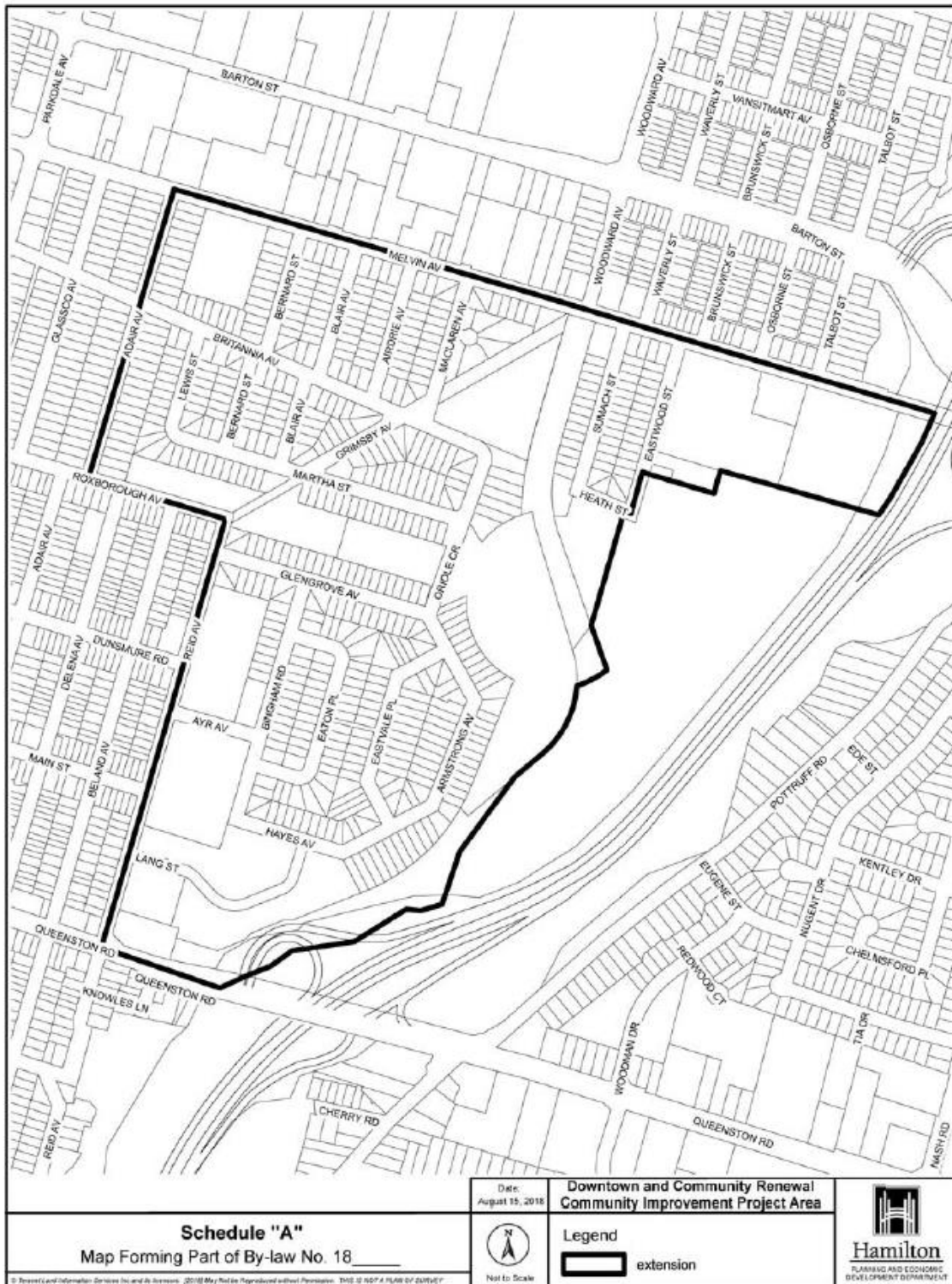
9.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted and approved under the former terms of the program will be processed under the former terms unless the City receives a formal cancellation of the application.

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FIGURES

Figure 1 – Roxborough Community Improvement Project Area Boundary



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Authority: Item ,
Report (PED19208)
CM:
Ward: 4

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Adopt
The Housing for Hamilton
Community Improvement Plan (2019)**

WHEREAS By-law No. 18-300 passed on the 26th day of September 2018, designated the Roxborough Community Improvement Project Area;

WHEREAS Section 28(4) of the *Planning Act* states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

WHEREAS under Section 28(1) of the *Planning Act* “community improvement” means “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary”;

WHEREAS Section F.1.15 of the Urban Hamilton Official Plan contains provisions relating to community improvement;

WHEREAS Council, by its Planning Committee, held a public meeting on November 5th, 2019 to discuss and receive public input regarding adoption of the Housing for Hamilton Community Improvement Plan, and has taken other required steps, prior to the enactment of this by-law, to adopt a community improvement plan for the Roxborough Community Improvement Project Area, as required by the *Planning Act* and Chapter F – Implementation, Section 1.17.2 of the Urban Hamilton Official Plan; and,

WHEREAS the City has prepared a plan entitled “Housing for Hamilton Community Improvement Plan” attached hereto as Schedule “A” and forming part of this By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Appendix “B” to Report PED19208

Page 2 of 14

1. The Housing for Hamilton Community Improvement Plan, attached hereto as Schedule “A” and forming part of this By-law, is hereby adopted as the Community Improvement Plan for the Roxborough Community Improvement Project Area designated by By-law No. 18-300.

PASSED this 13th day of November, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No.19-XXX

CITY OF HAMILTON

**HOUSING FOR HAMILTON
COMMUNITY IMPROVEMENT PLAN**

**Healthy and Safe Communities Department
Housing Services Division**

November 2019

1.0 INTRODUCTION

Across the Greater Toronto and Hamilton Area (GTHA), affordability of housing and limited opportunities for both rental housing and home ownership have become significant social and land use planning issues which are threatening the ability for municipalities to create and sustain complete communities which are home to all peoples.

Housing affordability is an issue which requires innovative solutions from all levels of governments in collaboration with private sector investment. Although there is no single tool or action which will address affordability, City Council is committed to identifying opportunities to reduce barriers to the creation of a wider range and choice of housing with the tools available to it. This Community Improvement Plan is one such opportunity.

2.0 PURPOSE OF THIS CIP

This Community Improvement Plan is intended to provide incentives which will minimize financial barriers to, and stimulate private sector investment in, the creation of a wider range and choice of housing to meet the needs of Hamilton’s residents. Incentives contained within this CIP are focused towards the development or redevelopment of targeted, under-utilized properties within the Hamilton Urban Area that are suitable for accommodating new mixed-income, mixed-tenure and affordable residential developments.

The expected outcome of this CIP is to provide new housing opportunities for persons with higher social and economic vulnerability; increase housing supply on under-utilized properties, provide new and/or revitalized affordable housing stock and generally support the integration of people from a variety of income groups into healthy, socially cohesive and financially sustainable communities.

3.0 LEGISLATIVE AUTHORITY

The provision of financial incentives or other undertakings by a municipality to facilitate or carry-out community improvement in Ontario are primarily governed by the *Planning Act* and *Municipal Act*. Together these acts identify the tools, and their parameters, which municipalities may authorize and utilize for community improvement.

3.1 Provincial Legislation

Section 28 of the *Planning Act* permits a municipality to establish a Community Improvement Plan (CIP) for the purposes of facilitating the community improvement of an area through the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the *Municipal Act*.

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A CIP may be enacted by a municipality, by by-law, provided that:

- The municipalities Official Plan contains provisions relating to community improvement (Planning Act, Subsection 28 (2));
- The CIP identifies the geographic Community Improvement Project Area (CIPA) for which Council is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason (Planning Act, Subsection 28(2)) and which includes the provision of affordable housing (Planning Act, Subsection 28 (6)); and
- The total of all grants, loans and/or tax assistance provided with respect to lands or buildings within the CIPA do not exceed the eligible costs as described within the CIP (Planning Act, Subsection 28(7.3)).

Once a CIP has come into effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement (Planning Act, Subsection 28(3));
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto (Planning Act, Subsection 28(6)(a));
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP (Planning Act, Subsection 28(6)(b));
- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole, or any part of the, eligible costs of the CIP (Planning Act, Subsection 28(7)); and
- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities (Planning Act, Subsection 28(7.1)).

3.2 Municipal Authorization

Community improvement policies are contained in Section 1.15 of the Urban Hamilton Official Plan (UHOP). In particular, the UHOP states the following with respect to municipal authorization of CIPs:

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- It is the intent of Council through Community Improvement to promote and maintain a high-quality living and working environment throughout the City. Community Improvement shall be accomplished through (1) the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services, and, (2) the establishment of policies and programs to address identified economic, land development and housing supply issues or needs throughout the Urban Area.” (UHOP, Chapter F, Section 1.15); and
- Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the Planning Act, R.S.O., 1990 c. P.13. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area. (UHOP, Chapter F, Section 1.15.1).

4.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose and goals of this CIP as outlined in Sections 2.0 and 4.0 respectively as well as the associated incentive programs described in Section 7.0. The key policies from applicable policy documents are outlined below.

4.1 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments. The PPS emphasizes the need for strong communities and identifies the need to provide sufficient housing which is affordable, and which will serve a broad range of needs within the community.

This CIP is consistent with the PPS and specifically addresses the following provincial interests identified within the PPS:

- Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (PPS, Section 1.1.1 (b));
- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate-income households (PPS, Section 1.4.3(a));

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- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including those with special needs requirements (PPS, Section 1.4.3 (b));
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (PPS, Section 1.4.3 (d)); and
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (PPS, Section 1.4.3 (e)).

4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for managing long-term growth within the Greater Golden Horseshoe (GGH), including Hamilton, while supporting economic prosperity, protecting the environment and helping communities to achieve a high quality of life. The Growth Plan envisions the GGH as an area with an increasing amount and variety of housing that is sufficient to reflect market demands and the needs of local communities in terms of income and household sizes.

This CIP is consistent with the Growth Plan and specifically addresses the following principles and policies as identified within the Growth Plan:

- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households (Growth Plan, Section 1.2.1);
- Provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (Growth Plan, Section 2.2.1 (4)(c));
- Support housing choice through the achievement of the minimum intensification and density targets of the Growth Plan and identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents (Growth Plan, Section 2.2.6 (1)(a)(i));
- Identifying mechanisms, including the use of land use planning and financial tools, to support housing choice (Growth Plan, Subsection 2.2.6 (1)(b));

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- Supporting the achievement of complete communities by planning to diversify overall housing stock across a municipality (Growth Plan, Subsection 2.2.6 (2)(d); and
- Supporting the achievement of complete communities by municipalities through the use of available tools to require multi-unit residential developments to incorporate a mix of unit sizes that accommodate a diverse range of household sizes and incomes (Growth Plan, Subsection 2.2.6 (3)).

4.3 Urban Hamilton Official Plan (2013)

The Urban Hamilton Official Plan (UHOP) is the City’s long-term policy framework which establishes the City’s vision for the future in terms of managing land use change and the physical development of the city as it is affected by environmental, social and economic factors. The development of new mixed-income, mixed-tenure developments that increase the supply of affordable housing addresses the social and economic challenges facing the City.

This CIP is consistent with the UHOP and specifically addresses the following goals and policies of the Plan:

Goals

- Increase Hamilton’s stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing (UHOP, Chapter B, Section 3.2.1.3); and
- Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options (UHOP, Chapter B, Section 3.2.1.4).

Policies

- Many households in Hamilton cannot obtain housing that is affordable or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic and/or personal circumstances where a level of support is required to live independently. Hamilton’s aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of affordable housing and housing with supports in meeting the housing needs of those without the resources to participate in the private housing market (UHOP, Chapter B, Section 3.2.3);
- Where appropriate, assistance shall be provided, whether by the City and/or senior governments, to encourage the development of affordable housing, with priority given to projects in areas of the City that are lacking in affordable housing. City assistance may include selling or leasing of surplus City land or financial assistance (UHOP, Chapter B, Section 3.2.3.2); and

- Investment in new affordable housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives (UHOP, Chapter B, Section 3.2.3.6).

4.4 Housing and Homelessness Action Plan (2013)

The City’s 10-year Housing and Homelessness Action Plan (HHAP) is a strategic implementation plan to address affordable housing and homelessness in Hamilton. The development of the Action Plan was informed by extensive community engagement and a comprehensive needs analysis which provided the basis for the development of a framework to inform decisions about housing resource allocation in the city. This framework includes a series of fundamental strategies which are designed to address the supply, affordability and quality of Hamilton’s affordable housing stock.

This CIP is consistent with the HHAP and specifically addresses the following strategies of the Plan:

- Explore the potential for new incentive and funding programs and expand and promote more broadly existing City incentive programs to increase the supply of affordable housing (e.g., capital grants/loans, tax deferrals, waived development and other charges, etc.) (HHAP, Strategy 1.2);
- Explore the feasibility/further promote opportunities that exist in the Urban Hamilton Official Plan for density bonusing and use of Community Improvement Plans to offer other incentives for affordable housing (HHAP, Strategy 1.5);
- Encourage mixed housing and mixed income development in all urban neighbourhoods by increasing opportunities for rental, social and affordable housing in areas that currently offer limited opportunities (HHAP, Strategy 2.1(a));
- Encourage mixed housing and mixed income development in all urban neighbourhoods by exploring opportunities for social housing communities to redevelop to include a mix of new housing options (HHAP, Strategy 2.1(c));
- Increase homeownership opportunities for renters, including social housing tenants (HHAP, Strategy 2.3);
- Explore options that ensure social housing applicants and tenants have as much choice as possible (HHAP, Strategy 2.8); and
- Increase the number of rental units that meet the needs of the larger families (HHAP, Strategy 4.6).

5.0 COMMUNITY IMPROVEMENT PROJECT AREA

This Community Improvement Plan is intended to apply in targeted areas of the Hamilton Urban Area which contain sites that are in transition, under-utilized and/or in need of repair, rehabilitation and redevelopment and where there is opportunity for the provision of mixed income, mixed tenure and affordable housing to be provided.

The following Community Improvement Project Areas (CIPA) are the subject of this CIP:

5.1 Roxborough

The Roxborough CIPA is an area located within the McQueston Neighbourhood in East Hamilton the detailed boundaries of which are identified in Figure 1 to this CIP. The area consists of the former Roxborough Park School as well as other existing residential properties including a townhouse complex owned and operated by CityHousing Hamilton.

The Roxborough CIPA was identified for its potential to accommodate a new mixed income, mixed tenure and affordable housing demonstration project based on the following attributes within the CIPA:

- The area contains a former school site which provides opportunities for new residential development within the existing neighbourhood;
- The area contains an existing townhouse complex owned and operated by CityHousing Hamilton which has been identified as being at the end of its intended life and in need of significant capital for repairs.
- The area is located within the McQueston Neighbourhood which was the subject of a study by the Social Planning and Research Council (SPRC, 2012)) which found that the social and economic vulnerability of this neighbourhood’s population is more significant than other neighbourhoods in the City, particularly with respect to young families and the elderly.
- The area is serviced by a variety of significant modes of transportation including but not limited to, the Red Hill Parkway, the Confederation GO Station at Queen Elizabeth Way (QEW) and Centennial Parkway and is in proximity to a future stop on the planned Light Rail Transit (LRT) route.

The Roxborough CIPA was approved by City Council in 2018 via report PED16236(b) and designated by By-law No 18-300.

The following incentive programs contained in Section 7.0 of this CIP are applicable within the Roxborough CIPA:

- Roxborough Access to Homeownership Grant Program (RAHGP)
- Roxborough Rental Housing Loan Program (RRHLP)

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6.0 GOALS OF THIS CIP

The goals and objectives of this CIP are to foster developments which are consistent with Provincial and City policy frameworks as detailed in Section 3.0 and which build upon these policies by achieving the following specifically:

- Result in a net increase in the number of affordable and market housing provided;
- Create a spectrum of affordable housing options, including households with incomes below the 40th income percentile (i.e. deeper affordability);
- Maintain or exceed current service level standards for City Housing Hamilton where developments include a property currently or formerly owned and operated by City Housing Hamilton;
- Create a mix of housing based on tenure including rental and ownership options;
- Achieve a high quality of urban design and deliver significant environmental improvements including through such means as, for example, Passive Housing standards;
- Developments must achieve a mix of unit sizes and bedrooms to ensure a range of housing needs are met within the community, including for larger households;
- Provide enhanced accessibility standards;
- Ensure affordability of housing is maintained over the long-term; and
- Explore opportunities for the inclusion of community support services through co-ordination with housing services and other external agencies.

7.0 INCENTIVE PROGRAMS

This CIP contains incentive programs which are intended to be applied within a specific, targeted Community Improvement Plan Area based on the specific needs and context of that area. Notwithstanding the above, some programs may be applicable across more than one CIPA. CIPA's which are the subject of an incentive program are identified within the purpose statement of each program below as well within the description of each CIPA contained in Section 4.0.

Detailed program descriptions, eligibility criteria and program administration matters are provided for each program in the applicable appendix to this CIP.

7.1 Roxborough Access to Homeownership Grant Program (RHAGP)

7.1.1 Purpose

The Roxborough Access to Homeownership Grant Program (RAHGP) is intended to provide grants equivalent to the value of municipal Development

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Charges for below-market homeownership units created within the Roxborough Community Improvement Plan Area (CIPA). Grants provided under this program are intended to support the provision of homeownership units at below-market prices to enable create greater access to homeownership within the City and contribute to the broader spectrum of housing options within the Roxborough CIPA specifically.

7.2 Roxborough Rental Housing Loan Program (RRHLP)**7.2.1 Purpose**

The Roxborough Rental Housing Loan Program (RRHLP) is intended to provide forgivable loans equivalent to the value of municipal Development Charges required for rental units created within the Roxborough Community Improvement Plan Area (CIPA). Forgivable loans provided under this program are intended to support the creation of new residential rental units which will meet a specific rent threshold in the City and which will contribute to the broader spectrum of housing options within the Roxborough CIPA specifically.

8.0 ADMINISTRATION AND MONITORING

This Community Improvement Plan, and the programs contained therein, will be administered by the Housing Services Division of the Healthy and Safe Communities Department.

The Housing Services Division will monitor the use of incentive programs contained within this CIP and their effectiveness in terms of metrics which correspond to the stated purpose and goals of this CIP as contained in Sections 2.0 and 7.0 respectively. This monitoring will be on an individual project and aggregate basis and the subject of an annual report to City Council.

9.0 AMENDMENTS AND TRANSITIONAL MATTERS

This Community Improvement Plan (CIP) will be reviewed from time to time to ensure that it is adequately reflecting existing City policies and priorities, Provincial policies and community needs. Community and applicant feedback regarding this CIP and its associated incentive programs may also lead to amendments and / or minor revisions to the detailed incentive program descriptions, eligibility criteria and program administration terms contained in the Appendices to this CIP.

9.1 Formal Amendments

A formal amendment to this CIP is required in the following instances:

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- To introduce any new financial incentive programs, to be added to Section 7.0;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan; or
- To add, extend, remove or otherwise change the Community Improvement Project Area's which are the subject of this CIP as contained in Section 5.0.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the Urban Hamilton Official Plan. As per the Urban Hamilton Official Plan, notification of the required public meeting for Community Improvement Plan amendments shall be given at least 17 days prior to the date of the meeting. The notice shall be given in accordance with the applicable requirements of the *Planning Act* regulations. Council decisions shall take place no sooner than a minimum of 17 days from the time the first notification is given. Proposed amendments will be circulated to the Ministry of Municipal Affairs and Housing prior to approval for consultation purposes. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City's web site and direct or electronic mail outs and surveys.

9.2 Other Amendments

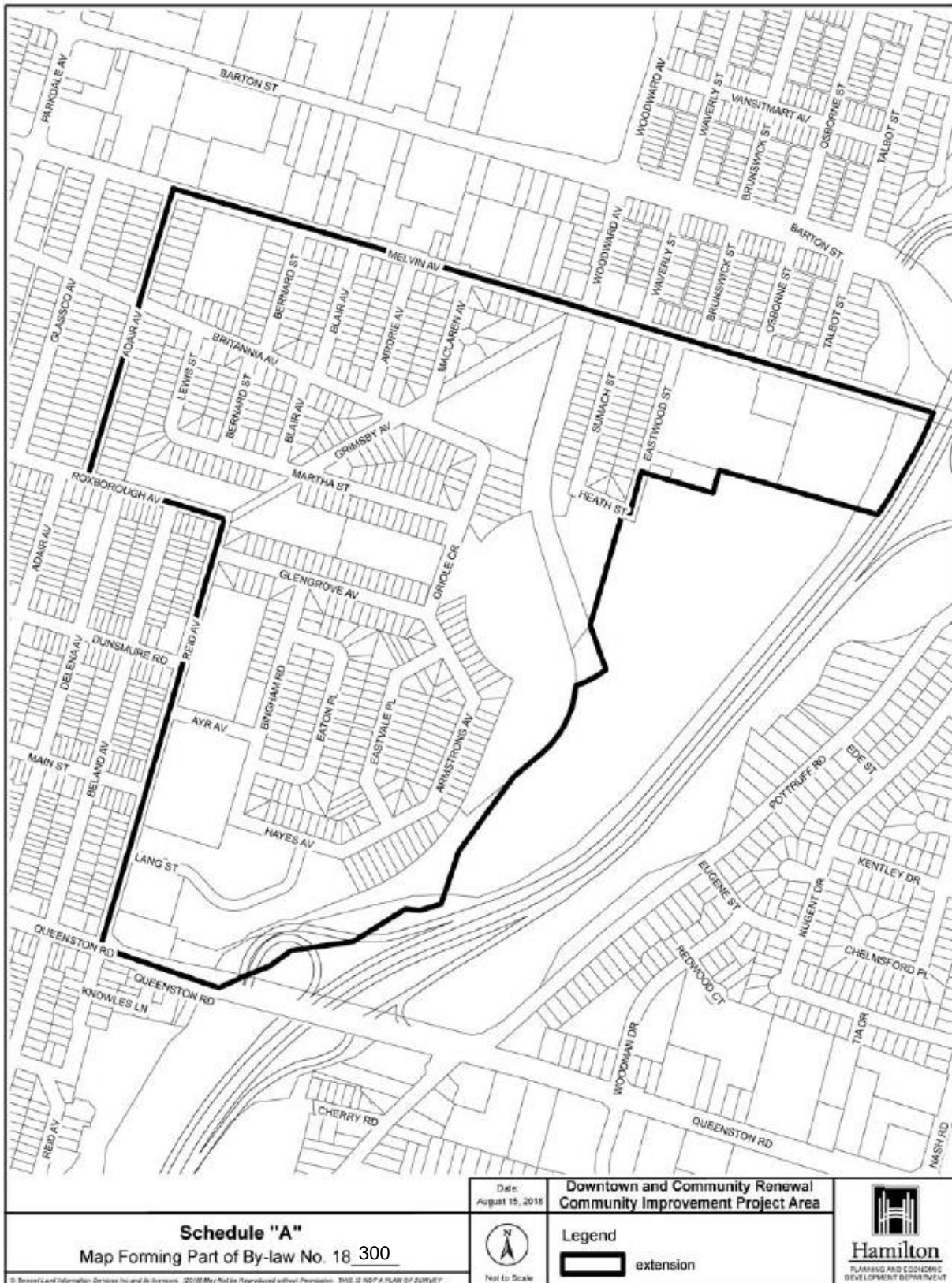
City Council has adopted, by resolution, detailed implementation measures to allow for the efficient administration of each incentive program. These administrative procedures are contained in the detailed program descriptions and terms contained as an appendix to this CIP. Changes to this appendix will be adopted by City Council by resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes.

9.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted and approved under the former terms of the program will be processed under the former terms unless the City receives a formal cancellation of the application.

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Figure 1 – Roxborough Community Improvement Project Area Boundary



A. ROXBOROUGH ACCESS TO HOMEOWNERSHIP GRANT PROGRAM (RAHGP)



A.1 PROGRAM DESCRIPTION

The Roxborough Access to Homeownership Grant Program (RAHGP) is available to property owners (or their assignees) within the Roxborough Community Improvement Project Area (CIPA). Applicants who provide homeownership units which meet the eligibility criteria of the program will be eligible for a grant equal to the value of the municipal Development Charges owed for the unit(s). Note that Educational Development Charges are not part of the scope of this program.

This program may be used in conjunction with the federal/provincial down payment assistance programs in order to provide deeper affordability opportunities.

Grants provided under this program shall be provided to the applicant who is the Owner registered on title who has constructed or cause to have constructed the unit.

Grants provided under this program shall not exceed the value of the municipal Development Charges owed for the below-market homeownership unit(s) at the time of Building Permit for said unit(s).

Grants under this program will be paid on a per unit basis at such time as:

- The requirements under Section 1 and 2 of A.2 have been fulfilled to the satisfaction of the General Manager of Healthy and Safe Communities; and
- At issuance of Building Permit for the Eligible Unit(s).

An assignment of a grant or application under this program may only be permitted by the General Manager of Healthy and Safe Communities in their sole direction and on such reasonable terms and conditions as the General Manager deems appropriate.

Successful applicants shall be required to enter into an agreement with the City with such terms consistent with the terms and conditions of this program and such additional reasonable terms and conditions that the General Manager of Healthy and Safe Communities deems appropriate in their sole discretion.

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Realty taxes must be paid at the time of application approval and prior to grant payment for the project property.

Construction of Eligible Units shall commence no later than five-years following the date of approval of an application under this program. The five-year period may be extended by the General Manager of Healthy and Safe Communities in their sole direction and on such reasonable terms and conditions as the General Manager deems appropriate.

The Housing Services Division will periodically review the terms and the duration of the Program and make appropriate revisions as per the direction of City Council.

All costs associated with the development and the requirements of this program are to be borne by the applicant including construction, design, development charges, administration fees, appraisals, inspections, legal and registration fees.

