



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 22-009  
**Date:** May 31, 2022  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Council Chambers, Hamilton City Hall  
71 Main Street West

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

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	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
<b>2. APPROVAL OF AGENDA</b> (Added Items, if applicable, will be noted with *)	
<b>3. DECLARATIONS OF INTEREST</b>	
<b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
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<b>6. DELEGATION REQUESTS</b>	
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	(i) Claude Jarvis	
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	(iii) Lester Krames (in person)	
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**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

13.1. Outstanding Business List

a. Items To Be Removed:

21i - Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035), Addressed at the September 21, 2021, Planning Committee, Item 4

21J - Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035), Addressed at the September 21, 2021 Planning Committee, Item 4

22C - Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing" (Added Item 12.2), Addressed at the March 22, 2022, Planning Committee, Item 10.4

b. Items Requiring New Due Dates:

20B - Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a))

Current Due Date: January 11, 2022

Proposed New Due Date: November 29, 2022

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



**PLANNING COMMITTEE  
MINUTES**

**22-008**

**May 17, 2022**

**9:30 a.m.**

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

**Present:** Councillor B. Johnson (Chair)  
Councillor L. Ferguson (1<sup>st</sup> Vice Chair),  
Councillors M. Wilson (2<sup>nd</sup> Vice Chair),  
J.P. Danko, J. Partridge and M. Pearson

**Absent with Regrets:** J. Farr - Personal

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**THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22106) (City Wide) (Item 7.1)**

**(Pearson/Danko)**

That Report PED22106 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

- 2. Appeal of Zoning By-law Amendment Application ZAC-18-049 and Draft Plan of Subdivision Application 25T-202109 for Lands Located at 860 and 884 Barton Street (Stoney Creek) (PED22114) (Ward 10) (Item 7.2)**

**(Pearson/Ferguson)**

That Report PED22114 respecting Appeal of Zoning By-law Amendment Application ZAC-18-049 and Draft Plan of Subdivision Application 25T-202109 for Lands Located at 860 and 884 Barton Street (Stoney Creek), be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**3. Hamilton Municipal Heritage Report 22-005 (Added Item 7.3)**

**(Ferguson/Danko)**

**(a) Recommendation to Designate 56 York Boulevard, Hamilton (Copley / Commercial Block) Under Part IV of the Ontario Heritage Act (PED22108) (Ward 2) (Item 8.1)**

- (i) That City Council withdraw the 1979 Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, for the property at 56 York Boulevard, Hamilton (Copley / Commercial Block);
- (ii) That City Council state its intention to designate under Part IV, Section 29 of the Ontario Heritage Act, the property at 56 York Boulevard, Hamilton (Copley / Commercial Block) in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 56 York Boulevard, Hamilton, attached as Appendix "B" to Report PED22108;
- (iii) That the Clerk be directed to give notice of intention to designate the property at 56 York Boulevard, Hamilton as a property of cultural heritage value or interest in accordance with the requirements of section 29 of the Ontario Heritage Act subject to the following:
  - (1) If there are no objections to the designation in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate 56 York Boulevard, Hamilton to be of cultural heritage value or interest to City Council;
  - (2) If there are objections in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and make

a decision on whether or not to withdraw the notice of intention to designate the property.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

CONFLICT - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Danko)**

**(b) Heritage Permit Application HP2022-007, Under Part V of the Ontario Heritage Act, to Permit the Demolition of the Existing Dwelling and Garage, 940 Beach Boulevard, Hamilton (Ward 5) (PED22124) (Item 10.1)**

- (i) That Heritage Permit Application HP2022-007, for the demolition of the Part V designated existing dwelling and detached garage for lands located at 940 Beach Boulevard, under Section 42 of the Ontario Heritage Act, be approved with the following conditions:
  - (1) Implementation of the demolition of the dwelling and detached garage, in accordance with this approval, shall be completed no later than April 30, 2024. If the alterations are not completed by April 30, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (ii) That appropriate notice of the Council decision be served on the owner of 940 Beach Boulevard, Hamilton, and the Ontario Heritage Trust, as required under Section 42 of the Ontario Heritage Act.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

4. **Municipal Comprehensive Review / Official Plan Review – Phase 1  
Amendments to the Urban Hamilton Official Plan and Rural Hamilton  
Official Plan (PED21067(b)) (City Wide) (Item 9.2)**

**(Wilson/Danko)**

- (a) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(b), which updates the Official Plan to conform with Provincial planning policies and which implements the direction given by the General Issues Committee Decision on November 19, 2021 for a No Urban Boundary Expansion growth option, as part of the City’s Growth Related Integrated Development Strategy 2, be APPROVED, and submitted to the Minister of Municipal Affairs and Housing for approval, in accordance with the requirements of the *Planning Act* on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “A” to Report PED21067(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(b), which updates the Official Plan to conform with Provincial planning policies and which implements the direction given by the General Issues Committee Decision on November 19, 2021 for a No Urban Boundary Expansion growth option, as part of the City’s Growth Related Integrated Strategy 2, be APPROVED, and submitted to the Minister of Municipal Affairs and Housing for approval, in accordance with the requirements of the *Planning Act* on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21067(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (c) That upon adoption of the draft Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan Amendment, attached as Appendices “A” and “B” respectively to Report PED21067(b), Planning staff be directed and authorized to prepare the implementing Zoning By-law Amendments to the Zoning By-laws of the former Communities of Ancaster, Dundas, Flamborough, Glanbrook, former City of Hamilton, and Stoney Creek and schedule a statutory public meeting of the Planning Committee to consider the proposed changes to the Zoning By-laws of the former Communities.
- (d) ***That in order to advance the City’s work to implement an Inclusionary Zoning Framework within the City of Hamilton, staff be directed to incorporate into the Municipal Comprehensive Review***

***Phase One Official Plan Amendment, a schedule identifying the conceptual locations of the City's Major Transit Stations Areas (MTSAs) and a policy indicating the City's intent to implement an Inclusionary Zoning Framework with respect to those MTSAs (Major GO Stations and LRT stops).***

- (e) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

**Result: Main Motion, As Amended, CARRIED by a vote of 3 to 2, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NO - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 NO - Ward 10 Councillor Maria Pearson

**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 Peter De Iulio respecting 940-946 Beach Blvd. (Recommendation #2 in Item 7.3) (For today's meeting)

**2. CONSENT ITEMS (Item 7)**

7.3 Hamilton Municipal Heritage Committee Report 22-005

**3. PUBLIC HEARINGS/DELEGATIONS (Item 9)**

9.1 Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide)

(a) Added Written Submissions:

- (i) Ronald McCrory
- (ii) West End Home Builders' Association

9.2 Municipal Comprehensive Review / Official Plan Review – Phase 1  
Amendments to the Urban Hamilton Official Plan and Rural  
Hamilton Official Plan (PED21067(b)) (City Wide)

(a) Added Written Submissions:

- (ix) D. Christopher Ashwin
- (x) Patrick and Deborah Doran
- (xi) Denise O'Connor
- (xii) Marie Nutter
- (xiii) Alysha Read
- (xiv) Cathie Botelho
- (xv) MaryAnn Hudecki Thompson
- (xvi) Isadora Van Riemsdijk
- (xvii) Bill and Gail Lorimer
- (xviii) Rachelle Sender
- (xix) Ingrid Hengemuhle
- (xx) Teresa Gerenscer
- (xxi) Kelly Holt
- (xxii) John Boddy
- (xxiii) Elaine De Ruiter
- (xxiv) Renee Perazzo
- (xxv) Ed and Edda engel
- (xxvi) Jason Hindle
- (xxvii) Ron and Mary Sealey
- (xxviii) Reuven Dukas
- (xxix) Monica Palkowski
- (xxx) Lyn and Rick Folkes
- (xxxi) DD Crowley
- (xxxii) Don Edwards
- (xxxiii) Brenda Alcock
- (xxxiv) Rick and Linda Jones
- (xxxv) Harriet Woodside
- (xxxvi) Kevin Speers
- (xxxvii) Erin Schacklette
- (xxxviii) Erin Mallon
- (xxxix) Alex Berze
- (xl) Leah Avery
- (xli) Don Ryter
- (xlii) Cynthia Meyer
- (xliii) Eric Canton
- (xliv) Sandy Leyland
- (xlv) Illyria Volcansek
- (xlvi) Ed Fothergill

- (xlvii) Nathalie Belu
- (xlviii) Jaleen Grove
- (xlix) Margo May Taylor
- (l) Deb Peace
- (li) Ibro Kuranovich and Damir Sebesta
- (lii) Wyn Address
- (liii) Jill Tonini
- (liv) Kris Gadjanski
- (lv) Doug Rich
- (lvi) Patty Haardeng
- (lvii) Lori Cefaloni
- (lviii) Margot Olivieri
- (lix) Rob Stovel
- (lx) Lynn MacLennan
- (lxi) Rose Janson
- (lxii) Nancy Hurst
- (lxiii) Karen Pingree
- (lxiv) Melynda Paterson
- (lxv) Simon Woodside
- (lxvi) Zoe Green
- (lxvii) Gord and Angie McNuity
- (lxviii) Laura Katz
- (lxix) Conner Harris
- (lxx) Craig Burley
- (lxxi) Ian Cooke
- (lxxii) Warren Caldwell
- (lxxiii) Graham Roebuck
- (lxxiv) William Hill
- (lxxv) Jan Jansen
- (lxxvi) John McBrien
- (lxxvii) Henry Muggah and Elizabeth Crookshank/Muggah
- (lxxviii) Emily Kam
- (lxxix) Michelle Webb
- (lxxx) Marion Redman
- (lxxxi) Doris Khes
- (lxxxii) Kay Chornook
- (lxxxiii) Lauren Tindall
- (lxxxiv) Patricia Baker
- (lxxxv) Mark Forler
- (lxxxvi) Nonni Iler
- (lxxxvii) Debbie Edwards and Rick Csiernik
- (lxxxviii) Lynn Prince
- (lxxxix) Steven Romphf
- (xc) Laurie Nielsen
- (xci) Adan Amer



- (xcii) Chong Long
- (xciii) Corbett Land Strategies
- (xciv) Allyn Walsh
- (xcv) Nicole Smith
- (xcvi) Laura Cox
- (xcvii) The Cadillac Fairview Corporation Limited
- (xcviii) Sidana Holdings and 2474314 Ontario Inc.
- (xcix) Michelle Tom
- (c) Ken Stone
- (ci) Marie Covert
- (cii) Joe Minor
- (ciii) Hammer GP LP and Hammer GP Services Corp.
- (civ) Liz Koblyk
- (cv) Isabel Belanger
- (cvi) Frances Murray
- (cvii) Kathryn Cowan
- (cviii) Duncan Appleford
- (cix) Susan Wortman
- (cx) Donna Spurr
- (cxi) Spencer Steenburgh
- (cxii) Andrea Abeysakara

(b) Added Registered Delegations:

- (ii) John Corbett, Corbett Land Strategies
- (iii) Nick Wood, Corbett Land Strategies
- (iv) Lynda Lukasik, Environment Hamilton
- (v) Craig Burley

**(Pearson/Partridge)**

That the agenda for the May 17, 2022 Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
- YES- Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

**(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor Wilson declared a disqualifying interest respecting Recommendation #1 in Hamilton Municipal Heritage Committee Report 22-005 (Added Item 7.3), as her spouse is employed by an organization with an interest in the property.

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

**(i) May 3, 2022 (Item 4.1)**

**(Wilson/Danko)**

That the Minutes of the May 3, 2022 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Peter De Iulio respecting 940-946 Beach Blvd (Recommendation #2 in Item 7.3) (For today's meeting) (Added Item 6.1)**

**(Ferguson/Partridge)**

That the Delegation Request from Peter De Iulio respecting 940-946 Beach Blvd (Recommendation #2 in Item 7.3), be approved for today's meeting, to be heard before Item 7.3.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(e) CONSENT ITEMS (Item 7)**

- (i) Appeal of Zoning By-law Amendment Application ZAC-18-049 and Draft Plan of Subdivision Application 25T-202109 for Lands Located at 860 and 884 Barton Street (Stoney Creek) (PED22114) (Ward 10) (Item 7.2)**

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Wilson/Ferguson)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 2.

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- (i) Peter De Iulio respecting 940-946 Beach Blvd (Recommendation #2 in Item 7.3) (Added Item 9.3)**

Peter De Iulio addressed the Committee respecting 940-946 Beach Blvd (Recommendation #2 in Item 7.3).

**(Wilson/Partridge)**

That the Delegation from Peter De Iulio respecting 940-946 Beach Blvd (Recommendation #2 in Item 7.3), be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3(b).

In accordance with the *Planning Act*, Chair Johnson advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Johnson 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 Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(ii) Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) (Item 9.1)**

**(Danko/Johnson)**

That Report PED20093(c) respecting Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations, be DEFERRED to the May 31, 2022 Planning Committee meeting.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(iii) Municipal Comprehensive Review / Official Plan Review – Phase 1 Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED21067(b)) (City Wide) (Item 9.2)**

Delia McPhail, Policy Planner 1, addressed the Committee with the aid of a PowerPoint presentation.

**(Danko/Ferguson)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Wilson)**

That the following written submissions (Item 9.2(a)) be received:

- (i) Greenhorizons Holdings Inc. / Group of Farms Ltd.
- (ii) Artstone Holdings Ltd.
- (iii) Frisina Group
- (iv) Corpveil Holdings Ltd.
- (v) NHDG (Waterfront) Inc.
- (vi) Hamilton Homebuilders and Developers
- (vii) Alexander Place
- (viii) Dina D'Ermo
- (ix) D. Christopher Ashwin
- (x) Patrick and Deborah Doran
- (xi) Denise O'Connor
- (xii) Marie Nutter
- (xiii) Alysha Read
- (xiv) Cathie Botelho
- (xv) MaryAnn Hudecki Thompson
- (xvi) Isadora Van Riemsdijk
- (xvii) Bill and Gail Lorimer
- (xviii) Rachelle Sender
- (xix) Ingrid Hengemuhle
- (xx) Teresa Gerenscer
- (xxi) Kelly Holt
- (xxii) John Boddy
- (xxiii) Elaine De Ruitter
- (xxiv) Renee Perazzo
- (xxv) Ed and Edda engel
- (xxvi) Jason Hindle
- (xxvii) Ron and Mary Sealey
- (xxviii) Reuven Dukas
- (xxix) Monica Palkowski

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- (xxx) Lyn and Rick Folkes
- (xxxi) DD Crowley
- (xxxii) Don Edwards
- (xxxiii) Brenda Alcock
- (xxxiv) Rick and Linda Jones
- (xxxv) Harriet Woodside
- (xxxvi) Kevin Speers
- (xxxvii) Erin Schacklette
- (xxxviii) Erin Mallon
- (xxxix) Alex Berze
- (xl) Leah Avery
- (xli) Don Ryter
- (xlii) Cynthia Meyer
- (xliii) Eric Canton
- (xliv) Sandy Leyland
- (xlv) Illyria Volcansek
- (xlvi) Ed Fothergill
- (xlvii) Nathalie Belu
- (xlviii) Jaleen Grove
- (xlix) Margo May Taylor
- (l) Deb Peace
- (li) Ibro Kuranovich and Damir Sebesta
- (lii) Wyn Andress
- (liii) Jill Tonini
- (liv) Kris Gadjanski
- (lv) Doug Rich
- (lvi) Patty Haardeng
- (lvii) Lori Cefaloni
- (lviii) Margot Olivieri
- (lix) Rob Stovel
- (lx) Lynn MacLennan
- (lxi) Rose Janson
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- (lxiii) Karen Pingree
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- (lxviii) Laura Katz
- (lxix) Conner Harris
- (lxx) Craig Burley
- (lxxi) Ian Cooke
- (lxxii) Warren Caldwell
- (lxxiii) Graham Roebuck
- (lxxiv) William Hill

(lxxv) Jan Jansen  
(lxxvi) John McBrien  
(lxxvii) Henry Muggah and Elizabeth Crookshank/Muggah  
(lxxviii) Emily Kam  
(lxxix) Michelle Webb  
(lxxx) Marion Redman  
(lxxxii) Doris Khes  
(lxxxiii) Kay Chornook  
(lxxxiv) Lauren Tindall  
(lxxxv) Patricia Baker  
(lxxxvi) Mark Forler  
(lxxxvii) Nonni Iler  
(lxxxviii) Debbie Edwards and Rick Csiernik  
(lxxxix) Lynn Prince  
(lxxxix) Steven Romphf  
(xc) Laurie Nielsen  
(xci) Adan Amer  
(xcii) Chong Long  
(xciii) Corbett Land Strategies  
(xciv) Allyn Walsh  
(xcv) Nicole Smith  
(xcvi) Laura Cox  
(xcvii) The Cadillac Fairview Corporation Limited  
(xcviii) Sidana Holdings and 2474314 Ontario Inc.  
(xcix) Michelle Tom  
(c) Ken Stone  
(ci) Marie Covert  
(cii) Joe Minor  
(ciii) Hammer GP LP and Hammer GP Services Corp.  
(civ) Liz Koblyk  
(cv) Isabel Belanger  
(cvi) Frances Murray  
(cvii) Kathryn Cowan  
(cviii) Duncan Appleford  
(cix) Susan Wortman  
(cx) Donna Spurr  
(cxi) Spencer Steenburgh  
(cxii) Andrea Abeysakara

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

The following Delegations (Item 9.2(b)) addressed the Committee:

- (i) Michael Collins-Williams, West End Home Builders' Association
- (ii) John Corbett, Corbett Land Strategies
- (iii) Nick Wood, Corbett Land Strategies
- (iv) Lynda Lukasik, Environment Hamilton
- (v) Craig Burley

**(Pearson/Wilson)**

That the following Delegations (Item 9.2(b)), be received:

- (i) Michael Collins-Williams, West End Home Builders' Association
- (ii) John Corbett, Corbett Land Strategies
- (iii) Nick Wood, Corbett Land Strategies
- (iv) Lynda Lukasik, Environment Hamilton
- (v) Craig Burley

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Danko)**

That the public meeting be closed.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson



**(Wilson/Danko)**

- (a) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(b), which updates the Official Plan to conform with Provincial planning policies and which implements the direction given by the General Issues Committee Decision on November 19, 2021 for a No Urban Boundary Expansion growth option, as part of the City’s Growth Related Integrated Development Strategy 2, be APPROVED, and submitted to the Minister of Municipal Affairs and Housing for approval, in accordance with the requirements of the Planning Act on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “A” to Report PED21067(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(b), which updates the Official Plan to conform with Provincial planning policies and which implements the direction given by the General Issues Committee Decision on November 19, 2021 for a No Urban Boundary Expansion growth option, as part of the City’s Growth Related Integrated Strategy 2, be APPROVED, and submitted to the Minister of Municipal Affairs and Housing for approval, in accordance with the requirements of the Planning Act on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21067(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (c) That upon adoption of the draft Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan Amendment, attached as Appendices “A” and “B” respectively to Report PED21067(b), Planning staff be directed and authorized to prepare the implementing Zoning By-law Amendments to the Zoning By-laws of the former Communities of Ancaster, Dundas, Flamborough, Glanbrook, former City of Hamilton, and Stoney Creek and schedule a statutory public meeting of the Planning Committee to consider the proposed changes to the Zoning By-laws of the former Communities.

**(Wilson/Danko)**

That the recommendations in Report PED21067(b) be **amended** by adding the following sub-section (d):

- (d) *That in order to advance the City's work to implement an Inclusionary Zoning Framework within the City of Hamilton, staff be directed to incorporate into the Municipal Comprehensive Review Phase One Official Plan Amendment, a schedule identifying the conceptual locations of the City's Major Transit Stations Areas (MTSAs) and a policy indicating the City's intent to implement an Inclusionary Zoning Framework with respect to those MTSAs (Major GO Stations and LRT stops).***

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Danko)**

That the recommendations in Report PED21067(b) be **amended** by adding the following sub-section (e):

- (e) *That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

**Result: Amendment CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

**(g) PRIVATE AND CONFIDENTIAL (Item 14)**

The Committee determined they did not have to move into Closed Session for Item 14.1.

**(i) Closed Minutes – May 3, 2022 (Item 14.1)****(Pearson/Ferguson)**

- (a) That the Closed Session Minutes dated May 3, 2022, be approved, as presented; and,
- (b) That the Closed Session Minutes dated May 3, 2022, remain private and confidential.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(h) ADJOURNMENT (Item 15)****(Pearson/Ferguson)**

That there being no further business, the Planning Committee be adjourned at 12:57 p.m.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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Councillor B. Johnson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	To Incorporate Certain City Lands as Public Highway Related to Registration of Stonegate Park Subdivision, Hamilton (PED22101) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mark Inrig (905) 546-2424 Ext. 4303
<b>SUBMITTED BY:</b>	Ashraf Hanna Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the General Manager of Planning and Economic Development, or designate, be authorized and directed to prepare a by-law under the provisions of Subsection 31(2) of the Municipal Act, as amended, to incorporate Parts 3 and 4 on Plan 62R-19793 and Part 1 on Plan 62R-21800 into public highway on Aquasanta Crescent and DiCenzo Drive, respectively, as illustrated in Appendix "A" to Report PED22101.
- (b) That the by-law to incorporate City lands to form part of Aquasanta Crescent and DiCenzo Drive, included as Appendix "B" to Report PED22101, be prepared to the satisfaction of the City Solicitor and enacted by Council.
- (c) That the City Solicitor, or designate, be authorized and directed to register the By-law.

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

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

**SUBJECT: To Incorporate Certain City Lands as Public Highway Related to  
Registration of Stonegate Park Subdivision, Hamilton (PED22101)  
(Ward 8) - Page 2 of 5**

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## **EXECUTIVE SUMMARY**

In subdivision development, streets designated as “through streets” often terminate with a dead-end due to phasing of subdivision draft plans or fragmented ownership of land parcels. In these situations, the City establishes temporary turning circles at the roadway dead-end to ensure vehicles can safely turn around. Temporary turning circles remain in place until adjacent lands develop and the through street is extended.

The implementation of DiCenzo Gardens – Phase 10 subdivision and Stonegate Park subdivision in the Ryckmans neighbourhood required the construction of temporary turning circles on lands outside of the subdivision plan. Implementation of DiCenzo Gardens Phase 10 in 2014 required installation of a turning circle on Aquasanta Crescent, while implementation of Stonegate Park in 2022 required the removal of this turning circle and the installation of a new one for the extension of DiCenzo Drive.

With the registration of the Stonegate Park subdivision, the lands used for the Aquasanta Crescent and DiCenzo Drive temporary turning circles will form part of the street’s ultimate road allowance, so a by-law is required to open these lands as public highway.

This report recommends that staff be authorized to prepare the necessary by-law, included as Appendix “B” to Report PED22101, under the provisions of Subsection 31(20) of the Municipal Act, as amended, to incorporate Parts 3 and 4 on Plan 62R-19793 (Aquasanta Crescent) and Part 1 on Plan 62R-21800 (DiCenzo Drive), included as Appendix “A” to Report PED22101, into public highway.

### **Alternatives for Consideration – See Page 4**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

## **HISTORICAL BACKGROUND**

DiCenzo Construction Limited is the developer of two abutting residential plans of subdivision in the Ryckmans neighbourhood on the south mountain. DiCenzo Gardens

**SUBJECT: To Incorporate Certain City Lands as Public Highway Related to Registration of Stonegate Park Subdivision, Hamilton (PED22101) (Ward 8) - Page 3 of 5**

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– Phase 10 subdivision was registered in 2014 (Plan 62M-1209) and Stonegate Park subdivision registered in 2022 (Plan 62M-1284). Roads within the plans include: Mia Drive, Genoa Drive, DiCenzo Drive, and Aquasanta Crescent, with the latter two roads traversing both plans.

The implementation of both subdivisions required the construction of temporary turning circles on lands outside of the subdivision plan. Implementation of DiCenzo Gardens Phase 10 in 2014 required installation of a turning circle on Aquasanta Crescent, while implementation of Stonegate Park in 2022 required the removal of this turning circle and the installation of a new one for the extension of DiCenzo Drive.

With the registration of the Stonegate Park subdivision, the lands used for the Aquasanta Crescent and DiCenzo Drive temporary turning circles will form part of the street's ultimate road allowance, so a by-law is required to open these lands as public highway which is the subject of this report.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

This report does not impact any existing City policies.

## **RELEVANT CONSULTATION**

Geomatics and Corridor Management of the Public Works Department and Legal Services of the Corporate Services Department have been consulted.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

In the normal course of subdivision development, streets designated as “through streets” by the City’s approved secondary plans are often terminated with a dead-end due to phasing of subdivision draft plans or fragmented ownership of land parcels. In these situations, the City’s standard requirement is to establish a temporary turning circle at the roadway dead-end to ensure vehicles can safely turn around at the street’s dead-end. The turning circles remain in place until adjacent lands develop and the through street is extended.

### Aquasanta Crescent – Removal of Temporary Turning Circle

As part of the approved development phasing plan, DiCenzo Gardens Phase 10 was completed with Aquasanta Crescent terminating with a temporary turning circle on the lands of the future Stonegate Park subdivision. At the time of registration, the developer dedicated lands external to the plan required for the temporary turning circle to the City with the understanding that when the street was extended in the future as part of the Stonegate Park plan, whatever land was not required for the street would be transferred

**SUBJECT: To Incorporate Certain City Lands as Public Highway Related to  
Registration of Stonegate Park Subdivision, Hamilton (PED22101)  
(Ward 8) - Page 4 of 5**

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back to the developer, and the land needed for the street would remain in City ownership and formally opened as a public highway.

With the registration of the Stonegate Park subdivision in 2022, the lands used for the temporary turning circle will form part of the ultimate road allowance width for the permanent through street on Aquasanta Crescent, formally Parts 3 and 4 on Plan 62R-19793, as public highway as shown in Appendix “A” to Report PED22101.

DiCenzo Drive – Creation of Temporary Turning Circle

Registration of Stonegate Park subdivision in 2022 resulted in the western leg of DiCenzo Drive extending further south; however, because it will connect to a future street on currently undeveloped lands to the south, the developer is required to construct a temporary turning circle on those lands. The location of the turning circle is over land that is partly owned by the DiCenzo Construction Company Limited, but also partly owned by the City.

The developer’s land for the turning circle was included with registration of Plan 62M-1284 and has been dedicated to the City as public highway; however, the City land within the turning circle was not included in the registration and is instead described as Part 1 on Plan 62R-21800 as shown in Appendix “A” to Report PED22101.

The lands of Parts 3 and 4 on Plan 62R-19793 (Aquasanta Crescent) and Part 1 on Plan 62R-21800 (DiCenzo Drive) form part of the City’s road allowance as functioning City streets. Because these lands are not part of a plan of subdivision, staff recommend a by-law be prepared as required by law to open these lands as public highway for vehicular and pedestrian egress and to allow the City to be protected under the Municipal Act with regard to public liability and minimum road maintenances standards. A draft by-law is included as Appendix “B” to Report PED22101.

**ALTERNATIVES FOR CONSIDERATION**

An alternative to the recommendation in this report would have been to include Parts 3 and 4 on Plan 62R-19793 (Aquasanta Crescent) and Part 1 on Plan 62R-21800 (DiCenzo Drive) in the final plan of subdivision for “Stonegate Park”. Doing so would have required the City to sign the subdivision M-plan as a land owner to the subdivision. This alternative is not supported by staff.



**SUBJECT: To Incorporate Certain City Lands as Public Highway Related to  
Registration of Stonegate Park Subdivision, Hamilton (PED22101)  
(Ward 8) - Page 5 of 5**

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**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.

**Built Environment and Infrastructure**

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

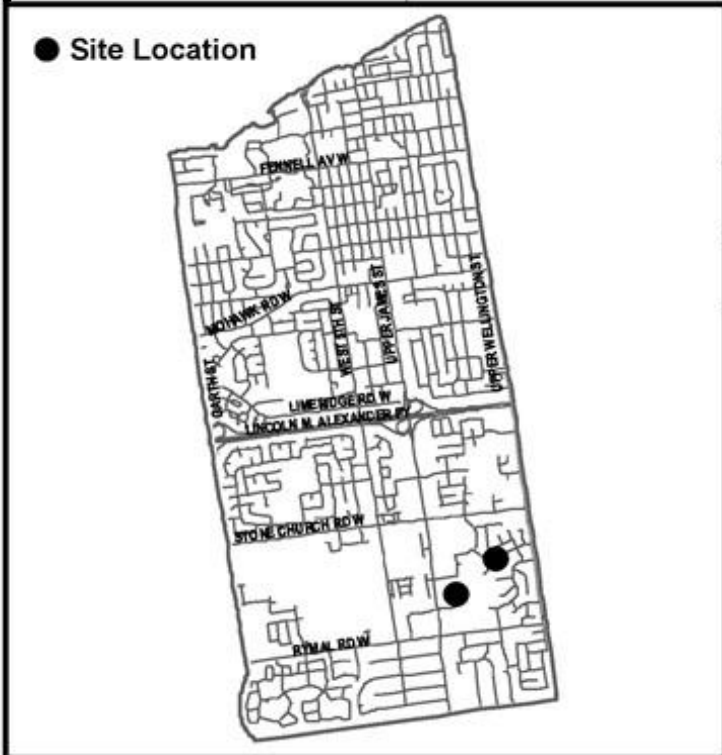
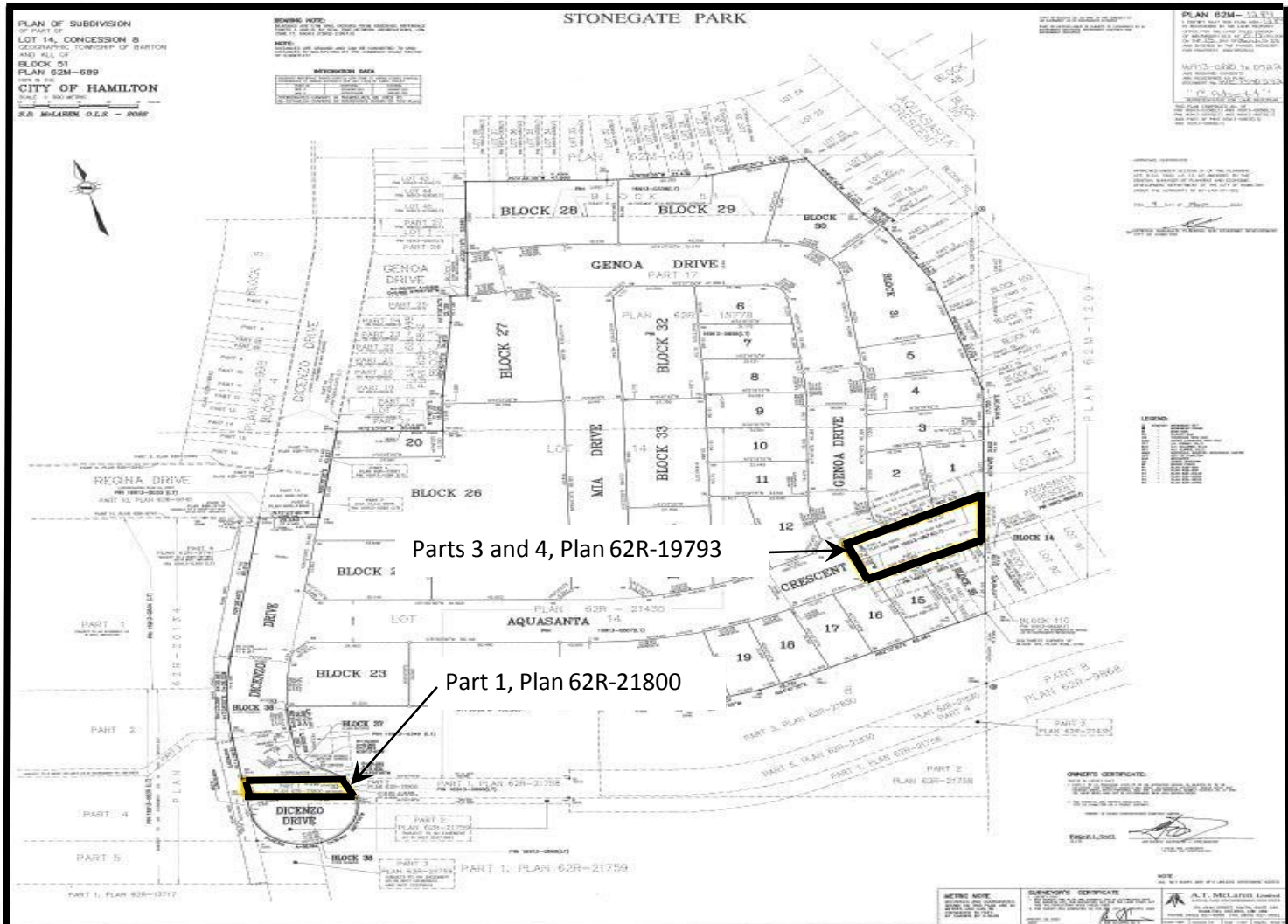
**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**


Appendix “A” to Report PED22101 - Key Location Map

Appendix “B” to Report PED22101 - By-law No. XX - That the following Citylands designated as Parts 3 and 4 on Plan 62R-19793 and Part 1 on Plan 62R-21800 be established as public highway and as part of Aquasanta Crescent and DiCenzo Drive, respectively



● Site Location

## Location Map

  
**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<p><b>File Name/Number:</b> Stonegate Park Subdivision</p>	<p><b>Date:</b> March 29, 2022</p>
<p><b>Appendix "A"</b></p>	<p><b>Scale:</b> N.T.S</p>
<p><b>Planner/Technician:</b> MI/VS</p>	

**Subject Property**

Subject Lands

**Key Map - Ward 8**

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Establish City of Hamilton Land  
Described as Parts 3 and 4 on Plan 62R-19793 and Part 1 on Plan 62R-21800 as  
Public Highway and as Part of Aquasanta Crescent and DiCenzo Drive,  
respectively**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Parts 3 and 4 on Plan 62R-19793 and Part 1 on Plan 62R-21800, is established as a public highway, forming part of Aquasanta Crescent and DiCenzo Drive, respectively.
2. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this            day of            , 2022.