A.2 ELIGIBILITY CRITERIA

1. Applicants to the RAHGP must meet the goals of the Housing for Hamilton Community Improvement Plan (HHCIP) as identified in Section 6.o.
2. An applicant will be eligible for a grant under this program for each unit (“Eligible Unit”) which meets the following requirements:
 - a) The unit is located within the Roxborough Community Improvement Project Area (CIPA) as identified in Section 7.o of the Housing for Hamilton Community Improvement Plan (HHCIP);
 - b) Townhouse units (all forms) shall have a sale price not to exceed \$420,000 with an overall median price for all townhouse Eligible Units forming part of a development of \$400,000 which prices are to be indexed annually based on the annual percentage change in the median price of new construction homes in the Hamilton Census Metropolitan Area (CMA) as stated by the Realtors Association of Hamilton-Burlington.
 - c) For all other Eligible Units additional price and income thresholds will be determined on an individual project basis to reflect the specific form and size of additional units. Final determination of eligibility shall be at the sole discretion of the General Manager of Healthy and Safe Communities.
 - d) The applicant provides to the City, at the time of Building Permit, an undertaking that confirms the applicant shall execute purchase agreements containing signed declarations between the eligible purchaser and the seller of the Eligible Unit

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acknowledging the following conditions associated with the Eligible Unit being purchased:

- i. that the purchaser(s) have a combined average gross household income equal to or less than \$120,000 (indexed each year from 2019 to inflation rate) based on each purchaser(s) Notice of Assessments from the previous two tax years as issued by the Canada Revenue Agency;
 - ii. that the Eligible Unit will be the purchaser(s) principal residence and the purchaser shall not own any other residential property unless prior approval is received from the General Manager of Healthy and Safe Communities;
 - iii. that the purchaser(s) is not a corporation, business or entity;
 - iv. that in the event that the purchaser(s) sells the Eligible Unit within one year of becoming the registered owner, and the unit is sold at a value exceeding that for which it was initially purchased, the purchaser may be required to repay to the City the lesser of the increased value received for the Eligible Units or an amount equal to the municipal Development Charges and Cash-in-Lieu of Parkland Dedication fees which would otherwise have been required for the Eligible Unit at the time of Building Permit as determined by the City; and,
 - v. that the purchaser(s) agree to provide to the City any documentation required by the City to confirm the eligibility of the purchaser with respect to the above requirements and acknowledge that in the event of any clear contravention of the above criteria, the purchaser may be required to repay to the City an amount equal to the municipal Development Charges and Cash-in-Lieu of Parkland Dedication fees which would otherwise have been required for the Eligible Unit at the time of Building Permit as determined by the City; and,
- e) Notwithstanding Subsection 2. b), c) and d), a maximum of 107 units may be eligible under this program provided that purchase price does not exceed \$420,000 to be indexed annually based on the annual percentage change in the median price of new construction homes in the Hamilton Census Metropolitan Area (CMA) as stated by the Realtors Association of Hamilton-Burlington. Such units shall be permitted under this program until such time as the City's Development Charge By-Law contains in force and effect provision(s) which permit existing CityHousing Hamilton residential units to be eligible for demolition credits;
- f) To be eligible under this program, an applicant must commit to providing:

Appendix “C” to Report PED19208**Page 4 of 6**

- i. a minimum of 150 townhouse units (all forms) forming part of the Eligible Units within a development which meet the requirements contained in Section 2. a), b) d) e) and i) and,
- ii. a minimum 200 eligible rental units as determined eligible under the Roxborough Rental Housing Loan Program (RRHLP).

Such a commitment will be in a form satisfactory to the General Manager of Healthy and Safe Communities prior to an application being approved under this program; and,

- g) The registered property owner/applicant at the time of application shall be the same registered owner of an Eligible Unit at the time of transfer to the first Eligible Purchaser;
- h) All Eligible Units for which a grant is provided under this program shall meet the following development requirements:
 - i. constitute a Dwelling Unit as defined by City of Hamilton Zoning By-Law 05-200; and,
 - ii. generally have the same exterior building materials, design elements and scale as market units being provided within the same development; and,
- i) All Eligible Townhouse Units for which a grant is provided under this program shall meet the following development requirements:
 - i. constitute a Dwelling Unit as defined by City of Hamilton Zoning By-Law 05-200;
 - ii. be in the form of a townhouse (all forms), and without limiting the generality of the foregoing, shall not be eligible under this program if provided in the form of a Single Detached Dwelling, Duplex, Semi-detached Dwelling or as an Accessory Dwelling Unit;
 - iii. consist of two (2) storeys above grade;
 - iv. contain a minimum of two (2) bedrooms; and,
 - v. generally have the same exterior building materials, design elements and scale as market townhouses being provided within the same development; and,

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- j) Eligible Unit(s) shall conform to the City’s Official Plan, Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies or guidelines (e.g. urban design guidelines); and,
- k) Any outstanding work orders, property violations or tax arrears on the project property shall be rectified prior to an approval being issued under this program and prior to a grant being provided.

A.3 APPLICATION CRITERIA

1. Applications shall be submitted to the Housing Services Division prior to payment of any Development Charges or the issuance of a Building Permit for Eligible Units which are the subject of an application under this program.
2. An approval under this program shall not preclude eligibility of the property for any other loans or grants available under a municipal program or Community Improvement Plan, where applicable.
3. Applications to this program are subject to the approval of the General Manager of Healthy and Safe Communities in their sole discretion.
4. Approval of an application under this program is subject to the availability of funds.

The General Manager of Healthy and Safe Communities may reject any application received from an applicant where, in the opinion of the GM, the commercial relationship between the City and the applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.

The General Manager of Healthy and Safe Communities may reject any application received from an applicant, whether or not an applicant satisfies the requirements of the Program, where property tax arrears are owed on the subject property or on other properties owned by the applicant within the City of Hamilton.

The General Manager of Healthy and Safe Communities, whether or not an applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.

A.4 ADMINISTRATION

Applicants to the RAHGP will complete and submit an application to the Housing Services Division prior to obtaining a Building Permit.

The grant will be provided on a per unit basis at the time of Building Permit issuance for Eligible Unit(s) provided that the applicable eligibility requirements and program terms as contained in A.2 have been met to the satisfaction of the General Manager of Healthy and Safe Communities.

The applicant provides to the City, at or before the time of Building Permit application, an undertaking that confirms the applicant shall execute purchase agreements containing signed declarations between the eligible purchaser and the seller of the Eligible Unit acknowledging the conditions associated with the Eligible Unit being purchased as contained in A.2, Subsection 2. d).

The applicant will provide a proposed sale price list for the phase of development containing the Eligible Units which are the subject of this program at the time of Building Permit application to confirm compliance with unit price maximum and median price requirements.

Grants under this program will be paid on a per unit basis at such time as:

- the requirements under Section 1 and 2 of A.2 have been fulfilled to the satisfaction of the General Manager of Healthy and Safe Communities; and
- at issuance of Building Permit for the Eligible Unit(s).

An assignment of a grant or application under this program may only be permitted by the General Manager of Healthy and Safe Communities in their sole direction and on such terms and conditions as the General Manager deems appropriate.

Realty taxes must be paid at the time of application approval and prior to grant payment for the project property.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of the HHCIP and RAHGP are met. This requirement shall include the submission of any documentation provided by a purchaser of an Eligible Unit to the applicant required to demonstrating compliance with the criteria outlined in A.2, Subsection 2. d).

The Housing Services Division is responsible for retaining the following documents for a minimum period of seven (7) years beyond the life of the program:

- Signed application package, including all required accompanying documentation;
- Letter of approval to proponent from City of Hamilton;
- All invoices and internal journals for all eligible expenditures; and
- Records of all payments and defaults.

B. ROXBOROUGH RENTAL HOUSING LOAN PROGRAM (RRHLP)



B.1 PROGRAM DESCRIPTION

The Roxborough Rental Housing Loan Program (RRHLP) is available to property owners (or their assignees) who create residential rental buildings within the Roxborough Community Improvement Project Area (CIPA) which meet specific affordability parameters.

Buildings which meet the Eligibility Criteria in Section B.2 will be eligible for a forgivable loan equal to the value of municipal Development Charges owed. Note the value of Educational Development Charges are not part of the scope of this program.

A loan provided under this program will be forgiven on a pro-rated basis in a minimum amount equal to 1/10th the value of the principal loan plus interest (or other fraction as required dependent on the term of the loan). Loan forgiveness will occur on the annual anniversary date on which occupancy was granted by the City for the last eligible unit contained within an Eligible Building and where the following conditions of forgiveness have been met to the satisfaction of the General Manager of Healthy and Safe Communities:

- a) Rents for eligible units do not exceed 175% of the Average Market Rent (AMR) for the Hamilton Census Metropolitan Area, as stated by Canadian Mortgage and Housing Corporation (CMHC) (see Section B.5 for additional supporting information);
- b) Rents for eligible units are maintained at the level identified in a) above for a period of no less than 10 years from the date building occupancy is granted by the City; and
- c) The applicant is in compliance with the loan agreement and all the terms and conditions of this program.

A loan provided under this program will bear interest at 15% per annum with both interest and principal being forgiven in accordance with above.

Where the conditions of forgiveness contained above have not been met for all eligible units which were the subject of a forgivable loan under this program and located within an Eligible Building (a “Default”) and such Default is not cured within 30 days’ written notice from the City of such default, then the entire portion of the loan for which forgiveness has not previously been granted shall become immediately payable to the City in monthly payments for the balance of the term of the loan with an interest rate of 15% per annum, or such other interest rate as may

Appendix “D” to Report PED19208**Page 2 of 7**

be established by City Council from time to time, with interest accrued and accruing from the date the last eligible unit in the Eligible Building(s) which are the subject of an approved application under this program being approved for occupancy by the City. If a Default is cured within 30 days' written notice from the City of such Default, then a payment shall become immediately payable to the City in an amount equal to 15% interest per annum on the entire portion of the loan for which forgiveness has not previously been granted applicable, calculated during the number of days between the written notice from the City or a date on which the City can demonstrate that conditions of forgiveness began to not be met, and the curing of such default.

In order to receive a forgivable loan pursuant to this program, successful applicants shall be required to enter into an agreement with the City with such terms consistent with the terms and conditions of this program including without limitation the maintenance of rents in accordance with a), b) and c) above and such additional terms and conditions that the General Manager of Healthy and Safe Communities deems appropriate in their sole discretion and secured by a mortgage and such other security as the General Manager of Healthy and Safe Communities deems appropriate in their sole discretion.

Where an application is approved under this program, a forgivable loan will be provided to the registered property owner of the property on which the Eligible Building is located pursuant to the conditions and requirements of this program.

A forgivable loan provided under this program shall not exceed the value of the municipal Development Charges owed for eligible unit(s) in an Eligible Building(s) which are the subject of an approved application under this program.

The maximum forgivable loan amount shall not include the value of municipal Development Charges which are owed for uses other than the eligible units contained within the Eligible Building(s) which are the subject of an approved application under this program.

A forgivable loan under this program will be provided at issuance of a Building Permit for all eligible unit(s) in the Eligible Building(s) which are the subject of an approved application and in a value equal to the municipal Development Charges owed for the eligible unit(s) which were the subject of the Building Permit.

A forgivable loan provided under this program will have a term of 10 years beginning from the date on which occupancy was granted by the City for the last eligible unit contained within an Eligible Building.

A forgivable loan provided under this program shall be secured by a mortgage upon the lands/property to be developed, prior to the first advance of funds and, in a position no less than 2nd priority unless otherwise permitted by the General Manager of Healthy and Safe

Appendix “D” to Report PED19208**Page 3 of 7**

Communities in their sole discretion. The mortgage shall not be discharged until the loan is paid or forgiven. In addition, the General Manager of Healthy and Safe Communities may require such additional securities in their sole direction which may include the following: loan agreement; and / or promissory note; and / or personal property security; and / or personal guarantees; and / or corporate guarantees; and / or lien on the property to be developed; and / or such other security which may be appropriate or available in the circumstance.

The loan plus accrued interest (if any) be prepaid at any time without notice, bonus or penalty.

The assignment of an application under this program may only be permitted by the General Manager of Healthy and Safe Communities in their sole discretion and on such terms and conditions as the General Manager deems appropriate.

All costs associated with the development and the requirements of this program are to be borne by the applicant including construction, design, development charges, administration fees, appraisals, inspections, legal and registration fees.

Realty taxes must be paid as billed throughout the development process and must not be in arrears at the annual anniversary date of forgiveness.

Development shall commence no later than five-years following the date of approval of an application under this program. The five-year period may be extended by the General Manager of Healthy and Safe Communities in their sole direction and on such terms and conditions as the General Manager deems appropriate.

The City of Hamilton may require specific insurance terms to be met to protect the City's interest as it determines in its sole discretion.

Disposition of a property containing eligible residential rental unit(s) which are the subject of a forgivable loan under this program shall not be permitted except where:

- a) the City is provided written notice of the sale including the name of the purchaser and closing date of the purchase; and
- b) the transfer of ownership includes the assignment of any remaining loan under this program to the purchaser subject to the approval of the General Manager of Healthy and Safe Communities in their sole discretion and on such terms and conditions as the General Manager deems appropriate.

The Housing Services Division will periodically review the terms and the duration of the Program and make appropriate revisions as per the direction of City Council.

B.2 ELIGIBILITY CRITERIA

1. Applicants to the RRHLP must meet the goals of the Housing for Hamilton Community Improvement Plan (HHCIP) as identified in Section 6.o.
2. An applicant will be eligible for a forgivable loan under this program where eligible units meet the following requirements:

- a) The eligible units are located within the Roxborough Community Improvement Project Area (CIPA) as identified in Section 7.o of the Housing for Hamilton Community Improvement Plan (HHCIP);
- b) Rents do not exceed 175% of the Average Market Rent (AMI) for the Hamilton Census Metropolitan Area, as stated by Canadian Mortgage and Housing Corporation (CMHC) (see Section B.5 for additional supporting information);

For clarity, an applicant shall have no obligation to reduce rent in the event of an AMR decrease and the rent payable under a residential lease that met the eligibility requirements at the timing of aligning with a tenant.

- c) Rents compliant with the parameters contained in b) above for a period of no less than 10 years from the date building occupancy is granted by the City;
- d) The applicant is in compliance with the loan agreement and all the terms and conditions of this program;
- e) The eligible units are contained within a building in which no non-eligible units are located (“Eligible Building”);
- f) The eligible units constitute a Dwelling Unit as defined by City of Hamilton Zoning By-law 05-200;
- g) The eligible units are not in the form of Single Detached Dwelling, Duplex, Semi-detached Dwelling, any form of Townhouse or Accessory Dwelling Unit;
- h) Eligible Building(s) conform to the City’s Official Plan, Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policy or guidelines (e.g. urban design guidelines); and
- i) Any outstanding work orders, property violations or tax arrears on properties containing an Eligible Building are rectified prior to an approval being issued under this program and prior to a loan being provided.

B.3 APPLICATION CRITERIA

1. Applications shall be submitted to the Housing Services Division prior to payment of any Development Charges or the issuance of a Building Permit for an Eligible Building which is the subject of an application under this program.
2. An approval under this program shall not preclude eligibility of the property for any other loans or grants available under a municipal program or Community Improvement Plan, where applicable.
3. Applications to this program are subject to the approval of the General Manager of Healthy and Safe Communities in their sole discretion.
4. Approval of an application under this program is subject to the availability of funds.

The General Manager of Healthy and Safe Communities may reject any application received from an applicant where, in the opinion of the GM, the commercial relationship between the City and the applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.

The General Manager of Healthy and Safe Communities may reject any application received from an applicant, whether or not an applicant satisfies the requirements of the Program, where property tax arrears are owed on the subject property or on other properties owned by the applicant within the City of Hamilton.

The General Manager of Healthy and Safe Communities, whether or not an applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.

B.4 ADMINISTRATION

Applicants to the RRHLP will complete and submit an application to the Housing Services Division prior to obtaining a Building Permit.

A forgivable loan will be provided at the time of payment of applicable municipal Development Charges to the City and successful issuance of a Building Permit in accordance with the terms

Appendix “D” to Report PED19208**Page 6 of 7**

and conditions of this program. Agreements securing the loan will be signed with the City in advance of Building Permit issuance and provision of the loan.

Amongst other conditions, the loan agreement will require that rents for eligible units will be maintained over the term of the loan within the parameters established under this program.

In order to receive a forgivable loan pursuant to this program, successful applicants shall be required to enter into an agreement with the City with such terms consistent with the terms and conditions of this program including, without limitation, the maintenance of rents in accordance with program requirements and such additional terms and conditions that the General Manager of Healthy and Safe Communities deems appropriate in their sole discretion and secured by a mortgage and such other security as the General Manager of Healthy and Safe Communities deems appropriate in their sole discretion.

The registered property owner must provide an annual statement and information package to the City, in a form and content satisfactory to the General Manager of Healthy and Safe Communities in their sole discretion, confirming that the rent for each eligible unit for the reporting year were maintained within the City's affordability parameters as provided for under this program. Rents may increase annually in accordance with market prices as long as they continue to meet the City's defined affordability parameters.

If at any point during the 10-year affordability period the City determines that the rent for any eligible unit(s) is or was no longer within the defined affordability parameters established under this program, the applicant fails to meet program criteria or the applicant does not comply with the Loan Agreement, the loan will become payable to the City, plus interest, in accordance with the requirements of this program.

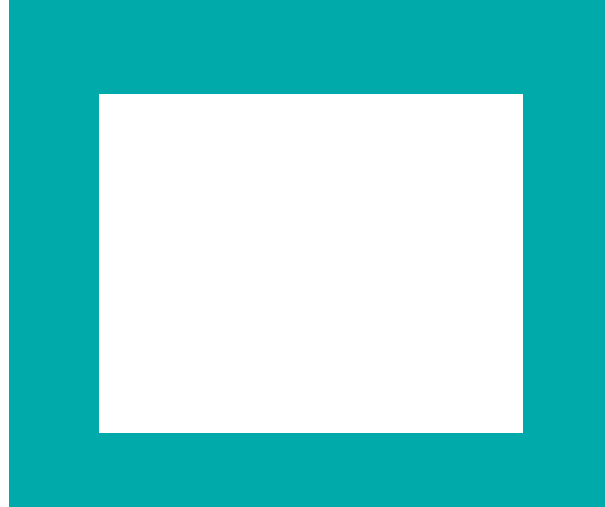
A loan provided under this program will be forgiven on a pro-rated basis in a minimum amount equal to 1/10th the value of the principal loan plus interest (or other fraction as required dependent on the term of the loan). Loan forgiveness will occur on the annual anniversary date on which occupancy was granted by the City for the last eligible unit contained within an Eligible Building and where the conditions of forgiveness established under this program have been met to the satisfaction of the General Manager of Healthy and Safe Communities.

Appendix “D” to Report PED19208**Page 7 of 7****B.5 SUPPORTING TECHNICAL INFORMATION**

For the purposes of this program, 175% of Average Market Rent for rental units in 2019 within the Hamilton Census Metropolitan Area, as stated by the Canadian Mortgage and Housing Corporation, shall be:

Unit Size	175% AMR
Bachelor	\$1,337
1 Bedroom	\$1,617
2 Bedroom	\$1,904
3+ Bedroom	\$2,401

*to be indexed annually



WELCOME TO THE CITY OF HAMILTON

The Housing for Hamilton Community Improvement Plan for the Roxborough Mixed Income/Tenure Demonstration Project (Ward 4)

Planning Committee - November 19, 2019

The Roxborough Demonstration Project

- A joint public-private housing redevelopment located in the McQueston Neighbourhood in East Hamilton
- Includes the redevelopment of a vacant former school and existing CityHousing Hamilton development at the end of its life cycle
- Project will deliver a mix of market and below market homeownership and rental housing options as well as a new residential building for CHH
- Project is intended to be a model for the creation, and integration of, mixed income and mixed tenure housing options and serve as an economic catalyst within a changing neighbourhood.

The Roxborough Demonstration Project

- Project will consist of approx. **650-750** mixed income and mixed tenure residential units consisting of:
 - **103** family-oriented Rent-Geared-to-Income and affordable rental units to be owned and operated by CHH;
 - over **200** multi-residential rental units with capped rents for at least 10 years;
 - approx. **200-250** below market homeownership townhouse units; and
 - approx. **100-150** maisonettes and condominium units geared towards seniors and smaller households.

The Roxborough Demonstration Project



The Roxborough Demonstration Project

Past Reports and Council Approvals (not including CHH Board reports/approvals)

December 2016	Roxborough Demonstration Project Feasibility Report (Report PED16236)
June 2018	Options Report for Delivering Roxborough Incentives (Report PED16236(a))
July 2018	UHOPA, ZBA and Plan of Sub. Approved by Council (Report PED18158)
September 2018	CIP Incentive Option and Roxborough Community Improvement Project Area (CIPA) Approved by Council (Report PED16236(b))
June 2019	Budget for CIP Incentive Programs Approved by Council (Report HSC19034)
TODAY	CIP and Roxborough Incentive Programs Terms and Conditions

Housing for Hamilton Community Improvement Plan (HHCIP)

- June 2019 report included staff direction to develop a Community Improvement Plan (CIP) to provide financial incentives for Roxborough
- CIPs are required to be created under the *Planning Act* for municipal financial incentives
- The HHCIP is a housing focused plan providing new incentive programs that support the creation of new mixed income/tenure housing
- The HHCIP will apply within a limited geographic area (CIPA) approved in 2018 specifically for Roxborough

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Housing for Hamilton Community Improvement Plan

HEALTHY AND SAFE COMMUNITIES DEPARTMENT
CITY OF HAMILTON
NOVEMBER 2019



Housing for Hamilton CIP

- The HHCIP facilitates the creation of two new incentive programs specifically for the Roxborough CIPA:

	Roxborough Access to Homeownership Grant Program (RAHGP)	Roxborough Rental Housing Loan Program (RRHLP)
Intent	Create new below market homeownership units	Create new rental units with capped rents for at least 10 years
Form of Incentive	Grant	Forgivable Loan
Value of Incentive	Maximum = value of municipal Development Charges otherwise required for units created under each program	
Requirements	Subject to criteria/conditions in Appendix C	Subject to criteria/conditions in Appendix D

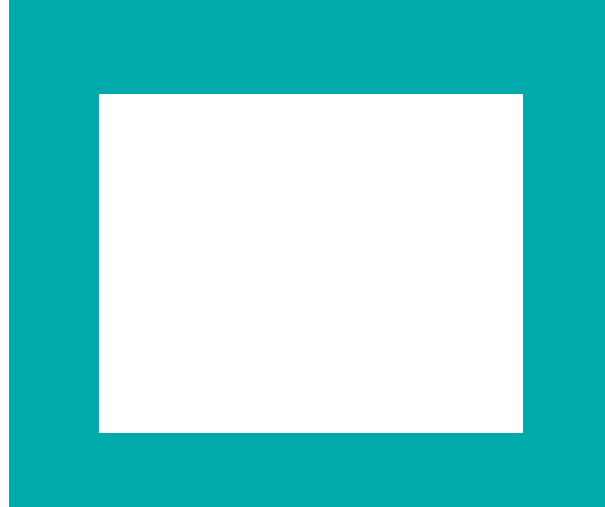
Parkland Dedication Waivers

- Staff direction also included the creation of incentive programs for the rebate of Cash-in-Lieu of Parkland Dedication fees otherwise required for the Roxborough project
- Section 12 of the Parkland Dedication By-Law allows for the suspension of parkland requirements for specific geographic areas at Council's discretion for a specific period of time
- Utilization of Section 12 vs. the creation of an additional incentive program is advantageous in terms of administration, efficiency and reducing complexity

Conclusion

The Housing for Hamilton CIP and associated programs will support:

- A project that will be a model for the creation, and integration of, mixed income and mixed tenure housing options
- The creation of 650-750 mixed income and mixed tenure residential units including over 100 Rent-Geared-to-Income and affordable units for CHH
- Economic investment and revitalization within the McQueston Neighbourhood



THANK YOU FOR ATTENDING
THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	Building Community Capacity in the Planning Process - Development Applications Policy Evaluation Framework ("Planning 101") (PED19177) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Anita Fabac (905) 546-2424 Ext. 1258 Joanne Hickey-Evans (905) 546-2424 Ext. 1282 Christine Newbold (905) 546-2424 Ext. 1279
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The planning process can appear to the general public as confusing and intimidating because of technical terms, legislative requirements, complex technical requirements and terminology. This can be a barrier to effective community participation in the planning process. Planning staff have developed a "Planning 101" package to assist in educating the community and neighbourhood associations on the planning process separate from seeking community feedback of a policy/plan change or a development proposal.

The goal of "Planning 101" is to build capacity in community groups and neighbourhood associations to better understand and engage in the planning process or will be used by staff when attending community and neighbourhood meetings as part of the Division's on-going public engagement and participation activities.

Two "Planning 101" modules have been developed to date. The first module provides an overview of the Ontario planning framework in terms of provincial policy and plans. The second module provides an overview of the *Planning Act* in terms of the administrative and statutory provisions around how development applications are received and processed.

Planning staff have developed a new "Planning 101" module that provides an overview of the City's planning documents and how they are used in the planning process. This

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

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

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

SUBJECT: Building Community Capacity in the Planning Process - Development Applications Policy Evaluation Framework (“Planning 101”) (PED19177) (City Wide) - Page 2 of 3

presentation will be made available to groups interested in learning more about how specific development applications are evaluated and assessed based on the specific locational context in terms of applicable policies, regulations and guidelines.

As a result of varying policy frameworks (Secondary Plans and Neighbourhood Plans) and the vision for these areas that were established through the preparation of the Secondary Plans or Neighbourhood Plans with the broader community, not all areas within the City are the same. These Plans contain different policy frameworks with different visions and permissions. Because development applications are assessed against the policy framework applicable to the subject lands, a development proposal that complies with the applicable policies and is supported by staff in one geographic area of the City may not be supportable in a different area of the City.

Consequently, questions have been raised as to how Planning staff arrives at their recommendations for a development application and why there are different recommendations across the City for what appears to be similar development applications on similar properties.

To address this matter, Planning staff will be presenting on November 19, 2019 to provide an overview as to how City staff arrive at recommendations to either support or deny an application. The presentation will review the planning hierarchy including the policy frameworks of the Urban Hamilton Official Plan, Secondary Plans, Neighbourhood Plans and Zoning By-laws and how these are applied in the evaluation of a development application.

The presentation will also review how sites are to be evaluated based on their own merits and different neighbourhood contexts, and keeping in mind Official Plan and Zoning By-law permissions, compatibility, building and site design, technical comment, public feedback, professional opinions and good planning.

In addition to the presentation, staff are proposing to revise the standard Planning Committee report to assist the reader in understanding the development proposal and streamline the report writing process. A number of streamlining measures were identified as part of the Division’s Continuous Improvement strategies and Open for Business objectives, one of which was opportunities to streamline the report process. In keeping with these measures, the presentation will also describe proposed changes to the organization of Planning reports. The changes include a “fact sheet” to highlight the details of the report’s recommendations, details of the development, and the existing policy framework and permissions applicable to the lands. The proposed report changes will also include a chart to summarize both technical comments from internal staff and agencies and public feedback received through the processing of the development application. These changes will result in a simplified and streamlined report to better aid

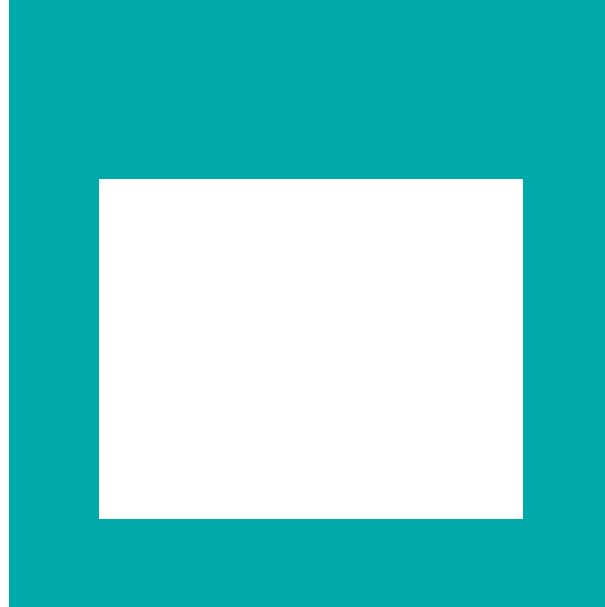
OUR Vision: To be the best place to raise a child and age successfully.