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Fred Eisenberger  
Mayor

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Andrea Holland  
City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Private Property Special Enforcement Area (PED22133) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	James Buffett (905) 546-2424 Ext. 3177
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the draft Amending By-law for Administrative Penalty System By-law 17-225, and To Regulate the Parking of Motor Vehicles on Private and Municipal Property 01-220, attached as Appendix "A" to Report PED22133 and in a form satisfactory to the City Solicitor, be approved.

### EXECUTIVE SUMMARY

Reponses to address problems associated with increased visitors to Waterfalls across the City continue to evolve, with many solutions now being put in place. To date, significant staffing resources have been assigned to address a variety of problems related to parking and by-law matters. At the direction of City Council, a multi-disciplinary working group (City staff, Hamilton Conservation Authority, and the Hamilton Police Service) continue collaborating to address specific problems in relation to Waterfall Sites.

A recent issue following the redevelopment of the Greenville Elementary School Site, has seen Waterfall visitors are now utilizing the school parking lot for unauthorized parking. An amendment to the By-law 01-220 (A By-law To Regulate the Parking of Motor Vehicles on Private and Municipal Property) provides the same tools for compliance that have been highly effective in the area for parking issues on the

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**SUBJECT: Private Property Special Enforcement Area (PED22133) (City Wide) -  
Page 2 of 3**

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roadway. If future private properties neighbouring Waterfall sites begin having similar issues, this can be implemented as replicable measure to curb illegal and unauthorized parking.

Alongside these changes, a few housekeeping items are being addressed such as updated definitions for added consistency across all Parking By-laws.

**Alternatives for Consideration – See Page 3**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Legal Services was consulted and drafted the amending By-law.

**HISTORICAL BACKGROUND**

Many remedial actions have been implemented to address Waterfall Visitor Parking Issues, including the City Council approved Special Enforcement Areas (SEA), where parking fines were increased to \$250 in some Waterfall areas, as well as additional enforcement and revised enforcement tactics. The City also continues to invest in access and viewing enhancements to improve the visitor experience and minimize environmental and community impacts. Hamilton Conservation Authority (HCA) have also implemented many visitor and parking strategies, inclusive or reservation and shuttle programs. However, problems continue to exist due to the popularity of the Waterfall areas and the reluctance of some visitors to abide by clear regulations.

Notably in 2021, following the redevelopment of Greenville Elementary School Site, the property began to see an influx of Waterfall visitors utilize its parking without authorization. Although existing measures are in place for routine parking enforcement, the penalties currently in place for private property enforcement are far less than that of penalties for established SEA.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

The Hamilton-Wentworth District School Board, Recreation Staff, and the Ward Councillor have all been consulted and agree with this measure.

**SUBJECT: Private Property Special Enforcement Area (PED22133) (City Wide) -  
Page 3 of 3**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

To date, increased enforcement has been successful based on public and Councillor office feedback and has resulted in an observed increase in compliance with by-law regulations; has contributed to improved public safety and, has reduced the number of complaints regarding unsafe and illegal on-street parking.

A shift from on-street parking problems to off-street (private property) parking problems is now present without the same tools available to staff that have been so effective.

**ALTERNATIVES FOR CONSIDERATION**

Should Council not wish to approve this amendment, ongoing unauthorized visitor parking may continue, creating service and program interruptions at the Greenville School Site.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Healthy and Safe Communities**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22133 – Amending By-law

JB:cr

**Appendix "A" to Report PED22133  
Page 1 of 4**

**Authority:** Item,  
Report  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO.**

**To Amend City of Hamilton By-law 01-220, being a By-law to Regulate the Parking of Motor Vehicles on Private and Municipal Property and to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties**

**WHEREAS** Council has identified certain areas in Hamilton where special enforcement is required;

**AND WHEREAS** this by-law amends By-law 01-220, being a By-law to Regulate the Parking of Motor Vehicles on Private and Municipal Property and By-law 17-225, being a By-law to Establish a System of Administrative Penalties to address areas in Hamilton where special enforcement and higher fines are required;

**AND WHEREAS** this amending by-law also amends By-law 01-220 to provide for housekeeping amendments as hereinafter described and depicted;

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

1. The amendments in By-law 01-220 include any necessary grammatical, numbering and letter changes.
2. That the following definitions be added to section 1 in By-law 01-220:

"motor vehicle" or "vehicle" includes an automobile, a motorcycle, and any other vehicle propelled or driven otherwise than by muscular power and includes a trailer.

"Special Enforcement Area" means an area set out in Schedule "A" where the owner of the property provided the City with written authorization to designate their property as a "Special Enforcement Area" and authorized Officers to enforce parking violations, as contemplated under this By-law. Schedule "A" describes the following:

- (a) in column one thereof, the address of the property that is designated as a Special Enforcement Area;
- (b) in column two thereof, the specific location on the property where the Special Enforcement Area regulation applies;

**Appendix "A" to Report PED22133****Page 2 of 4**

(c) in column three thereof, those periods during which the Special Enforcement Area regulation is in force and effect.

3. That the following chart be added as Schedule "A" to By-law 01-220:

<b>Schedule "A" – Special Enforcement Area</b>		
<b>Address</b>	<b>Location</b>	<b>Increased Fine in Effect</b>
625 Harvest Rd.	Entire property at Greensville Elementary School	March 15 – November 15

4. That the following section be added to By-law 01-220 after section 8:

8.1 (1) No person shall park a motor vehicle in a Special Enforcement Area without the consent of the owner.

(2) No person shall park a motor vehicle in a Special Enforcement Area without the authority of the owner, and in any case, not in a parking space set aside and signed for use by vehicles used for transporting disabled persons, unless there is clearly displayed on the driver's side and fully visible from external view, an Accessible Parking Permit issued by the Ministry of Transportation Ontario.

(3) Where the owner, has posted suitable signs stating conditions on which a motor vehicle may be parked or may be left on the property or prohibiting the parking or leaving of a motor vehicle on the said property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions shall be deemed to have been parked or left without consent.

(4) Notwithstanding the above, no property owner shall be required to post signs in any area not set aside and improved for the parking of motor vehicles.

(5) Any person parking a vehicle in an area not set aside and improved for the parking of motor vehicles shall, in the absence of evidence to the contrary, be deemed to have parked without authorization or consent.

(6) Where a driver of a motor vehicle, not being the owner, parks the motor vehicle contrary to this section 8.1 and is liable to a penalty, the owner of the motor vehicle is also liable to such penalty unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner without the owner's consent.

(7) An Officer, upon discovering a violation under section 8.1 of this By-law, may:

(a) cause the vehicle to be moved or taken to and placed or stored in a suitable place and all costs for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25; and



**Appendix "A" to Report PED22133****Page 3 of 4**

- (b) issue a penalty notice pursuant to the City's Administrative Monetary Penalty by-law, as amended.
5. That section 6 of By-law 01-220 be amended by removing the words "Parking Infraction Notice" and replacing those words with "penalty notice pursuant to the City's Administrative Penalties by-law."
6. That sections 10, 11 and 12 of By-law 01-220 be repealed and replaced with the following:
10. (1) Pursuant to the City's Administrative Penalties by-law, this By-law has been designated as a by-law to which the City's Administrative Penalties by-law applies.
- (2) The owner of a vehicle that is parked, stopped or left standing in contravention of this By-law, when given a penalty notice in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in Schedule A of the City's Administrative Penalty By-law and any fees related thereto, unless the owner proves to the satisfaction of the City that at the time of the offence, the vehicle was in the possession of another person without the owner's consent, expressed or implied.
- (3) Any person who violates this By-law, when given a penalty notice in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in Schedule A of the City's Administrative Penalty By-law and any fees related thereto.
11. (1) An Officer observing a vehicle alleged to be parked on,
- (a) class 1 private property contrary to section 2; or
- (b) class 2 private property contrary to section 2, provided that a suitable sign has been erected on said property;
- (c) class 3 private property contrary to section 3, or
- (d) Special Enforcement Area contrary to section 8.1
- may affix a penalty notice to the motor vehicle or otherwise issue said penalty notice to the person having care and control of said motor vehicle.
7. That the words "Disabled Person Parking Permit" be repealed throughout By-law 01-220 and replaced with the words "Accessible Parking Permit".
8. That Schedule A of By-law No.17-225 be amended by repealing Table 5: and replacing it with the following:

## Appendix "A" to Report PED22133

Page 4 of 4

TABLE 5: BY-LAW NO. 01-220 REGULATING PARKING ON PRIVATE AND MUNICIPAL PROPERTY				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-220	2 (1)	Unauthorized Parking – Private Property	\$55.00
2	01-220	3 (1)	Unauthorized Parking – Municipal Property	\$55.00
3	01-220	2 (2)	Park in a Reserved Accessible Parking Space	\$350.00
4	01-220	3 (3)	Park in a Reserved Accessible Parking Space	\$350.00
5	01-220	8.1 (1)	Unauthorized Parking – Special Enforcement Area	\$250.00
6	01-220	8.1 (2)	Park in a Reserved Accessible Parking Space	\$350.00

9. That in all other respects, By-law 01-220 and By-law 17-225 are confirmed; and
10. That the provisions of this by-law shall become effective on the date approved by City Council.

**PASSED** this \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13)
<b>WARD(S) AFFECTED:</b>	Wards 1, 5, 12, 13
<b>PREPARED BY:</b>	Heather Travis (905) 546-2424 Ext. 4168
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the City of Hamilton supports the inclusion of Stoney Creek and Battlefield Creek in the Greenbelt Plan as Urban River Valleys as part of the Provincial “Growing the Greenbelt” initiative, as identified on Appendix “A” attached to Report PED21064(a);
- (b) That, in addition to Stoney Creek and Battlefield Creek, the City of Hamilton recommends the inclusion of Coldwater (Ancaster) Creek, as identified on Appendix “B” attached to Report PED21064(a), to the Greenbelt Plan as an Urban River Valley;
- (c) That Report PED21064(a) be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings #019-4485, 019-4483, and 019-4803 respecting Growing the Size of the Greenbelt and Urban River Valleys.

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**SUBJECT: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) - Page 2 of 7**

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## **EXECUTIVE SUMMARY**

Through Environmental Registry of Ontario (ERO) Postings #019-4485, 019-4483 and 019-4803, the Province is requesting comments on proposed amendments to the Greenbelt Plan to add additional Urban River Valleys (URVs) to the Plan. URVs connect the Greenbelt to the Great Lakes and inland lakes through urban areas that are not part of the Greenbelt Plan. Within the City of Hamilton, the effect of the proposals is to add Stoney Creek and Battlefield Creek to the Greenbelt Plan as URVs. The Province is also seeking input on additional recommendations for URVs to be added to the Plan.

City staff support the inclusion of Stoney Creek and Battlefield Creek to the Greenbelt Plan as URVs. While it is noted that these areas already enjoy significant protection through existing policies and regulations, protection of river valleys is vitally important to address the impacts of a changing climate by providing stormwater management and flood protection to protect citizens, agricultural land and infrastructure, and the natural environment. There is significant public ownership of lands along both Stoney and Battlefield Creeks which will be further protected through the URV designation.

In addition, staff reiterate previous recommendations to the Province to add Coldwater Creek (also known as Ancaster Creek) to the Greenbelt Plan as a URV. This recommendation was first put forward as part of the Co-ordinated Provincial Plan Review in 2015 and followed up in 2021 as part of the Growing the Greenbelt Phase One consultation.

Staff provided comments to the Province on the ERO Postings on April 21, 2022 (Appendix “C” attached to Report PED21064(a)), in advance of the April 23, 2022 commenting deadline. This Report and any revisions by Council will be forwarded to the Province as additional comments on the proposed amendments.

### **Alternatives for Consideration – See Page 7**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**SUBJECT: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) - Page 3 of 7**

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## HISTORICAL BACKGROUND

*ERO Postings 019-4485, 019-4483 and 019-4803*

On March 24, 2022, the following three postings were added to the ERO for public comment:

- ERO Posting #019-4485: Proposed Amendment to the Greenbelt Plan - Growing the Size of the Greenbelt;
- ERO Posting #019-4483: Proposed Amendment to the Greenbelt Area Boundary Regulation - Growing the Size of the Greenbelt; and,
- ERO Posting #019-4803: Ideas for Adding More Urban River Valleys.

The purpose of the proposed amendments through Postings #019-4485 and 019-4483 is to add a number of Urban River Valleys (URVs) to the Greenbelt Plan. URVs connect the Greenbelt to the Great Lakes and inland lakes through urban areas that are not part of the Greenbelt Plan. Within the City of Hamilton, the effect of the proposals is to add Stoney Creek and Battlefield Creek to the Greenbelt Plan as URVs (see Appendix “A” to Report PED21064(a)). Fifty Creek has already been added to the Greenbelt Plan as a URV through the Co-ordinated Provincial Plan Review. Further information on the proposed Amendments is provided in the Analysis and Rationale for Recommendation section of this Report.

The purpose of Posting #019-4803 is to seek ideas for additional URVs or expansions of existing URVs to be added to the Greenbelt Plan in the future.

The ERO Postings were open and available for comment for 30 days, closing on April 23, 2022. City staff provided comments on the postings to the Province on April 21, 2022, in advance of the commenting deadline (attached as Appendix “C” to Report PED21064(a)). A copy of this staff report, including any amendments from Council, will be forwarded to the Province as additional City of Hamilton comments on the proposal.

*Previous City of Hamilton comments on Growing the Greenbelt*

The City of Hamilton has previously provided comments on the URV designation in 2015 through the Co-ordinated Provincial Plan Review (Report PED15078(b)), and in 2021 through Phase One of the Growing the Greenbelt Consultation, ERO Posting 019-3136 (Report PED21064(a)), as summarized below:

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**SUBJECT: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) - Page 4 of 7**

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- Based on extensive review in 2015 as part of the City’s Greenbelt Plan Boundary Review, which included a focus on the URVs, staff recommend that no additional URVs be added to the Greenbelt Plan (other than to reiterate two previous Council requests to add Coldwater (Ancaster) Creek, further discussed in the Analysis and Rationale for Recommendation Section of this Report). It was noted that the URVs have an extensive amount of existing natural heritage system protection based on a combination of public ownership, inclusion within the Niagara Escarpment Plan, being regulated by the Conservation Authorities, designated Open Space in the Urban Hamilton Official Plan (UHOP) and zoned as Open space. Based on the policy framework in place in 2015, it was determined that an additional layer of planning policy would not enhance the existing protection. This recommendation was submitted to the Province as part of the City’s submission on the Co-ordinated Provincial Plan Review.

With the release of the Greenbelt Plan 2017, Coldwater Creek was not added as a URV. Within Hamilton, Fifty Creek was added as a URV.

- In 2021, the Province requested comments on the addition of URVs to the Greenbelt Plan through the Growing the Greenbelt consultation (ERO #019-3136). City comments provided to the Province in April 2021 reiterated the recommendation to add Coldwater Creek to the Plan as a URV. No other URVs were recommended for addition at that time.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Section 6 of the Greenbelt Plan. 2017 describes urban river valleys:

“Key river valleys in urban areas adjacent to the Greenbelt provide opportunities for additional connections to help expand and integrate the Greenbelt and its systems into the broader southern Ontario landscape. The Urban River Valley designation provides direction to those areas where the Greenbelt occupies river valleys in an urban context. These urban river valleys may be the setting for a network of uses and facilities, including recreational, cultural and tourist amenities and *infrastructure*, which are needed to support urban areas.

### 6.1 Description

The Urban River Valley designation as shown on Schedule 1 applies to lands within the main corridors of river valleys connecting the rest of the Greenbelt to the Great Lakes and inland lakes. The lands in this designation comprise river valleys and associated lands and are generally characterized by being:

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**SUBJECT: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) - Page 5 of 7**

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- Lands containing natural and hydrologic features, including coastal *wetlands*; and,
- Lands designated in official plans for uses such as parks, open space, recreation, conservation and environmental protection.

## 6.2 Policies

For lands falling within the Urban River Valley, the following policies shall apply:

1. Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation. For the purposes of this section, publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority;
2. The lands are governed by the applicable official plan policies provided they have regard to the objectives of the Greenbelt Plan;
3. All existing, expanded or new *infrastructure* which is subject to and approved under the *Environmental Assessment Act*, or which receives a similar approval, is permitted provided it supports the needs of adjacent *settlement areas* or serves the significant growth and economic development expected in southern Ontario and supports the goals and objectives of the Greenbelt Plan; and,
4. The Protected Countryside policies do not apply except for:
  - a. The policies of section 3.2.6 (External Connections); and,
  - b. The policies of section 3.3 (Parkland, Open Space and Trails)."

## RELEVANT CONSULTATION

Staff from the Air Quality and Climate Change (AQ&CC) Program within the Healthy and Safe Communities Department provided comments on the ERO Postings which are reflected within this Report.

## ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Comments on Proposed ERO Postings #019-4485 and 019-4483: Proposed Amendment to the Greenbelt Plan - Growing the Size of the Greenbelt

The purpose of the proposed amendments is to add a number of URVs to the Greenbelt Plan. URVs connect the Greenbelt to the Great Lakes and inland lakes

**SUBJECT: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) - Page 6 of 7**

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through urban areas that are not part of the Greenbelt Plan. Within the City of Hamilton, the effect of the proposals is to add Stoney Creek and Battlefield Creek to the Greenbelt Plan as URVs (Appendix “A” attached to Report PED21046(a)).

As noted in the Policy and Legislated Requirements Section above, the policies of the Greenbelt Plan specify that only publicly owned lands are subject to the policies of the URV designation. Publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority. Further, the policies state that the lands are governed by the applicable Official Plan policies provided they have regard to the objectives of the Greenbelt Plan.

Staff note that both Stoney Creek and Battlefield Creek have extensive areas of public ownership and provide connection to the Escarpment, which then provides connection to the Greenbelt. The boundaries of the URVs are generally based on a 60 m setback from the water’s edge, providing for protection of the natural environment surrounding the urban rivers, including the urban forest.

While staff reiterate previous comments that the proposed URV lands are already protected by a combination of Official Plan policy zoning and Conservation Authority regulations, the addition of new URVs to the Greenbelt Plan does align with Hamilton’s High Impact Climate Change Goals (as identified in the Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation) by protecting and enhancing the natural environment, which can play a key role in reduction and protection from climate change impacts. [ICLEI Canada’s Climate Science Report for the City of Hamilton](#) states “On a seasonal basis, in Hamilton, spring, winter and autumn precipitation accumulations are projected to increase by the end of the century with spring and winter experiencing the greatest increases.” Protection of river valleys is vitally important to address the impacts of a changing climate by providing stormwater management and flood protection to protect citizens, agricultural land and infrastructure, and the natural environment. Staff therefore support the inclusion of Stoney Creek and Battlefield Creek as URVs in the Greenbelt Plan. In addition, the Covid-19 pandemic highlighted the importance of natural areas from a quality of life and city-building perspective.

2. Comments on Proposed ERO Posting #019-4803: Ideas for Adding More Urban River Valleys

As noted above, the City previously provided a recommendation to add Coldwater Creek (also known as Ancaster Creek) to the Greenbelt Plan as a URV (Appendix “B” attached to Report PED21064(a)). This recommendation was first put forward

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**SUBJECT: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) - Page 7 of 7**

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as part of the City's comments on the Co-ordinated Review in 2015 through a Council motion and followed up in 2021 as part of the Growing the Greenbelt Phase One consultation. Through ERO Posting 019-4803, staff reiterate the recommendation to add Coldwater Creek to the Greenbelt Plan as a URV.

## **ALTERNATIVES FOR CONSIDERATION**

Council could choose to provide additional or revised comments to the Province on ERO Postings 019-4485, 019-4483 and / or 019-4803. Any additional or revised comments will be forwarded to the Province as City of Hamilton comments on the proposed Amendments.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Clean and Green**

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

## **APPENDICES AND SCHEDULES ATTACHED**

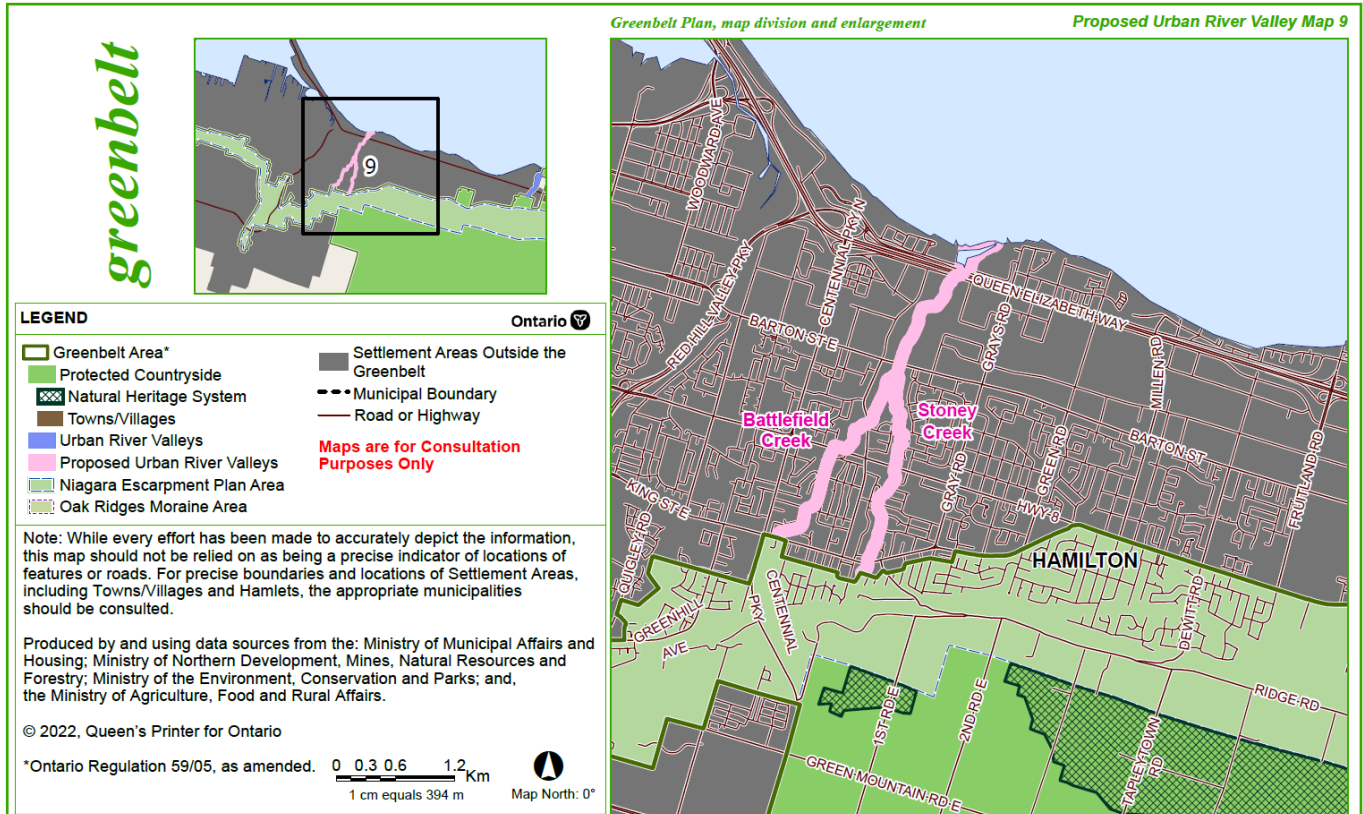
Appendix "A" to Report PED21064(a) – Proposed Greenbelt Plan Urban River Valley Map 9 identifying Stoney Creek and Battlefield Creek

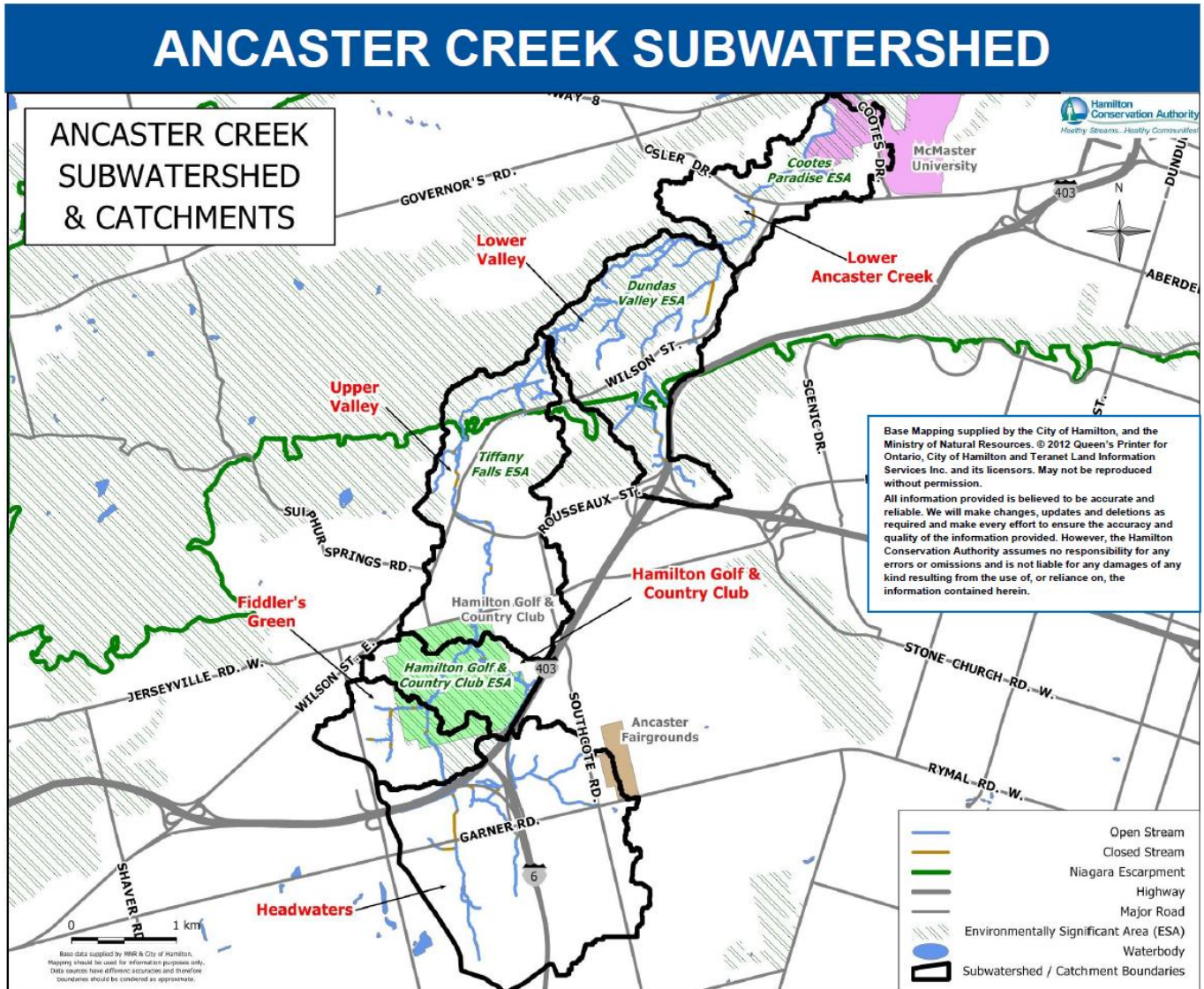
Appendix "B" to Report PED21064(a) – Map of Ancaster Creek Subwatershed

Appendix "C" to Report PED21064(a) – Letter to Province with Staff comments on ERO Postings 019-4485, 019-4486 and 019-4803, dated April 21, 2022

HT:sd

Appendix "A" to Report PED21064(a)  
Page 1 of 1





April 21, 2022

Attn: Growingthegreenbelt@ontario.ca

Dear Sir / Madam,

**Re: Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803**

Thank you for the opportunity to provide comments on the following ERO Postings:

- ERO Posting #019-4485: Proposed Amendment to the Greenbelt Plan - Growing the Size of the Greenbelt;
- ERO Posting #019-4483: Proposed Amendment to the Greenbelt Area Boundary Regulation - Growing the Size of the Greenbelt; and,
- ERO Posting #019-4803: Ideas for Adding More Urban River Valleys.

City of Hamilton staff have reviewed the postings and supporting documents and have prepared the comments below.

ERO Postings #019-4485 & 019-4483: Proposed Amendment to the Greenbelt Plan - Growing the Size of the Greenbelt

*Context:*

The purpose of the proposed amendments is to add a number of Urban River Valleys to the Greenbelt Plan. Urban River Valley (URV) is a designation within the Greenbelt Plan. URVs connect the Greenbelt to the Great Lakes and inland lakes through urban areas that are not part of the Greenbelt Plan. The lands in this designation comprise river valleys and associated lands and are generally characterized by being:

- lands containing natural and hydrologic features, including coastal *wetlands*
- lands designated in official plans for uses such as parks, open space, recreation, conservation and environmental protection

Staff note that the policies of the Greenbelt Plan specify the following in relation to URVs:

“For lands falling within the Urban River Valley, the following policies shall apply:

1. Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation. For the purposes of this section, publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority.
2. The lands are governed by the applicable official plan policies provided they have regard to the objectives of the Greenbelt Plan.”

*City of Hamilton implications:*

Within the City of Hamilton, the effect of the proposals is to add Stoney Creek and Battlefield Creek to the Greenbelt Plan as URVs. Fifty Creek has already been added to the Greenbelt Plan as a URV through the Co-ordinated Provincial Plan Review.

*City of Hamilton history:*

Staff note that the City has previously provided comments on the URV designation in 2015 through the Co-ordinated Provincial Plan Review, and in 2021 through Phase One of the Growing the Greenbelt Consultation (ERO Posting 019-3136), as summarized below:

- Based on extensive review in 2015 as part of the City’s Greenbelt Plan Boundary Review, which included a focus on the URVs, staff recommend that no additional URVs be added to the Greenbelt Plan (other than to reiterate two previous Council requests to add Coldwater Creek in Dundas, further discussed in relation to ERO Posting 019-4803 below). It was noted that the URVs have an extensive amount of existing natural heritage system protection based on a combination of public ownership, inclusion within the Niagara Escarpment Plan, being regulated by the Conservation Authorities, designated Open Space in the Urban Hamilton Official Plan and zoned as Open space. An additional layer of planning policy would not enhance the existing protection. This recommendation was submitted to the Province as part of the City’s submission on the Co-ordinated Provincial Plan Review.