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

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

SUBJECT: Building Community Capacity in the Planning Process - Development Applications Policy Evaluation Framework (“Planning 101”) (PED19177) (City Wide) - Page 3 of 3

the public and Council in understanding the details of the development, the analysis, and the recommendations.



WELCOME TO THE CITY OF HAMILTON

Building Community Capacity in the Planning Process
Development Applications Policy Evaluation Framework
(PED19177)

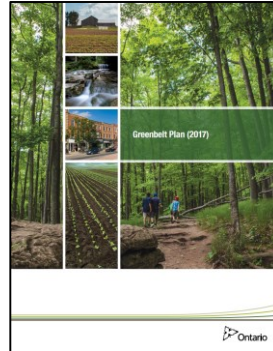
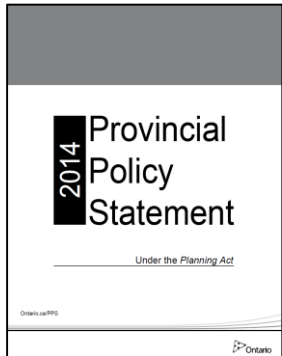
November 19, 2019 – Planning Committee Meeting

Purpose

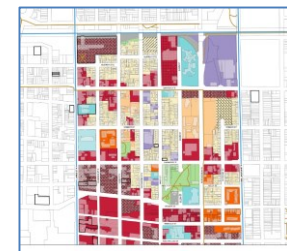
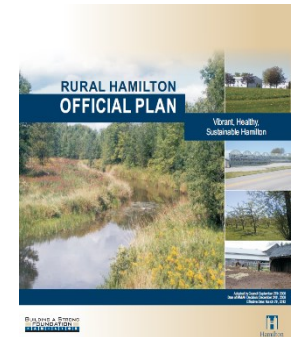
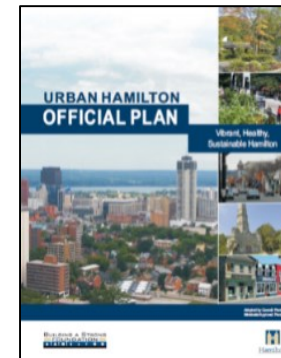
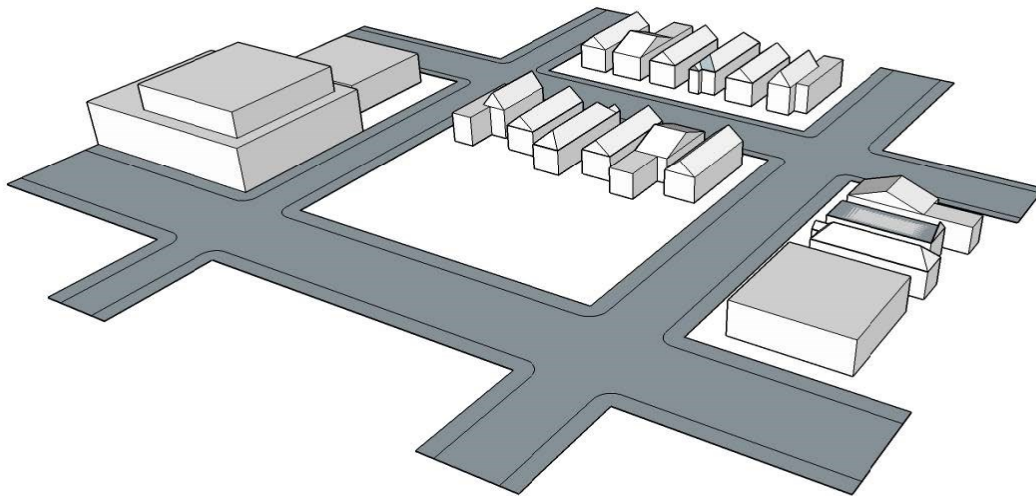
To provide an overview of how development planning applications are considered in the context of the Urban Hamilton Official Plan

- Urban Hamilton Official Plan – **Joanne Hickey-Evans**
- Secondary Plans/Neighbourhood Plans – **Christine Newbold**
- Development Applications - **Anita Fabac**

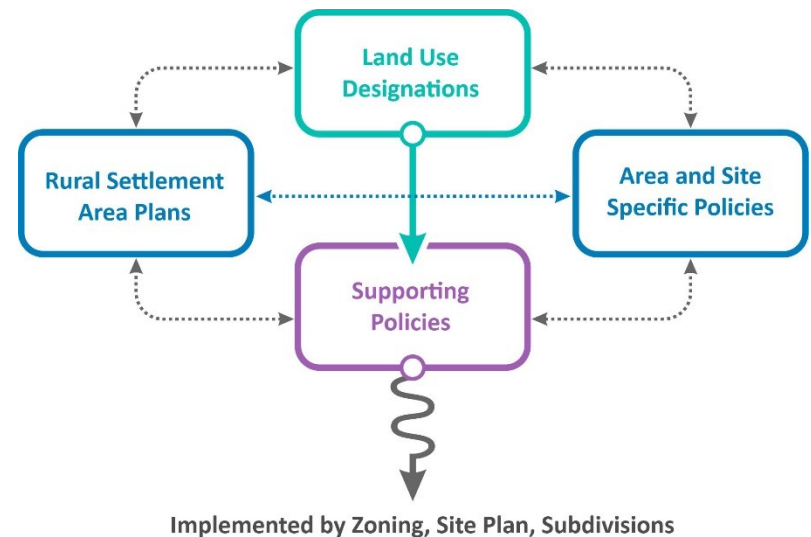
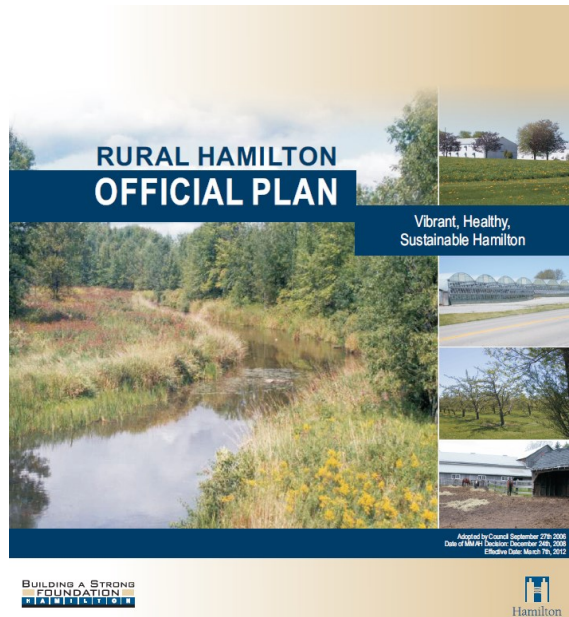
Getting to a Recommendation



- Policy Review
- Location
- Designation and Height/Density Permissions



Rural Hamilton Official Plan



Urban Hamilton Official Plan

Strong Communities Are:

- *Complete*
- *Healthy/safe*
- *Vibrant/liveable*

(Section B – Communities)



Urban Hamilton Official Plan

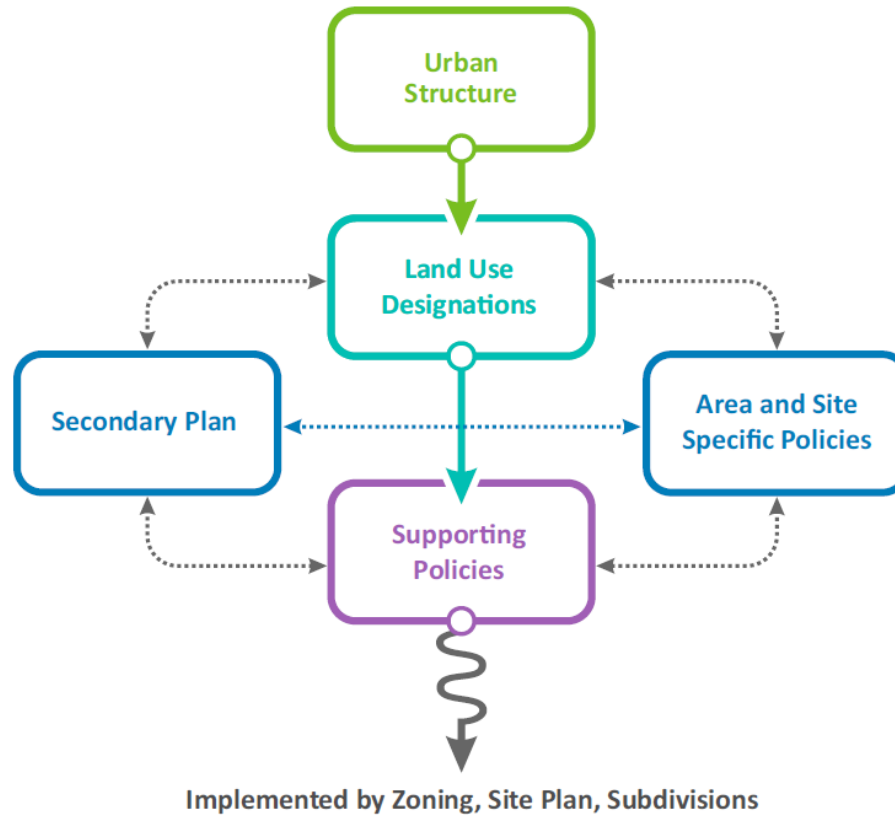
How do we do implement the Vision.....

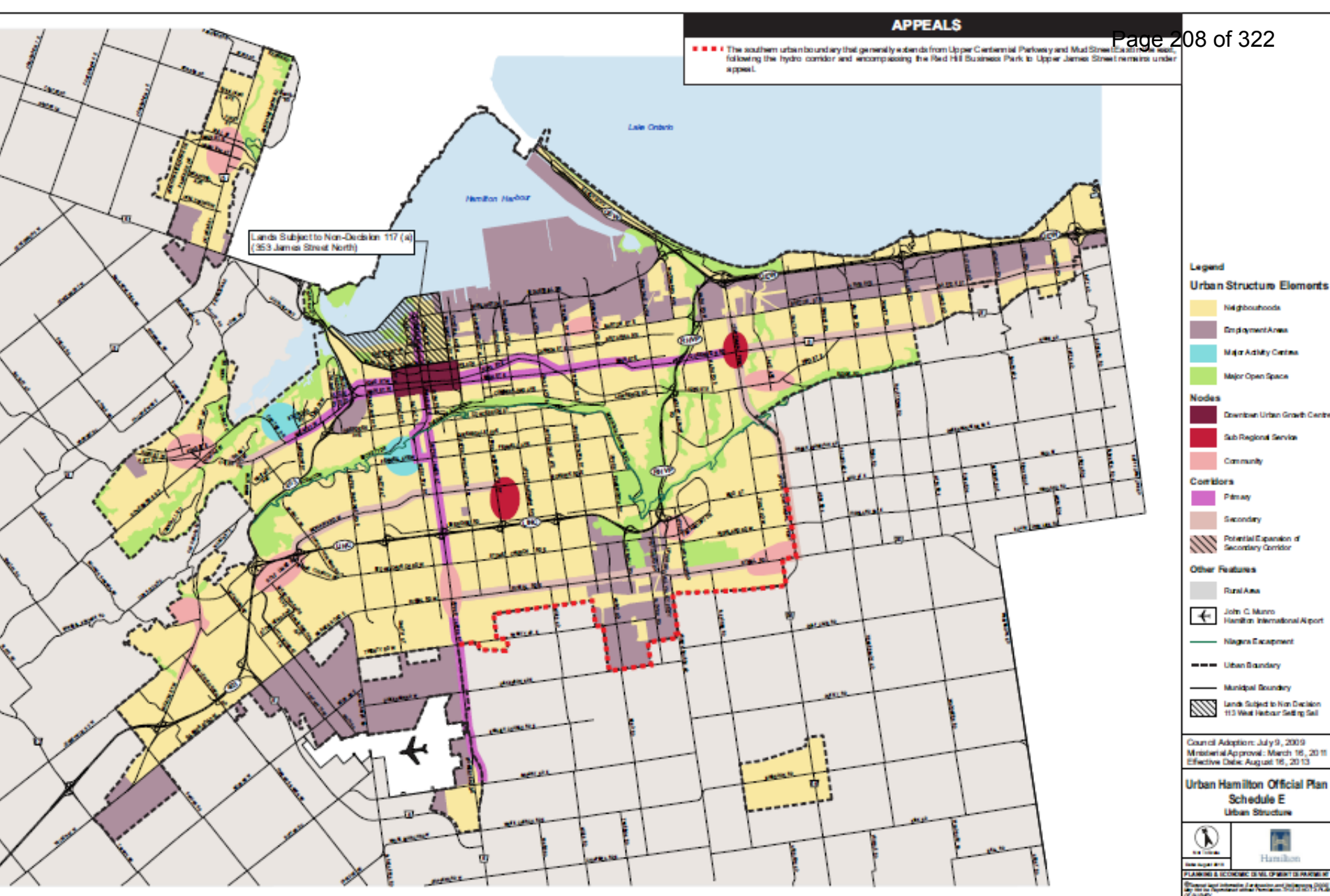
- Require a variety of housing types and tenure for the City's residents
- Promote residential intensification in appropriate locations to support public transit, community facilities and shopping areas but is sensitive to our existing neighbourhoods
- Achieve a healthy ecosystem through the protection and enhancement of natural areas

Urban Hamilton Official Plan

- Conserve cultural heritage resources
- Support and promote investment that contributes towards the growth of the City's economy and prosperity
- Establish and implement design principles to make our neighbourhoods and business areas more attractive, lively and safe
- Establish an integrated transportation network (transit, walking, cycling, cars, rail, trucks, air, marine) that connects and supports various uses of land

Urban Hamilton Official Plan





Urban Hamilton Official Plan



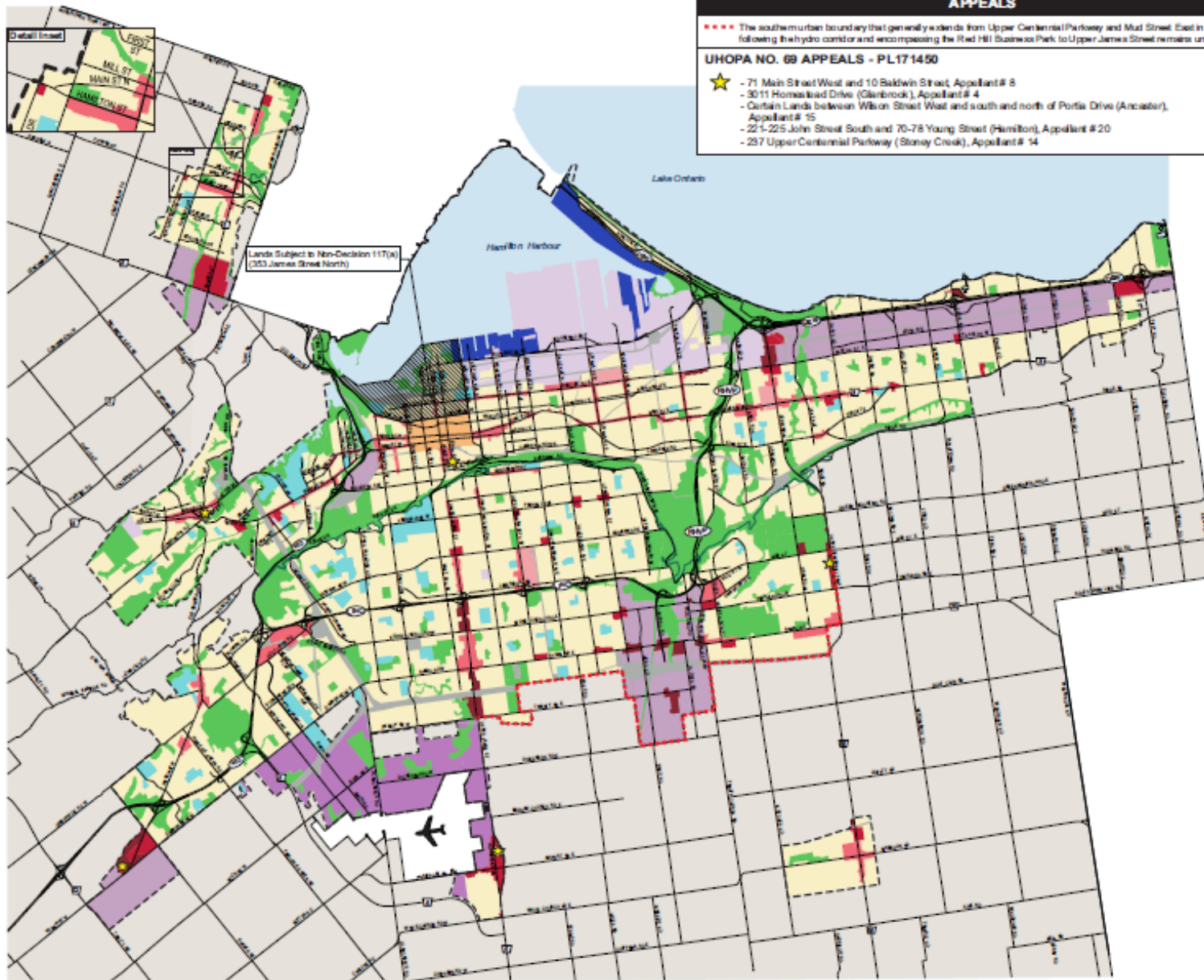
APPEALS

--- The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the west, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.

UHOPA NO. 69 APPEALS - PL171450



- 71 Main Street West and 10 Baldwin Street, Appellant # 8
- 3011 Homestead Drive (Glenbrook), Appellant # 4
- Certain Lands between Wilson Street West and south and north of Portia Drive (Ancaster), Appellant # 15
- 221-225 John Street South and 70-78 Young Street (Hamilton), Appellant # 20
- 297 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

- Neighbourhoods**
- Open Space
 - Institutional
 - Utility
- Commercial and Mixed Use Designations**
- Downtown Mixed Use Area
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - District Commercial
 - Arterial Commercial
- Employment Area Designations**
- Industrial Land
 - Business Park
 - Airport Employment Growth District
 - Shipping & Navigation
- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Expropriation
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

**Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations**



Not To Scale



Hamilton

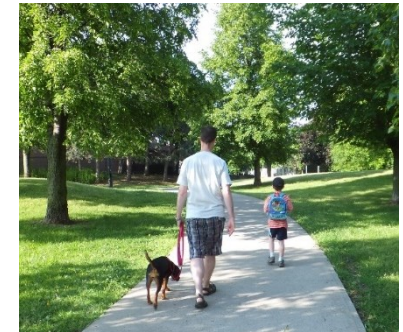
Date: Nov 26, 2009

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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Urban Hamilton Official Plan

Neighbourhoods are not just residential



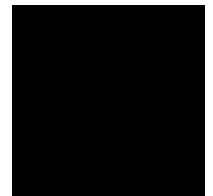
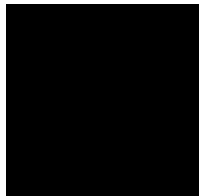
Urban Hamilton Official Plan

Three Categories of Residential Use:

- Low Density
 - Medium Density
 - High Density
- } characterized by built form, function, scale and design criteria



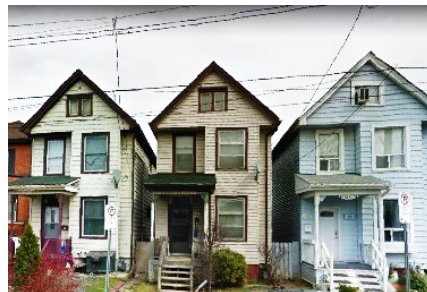
Evaluation and Compatibility criteria apply to uses within Neighbourhoods designation



Urban Hamilton Official Plan

Low Density Policies

- Low profile/grade oriented (single/semi-detached, duplexes, triplexes, street townhouses)
- 60 units per hectare (max), 3 storeys
- Mix and range of lot sizes and areas
- Preferred location: interior of neighbourhoods



Urban Hamilton Official Plan

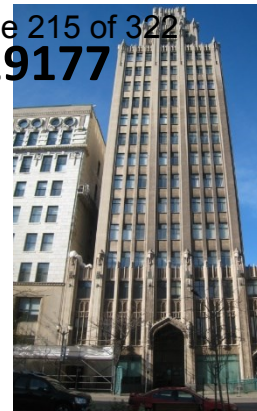
Medium Density Policies

- Block/stacked townhouses, low rise multiple dwellings/apartments)
- 100 units per hectare, 6 storeys max.
- 8 storeys may be permitted through a rezoning application if criteria (i.e. wind, sun/shadow impacts, etc.) are met
- Preferred location: arterial and collector roads, close to public transit



High Density Policies

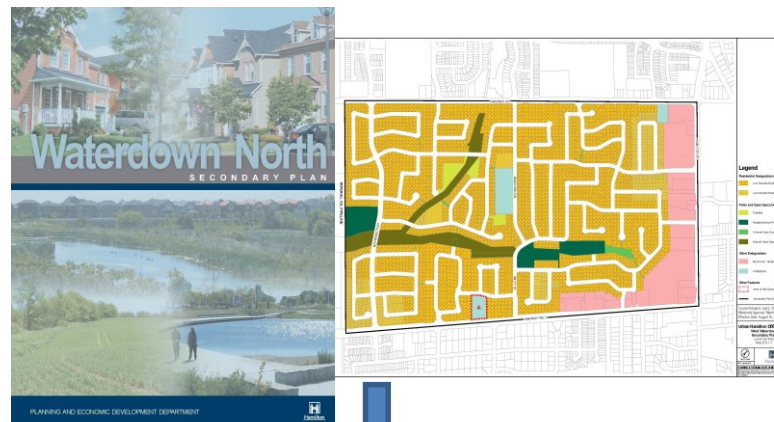
- Multiple dwellings
- 101- 500 uph net within “Central Hamilton” (area surrounding Downtown)
- 101-200 uph (outside of “Central Hamilton”)
- Preferred location: arterial roads, close to public transit, services, nodes, employment





Secondary Plans

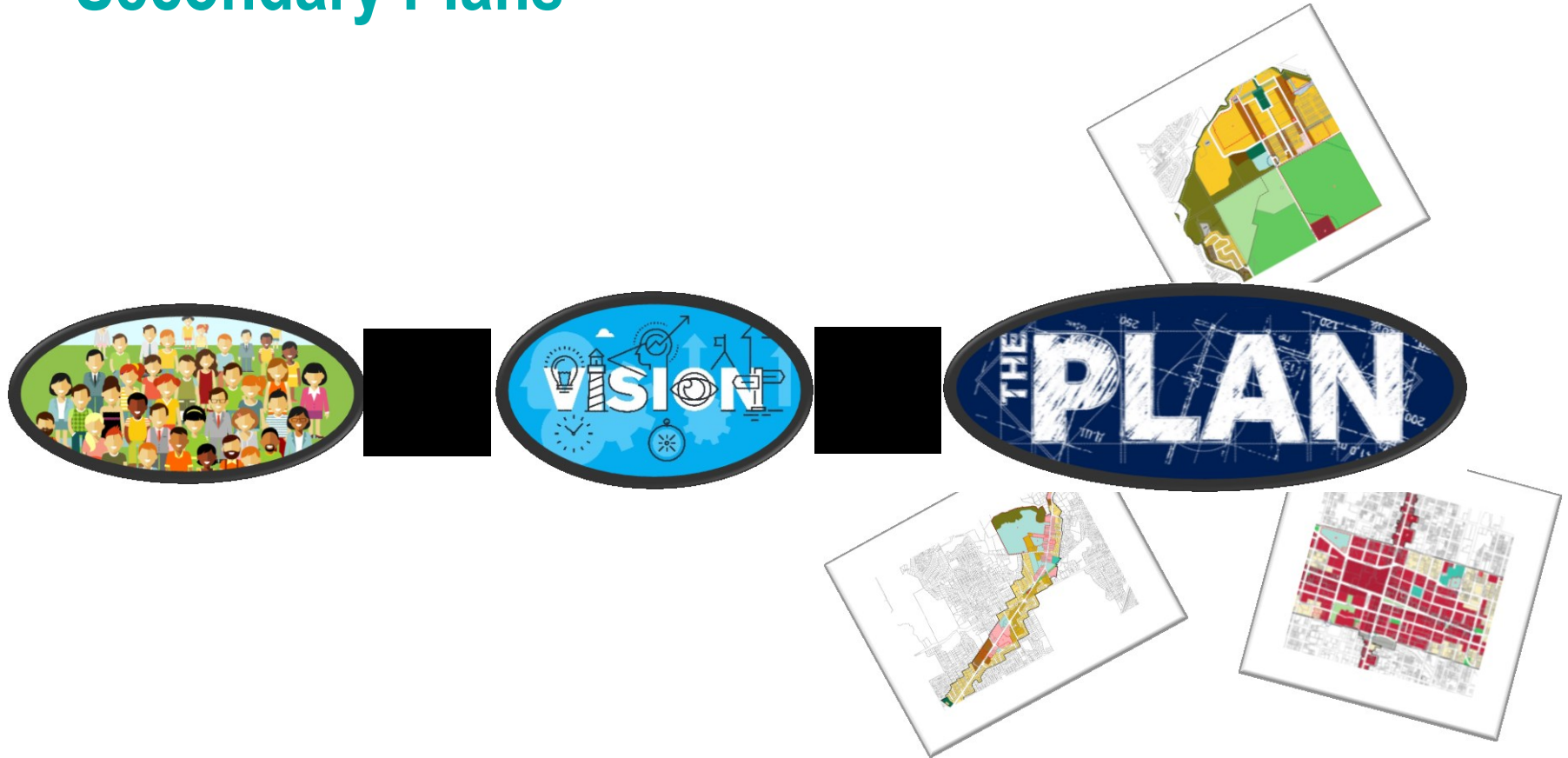
- Land use plan focused on a smaller geographic area of the City
- Implements the City's Official Plan at a local scale
- **NOT** a stand alone document – policies must be read in conjunction with the policies of the Official Plan



**Adopted into the
Official Plan**

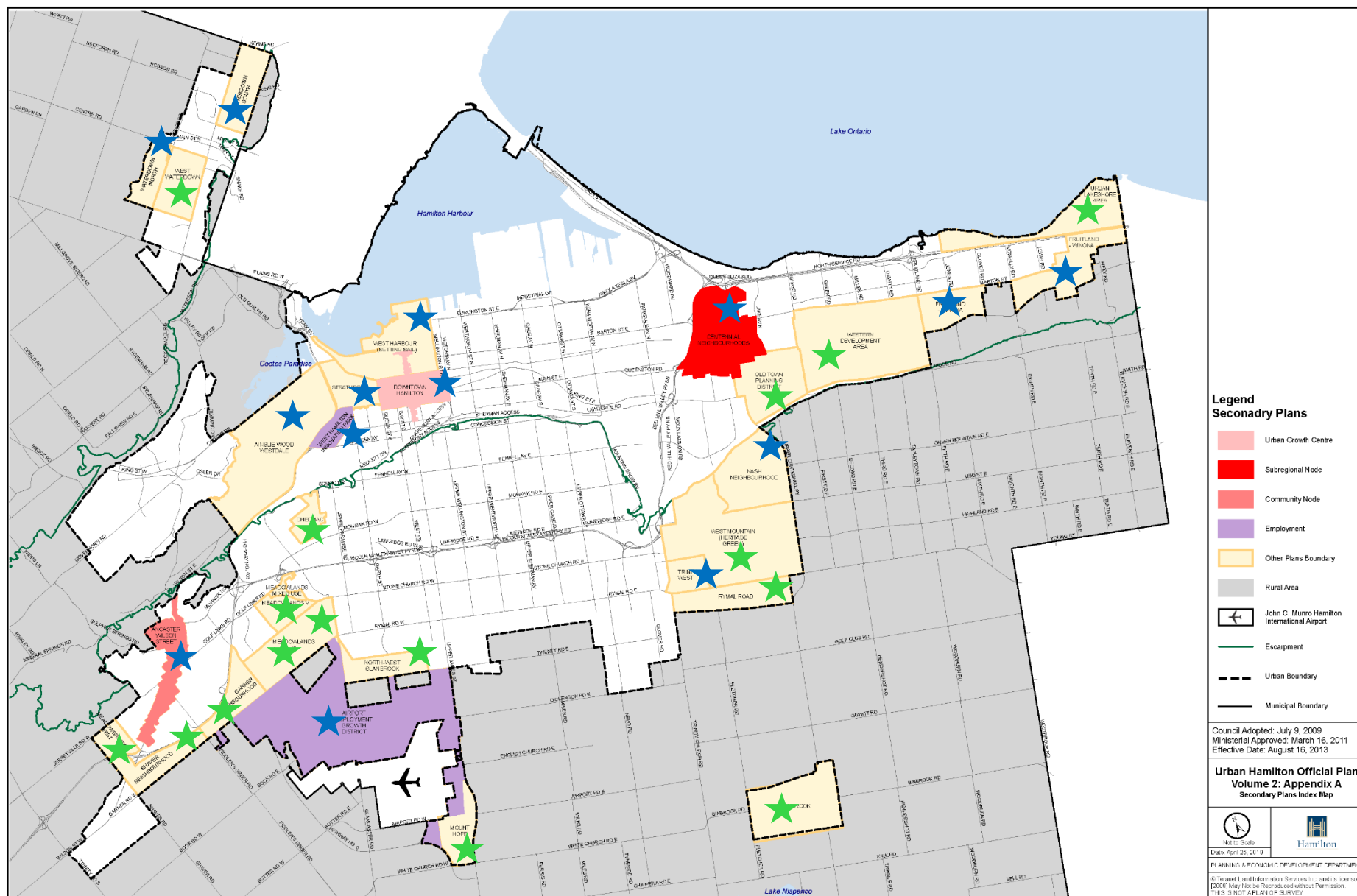


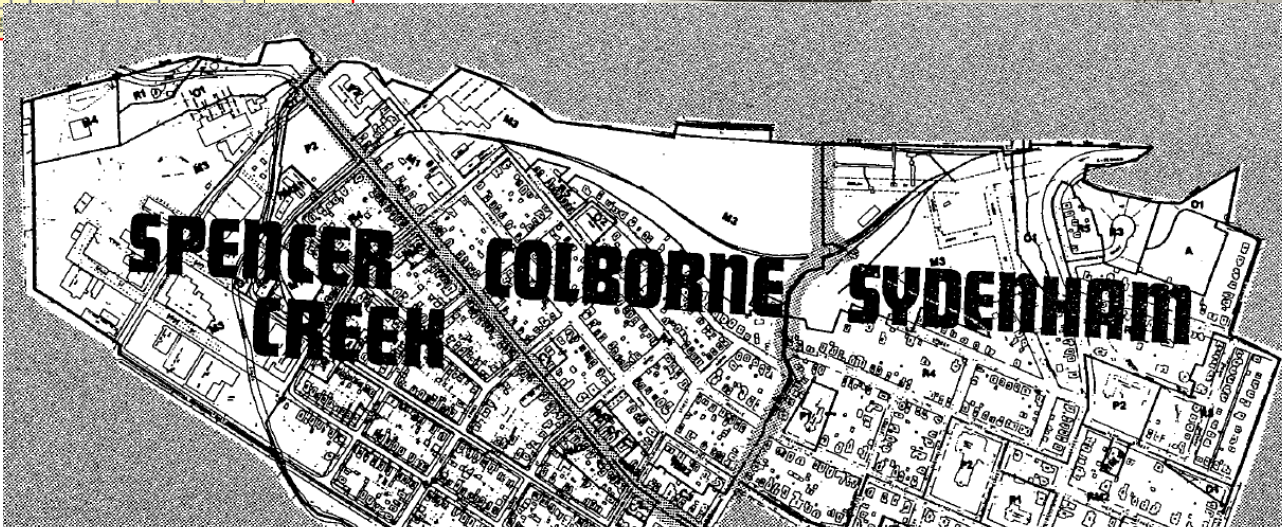
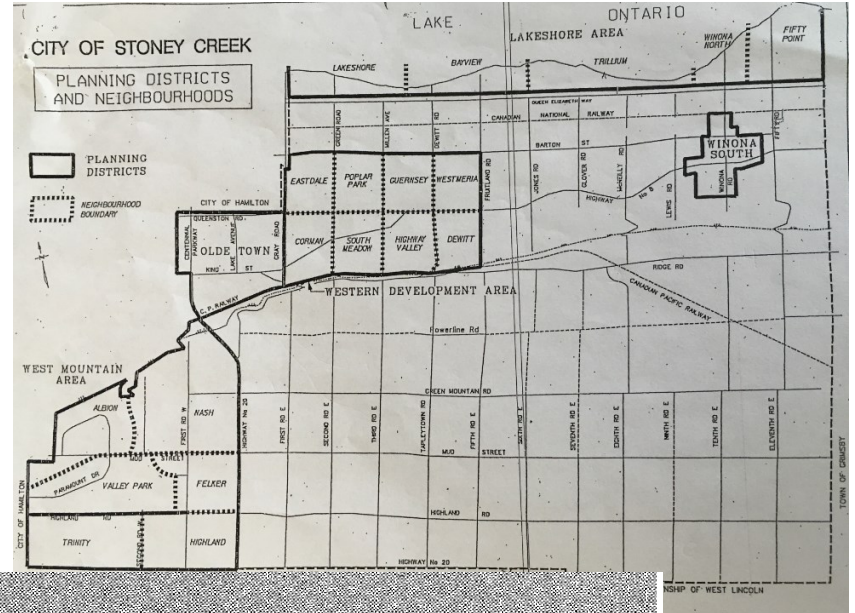
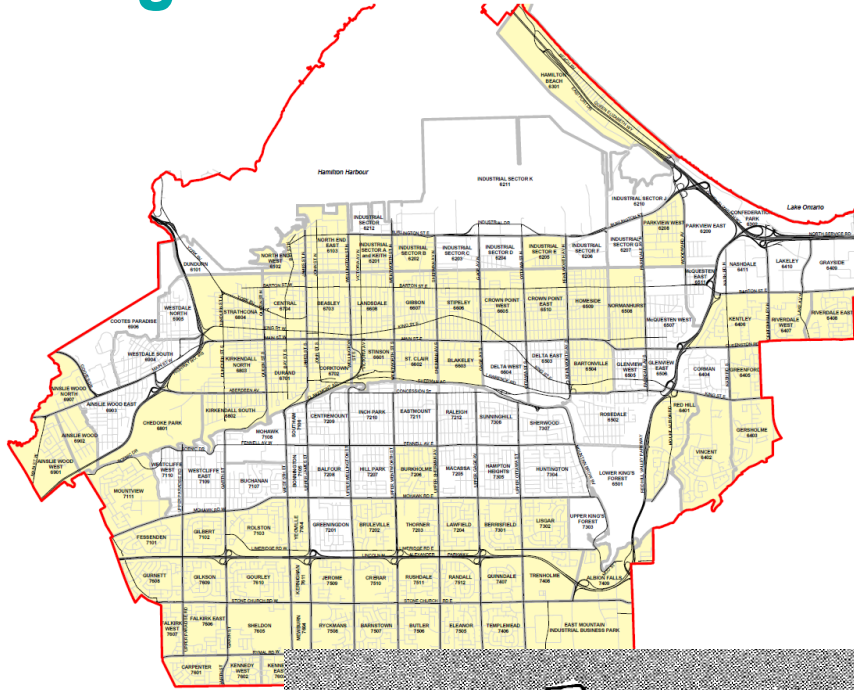
Secondary Plans



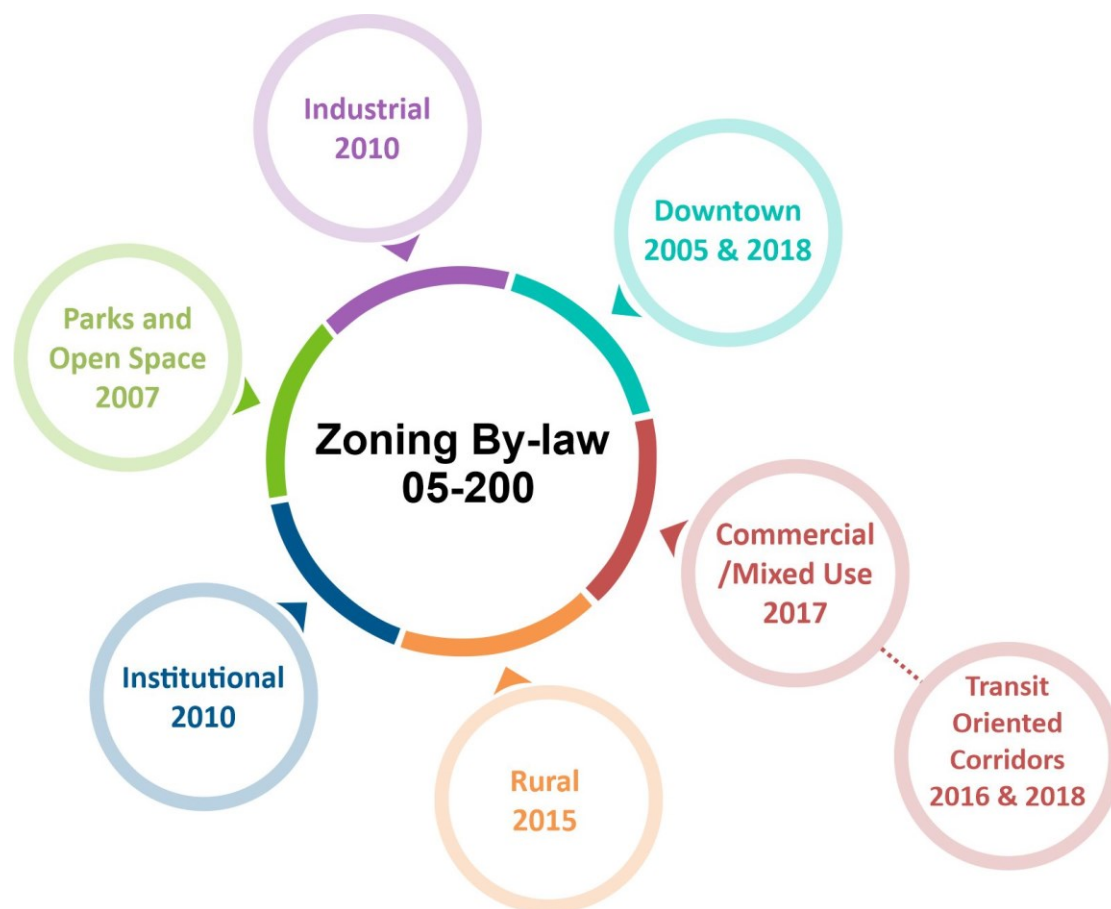
PED19177 Page 219 of 322

★ Post Amalgamation





Zoning By-law No. 05-200

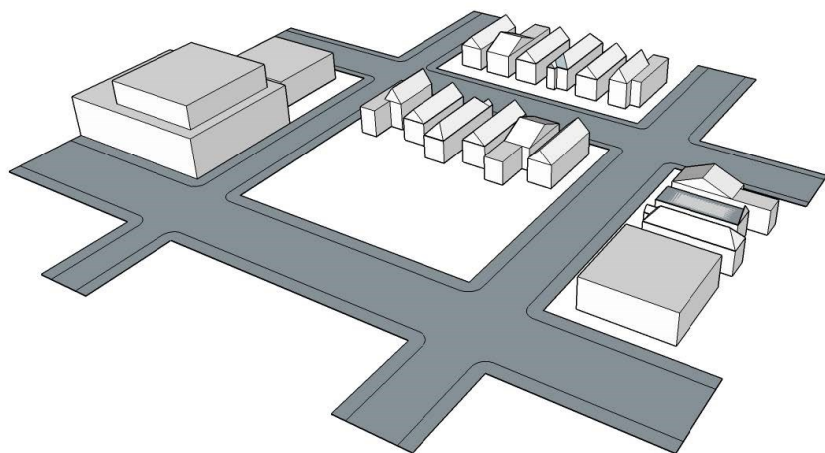


85% of total
land area
zoned in
Zoning By-
law 05-200

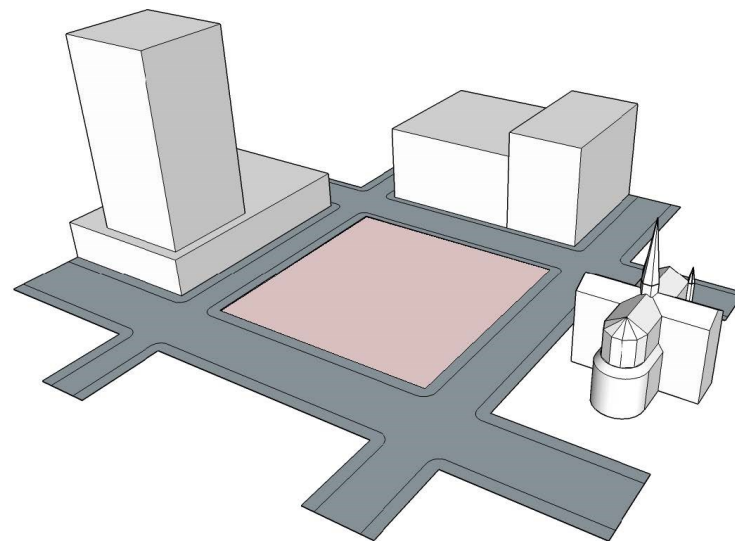
39% of urban
area covered
by Zoning By-
law 05-200

Getting to a Recommendation

Policy/Technical Review

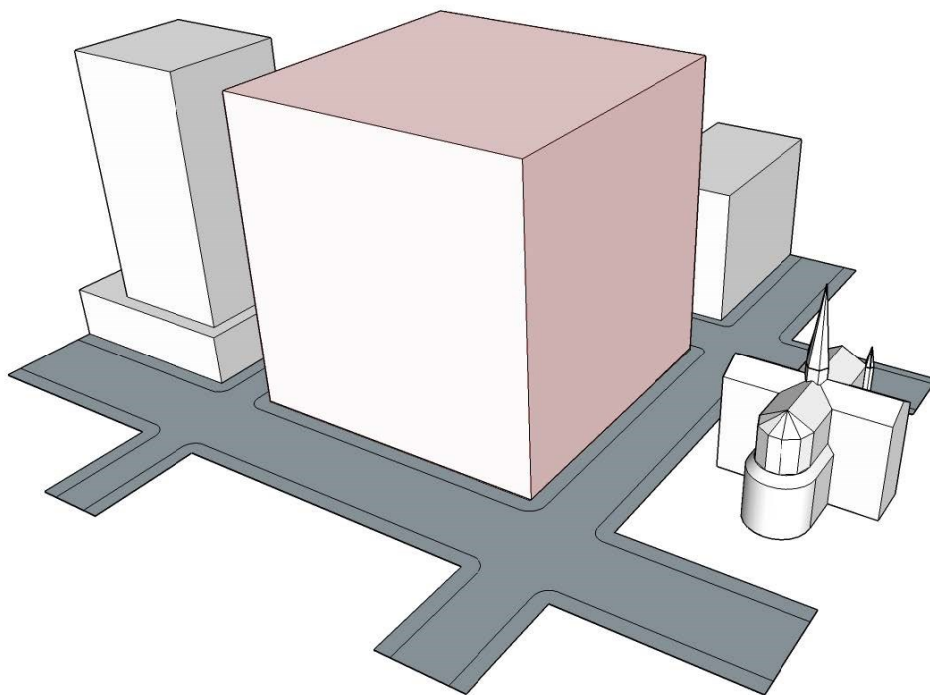


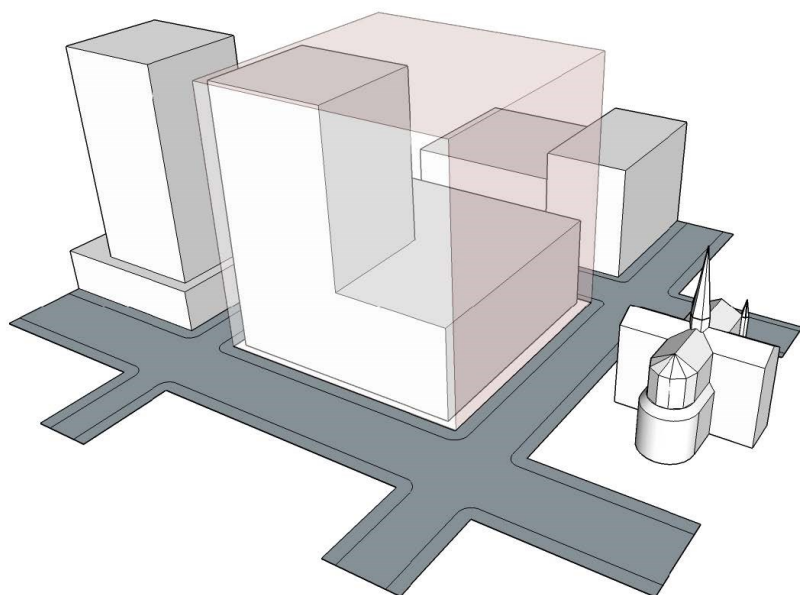
The shape and form of buildings should respond to and respect the neighbourhood character



Policy/Technical Review

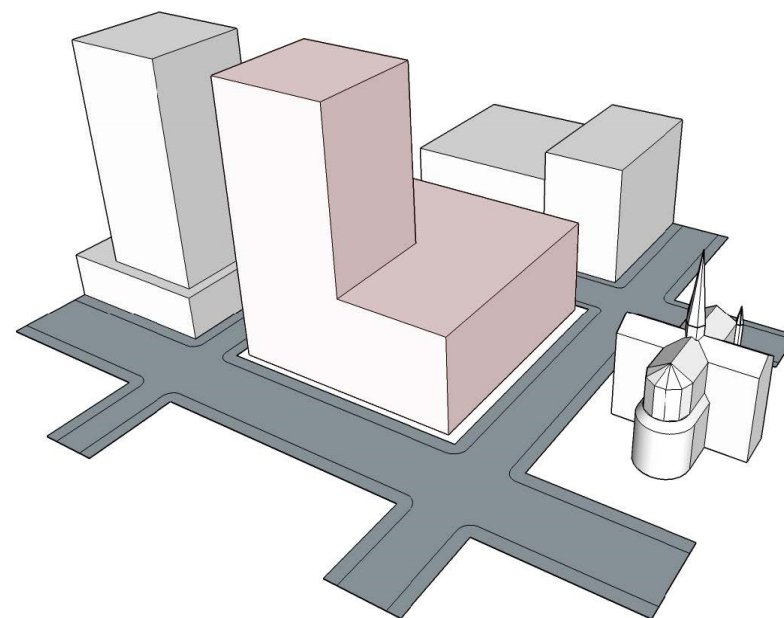
Consultation





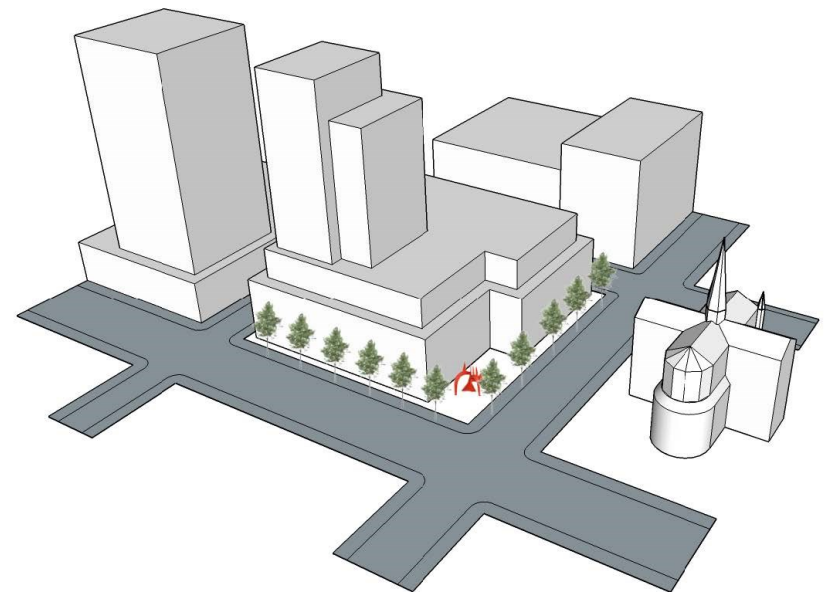
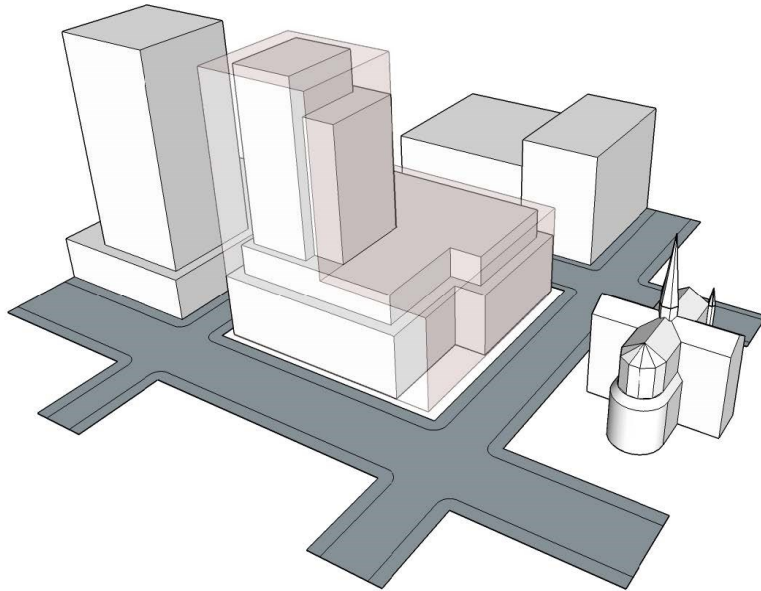
Policy/Technical Review

Consultation



Policy/Technical Review

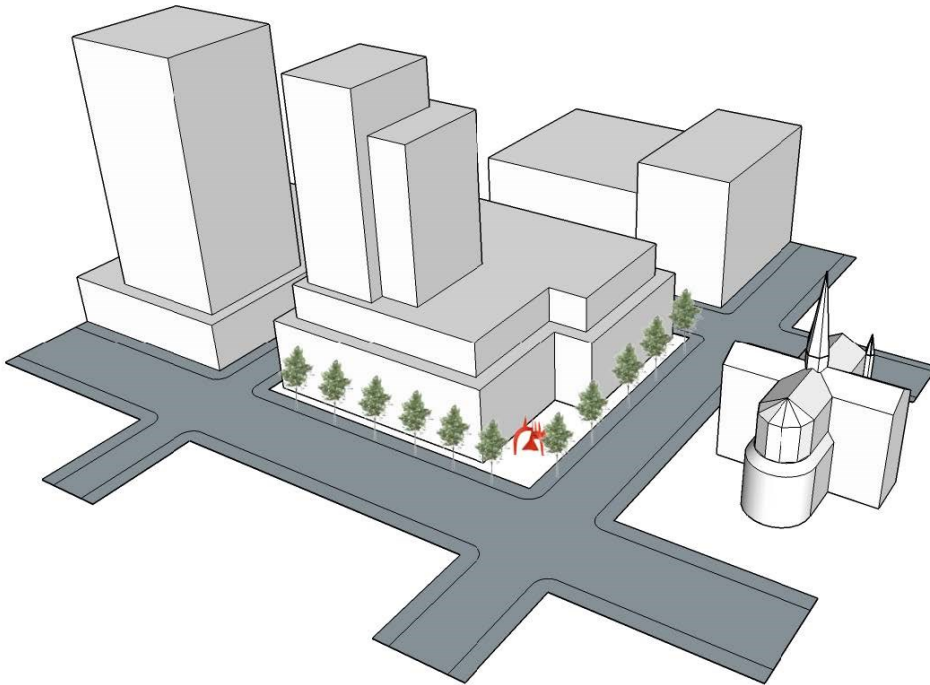
Consultation



Policy/Technical Review

Consultation

Professional Opinion and
Good Planning



Staff Report – Fact Sheet

Application Details	Applicant/Owner:	
	File Number:	
	Type of Application:	
	Proposed Use:	
Property Details	Municipal Address:	
	Lot Area:	
	Servicing:	
	Existing Use	
Documents	Provincial Policy Statement (PPS)	
	A Place to Grow:	
	Official Plan Existing:	
	Official Plan Proposed:	
	Zoning Existing:	
	Zoning Proposed:	
	Modifications Proposed:	
Processing Details	Received:	
	Deemed Complete:	
	Notice of Complete Application:	
	Public Notice Sign:	
	Notice of Public Meeting:	
	Public Consultation:	
	Public Comments Received:	
	Processing Time:	

Staff Report – Summary of Consultation

Departments and Agencies		
	Comment	Staff Response
•	No Comment	
	Summary of comments received	
Public Consultation		
	Comment	Staff Response
	Summary of comments received	

Thank you



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Sara Rogers (905) 546-2424 Ext. 2694
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the **Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner**, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be **Denied**, on the following basis:

- (a) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197; and,
- (b) That the requested variances do not meet the tests of Sign By-law No. 10-197.