With the release of the Greenbelt Plan 2017, Coldwater Creek was not added as a URV. Within Hamilton, Fifty Creek was added as a URV.

- In 2021, the Province requested comments on addition of URVs to the Greenbelt Plan through the Growing the Greenbelt consultation (ERO 019-3136). City comments provided to the Province in April 2021 reiterated the recommendation to add Coldwater Creek to the Plan as a URV. No other URVs were recommended for addition at that time.



*Current Recommendation:*

While staff reiterate previous comments that the lands are already protected by a combination of Official Plan policy and zoning and Conservation Authority regulations, staff note that both Stoney Creek and Battlefield Creek have extensive areas of public ownership and provide connection to the Escarpment, which then provides connection to the Greenbelt. The boundaries of the URVs are generally based on a 60 m setback from the water's edge, providing for protection of the natural environment surrounding the urban rivers, including the urban forest.

The addition of Urban River Valleys to the Greenbelt Plan aligns with the Hamilton's High Impact Climate Change Goals by protecting and enhancing the natural environment, as well as the City's climate adaptation goal, as the natural environment can play a key role in reduction and protection from climate change impacts. [ICLEI Canada's Climate Science Report for the City of Hamilton](#) states "On a seasonal basis, in Hamilton, spring, winter and autumn precipitation accumulations are projected to increase by the end of the century with spring and winter experiencing the greatest increases." Protection of river valleys is vitally important to address the impacts of a changing climate by providing stormwater management and flood protection to protect citizens, agricultural land and infrastructure, and the natural environment. Staff therefore support the inclusion of Stoney Creek and Battlefield Creek as URVs in the Greenbelt Plan.

ERO Posting #019-4803: Ideas for Adding More Urban River Valleys

*Recommendation:*

As noted above, the City previously provided a recommendation to add Coldwater Creek (also known as Ancaster Creek) to the Greenbelt Plan as a URV. This recommendation was first put forward as part of the Co-ordinated Review in 2015 and followed up in 2021 as part of the Growing the Greenbelt Phase One consultation. Through ERO Posting 019-4803, staff reiterate the recommendation to add Coldwater Creek to the Greenbelt Plan as a URV.

Please accept these comments to meet the April 23, 2022 Provincial deadline for the submission of comments on the ERO Postings. Please note that additional comments may be forthcoming following Council consideration of the above comments. If you have any questions, please feel free to contact Heather Travis at (905) 546-2424, ext. 4168, or by email at [Heather.Travis@hamilton.ca](mailto:Heather.Travis@hamilton.ca).

Yours truly,

Steve Robichaud  
Director of Planning and Chief Planner  
Planning and Economic Development Department  
City of Hamilton



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Ontario Land Tribunal Report CRB2101 through CRB2107 Respecting the Notice of Intention to Designate (NOID) 110-122 King Street East, Hamilton (PED20159(a)) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Chloe Richer (905) 546-2424 Ext. 7163
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Ontario Land Tribunal Report CRB2101 through CRB2107 in response to the objections to the Notice of Intention to Designate 110-122 King Street East (the former Royal Connaught Hotel) issued November 18, 2021, attached as Appendix "B" to Report PED20159(a), be received;
- (b) That the By-law, attached as Appendix "C" to Report PED20159(a), to designate 110-122 King Street East, Hamilton as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved.

### EXECUTIVE SUMMARY

On November 6, 2020, the City of Hamilton issued a Notice of Intention to Designate (NOID) the property located at 110-122 King Street East in Hamilton (see Location Map attached as Appendix "A" to Report PED20159(a)) under Part IV of the *Ontario Heritage Act*. Objections to the NOID were received by the City on November 23, 2020, November 25, 2020 and December 1, 2020 and were referred to the Conservation Review Board, now the Ontario Land Tribunal ("OLT"), on January 11, 2021 for review. The OLT is an adjudicative tribunal that considers matters under Parts IV, V and VI of the *Ontario Heritage Act*.

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**SUBJECT: Ontario Land Tribunal Report CRB2101 through CRB2107  
Respecting the Notice of Intention to Designate (NOID) 110-122 King  
Street East, Hamilton (PED20159(a)) (Ward 2) - Page 2 of 6**

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The OLT order known as CRB2101 through CRB2107 dismissing the proceeding related to the objections to the NOID for 110-122 King Street East was issued on November 18, 2021 and is attached as Appendix “B” to Report PED20159(a).

The OLT found that the City of Hamilton complied with the provisions of the *Ontario Heritage Act* when issuing the NOID for 110-122 King Street East. As the proceeding was dismissed, no revisions to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes were required by the OLT.

Staff concur with the OLT and recommend that Council proceed to designate 110-122 King Street East under Part IV of the *Ontario Heritage Act* by passing the By-law attached as Appendix “C” to Report PED20159(a). In accordance with Ontario Regulation 385/21, the designation by-law must be passed by Council before July 1, 2022.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Under Section 29(16) of the *Ontario Heritage Act*, the OLT may dismiss all or part of an appeal of the Notice of Intention to Designate (NOID). Under Section 29(18)(a), the by-law comes into force when all of such appeals have been withdrawn or dismissed.

**HISTORICAL BACKGROUND**

The Royal Connaught Hotel was first constructed in 1914-16 on the east section of the property, with a substantial addition constructed on the west side of the original building in 1931. The hotel was constructed to be a first-class hotel for Hamilton and was for many decades the location of high-profile events and activities. The hotel’s decline began in the 1970s, and it was eventually closed in 2004. The buildings remained vacant until the repurposing of the building into a residential condominium with lower floor commercial units.

On October 14, 2020, Council directed the City Clerk to take appropriate action to designate 110-122 King Street East, Hamilton (former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate. The Notice of Intention to Designate was issued on November 6, 2020. The Hamilton Municipal Heritage Committee (“HMHC”) had been consulted at their

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**SUBJECT: Ontario Land Tribunal Report CRB2101 through CRB2107  
Respecting the Notice of Intention to Designate (NOID) 110-122 King  
Street East, Hamilton (PED20159(a)) (Ward 2) - Page 3 of 6**

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meeting on September 17, 2020 and was in support of the designation of the property (see PED20159). The NOID was served on the property owners and the Ontario Heritage Trust on November 3 and 6, 2020 and was published in the newspaper on November 6, 2020, as required by the *Ontario Heritage Act*.

Three separate owners of residential condominium units objected to the NOID on November 23, 2020, November 25, 2020 and December 1, 2020. The objections were referred to the Conservation Review Board, now the Ontario Land Tribunal (“OLT”), on January 11, 2021 for review.

The OLT order known as CRB2101 through CRB2107 dismissing the proceeding related to the objections to the NOID for 110-122 King Street East was issued on November 18, 2021 and is attached as Appendix “B” to Report PED20159(a).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Statement (2020)**

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology. Sub-section 2.6.1 states that “*significant built heritage resources and significant cultural heritage landscapes shall be conserved*”. The recommendations of this Report are consistent with this policy.

### **Urban Hamilton Official Plan**

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (B.3.4.2.1(a)), and “identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources” (B.3.4.2.1(b)). The policies also provide that the “City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the *Ontario Heritage Act*” (B.3.4.2.3). The recommendations of this Report are consistent with these policies.

## **RELEVANT CONSULTATION**

The HMHC was consulted at their meeting on September 17, 2020 respecting the cultural heritage value or interest of 110-122 King Street East and was in support of the designation of the property. Following review by Council, a copy of this Report will be forwarded to HMHC for their information (as per Recommendation (b) of this Report).

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**SUBJECT: Ontario Land Tribunal Report CRB2101 through CRB2107  
Respecting the Notice of Intention to Designate (NOID) 110-122 King  
Street East, Hamilton (PED20159(a)) (Ward 2) - Page 4 of 6**

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The City served the NOID on the owners and the Ontario Heritage Trust on November 3 and November 6, 2020, and published it in the newspaper on November 6, 2020, as per Section 29(3) of the *Ontario Heritage Act*.

As the OLT dismissed the objections without a hearing, no Notice of Public Hearing was published.

The Legal Services Division, Office of the City Manager, was consulted in preparation of this Report.

All parties involved in the OLT proceedings (see CRB2101 through CRB2107 attached as Appendix “B” to Report PED20159(a)), including the objectors, were issued a copy of the OLT decision.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The OLT is an adjudicative tribunal that considers matters under Parts IV, V and VI of the *Ontario Heritage Act*. Following the hearing, the OLT shall dismiss the appeal or allow the appeal in whole or in part and,

- “(i) Repeal the by-law,
- (ii) Amend the by-law in such manner as the Tribunal may determine,
- (iii) Direct the council of the municipality to repeal the by-law, or
- (iv) Direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order. 2019, c. 9, Sched. 11, Section 7 (6)” (as per Section 29(15) of the *Ontario Heritage Act*).

The OLT order known as CRB2101 through CRB2107 dismissing the proceeding related to the three objections to the NOID for 110-122 King Street East was issued on November 18, 2021 and is attached as Appendix “B” to Report PED20159(a).

In summary, the OLT found that the City of Hamilton complied with the provisions of the *Ontario Heritage Act* when issuing the NOID for 110-122 King Street East. As the proceeding was dismissed, no revisions to the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes were required by the OLT.

Staff recommend that Council proceed to designate 110-122 King Street East under Part IV of the *Ontario Heritage Act* by passing the By-law attached as Appendix “C” to Report PED20159(a).

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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: Ontario Land Tribunal Report CRB2101 through CRB2107  
Respecting the Notice of Intention to Designate (NOID) 110-122 King  
Street East, Hamilton (PED20159(a)) (Ward 2) - Page 5 of 6**

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## **Conclusion**

Staff concur that 110-122 King Street East is of cultural heritage value worthy of designation and recommend that Council pass the by-law to designate, attached as Appendix “C” to Report PED20159 which was presented to the September 17, 2020 HMHC and provides additional details regarding why the subject lands are recommended for designation.

## **ALTERNATIVES FOR CONSIDERATION**

### **Withdraw the NOID**

Under Section 29(16) of the *Ontario Heritage Act*, the OLT may dismiss all or part of an appeal. Under Section 29(18)(a), the by-law comes into force when all of such appeals have been withdrawn or dismissed. As the appeals have been dismissed, withdrawing the NOID would not be consistent with Council’s direction at their meeting on October 14, 2020 to proceed with designating the property, and would not fulfil the expectations established by existing Municipal and Provincial policies.

By withdrawing the NOID, the Municipality would be unable to provide long-term, legal protection of this significant heritage resource, as designation provides protection against inappropriate alterations, new construction and demolition.

Without designation, the property would not be eligible for the City’s heritage grant and loan programs.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Built Environment and Infrastructure**

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

### **Culture and Diversity**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED20159(a) – Location Map

Appendix “B” to Report PED20159(a) – Ontario Land Tribunal Report CRB2101  
through CRB2107, issued November 18, 2021

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**SUBJECT: Ontario Land Tribunal Report CRB2101 through CRB2107  
Respecting the Notice of Intention to Designate (NOID) 110-122 King  
Street East, Hamilton (PED20159(a)) (Ward 2) - Page 6 of 6**

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Appendix "C" to Report PED20159(a) – By-law to Designate 110-122 King Street East  
in Hamilton under Part IV of the *Ontario  
Heritage Act*

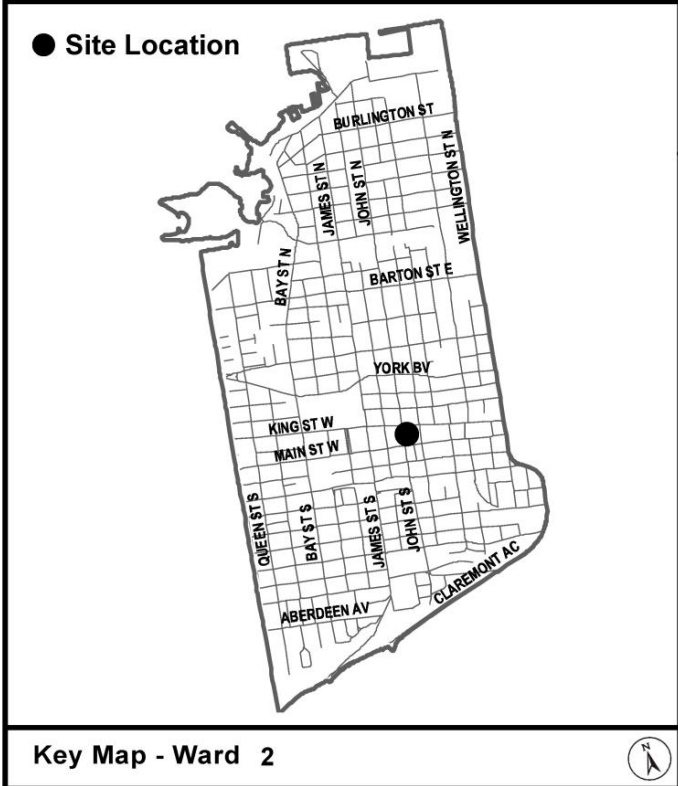
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Empowered Employees.




## Location Map

  
 Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 110-122 King St E	Date: April 29, 2022
Appendix "A"	Scale: N.T.S.
Planner/Technician: CR/NB	

**Subject Property**

 110-122 King Street East, Hamilton  
(Ward 2)

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 18, 2021

**CASE NO(S):** CRB2101  
CRB2102  
CRB2103  
CRB2104  
CRB2105  
CRB2106  
CRB2107

**PROCEEDINGS COMMENCED UNDER** subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

**Owner/Objectors:** Trevor Copp, Kristina Schmuttermeier, Lynda Zugec

**Owners:** Wentworth Standard Condominium Corporation No. 566, Wentworth Standard Condominium Corporation No. 573, Royal Connaught Inc., and all residential condominium unit owners

**Subject:** Notice of Intention to Designate (former Royal Connaught Hotel)

**Property Address:** 110-122 King Street East

**Legal Description:** All units and common elements comprising of the property included in Wentworth Standard Condominium Plan No. 566, City of Hamilton, being property identifier numbers 18566-0001 (LT) to 18566-0510 (LT), Land Titles Division of Wentworth (No. 62)  
All units and common elements comprising of the property included in Wentworth Standard Condominium Plan No. 573, City of Hamilton, being property identifier numbers 18753-0001 (LT) to 18753-0162 (LT), Land Titles Division of Wentworth (No. 62)  
Part of Lot 8, Plan 1431 being Part 3 on 62R20616; City of Hamilton, being property

Municipality:	identifier number 17167-0250 (LT), Land Titles Division of Wentworth (No. 62).
OLT Case No(s).:	Part Lots 6, 7 and 8, Plan 1431, being Parts 4, 5, 6, 8 and 9 on Plan 62R20616; being part of property identifier number 17167-0254 (LT), Land Titles Division of Wentworth (No. 62)
OLT Case Name:	City of Hamilton CRB2101, CRB2102, CRB2103, CRB2104, CRB2105, CRB2106 and CRB2107 Copp v. Hamilton (City)

**Heard:** In writing

**APPEARANCES:**

**Parties**

**Counsel**

City of Hamilton

Patrick MacDonald

Lynda Zugec

Self-represented

Trevor Copp

Self-represented

Kristina Schmuttermeier

Self-represented

**DECISION DELIVERED BY S. TOUSAW AND ORDER OF THE TRIBUNAL**

---

**INTRODUCTION**

[1] The City of Hamilton (“City”) proposes to designate 110 – 122 King Street East (“site” or “property”), being the former Royal Connaught Hotel, under s. 29 of the *Ontario Heritage Act* (“OHA”).

[2] In response to the City’s Notice of Intention to Designate (“NOID”), objections were filed by Lynda Zugec, Trevor Copp, and Kristina Schmuttermeier (“Objectors”), being three separate owners of residential condominium units on the site.

[3] The Conservation Review Board, now the Ontario Land Tribunal ("Tribunal"), advised the Parties of its intention to dismiss the proceedings without a hearing if the objections fall outside its jurisdiction, being limited to considerations of cultural heritage value or interest ("CHVI") under Ontario Regulation 9/06 ("O. Reg. 9/06"). As invited by the Tribunal, the Objectors and the City filed submissions upon which this Decision is founded.

[4] Each Objector's submission has been considered as a separate preliminary proceeding in arriving at this Decision. However, given that the Objectors' submissions are virtually identical, save for signatures, this single Decision applies collectively and singularly to the objections for purposes of expediency and fairness. Any issues unique to a particular objector are noted accordingly in this Decision.

## **LEGISLATIVE PROCESS**

[5] The City's authority to pass a by-law designating a property for its CHVI arises from OHA s. 29 based on meeting prescribed criteria and following the prescribed process:

- 29(1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,
  - (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and
  - (b) the designation is made in accordance with the process set out in this section.

[6] Per OHA s. 29(2) to s. 29(4.1), the City must consult with its municipal heritage committee and provide notice to affected owners and the broader community by serving the NOID on the affected owners and publishing the NOID in the local newspaper.



[7] Objectors are required by OHA s. 29(5) to set out the reason for the objection and all relevant facts (underscore added):

A person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

[8] Also applicable here is s. 4.6(1) of the *Statutory Powers Procedure Act* ("SPPA") enabling the Tribunal to dismiss a proceeding without a hearing under certain circumstances:

- 4.6(1) Subject to subsections (5) and (6), a tribunal may dismiss a proceeding without a hearing if,
- (a) the proceeding is frivolous, vexatious or is commenced in bad faith;
  - (b) the proceeding relates to matters that are outside the jurisdiction of the tribunal; or
  - (c) some aspect of the statutory requirements for bringing the proceeding has not been met.

[9] In accordance with the subsections (5) and (6) referred to above, Rule 15.4 of the Tribunal's *Rules of Practice and Procedure* ("Rules") repeats the provisions of SPPA s. 4.6(1) and requires notice of its intention to dismiss, and consideration of any submissions received.

[10] O. Reg. 9/06 sets out the criteria for determining CHVI based on one or more criteria under the categories of design or physical value, historical or associative value, or contextual value.

## **SUBMISSIONS AND FINDINGS**

### **Process**

[11] On the legislative process outlined above, the Tribunal is satisfied that all process requirements have been met. The City Clerk's sworn affidavit confirms that the

City's committee process and issuance of the NOID complied in all respects. The Objectors served their notices of objection setting out their reasons for opposition to the NOID. The Tribunal then advised of its intention to dismiss the proceedings without a full hearing, leading to the written submissions upon which this Decision is based.

[12] On the above facts, the Tribunal finds that the process followed by the City satisfies the requirements of OHA s. 29(1)(b). On this finding, the Tribunal will not accept as an issue, Mmes. Zeguc and Schmuttermeier's contention in their notices of appeal that the City did not provide suitable notice or properly hear from affected owners. Similarly, the Tribunal will not consider the allegations presented by Ms. Schmuttermeier related to the role of a municipal councillor. The Tribunal's jurisdiction relates to the rationale for a potential designation and does not tread into the "relative quality of a municipality's approach to satisfying a pre-condition" (*WAM Montez C & W Inc. v. Toronto (City)*, 2019 LNONCRB 13, Case No. CRB1906, para. 14).

### **Ownership**

[13] The primary concern of the Objectors is their apparent dispute with the condominium builder over the ownership of the main lobby. The Objectors advise that this fundamental issue has led to legal, financial and safety issues among the various owners within the building. The Objectors ask for the designation to be delayed until their building issues are resolved.

[14] Using the terminology of the OHA, the NOID refers to "a property of cultural heritage value" ... "known as the Royal Connaught Hotel" and describes its CHVI as including its place in the City's history, its example of evolving architecture, and its contribution to downtown Hamilton. The Tribunal finds that these CHVI characteristics are related to "property" which the Tribunal interprets as the physical structure on a parcel of land to which the NOID applies, here known as the Royal Connaught Hotel. Whether such property is owned or used by two or three legal owners, two of which are

condominium corporations, is not a matter related to the reasons for designation. The ownership or use of the lobby or other parts of the property, if at issue among the owners, is not a heritage consideration and is outside the Tribunal's jurisdiction to hear.

### **New Issues**

[15] In their submissions, the Objectors add to their reasons for objection, submitting that the studies relied upon by the City in support of CHVI predate the extensive overhaul and redevelopment of the building. They submit that the removal of heritage features and additional building height affect the site's heritage value.

[16] The City responds that such issue was not raised on appeal, but that the heritage attributes noted in the NOID remain present on the property. The City's Cultural Heritage Planner's report advises that the site's overall heritage value has been preserved and that its CHVI are sufficiently present to warrant designation.

[17] To the question of allowable additional issues, the Tribunal notes that OHA s. 29(5) requires an objector to set out the reason for the objection and all relevant facts. On initial filing, the Objectors noted only ownership issues found here to lie outside the Tribunal's jurisdiction as explained above. When reviewing requested additional submissions, the Tribunal would certainly consider the further explanation or elaboration of an issue included in the original objection as potential grounds for continuation of the appeal process. In rare cases, even a new ground may be considered for the appeal where the circumstances of the case warrant. However, the Tribunal finds here that neither elaboration nor new ground apply here.

[18] First, for the reasons provided earlier, the submissions' extensive elaboration of ownership or legal issues confronting the Objectors are not relevant to the Tribunal's role in assessing the validity of CHVI.

[19] Second, while a specific fact-based challenge to the CHVI may warrant careful consideration for a full hearing, such is not found to be the case here. It is clear and obvious that the City is aware of, and has accounted for, the recent modifications to the building in its NOID. The City required a heritage impact assessment through its site plan control process when the property was being repurposed. The City does not intend, nor would it be likely, to designate a property based on an absent CHVI. The alleged removal of certain heritage elements from the building in the past, while perhaps unfortunate, does not derogate from the intended heritage designation contained in the NOID.

[20] The Objectors raise only the absence of features resulting from changes to the building, and fail to address as issues, the intended CHVI contained in the NOID. The Tribunal agrees with the City's submission that O. Reg. 9/06 enables a property to be designated if it meets only one of the criteria for CHVI. Simply put, the Royal Connaught Hotel 'is what it is' today and that is what is intended to support and reflect its heritage designation. As such, the Tribunal finds that the Objectors' raising of this new issue of absent features does not warrant a hearing on the merits.

[21] The Objectors raised several other minor matters in the course of making their submissions on the major issues reviewed above, including: signage on the property; other buildings in the City of similar historical significance; challenges to statements in certain professional reports; correctness of the property description; or the alleged absence of return communications from City staff. The Tribunal finds that these issues are either unsubstantiated or fail to address the reasons for CHVI that lie within the Tribunal's jurisdiction.

## **SUMMARY**

[22] The Tribunal's jurisdiction on objections to a NOID focusses on the reasons for CHVI. Under the SPPA and the Tribunal's Rules, a proceeding may be dismissed

without a hearing if, among other options, the proceeding is frivolous or relates to matters outside its jurisdiction. The Tribunal finds that all matters raised by the Objectors fall within one or both of these categories. Accordingly, the proceeding will be dismissed.

## **ORDER**

[23] The Tribunal Orders that this proceeding is dismissed.

*"S. Tousaw"*

S. TOUSAW  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**Authority:** Item 3, Planning Committee  
Report 20-011 (PED20159)  
CM: October 14, 2020  
Ward: 2

**Bill No.**

## CITY OF HAMILTON

**BY-LAW NO.**           

**To Designate:**

**PROPERTY LOCATED AT 110-122 KING STREET EAST, CITY OF HAMILTON**

as Property of:

**CULTURAL HERITAGE VALUE**

**WHEREAS** section 29 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 authorizes Council of the municipality to enact by-laws to designate property, including all buildings and structures thereon, to be of cultural heritage value or interest;

**AND WHEREAS** Council of the City of Hamilton has received and considered the recommendations of its Hamilton Municipal Heritage Committee pertaining to this by-law, arising from the meeting of the Hamilton Municipal Heritage Committee's meeting held on September 17, 2020;

**AND WHEREAS** at its Council meeting held on October 14, 2020 the Council of the City of Hamilton resolved to direct the City Clerk to take appropriate action to designate the Property described as 110-122 King Street East in the City of Hamilton and more particularly described in Schedule "A" hereto (the "Property") as property of cultural heritage value or interest, which resolution was confirmed by By-law No. 20-218;

**AND WHEREAS**, in accordance with subsection 29(3) of the Ontario Heritage Act, Council of the City of Hamilton has caused to be served on the owners of the Property and upon the Ontario Heritage Trust, a Notice of Intention to designate the Property as being of cultural heritage value or interest, and has caused a Notice of Intention to designate to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule "B";

**AND WHEREAS** notices of objection were served upon the Clerk of the municipality but the Ontario Land Tribunal subsequently dismissed the objections without a hearing;

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

1. The Property, together with its heritage attributes listed in Schedule "C" hereto is hereby designated as property of cultural heritage value.
2. A statement of the Property's cultural heritage value or interest and description of heritage attributes is attached hereto as Schedule "C".
3. The City Solicitor is hereby authorized and directed to cause a copy of this by-law together with its Schedules to be registered against the whole of the property described in Schedule "A" hereto in the proper registry office.
4. The City Clerk is hereby authorized and directed,
  - a. To cause a copy of this by-law, together with reasons for the designation, to be served on The Ontario Heritage Trust by personal service or by registered mail; and
  - b. To publish a notice of this by-law once in a newspaper having general circulation in the City of Hamilton.

**PASSED and ENACTED** this XX day of XXXXX, 2022.

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

**Schedule A to Appendix "C"**

To Designate Lands Located at 110 -122 King Street East, in the City of Hamilton as a  
Property of Cultural Heritage Value

Schedule "A"

To

By-law No. 22-          

110-122 King Street East, Hamilton

Hamilton, Ontario

1. Being all of PINS 18566-0001 (LT) to 18566-0510 (LT) inclusive

Legal Description:

Wentworth Standard Condominium Plan No.566 and its appurtenant interest

Units 1 to 21, Level 1

Units 1 to 26, Level 2

Units 1 to 30, Level 3

Units 1 to 72, Level 4

Units 1 to 27, Level 5

Units 1 to 28, Level 6

Units 1 to 28, Level 7

Units 1 to 28, Level 8

Unit 1 to 28, Level 9

Units 1 to 28, Level 10

Units 1 to 28, Level 11

Units 1 to 28, Level 12

Units 1 to 26, Level 13

Units 1 to 21, Level 14

Units 1 to 91, Level A

2. Being all of PINS 18573-0001 (LT) to 18573-0162 (LT) inclusive

Legal Description:

Wentworth Standard Condominium Plan No. 573 and its appurtenant interest

Units 1 to 18, Level 2

Units 1 to 59, Level 3

Units 1 to 9, Level 4

Units 1 to 9, Level 5

Units 1 to 9, Level 6

Units 1 to 9, Level 7



Units 1 to 8, Level 8  
Units 1 to 9, Level 9  
Units 1 to 9, Level 10  
Units 1 to 9, Level 11  
Units 1 to 7, Level 12  
Units 1 to 7, Level 13

3. Being all of PINS 18602-0001 (LT) to 18602-0006 (LT) inclusive

Legal Description:

Wentworth Standard Condominium Plan No. 602 and its appurtenant interest  
Units 1 to 6, Level 1



## Schedule B to Appendix "C"

CITY OF HAMILTON

# Notice of Intention to Designate

## 110-122 King Street East, Hamilton (former Royal Connaught Hotel)

The City of Hamilton intends to designate 110-122 King Street East, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

### Statement of Cultural Heritage Value or Interest

The property known as the Royal Connaught Hotel has outstanding cultural heritage value to the citizens of Hamilton. Built in 1914-16 and expanded in 1931, the hotel is important for its place in the history of Hamilton, in the City's architectural development, and in the downtown streetscape today. The Royal Connaught Hotel, a hotel in the tradition of grand hotels, was the centre of social life in Hamilton during much of the twentieth century. It was the scene of royal visits, political functions, football rallies, convention banquets, ballroom dances, nightclub entertainment, community club meetings, family celebrations, and fine dining.

The full Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes and supporting Cultural Heritage Assessment may be found online via [www.hamilton.ca](http://www.hamilton.ca) or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts.

Dated at Hamilton, this 6<sup>th</sup> day of November, 2020.

Andrea Holland  
City Clerk  
Hamilton, Ontario

**CONTACT:** David Addington, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 1214,  
E-mail: [david.addington@hamilton.ca](mailto:david.addington@hamilton.ca)

**Website:** [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning)

110-122 King Street East, Hamilton (former Royal Connaught Hotel)

## **STATEMENT OF CULTURAL HERITAGE VALUE AND DESCRIPTION OF HERITAGE ATTRIBUTES**

### **Statement of Cultural Heritage Value:**

The property known as the Royal Connaught Hotel has outstanding cultural heritage value to the citizens of Hamilton. Built in 1914-16, and expanded in 1931, the hotel is important for its place in the history of Hamilton, in the City's architectural development, and in the downtown streetscape today.

### **Its Place in the History of Hamilton:**

The Royal Connaught Hotel property has long been associated with the history of the hospitality industry in Hamilton. It is the site of the Hamilton Hotel/Anglo American Hotel/Waldorf Hotel (1856-1914) and is presently occupied by the former Royal Connaught Hotel building, a first class hotel, which opened in 1916 and closed in 2004. In terms of the local hotel industry, the Royal Connaught Hotel of 1914-16 represents a significant advance in fireproof hotel construction.

The impetus behind the building of the hotel came principally from Harry Louis Frost, an important manufacturer in Hamilton in the early twentieth century who had established the Canadian component of the Frost Wire Fence Company. Through his efforts as President of the Hamilton Board of Trade, the Hamilton Hotel Company Limited was organized to raise 50 per cent of the total cost of the hotel site and completed building by the sale of capital stock among the citizens of Hamilton. Because of his premature death in 1919, at the age of 44, the hotel became a monument to him and his life's work.

The Royal Connaught Hotel, a hotel in the tradition of grand hotels, was the centre of social life in Hamilton during much of the twentieth century. It was the scene of royal visits, political functions, football rallies, convention banquets, ballroom dances, nightclub entertainment, community club meetings, family celebrations, and fine dining. In addition, the first Kiwanis Club in Canada was formed at the hotel on November 1, 1916.

### **Its Place in the Architectural Development of Hamilton:**

The Royal Connaught Hotel of 1914-16 is an early and surviving example of a second generation skyscraper, the earliest examples in Hamilton having been demolished. Designed in the Edwardian Classical style, it stands as an important building from the Edwardian era. The building of the Royal Connaught Hotel, at the end of the Edwardian period in the form of a skyscraper, symbolizes the ambition of the citizens of Hamilton for the City to reflect a metropolitan appearance and to offer first-class hotel accommodation and exceptional service on par with other large cities.

The Royal Connaught Hotel of 1914-16 is also an early example of steel frame construction in Hamilton. The steel for the frame was manufactured in Hamilton by the Hamilton Bridge Works Company.

The Royal Connaught Hotel of 1914-16 is a Canadian example of the work of Buffalo architects, Esenwein & Johnson. In addition to being the second most active architectural practice in Buffalo at the turn of the twentieth century, they were architects for the United Hotels Company of America, the largest hotel chain in the United States in the early twentieth century. Esenwein & Johnson were known for their masterful use of white-glazed terra cotta, a material particularly associated with the Edwardian period and the artistic qualities of the material are evident in the hotel's front facade and east elevation.

The west tower addition of 1931, by Hutton & Souter, a prominent architectural firm in Hamilton in the early twentieth century, is considered to be among the firm's best known buildings; the others are the Basilica of Christ the King at King Street West and Highway 403, and the Dominion Public Building (now the John Sopinka Courthouse) across John Street South from the Royal Connaught Hotel.

The west tower addition is a unique example of the Art Deco style in that the design of its front façade is tempered to complement the tripartite Classical composition of the earlier Edwardian building. The seamless integration of the Art Deco addition into the Edwardian building, by cutting through the Edwardian building's west curtain wall and extending its floor plan westward, shows a high degree of technical achievement for the early twentieth century in Hamilton.

The carved stonework in both the 1931 addition and 1916 building is also well-executed.

#### Its Place in Downtown Hamilton:

The hotel's west tower addition is linked historically and visually to the Dominion Public Building on the west side of John Street South. Designed by the same architects, the buildings were completed within five years of one another. They share the same monochromatic palette, a tripartite division in the composition of each of their front facades and columns of windows.