EXECUTIVE SUMMARY

The owner submitted Sign Variance Application SV-19-002 on December 21, 2018. The application was amended by the owner on May 7, 2019. The amended application proposed to erect a Ground Sign 0.0 metres from the property line abutting Garner Road West, with a maximum height of 8.14 metres, upon which the municipal address of the property would not be displayed, and would allocate 100% of the sign face to an electronic message display, for the purposes of advertising for Ancaster Self Storage,

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 2 of 10

located on the subject property (see Appendices “B”, “C” and “D” to Report PED19195), as well as for third party advertising (i.e. other self-storage facilities owned by the applicant).

The variances were denied by the Director of Planning and Chief Planner, on July 15, 2019. Staff were generally supportive of the one variance to permit a Ground Sign to be located 0.0 m from the property line abutting Garner Road West, whereas Sign By-law 10-197 requires the proposed Ground Sign to be located a minimum of 6.1 m from any property line; however, staff were unable to support the overall massing, height, third party advertising, and extent of the electronic component of the proposed Ground Sign. As a result, staff could not support the proposed Ground Sign to be located at a distance of 0.0 m from the property line as the Ground Sign variances overall could not be supported.

The owner appealed the decision to deny the variances on July 26, 2019, and requested the proposed Sign Variance Application be considered by the Planning Committee.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. By-law No. 10-197 requires the City Clerk to notify the owner once a hearing date before the Planning Committee has been fixed to consider an appeal of the decision by the Director of Planning and Chief Planner to deny a sign variance application.

HISTORICAL BACKGROUND

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 provides the regulations in dealing with variances, including the delegated approval authority, what the City of Hamilton shall have regard for when reviewing Sign Variance Applications (section 6.5), and the process of appealing the Sign Variance Application decision (section 6.6) (see Appendix “E” to Report PED19195).

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On December 21, 2018, staff received an application for a Sign Variance to permit the establishment of a new electronic message display Ground Sign which did not conform to the applicable provisions of Sign By-law No. 10-197. The application was amended subsequently by the owner on May 7, 2019.

The following variances were requested:

- 1) To permit a Ground Sign with a maximum height of 8.14 metres whereas the Sign By-law required 7.5 metres;
- 2) To permit a Ground Sign that does not display the municipal address of the property on which the Ground Sign is displayed;
- 3) To permit a Ground Sign to allocate 100% of the sign face to an electronic message display whereas the Sign By-law permits a maximum of 50% of the sign face for electronic display;
- 4) To permit a Ground Sign for the purposes of 'third party' advertising whereas the Sign By-law permits Ground Signs to only advertise a business, activity, product, or service that is available on the property;
- 5) To permit a Ground Sign not within a Business Improvement Area or the Ancaster Village Core Area to allocate 100% of an electronic message display for the purposes of third party advertising; and,
- 6) To permit a Ground Sign to be located at a distance of 0.0 metres from a property line whereas the Sign By-law requires a setback of 6.1 metres from the Garner Road property line.

On July 15, 2019, the variances were denied by the Director of Planning and Chief Planner, and notice was sent to the applicant advising of the decision. On July 26, 2019, the owner appealed the decision by the Director of Planning and Chief Planner to deny the variances, and requested that the matter be considered by the Planning Committee (see Appendix "F" to Report PED19195).

Details of Submitted Application

Location: 1147 Garner Road West, Ancaster

Owner Ancaster Self Storage Inc.

SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 4 of 10

Applicant: Urbancore Developments

Property Description:

Frontage: ±86 metres

Lot Depth: ±87 metres

Area: ±8,779 square metres

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

City of Hamilton Sign By-law No. 10-197

By-law No. 10-197 provides regulations for signs and other advertising devices within the City of Hamilton.

Section 5.1.1 of By-law 10-197 specifies which signs shall be prohibited. Section 5.1.1 (a) prohibits “any sign with a video screen or any flashing, kinetic, or illusionary motion, except an electronic message display as permitted under this By-law”. The proposed Ground Sign is a full colour LED display with no illusionary motion. Therefore, the proposed Ground Sign does conform to the Sign By-law 10-197.

The proposed Ground Sign was reviewed against Sign By-law 10-197 and the following deviations were identified:

Section 5.2.2 (f) of the Sign By-law 10-197 restricts the height to a maximum of 7.5 metres. Therefore, the proposed Ground Sign at a height of 8.14 metres does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (i) of the Sign By-law 10-197 requires the content of a Ground Sign to include the “municipal address number of the property on which the Ground Sign is displayed”. Therefore, the proposed Ground Sign which does not display the municipal address does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (iii) of the Sign By-law 10-197 restricts the extent of an electronic message display to “a maximum of 50% of the sign face area...provided that no copy...shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination”. Therefore, the proposed Ground Sign which is allocating 100% of the sign face area to a full colour LED display with no illusionary motion does not conform to the Sign By-law 10-197.

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Section 5.2.2 (g) (v) of the Sign By-law 10-197 restricts advertising to “a business on the property on which the Ground Sign is displayed, or an activity, product or service available on that property, or a charity’s or community organization’s activities”. Therefore, the proposed Ground Sign which is advertising a business, activity, product or service which is not available on the subject site does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (vi) of the Sign By-law 10-197 permits third party advertising on a portion of the sign face area for Ground Signs not within the “Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area or within the Glanbrook Village Core Area”. A maximum 25% of the sign area or 1.2 sq. m, whichever is lesser, except for an electronic message display, may be allocated to third party advertising. Therefore, the proposed Ground Sign which is not within one of the areas noted above and which is allocating 100% of the sign area or 11.29 sq. m, all of which is electronic message display, does not conform to the Sign By-law 10-197.

Section 5.2.2 (i) of the Sign By-law 10-197 restricts the location of a Ground Sign to a minimum of “1.5 m or a distance equal to 75% of the height of the Ground Sign, whichever is greater, [from] any property line”. Based on a height of 8.14 m, a setback of 6.1 m from any property line is required. Therefore, the proposed Ground Sign which is located 0.0 m from the property line abutting Garner Road West does not conform to the Sign By-law 10-197.

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

The subject property is zoned Arterial Commercial (C7, 650) Zone in the City of Hamilton Zoning By-law No. 05-200, which permits a range of commercial uses including the self-storage use currently developed on the site.

As the proposed Ground Sign is not located within any required parking or landscaped areas, the proposed Ground Sign conforms to the City of Hamilton Zoning By-law No. 05-200.

RELEVANT CONSULTATION

Departments/Agencies having no comments or concerns:

- Growth Management (Development Engineering) Section;
- Corridor Management Section; and
- Building, Engineering and Zoning Section.

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Building Services Division (Building Construction Section)

Comments received from the Building Services Division identified which provisions of the Sign By-law were applicable to the proposed Ground Sign, and identified whether the proposed Ground Sign complied or did not comply with the requirements of the By-law. The comments from the Building Services Division identified that the proposed Ground Sign did not conform to a total of six (6) provisions of the By-law as outlined in the Policy Implications and Legislated Requirements Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The applicant is proposing to erect an electronic Ground Sign at the subject site to provide a promotional opportunity for the existing 300 unit Self Storage Facility as well as other self storage facilities located elsewhere and owned by the applicant. In particular, the third party advertising proposed and the overall massing, height and extent of the electronic component of the Ground Sign does not conform to the intent of the City of Hamilton Sign By-law 10-197 and does not have regard for the four tests against which the variances are evaluated against.

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 provides the regulations in dealing with variances, pursuant to section 6.5 of the City of Hamilton Sign By-law No.10-197, in considering applications for sign variance, the following shall be considered:

- Special circumstances or conditions applying to the land, building or use referred to in the application;
- Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and,
- Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 7 of 10

The City of Hamilton may approve a Sign Variance Application if the general intent and purpose of the By-law is maintained, and the proposal has regard for the four tests, as set out in Section 6.5 of By-law No. 10-197 (see Appendix “E” to Report PED19195).

The four tests are evaluated in the following comments:

- a) Special circumstances or conditions applying to the lands, building or use referred to in the application;

The subject lands are currently developed with a self-storage facility. Site Plan Control Application DA-05-185 was approved on November 2, 2006, prior to the Sign By-law coming into force and effect. As a result, the applicant is unable to conform to the location requirements of the Sign By-law (as in Variance 6, Section 5.2.2 (i)) without impacting the vehicular circulation and fire routes that are part of the approved site plan. This situation is considered to be a special condition applying to the land, however this special condition does not require the Ground Sign to be constructed at a height of 8.14 m with 100% electronic message display and third party advertising, without displaying the municipal address. Therefore, while there is a special condition applying to the lands; with respect to sign location, it does not impact Variances 1 to 5.

- b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

Strict application of the provisions of the By-law with respect to maintaining a 6.1 m setback from Garner Road West (Variance 6), would cause the proposed Ground Sign to be located within a drive aisle and fire route, resulting in practical difficulties for the applicant. However, staff are of the opinion that there would be no practical difficulties or unnecessary and unusual hardships as a result of the proposed Ground Sign conforming to the remainder of the Sign By-law.

- c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant;

The site design is pre-existing, and signage was not contemplated prior to Site Plan Approval or prior to the Sign By-law coming into force and effect. Staff are satisfied that the conditions for this site are pre-existing and that the applicant did not create the special condition applying to the land with respect to the required setback of the Ground Sign from any property line.

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While the layout of the site is pre-existing, there are no special circumstances or conditions that apply to the lands that require the Ground Sign to be constructed at a height of 8.14 m with 100% electronic message display and third party advertising, without displaying the municipal address. Therefore, the special condition is pre-existing; however, it does not impact Variances 1 to 5.

- d) Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

Garner Road West in this location is zoned Commercial and Mixed Use on the north side and Industrial on the south side, with the lands to the south being largely underdeveloped as the uses transition from agriculture to industrial. There is a Ground Sign on the abutting property to the west, being 1151 Garner Road West, located at the property line, and another Ground Sign approximately 400 m to the west at 1242 Garner Road West. However, these sign faces contain no readograph or electronic message display.

Staff are generally satisfied that a Ground Sign could be located 0.0 m from the property line abutting Garner Road West without negatively impacting the character of the area as the area is vehicle rather than pedestrian-oriented, with no sidewalks currently provided and a speed limit of 70 km/hr in both directions along Garner Road West. Notwithstanding the foregoing, staff are unable to support this location for the proposed Ground Sign that is the subject of this application. Staff are of the opinion that the proposed height, third party advertising, and the allocation of 100% of the sign face to an electronic message display would alter the essential character of the area and set a precedent for Ground Signs proposed in the future as this underdeveloped area transitions to more urban uses. Therefore, the Ground Sign that is the subject of these variances would alter the essential character of the area.

The Sign Variance Application was denied by the Director of Planning and Chief Planner, on July 15, 2019. The reasons for the refusal are that the proposed sign variances do not maintain the general intent and purpose of the Sign By-law and do not meet the four tests for sign variances provided in Section 6.5 of By-law No. 10-197 (see Appendix "E" to Report PED19195).

ALTERNATIVES FOR CONSIDERATION

Option 1

Council may uphold the recommendation of the Director of Planning and Chief Planner, Planning Division, to refuse the proposed variances as they do not maintain the general

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intent and purpose of the Sign By-law. The owner would be permitted to erect a Ground Sign in accordance with the City of Hamilton Sign By-law No. 10-197.

Option 2

Council may deny the recommendation of the Director of Planning and Chief Planner, Planning Division, and support the proposed variances, as submitted. However, it is staff's opinion that this option does not maintain the general intent and purpose of the City of Hamilton Sign By-law No. 10-197.

Option 3

Council may support Variance 6 to permit the Ground Sign to be located within 0.0 m of the property line abutting Garner Road West, and refuse Variances 1 to 5. The owner would be permitted to erect a Ground Sign at a distance of 0.0 m from the property line abutting Garner Road West provided that the Ground Sign is in conformity with all other applicable provisions of the City of Hamilton Sign By-law No. 10-197.

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APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Site Plan
- Appendix "C": Site Plan – Detail
- Appendix "D": Elevations and Renderings of proposed Ground Sign

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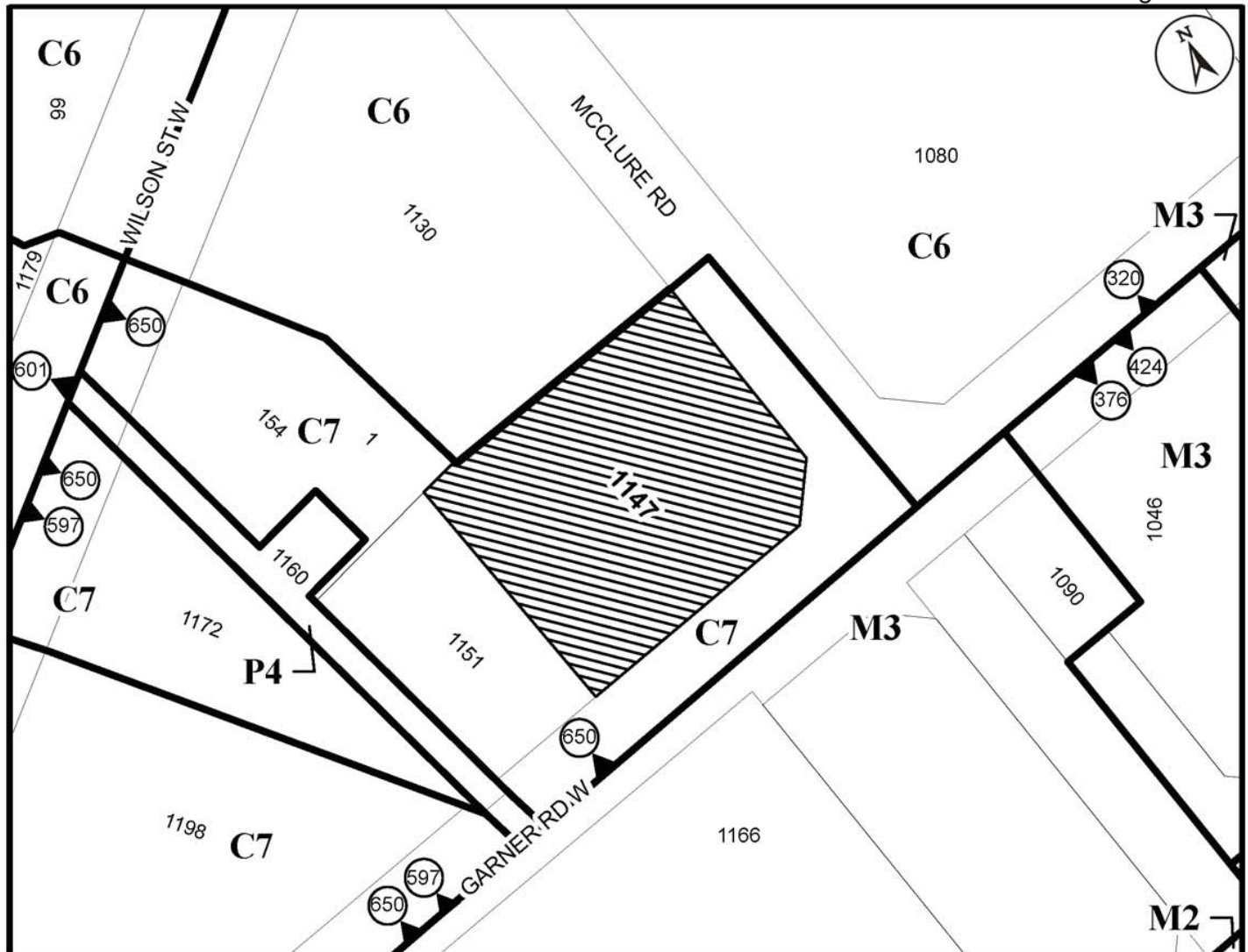
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**SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147
Garner Road West, Ancaster, Denied by the Director of Planning and
Chief Planner and Appealed by the Owner (PED19195) (Ward 12) -
Page 10 of 10**

Appendix "E": Section 6.0 of Sign By-law No. 10-197

Appendix "F": Appeal Letter



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
SV-19-002

Date:
April 23, 2019

Appendix "A"

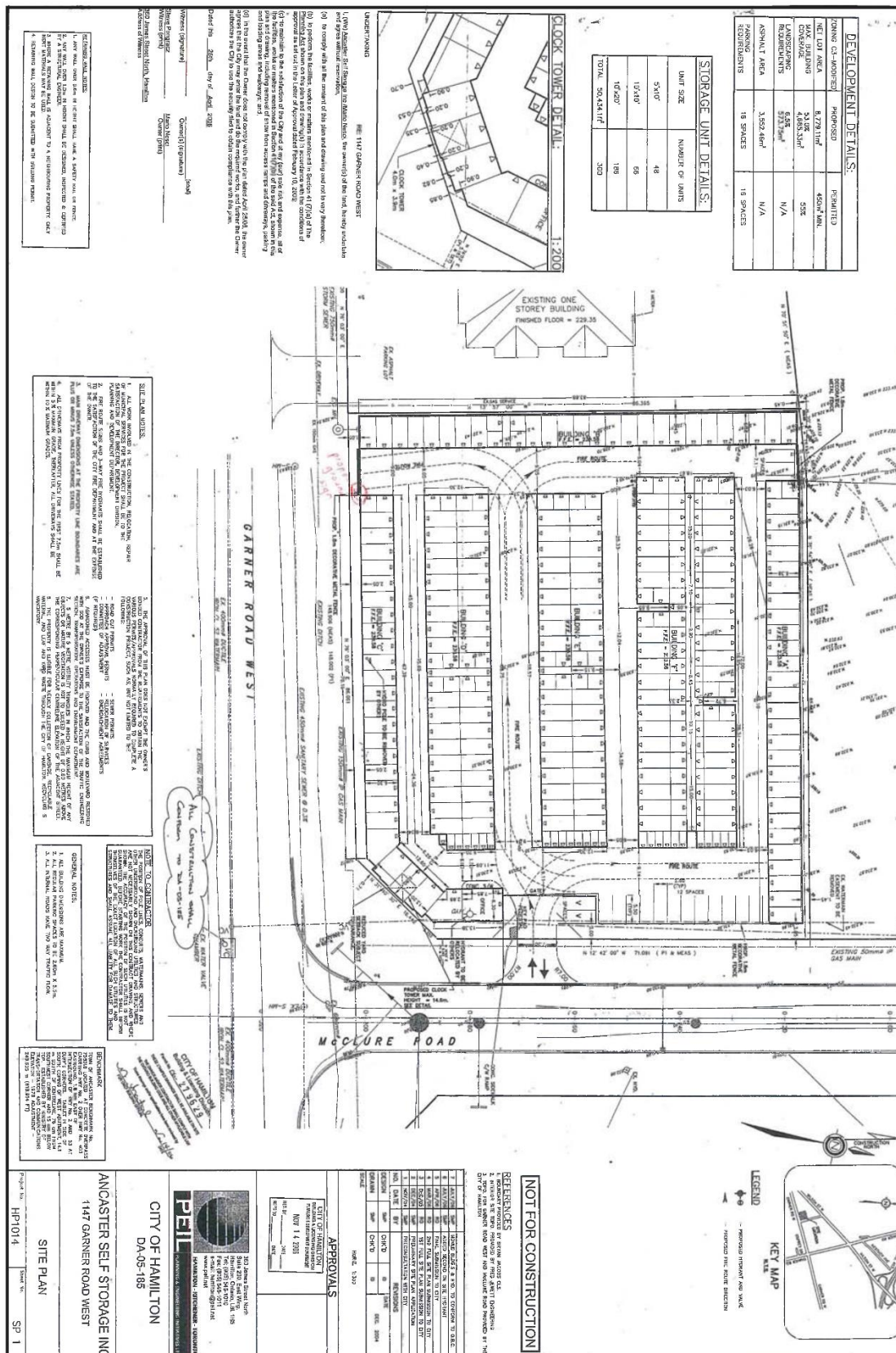
Scale:
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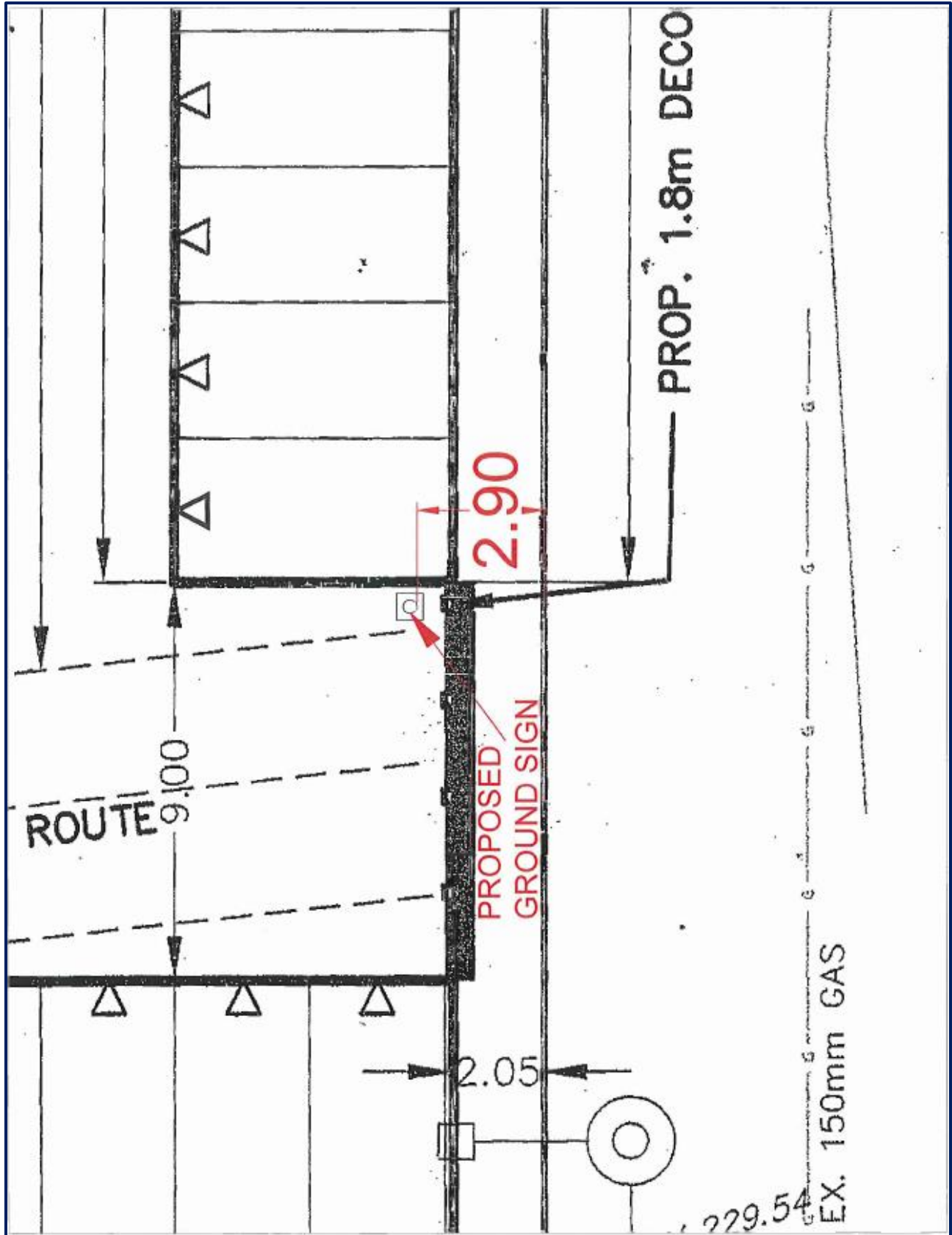
Planner/Technician:
SR/VS

Subject Property



1147 Garner Road West, Ancaster







**PART 6.0
VARIANCES**

6.1 Any person may apply for a variance from this By-law or any provision thereof.

6.2 An application for variance shall be made on the form prescribed by the City and shall be accompanied by the applicable fee, as set out in the City's User Fees and Charges By-law.

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

6.3 Variances may be authorized by the Director.

6.4 The General Manager may authorize a variance if in his or her opinion the general intent and purpose of the By-law are maintained.

6.5 In considering an application for a variance, the Director shall have regard for:

(a) special circumstances or conditions applying to the land, building or use referred to in the application;

(b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

(c) whether such special circumstances or conditions are pre-existing and not created by the sign owner or applicant; and

(d) whether the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located.

6.6 An applicant may appeal the variance application decision of the Director within 21 days of the decision is made to the Economic Development and

Planning Committee or any successor Committee.

6.7 The City Clerk shall notify the applicant once a hearing date before the Economic Development and Planning Committee or any successor Committee has been fixed and if the applicant does not attend at the appointed time and place, the Committee may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.

6.8 Council may uphold or vary the recommendations of the Economic Development and Planning Committee or any successor Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

6.9 A variance from this By-law shall expire 6 months from the date of issuance unless the sign is displayed for its intended purpose and a variance shall expire upon the removal of the sign.



July 25, 2019

Via Email & Delivered

Mayor Fred Eisenberger
City of Hamilton

RECEIVED

JUL 26 2019

And

Ms. Janet Pilon
City Clerk

City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Mr. Mayor Eisenberger and Ms. Pilon,

Re: Ancaster Self Storage - Sign Variance Application - SV-19-002 - 1147 Garner Road West, Ancaster

By way of this letter, We are formally requesting that the matter pertaining to our sign variance application at 1147 Garner Road West, Ancaster be referred to the next available Planning Committee meeting for reconsideration of the final decision. I will also be making a request to be a delegation through the City Clerk's office as it is my intention to attend the Planning Committee meeting and make a deputation.

Should any additional information or clarification be required prior to this meeting, please do not hesitate to contact me.

Regards,
Ancaster Self Storage Inc.

A blue ink handwritten signature, appearing to read "Sergio Manchia", is written over a blue horizontal line.

Sergio Manchia

Cc: Councillor Lloyd Ferguson, Ward 12, City of Hamilton
Mr. Steve Robichaud, Chief Planner, City of Hamilton
Ms. Anita Fabac, Manager of Development Planning, City of Hamilton



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	New Site Alteration By-law (PED19201) (City Wide) (Outstanding Business List)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Carlo Ammendolia (905) 546-2424 Ext. 2155 George T. Zajac (905) 546-2424 Ext. 3933
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the draft Site Alteration By-law, as shown on Appendix “A” to Report PED19201 and in a form satisfactory to the City Solicitor, be **APPROVED**;
- (b) That the draft Site Alteration By-law attached as Appendix “A” to Report PED19201, be reviewed in eighteen months;
- (c) That the new Site Alteration By-law be identified as complete and removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

The proposed By-law will repeal the existing Site Alteration By-law 03-126 (as amended) to be replaced with the draft By-law attached as Appendix “A” to Report PED19201.