The Royal Connaught Hotel contributes to King Street East, a boulevard of historic and infill buildings built to the lot line and next to one another. Because of its twelve storey height and long frontage, the hotel dominates the King Street East block between Catharine Street South and John Street South. It draws the eye eastward along the boulevard, and creates a physical character that reflects the metropolitan appearance sought by large North American cities in the early twentieth century.

The Royal Connaught Hotel is a landmark in downtown Hamilton. Although other more recent buildings are taller, it still has a commanding presence on King Street East. The view of the hotel from James Street North across Gore Park is important in the townscape. The view of the rooftop pavilion is an especially memorable image.

### **Description of Heritage Attributes:**

The former hotel building's cultural heritage value is embodied in the:

- Front façade (north elevation);
- East elevation;
- West elevation;
- Slender portion of the south elevation where the brick and terra cotta of the east elevation wrap around to the south elevation; and,
- The lobby and mezzanine in the interior.

#### **Front Facade (North Elevation):**

Heritage attributes of the front facade in the 1914-16 building include:

- All features in limestone on the ground and mezzanine floors and their fenestration;
- The brown rug brick and white-glazed terra cotta curtain wall and the fenestration of the floor above the mezzanine floor (the hotel's second floor or third storey, which together with the ground and mezzanine floors forms the front facade's base);
- The seven floors of brown rug brick wall and windows which comprise the front facade's shaft; and,
- The front facade's upper two storeys and overhanging cornice - the capital of the composition - completely executed in white-glazed terra cotta and lit by windows that follow the fenestration pattern in the shaft.

Heritage attributes of the front facade in the 1931 addition include:

- The brown polished granite foundation veneer;
- The limestone ground floor articulated by its six bays;
- The limestone mezzanine and second floors containing six bays of slender round-arched window pairs;
- The seven floors above the base of the composition (the shaft) which have columns of windows ascending the lightly coloured brick curtain wall;
- The front façade's upper floors, the capital of the composition, containing four pairs of round-arched windows, two outer bays which extend the columns of windows up from the shaft, and a partially flat and partially pedimented parapet decorated with arcaded brick; and,

- The rooftop pavilion designed to resemble a hip-roofed garden pavilion where round-arched French windows open onto a terrace.

#### East Elevation:

Heritage attributes of the hotel's east elevation include:

- The northernmost three bays of the base (the ground, mezzanine, and second floors) clad in limestone, brown rug brick and white-glazed terra cotta and containing the east entrance, oriel window above and other windows;
- The fourth bay of the base in from the building's northeast corner, with its terra cotta window trim and stringcourses;
- The remaining bays of the brown rug brick base, with their terra cotta stringcourses and double-hung windows;
- The seven brown rug brick floors of the shaft and its windows; and,
- The upper two storeys and overhanging cornice - the capital of the composition, completely executed in white-glazed terra cotta, and lit by windows that follow the fenestration pattern in the shaft.

#### West Elevation:

Heritage attributes of the west elevation include:

- The brown polished granite foundation veneer;
- The limestone ground floor;
- The limestone mezzanine and second floors containing eight bays of slender round-arched window pairs;
- The nine floors in the tower shaft where columns of windows ascend the lightly coloured brick curtain wall;
- The arcaded brick cornice and stone coping terminating the shaft; and,
- The rooftop pavilion, which is two bays wide on the west.

#### South Elevation (Rear Elevation):

Heritage attributes of the south (rear) elevation include:

- The slender portion of the south elevation, where the brick and terra cotta of the east elevation wrap around to the south elevation.

Interior:

Heritage attributes of the interior include:

- The lobby and mezzanine space, their Classical columns, beamed and panelled ceiling, and other surviving features of the original design.

## Schedule C to Appendix "C"

110-122 King Street East, Hamilton (former Royal Connaught Hotel)

### STATEMENT OF CULTURAL HERITAGE VALUE AND DESCRIPTION OF HERITAGE ATTRIBUTES

#### Statement of Cultural Heritage Value:

The property known as the Royal Connaught Hotel has outstanding cultural heritage value to the citizens of Hamilton. Built in 1914-16, and expanded in 1931, the hotel is important for its place in the history of Hamilton, in the City's architectural development, and in the downtown streetscape today.

#### Its Place in the History of Hamilton:

The Royal Connaught Hotel property has long been associated with the history of the hospitality industry in Hamilton. It is the site of the Hamilton Hotel/Anglo American Hotel/Waldorf Hotel (1856-1914) and is presently occupied by the former Royal Connaught Hotel building, a first class hotel, which opened in 1916 and closed in 2004. In terms of the local hotel industry, the Royal Connaught Hotel of 1914-16 represents a significant advance in fireproof hotel construction.

The impetus behind the building of the hotel came principally from Harry Louis Frost, an important manufacturer in Hamilton in the early twentieth century who had established the Canadian component of the Frost Wire Fence Company. Through his efforts as President of the Hamilton Board of Trade, the Hamilton Hotel Company Limited was organized to raise 50 per cent of the total cost of the hotel site and completed building by the sale of capital stock among the citizens of Hamilton. Because of his premature death in 1919, at the age of 44, the hotel became a monument to him and his life's work.

The Royal Connaught Hotel, a hotel in the tradition of grand hotels, was the centre of social life in Hamilton during much of the twentieth century. It was the scene of royal visits, political functions, football rallies, convention banquets, ballroom dances, nightclub entertainment, community club meetings, family celebrations, and fine dining. In addition, the first Kiwanis Club in Canada was formed at the hotel on November 1, 1916.



### Its Place in the Architectural Development of Hamilton:

The Royal Connaught Hotel of 1914-16 is an early and surviving example of a second generation skyscraper, the earliest examples in Hamilton having been demolished. Designed in the Edwardian Classical style, it stands as an important building from the Edwardian era. The building of the Royal Connaught Hotel, at the end of the Edwardian period in the form of a skyscraper, symbolizes the ambition of the citizens of Hamilton for the City to reflect a metropolitan appearance and to offer first-class hotel accommodation and exceptional service on par with other large cities.

The Royal Connaught Hotel of 1914-16 is also an early example of steel frame construction in Hamilton. The steel for the frame was manufactured in Hamilton by the Hamilton Bridge Works Company.

The Royal Connaught Hotel of 1914-16 is a Canadian example of the work of Buffalo architects, Esenwein & Johnson. In addition to being the second most active architectural practice in Buffalo at the turn of the twentieth century, they were architects for the United Hotels Company of America, the largest hotel chain in the United States in the early twentieth century. Esenwein & Johnson were known for their masterful use of white-glazed terra cotta, a material particularly associated with the Edwardian period and the artistic qualities of the material are evident in the hotel's front facade and east elevation.

The west tower addition of 1931, by Hutton & Souter, a prominent architectural firm in Hamilton in the early twentieth century, is considered to be among the firm's best known buildings; the others are the Basilica of Christ the King at King Street West and Highway 403, and the Dominion Public Building (now the John Sopinka Courthouse) across John Street South from the Royal Connaught Hotel.

The west tower addition is a unique example of the Art Deco style in that the design of its front façade is tempered to complement the tripartite Classical composition of the earlier Edwardian building. The seamless integration of the Art Deco addition into the Edwardian building, by cutting through the Edwardian building's west curtain wall and extending its floor plan westward, shows a high degree of technical achievement for the early twentieth century in Hamilton.

The carved stonework in both the 1931 addition and 1916 building is also well-executed.

### Its Place in Downtown Hamilton:

The hotel's west tower addition is linked historically and visually to the Dominion Public Building on the west side of John Street South. Designed by the same architects, the buildings were completed within five years of one another. They share the same monochromatic palette, a tripartite division in the composition of each of their front facades and columns of windows.

The Royal Connaught Hotel contributes to King Street East, a boulevard of historic and infill buildings built to the lot line and next to one another. Because of its twelve storey

height and long frontage, the hotel dominates the King Street East block between Catharine Street South and John Street South. It draws the eye eastward along the boulevard, and creates a physical character that reflects the metropolitan appearance sought by large North American cities in the early twentieth century.

The Royal Connaught Hotel is a landmark in downtown Hamilton. Although other more recent buildings are taller, it still has a commanding presence on King Street East. The view of the hotel from James Street North across Gore Park is important in the townscape. The view of the rooftop pavilion is an especially memorable image.

### **Description of Heritage Attributes:**

The former hotel building's cultural heritage value is embodied in the:

- Front façade (north elevation);
- East elevation;
- West elevation;
- Slender portion of the south elevation where the brick and terra cotta of the east elevation wrap around to the south elevation; and,
- The lobby and mezzanine in the interior.

### **Front Facade (North Elevation):**

Heritage attributes of the front facade in the 1914-16 building include:

- All features in limestone on the ground and mezzanine floors and their fenestration;
- The brown rug brick and white-glazed terra cotta curtain wall and the fenestration of the floor above the mezzanine floor (the hotel's second floor or third storey, which together with the ground and mezzanine floors forms the front facade's base);
- The seven floors of brown rug brick wall and windows which comprise the front facade's shaft; and,
- The front facade's upper two storeys and overhanging cornice - the capital of the composition - completely executed in white-glazed terra cotta and lit by windows that follow the fenestration pattern in the shaft.

Heritage attributes of the front facade in the 1931 addition include:

- The brown polished granite foundation veneer;
- The limestone ground floor articulated by its six bays;
- The limestone mezzanine and second floors containing six bays of slender round-arched window pairs;

- The seven floors above the base of the composition (the shaft) which have columns of windows ascending the lightly coloured brick curtain wall;
- The front façade's upper floors, the capital of the composition, containing four pairs of round-arched windows, two outer bays which extend the columns of windows up from the shaft, and a partially flat and partially pedimented parapet decorated with arcaded brick; and,
- The rooftop pavilion designed to resemble a hip-roofed garden pavilion where round-arched French windows open onto a terrace.

#### East Elevation:

Heritage attributes of the hotel's east elevation include:

- The northernmost three bays of the base (the ground, mezzanine, and second floors) clad in limestone, brown rug brick and white-glazed terra cotta and containing the east entrance, oriel window above and other windows;
- The fourth bay of the base in from the building's northeast corner, with its terra cotta window trim and stringcourses;
- The remaining bays of the brown rug brick base, with their terra cotta stringcourses and double-hung windows;
- The seven brown rug brick floors of the shaft and its windows; and,
- The upper two storeys and overhanging cornice - the capital of the composition, completely executed in white-glazed terra cotta, and lit by windows that follow the fenestration pattern in the shaft.

#### West Elevation:

Heritage attributes of the west elevation include:

- The brown polished granite foundation veneer;
- The limestone ground floor;
- The limestone mezzanine and second floors containing eight bays of slender round-arched window pairs;
- The nine floors in the tower shaft where columns of windows ascend the lightly coloured brick curtain wall;

- The arcaded brick cornice and stone coping terminating the shaft; and,
- The rooftop pavilion, which is two bays wide on the west.

South Elevation (Rear Elevation):

Heritage attributes of the south (rear) elevation include:

- The slender portion of the south elevation, where the brick and terra cotta of the east elevation wrap around to the south elevation.

Interior:

Heritage attributes of the interior include:

- The lobby and mezzanine space, their Classical columns, beamed and panelled ceiling, and other surviving features of the original design.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chairs and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 17, 2022
<b>SUBJECT/REPORT NO:</b>	Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannon McKie (905) 546-2424 Ext. 1288 Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That City Initiative CI-20-E respecting the repealing and replacing of the Secondary Dwelling Unit and Secondary Dwelling Unit – Detached regulations in the Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, be approved on the following basis:

- (a) That the Draft By-laws to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90-145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A” to Appendix “G” to Report PED20093(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply with the Rural and Urban Hamilton Official Plans.

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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: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 2 of 11**

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**EXECUTIVE SUMMARY**

On May 12, 2021, Council approved By-law Nos. 21-071 to 21-077 (inclusive) permitting Secondary Dwelling Units (SDU) in the Urban and Rural Areas, and Secondary Dwelling Units – Detached (SDU-D) in the Urban Area. These By-laws amended Zoning By-law No. 05-200 and each of the Community Zoning By-laws to add permissions for accessory dwelling units to be provided within a single detached, semi-detached, or townhouse/rowhouse dwelling (SDU) or within a detached structure (SDU-D), including the conversion of existing accessory buildings.

Staff have been monitoring the SDU and SDU-D regulations through Building Permits and Minor Variance Applications and have identified several interpretation issues. Accordingly, the SDU and SDU-D regulations have been revised to better organize, simplify and align the regulations with the parent Zoning By-laws (see Appendix “A” – “G” attached to Report PED20093(c)). A summary of the amendments to the regulations is provided in Appendix “H” attached to Report PED20093(c) and include:

- Reorganizing the SDU / SDU-D regulations to group the regulations into categories;
- Removing redundant regulations;
- Aligning SDU / SDU-D regulations with the parent Zoning By-law;
- Providing clarification to the existing parking regulations in all Zoning By-laws where no parking is required for the SDU / SDU-D only (shall not apply to the Rural Area); and,
- Other technical and cross-referencing updates to provide consistency in all Zoning By-laws.

As monitoring of the regulations continue, for the ease of administration, it is recommended to repeal and replace the SDU and SDU-D regulations in Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek.

The planning framework and zoning permission for additional dwelling units continues to evolve through the continued work on the Residential Zoning project. In anticipation of future amendments to permit conversions of existing dwellings, staff have amended the language in Zoning By-law No. 05-200 from Secondary Dwelling Units and Secondary Dwelling Units - Detached to Additional Dwelling Units and Additional Dwelling Units – Detached. For the purposes of this Report, the former Community Zoning By-laws will retain the Secondary Dwelling Unit language. Rebranding the housing options allows for more flexibility moving forward in the new Residential Zoning for Zoning By-law No. 05-200.

**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 3 of 11**

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In addition to Report PED20093(c), work remains in progress to bring detached SDU permissions to the Rural Area (except in areas where servicing constraints exists). In addition, staff are currently reviewing the regulations for farm labour residences. The results of the review will be presented to Planning Committee in Q1 2023.

**Alternatives for Consideration – See Page 10**

**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 amendments to the Zoning By-laws.

Notice of the Public Meeting was placed in the Hamilton Spectator and the Community Newspapers on April 29, 2022.

The Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP) contain polices to permit SDUs in accordance with the provisions of *Bill 108*. Therefore, in accordance with Section 34(19.1) of the *Planning Act*, appeals of the proposed Zoning By-law Amendments pertaining to SDUs, attached as Appendix “A” to Report PED20093(a), are not permitted because the City’s Official Plan contains policies permitting SDUs.

**HISTORICAL BACKGROUND**

**1.0 Introduction of new SDU Regulations – May 2021**

On May 12, 2021, City Council approved By-law Nos. 21-071 to 21-077 (inclusive) permitting SDUs in the Urban and Rural Area to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek. In addition to general parking requirements and definitions for SDUs, the regulations included:

- Urban Area Specific Regulations:
  - SDU within a principal dwelling:
    - Parent zone regulations that apply to additions to the principal dwelling.

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- Detached SDU:
  - Locational requirements such as setbacks and lot coverage;
  - Regulations to meet the health and safety requirements in accordance with the Ontario Fire Code;
  - Design requirements such as height and maximum Gross Floor Area; and,
  - Additions over 10% of the floor area of the existing building must meet the size and height requirements of a detached SDU for conversions.
- Rural Area Specific Regulations:
  - SDU within a principal dwelling only:
    - Minimum lot area and adequate servicing requirements;
    - Prohibition of SDUs where servicing constraints exists; and,
    - Technical amendments to Farm Labour Residence regulations.

Phase 2 of the SDU project focuses on proposing regulations to permit detached SDUs in the Rural Area, where appropriate. For more information, refer to Bullet 2.0 – Next Steps under the Analysis and Rationale for Recommendation to Report PED20093(c).

## **2.0 SDU Housekeeping Amendment – October 2021**

SDU regulations are monitored at the Building Permit Application stage and Committee of Adjustment to ensure whether there are barriers to their construction and where clarification is needed to eliminate interpretation matters.

A Housekeeping Amendment to the SDU regulations was approved by Planning Committee and Council in October 2021 to address the following regulations:

- Parking Requirements for SDUs;
- Amendments to performance standards, including side and rear yard setbacks and SDU location in a cellar; and,
- Other technical and cross-referencing amendments.

## **3.0 Continued SDU By-law Monitoring**

Since approval of the SDU By-laws (21-071 – 21-077, inclusive) in May 2021, there have been 55 Applications to the Committee of Adjustment (as of April 30, 2022), respecting SDUs / SDU-Ds. Of this total, 50 have been approved and 5 have been denied. The modifications associated with the Applications include, but are not limited to:



**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 5 of 11**

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- Recognizing existing conditions associated with the principal dwelling (i.e. driveway locations, doors, front yard landscaped areas, parking);
- Amending development standards for SDU-D (i.e. reduced setbacks, reductions to unobstructed paths, landscaping treatments in the required side yards); and,
- Reducing on-site parking associated with an SDU/SDU-D.

As a result of these variances, staff have reviewed and evaluated the SDU / SDU-D regulations to remove any unnecessary regulations and to avoid interpretation issues. The evaluation also takes into consideration the impacts of future amendments being considered to implement the No Urban Boundary Expansion option as discussed in Report PED21067(b). These modifications allow for a fulsome update and sets the appropriate framework for any future amendments required as a result of the approved intensification option. While the overall intent of the regulations remains, a full repeal and replacement of the regulations are proposed for ease of implementation. The principles and permissions are not altered through the proposed administrative changes to the By-laws.

#### **4.0 Additional Dwelling Units**

The amendments to the Urban Hamilton Official Plan to implement a No Urban Boundary Expansion option (Report PED21067(b)) will allow for more intensification in lower density areas. As a result, staff have evaluated the existing SDU and SDU-D framework to adapt the regulations to incorporate additional units. For the purposes of this Report, the revisions reorganize and simplify the regulations and set the framework for additional units. Additional units may be through development of SDU and SDU-D or conversion of existing dwellings. The amendments to Zoning By-law No. 05-200 include renaming the SDU and SDU-D General Provision to accommodate these future regulations and to allow for the evolution of intensification options in existing residential area. At this time, no revisions are contemplated however, as indicated in Report PED21067(b), additional residential uses and permissions may be implemented in the future.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

#### **1.0 Provincial Legislation and Policy Framework**

*Bill 108 (More Homes, More Choice Act, 2019)* received Royal Assent on June 6, 2019 for a broad change to various pieces of legislation such as the *Planning Act*, *Ontario Heritage Act*, and the *Development Charges Act*, amongst others. By-law Nos. 21-071 to 21-077 (inclusive) approved by Hamilton Council on May 12, 2021 implemented these provincial policy requirements.

**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 6 of 11**

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Further, By-law Nos. 21-071 to 21-077 (inclusive) were approved by Hamilton Council on the basis that they were consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.

The proposed Zoning By-law modifications and updates to existing SDU regulations for the Urban and Rural Area to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek conform to and are consistent with Provincial legislation and policy.

## **2.0 Urban and Rural Hamilton Official Plans**

On May 12, 2021, Hamilton Council approved SDU regulations on the basis that it conforms to the UHOP and RHOP which included proposed policy changes to implement *Bill 108 (More Homes, More Choice Act, 2019)*. Based on the foregoing, the proposed housekeeping and updated amendments to existing SDU / SDU-D regulations for the Urban and Rural Area to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the former municipalities conform to the to the Urban and Rural Hamilton Official Plans.

## **3.0 Hamilton-Wentworth Official Plan, City of Hamilton Official Plan, West Harbour (Setting Sail) Secondary Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan, City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan remain in effect. The Council approved SDU regulations conformed to these plans and the proposed housekeeping and updated amendments to the existing SDU / SDU-D regulations applicable to Zoning By-law No. 05-200 and former City of Hamilton Zoning By-law No. 6593 applicable to this area conform to the Hamilton-Wentworth Official Plan, City of Hamilton Official Plan and West Harbour (setting Sail) Secondary Plan.

## **4.0 Zoning By-laws**

The approval by Council of By-law Nos. 21-071 to 21-077 (inclusive) expanded existing permissions and regulations for SDUs across all existing in-force Zoning By-laws city wide and implemented Provincial directions and corporate goals and objectives at the property level. Subsequent to becoming in force and effect, Building Permit and Minor Variance Applications have been submitted as regulations are being tested through the review of proposed SDUs and SDU-Ds. As part of continued monitoring of the regulations, it was determined that revisions were required to reorganize the

**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 7 of 11**

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regulations, remove redundant and duplicate regulations and simplify the language. The proposed By-law amendments (included as Appendices “A” – “G” attached to Report PED20093(c)) repeal and replace the existing regulations. The proposed amendments maintain the intent of the original SDU / SDU-D regulations while providing additional clarity to the regulations, thereby improving By-law interpretation and implementation on a go-forward basis. More information can be found in the Analysis and Rationale for Consideration Section on page 6 to Report PED20093(c).

## **RELEVANT CONSULTATION**

Committee of Adjustment staff and Zoning staff of the Planning and Economic Development Department were consulted throughout the process to identify interpretation or implementation related issues respecting the SDU regulations. The interpretation and implementation issues have been addressed in the draft Zoning By-laws (See Appendix “A” to “G” attached to Report PED20093(c)). The rationale for each amendment is summarized in Appendices “H” attached to Report PED20093(c).

Notice of these amendments was posted in the Hamilton Spectator on April 29, 2022.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### **1.0 Proposed By-law Amendments**

To address modifications and updates to Zoning By-law No. 05-200 and the six Zoning By-laws applicable to the former municipalities, draft Zoning By-laws are included in this Report (see Appendix “A” – “G” attached to Report PED20093(c)). Most of the amendments are identical across all seven Zoning By-laws to provide consistency in regulations city wide. The amendments include reorganizing the regulations, removing redundant regulations, simplifying language, clarifying the parking requirements, and cross-referencing amendments. A summary of the changes is provided in Appendix “H” attached to Report PED20093(c).

#### **1.1 Reorganizing SDU Regulations**

The in effect SDU By-laws 21-071 – 21-077 (inclusive) included regulations for both SDU and SDU-Detached, including location, height, lot coverage, setbacks, landscaping and parking requirements. The proposed amendments include categorizing the existing regulations to provide clarity for the reader and to reduce interpretation issues. All regulations that apply to both SDU and SDU-D (i.e. parking) have been pulled forward to a general section and the regulations associated with an SDU and SDU-D have been further separated to provide a clear distinction between the two forms of additional units.

**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 8 of 11**

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These revisions create simpler, well defined categories and will make the regulations easier to use.

## **1.2 Removing Redundant Regulations and Simplifying Language**

The SDU By-laws included regulations that were duplicated from the parent Zoning By-laws and were duplicated within the regulations themselves. To avoid redundancies and avoid interpretation issues, each of the regulations have been reviewed and only those regulations being modified to allow SDUs have been included in the revisions. For example, definitions that had been previously added to the SDU section have been removed and added to the relevant Definition Section of the parent Zoning By-law. These types of changes will allow for a consistent Application of the Zoning By-law, including those regulations associated with SDUs / SDU-Ds.

These amendments also take into consideration the regulations of the parent Zoning By-law and potential conflicts with the SDU / SDU-D regulations. For example, where the parent Zoning By-law does not already include regulations for the amount and location of driveways, the SDU regulations should not establish a restriction. In the situation that an existing lot legally has two driveways, the addition of a SDU / SDU-D would trigger minor variances to recognize the existing situation. In review of the minor variances since approval of the SDU By-laws in May of 2021, modifications to recognize existing conditions were the most prevalent.

## **1.3 Parking Requirements for the Principal Dwelling and SDU**

Each of the Zoning By-laws were updated to include a parking requirement of one space per SDU / SDU-D. However, the SDU regulations recognize that where a principal dwelling is legally established with no parking, that no additional parking is required for the SDU / SDU-D. Clarification has been provided to ensure that the existing conditions are recognized and that no further parking is required as a result of adding an SDU.

The parking regulations have been further amended so that reduced parking requirements do not apply to the Rural Area as there are few transportation alternatives to driving, and therefore the need for parking spaces will be greater.

These recommended updates to the parking regulations impacts Zoning By-law No. 05-200 and the six Zoning By-laws applicable to the former municipalities, which provides clarity and consistency respecting parking requirements for existing dwellings. These recommended changes are found in see Appendix “A” – “G” attached to Report PED20093(c).

**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 9 of 11**

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## **1.4 Other Technical Amendments**

When regulations were introduced in May 2021 to establish permissions for Secondary Dwelling Units and Secondary Dwelling Units – Detached, among the six former municipal Zoning By-laws, the new regulations either replaced existing residential conversion regulations or created a new set of regulations to permit SDUs and SDU-Detached throughout the urban area. The new regulations were introduced to harmonize and provide consistency across the entire City. The changes proposed to the SDU and SDU-D regulations through this Report presents an opportunity to provide clarity on the distinction between Secondary Dwelling Units and conversion regulations that remain in place in the former municipal Zoning By-laws for Dundas and Stoney Creek.

### **1.4.1 Town of Dundas Zoning By-law No. 3581-86**

The Town of Dundas Zoning By-law No. 3581-86 permits conversions of existing dwellings in the Low Density Residential Zone (R4), the Medium Density Multiple Dwelling Zone (RM2), and the Residential and Commercial Conversion Zone (R.C.C).

The existing conversion regulations are intended to be modified to clarify that the SDU regulations apply to conversions that add one internal dwelling unit, whereas the conversion regulations apply when an existing dwelling is converted to contain greater than two dwelling units, up to the maximum permitted in the zone.

Parking requirements are proposed for conversions that align with the parking requirements for SDUs and SDU-D. If the required parking spaces for the existing dwelling continue to be provided and maintained, only the fourth dwelling unit of a conversions is required to provide a parking space. The second dwelling unit of a conversion is subject to the SDU parking requirements. The third dwelling unit of a conversion, provided it represents the third dwelling unit on the lot, is not required to provide parking if the required parking for the existing dwelling continues to be provided. This approach is consistent with the SDU / SDU-D parking requirements and recognizes that additional dwelling units may be located within the existing dwelling or separate as a SDU-D.

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

In the City of Stoney Creek Zoning By-law No. 3692-92, the Multiple Residential “RM1” Zone permits conversions. As with Dundas, conversions in the “RM1” Zone are to be clearly distinguished from SDUs, and the proposed parking requirement integrated alongside the SDU and SDU-D parking requirements.

**SUBJECT: Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) - Page 10 of 11**

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## **2.0 Next Steps**

Phase 2 of the SDU project focuses on developing new regulations to permit SDU-D in the Rural Area, where appropriate. The previous By-law (By-law 21-071) did not incorporate SDU-D regulations for the rural area. The Rural Zones, A1, A2, and S1 in Zoning By-law No. 05-200, were previously amended to include SDU permissions. To ensure that issues related to sustainable private servicing are addressed in future zoning regulations, a servicing study is being undertaken in collaboration with Hamilton Water staff. The findings of the servicing study will assist in informing future zoning regulations such as the minimum lot size to be eligible to establish a SDU-D.

## **ALTERNATIVES FOR CONSIDERATION**

If the proposed Housekeeping Amendment By-law is not approved, inconsistencies in the interpretation and Application of the regulations for Secondary Dwelling Units in Hamilton Zoning By-law No. 05-200 and the six Zoning By-laws applicable to the former municipalities will continue to occur which may lead to additional requirements for Minor Variance Applications and delays in approvals for some SDUs / SDU-Ds.

## **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.

### **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” to PED20093(c) – Draft By-law to Zoning By-law No. 05-200

Appendix “B” to PED20093(c) – Draft By-law to Town of Ancaster Zoning By-law No. 87-57

Appendix “C” to PED20093(c) – Draft By-law to Town of Dundas Zoning By-law No. 3581-86

Appendix “D” to PED20093(c) – Draft By-law to Town of Flamborough Zoning By-law No. 90-145-Z

Appendix “E” to PED20093(c) – Draft By-law to Township of Glanbrook Zoning By-law No. 464

Appendix “F” to PED20093(c) – Draft By-law to City of Hamilton Zoning By-law No. 6593

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Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City  
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Appendix “G” to PED20093(c) – Draft By-law to City of Stoney Creek Zoning By-law No.  
3692-92

Appendix “H” to PED20093(c) – Summary of Regulation Changes

SM/AF:sd

Appendix "A" to Report PED20093(c)  
Page 1 of 12

Authority: Item  
Report: (PED20093(c))  
CM:  
Ward: City-wide

Bill No.

CITY OF HAMILTON

BY-LAW No. \_\_\_\_\_

To Amend Zoning By-law No. 05-200  
Respecting Modifications and Updates to  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations

WHEREAS Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 17<sup>th</sup> of May, 2022;

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

- 1. That Section 3: Definitions be amended by renaming the following definitions:

~~Secondary Dwelling Unit~~

Additional Dwelling Unit

~~Secondary Dwelling Unit -  
Detached~~

Additional Dwelling Unit -  
Detached

- 2. That Section 4.8.1: Buildings Accessory to Residential Uses, be amended by modifying Subsection 4.8.1.1 b) to replaced "Secondary Dwelling Unit – Detached" with "Additional Dwelling Unit – Detached".

- 3. That Section 4.12: Vacuum Clause be amended by modifying Subsection h) to replace "Secondary Dwelling Unit" with "Additional Dwelling Unit" so that the first sentence reads:

"h) Notwithstanding Sections 1.4 and 1.7 of this By-law, a Building Permit for an Additional Dwelling Unit..."



4. That Section 4: General Provisions, be amended by deleting Section 4.33 and 4.33.1 and replacing it with the following:

**"4.33 Additional Dwelling Unit and Additional Dwelling Unit – Detached**

- (a) Parking shall be provided in accordance with Section 5: Parking of this By-law and the following:
- i) For lands within the D5, I1, I2, C1 and TOC3 Zones, no additional parking space shall be required for either an Additional Dwelling Unit or an Additional Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained; and,
  - ii) Notwithstanding Section 5.1 b) i) and ii), a maximum of two parking spaces for an Additional Dwelling Unit and/or Additional Dwelling Unit - Detached may be provided in the required Front Yard.
  - iii) In addition to Section 5.1 b) viii) 1., parking for a Additional Dwelling Unit and/or Additional Dwelling Unit – Detached shall maintain a minimum of 50% landscaped area in the Flankage Yard.

**4.33.1 Additional Dwelling Unit**

- (a) For lands within a D5, I1, I2, C1, TOC3, A1, A2 and S1 Zone, a maximum of one Additional Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.1.
- (c) There shall be no outside stairway above the first floor other than a required exterior exit.
- (d) A maximum of one entrance shall be permitted on the front façade of a dwelling containing an Additional Dwelling Unit.

- i) Notwithstanding Section 4.33.1 (d) an additional entrance may be located on the front façade of the principal dwelling for lands identified on Figure 24 of Schedule F – Special Figures.

#### **4.33.2 Additional Dwelling Unit – Detached**

- (a) For lands within a D5, I1, I2, C1, and TOC3 Zone, a maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- (b) In addition to Section 4.33.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:
  - i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.2.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.2.
- (d) An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.
- (e) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
  - i) Notwithstanding Section 4.33.2 (e), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area.
  - ii) In addition to Section 4.33.2 (e), a landscape strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.

**Appendix “A” to Report PED20093(c)**  
**Page 4 of 12**

- (f) An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
- (g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.
- (h) The following building separation shall be provided:
  - i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached.
  - ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required:
    - (A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and an Additional Dwelling Unit – Detached; and,
    - (B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (i) A maximum height of 6.0 metres shall be permitted.
  - i) Notwithstanding Section 4.33.2 (i), balconies and rooftop patios shall be prohibited above the first floor level.
- (j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
  - i) Notwithstanding Section 4.33.2 (j), the maximum combined lot coverage of all accessory buildings and the Additional Dwelling Unit - Detached shall be 25%.
- (k) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the rear yard.”

5. That Section 4.33.2 be amended as follows:

- i) By renumbering the Section from 4.33.2 to 4.33.3;

**Appendix “A” to Report PED20093(c)**  
**Page 5 of 12**

- ii) By replacing the term “Secondary Dwelling Unit” with “Additional Dwelling Unit”; and,
  - ii) By deleting reference to “4.33.2” found in clause b), and replacing it with “4.33.3”.
6. That Section 5.2 e) i) a) is amended to add the words “, permeable pavers” between the word “stone” and “or gravel” so it reads as follows:
- “Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.”
7. That Section 5: Parking Regulations be amended by modifying Subsection 5.6 a) i. – Residential Uses and Subsections 5.6 c) i. – Residential Uses, by replacing the terms “Secondary Dwelling Unit” and “Secondary Dwelling Unit – Detached”, with “Additional Dwelling Unit” and “Additional Dwelling Unit- Detached”, and by modifying Subsection 5.6 c) vii. – Uses in A1 and A2 Zones, by replacing the term “Secondary Dwelling Unit” with “Additional Dwelling Unit”.
8. That Section 6.5.3.8, 8.1.3.8, 8.2.3.9, 10.1.7, 11.3.8, 12.1.3.4, 12.2.3.8, and 12.3.4, be amended by replacing the term “Secondary Dwelling Unit Regulations” with “Additional Dwelling Unit Regulations”.
9. That Schedule “C” – Special Exceptions, be amended as follows:
- i) By modifying Special Exception 375, clause b) by replacing “Secondary Dwelling Unit” with “Additional Dwelling Unit”.
  - ii) By modifying Special Exception 800, 801, 802, 803, 804, 805, 806, and 808, by deleting clause b) and replacing it with “Section 4.33 shall not apply”.
10. That Schedule “F” – Special Figures, be amended by repealing and replacing Special Figures 24, and 24.1 to 24.5, appended to this By-law.
11. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
12. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
13. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**Appendix "A" to Report PED20093(c)**  
**Page 6 of 12**

**PASSED** this \_\_\_\_\_ , 2022

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Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

CI 20-E

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Page 7 of 12



**Special Figure 24: Areas where one additional entrance may be located on the front facade of a dwelling containing an Additional Dwelling Unit.**

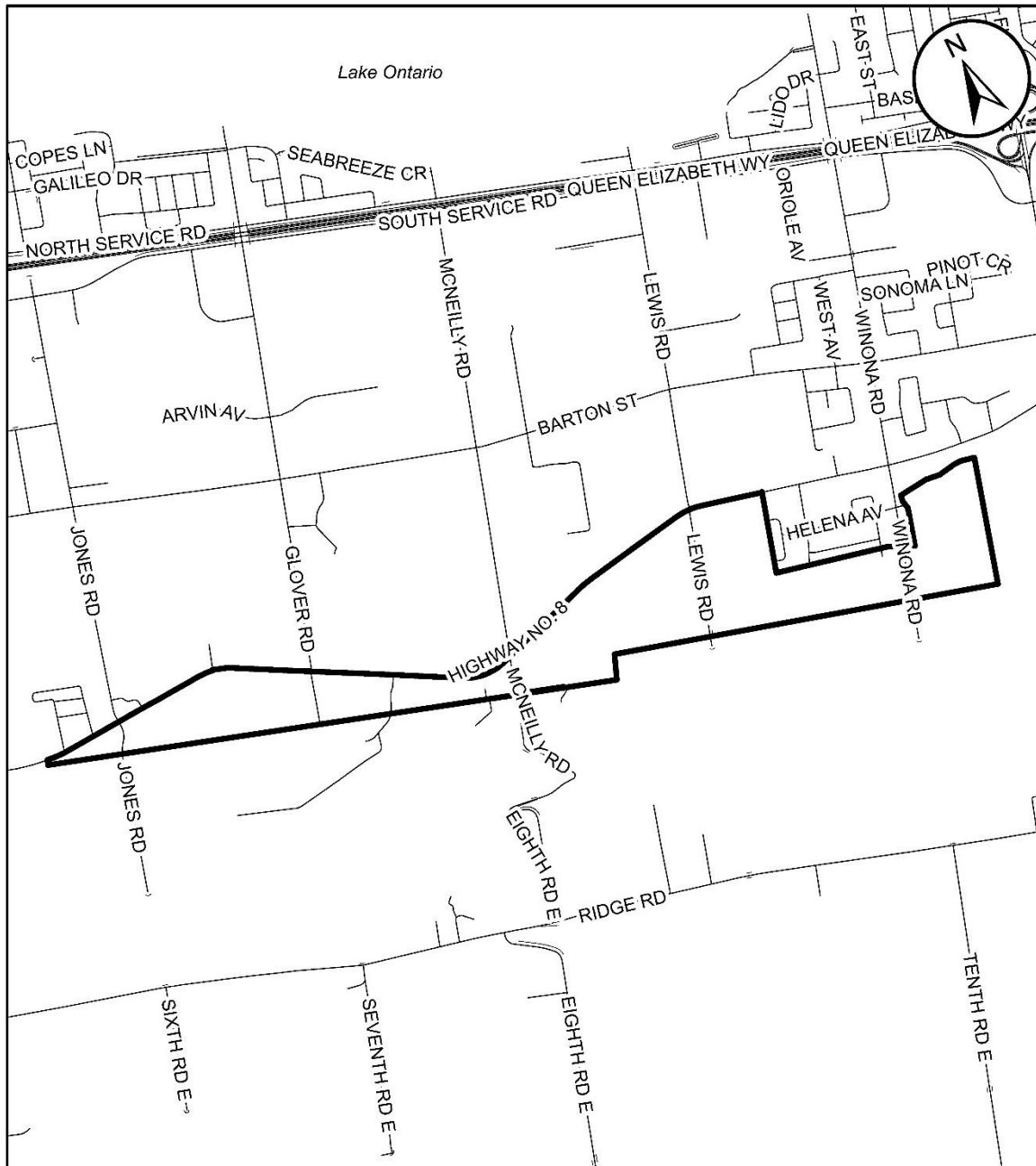
Date:  
April 14, 2022

**Legend**

 Lower Hamilton Lands



Appendix "A" to Report PED20093(c)  
Page 8 of 12



Special Figure 24.1: Additional Dwelling Units Prohibited in the Lower Stoney Creek Lands

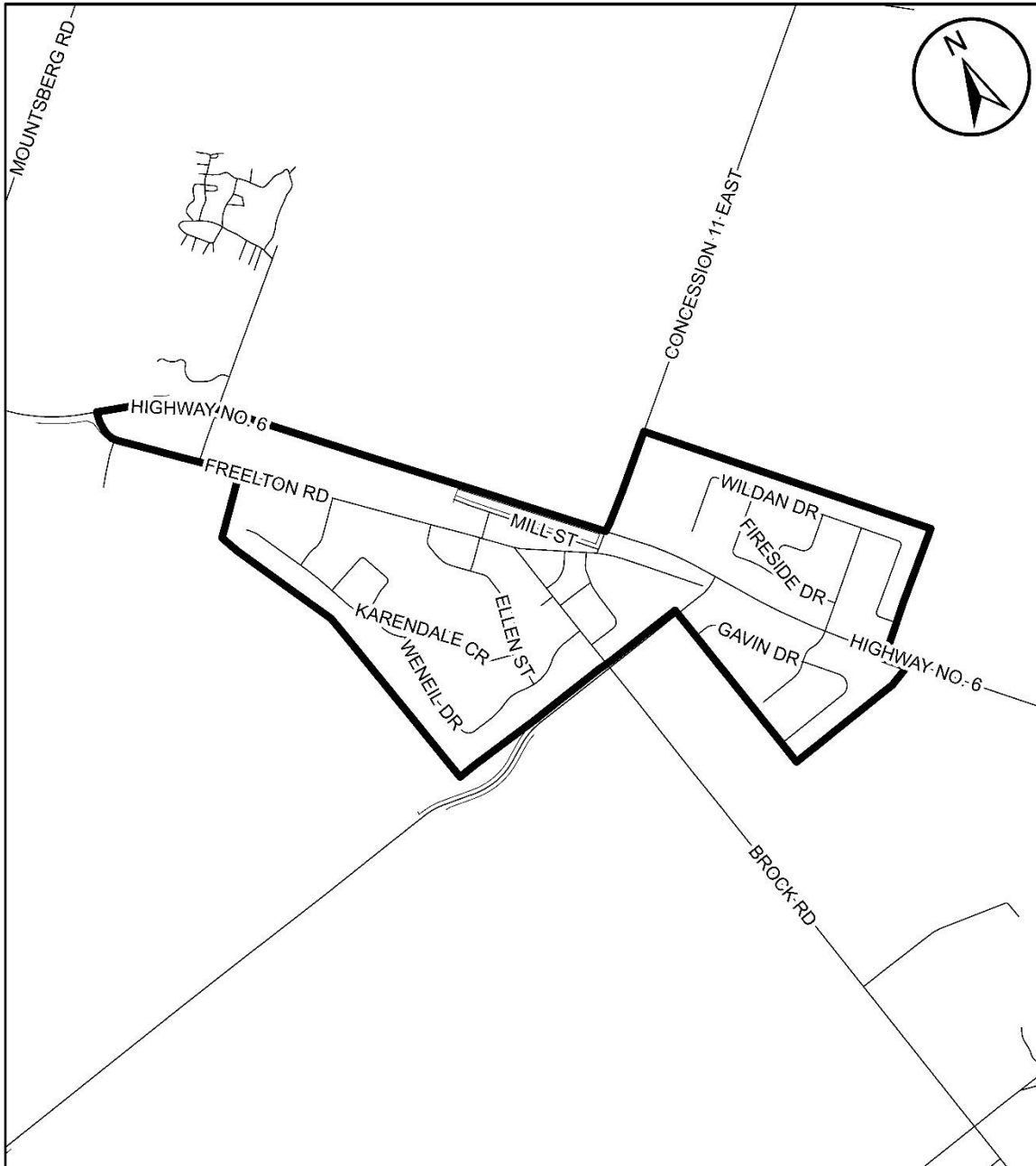
Date:  
April 14, 2022

Legend

 Lower Stoney Creek Lands



Appendix "A" to Report PED20093(c)  
Page 9 of 12



Special Figure 24.2: Additional Dwelling Units Prohibited in the Freelon Rural Settlement Area

Date:  
April 14, 2022

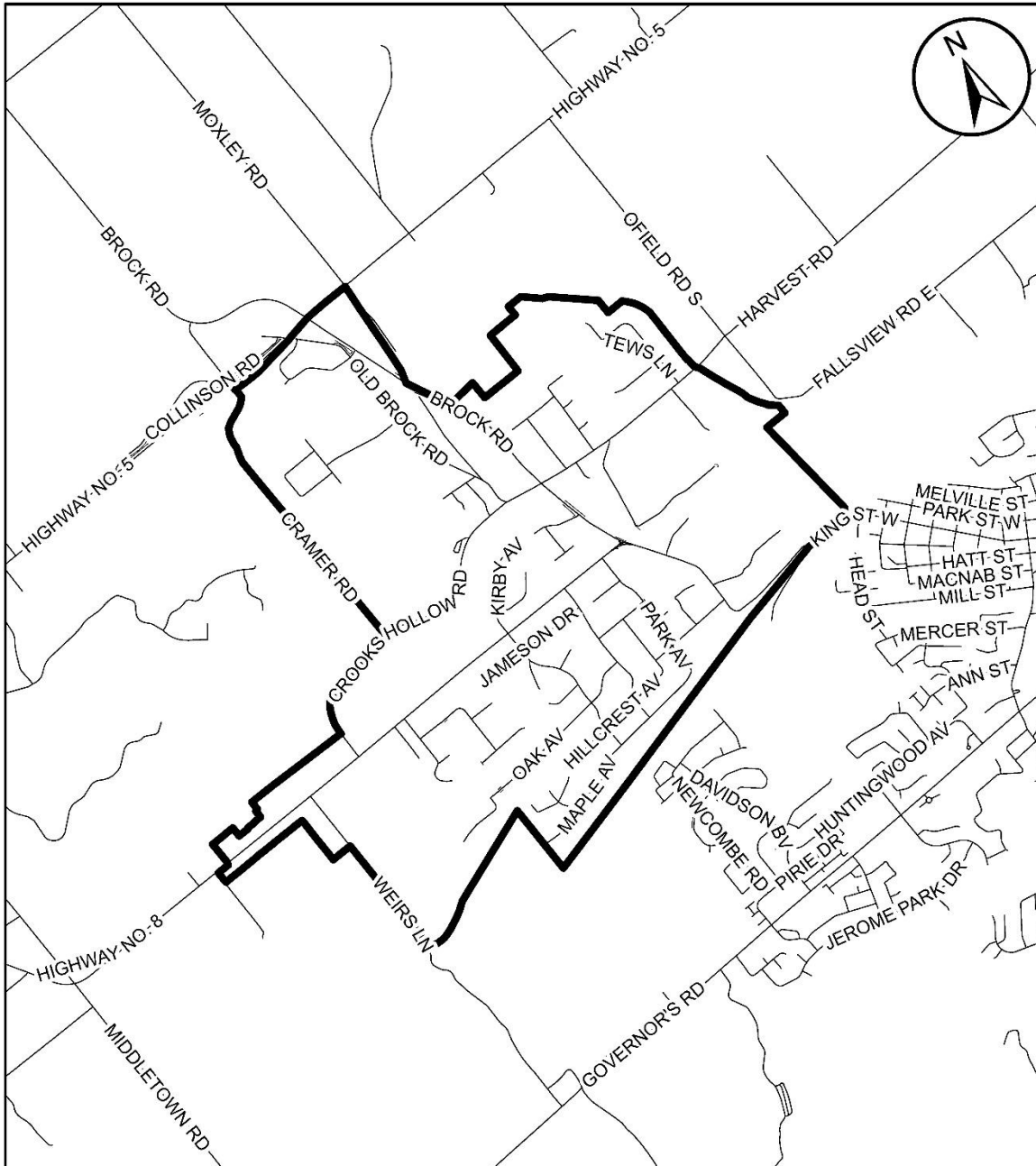
Legend

 Freelon Rural Settlement Area





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Page 10 of 12



Special Figure 24.3: Additional Dwelling Units Prohibited in the Greenville Rural Settlement Area

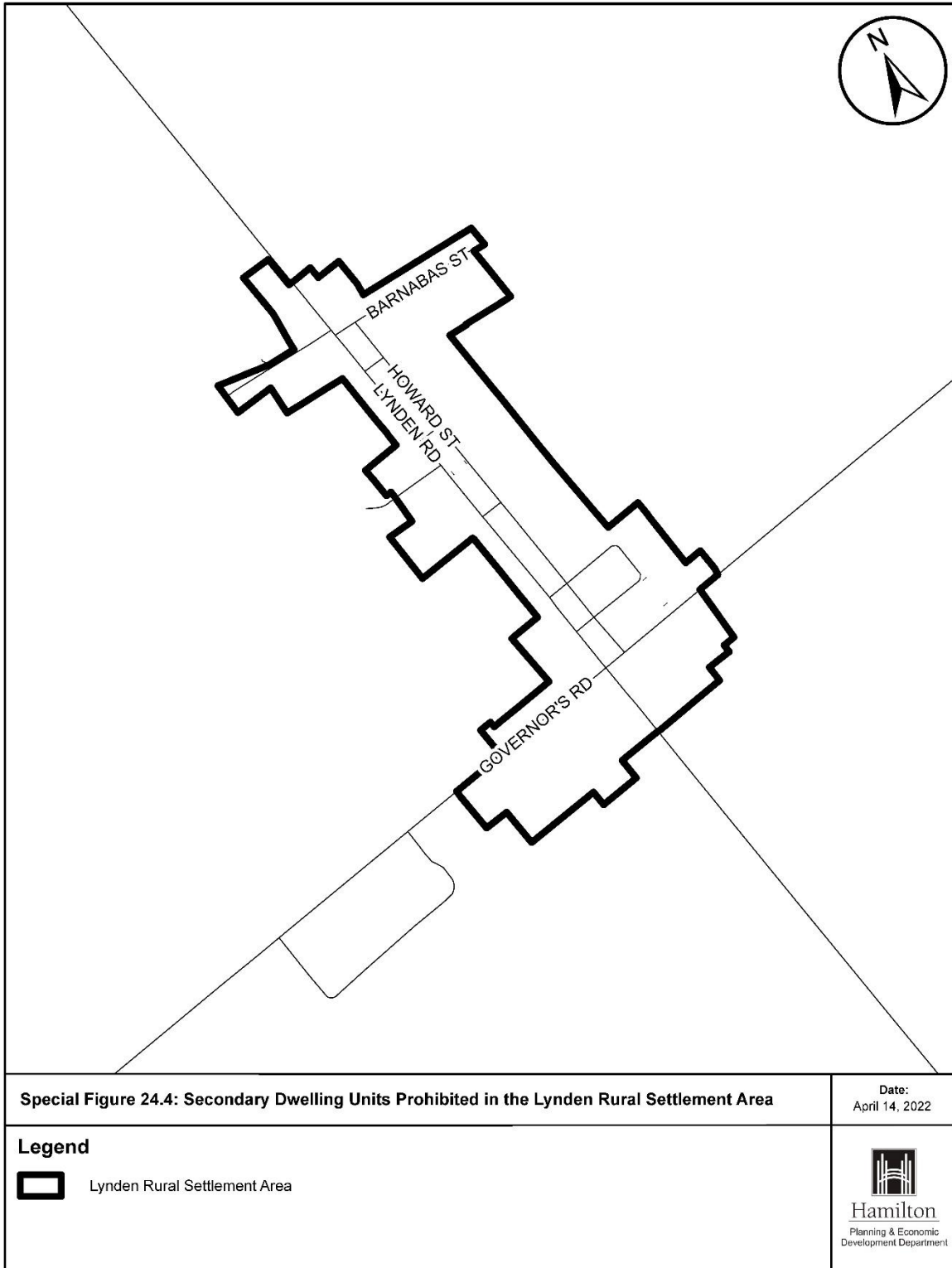
Date:  
April 14, 2022

Legend

 Greenville Rural Settlement Area



Appendix "A" to Report PED20093(c)  
Page 11 of 12



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**Page 12 of 12**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED20093(c) Date: 05/17/2022
Ward: City-wide	(MM/DD/YYYY)

Prepared by: Shannon McKie	Phone No: ext. 1288
<i>For Office Use Only, this doesn't appear in the by-law</i>	

**Appendix “B” to Report PED20093(c)**  
**Page 1 of 6**

**Authority:** Item  
 Report (PED20093(c))  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 87-57 Respecting Modifications and Updates to  
 Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June, 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 17<sup>th</sup> of May, 2022, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 87-57 (Ancaster) as follows:

1. That Section 3: DEFINITIONS, is amended by adding the following definitions:

**"3.128.1 Secondary Dwelling Unit"**

Means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

**3.128.2 "Secondary Dwelling Unit - Detached"**

Means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling."

2. That Section 7: GENERAL PROVISIONS, is amended by adding the following clause to Subsection 7.18 (a):

"(ix) For the purposes of Section 9.14.2, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building or structure."

3. That Section 9: GENERAL PROVISIONS FOR RESIDENTIAL ZONES, is amended by deleting Section 9.14 in its entirety and replacing it with the following:

**"9.14 Secondary Dwelling Unit and Secondary Dwelling Unit – Detached"**

- (a) Parking shall be provided in accordance with Section 7.14 of this By-law and the following:
- (i) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;
  - (ii) A maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard; and,
  - (iii) In addition to the requirements of Section 7.14 (a) (xiii), the surface of a parking area may include permeable pavers.

**9.14.1 Secondary Dwelling Unit**

- (a) For lands within a "ER", "R1", "R2", "R3", "R4", "R5", "RM1", and "RM2" Zone, a maximum of one Secondary Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 9.14.1.
- (c) There shall be no outside stairway above the first floor other than a required exterior exit.
- (d) A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.
- (e) Notwithstanding Section 9.6, a Secondary Dwelling Unit may be permitted in a basement or cellar.

**9.14.2 Secondary Dwelling Unit – Detached**

- (a) For lands within a "ER", "R1", "R2", "R3", "R4", "R5", "RM1", and "RM2" Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- (b) In addition to Section 9.14.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:
  - (i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 9.14.2.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 9.14.2.

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- (d) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.
- (e) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
  - (i) Notwithstanding Section 9.14.2 (e), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area.
  - (ii) In addition to Section 9.14.2 (e), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.
- (f) A Secondary Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
- (g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (h) The following building separation shall be provided:
  - (i) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.
  - (ii) Where a Secondary Dwelling Unit – Detached is located in an interior Side Yard, the following is required:
    - (A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and,
    - (B) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (i) A maximum height of 6.0 metres shall be permitted.

**Appendix “B” to Report PED20093(c)**

- (i) Notwithstanding Section 9.14.2 (i), balconies and rooftop patios shall be prohibited above the first floor level.
  - (j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
    - (i) Notwithstanding Section 9.14.2 (j), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
  - (k) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the Rear Yard.”
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
5. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
6. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this \_\_\_\_\_ , 2022

\_\_\_\_\_  
Fred Eisenberger  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

CI 20-E



**Appendix "B" to Report PED20093(c)**

**Page 6 of 6**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED20093(c) Date: 05/17/2022
Ward: City-wide	(MM/DD/YYYY)

Prepared by: Shannon McKie	Phone No: ext. 1288
<i>For Office Use Only, this doesn't appear in the by-law</i>	

## Appendix "C" to Report PED20093(c)

Page 1 of 9

**Authority:** Item  
 Report (PED20093(c))  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law 3581-86 Respecting Modifications and Updates to Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

**WHEREAS** the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988

**AND WHEREAS** Council, in approving Item of Report of the Planning Committee, at its meeting held on the 17<sup>th</sup> day of May, 2022, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 3581-86 (Dundas) as follows:

1. That SECTION 3: DEFINITIONS, be amended by adding the following definitions:

"3.2.28.1 **SECONDARY DWELLING UNIT**

Means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

### 3.2.28.2 **SECONDARY DWELLING UNIT – DETACHED**

Means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling."

2. That Section 6: GENERAL REGULATIONS, be amended by adding a clause to Subsection 6.2.1 ii) as follows:

"6.2.1 ii) a) For the purposes of Section 6.31, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building or structure."

3. That Section 6: GENERAL REGULATIONS, be amended by deleting Section 6.31 in its entirety and replacing it with the following:

### **"6.31 SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT – DETACHED**

- i) Parking shall be provided in accordance with Section 7 of this by-law and the following:
- a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;
  - b) Notwithstanding Section 7.1.1, a maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit Detached, may be provided in the required Front Yard; and,
  - c) In addition to Section 6.11.3, parking for a Secondary Dwelling Unit and/or Secondary Dwelling Unit – Detached shall maintain a minimum of 50% landscaped area in the exterior Side Yard.

### **6.31.1 Secondary Dwelling Unit**

- i) For lands within a R1, R2, R3, R3A, R4, R6, RM1, R.C.C., and RH-1 Zone, a maximum of one Secondary Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.

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- ii) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 6.31.1.
- iii) There shall be no outside stairway above the first floor other than a required exterior exit.
- iv) A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.
- v) Notwithstanding the R1, R2, R3, R4 Zones, the R.C.C. Zone, and the RH-1 Zone, where an Accessory Apartment in a Dwelling Converted is permitted, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, site plan that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. 21-073 was passed by Council, provided the Building Permit application complies with Zoning By-law No. 3581-86, as amended, that affected the lot before By-law No. 21-073 came into effect. For the purposes of determining zoning conformity the following provisions shall apply:
  - a) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Section 6.31.1 v).
  - b) Once the permit or approval under Section 6.31.1 v), has been granted, the provisions of this By-law apply in all other respects to the land in question.

**6.31.2 Secondary Dwelling Unit – Detached**

- i) For lands within a R1, R2, R3, R3A, R4, R6, RM1, R.C.C., and RH-1 Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- ii) In addition to Section 6.31.2, a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:

**Appendix “C” to Report PED20093(c)****Page 4 of 9**

- a) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 6.31.2
- iii) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 6.31.2.
- iv) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.
- v) Notwithstanding Section 6.18, for a Through Lot, the Rear Yard shall be established in accordance with Section 3.2.56.
- vi) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
  - a) Notwithstanding Section 6.31.2 vi), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area.
  - b) In addition to Section 6.31.2 vi) a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.
- vii) A Secondary Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
- viii) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- ix) The following building separation shall be provided:
  - a) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.
  - b) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard, the following is required:
    - (A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and,

## Appendix “C” to Report PED20093(c)

## Page 5 of 9

- (B) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- x) A maximum height of 6.0 metres shall be permitted.
    - a) Notwithstanding Section 6.31.2 x), balconies and rooftop patios shall be prohibited above the first floor level.
  - xi) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
    - a) Notwithstanding Section 6.31.2 xi), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
    - xii) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the Rear Yard.”
4. That Section 7: OFF-STREET PARKING AND LOADING, be amended by modifying Subsection 7.9.2 by adding “, permeable pavers,” after “A gravel or similar surface”;
5. That Subsections 8.8.1, 9.8.1, 10.10.1, 10A.6.1, 11.12, 11A.7.1, 12.9.1, 15A.11.1, and 15B.5.1 be amended by deleting “Section 4.33” from the end of the sentence and replacing it with “Section 6.31”;
6. That Section 11 : LOW DENSITY RESIDENTIAL ZONE (R4), be amended as follows:
- i) By deleting “up to a maximum of three separate dwelling units.” from the end of the PURPOSE paragraph;
  - ii) By modifying Section 11.1.4 so that it reads: “CONVERSIONS TO THREE SEPARATE DWELLING UNITS”;
  - iii) By modifying Section 11.5 so that it reads: “REGULATIONS FOR CONVERSIONS TO THREE (3) SEPARATE DWELLING UNITS”.
  - iv) By deleting Subsection 11.5.6 and replacing it with the following:
 

“11.5.6        OFF-STREET PARKING AND LOADING

11.5.6.1        No parking spaces shall be required, provided the required parking spaces which existed on XX, 2022 for the existing dwelling shall continue to be provided and maintained.



## Appendix "C" to Report PED20093(c)

## Page 7 of 9

- i) In addition to 15A.5.6.1, on a lot containing a Secondary Dwelling Unit – Detached, one parking space shall be required for the third Dwelling Unit of a conversion.”
    - iv) By modifying Subsection 15.A.5 by adding a new Subsection as follows:
      - “15A.5.7 DWELLING UNITS ON A LOT
      - In conjunction with Section 15A.11 – Regulations for a Secondary Dwelling Unit, no more than four Dwelling Units shall be permitted on a lot.”
    - v) By deleting Subsection 15A.11 and replacing it with the following:
      - “15A.11 REGULATIONS FOR A SECONDARY DWELLING UNIT
      - 15A.11.1 Shall comply with the provisions of Section 6.31.
        - i) In addition to the regulations of Section 6.31, one parking space shall be required for a Secondary Dwelling Unit – Detached if it constitutes the fourth Dwelling Unit on a lot.”
9. That Section 15B: SINGLE DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1) be amended as follows:
- i) By renumbering Subsection 15B2.2.2: REAR YARD, to Subsection 15B2.2.3.
  - ii) By renumber the subsections to Section 15B.3: REGULATIONS FOR BED AND BREAKFAST ESTABLISHMENTS IN AN EXISTING SINGLE DETACHED DWELLING, from Subsection 15B.5.1 – 15B.5.3 to Subsection 15B.3.1 – 15B.3.3.
10. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
11. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
12. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.



**Appendix "C" to Report PED20093(c)**  
**Page 8 of 9**

**PASSED** this \_\_\_\_\_ , 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 20-E

**Appendix "C" to Report PED20093(c)**

**Page 9 of 9**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee      Report No.: PED20093(c) Date: 05/17/2022

Ward: City-wide      (MM/DD/YYYY)

Prepared by: Shannon McKie      Phone No: 1288

*For Office Use Only, this doesn't appear in the by-law*

**Appendix “D” to Report PED20093(c)**  
**Page 1 of 6**

**Authority:** Item  
 Report (PED20093(c))  
 CM:  
 Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 90-145-Z Respecting Modifications and Updates to  
 Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Flamborough”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th of November 1990 and approved by the Ontario Municipal Board on the 21st of December, 1991;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 17<sup>th</sup> day of May, 2022, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

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

1. That Section 3: Definitions be amended by adding the following definitions:

**“SECONDARY DWELLING UNIT** shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

## Appendix "D" to Report PED20093(c)

## Page 2 of 6

**SECONDARY DWELLING UNIT – DETACHED** shall mean a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling."

2. That Subsection 5.2.1 of Section 5: General Provisions be amended by adding the following Subsection:

"a) For the purposes of Section 5.43.2, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building or structure."

3. That Section 5: General Provisions be amended by deleting Section 5.43 in its entirety and replacing it with the following:

**"5.43 SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT - DETACHED**

- (a) Parking shall be provided in accordance with Section 5.21 of this By-law and the following:
- (i) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;
  - (ii) Notwithstanding Section 5.21.5 (a) as it regulates the location of required parking spaces, a maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard; and,
  - (iii) Notwithstanding Section 5.21.5 (a) as it regulates the location of required parking spaces, parking for a Secondary Dwelling Unit and/or Secondary Dwelling Unit – Detached may be provided in the required Exterior Side Yard and shall maintain a minimum of 50% landscaped area in the Exterior Side Yard.

**5.43.1 SECONDARY DWELLING UNIT**

- (a) For lands within a R1, R4, R5, R6 and UC Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, Semi-Detached Dwelling, Link or Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 5.43.1.

**Appendix “D” to Report PED20093(c)****Page 3 of 6**

- (c) There shall be no outside stairway above the first floor other than a required exterior exit.
- (d) maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.

**5.43.2 SECONDARY DWELLING UNIT - DETACHED**

- (a) For lands within a R1, R4, R5, R6 and UC Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, Link or a Street Townhouse Dwelling.
- (b) In addition to Section 5.43.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:
  - (i) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 5.43.2.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 5.43.2.
- (d) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or Interior Side Yard.
- (e) A minimum 1.2 metre setback shall be provided from the interior side lot line and rear lot line.
  - (i) Notwithstanding Section 5.43.2 (e), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area.
  - (ii) In addition to Section 5.43.2 (e), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.
- (f) A Secondary Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.

**Appendix “D” to Report PED20093(c)****Page 4 of 6**

- (g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
  - (h) The following building separation shall be provided:
    - (i) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.
    - (ii) Where a Secondary Dwelling Unit – Detached is located in an interior Side Yard, the following is required:
      - (A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and,
      - (B) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
  - (i) A maximum height of 6.0 metres shall be permitted.
  - (i) Notwithstanding Section 5.43.2 (i), balconies and rooftop patios shall be prohibited above the first floor level.
  - (j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
    - (i) Notwithstanding Section 5.43.2 (j), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
  - (k) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the Rear Yard.”
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
5. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.

**Appendix "D" to Report PED20093(c)**

6. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this \_\_\_\_\_, 2022

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Fred Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 20-E

**Appendix "D" to Report PED20093(c)**

**Page 6 of 6**

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee      Report No.: PED20093(c)      Date: 05/17/2022

Ward: City-wide      (MM/DD/YYYY)

Prepared by: Shannon McKie

Phone No: ext. 1288

*For Office Use Only, this doesn't appear in the by-law*



## Appendix "E" to Report PED20093(c)

Page 1 of 6

**Authority:** Item ,  
 Report: (PED20093(c))  
 CM:  
 Ward: City-wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 464  
 Respecting Modifications and Updates to  
 Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

**WHEREAS** the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

**AND WHEREAS** Council, in adopting Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 17<sup>th</sup> day of May, 2022, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided; and

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Section 4: Definitions, be amended by adding the following definitions

“SECONDARY DWELLING UNIT” means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

“SECONDARY DWELLING UNIT - DETACHED” means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.”

**To Amend Zoning By-law No. 464 Respecting the Repeal and Replacing of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former Town of Glanbrook**

2. That Section 7: General Provisions, be amended by adding a new clause to Subsection 7.13 (b), as follows:
  - “(vii) For the purposes of Section 11.13, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building or structure.”
3. That Section 11: General Provisions for all Residential Zones, be amended by deleting Section 11.13 in its entirety and replacing it with the following:

**“11.13 Secondary Dwelling Unit and Secondary Dwelling Unit – Detached**

- (a) Parking shall be provided in accordance with Section 7.35 of this by-law and the following:
  - (i) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained; and,
  - (ii) A maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard.