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SUBJECT: New Site Alteration By-law (PED19201) (City Wide) – Page 2 of 7**Draft Site Alteration By-law – Summary of Changes**

Current By-law 03-126 (as amended)	New By-law
Fill permit required subject to quantity of fill material, changes in grade impact to drainage.	All properties within City required to obtain permit for Site Alteration; exception for landscaping and pool construction provided plans are in conformance with existing grading plans or By-law criteria is met.
Rural properties may import 8 cubic meters of fill for each 0.125ha of lot area (subject to grade restrictions and drainage impacts).	Permit required for any amount of fill and subject to demonstrating “Normal Farm Practice” by a Qualified Professional as defined by By-law or necessary drainage improvements.
No permit will be issued where the lands are the subject of or included within any <i>Planning Act</i> application.	No permit will be issued where the lands are the subject of or included within any <i>Planning Act</i> applications or other Provincial or Federally regulated approvals.
Acceptance of fill from Municipal Operations (Schedule D waiver).	Receiver required to obtain permit.
Commercial Storage Permitted Under Zoning.	Commercial Storage Permitted but stockpile may be regulated in accordance with By-law.
Securities – no clear security amounts.	Securities – 50% cost of earthworks plus 100% cost of restoration; plus street cleaning; plus erosion siltation control; plus road damage; plus soil testing.
No restriction on the origin of excess soils (until Amendment passed October 16, 2019)	Local sources for Excess Soils only. No importation of Excess Soils excavated from properties outside City limits.
Must demonstrate that material coming from source site has been tested and meets applicable standards and quality for receiving site.	Requires a Qualified Professional, as defined by By-law to prepare a soil management and testing plan prior to the issuance of permit with provisions permitting City to test material as required.

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SUBJECT: New Site Alteration By-law (PED19201) (City Wide) – Page 3 of 7

Key Changes – if an application is made for a site where an agricultural operation is carried on OR is intended to be carried, the application shall contain:

- a) A statement of nature of the agricultural operation;
- b) The farm business registration number of the agricultural operation or proof of membership in an accredited farm organization;
- c) A description of the normal farm practice; and,
- d) Any plans or evidence supporting normal farm practice, including the qualifications of any person providing such evidence or plans.

Additional details with respect to permit requirements can be found on page 5 of 6.

Provisions of the new By-law apply to all lands within the City of Hamilton.

Alternatives for Consideration – See Page 6**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: Existing Growth Management staff shall be utilized for the review and implementation of permits. Enforcement to be provided by Municipal Law Enforcement staff.

Legal: The draft Site Alteration By-law attached as Appendix “A” to Report PED19201 has been prepared in a form satisfactory to the City Solicitor.

HISTORICAL BACKGROUND

At the June 14, 2019 Planning Committee, staff were directed to develop a rural fill By-law to stop illegal fill movement while minimizing the impact on normal farm practices. At the October 9, 2019 City Council Meeting, staff were directed to amend the current Site Alteration By-law to include a moratorium to prohibit the importing of fill from outside the geographical boundaries of the City of Hamilton.

The current By-law permits fill to be imported onto any property within the City of Hamilton, save and except for those properties regulated by the area Conservation Authorities, where the fill quantity limits are based on the size of the property and the extent of changes in grade. The current By-law places the burden of proof entirely on the City to establish non-compliance with the By-law, thus making enforcement extremely challenging and time consuming, as the inspector is relying on information

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SUBJECT: New Site Alteration By-law (PED19201) (City Wide) – Page 4 of 7

provided by the contractor or property owner and visual observations that can't be quantified due to the unknown original ground elevations of the subject property or the quantity of material brought in prior to a logged complaint.

On May 1, 2019, the Ministry of the Environment, Conservation and Parks ("MECP") posted an excess soil regulatory proposal on the Environmental Registry for 30 days (May 1-May 31).

The proposal includes:

- A new proposed On-Site and Excess Soil Management Regulation;
- Complementary amendments to Regulation 347 (Waste-General);
- Complementary and burden reduction amendments to O. Reg. 153/04 (Records of Site Condition);
- A proposed document to be adopted by reference titled "Rules for Onsite and Excess Soil Management", including requirements related to excess soil assessment, sampling, and characterization, destination assessment reports, tracking systems and applicable soil quality standards and related rules; and,
- A proposed "Beneficial Reuse Assessment Tool" ("BRAT").

While the regulatory changes proposed by the MECP will be imposed on the generator, the proposed By-law will regulate receiving sites within the City of Hamilton and more importantly within the rural area, ensuring any excess soils destined for agricultural farmland, under permit, will be of a suitable quality for farming purposes. The proposed By-law will require that every rural agricultural property require a permit for the importation of excess soils.

In consultation with the Agriculture and Rural Affairs Committee, concerns were raised with respect to the fee and permit requirements in order to undertake minor drainage improvements on active farms. The By-law will permit a one-time minor permit, at no cost, for the importation of a maximum 500 cubic meters of material for improving soil drainage and soil quality provided the City has received advanced written notice from the property owner. The Committee also voiced concerns with the one (1) year permit duration asking that it be extended for two (2) years citing that the availability of clean fill material as the challenge. Staff note that the permit durations noted in Site Alteration and Excess Soil By-laws from other municipalities range from six (6) months to one (1) year. The new By-law proposes a two (2) year permit duration which was in response to concerns brought forward by the Agriculture and Rural Affairs Committee with respect to the challenges associated with obtaining suitable soils.

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SUBJECT: New Site Alteration By-law (PED19201) (City Wide) – Page 5 of 7

RELEVANT CONSULTATION

City staff attended the Agriculture and Rural Affairs Advisory Committee on May 13th, 2019, June 3rd, 2019 and September 9th, 2019.

May 17th, 2019, notice and request for comment was sent to Public Works Engineering Services, Transportation Operations and Maintenance, Hamilton Water, Licensing and By-law Services, Development Planning and Legal Services Division.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The current site alteration enforcement process is set out in the flow chart attached as Appendix “B” to Report PED19201. The process includes an inspector attending at the property to investigate and determine whether there is an infraction or not. Then steps are taken to determine the extent of the infraction, due to the complaint being received after the grading works have been substantially completed, resulting in the inspector not being able to determine the original ground elevations of the subject property. The result is a substantial commitment in staff time requiring multiple site visits sometimes spanning several months.

In order to improve the City’s ability to enforce the new By-law, the proposed By-law will require that all property owners be subject to a Site Alteration Permit, regardless of the quantity of material imported to or removed from the property. For rural properties, a minor permit may be issued, subject to Director Approval, for the placement or removal of fill to a maximum of 500m³ (approx. 50 loads) of fill material.

Major Permits will be required for the placement or removal of fill in excess of 500m³. Prior to the issuance of Major Permits for rural agriculturally zoned properties, the owner of the property shall provide evidence that the works are a requirement of Normal Farm Practice and shall provide an application complete with:

- a) The contact details of the farmer responsible for the agricultural operation;
- b) A statement of nature of the agricultural operation;
- c) The farm business registration number of the agricultural operation or proof of membership in an accredited farm organization;
- d) Description of the normal farm practice; and,
- e) Any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence.

The enforcement process for the new By-law is illustrated in Appendix “C” to Report PED19201.

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SUBJECT: New Site Alteration By-law (PED19201) (City Wide) – Page 6 of 7

For information, Appendix “D” to Report PED19201 shows Orders to Comply and complaints issued / received by Ward in 2018 and 2019.

The intent of the new requirements is to protect rural agricultural resources and eliminate the current practice of obtaining fill for profit. As all Rural properties will be subject to a Site Alteration Permit, major or minor, enforcement is straight forward, and the City will be in position to mitigate the impacts to the environment and drainage patterns. Standard permit conditions will regulate hours of operation, road cleaning frequency, delivery frequency, haul routes and load restrictions. The City may impose any other conditions specific to the site and nature of the application.

The new By-law shall be applicable to all permit applications that on the date of enactment have not undergone a first submission review.

ALTERNATIVES FOR CONSIDERATION

Should the proposed By-law not be approved than the existing Site Alteration By-law 03-126 (as amended) will remain in force.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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Clean and Green

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APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Draft Site Alteration By-law
- Appendix “B”: Current Site Alteration Enforcement Process
- Appendix “C”: Proposed Site Alteration Enforcement Process
- Appendix “D”: Orders issued by Ward

CA:GZ:as

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Authority: Item ,
Report
CM:

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

WHEREAS the *Municipal Act, 2001*, particularly section 142, authorizes the City of Hamilton to pass by-laws respecting these matters; and

WHEREAS Council deems it necessary to enact this by-law for the purposes set out in section 2 of this by-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Short Title

- 1 This By-law may be cited as the Site Alteration By-law.

Purposes

- 2 The purposes of this By-law are,
 - (a) to control and regulate site alteration on lands within the City of Hamilton;
 - (b) to ensure site alteration is undertaken for necessary or beneficial purposes, not primarily for financial gain;
 - (c) to minimize adverse impacts on infrastructure, environment and community in respect of site alteration undertakings; and
 - (d) to promote and protect agricultural resources.

Definitions

- 3 In this By-law:

"agricultural operation" has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

"building" has the same meaning as under the *Building Code Act, 1992*;

"City" means the City of Hamilton;

"Director" means the Senior Director of Growth Management or designate;

"fill" means earth or rock fill or material of a similar nature;

"land" includes land covered by water;

"normal farm practice" has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, a practice that,

(a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or

(b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

"qualified person" has the same meaning as in section 5 of Ontario Regulation 153/04;

"Rural Area" means all lands within the City of Hamilton except those designated as "Urban Area" on Schedule "D" to the Rural Hamilton Official Plan;

"topsoil" means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

Application

4 The provisions of this By-law regarding "site alteration" apply to all land within the City of Hamilton in respect of,

- (a) excavating, depositing or stockpiling fill or topsoil,
- (b) removing topsoil, and
- (c) altering the grade of land.

Statutory Exemptions

5 (1) This By-law does not apply to site alteration undertaken,

- (a) as a condition to the approval of or a condition of or a requirement of any of the following, imposed after December 31, 2002 pursuant to the *Planning Act*.
 - (i) a site plan or site plan agreement under section 41;

- (ii) a plan of subdivision or a subdivision agreement under section 51;
- (iii) a consent under section 53;
- (iv) a development permit or agreement under a regulation made under section 70.2;
- (b) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (c) on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (d) on land in order to lawfully establish and operate or enlarge any pit or quarry on land;
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (e) as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*; or
- (f) as part of the use, operation, establishment, alteration, enlargement or extension of a waste disposal site within the meaning of Part V of the *Environmental Protection Act*.

Normal Farm Practices

(2) Subject to subsection (3), this By-law does not apply to the removal of topsoil as an incidental part of a normal farm practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products undertaken as a permitted or legal non-conforming use of land.

Removal of Topsoil

(3) The removal of topsoil as an incidental part of a normal farm practice does not include the removal of topsoil for sale, exchange or other disposition.

Stockpiling for Agricultural or Commercial Operations

6 (1) Despite subsection 11(1), this By-law does not prohibit or require a site alteration permit for the stockpiling of fill or topsoil on land for sale or exchange or use as an incidental part of an agricultural or commercial operation undertaken as a permitted use of the land, provided that any such stockpiles,

- (a) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
- (c) no stockpile remains substantially unchanged for longer than 6 months.

Existing Commercial Stockpiles

(2) Subsection (1) applies to stockpiles existing on the date this By-law comes into force that were exempt from the requirement for a permit pursuant to section 3.14 of By-law No. 03-126.

Exceptions from Permit Requirement

7 (1) Despite subsection 11(1), no permit is required for site alteration undertaken,

- (a) for the purposes of lawn maintenance, landscaping or gardening, provided that:
 - (i) the depth of fill deposited on the site does not exceed 15 centimetres at any location;
 - (ii) there is no change in the location, direction or rate of drainage to neighbouring properties; and
 - (iii) there is no change or blockage of any swale.
- (b) for the installation of a pool where a permit has been issued pursuant to By-law No. 16-184, provided that:
 - (i) any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
 - (ii) any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.
- (c) incidental to the construction of a building for which a building permit has been issued by the Chief Building Official, provided that the accompanying application provides sufficient information for the Chief Building Official to determine that such site alteration conforms with this By-law.

Rural Area Exceptions from Permit Requirement

(2) Despite subsection 11(1), no permit is required for site alteration undertaken in the Rural Area,

- (a) for the purposes of improving site drainage or soil quality provided that:
 - (i) the site alteration involves a maximum of 500 cubic metres of fill or topsoil, which may include imported fill or topsoil only from within the City of Hamilton;
 - (ii) the Director is notified of the intended site alteration at least 48 hours in advance of commencing site alteration; and
 - (iii) this exception may be used only once with respect to a property, and otherwise a permit is required.
- (b) for the purposes of dredging existing ponds provided that:
 - (i) the surface area of the existing pond is not increased;
 - (ii) the depth of the existing pond is not increased beyond its original depth; and
 - (iii) where possible, dredged fill is deposited on the same property without altering existing drainage patterns, and piles or berms of dredged fill are not created adjacent to the pond.
- (c) for the purpose of maintaining existing granular driveways, roads, farm field access roads, or parking areas with appropriate imported granular material including native granular, recycled aggregate, recycled asphalt or recycled concrete provided that previously existing grades are being re-instated.

City Undertakings

8 (1) Subject to subsection (2), this By-law does not apply to site alteration undertaken by the City or a local board of the City on lands owned by the City or local board.

Receiving Site

(2) Where the City or a local board of the City deposits fill on a site not owned by the City or local board, the owner of the site shall be required to obtain a site alteration permit in accordance with this By-law.

No Permit Granted for *Planning Act* Applications

9 No site alteration permit shall be issued for a site which is the subject of or included within any outstanding application to the City for any of the approvals listed in clause 5(1)(a) on the date of application for a site alteration permit.

Prohibitions and Permit Requirements

Consent of Owner

10 No person shall undertake site alteration or cause site alteration to be undertaken except with the consent of the owner of the site.

Permit Required

11 (1) No person shall undertake site alteration or cause site alteration to be undertaken unless a site alteration permit has been issued to undertake such site alteration.

Permit Application

(2) An owner of a site, or a person with the consent of an owner of a site, may apply to the Director for a site alteration permit to undertake site alteration on the site in accordance with section 14 or 15.

Issuance of Permits

(3) The Director shall not issue a site alteration permit unless,

- (a) the application is complete;
- (b) the applicant, and any other required parties, have entered into a site alteration agreement required by section 19;
- (c) the applicant has paid all fees required by section 20;
- (d) the applicant has provided security required by section 21; and
- (e) the Director is satisfied the proposed site alteration will be undertaken in accordance with this By-law.

Criteria

(4) In considering whether to issue a site alteration permit, the Director shall have regard to,

- (a) whether the primary use of the site is the depositing of fill on the site;
- (b) whether the proposed site alteration is necessary for the purpose identified in the application;
- (c) whether the proposed site alteration is part of a normal farm practice;
- (d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;
- (e) any effects on ground and surface water resources;

- (f) any effects on drainage;
- (g) if the use of the site is residential, whether the proposed site alteration complies with the City's Lot Grading Policy, Criteria and Standards;
- (h) any effects on agricultural resources;
- (i) any effects on the environment;
- (j) any planning and land use considerations;
- (k) any effects on nearby communities;
- (l) any comments provided by external bodies or agencies;
- (m) the suitability of the proposed erosion and sediment control measures;
- (n) the suitability of the proposed construction site control and security measures;
- (o) the final grading and rehabilitation plans for the site;
- (p) the main haulage routes and proposed truck traffic to and from the site;
- (q) the quality of the fill proposed to be transported to the site from any other source site or moved from one area of the site to another;
- (r) the applicant's history of compliance with this By-law or similar By-laws of other municipalities or similar Acts; and
- (s) such other matters as are considered appropriate.

Reasons

- (5) If an application is refused, the Director shall provide written reasons for the refusal.

Revocation

- (6) The Director may revoke a site alteration permit if,
- (a) it was issued on false or incorrect information;
 - (b) it was issued in error; or
 - (c) a provision of this By-law has not been complied with.

Notice of Change

- (7) No person shall make or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the Director.

Prohibition

(8) No person shall undertake site alteration or cause site alteration to be undertaken except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the Director.

Commenting Agencies

12 The Director may circulate an application for comment by such external bodies or agencies as the Director determines to be necessary.

Compliance with Other Law

13 The issuance of a site alteration permit or an exception from the permit requirements pursuant to this By-law does not relieve a person from compliance with any other applicable legislation, regulations or permit requirements, including the requirements of the Niagara Escarpment Commission or a conservation authority.

Site Alteration Permit Applications**Minor Agricultural Application Requirements**

14 (1) This section applies to an application for a site alteration permit for a site alteration proposal involving a maximum of 500 cubic metres of fill or topsoil for a site where an agricultural operation is carried on and the proposed site alteration is part of a normal farm practice, other than as described in subsection 5(2).

(2) An application for a site alteration permit pursuant to this section shall contain:

- (a) the address, legal description and registered owner of the site;
- (b) the area of the site in hectares;
- (c) up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d) the past, current and intended future uses of the site;
- (e) the purpose of the proposed site alteration;
- (f) the volume of soil involved in the proposed site alteration in cubic metres;
- (g) intended start date and completion date for the proposed site alteration;
- (h) an approximate sketch of the site showing:
 - (i) the property lines;

- (ii) such dimensions and absolute or relative elevations as are required to permit the Director to determine whether to issue a site alteration permit;
- (iii) buildings and other structures including retaining walls;
- (iv) highways, driveways and paths;
- (v) easements and rights-of-way;
- (vi) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage swales, ditches, pipes and culverts;
- (vii) bodies of water and watercourses;
- (viii) wetlands and floodplains;
- (ix) Conservation Authority regulation boundaries;
- (x) trees measuring 150 mm or greater in diameter at breast height including species;
- (xi) vegetation masses by canopy outline;
- (i) design details and specifications for any proposed retaining walls;
- (j) design details and specifications for any proposed drainage or stormwater management systems;
- (k) if required by the Director, in a form satisfactory to the Director,
 - (i) an excess soil management plan prepared by a qualified person,
 - (ii) a dust management plan,
 - (iii) an erosion and sediment control plan,
 - (iv) a groundwater management plan,
 - (v) a stormwater management plan,
 - (vi) a traffic management plan; and
- (l) any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.
- (m) the contact details of the farmer responsible for the agricultural operation;

- (n) a statement of nature of the agricultural operation;
- (o) the farm business registration number of the agricultural operation or proof of membership in an accredited farm organization;
- (p) a description of the normal farm practice;
- (q) any plans or evidence supporting the normal farm practice that the applicant wishes to rely upon, including the qualifications of any person providing such plans or evidence;
- (r) if the proposed site alteration on a site involves fill being transported to the site from any other source site, a statement from the farmer responsible for the agricultural operation or a qualified person that the fill to be transported to the site is suitable for use at the site; and
- (s) the proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

(3) If an application pursuant to this section is refused, an applicant may reapply pursuant to the requirements of section 15.

General Application Requirements

15 (1) This section applies to all applications other than those to which section 14 applies.

(2) An application for a site alteration permit pursuant to this section shall contain:

- (a) the address, legal description and registered owner of the site;
- (b) the area of the site in hectares;
- (c) up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d) the past, current and intended future uses of the site;
- (e) the purpose of the proposed site alteration;
- (f) the volume of soil involved in the proposed site alteration in cubic metres;
- (g) intended start date and completion date for the proposed site alteration;
- (h) a control plan of the site and the area within 30 metres of the property lines of the site drawn to scale, prepared by a licenced surveyor, professional engineer or professional geoscientist, showing the property lines and all existing and proposed:

- (i) elevation contours at 0.5 metre intervals or less;
- (ii) spot elevations at 15 metre intervals along the property lines;
- (iii) predominant native soil types;
- (iv) buildings and other structures including retaining walls;
- (v) highways, driveways and paths;
- (vi) impermeable surfaces;
- (vii) easements and rights-of-way;
- (viii) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage swales, ditches, pipes and culverts;
- (ix) bodies of water and watercourses;
- (x) wetlands and floodplains;
- (xi) Conservation Authority regulation boundaries;
- (xii) trees measuring 150 mm or greater in diameter at breast height including species;
- (xiii) vegetation masses by canopy outline;
- (xiv) tree protection measures;
- (xv) erosion and sediment control measures;
- (xvi) construction site control and security measures;
- (xvii) locations of site alteration including temporary stockpiles, specifying the volumes, source and type of fill involved;
- (xviii) final ground covering;
- (i) design details and specifications for any proposed retaining walls;
- (j) design details and specifications for any proposed drainage or stormwater management systems;
- (k) if required by the Director, in a form satisfactory to the Director,
 - (i) an excess soil management plan prepared by a qualified person,

- (ii) a dust management plan,
 - (iii) an erosion and sediment control plan,
 - (iv) a groundwater management plan,
 - (v) a stormwater management plan,
 - (vi) a traffic management plan; and
- (l) any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.

Transportation of Excess Soil

(3) Subject to section 25, if the proposed site alteration on a site involves fill being transported to the site from any other source site, the application shall contain:

- (a) the address and legal description of each source site;
- (b) a statement of the nature of the project on each source site that is generating the fill to be transported to the site;
- (c) the volume of fill to be transported to the site from each source site;
- (d) the contact details for the person responsible for the project on each source site;
- (e) the past uses of each source site;
- (f) a copy of the detailed sampling and analysis plan for all fill excavated from each source site, and confirmation from a qualified person retained by the registered owner of the source site stating that the fill to be transported to the site is suitable for use at the site;
- (g) a letter from the registered owner of the source site confirming (a) to (f);
- (h) the contact details of a person from the source site, which is located in the City of Hamilton, who has knowledge of any past uses of the source site and who is able to provide information with respect to Records of Site Condition of the source site; and
- (i) the proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

Site Alteration as Normal Farm Practice

(4) If an application for a site alteration permit is made for a site where an agricultural operation is carried on or is intended to be carried on and the proposed site alteration is

part of a normal farm practice, other than as described in subsection 5(2), the application shall contain:

- (a) the contact details of the farmer responsible for the agricultural operation;
- (b) a statement of nature of the agricultural operation;
- (c) the farm business registration number of the agricultural operation;
- (d) a description of the normal farm practice; and
- (e) any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence.

Waiver of Application Requirements

16 Despite section 15, the Director may waive any application requirement the Director determines to be unnecessary in the circumstances of the proposed site alteration.

Application Form

17 An application shall be made in such form as may be determined by the Director from time to time.

Appeal for Normal Farm Practices

18 (1) Where section 14 or subsection 15(4) applies, if the Director refuses to issue a site alteration permit, the applicant may appeal the refusal to the Planning Committee or any successor Committee by requesting an appeal in writing to the Clerk within 30 days of being notified of the refusal.

(2) Upon receipt of a written request for an appeal, the Clerk shall:

- (a) schedule a hearing of the appeal before the Committee;
- (b) give the applicant notice of the appeal date at least 7 days prior to the hearing date; and
- (c) give notice of the request for an appeal to the Director, who shall forward the complete application and reasons for refusal to the Clerk for distribution to the Committee.

(3) If the applicant does not attend the appointed time and place for the appeal, the appeal may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.

(4) On an appeal, the Committee has all the powers and duties of the Director in considering whether to issue a site alteration permit to the applicant.

(5) The applicant shall not be entitled to a further hearing on the matter before Council.

(6) The decision of the Committee, once confirmed by Council, is final and binding.

Fee, Security and Agreement

Site Alteration Agreement

19 Prior to the issuance of a site alteration permit, the Director may require the applicant, registered owner of the site, and such other persons as the Director deems appropriate to enter into a site alteration agreement with the City, which may be registered on title to the site, which agreement may address any of the matters relevant to this By-law, including indemnification of the City and insurance, and the Director is authorized to enter such agreement.

Application Fee

20 (1) The Director shall determine the application fee to be paid by the applicant in accordance with Schedule "A".

Fee Where Contravention

(2) Where an applicant applies for a site alteration permit for a site where site alteration has occurred in contravention of this By-law, the application fee to be paid by the applicant shall be twice the amount otherwise payable, subject to the discretion of the Director.

Security

21 (1) An applicant shall provide financial security to the City to ensure compliance with this By-law, including to ensure:

- (a) maintenance of construction site control and security measures;
- (b) remediate fouling or damage to municipal roads and other infrastructure; and
- (c) rehabilitation and restoration of the site to a condition consistent with this By-law.

Amount of Security

(2) The Director shall determine the amount of the security to be provided to the City by the applicant, being:

- (a) fifty percent of the value of the earthworks involved in the proposed site alteration; plus
- (b) one hundred percent of the estimated cost to restore lands and infrastructure affected by the earthworks

Form of Security

(3) Security shall be provided in cash or an irrevocable letter of credit issued by a financial institution or equivalent in a form satisfactory to the City Solicitor.

Drawing Upon Security

(4) The City may draw upon the security to remedy any breach of this By-law, including a breach of the terms of an issued site alteration permit or a site alteration agreement with the City, and the for payment of any costs set out in section 36.

Release of Security

(5) The City shall not release the security until,

- (a) site alteration is complete in accordance with the site alteration permit;
- (b) if applicable, the permit holder has provided a certificate of compliance prepared by the person who prepared the control plan required by clause 15(2)(h), or a person of equivalent qualifications, confirming that site alteration has been completed in accordance with the approved control plan; and
- (c) the City has carried out a final inspection of the site, and the Director is satisfied that the site alteration is in accordance with this By-law, the site alteration permit and the site alteration agreement, if applicable.

Compliance Letter

22 Upon paying any applicable fee, a permit holder may obtain a letter from the Director confirming that a final inspection has been carried out and the Director is satisfied that the site alteration is in accordance with this By-law, the site alteration permit and the site alteration agreement, if applicable.

Site Alteration Undertakings**Public Notice**

23 (1) At least 14 days prior to commencing site alteration pursuant to an issued site alteration permit, the permit holder shall provide written notice, at the permit holder's expense, of the approved site alteration undertaking to neighbouring property owners likely to be impacted by the site alteration undertaking in a form approved by the Director.

Same

(2) Prior to commencing site alteration pursuant to an issued site alteration permit, the permit holder shall provide certification to the Director that subsection (1) has been complied with, including a list of the addresses or a map showing the properties where the written notice has been delivered.

Pre-Construction Meeting for General Application

24 (1) No person shall undertake site alteration pursuant to a site alteration permit to which section 15 applies without first participating in pre-construction meeting with Growth Management Division staff and obtaining the approval of the Director to commence site alteration.