**11.13.1 Secondary Dwelling Unit**

- (a) For lands within a “ER”, “R1”, “R2”, “R3”, “R4”, “RM1”, and “RM2” Zone, a maximum of one Secondary Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 11.13.1.
- (c) Notwithstanding Section 11.7, a Secondary Dwelling Unit may be permitted in a basement or cellar.
- (d) There shall be no outside stairway above the first floor other than a required exterior exit.

**To Amend Zoning By-law No. 464 Respecting the Repeal and Replacing of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former Town of Glanbrook**

- (e) A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.

**11.13.2 Secondary Dwelling Unit – Detached**

- (a) For lands within a "ER", "R1", "R2", "R3", "R4", "RM1", and "RM2" Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- (b) In addition to Section 11.13.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:
  - (i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 11.13.2.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 11.13.2.
- (d) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or Interior Side Yard.
- (e) A minimum 1.2 metre setback shall be provided from the Interior Side Lot Line and Rear Lot Line.
  - (i) Notwithstanding Section 11.13.2 (e), an eave or gutter may extend a maximum of 30 centimetres into a required minimum setback area.
  - (ii) In addition to Section 11.13.2 (e), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.

**To Amend Zoning By-law No. 464 Respecting the Repeal and Replacing of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former Town of Glanbrook**

- (f) A Secondary Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
  - (g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
  - (h) The following building separation shall be provided:
    - (i) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.
    - (ii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard, the following is required:
      - (1) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and,
      - (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
  - (i) A maximum height of 6.0 metres shall be permitted.
    - (a) Notwithstanding Section 11.13.2 (i), balconies and rooftop patios shall be prohibited above the first floor level.
  - (j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
    - (a) Notwithstanding Section 11.13.2 (j), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
  - (k) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the Rear Yard.”
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
5. That for the purposes of the Ontario Building Code, this By-law or any part of it is

**To Amend Zoning By-law No. 464 Respecting the Repeal and Replacing of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former Town of Glanbrook**

not made until it has come into force as provided by Section 34 of the *Planning Act*.

6. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED and ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 20-E

**Appendix "E" to Report PED20093(c)**

**Page 6 of 6**

**To Amend Zoning By-law No. 464 Respecting the Repeal and Replacing of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former Town of Glanbrook**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information  
in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Planning Committee	Report No.: PED 22XXX	Date: 05/17/2022
Ward: City-wide		(MM/DD/YYYY)

Prepared by: Shannon McKie	Phone No: ext. 1288
<i>For Office Use Only, this doesn't appear in the by-law</i>	

**Appendix “F” to Report PED20093(c)**  
**Page 1 of 8**

**Authority:** Item \_\_\_\_\_, Planning Committee  
 Report PED20093(c)  
 CM:  
 Ward: City-wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 22-\_\_\_\_\_**

**To Amend Zoning By-law No. 6593, Respecting Modifications and Updates to  
 Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee at its meeting held on the 17<sup>th</sup> day of May, 2022, which recommended that Zoning By-law No. 6593, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;

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

1. That SECTION 18: SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS, be amended by adding the following clause to Subsection 18.(4) (i):
  - “A. For the purposes of Section 19.(1).2, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building.”
2. That SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be amended by deleting Section 19.(1) in its entirety and replacing it with the following regulations:
  - “**19.(1) Secondary Dwelling Unit and Secondary Dwelling Unit – Detached in all Residential Districts and “H” (Community Shopping and Commercial, etc.) District**
    - (i) For the purposes of Section 19.(1), the following definitions shall apply:
      - (a) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
      - (b) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
    - (ii) Parking shall be provided in accordance with Section 18(A) of this By-law and the following:
      - (a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;
      - (b) Notwithstanding Section 18A.(14a) and 18A.(14h) (i), a maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard; and,
      - (c) In addition to Section 18A.(31), the surface of a parking space and access driveway may include permeable pavers.



**19.(1).1 Secondary Dwelling Unit**

- (i) A maximum of one Secondary Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (ii) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 19.(1).1.
- (iii) A Secondary Dwelling Unit shall contain a maximum of two bedrooms.
- (iv) There shall be no outside stairway above the first floor other than a required exterior exit.
- (v) A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.
  - (a) Notwithstanding Section 19.(1).1 (v), one additional entrance may be located on the front façade of a dwelling for lots identified in Schedule "P" of Section 22.
- (vi) Notwithstanding Section 19.(1) of this By-law, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, site plan that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law No. 21-076 was passed by Council, provided the Building Permit application complies with Zoning By-law No. 6593, as amended, that affected the lot before By-law No. 21-076 came into effect. For the purposes of determining zoning conformity, the following provisions shall apply:
  - (a) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Section 19.(1).1 (vi); and,
  - (b) Once the permit or approval under Section 19.(1).1 (vi) has been granted, the provisions of this By-law apply in all other respects to the land in question.

**19.(1).2 Secondary Dwelling Unit – Detached**

## Appendix “F” to Report PED20093(c)

## Page 4 of 8

- (i) A maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- (ii) In addition to Section 19.(1).2 (i), a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:
  - (a) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 19.(1).2.
- (iii) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 19.(1).2.
- (iv) A Secondary Dwelling Unit - Detached shall contain a maximum of two bedrooms
- (v) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.
  - (a) Notwithstanding any other provisions of this By-law, for the purposes of a Secondary Dwelling Unit - Detached on a Through Lot, the Rear Yard shall be the yard with the greatest distance from a street line.
- (vi) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
  - (a) Notwithstanding Section 19.(1).2 (vi), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback.
  - (b) In addition to Section 19.(1).2 (vi), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.

**Appendix “F” to Report PED20093(c)****Page 5 of 8**

- (vii) A Secondary Dwelling Unit – Detached, shall not be located closer to the flankage street than the principal dwelling.
  - (viii) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
  - (ix) The following building separation shall be provided:
    - (a) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.
    - (b) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard, the following is required:
      - (i) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and,
      - (ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
  - (x) A maximum height of 6.0 metres shall be permitted.
    - (a) Notwithstanding Section 19.(1).2 (x), balconies and rooftop patios shall be prohibited above the first floor level
  - (xi) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
    - (a) Notwithstanding Section 19.(1).2 (xi), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
  - (xii) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the rear yard.”
3. That Section 22: Restricted Areas By-laws Repealed, is amended by repealing and replacing Schedule P identified in Schedule “A” to this By-law.

**Appendix “F” to Report PED20093(c)**

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
5. That for the purposes of the Ontario Building Code, this By-law or any part if it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
6. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED and ENACTED** this \_\_\_ day of \_\_\_\_\_, 2022.

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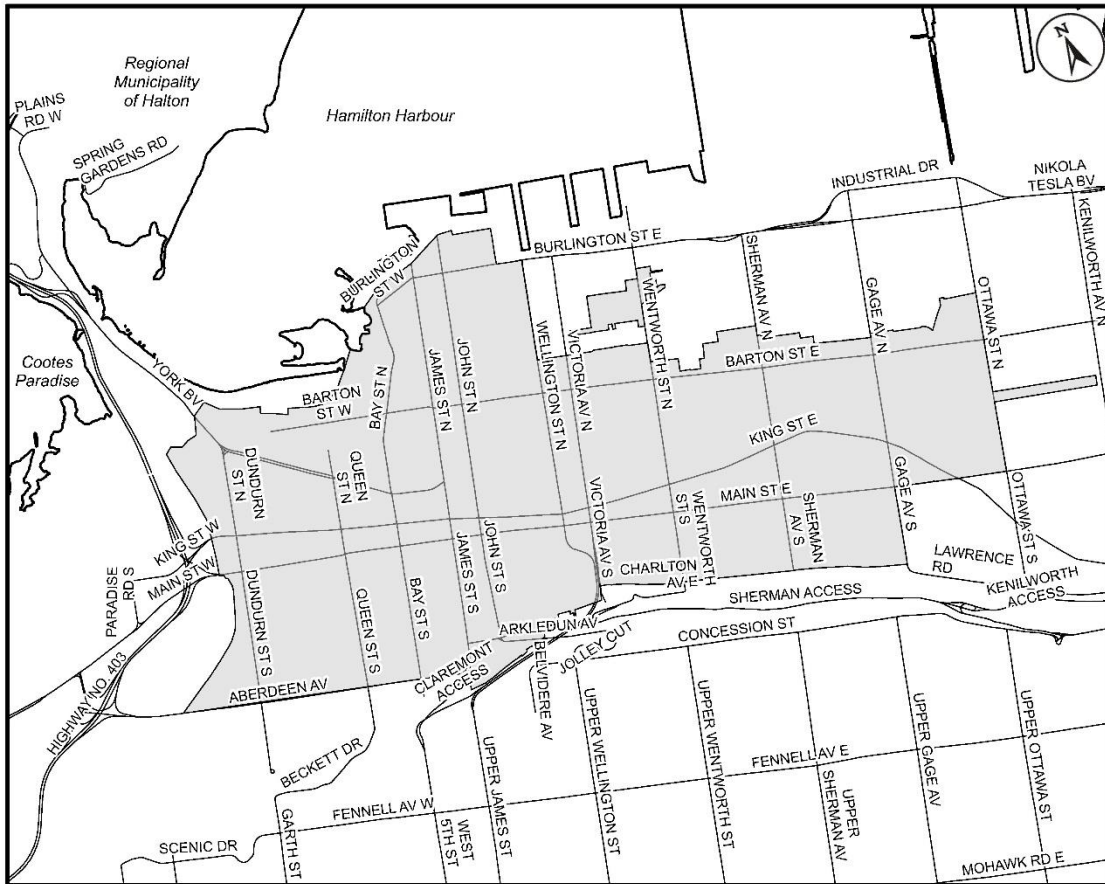
Fred Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 20-E

Appendix "F" to Report PED20093(c)  
Page 7 of 8



This is Schedule "A" to By-law No. 22-

Passed the ..... day of ....., 2022

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Mayor


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Clerk

# Schedule "A"

Map forming Part of  
By-law No. 22-\_\_\_\_\_

to Amend By-law No. 6593

### Add to Section 22 Schedule P

 Areas where one additional entrance shall be permitted on the front facade of a dwelling containing a Secondary Dwelling Unit

Scale:

Date:  
April 12, 2022

File Name/Number:  
Second Dwelling Unit

Planner/Technician:  
TLVS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Appendix "F" to Report PED20093(c)**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED20093(c) Date: 05/17/2022
Ward: City-wide	(MM/DD/YYYY)

Prepared by: Shannon McKie	Phone No: ext. 1288
<i>For Office Use Only, this doesn't appear in the by-law</i>	

## Appendix "G" to Report PED20093(c)

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**Authority:** Item  
 Report: (PED20093(c))  
 CM:  
 Ward: City-wide

**Bill No.**

## CITY OF HAMILTON

**BY-LAW No. \_\_\_\_\_**

### **To Amend Zoning By-law No. 3692-92 Respecting Modifications and Updates to Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

**WHEREAS** the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 17<sup>th</sup> of May, 2022, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 3692-92 (Stoney Creek) as follows:

1. That PART 2: DEFINITIONS be amended by adding the following definitions:

**"Secondary Dwelling Unit**

Means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

**Secondary Dwelling Unit - Detached**

Means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling."

2. That PART 4: GENERAL PROVISIONS FOR ALL ZONES, be amended by adding the following clause to Subsection 4.5.1:

"(a) For the purposes of Subsection 6.1.7.2, a Secondary Dwelling Unit – Detached shall not be considered an accessory building or structure."

3. That PART 6: RESIDENTIAL ZONES, be amended by adding the following clause to Subsection 6.1.4:

"(e) For the purposes of Section 6.1.7.2, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building or structure."

4. That PART 6: RESIDENTIAL ZONES, be amended by deleting Section 6.1.7 in its entirety and replacing it with the following:

**"6.1.7 Secondary Dwelling Unit and Secondary Dwelling Unit – Detached**

- (a) Parking shall be provided in accordance with Section 4.10 and Section 6.1.8 of this By-law and the following:

- (i) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;



**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

- (ii) A maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard; and,
- iii) Parking for a Secondary Dwelling Unit and/or Secondary Dwelling Unit – Detached shall maintain a minimum of 50% landscaped area in the Flankage Yard.

**6.1.7.1 Secondary Dwelling Unit**

- (a) For lands within a "R1", "R2", "R3", "R4", "R5", "R6", "RM1", "RM2", and "RM3" Zone, a maximum of one Secondary Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 6.1.7.1.
- (c) There shall be no outside stairway above the first floor other than a required exterior exit.
- (d) A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.

**6.1.7.2 Secondary Dwelling Unit – Detached**

- (a) For lands within a "R1", "R2", "R3", "R4", "R5", "R6", "RM1", "RM2", and "RM3" Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- (b) In addition to Section 6.1.7.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached

**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:

- (i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 6.1.7.2.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 6.1.7.2.
- (d) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or Interior Side Yard.
- (e) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
  - i) Notwithstanding Section 6.1.7.2 (e), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area.
  - ii) In addition to Section 6.1.7.2 (e), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.
- (f) A Secondary Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
- (g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (h) The following building separation shall be provided:
  - (i) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.

**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

- (ii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard, the following is required:
    - (A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and,
    - (B) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
  - (i) A maximum height of 6.0 metres shall be permitted.
    - (a) Notwithstanding Section 6.1.7.2 (i), balconies and rooftop patios shall be prohibited above the first floor level
    - (j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
      - (a) Notwithstanding Section 6.1.7.2 (j), the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
    - (k) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the Rear Yard.”
5. That SECTION 6: MULTIPLE RESIDENTIAL “RM1” ZONE, be amended as follows:
- i) By modifying Section 6.8.2 (f) so that it reads “Conversions of greater than two, up to a maximum of 4 dwelling units per structure”.
  - ii) By deleting Section 6.8.3 (f), and replacing it with the following:
    - “6.8.3 (f) Conversions of greater than two, up to a maximum of 4 dwelling units.

No dwelling shall be converted except in accordance with the following:

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**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

1. That no outside stairway shall be used or erected except an unenclosed fire escape;
  2. That the volume of the building or structure shall not be increased;
  3. That such dwelling units are situated in a Multiple Residential "RM1" Zone and that all the applicable requirements of this By-law and of the zone in which such dwelling unit is situated shall be complied with;
  4. That such building or structure was erected prior to January 1, 1941;
  5. That in conjunction with Section 6.8.3 (i), no more than four dwelling units shall be permitted on a lot.
  6. That one parking space shall be required for the fourth dwelling unit of a conversion, provided the required parking spaces which existed on XX, 2022 for the existing dwelling shall continue to be provided and maintained.
    - i) In addition to Section 6.8.3 (f) 6., on a lot containing a Secondary Dwelling Unit – Detached, one parking space shall be required for the third dwelling unit of a conversion.
  7. A maximum of 2 parking spaces are permitted to be provided in the front yard.”
- iii) That Section 6.8.3 (i), be deleted and replaced as follows:
- “6.8.3 (i) Regulations for Secondary Dwelling Units and Secondary Dwelling Units - Detached
1. Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.7
    - (i) In addition to the regulations of Section 6.1.7, one parking space shall be required for a

**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

Secondary Dwelling Unit – Detached if it  
constitutes the fourth dwelling unit on a lot.”

6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
7. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
8. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this \_\_\_\_\_, 2022

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Fred Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 20-E

**Appendix "G" to Report PED20093(c)**

**To Amend Zoning By-law No. 3692-92 Respecting the Repeal and Replacement of  
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations  
in the former City of Stoney Creek Zoning By-law**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Planning Committee	Report No.: PED22XXX	Date: 05/17/2022
Ward: City-wide		(MM/DD/YYYY)

Prepared by:	Phone No: ext.
<i>For Office Use Only, this doesn't appear in the by-law</i>	

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**[RELEVANT SECTION] SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT – DETACHED**

For lands within a [SPECIFIC ZONES], a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.	This regulation has been maintained but has been reorganized to the Secondary Dwelling Unit Section of the General Provision.
For lands within a [SPECIFIC ZONES], a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.	This regulation has been maintained but has been relocated to the Secondary Dwelling Unit – Detached Section of the General Provisions.
Section 4.5a) shall not apply to a Secondary Dwelling Unit – Detached.	This regulation relates to limiting the number of dwelling units on a lot. The regulation has been deleted as the SDU/SDU-Detached are specifically permitted and there is no contravention to this regulation.
A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.	These regulations have been combined with regulations a)/b) above. The permissions for SDU/SDU-Detached have been summarized in one with the applicable zones to provide clear and simplified direction on locational and use permissions.
A single detached dwelling on one lot containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.	
A semi-detached dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.	
A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.	
Parking shall be provided:	Parking regulations apply to both SDU and SDU-Detached. To avoid duplication

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<p>1) In accordance with Section 5 of this by-law; and,</p> <p>2) Notwithstanding clause (h)1), no additional parking space shall be required for any secondary dwelling unit dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.</p>	<p>of the regulation these provisions have been relocated to the general section which applies to both SDU and SDU-Detached.</p> <p>While parking is required to be provided in accordance with the relevant parking section for each Zoning By-law the SDU/SDU-Detached parking requirement has been modified to clarify that no additional parking is required for the SDU/SDU-Detached as long as the required existing parking for the principal dwelling is not changed.</p>
<p>Notwithstanding [RELEVANT PARKING SECTION], parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5 of this by-law.</p>	<p>Parking for the SDU/SDU-Detached is permitted within the front yard. This provision has been further modified to limit front yard parking for an SDU/SDU-Detached to a maximum of 2 parking spaces to limit the impact to the existing front yard landscaping. While some Zoning By-laws have specific requirements for front yard landscaping establishing a specific percentage as a result of including an SDU/SDU-Detached caused conformity issues for the existing condition. Modifications are proposed to reorganize and simplify the provision and reduce conformity issues.</p>
<p>Parking for a Secondary Dwelling Unit and/or Secondary Dwelling Unit – Detached shall maintain a minimum of 50% landscaped area in the Flankage Yard.</p>	<p>This regulation has been created to support maintaining the majority of the flankage yard as landscaped area while allowing for driveway access. This regulation has been established in the former Municipal Zoning By-laws that do not already require a percentage of the total lot area to be landscaped.</p>
<p>Notwithstanding [RELEVANT PARKING SECTION], permeable pavers may also be permitted.</p>	<p>This provision has been removed from the SDU/SDU-Detached regulations and the applicable Parking Section of each Zoning By-law has been amended to include permeable pavers as an</p>



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	appropriate form of stable surface for parking areas.
Notwithstanding Section 5.6a) and c), for a lot containing a Secondary Dwelling Unit, a Secondary Dwelling Unit - Detached, or both, identified in Special Figure 24 to Schedule “F”, no additional parking space or spaces shall be required, provided the number of legally established parking spaces, which existed as of May 12, 2021, shall continue to be provided and maintained.	This regulation has been deleted. The parking regulations for SDU/SDU-Detached have been modified City Wide so that no additional parking is required for an SDU/SDU-Detached where the existing required parking is provided and maintained on-site.
A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard.	This regulation has been relocated to the SDU-Detached section.
In the case of a through lot, a Secondary Dwelling Unit – Detached shall be permitted, in accordance with the following provisions:  i) A lot shall not be considered a through lot when abutting a laneway.  ii) Where a lot abuts two streets that are not a laneway, the front lot line shall be deemed to be the lot line where the front entrance of the existing principal dwelling faces, and the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines.	Where applicable, the permissions relating to Through Lots have been carried forward. These regulations contemplate different restrictions as it relates to the locational permissions for SDU-Detached.
There shall be no outside stairway above the first floor other than a required exterior exit.	This regulation has been carried forward and added to the SDU-D section.
Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a	This regulation has been carried forward though the language has been simplified to establish a maximum of one entrance on a front façade.

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corner lot, the street frontage where the principal entrance is not located on.	
Notwithstanding [RELEVANT SDU REGULATION] an additional entrance may be located on the front façade of the building for lands identified on [RELEVANT MAP]. [APPLICABLE TO ZONING BY-LAW NOS. 05-200 AND 6593]	The existing regulation specified the entrance location for an SDU. The concern relates to how many entrances are located on a front façade, not which unit is being accessed by the entrance. The language adds clarity to the intent to avoid unnecessary Minor Variance applications.  Zoning By-law 05-200 (and Zoning By-law No. 6593) includes a specific regulation to allow two entrances on the front façade for a specific area. This regulation has been carried forward.
A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:  i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,  ii) A landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.	This regulation has been relocated to the SDU-Detached section and modified to require 12.0 square metres of landscaped area for every SDU-D on a lot.
A Secondary Dwelling Unit and Secondary Dwelling Unit- Detached shall contain a maximum of two bedrooms. [ONLY APPLICABLE TO ZONING BY-LAW NO. 6593]	This regulation has been carried forward.

**[RELEVANT SECTION OF ZONING BY-LAW] REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED**

A legally established accessory building existing as of May 12, 2021 in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented	This regulation has been carried forward.
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<p>Corridor (TOC3) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing an existing single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:</p>		
<p>1)</p>	<p>The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.</p>	<p>This regulation has been deleted. The parking regulation for SDU/SDU-D establish that required parking must be maintained on site. If the required parking for the principle dwelling is removed as a result of converting an Accessory Building to an SDU-D the required parking would need to be provided elsewhere on-site.</p>
<p>2)</p>	<p>Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with [RELEVANT ACCESSORY BUILDING SECTION] of this Zoning By-law;</p>	<p>This regulation has been modified to remove reference to the Accessory Building regulations. The Accessory Building regulations include a provision clarifying that an SDU-D is not to be considered an Accessory Building and this section should not refer to those sections to avoid interpretation issues. The sections referenced relate to encroachment permissions which have been addressed separately in the SDU-D section.</p>
<p>A Secondary Dwelling Unit – Detached in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone shall be subject to the following provisions:</p>	<p>This regulation has been relocated and carried forward.</p>	
<p>A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard.</p>	<p>This regulation has been combined with other regulations to clarify which zones permit an SDU-D.</p>	
<p>Notwithstanding [RELEVANT ACCESSORY BUILDING REGULATIONS] shall apply.</p>	<p>This regulation has been deleted. The Accessory Building regulations include a provision clarifying that an SDU-D is not to be considered an Accessory Building and this section should not refer to those sections to avoid interpretation issues. The sections referenced relate to encroachment permissions which have</p>	

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	been addressed separately in the SDU-D section.
A minimum 1.2 metres Interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	This regulation has been carried forward and simplified.
A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	This regulation has been carried forward and simplified.
Notwithstanding Section 4.33.1 b) 2) and 3), permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	This regulation has been removed as the relevant Parking Section of each Zoning By-law has been updated to allow permeable pavers as an appropriate stable surface for parking areas.
A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale’s slope of 1.0 metres shall be provided and maintained.	This regulation has been removed. The minimum interior Side Yard and Rear Yard has been established to manage maintenance and drainage concerns. The required interior Side Yard and Rear Yards are required to have soft landscaping to allow for the appropriate drainage of the site.
A Secondary Dwelling – Detached shall not be permitted within a swale or ditch.	This regulation has been removed. The minimum interior Side Yard and Rear Yard setbacks provide protection for any swale or ditch.
Notwithstanding [RELEVANT SDU-D REAR YARD SETBACK SECTION], where the entrance to the Secondary Dwelling Unit - Detached faces a laneway, the Rear Yard may be reduced to a minimum 0.3 m.	This regulation has been deleted. The minimum Rear Yard has been applied consistently for all SDU-D at 1.2 metres.
An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the	This regulation has been carried forward.

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Secondary Dwelling Unit – Detached shall be provided and maintained.	
A maximum height of 6.0 metres shall be permitted.	This regulation has been carried forward.
Balconies and rooftop patios are prohibited above the first storey.	This regulation has been combined with the maximum building height.
The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.	This regulation has been carried forward and combined with the maximum lot coverage permitted for the combination of all Accessory Buildings on the lot and an SDU-D.
The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.	This regulation has been combined with the maximum gross floor area permissions for an SDU-D
A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.	This regulation has been carried forward and combined with other building separation requirements.
Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard; <ul style="list-style-type: none"> <li>i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,</li> <li>ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.</li> </ul>	These regulations have been carried forward and combined with other building separation requirements.
Each of the landscaped areas in Subsection 4.33r) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres.	This regulation has been removed. There are no requirements for the principal dwelling to provide visual barriers. While a landscaped area is required to be provided for the benefit of the SDU-D, screening the area would be a preference of the property owner.

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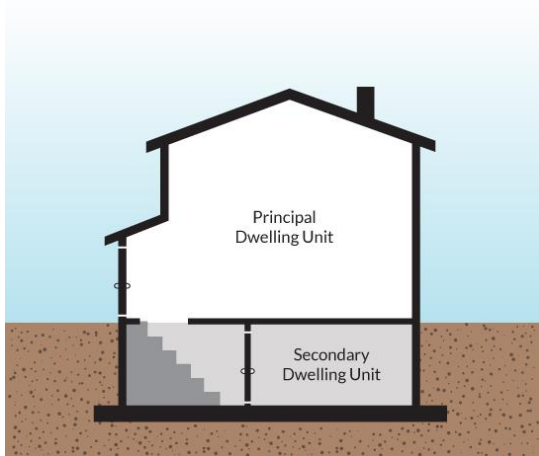
<p>An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.</p>	<p>This regulation has been created to regulate the location of an SDU-D on a corner lot.</p>
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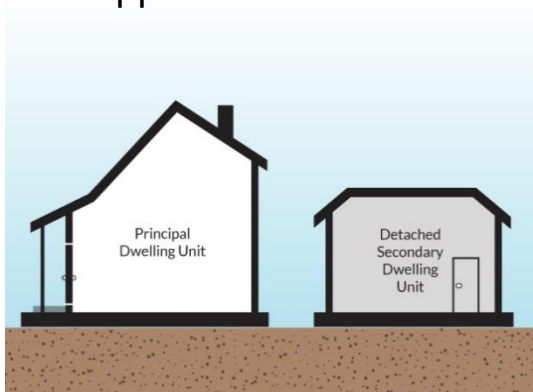
WELCOME TO THE CITY OF HAMILTON

## **Modifications and Updates to Existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations**

Planning Committee – May 31, 2022



257 Building Permit Applications for SDU



10 Building Permit Applications for SDU-D



Most applications for SDU's have gone straight to Building Permit application.

Since May 12, 2021, there have been 64 minor variance applications for modifications to the SDU/SDU-D Regulations.

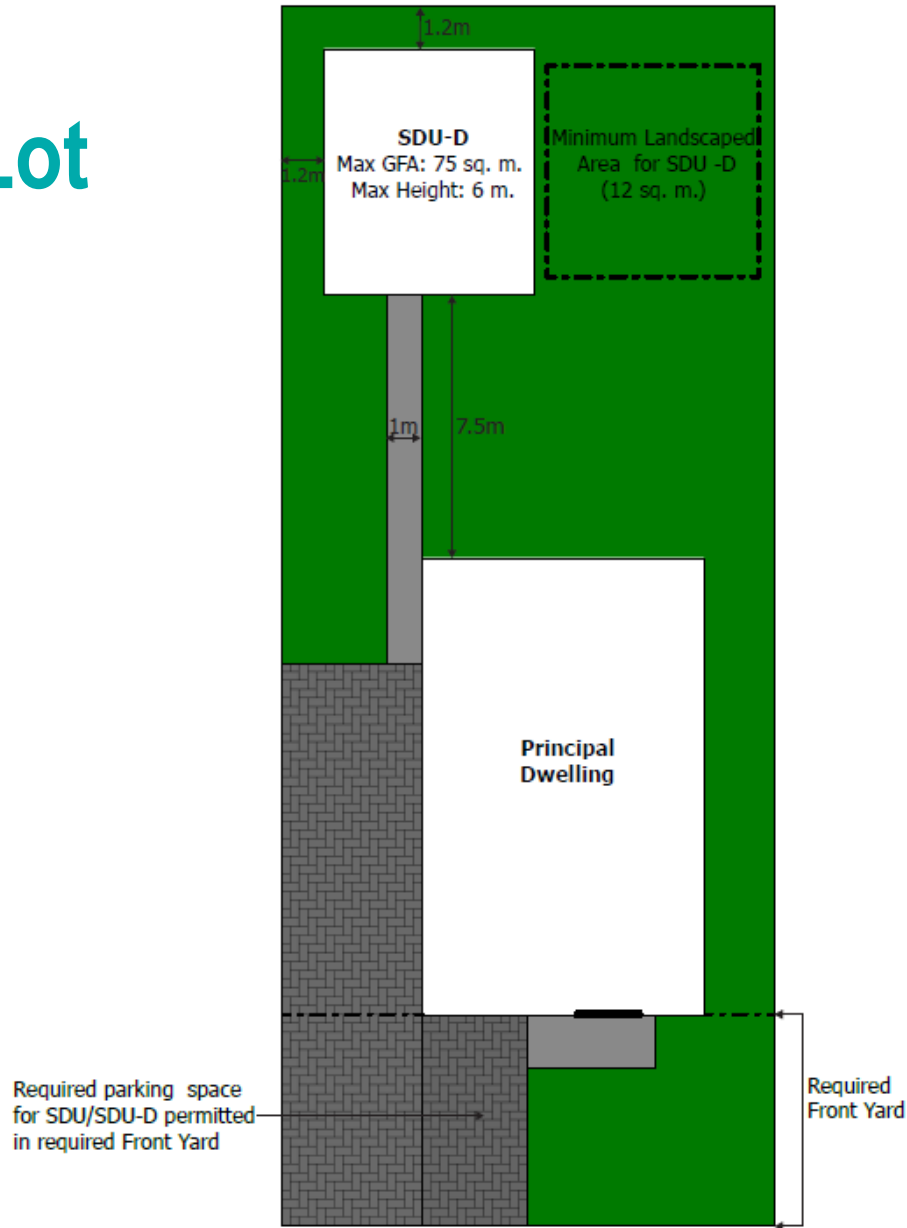
- 50 for SDUs
- 14 for SDU-Ds



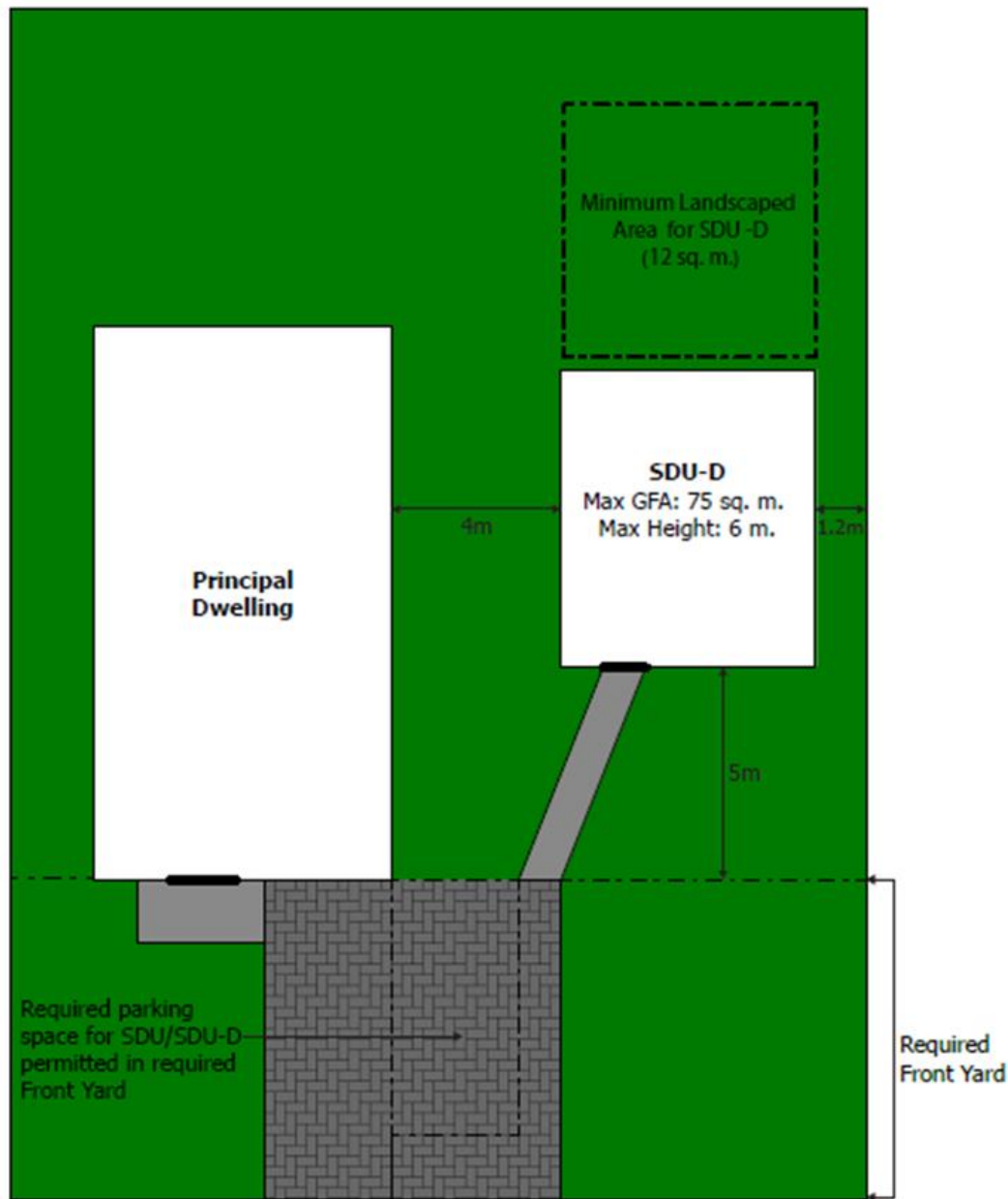
# Proposed Amendments

- SDU and SDU-D regulations have been separated into different sections;
- Parking for both SDU and SDU-D have been put into a general provision applying to both forms;
- Redundant regulations have been removed; and,
- Clear and consistent language has been used in all of the Zoning By-laws.

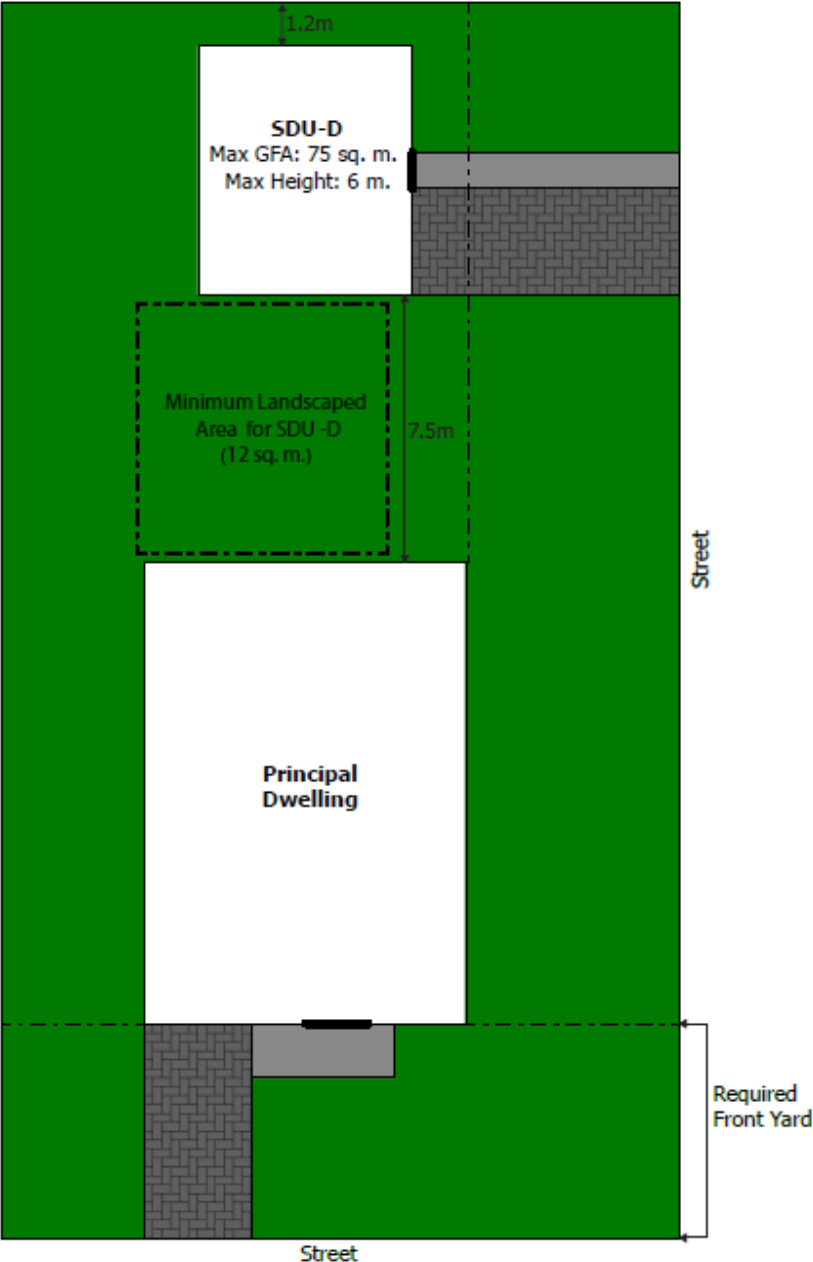
# SDU-D Interior Lot



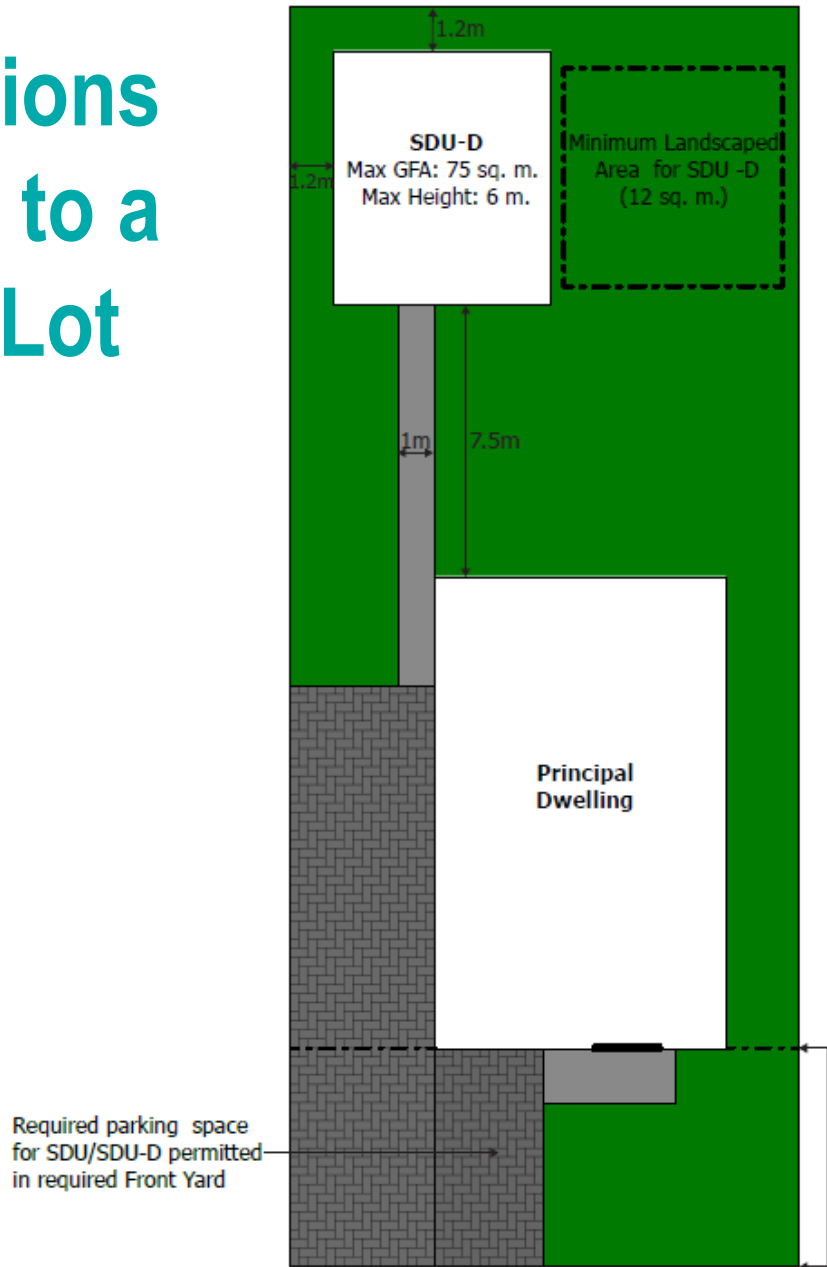
# SDU-D Interior Lot



# SDU-D Corner Lot



# Regulations Applied to a Typical Lot



**Typical Lot**                      **12 m x 30 m**  
 -12 m (typical principal dwelling depth)  
 -6 m (typical front yard depth)

Rear Yard                      1.2 m  
 Side Yard                      1.2 m  
 Building Separation        7.5 m

Taken together, on a 30 m deep lot:  
 -6 m (front yard depth)  
 -12 m (principal dwelling depth)  
 -7.5 m building separation)

**+/- 4 metres remaining**

*To be able to accommodate a SDU-D, a lot will generally need to be greater than 34 metres in depth*

# A Summary of Parking Principles

- Required parking for the principal dwelling cannot be removed/reduced/eliminated;
- Bill 108 established that parking for an SDU cannot exceed the requirements of the principal dwelling;
- Where the principal dwelling is Legal Non-Conforming for parking, an SDU and/or SDU-D can be added without providing additional parking.
- Parent Zoning for front yard landscaping will continue to apply;

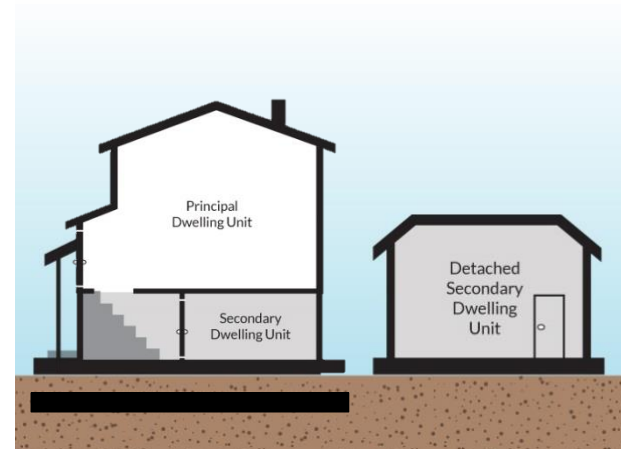
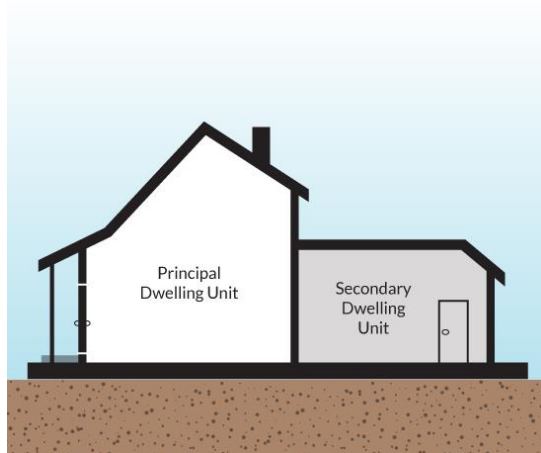
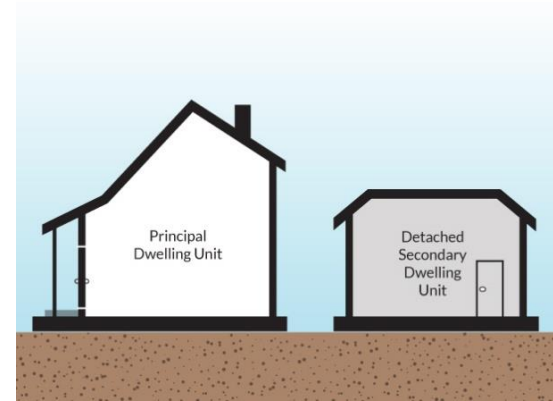
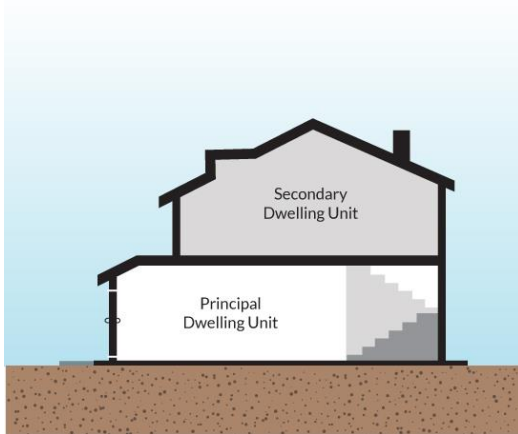
# Parking Requirements - Existing Dwellings\*

	Existing Dwelling	Existing + SDU	Existing + SDU-D	Existing + SDU + SDU-D	TOTAL
<b>Ancaster</b>	2	2	2	2	2
<b>Dundas</b>	1	1	1	1	1
<b>Flamborough</b>	1	1	1	1	1
<b>Glanbrook</b>	2	2	2	2	2
<b>Hamilton</b>	2	2	2	2	2
<b>Stoney Creek</b>	2	2	2	2	2

\*Existing as of May 12, 2021

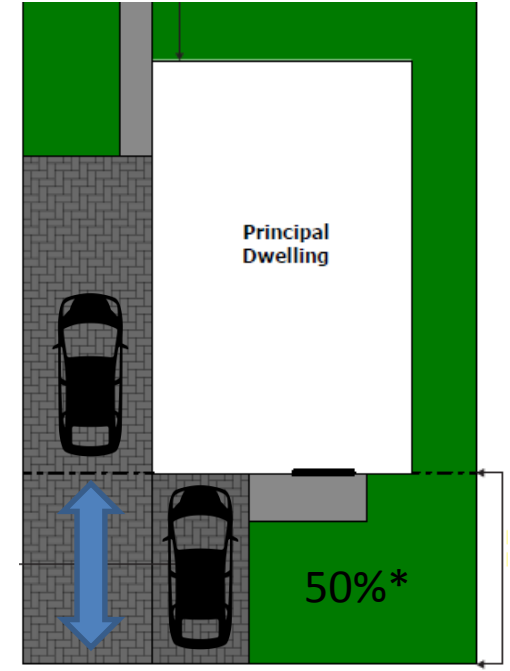
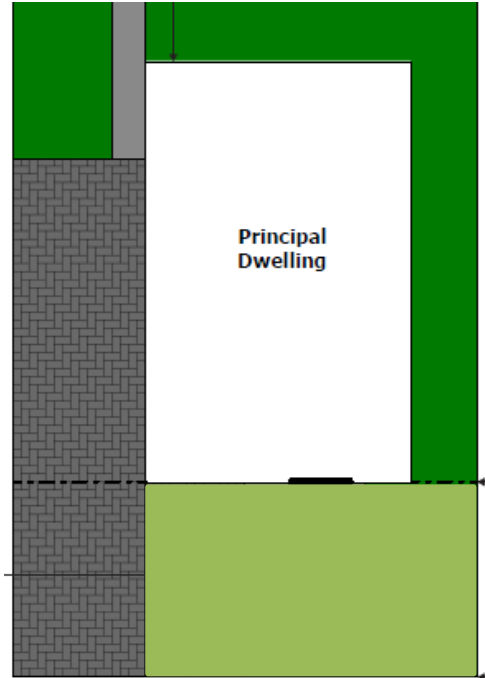
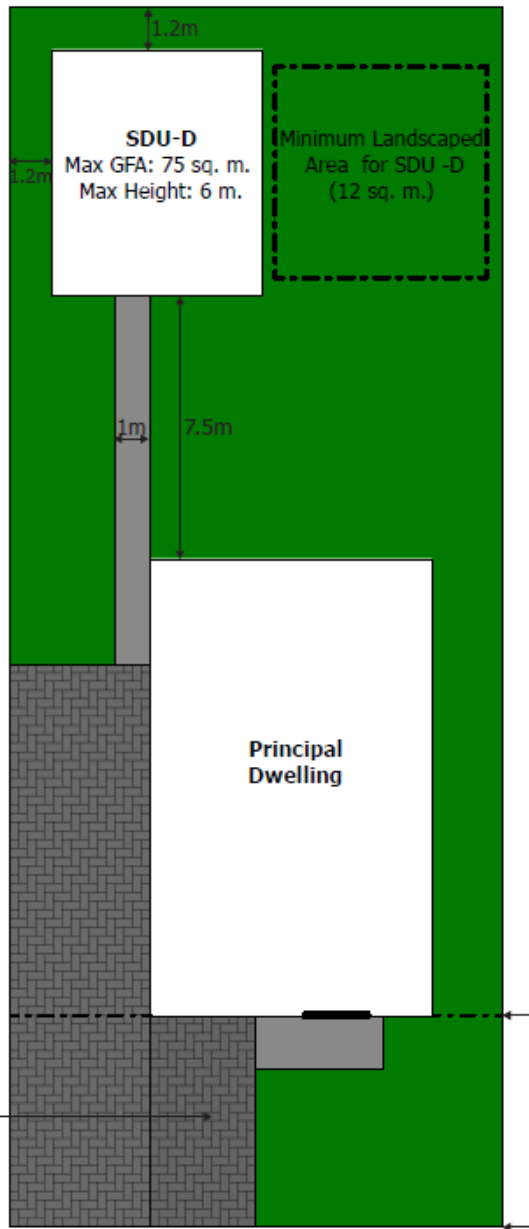
# Parking Requirements – New Dwellings\*

(E.g. Hamilton  
Zoning By-law  
No. 6593)



\*Principal dwelling constructed after May 12, 2021





\*or landscaped area equivalent

(E.g. Hamilton Zoning By-law No. 6593)

## Changes Since May 17<sup>th</sup> Planning Committee

1. Within the required minimum 1.2 m setback from the interior side lot line, a landscaped strip is required to be provided within the required side yard adjacent to the SDU-D and shall be limited to sod, ground cover, or permeable pavers.
  - **Addition:** *May also include vegetation or a fence to provide privacy screening.*
2. The maximum GFA of a SDU-D cannot exceed 75 sq. m. or the GFA of the principal dwelling.
  - **Addition:** *If the ground floor area of the principal dwelling is  $\leq 105$  sq. m., the SDU-D cannot exceed 70% of the ground floor area of the principal dwelling.*



**E.g. Principal Dwelling**  
**Ground Floor Area 106 sq. m.**

**SDU-D**

Cannot exceed 75 sq. m. GFA

**Note:** 70% of 106 sq. m. = 74.2 sq. m.

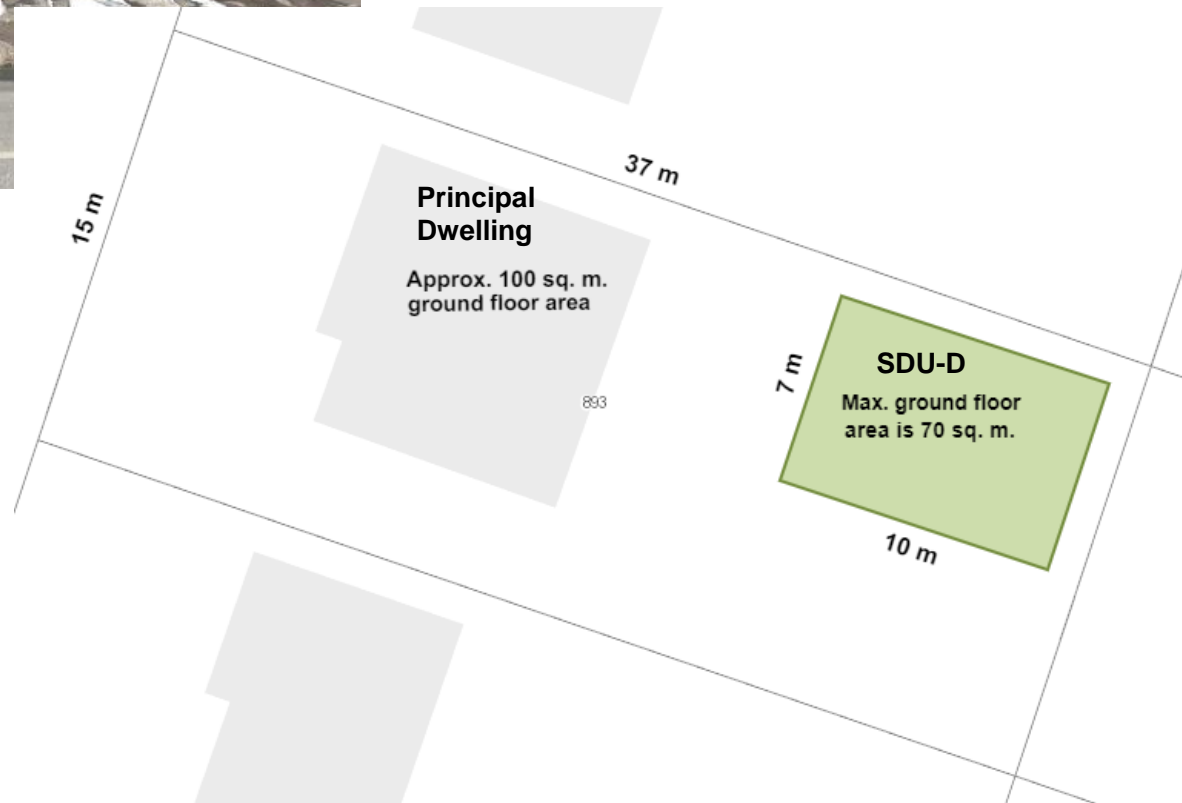
**E.g. Principal Dwelling**  
**Ground Floor Area 105 sq. m.**

**SDU-D**

Cannot exceed 75 sq. m. GFA

AND

Cannot exceed 70% of  
ground floor area of 105 sq. m.  
= **73.5 sq. m.**





THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Charlie Toman (905) 546-2424 Ext. 5863
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-20-026, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 256 First Road West Inc.**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding in order to permit 25 townhouse units for lands located at 250-256 First Road West, Stoney Creek, as shown on Appendix “A” attached to Report PED22097, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
  - (i) The Holding Provision for the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

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**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 2 of 17**

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- (1) That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands, to the satisfaction of the Director of Growth Management;
- (c) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

### **EXECUTIVE SUMMARY**

The purpose of the Zoning By-law Amendment is to change the zoning from Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone Modified, Holding, to permit 25 townhouse units. The Applicant is proposing that townhouses are developed as a standard condominium. The Zoning By-law Amendment Application proposes a total of 14 modifications to the setback, parking, landscaping and density regulations of the Multiple Residential “RM3” Zone.

A Holding Provision is required until there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject property.

The Application has merit and can be supported as they are consistent with the Provincial Policy Statement (2020) (PPS), conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan (UHOP). The proposal is 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, provides an alternative housing form and supports developing a complete community.

### **Alternatives for Consideration – See Page 16**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an Application for an amendment to the Zoning By-law.

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 3 of 17**

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## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Owner:	256 First Road West Inc.
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Scott Beattie).
File Number:	ZAC-20-026.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the development of 25 townhouse units fronting onto a private road with 12 visitor parking spaces (see the Preliminary Site Plan attached as Appendix "D" to Report PED22097).
<b>Property Details</b>	
Municipal Address:	250-256 First Road West, Stoney Creek (see Location Map attached as Appendix "A" to Report PED22097).
Lot Area:	0.54 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E – Urban Structure and "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed	No amendment proposed.
Secondary Plan Existing:	"Low Density Residential 3c" on Map B.7.6-1 of the West Mountain (Heritage Green) Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Neighbourhood Development "ND" Zone.
Zoning Proposed:	Multiple Residential "RM3-70(H)" Zone, Modified, Holding.

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**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 4 of 17**

<b>Documents</b>	
<p>Modifications Proposed:</p>	<p>The Applicant is requesting the following modifications:</p> <ul style="list-style-type: none"> <li>• A minimum Front Yard Setback from First Road West of 1.50 metres whereas 7.5 metres is required;</li> <li>• The minimum Side Yard Setback of 1.50 metres and a minimum Flankage Yard Setback from Mud Street West of 1.50 metres whereas a 6 metre Side Yard and 7 metre Flankage yard setback are required;</li> <li>• A minimum Rear Yard of 6.0 metres whereas 7.5 metres abutting a zone for single, semi-detached or duplex dwelling is required;</li> <li>• A maximum net residential density of 45 units per hectare whereas 40 units per hectare is permitted;</li> <li>• A maximum lot coverage of 40% whereas 35% lot coverage is permitted,</li> <li>• A minimum landscaped open space of 30% whereas a minimum landscaped open space of 50% is required;</li> <li>• A minimum landscaped strip of 1.5 metres along First Road West and Mud Street East, except 4.0 metres abutting a daylight triangle whereas a 4.5 metre landscape strip abutting a daylight triangle is required;</li> <li>• A rear yard privacy area for each townhouse unit with a depth of 4.0 metres whereas 4.5 metres is required;</li> <li>• An Unenclosed Porch and Deck to project into both the northerly side yard abutting the Mud Street West street line and the southerly side yard whereas a setback of 1.5 metres is permitted; and,</li> <li>• A minimum of 0.45 visitor parking spaces per unit whereas 0.50 visitor parking spaces is required.</li> </ul> <p>Staff are recommending the additional modifications:</p> <ul style="list-style-type: none"> <li>• A maximum of four dwelling units shall be permitted to have minimum dwelling unit width of 5.8 metres and a maximum of 21 dwelling units shall be permitted to have a minimum dwelling unit width of 5.9 metres. The RM3 Zone does not have a minimum dwelling width for Block Townhouses;</li> <li>• A minimum 6.0 metre setback from a garage to a condominium road. Note that the RM3 Zone does not have a setback requirement; and,</li> <li>• A minimum 3.5 metre setback from a townhouse dwelling to a condominium road. Note that the RM3 Zone does not have a setback requirement to a condominium road.</li> </ul>

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**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 5 of 17**

<b>Processing Details</b>	
Received:	June 24, 2020.
Deemed Complete:	July 24, 2020.
Notice of Complete Application:	Sent to 46 property owners within 120 m of the subject lands on August 14, 2020.
Public Notice Sign:	Posted August 27, 2020 and updated on May 4, 2022.
Notice of Public Meeting:	Sent to 46 property owners within 120 m of the subject lands on May 13, 2022.
Public Comments:	One letter requesting information and expressing concern (see Appendix "E" attached to Report PED22097).
Processing Time:	706 days. Note that staff received three subsequent submissions of the proposal with the third and final submission provided on September 22, 2021 (251 days).

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant	Neighbourhood Development "ND" Zone
<b>Surrounding Land Uses:</b>		
North	Vacant Lands	Arterial Commercial (C7, 587) Zone
South	Single Detached Dwellings	Single Residential "R2" Zone
East	Stormwater Management Pond	Conservation/Hazard Land (P5) Zone
West	Single Detached Dwellings	Single Residential "R4" Zone

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 6 of 17**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The following policies of the PPS (2020), amongst others, are applicable to the Applications.

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The Applicant submitted a noise study, entitled, “Noise Feasibility Study, 250-256 First Road West, Stoney Creek, prepared by HGC Engineering, dated March 30, 2020 and an Addendum Letter, dated July 5, 2021 in support of the subject proposal. The study reviewed the acoustic requirements for the proposed development with respect to acoustic noise from vehicular traffic along First Road West and Mud Street East. Based on the results of the Study, a 3.0 metre noise barrier will be required along the rear yards of the units facing Mud Street East and a 2.0 m noise barrier will be required along the rear yards of the units facing the Stormwater Management Pond. Additionally, noise warning clauses will be required to be included on the future Site Plan undertaking and in all agreements of purchase and sale or lease and all rental agreements.

“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.”

A Stage 1-2 archaeological report (P017-0577-2017) for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated September 4, 2019. Staff are in concurrence with the archaeological assessment and are satisfied that the municipal interest in the archaeology of the site has been satisfied.

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 7 of 17**

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Based on the above, it is staff's opinion that the proposal is consistent with the PPS (2020).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations. In addition, the lands are identified as outside of the "Built-up Area" on Appendix "G" – Boundaries Map and the lands are designated as "Low Density Residential 3c" in the West Mountain (Heritage Green) Secondary Plan.

Neighbourhoods Designation

"E.3.4.6 b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible."

The Applicant's development proposal (see the Preliminary Site Plan attached as Appendix "D" to Report PED22097), includes backlotting of seven townhouse units. Staff are supportive of backlotting for these units as the subject lands are not large enough to accommodate a window street, it allows for the implementation of noise mitigation measures and the proposed layout is consistent with nearby residential lots abutting Mud Street.

**West Mountain (Heritage Green) Secondary Plan**

Residential Designations

"B.7.6.2.1 The residential areas for West Mountain (Heritage Green) Secondary Plan area are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density Residential 3, and High Density Residential 1 on Map B.7.6-2 – West Mountain Area (Heritage Green) – Land Use Plan. (OPA 85)

B.7.6.2.2 Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

b) Low Density Residential 3c designation:

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 8 of 17**

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- i) The permitted uses shall include townhouse dwellings and low rise apartments; and,
- ii) The density shall be approximately 30 to 49 units per net residential hectare.”

The proposal is for the development of 25 townhouse units, which is a permitted use in the Low Density Residential 3c Designation. The proposed development will have a maximum density of 45 units per net residential hectare. Therefore, the proposal complies with the Low Density Residential 3c Designation of the West Mountain (Heritage Green) Secondary Plan.

#### Landfill Impact Assessment

“B.7.6.1.3 Proponents of development proposals for residential and other sensitive land uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site shall be required to submit studies demonstrating there are no adverse effects on the development or that the effects can be mitigated. These studies may include, but not be limited to, ground and surface water, leachate migrating onto the subject lands, traffic, air quality, noise, soil contamination and hazardous waste and landfill generated gases, subject to the requirements of the City.”

A Landfill Impact Assessment was required as part of the Zoning By-law Amendment Application. The Landfill Impact Assessment reviewed the requirements of the Ministry of Environment, Conservation and Parks (MECP) D4 - Land Use on or Near Landfills and Dumps Guidelines in relation to the adjacent TerraPure Landfill. The Landfill Impact Assessment was prepared by Ortech Environmental (Ortech), dated April 6, 2020 and peer reviewed by Golder Associates Ltd (Golder). Golder required updates to the original Assessment and a revised Landfill Impact Assessment, dated July 21, 2021 was received and reviewed. The Assessment evaluated the following:

- Potential of air emissions (dust, odour and other air emissions);
- Noise emissions;
- Nuisance of litter;
- Visual impact;
- Vectors and vermin from the Operating Landfill; and,
- Potential of ground water and surface water contamination by leachate, landfill gas migration and fire hazards from both the Operating Landfill and Closed Landfill.

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 9 of 17**

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The key conclusions of the Landfill Impact Assessment prepared by Ortech Environmental, dated July 21, 2021 are:

- The proposed development will rely on municipal services to supply potable water to the site and therefore, ground water resources will not be utilized;
- Although there is the possibility that impacted ground water from the Landfill has migrated onto the Site over time, based on the use of municipal potable water and the fact that the influence is only observed in the deeper aquifer unit, the potential for leachate impacted ground water to affect the proposed property use is therefore low. As such, no mitigation measures or engineering controls for ground water are recommended for the proposed development at the Site;
- If construction dewatering is required, the discharge water should be sampled prior to release to ensure the relevant water quality standard is met;
- Given that surface water is not observed to flow onto or near the site, no risk of surface water impacts derived from the landfills is considered to exist. Therefore, no mitigation measures or engineering controls for surface run off are recommended;
- The potential for impacts to the development site related to landfill gas should be further evaluated through by either:
  - Monitoring gas levels under frozen ground conditions, when the potential for methane gas migration is greatest; or,
  - Installing lined foundations with a ventilation system at the building permit stage;
- The potential for litter impacts are minimal as litter control is undertaken daily as part of Terrapure's daily inspection program;
- The potential for odour impacts are minimal as the Terrapure Landfill does not receive odorous materials, and the winds in the area predominately blow towards the northeast;
- There is the potential for dust generation, but Terrapure's dust control program is reducing dust emissions and there has not been a complaint filed since 2010; and,
- The potential for impacts related to vehicular traffic, noise, fires, visual impacts and vectors and vermin is minimal as:

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**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 10 of 17**

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- The predicted noise levels are below the measured noise dominated by Mud Street West traffic;
- The active landfill includes screening features including fences, berms and tree plantings, which mitigate visual impact; and,
- The Landfill is 201 metres above sea level and the landfill berm is approximately 213 metres above sea level, which will adequately shield the landfill from the proposed development.