Notification for Minor Agricultural Application

(2) No person shall undertake site alteration pursuant to site alteration permit to which section 14 applies without first notifying the Director 48 hours in advance of commencing site alteration

Fill From Outside Hamilton Prohibited

25 No person shall transport fill to a site from any other source site that is located outside the City of Hamilton.

General Conditions

26 No person shall undertake site alteration or cause site alteration to be undertaken except in accordance with the following conditions:

- (a) no fill deposited on the site shall contain garbage, asphalt, glass, plastic, metals, petroleum products, putrescible material, soluble or decomposable chemical substances, or similar materials;
- (b) no fill transported to the site from any other source site or moved from one area of the site to another shall exceed the soil quality standards determined in accordance with section 28;
- (c) topsoil shall be removed and stockpiled on the site from all areas likely to be disturbed by any other site alteration, and shall be replaced on the site to the extent practicable;
- (d) the permit holder shall maintain such written or electronic records of fill transported to the site from any other source site as the Director may require;
- (e) fill transported to the site from any other source site or moved from one area of the site to another shall be finally placed in accordance with the approved control plan within 14 days of being deposited or moved, except as stockpiled in accordance with the approved control plan;
- (f) fill deposited on the site shall be compacted in accordance with good engineering practices;
- (g) site alteration shall not cause adverse impacts, on the site or any other lands, on any of the following:

- (i) surface water drainage;
- (ii) groundwater or a water source intended for agricultural use or human consumption;
- (iii) bodies of water or watercourses;
- (iv) private, municipal or utility infrastructure;
- (v) buildings or other structures;
- (vi) trees or vegetation;
- (vii) wildlife;
- (viii) agricultural production;
- (h) no site alteration shall be undertaken:
 - (i) on any Saturday, Sunday, or statutory holiday;
 - (ii) using highways to transport fill to or from the site except those highways approved as a haul route by the Director, and in accordance with Traffic By-law No. 01-215;
 - (iii) in contravention of the Noise By-law No. 11-285;
 - (iv) at any time when a wind warning issued by Environment Canada is in effect for the area of the site; or
 - (v) during or within 48 hours of the site receiving 15 mm or more of precipitation within a 24-hour period.

Potential Contamination

27 (1) If, at any time, any person performing site alteration, or an employee, agent or contractor of a person performing site alteration makes an observation of the site or any fill being excavated, moved, transported or deposited on the site, including any visual or olfactory observation, that the fill may be affected by contaminants, the site alteration shall stop immediately.

Notice to Director

(2) Any person who makes an observation described in subsection (1) and the permit holder shall immediately notify the Director if there has been an observation described in subsection (1).

Remediation

(3) The permit holder shall take steps to remove and remediate the potentially contaminated fill to the satisfaction of the Director.

Prohibition

(4) No person shall resume site alteration until authorized by the Director.

Soil Quality Standards

28 The soil quality standards referred to in clause 26(b) shall be the standards set out in Table 1 of the Soil, Ground Water and Sediment Standards, referenced in O. Reg. 153/04, as applicable to the use of the site described in the permit application unless the applicant submits an excess soil management plan prepared by a qualified person and demonstrates to the satisfaction of the Director that a less stringent standard is appropriate.

Additional Conditions

29 (1) In addition to the general conditions set out in section 25, the Director may impose such conditions to the issuance of a permit as in the Director's opinion are reasonable to ensure compliance with this By-law.

Variance of Conditions

(2) The Director may vary any of the conditions set out in section 25 provided that the general intent of this By-law is still met.

Restoration Upon Revocation or Incompleteness

30 If a permit is revoked by the Director or the permit holder is unable to or determines not to complete the approved site alteration proposal, the permit holder shall promptly restore the site to a condition consistent with this By-law to the satisfaction of the Director.

Permit Expiry

31 (1) A site alteration permit shall be valid for a period of 2 years from the date of issuance.

Permit Renewal

(2) A site alteration permit may be renewed for a period of 2 years upon application within 90 days of the date of expiry.

Not Transferrable

(3) A site alteration permit is issued for a particular site and is not transferrable to another site.

Deemed Revocation

(4) A site alteration permit shall be deemed to be revoked upon the transfer of ownership of the site unless the new owner provides a written undertaking to comply with all of the terms of the site alteration permit, including assuming any agreement executed by the former owner, and the requirement to provide security.

Administration and Enforcement**Administration**

32 This By-law shall be administered and enforced by the Director, who may designate inspectors for the purposes of this By-law from time to time.

Experts and Consultants

33 The Director may engage such persons possessing special or expert knowledge, including legal counsel, that the Director requires to

- (a) evaluate or peer review a site alteration permit application;
- (b) provide advice as to any matter relevant to a site alteration permit application, site alteration permit or site alteration agreement;
- (c) perform inspections, testing or sampling required to enforce this By-law;
- (d) provide advice or project management with respect to work carried out by the City pursuant to subsection 35(3)0; or
- (e) otherwise enforce this By-law.

Entry on Land

34 (1) An inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with:

- (a) this By-law;
- (b) a condition of a site alteration permit;
- (c) an order under the *Municipal Act, 2001* or this By-law;
- (d) a site alteration agreement.

Inspection Powers

(2) An inspector carrying out an inspection under subsection (1) may:

- (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

Biosecurity Practices

(3) An inspector or other person entering upon land where an agricultural operation occurs shall observe appropriate biosecurity practices.

Orders

35 (1) An inspector who is satisfied that a contravention of this By-law has occurred may make one or more orders requiring any person who contravened the By-law,

- (a) to discontinue the contravening activity, or
- (b) to do work to correct the contravention.

Immediate Effect

(2) An order under subsection (1) may take immediate effect.

Remedial Action

(3) If a person fails to comply with an order under subsection (1), the Director or persons acting upon the Director's instructions may enter on land at any reasonable time to do the things required by the order at the person's expense.

Recovery of Costs

36 The City may recover any of the following costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes:

- (a) its actual costs plus 15% for administration and staff costs plus interest at the rate of 15% per year to engage persons possessing special or expert knowledge pursuant to section 33;
- (b) its actual costs plus 50% for project management, administration and staff costs plus interest at the rate of 15% per year for work performed by the City pursuant to subsection 35(3).

Offences and Penalties

Offence

37 (1) Any person other than a corporation who contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence, and \$25,000 for a subsequent offence.

Officers and Directors

(2) Any officer or director who knowingly concurs in the contravention of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence and \$25,000 for a subsequent offence.

Corporations

(3) Any corporation which contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Economic Advantage

(4) In addition, if any person convicted of an offence under this By-law has gained economic advantage from the contravention of the By-law, they are liable to a special fine equal to the economic advantage gained.

Continuing Offence

38 Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

39 In the alternative to a charge for the offences described in section 37, an inspector may issue an administrative penalty notice for any contravention of this By-law.

Administrative Provisions

Severability

40 In the event that any provision or part of a provision in this By-law is found to be invalid or unenforceable then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

Administrative Penalty Table

41 Administrative Penalty By-law No. 17-225 is amended by adding Table X:

TABLE X: BY-LAW NO. [XX-XXX] NAME				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION	COLUMN 2 SHORT FORM WORDING	COLUMN 3 EARLY PAYMENT	COLUMN 4 SET PENALTY
1	19-XXX			
2	19-XXX			
3	19-XXX			
4	19-XXX			
5	19-XXX			
6	19-XXX			

Transition

42 (1) Despite section 44, the provisions of By-law No. 03-126, as amended, continue to apply to a permit issued pursuant to that By-law.

No Renewals

(2) The Director shall not grant any extensions or renewals of permits issued under By-law No. 03-126.

Schedules

43 (1) The following Schedules are attached to and form part of this By-law:

- (a) Schedule "A" – Site Alteration Permit Application Fees
- (b) Schedule "B" – Financial Security

(2) Schedule "A" and any other fees arising from this By-law may be amended by Council through the City's User Fees and Charges By-law from time to time.

(3) Schedule "B" may be revised by the Director.

Repeal

44 City of Hamilton By-law No. 03-126, as amended, is repealed.

Coming Into Force

45 This By-law comes into force on [the day it is passed OR DATE].

PASSED this _____, _____, _____

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 19-XXX

Site Alteration Permit Application Fees

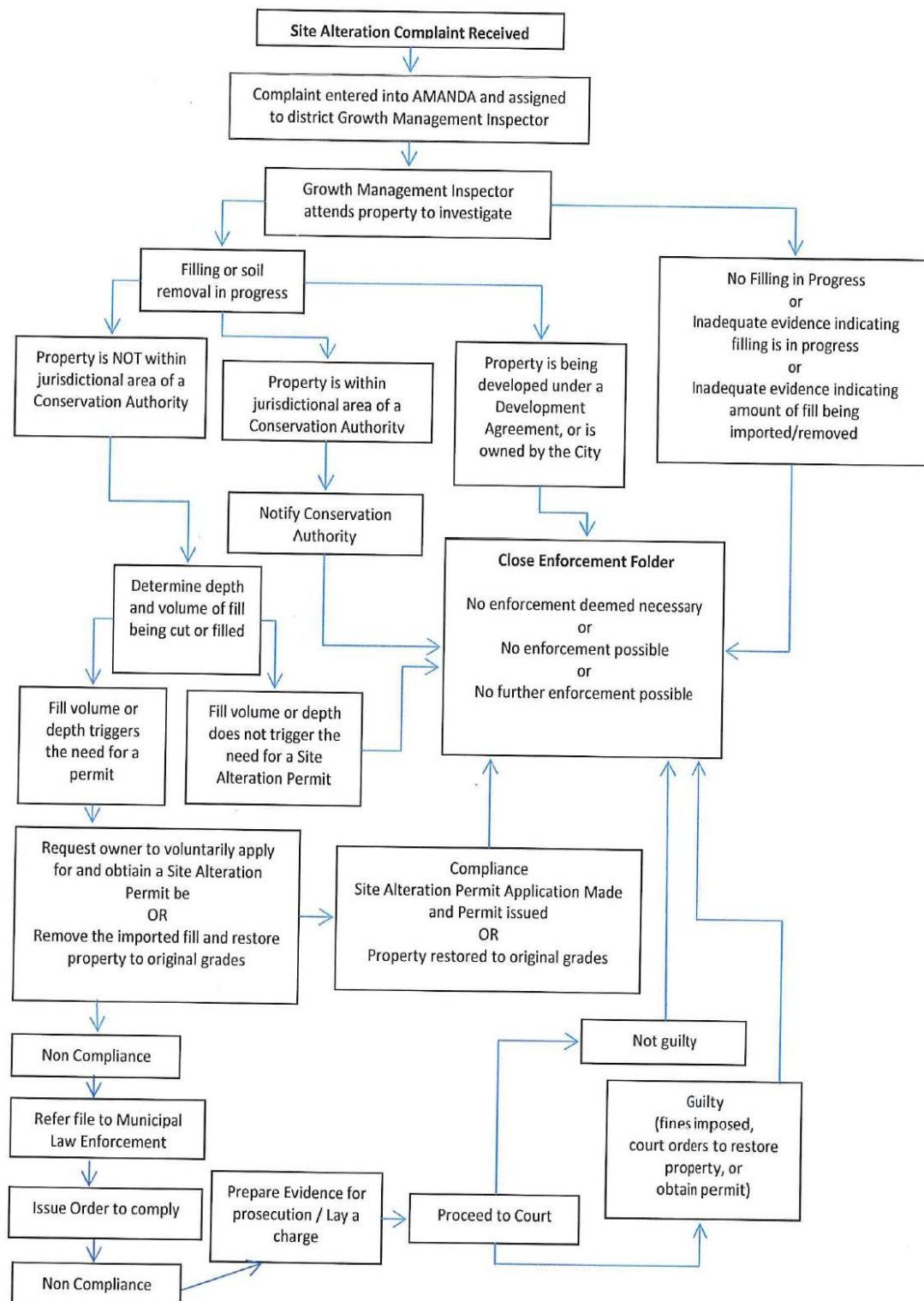
- I. Minor Permit Fee for Residential Applications and Minor Agricultural Applications
\$696.00 (includes HST)
- II. Major Permit Fee for non-residential applications and Major Agricultural
Applications - \$2,770.00 (includes HST)

Schedule "B" to By-law No. 19-XXX**Financial Security**

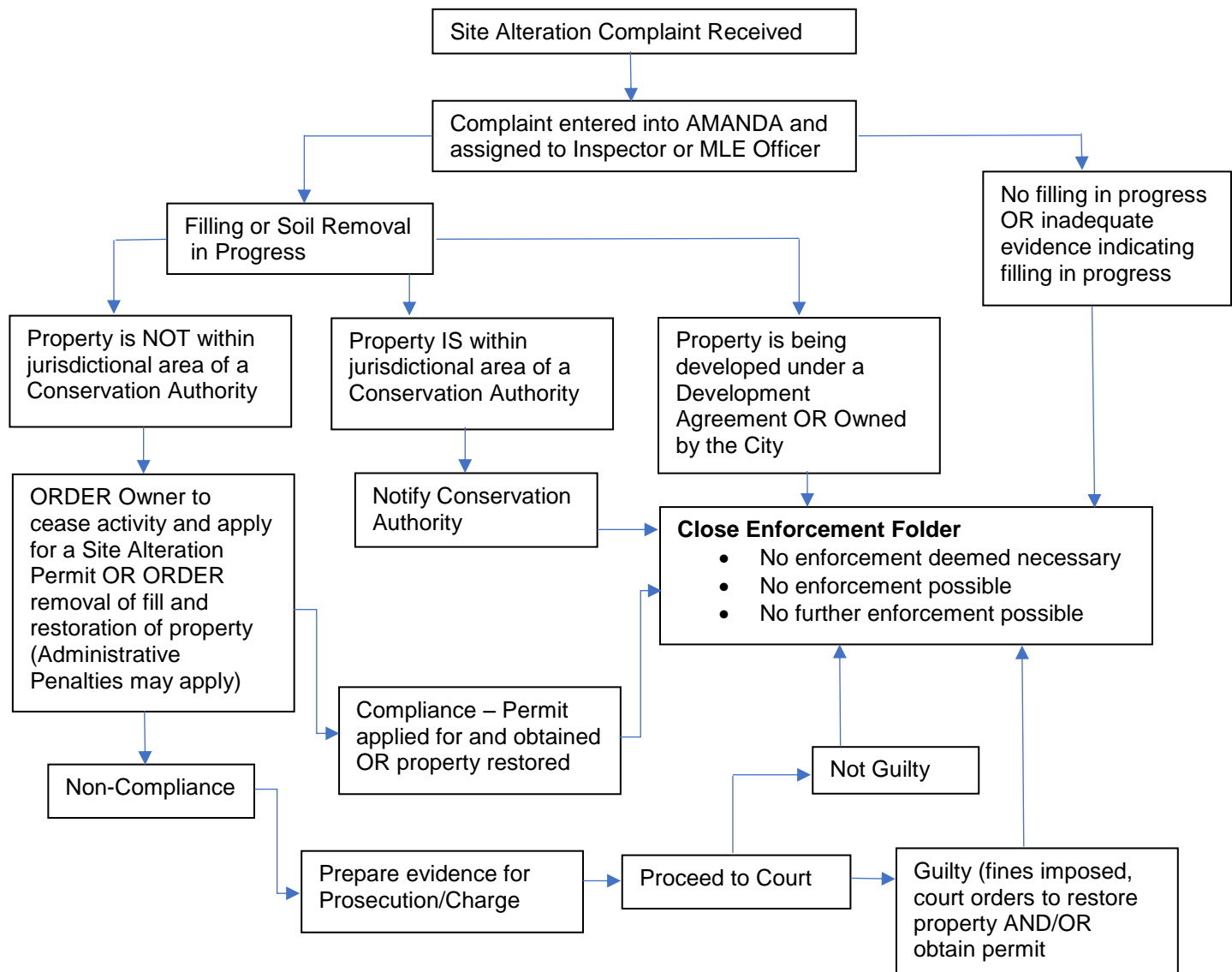
Security deposit to be used by the City as in accordance with Section 21 of the Agreement, which amount is calculated to be the sum of 50% of the value earthworks and 100% of the value of restoration of the lands affected by earthworks.

Item	Amount	Basis
Earthworks		Cost of importing/exporting per cubic meter (50%)
Restoration		Grade and seed (100%)
Soil Testing		As per recommendations of Soil Management Plan (100%)
Siltation Erosion Control		Cost of implementation of Erosion and Siltation Control measures (100%)
Municipal Road Remediation		Remediate fouling or damage to municipal roads and other infrastructure

SITE ALTERATION ENFORCEMENT PROCESS EFFECTIVE JANUARY 1, 2014 - GROWTH MANAGEMENT



SITE ALTERATION ENFORCEMENT PROCESS (NEW BY-LAW)

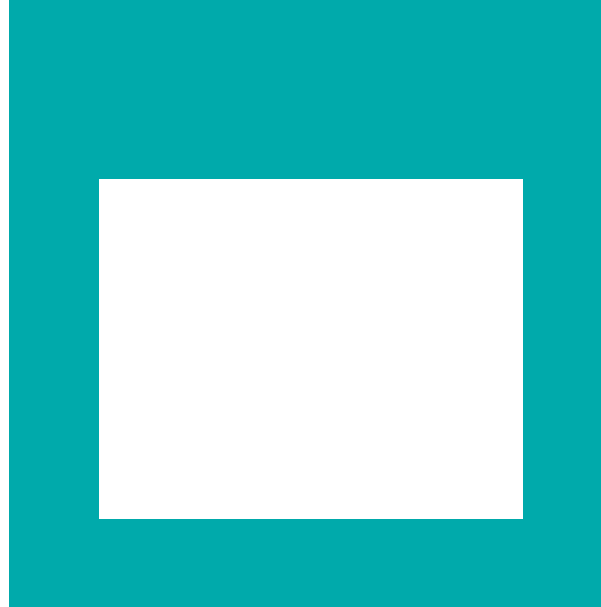


Orders Issued by Ward

Ward	2018	2019
1	0	0
2	0	1
3	0	0
4	0	1
5	0	0
6	0	1
7	1	1
8	0	2
9	2	1
10	0	0
11	3	3
12	1	1
13	2	0
14	2	7
15	0	5
	11	23

Complaints by Ward

Ward	2018	2019
1	2	0
2	1	2
3	0	0
4	0	2
5	1	2
6	1	2
7	4	2
8	3	3
9	0	0
10	0	0
11	10	7
12	5	4
13	5	1
14	15	19
15	4	10
	51	54



New Site Alteration – Fill By-Law

November 19, 2019
PED19201

Existing By-Law 03-126

Being a By-Law for Prohibiting and Regulating the Alteration of Property Grades, the Placing of Dumping of Fill, and the removal of Topsoil

3.1 No person shall **place** or **dump fill** or remove **fill** from land, or cause or permit the **placing** or **dumping** of **fill** or removal of **fill** on any lands in the City of Hamilton, including any lands which are submerged under any **watercourse** or other body of water, without first having obtained a **permit** issued by the **Director**, unless this by-law states it does not apply or that such a **permit** is not required.

3.2 No person shall alter or cause or permit the alteration of the grade, on any lands in the City of Hamilton, including any lands which are submerged under any watercourse or other body of water, without first having obtained a **permit** issued by the **Director**, unless this by-law states it does not apply or that such a **permit** is not required.

When is a permit NOT required?

If the quantity of **fill** or **topsoil** removed or **dumped** on any one lot in any consecutive three month period exceed 8 cubic meters for each 0.125 hectares of lot area or part thereof, provided the following requirements are met:

- The placement or removal of fill does not or **will not alter the grade of any part of the lot in any location by more than 0.5m;**
- The placement or removal of fill does **not alter the grade of the lot within 3 meters of the property line by more than 0.2m;**
- The placement or removal of fill **does not obstruct the flow of water in a watercourse;**
- The placement or removal of fill **does not cause water normally contained on the lot to drain off site; and**
- All fill placed or dumped includes only soil, stone, sod or other material acceptable to the Director and that such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, asphalt garbage or contaminants.

What does this all mean?

8 cubic meters per 0.125 hectares

40 hectares (100 acres) = 2560 cubic meters = 256 truck loads



Changes in Grade?



Soil Quality



Site Alteration Investigations since 2015 Requiring 2 or more visits

Ancaster – 34

Dundas – 10

Flamborough – 120

Glanbrook – 15

Hamilton – 75

Stoney Creek – 48

**post permit issuance inspections not included*

Approximately 1200 hours.

New Site Alteration By-Law

All importation of Excess Soil
requires a PERMIT

Rural Applications

If an application for a site alteration permit is made for a site where an agricultural operation is carried on or is intended to be carried on and the proposed site alteration is part of a normal farm practice, the application shall contain;

- *the contact details of the farmer responsible for the agricultural operation;*
- *a statement of nature of the agricultural operation;*
- *the farm business registration number of the agricultural operation;*
- *a description of the normal farm practice; and*
- *any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence.*

Rural Exemption

No permit is required for site alteration undertaken in the Rural Area,

For the purposes of improving site drainage or soil quality provided that:

1. the site alteration involves a maximum of 500 cubic metres of fill or topsoil, which may include imported fill or topsoil only from within the City of Hamilton;
2. the Director is notified of the intended site alteration at least 48 hours in advance of commencing site alteration; and
3. this exception may be used only once with respect to a property, and otherwise a permit is required.

Rural Exemption

No permit is required for site alteration undertaken in the Rural Area,

For the purposes of dredging existing ponds provided that:

1. the surface area of the existing pond is not increased;
2. the depth of the existing pond is not increased beyond its original depth; and
3. where possible, dredged fill is deposited on the same property without altering existing drainage patterns, and piles or berms of dredged fill are not created adjacent to the pond.

Rural Exemption

No permit is required for site alteration undertaken in the Rural Area,

For the purpose of maintaining existing granular driveways, roads, farm field access roads, or parking areas with appropriate imported granular material including native granular, recycled aggregate, recycled asphalt or recycled concrete provided that previously existing grades are being re-instated.

Exceptions from Permit Requirement

For the purposes of lawn maintenance, landscaping or gardening, provided that:

1. The depth of fill deposited on the site does not exceed 15 centimetres at any location;
2. There is no change in the location, direction or rate of drainage to neighbouring properties; and
3. There is no change or blockage of any swale

Pools

For pool installations, no Site Alteration Permit will be required if,

1. Any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
2. Any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.

Fill From Outside Hamilton Prohibited

No person shall transport fill to a site from any other source site that is located outside the City of Hamilton.

Key Changes to Permit Requirements

- Excess Soil Management Plans
- Dust Management Plans
- Erosion and Sediment Control Plans
- Groundwater Management Plans
- Stormwater Management Plans
- Traffic Management Plans

Any other information, plans or studies the Director requires to determine whether the Site Alteration proposal complies with the By-law

Transportation of Excess Soil

Transportation of any fill from the source site will require:

- A statement of nature of the project on the source site and past uses
- Volume of fill to be transported from each source site
- Contact details of the person responsible for the project on each source site
- Detailed sampling analysis and confirmation from QP confirming soil to be transported is appropriate for re-use at receiving site

Note: a soil sampling at the receiving site will be required through the Excess Soil Management Plan

Restrictions

No Site Alteration shall be undertaken:

- On any Saturday, Sunday, or statutory Holiday
- Using highways to transport fill to or from the site except those highways approved as a haul route by the Director, and in accordance with Traffic By-Law No. 01-215.
- In contravention of the Noise By-Law No. 11-285
- At any time when a wind warning issued by Environment Canada is in effect for the area of the site; or
- During or within 48 hours of the site receiving 15mm or more of precipitation within a 24-hour period.

Restrictions

Operating hours

No deliveries shall occur between the hours of 9am and 3pm

Restrictions

Delivery Limitations

Deliveries shall be staggered such that absolutely no queuing of vehicles within the Public Right of Way.

Transition

The new by-law shall be applicable to all permit applications that on the date of enactment have not undergone a first submission review.

Conclusion

- **Exemptions based on property size and grade changes have been eliminated for the rural area. A permit will always be required. Enforcement will proceed immediately.**
- **No permits on agricultural lands unless it can be demonstrated that work is required for Normal Farm Practice**
- **Exemptions for property landscaping subject to restrictions in grade and proximity to property lines.**
- **No fill to be imported into the City of Hamilton which originated outside City Limits**



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	On Street Parking Permits – Wellington Street North (PED19187) (Ward 2) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Allen Hand (905) 546-2424 Ext. 5441
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the following changes to on-street parking regulations on Wellington Street North from Barton Street East to Robert Street, attached as Appendix “A” to Report PED19187, be implemented:
- (i) Remove No Parking restrictions on the west side of Wellington Street North (from Barton Street East to Robert Street);
 - (ii) Add three new parking meters on the west side of Wellington Street North;
 - (iii) Extend the rush hour No Stopping Anytime on the east side of Wellington Street North (Barton Street East to Robert Street) from 4 p.m.-6 p.m. (Monday to Friday) to 2 p.m.-6 p.m. (Monday to Friday);
- (b) That the amendment to the Parking By-Law 01-218, attached as Appendix “B” to Report PED19187, which has been prepared in a form satisfactory to the City Solicitor, be approved;

**SUBJECT: On Street Parking Permits – Wellington Street North (PED19187)
(Ward 2) - Page 2 of 4**

- (c) That the southbound curb lane on Wellington Street North at Barton Street East be converted from a through-right turn lane into an exclusive right-turn lane, and associated Traffic By-law 01-215 be amended;
- (d) That staff be directed to install a permanent bump-out on the south/west corner of Wellington Street North and Barton Street East to delineate the parking lane, as shown in Appendix “C” attached to Report PED19187, and that the estimated cost of \$15,000 be funded from the Ward 2 Reserve Account (108052);
- (e) That the matter respecting On-Street Parking Permits – Wellington Street North be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

At the Planning Committee meeting on February 19, 2019, Council approved Item 9 of Planning Committee 19-003 directing staff investigate options to improve parking for residents on Wellington Street North between Robert Street and Barton Street, including but not limited to, additional parking on the west side.

At present, parking on Wellington Street North, in this section, is only permitted on the east side of the street, except during the afternoon rush hour and from 2 a.m.-7 a.m., due to overnight restrictions. Parking is not permitted on the west side of the street, which is designated as No Parking Anytime.

A number of options to achieve the objective of improving parking for residents were considered, including residential permit parking. One of the challenges with permit parking is that Wellington Street is currently designated as a ‘Through Highway’, and, as such, overnight parking is not allowed. It is also expected that the demand for permits would exceed the number of spaces available. There are currently 46 dwelling units within this section of Wellington Street, most with limited driveways, compared to a potential for approximately 40 parking spaces.

An option that removes the no parking restrictions on the west side of Wellington would increase parking availability for residents, allow for residential visitor parking throughout the day and evening, and facilitate short term drop-offs. Allowing parking on both sides of the street would effectively double on-street parking.

Alternatives for Consideration – See Page 4

**SUBJECT: On Street Parking Permits – Wellington Street North (PED19187)
(Ward 2) - Page 3 of 4**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

- Financial:
- (a) The cost for signage changes and the installation of three parking meters is estimated at \$2,000 and can be accommodated within the Hamilton Municipal Parking System Parking Operations budget.
 - (b) The cost to install bump-out at Wellington Street and Barton Street. using knock-down bollards, is estimated at \$1,500 and can be accommodated within the Parking Operations budget. A permanent bump-out constructed using concrete would cost approximately \$15,000 and would need to be considered as part of the capital budget process.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Wellington Street is designated as a Major Arterial in the City of Hamilton Urban Official Plan, “Schedule C” Functional Road Classification System. Between Barton Street and Robert Street, and segments to the north and south, Wellington Street accommodates a significant amount of traffic, approximately 11,700 vehicles per day. This section of Wellington Street is also close to Hamilton General Hospital which generates a demand for short-term parking. Many households on this section of Wellington Street do not have driveways, and over the years, residents have expressed a desire for increased parking options.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- By-law 01-218; and,
- Traffic By-law 01-215.

RELEVANT CONSULTATION

The City of Hamilton Paramedic Services has reviewed the proposed changes, due to the close proximity of Hamilton General Hospital, and have indicated they have no issues with the changes to parking or traffic lane modifications.

The City of Hamilton Public Works Department, Transportation Operations and Maintenance Division, provided an assessment of the changes in traffic capacity.

The resident initiating the original request for changes to parking was consulted and informed of the changes.

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**SUBJECT: On Street Parking Permits – Wellington Street North (PED19187)
(Ward 2) - Page 4 of 4**

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Wellington Street is a four lane, one-way street that carries approximately 11,700 vehicles per day. Based on a traffic capacity analysis, Wellington Street requires two lanes for vehicular traffic during the morning rush hour and mid-day, and three lanes in the afternoon rush hour to operate with acceptable levels of service. As such, there are opportunities to re-allocate some of the vehicular capacity to parking.

Allowing parking on the west side of Wellington Street will require some minor changes to lane geometry, including the conversion of the southbound curb lane on Wellington Street North at Barton Street East from a through-right turn lane into an exclusive right-turn lane. This would be re-enforced with a bump-out at the south east corner, as shown in Appendix “C” attached to this Report, which has the added benefit of reducing pedestrian crossing distance.

ALTERNATIVES FOR CONSIDERATION

Council could consider directing staff to implement a Permit Parking Zone, which would provide residents the option of purchasing a parking permit at a current yearly cost of \$87.61 plus HST per permit. However, these permits do not provide an exemption to the No-Parking on a Through Street between 2 a.m. and 7 a.m. parking regulation, so would be of limited value. Implementation of permit only parking would also reduce the availability of on-street parking for non-residents and residential visitors.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Proposed Parking Plan

Appendix “B” - Draft Amendment to By-law No. 01-218, as amended

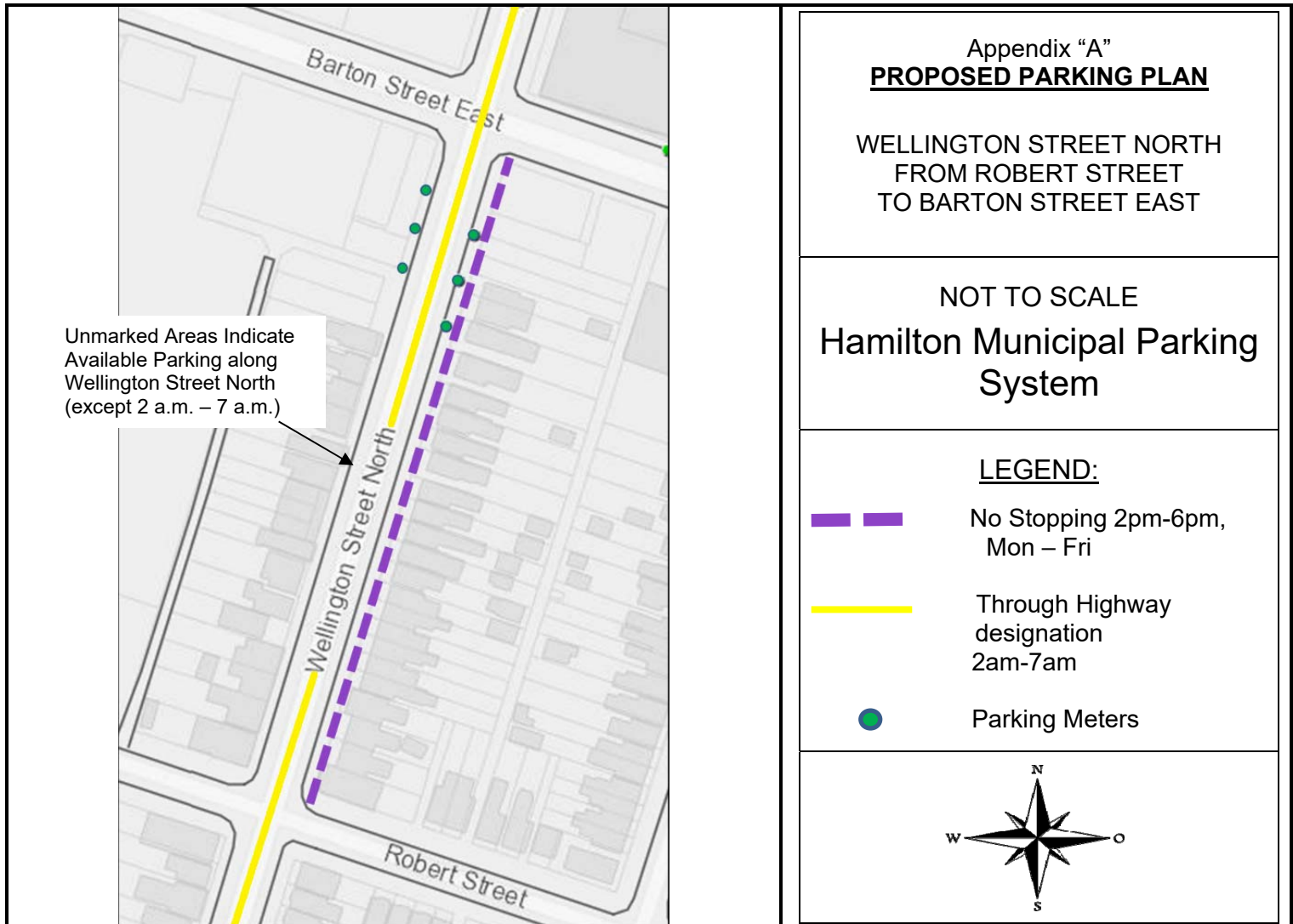
Appendix “C” - Proposed Lane Designation and Bump Out – Barton Street East

AH:cr

Appendix "A" to Report PED19187

Page 1 of 1

PROPOSED PARKING PLAN



Appendix “B” to Report PED19187**Page 1 of 2**

Authority: Item 14, Committee of the Whole
 Report 01-003 (FCS01007)
 CM: February 6, 2001
 Wards: 1,2

Bill No.**CITY OF HAMILTON****BY-LAW NO. 19-**

**To Amend By-law No. 01-218, as amended,
 Being a By-law To Regulate On-Street Parking**

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*,

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Rate/Hr	Adding/ Deleting
<i>5 – Parking Meters</i>	<i>E</i>	Wellington St.	West	Barton St. to 55m southerly	3 hr	\$1.50	Adding

Appendix “B” to Report PED19187
Page 2 of 2

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
13 – No Stopping	<i>E</i>	Wellington St.	West	Burlington St. to Robert St.	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 – No Stopping	<i>E</i>	Wellington St.	West	Burlington St. to Barton St.	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 – No Stopping	<i>E</i>	Wellington St.	East	Barton St. to Robert St.	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 – No Stopping	<i>E</i>	Wellington St.	East	Robert St. to King William St.	2:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 – No Stopping	<i>E</i>	Wellington St.	East	Barton St. to King William St.	2:00 p.m. to 6:00 p.m. Monday to Friday	Adding

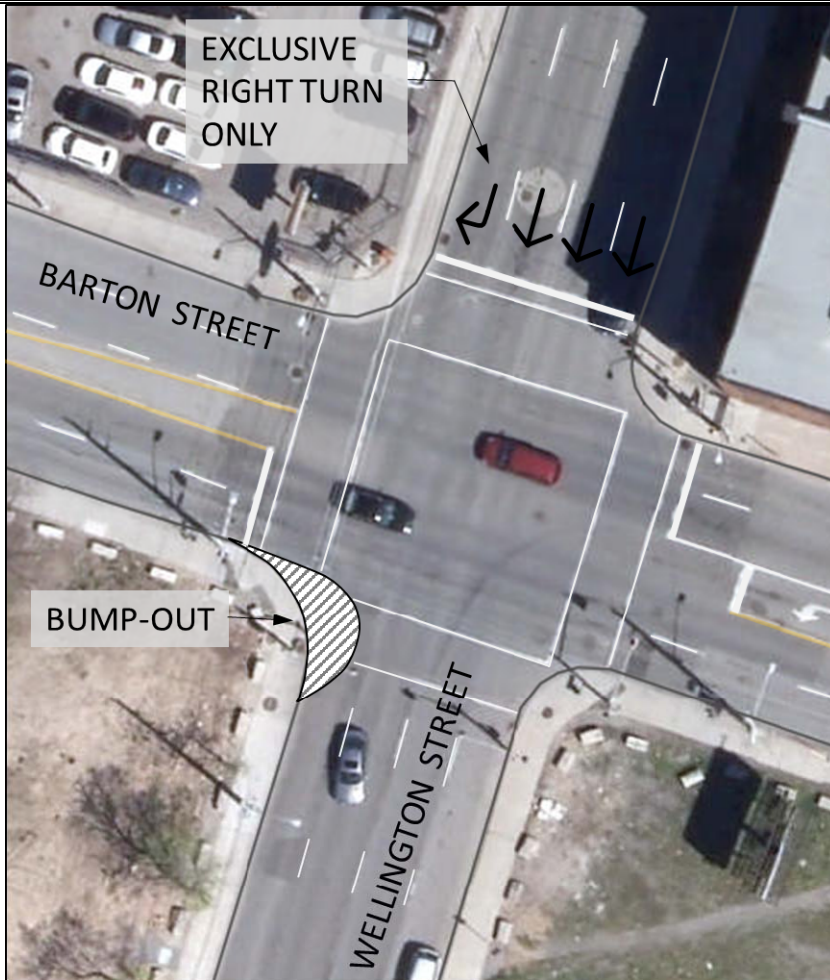
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this _____, _____, _____.

 Fred Eisenberger
 Mayor

 Andrea Holland
 City Clerk

PROPOSED LANE DESIGNATION AND BUMP-OUT



Appendix "C" **PROPOSED LANE DESIGNATION AND BUMP-OUT**

WELLINGTON STREET NORTH AT
BARTON STREET EAST

NOT TO SCALE
Hamilton Municipal Parking
System

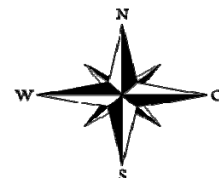
LEGEND:



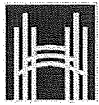
Bump-Out



Lane Designation




10.4



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 19, 2019
SUBJECT/REPORT NO:	Parking Fee Review (PED19238) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Allister McLveen (905) 546-2424 Ext. 6009
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

At its meeting of November 5, 2019, the Planning Committee directed:

That staff be directed to report back to the next Planning Committee meeting with options and alternatives related to increasing the fees of metered parking spaces, off-street parking lots and parking fines; and,

That the information include, but not be limited to, the fees charged by comparable municipalities.

INFORMATION

Hamilton Municipal Parking System (HMPS) conducts regular reviews of rates and fees for the use of on-street and off-street parking spaces, as well as, associated fines for penalty notices. Typically, any proposed rate or fee increases are submitted for consideration by Council as part of the annual budget process.

Rates and fees are set based on Council Direction, taking into account supply and demand, comparison to other municipalities, historical practices, and the overall financial sustainability of the municipal parking system. While staff have delegated authority to make adjustments to parking rates in off-street lots, Council approval is required for any changes to on-street meter rates, or parking penalty fees.

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SUBJECT: Parking Fee Review (PED19238) (City Wide) – Page 2 of 5

In 2018, the gross revenue for HMPS was approximately \$13.8 M, of which approximately \$8.3 M is related to parking user charges and \$5.5 M is related to parking fines. These revenues are used to off-set staff costs for operations and enforcement, parking facility maintenance, property taxes, capital upgrades, processing fees, and contributions to the capital reserve for future expenditures. Historically, HMPS has been financially self-sustaining, and typically transfers between \$1.2 M and \$2 M to the general levy each year.

In Fall 2019, HMPS commenced a comprehensive City-wide Parking Master Plan (PMP). The PMP will provide direction for a coordinated, strategic approach to parking policy, planning, financial sustainability and enforcement that will align with other city-wide policies related to transportation and land use planning. Review of policies related to parking rates and fees, including best practices and comparisons to peer municipalities, is included in the PMP scope and is underway.

In considering rates for parking, input from various stakeholders is critically important, given the link between parking supply, costs, and business activity. HMPS regularly participates in monthly meetings with Business Improvement Areas (BIAs), and engagement with BIAs and other stakeholders is part of the PMP.

1.0 On-Street Metered Parking

On-street metered parking is in place in Downtown Hamilton and the majority of the BIAs. Current rates for on-street parking are \$1.50 per hour. Metered parking is enforced from 8 a.m. to 6 p.m. Monday to Friday in the Downtown. Outside of the Downtown, meters are enforced Monday to Wednesday and Saturday from 8 a.m. to 6 p.m., and Thursday and Friday from 8 a.m. to 9 p.m. The last change to on-street parking rates was implemented in June 2017, prior to which rates were \$1 per hour.

As part of the PMP, an initial comparison of parking rates for peer municipalities was undertaken as outlined in Appendix “A” attached to this Report. The comparison shows that Hamilton’s parking prices are generally lower than the comparator municipalities. Of the seven municipalities included in the comparison, the average rate is \$2 per hour and Hamilton is the third lowest.

In 2018, parking meters in Hamilton generated approximately \$2.4 M in gross revenue. It is estimated that a 25 cent increase in hourly meter rates would result in a net increase in revenue of \$280 K per year, after accounting for a potential reduction in demand due to the price increase. A 50 cent increase could generate additional revenues of \$560 K.

The cost to implement the revenue change would be relatively minor and includes replacing the price inserts in the meters as well as re-programming each meter. Implementation of pay-by-phone, which is targeted for Spring 2020, will provide enhanced payment options for customers.

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SUBJECT: Parking Fee Review (PED19238) (City Wide) – Page 3 of 5

2.0 Off-Street Parking Rates

HMPS currently operates 61 surface parking lots and two parking structures (Parkades), which combined, have approximately 4,400 parking spaces. Generally, these lots offer parking rates by the half hour, daily up to a maximum rate, and monthly.

Short term rates for off-street lots vary from \$0.75 per hour to \$2.50 per hour. Monthly rates vary from \$45 per month to \$140 per month.

Based on a comparison to other municipalities as outlined in Appendix “A” attached to this Report, off-street parking rates in Hamilton are at the low end of the range. Recognizing the prices vary by location, the average hourly rate in Hamilton is \$1.05 per hour compared to an average of \$2.35 in comparator municipalities. Monthly rates in Hamilton average \$53 per month vs \$110 in comparator municipalities. It is noteworthy that, no municipality in the peer comparison offers an off-street rate of less than \$1 per hour.

A comparison of prices with private off-street lots was also undertaken as outlined in Appendix “B” attached to this Report. As shown, rates are as high as \$6 per hour for some of the private lots in the Downtown area, but these taper off steeply for lots outside of the Downtown core. The highest daily rate for private lots appears to be \$13, as compared to the highest daily rate that HMPS charges; which is \$10 for the Convention Centre and City Hall lots.

As input to the 2020 budget process, staff have investigated two potential price increases, for illustrative purposes. These represent average price increases, since prices vary by location.

An increase of \$2 per hour on daily maximum rates is estimated to generate approximately \$325 K in annual revenues. This would be applied to the approximate 2,500 parking spaces in the Downtown and assumes approximately 25% of the spaces are occupied by daily parkers (e.g. non-monthly).

For monthly parking, a potential scenario would be to increase all monthly permits costs by \$10 per month, which is forecast to generate a net annual increase in revenue of \$306 K based on 2,550 permits issued. It is noted that, some of these permits are issued to City employees that qualify for permit parking and for City-owned vehicles, so there may be an off-set cost to various City Departments.

The recent installation of parking equipment that accepts credit cards should facilitate the introduction of price increases. Previously, HMPS was hesitant to increase daily rates too much as people needed to pay by coin. This is no longer a constraint.

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SUBJECT: Parking Fee Review (PED19238) (City Wide) – Page 4 of 5

3.0 Weekend Parking Payment

Currently, on-street parking in Downtown Hamilton is free on weekends, with some exceptions. This policy dates back to an April 12, 2006 Council approved By-Law No. 06-101, which provides, that parking fees are not imposed for on-street metered parking within the Community Improvement Plan Area on Saturdays.

Recently, there have been some requests to revisit this policy. For example, in 2018 the Farmer's Market requested that paid parking on MacNab Street be extended to include Saturday to discourage use of free parking by employees, a change that has since been implemented.

As input to the 2020 budget process, staff have investigated the revenue impacts of extending paid parking to weekends in the Downtown. Preliminary forecasts suggest a net revenue increase of approximately \$40 K per year, if implemented for Saturdays, and \$60 K if implemented for Saturdays and Sundays. These estimates account for the fact that additional costs will be incurred for enforcement.

4.0 Parking Penalties

In general, parking penalties (fines) are intended to promote compliance and ensure that parking is utilized as intended. Revenue generation is a secondary consideration. As such, HMPS sets fines such that they encourage compliance with parking regulations but are not so high as to be punitive. In this regard, comparisons with other municipalities is a key consideration when reviewing parking fines.

Based on a comparison with other municipalities as outlined in Appendix "C" attached to this Report, Hamilton's parking fines are fairly comparable. For example, the average fine for an expired meter violation in comparator municipalities is \$27, whereas Hamilton's base fine is \$24.

Recognizing that Hamilton is within the typical range of other municipalities for parking fines, the preliminary recommendation for the 2020 budget process is to apply an average increase of \$1. For example, the fine for "Park where prohibited-signed area" would change from \$26 to \$27.

With this change, the incremental revenue impacts are estimated at \$161 K annually.

5.0 Parking Lot and Parkade Operations

HMPS utilizes several methods for controlling parking lots and Parkades. As part of the PMP, these methods will be compared against best practices, and reviewed from the perspective of ensuring optimal revenue generation/minimization of revenue leakage. Two areas for change have been identified.

SUBJECT: Parking Fee Review (PED19238) (City Wide) – Page 5 of 5

The first area for change is for the York Parkade. At present, this facility is a cashier-based operation, which entails significant staffing costs. Staff are investigating conversion of this facility to pay-and-display or a fully automated system. Preliminary estimates suggest that the implementation of alternative technologies could save approximately \$100 K annually in cashing costs. The current capital budget includes a line item for the required technology upgrade.

A second opportunity for improving cost recovery is to convert selected surface lots to gate control. Specifically, some of the surface lots surrounding Hamilton General Hospital have been identified as lots where users are abusing parking regulations. With the current pay and display system, enforcement is required to ensure compliance. Conversely, if these lots were converted to a gate system, payment is achieved for 100% of the customers. Further analysis is required to assess the business case for such changes.

6.0 Potential Impacts to Service Organizations

As noted previously, HMPS takes into account a wide variety of factors when setting parking rates and fees. It is recognized that on-street and off-street parking is used by many different user groups, including community organizations. As such, the impacts of any price increases on these organizations, many of which are not-for profit, must be considered.

In most cases, service organizations are able to utilize parking in a cost-effective manner and should not be impacted. HMPS also has policies to help mitigate costs and potential fines. For example, Home Care Services Parking Permits are available for residents who are confined to their home and require essential services. These permits allow health care service workers to park their vehicle in a permit parking zone for up to two hours, thus avoiding the potential for a parking fine.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Parking Rate Comparison with Peer Municipalities

Appendix "B" - Parking Rate Comparison with Selected Private Parking Operators

Appendix "C" - Parking Fine Comparison with Peer Municipalities

AM:BH:cr

Appendix “A” to Report PED19238
Page 1 of 1

Parking Rate Comparison with Peer Municipalities

Municipality	Average On-street Hourly Rate	Average Off-street Hourly Rate	Average Off-street Monthly Permit
Calgary	\$3.31	\$4.86	\$237.74
Montreal	\$2.00	\$3.17	\$86.16
Sudbury	\$1.30	\$1.33	\$84.20
Windsor	\$1.75	\$1.50	\$69.68
Thunder Bay	\$1.25	\$1.00	\$55.50
Winnipeg	\$3.00	\$2.80	\$171.67
London	\$1.50	\$1.81	\$64.82
Average	\$2.02	\$2.35	\$109.97
Hamilton	\$1.50	\$1.05	\$53.19

* Note: Parking prices vary by location, values shown are averages

Appendix “B” to Report PED19238
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Parking Rate Comparison with Selected Private Parking Operators

Location Address	Hourly Rate	Minimums	Daily Max	Comments
75 James St. S.	\$6.00	\$3.00	\$12.00	Daily Max until 7 p.m. \$4.00 Evening until 5 a.m. and Weekends 5 a.m. to 5 a.m.
44 Hughson St. S.	\$6.00	\$3.00	\$12.00	Daily Max until 7 p.m. \$4.00 Evening until 5 a.m. and Weekends 5 a.m. to 5 a.m.
165 James St. S.	\$4.00	\$2.00	\$15.00	Daily Max until 8 p.m. \$2.00/30 mins. \$4.00 max till 5 a.m.
18 Main St. E.	\$6.00	\$3.00	\$12.00	Daily Max from 6 a.m. to 7 p.m. \$4.00 Evening 5 p.m. to 6 a.m. and Weekends 6 a.m. to 6 a.m.
26 James St. N.	\$5.00	\$2.50	\$13.00	Daily Max from 6 a.m. to 6 p.m. \$5.00 Evening 6 p.m. to 6 a.m. and Weekends 6 a.m. to 6 a.m.
114 Main St. W.	\$4.00	\$2.00	\$ 8.00	Daily Max until 6 p.m. \$2.00 Evening 6 p.m. to 6 a.m. and Weekends 6 a.m. to 6 p.m.
140 King St. E.	\$3.00	\$1.50	\$ 7.00	Daily Max until 6 p.m. \$2.00 Evening 6 p.m. to 6 a.m. and Weekends 6 a.m. to 6 p.m.
140 Jackson St. E.	\$2.50	\$1.25	\$ 5.00	Daily Max until 7 p.m. \$2.00 Evening 5 p.m. to 6 a.m. and Weekends 6 a.m. to 6 p.m.
75 John St. N.	\$1.75	\$1.50	N/A	\$4.75 from 6 a.m. to 6 p.m. \$2.50 Evening 6 p.m. to 6 a.m.
19 Bay St. N.	\$4.00	\$2.00	\$ 11.00	\$10.00 early bird before 8 a.m. \$3.00 6 a.m. to 6 p.m. and \$3.00 6 p.m. to 6 a.m. Event parking as displayed.
55 Bay St. N.	\$4.00	\$2.00	N/A	
80 John St. N.	\$4.00	\$2.00	\$ 5.50	Daily Max until 6 p.m. \$2.50 Evening 6 p.m. to 6 a.m. and Weekends 6 a.m. to 6 a.m.

Parking Fine Comparison with Selected Municipalities

	Hamilton	Kingston	London	Niagara Falls	Ottawa	St. Catharines	Welland	Brampton	Median	Average
Meters	\$24	\$20	\$30	\$20	\$60	\$20	\$25	\$20	\$22	\$27
No parking	\$33	\$25	\$40	\$25	\$80	\$30	\$30	\$35	\$32	\$37
Through streets	\$33	\$30 (winter)	\$40	\$25	100	\$30			\$31.50	\$43
Private property	\$50	\$25	\$55	\$25	\$95	\$30	\$25	\$40	\$35	\$42
Heavy vehicle	\$100	\$25		\$50	\$70	\$75	\$75	\$125	\$75	\$74
No stopping	\$75	\$30	\$60	\$50	\$120	\$48	\$45	\$100	\$55	\$65
Disabled parking	\$350	\$300	\$375	\$300	\$450	\$300	\$300	\$350	\$325	\$339
Fire route	\$100	\$75	\$100	\$95		\$80	\$100	\$150	\$100	\$100
Time limit	\$29	\$25	\$30	\$20	\$60	\$20	\$25	\$30	\$27	\$30
Obstructing sidewalk	\$75	\$25	\$60	\$50	\$95	\$48	\$45	\$40	\$49	\$54
Boulevard	\$33/\$100	\$25	\$55	\$25	\$95	\$30	\$25	\$30	\$30	\$39

CITY OF HAMILTON

M O T I O N

PLANNING COMMITTEE DATE: NOVEMBER 19, 2019

MOVED BY COUNCILLOR FARR.....

SECONDED BY COUNCILLOR

Options to Reduce Vehicle Use in MLE Vehicles

WHEREAS, City Council has unanimously declared a Climate Crisis;

WHEREAS, Vehicles are a major contributor to green house gas emissions;

WHEREAS, There are approximately 35 cars that make up part of the Municipal Law Enforcement Fleet;

WHEREAS, Reducing the use of vehicles, particularly lone occupant vehicles, will likely translate to a reduction in operating costs; and,

WHEREAS, Cycling / Transit / Walking is both good for the environment and a healthy model option of transportation for City if HAMILTON Employees;

THEREFORE BE IT RESOLVED:

That in an effort to lead by example as a Corporation of the City of Hamilton during this officially declared Climate Crisis, that the appropriate staff be requested to report back to Planning Committee and/or the 2020 Operating Budget Process on considerations respecting reducing the amount of vehicle use by MLE staff during day to day operations that may include, but not be limited to cycling, transit, car share and car pooling.

CITY OF HAMILTON

MOTION

PLANNING COMMITTEE DATE: NOVEMBER 19, 2019

MOVED BY COUNCILLOR JOHNSON.....

SECONDED BY COUNCILLOR CLARK.....

Feasibility of Glanbrook Sports Park Being Included in the Binbrook Village Urban Boundary

WHEREAS, Glanbrook has grown exponentially in the past 20 years and the demand for recreation programs has increased significantly;

WHEREAS, Glanbrook residents travel on average 5 km to access recreation programs;

WHEREAS, according to the capital budget, Glanbrook is slated for a recreation centre in 2028;

WHEREAS, Recreation centres require approx. 25 acres (10 hectares);

WHEREAS, the only available land is the “Glanbrook Sports Park” that currently has an arena, baseball and soccer facilities as well as the municipal centre;

WHEREAS, “Glanbrook Sports Park” is approx. 25 acres (10 hectares);

WHEREAS, “Glanbrook Sports Park” is within the Greenbelt and abuts the urban boundary;

WHEREAS, “Glanbrook Sports Park” has a very fragile septic system and well;

WHEREAS, Installation of new infrastructure such as water and sewer is not allowed within Greenbelt lands; and,

WHEREAS, according to Growth Plan for the Greater Golden Horseshoe, the need for a settlement area boundary expansion has been justified in accordance with policy 2.2.8.225 acres (10 hectares) can be included in the Binbrook Village urban boundary;

THEREFORE BE IT RESOLVED:

That staff be directed to look at the feasibility of including the lands of the “Glanbrook Sports Park” into the Binbrook Village Urban Boundary.