The Landfill Impact Assessment concluded that there will be no adverse impact to the development from the adjacent landfill. However, the peer reviewer recommended that the potential for impacts to the development related to landfill gas (methane) should be further evaluated by either monitoring gas levels in frozen ground conditions or installing a radon liner under the foundation.

Staff met with the Applicant and it was determined that a radon liner would be installed for the development to mitigate any potential methane gas leakage. The following materials are required in order for the radon liner to meet the Ontario Building Code Requirements for Soil Gas Control:

- A soil gas barrier on the foundation walls (bituminous damp-proofing);
- The liner must be installed under the basement floor slab using 6.0 millimetre polyethylene not less than 300 millimetres; and,
- Sealing along the perimeter of the basement floor slab and at all penetrations using flexible sealant (polyurethane caulking).

Staff will require the radon liner for the proposed development to be shown as part of Site Plan Control and implemented through future Building Permits.

Therefore, based on the conclusions of the Landfill Impact Study and peer review, staff are satisfied that the installation of the radon liner will mitigate any potential methane gas leakage. Staff are recommending that warning clauses be included in any future Site Plan and Condominium Application and added into any offer of Purchase and Sale Agreement or Lease Agreement to advise prospective buyers of the potential noise and odour nuisances associated with the adjacent landfill. In addition, staff are recommending that confirmation that the recommended mitigation measures will be implemented be part of the Holding provision.

Staff are satisfied that the proposed development complies with the West Mountain (Heritage Green) Secondary Plan.

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 11 of 17**

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**Stoney Creek Zoning By-law No. 3692-92**

The subject lands are currently zoned Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92. The Neighbourhood Development “ND” Zone permits agricultural uses, one single detached dwelling existing at the date of passing of the by-law, an urban farm and community garden. The proposal is to rezone the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, to permit the development of 25 townhouses.

Modifications to the parent Multiple Residential “RM3” Zone are required to implement the proposal and are discussed further in Appendix “C” attached to Report PED22097.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>Public Works Department, Strategic Planning Division, Landscape Architectural Services Section;</li> <li>Canada Post Corporation;</li> <li>Conseil Scolaire Viamonde; and,</li> <li>Alectra Utilities.</li> </ul>		No Comment
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>At this time there is no sanitary outlet available for this site and note the following:  No capacity provision was considered in the 450 mm sanitary system outlet to the south per the Penny Lane Estates Ph1 development (dwg 11-5-35), nor the Saltfleet Community development to the east (74-5-509). This site is presumably part of an external drainage area that will ultimately be captured within the drainage limits of the Upper Centennial sanitary trunk system. The existing 450 mm sanitary sewer is at capacity and cannot provide for a sanitary outlet for the site until portions of the sanitary flows from upstream lands are diverted to the trunk sanitary sewer on Upper Centennial.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, cost recoveries, installation of sidewalk, grading and servicing plans will be addressed at the Site Plan Control stage as conditions of approval.</li> </ul>

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**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 12 of 17**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• Therefore, it is recommended that this development is not approved until the flows can be diverted to the sanitary trunk system on Upper Centennial.</li> <li>• Development Engineering Approvals recommends that a Holding be applied to this zoning Application and state that the removal of the “H” will be conditional upon the following:  “That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject property to the satisfaction of the Director of Growth Management”.</li> <li>• Infrastructure Planning will require an updated FSR at the Site Plan stage which confirms the slope of the existing 300 mm storm sewer;</li> <li>• Public Works staff has advised that revised water servicing demands and required fire flow calculations will be required at the Site Plan Stage; and,</li> <li>• Development Engineering Approvals staff note that the standard items which will be requested as conditions of approval at the future Site Plan Control/Draft Plan and/or Condominium Application stage; however, depending on the full extent of the proposed works conditions may be amended and/or added.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommend that a Holding Provision be incorporated into the Zoning By-Law Amendment to be lifted by the Applicant following confirmation that adequate sanitary servicing is available.</li> </ul>

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**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 13 of 17**

	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• There are municipal trees on site; and,</li> <li>• It was determined that the Tree Management Plan and Landscape Plan would be reviewed at the Site Plan stage.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Application be approved, the Applicant will be required to submit a Tree Management Plan and Landscape Plan at the Site Plan Control stage.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• It should be determined if the proposed development will be condominium tenure; and,</li> <li>• Municipal addresses will be assigned to each building at the Site Plan Control stage.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Application be approved, these matters will be addressed at the Site Plan Control stage and the Draft Plan of Condominium stage, if condominium tenure is considered.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• The access onto First Road West will be limited to a right-in-right-out with left-in. In order to restrict left-turns out of the site the Applicant will be required to construct a diverter island (pork chop) at the driveway access and a centre median island along First Road West that allows unencumbered access to Branthaven Drive and adequate northbound left-turn storage on First Road West approaching Mud Street West;</li> <li>• A 3.048 metre road widening along First Road West and the dedication of a 12.19 metres x 12.19 metres daylighting triangle are required;</li> <li>• The Applicant will be required to construct municipal sidewalks along First Road West adjacent to the site linking the existing sidewalk to the existing transit pad; and,</li> <li>• 5.0 metres x 5.0 metres visibility triangles are required for the driveway access.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Application be approved, these matters will be addressed at the Site Plan Control stage.</li> </ul>

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: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 14 of 17**

	<b>Comment</b>	<b>Staff Response</b>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>The development is ineligible for municipal waste collection. A private waste hauler will be required for the site.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Application be approved, this matter will be addressed at the Site Plan Control stage.</li> </ul>
Hamilton Conservation Authority	<ul style="list-style-type: none"> <li>The property is located on the east side of First Road West, just south of Mud Street West and entirely within the Davis Creek subwatershed area;</li> <li>The subject property is not affected by HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06. Therefore, the proposed new development will not require a permit from HCA; and,</li> <li>HCA staff will require updates to the Stormwater Management Report at the Site Plan Stage.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Application be approved, the Applicant will be required to submit a revised Stormwater Management Report at the Site Plan Control stage.</li> </ul>
<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Existing Neighbourhood Character, Heritage and Housing Type	<ul style="list-style-type: none"> <li>Prefer if the street remained Single Detached Dwellings, which would raise property values.</li> </ul>	<ul style="list-style-type: none"> <li>Staff are supportive of the proposed Townhouse development as the Urban Hamilton Official Plan permits the proposed townhouse use and the Official Plan encourages a range of diverse housing types and tenures. There is no empirical evidence that property values would decrease if this property is developed for townhouses.</li> </ul>

## **PUBLIC CONSULTATION**

In accordance with the Council's Public Participation Policy, the Zoning By-law Amendment Application was circulated as part of the Notice of Complete Application to

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 15 of 17**

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46 property owners within 120 m of the subject lands on August 14, 2020. A Public Notice Sign was installed on the property on August 27, 2020. To date, one submission has been received by the City and is discussed in the table above (see Appendix “E” attached to Report PED22097).

The Public Notice sign was updated with the Public Meeting date on May 4, 2022. Finally, the Notice of Public Meeting was mailed to 46 property owners within 120 m of the subject lands on May 13, 2022.

### **Public Consultation Strategy**

The Applicants submitted a Public Consultation Strategy with the initial submission of the Application which, in addition to the statutory public notice requirements, proposed the creation of a website for the proposal hosted by the Agent. The Public Engagement Strategy also identified that an additional neighbourhood information meeting would be held if requested by the local Councillor. Staff note the additional neighbourhood information meeting was not requested.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
  - i. It is consistent with the Provincial Policy Statement and conforms to A Place to Grow;
  - ii. The proposed development complies with the UHOP and the West Mountain (Heritage Green) Secondary Plan; and,
  - iii. The proposal is compatible with the existing and planned neighbourhood.
2. The proposed Zoning By-law Amendment will permit 25 townhouse dwellings on the subject lands. The proposal is to change the zoning from Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, in Stoney Creek Zoning By-law No. 3692-92.

The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone with respect to the minimum front yard setback, side yard setback, flankage yard setback, rear yard setback, unit width, maximum density, minimum privacy area, unenclosed porch and deck encroachment, maximum lot coverage, minimum landscape open space, landscape strip, visitor parking spaces and setbacks from a condominium road. These modifications are further discussed in Appendix “C” attached to Report PED22097.

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) - Page 16 of 17**

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The proposed Zoning By-law Amendment, including all requested modifications, will facilitate a compact residential development that is compatible with existing development within the area. Therefore, staff support the proposed amendment to the Zoning By-law.

3. An “H” Holding Provision is included in the amending Zoning By-law. The Holding Provision may be removed conditional upon the following:
- That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject property, to the satisfaction of the Director of Growth Management; and,
  - It is demonstrated that development of the subject lands will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill, to the satisfaction of the Director of Planning.

Currently, there is no sanitary outlet available for this site. The Applicant will need to demonstrate that there is adequate capacity available to the subject lands before development can occur (see Appendix “C” attached to Report PED22097).

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application be denied, the subject lands could be utilized in accordance with the existing Neighbourhood Development “ND” Zone within Stoney Creek Zoning By-law No. 3692-92. This zone only permits existing single detached dwellings. As the property is currently vacant, no development of these lands could proceed without the submission of a new Zoning By-law Amendment Application.

## **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.

**SUBJECT: Application to Amend Stoney Creek Zoning By-law No. 3692-92 for  
Lands Located at 250-256 First Road West, Stoney Creek (PED22097)  
(Ward 9) - Page 17 of 17**

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**Built Environment and Infrastructure**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22097 – Location Map

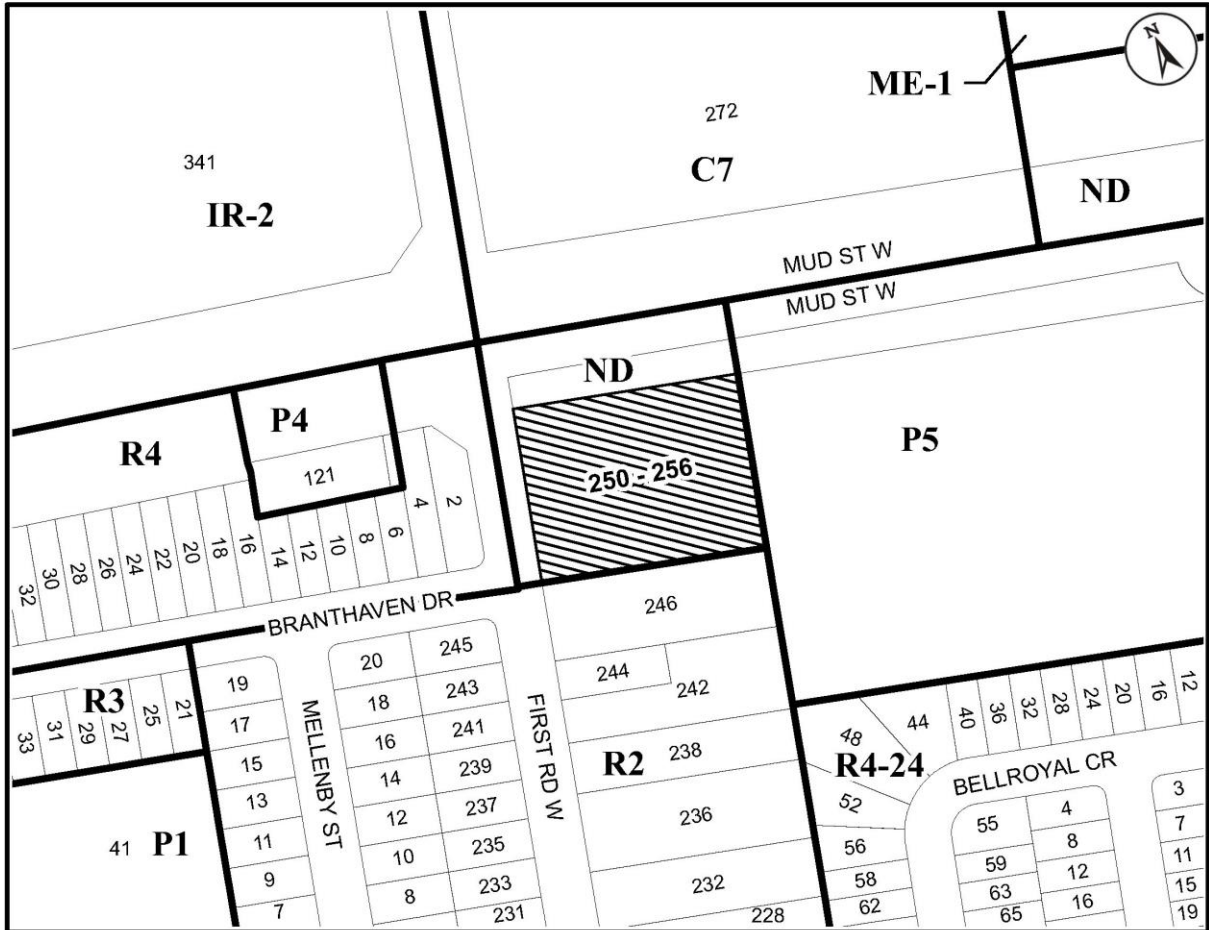
Appendix "B" to Report PED22097 – Draft Zoning By-law Amendment

Appendix "C" to Report PED22097 – Zoning Modification Chart

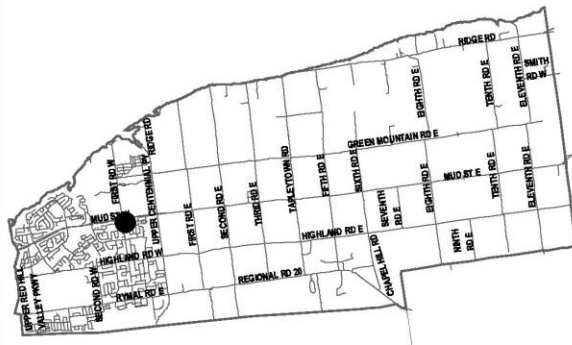
Appendix "D" to Report PED22097 – Concept Plan

Appendix "E" to Report PED22097 – Public Submission

CT:sd



● Site Location



Key Map - Ward 9

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-026

Date:  
April 11, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EM/AL

### Subject Property

250 - 256 First Road West



Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding

**Appendix “B” to Report PED22097  
Page 1 of 6**

**Authority:** Item \_\_\_\_\_, Planning Committee  
Report: PED22097  
CM:  
Ward: 10

**Bill No.**

**CITY OF HAMILTON****BY-LAW NO. 22-\_\_\_\_\_****To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands Located at 250-256 First Road West (Stoney Creek)**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item XX of Meeting #XX-XXX of the Planning Committee at its meeting held on the 31<sup>st</sup> day of May, 2022, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 4 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM3-70(H)" Zone, Modified, Holding, as follows:

**"RM3-70(H)" Zone, Modified, Holding, 250-256 First Road West, Schedule "A", Map No. 16**

- a) For the purposes of this By-law, First Road West shall be deemed to be the front lot line;
- b) A maximum of four dwelling units shall be permitted to have minimum dwelling unit width of 5.8 metres and a maximum of 21 dwelling units shall be permitted to have a minimum dwelling unit width of 5.9 metres;
- c) Notwithstanding the provisions of Paragraphs (c), (d), (f), (i), (k), (l), (m) (1), (m) (3) and (m) (4) of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-70(H)" Zone, Modified, Holding by this By-law, the following shall apply:
  - a. Minimum Yard Regulations for Maisonettes, Townhouses and Dwelling Groups:
    - i) Front Yard – 1.5 metres
    - ii) Side Yard - 1.5 metres
    - iii) Flankage Side Yard – 1.5 metres
    - iv) Rear Yard – 6.0 metres
  - b. Maximum Density: 45 units per hectare.
  - c. Maximum Lot Coverage: 40%
  - d. Minimum Landscaped Open Space:
    - i) A landscaped strip shall have a minimum width of 1.5 metres along First Road West and Mud Street West, except 4.0 metres abutting a daylight triangle;
    - ii) A minimum landscaped open space of 30% of the lot area shall be provided;
  - e. Minimum Privacy Area for Maisonettes, Townhouses and Dwelling Groups: Each maisonette and townhouse unit shall have at least one area which serves as a privacy area and shall have a minimum depth of 4.0 metres;



**Appendix “B” to Report PED22097****Page 3 of 6**

- d) In addition to the provisions of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
    - (a) The minimum setback to a dwelling from a condominium road shall be 3.5 metres;
    - (b) The minimum setback to a garage from a condominium road shall be 6.0 metres;
  - e) Notwithstanding Section 6.10.5 (a) (1) and (1) (e) of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the following shall apply:
    - a. Regulations for Parking:
      - i) 2 parking spaces and 0.45 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces;
      - ii) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1 metre to any dwelling unit located on the same lot;
    - f) Notwithstanding Section 4.19.1(d), an unenclosed porch and deck may project into the northerly side yard abutting the Mud Street West street line and the southerly side yard to a maximum of 1.5 metres.
    - g) On those lands zoned “RM3-70(H)” Zone, Modified, Holding by this By-law, the “H” symbol may be removed by way of an amending Zoning By-law, from all of the lands subject to this provision when the following conditions have been satisfied:
      - i. That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands to the satisfaction of the Director of Growth Management.
      - ii. It is demonstrated that development of the subject lands will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill, to the satisfaction of the Director of Planning.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM3-70(H)” Zone, Modified,

**Appendix "B" to Report PED22097**  
**Page 4 of 6**

Holding provisions, subject to the special requirements referred to in Sections 2 of this By-law.

4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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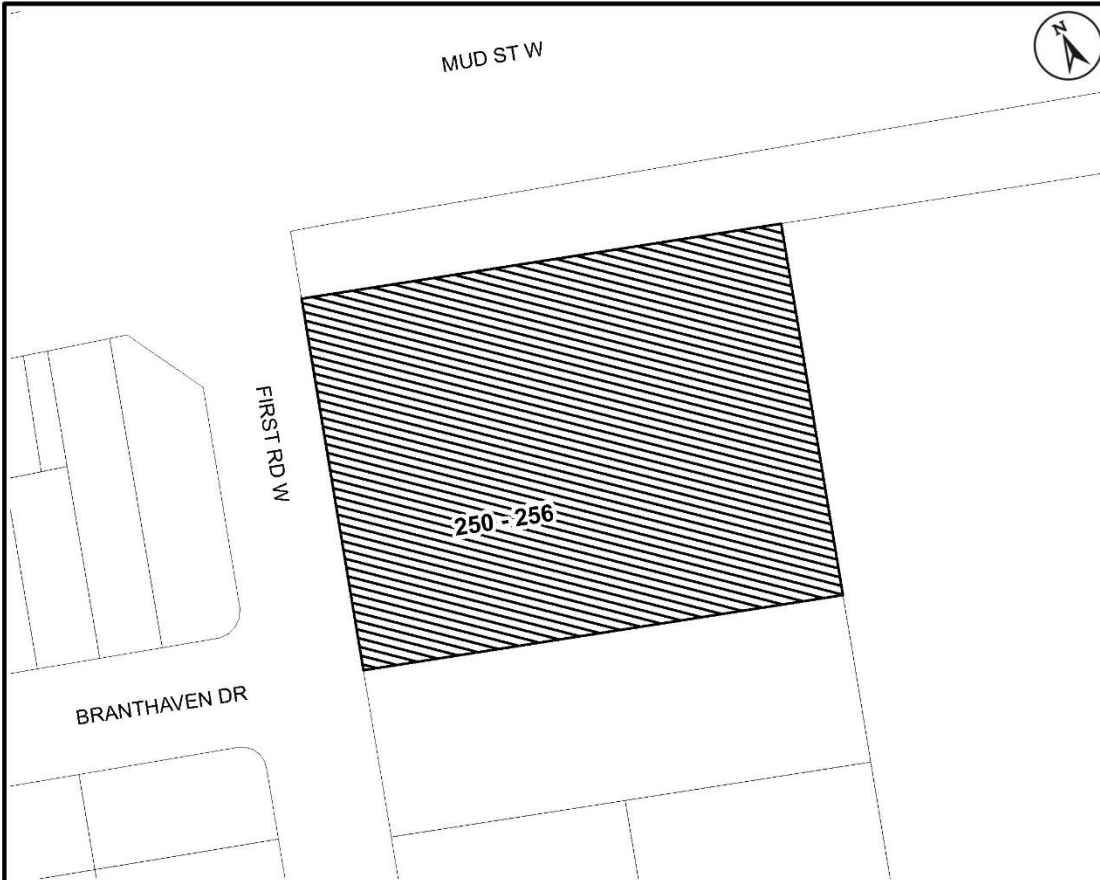

F. Eisenberger  
MAYOR

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A. Holland  
CLERK

ZAC-20-026

**Appendix "B" to Report PED22097**  
**Page 5 of 6**

			
<p style="text-align: center;">This is Schedule "A" to By-law No. 22-</p> <p style="text-align: center;">Passed the ..... day of ....., 2022</p>	<p style="text-align: center;">-----                  Mayor</p> <p style="text-align: center;">-----                  Clerk</p>		
<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b>  <b>By-law No. 22- _____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b></p> <p>250 - 256 First Road West</p> <p> Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-026</p>		
<p>Date: April 11, 2022</p>	<p>Planner/Technician: CT/AL</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

**Appendix "B" to Report PED22097**  
**Page 6 of 6**

Is this by-law derived from the approval of a Committee Report? Yes  
Committee: PC Report No.: PED22097 Date: 05/31/22  
Ward(s) or City Wide: Ward 9

Prepared by: Charlie Toman Phone No: 5863  
*For Office Use Only, this doesn't appear in the by-law*

### Site Specific Modifications to the Multiple Residential “RM3” Zone

Regulation	Required	Modification	Analysis
Dwelling Unit Widths	N/A	A maximum of four dwelling units shall be permitted to have minimum dwelling unit width of 5.8 metres and a maximum of 21 dwelling units shall be permitted to have a minimum dwelling unit width of 5.9 metres.	<p>Staff requested the following modifications to ensure that each dwelling unit has adequate space to properly accommodate street trees, landscaping, stairwells, porches, snow storage and floorplan layouts per dwelling unit.</p> <p>Staff are of the opinion that the dwelling unit widths provide adequate space for landscaping and amenity areas and are supportive of the modification.</p>
Minimum Front Yard	7.5m	1.5m	<p>The purpose of a yard setback is to provide for adequate open space for the functions such as stormwater management, amenity space, buffering from traffic and landscaping. With the proposed townhouse units fronting onto an internal road, the front yard setback functions as an exterior side yard and staff are satisfied that a 1.5 metre setback will provide an appropriate space for stormwater management and landscaping .</p> <p>Therefore, staff support this modification.</p>
Minimum Side Yard and Flankage Yard	6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse	1.5m	
Minimum Rear Yard	6 metres, except 7.5 metres abutting a zone for single, semi-detached or duplex dwellings, or a street	6.0 m	<p>The proposed modification seeks to allow a minimum rear yard setback of 6.0 metres for all units. Based on the current provision, the units to the south of the development require a 7.5 metre setback, whereas the remainder of the proposed units require a setback of 6.0 metres. Staff consider this to be a minor modification and in keeping the remainder of the proposed development.</p> <p>Therefore, staff support this modification.</p>

Yard Encroachments	Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Balconies and decks may project into a privacy area of a townhouse development not more than 4.5 metres. Notwithstanding the foregoing, any deck or patio which is less than .3 metres in height may be located in any required yard.	An unenclosed porch and deck may project into the northerly side yard abutting the Mud Street West street line and the southerly side yard to a maximum of 1.5 metres.	The proposed modification is requested to ensure that porch and deck encroachment regulations are aligned with the reduced minimum side yard and flankage yard setbacks requested for the townhouse units adjacent to Mud Street and the southerly property line should a deck or porch be proposed in the future. Staff are supportive of the reduced minimum side yard and flankage yard setbacks and are therefore also supportive of this modification which will allow for the construction of decks and patios in the rear yards.  Therefore, staff support this modification.
Minimum Privacy Area	Minimum depth of 4.5 metres.	Minimum depth of 4.0 metres.	The proposed modification is requested to accommodate one townhouse unit that backs onto the daylight triangle which will be dedicated to the City through Site Plan Control. Staff are satisfied that this townhouse unit will have sufficient rear yard amenity space and note that all other units within the proposed development would still meet the minimum depth requirement of 4.5 metres.  Therefore, staff support this modification.

Maximum Density	40 units per hectare  49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building.	45 units per hectare.	The Applicant has requested a maximum density of 45 units per net hectare for the proposed townhouses, whereas the By-law requires a maximum density of 40 units per hectare. Staff are satisfied that this is a minor modification as it is compatible with the existing and planned development for the area, permits compact urban form and meets the intent of the UHOP.  Therefore, staff support this modification.
Maximum Lot Coverage	35%	40%	The maximum lot coverage permitted is 35%, however, the Applicant has requested that it be 40%. The size and massing of the proposed townhouse units were reviewed through the Applicant's urban design brief and Planning staff are satisfied that the increase in lot coverage is appropriate based on the site layout and surrounding neighbourhood context.  Therefore, staff support this modification.
Minimum Landscape Open Space	Not less than 50% of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped including privacy area.	A minimum landscaped open space of 30% of the lot area shall be provided.	A minimum landscaped open space of 50 percent of the lot area, which may include the privacy area, is required. The Applicant has proposed this requirement be a minimum of 30 percent for the subject development. The development will continue to provide front and rear amenity spaces and sufficient space for snow storage. Staff can support this modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.  Therefore, staff support this modification.
Landscape Strip	Not less than 1.5m of landscaped strip shall be provided between any privacy area and any lot line.  A landscaped strip having a minimum width of 4.5m shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for	A landscaped strip shall have a minimum width of 1.5 metres along First Road West and Mud Street West, except 4.0 metres abutting a daylight triangle.	Staff have reviewed the Applicant's development concept and are satisfied that through the implementation of the fencing recommendations of the Applicant's Noise Impact Study through Site Plan Control, the proposed landscape strip is sufficient to accommodate shrub plantings.  Therefore, staff support this modification.

	points of ingress and egress.		
Setback to a Townhouse Dwelling	N/A	3.5 metres to a condominium road.	<p>The Applicant is proposing an inset driveway for each townhouse unit in order to accommodate one parking stall in front of each garage. Based on this proposed design, staff are satisfied that a 3.5 metre front setback is appropriate when combined with a required 6.0 metre setback to the garage and will provide sufficient room for a small front yard amenity area.</p> <p>Therefore, staff support this modification.</p>
Setback to a Garage	N/A	6.0 metres to a condominium road.	<p>Based on the Applicant's building concept, this setback is adequate to allow one car to be parked at grade in front of each unit's garage.</p> <p>Therefore, staff support this modification.</p>
Visitor Parking	0.50 visitor parking spaces per unit.	0.45 spaces per unit.	<p>Required visitor parking is 0.5 spaces per unit, and the site is proposing 0.45 visitor parking spaces per unit. This equates to a reduction from 13 required visitor spaces to 11, a shortfall of two spaces. Staff note that each townhouse unit will still be required to provide two parking spaces as per the requirements of the Zoning By-law.</p> <p>Staff consider this a minor modification and are supportive of the reduction.</p>
Parking Space Location	Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3.0 metres to any dwelling unit located on the lot.	Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.0 metres to any dwelling unit located on the lot.	<p>Staff note that two proposed visitor parking areas have a total of five and seven parking stalls which is slightly above minimum of four parking stalls which triggers this requirement. Staff are satisfied that a 1 metre setback provides adequate separation between the dwelling and the parking areas and note that additional landscaping and treatment of the façade to be reviewed through Site Plan Control.</p> <p>Therefore, staff support this modification.</p>







**Meneray, Elyse**

---

**From:** [REDACTED]  
**Sent:** September 3, 2020 8:05 PM  
**To:** Christy, June  
**Cc:** Meneray, Elyse  
**Subject:** Re: zoning bylaw amendment

Good afternoon

I have received a letter regarding proposed zoning by law amendment for the lands located at 250-256 first rd west Stoney Creek, File No. Zac-20-026

I am an owner of one of the homes on first rd west and at this time I am opposed to zoning being changed, we Would prefer if the street remained as a single residential units (R2), this is one of the very few streets in Stoney Creek located somewhat centrally where the homes have larger properties and the value of those homes as a result remains higher. It should be kept as is, as it is keeping the value of those properties, keeping it a prestige street that offers properties of size that are very rare to find these days. It would be of preference to keep the zoning as single family residential and the land could be used to build multi milion dollar homes rather then adding 26 tightly squeezed townhomes. Like I said properties present on first rd west are very rare for its size and amazing location close to many amenities around. Lets keep at least one Stoney Creek street with large homes on beautiful lots with its character. A lot of the older homes are refacing but keeping the original lot sizes intact, lets all keep it that way.

Please advise me of the process that takes place, and how many owners would have to object for the zoning to be kept as is and not change to multi-Residential. Once again we would rather see beautiful large homes in those lots rather than small townhomes, it will depreciate the market value of the properties near by. Lets keep it a prestige street, lets keep the beauty of the large lots.

Thank you  
Looking forward to you response  
Kindly  
[REDACTED]



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

May 31, 2022

## PED22097 – (ZAC-20-026)

Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek.

Presented by: Charlie Toman



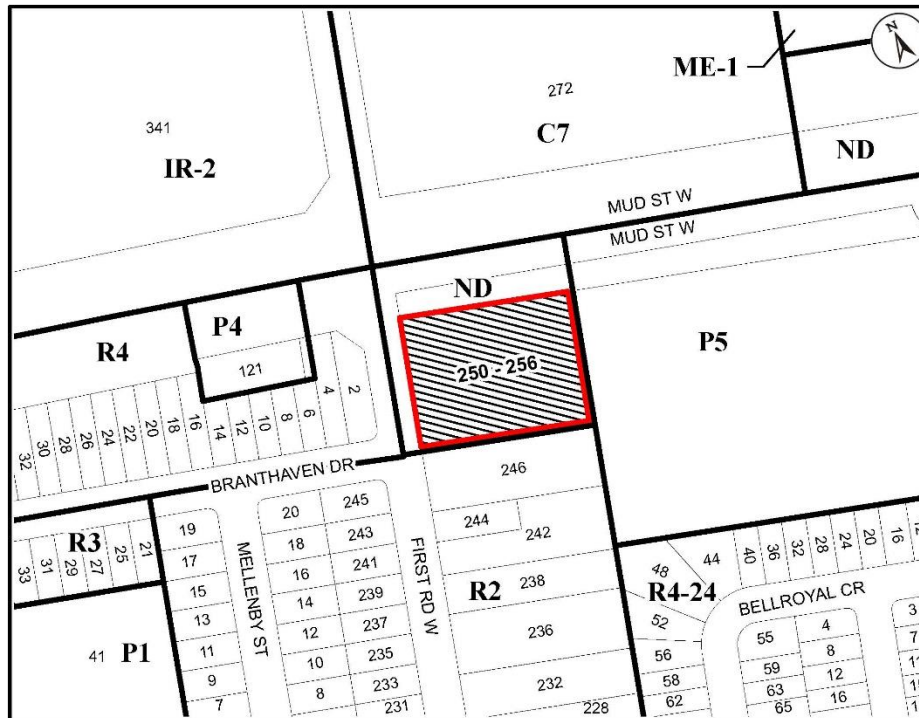
**SUBJECT PROPERTY**



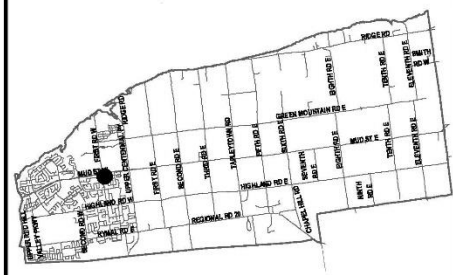
**250 – 256 First Road West, Stoney Creek**







● Site Location



Key Map - Ward 9

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-026

Date:  
April 11, 2022


Appendix "A"

Scale:  
N.T.S

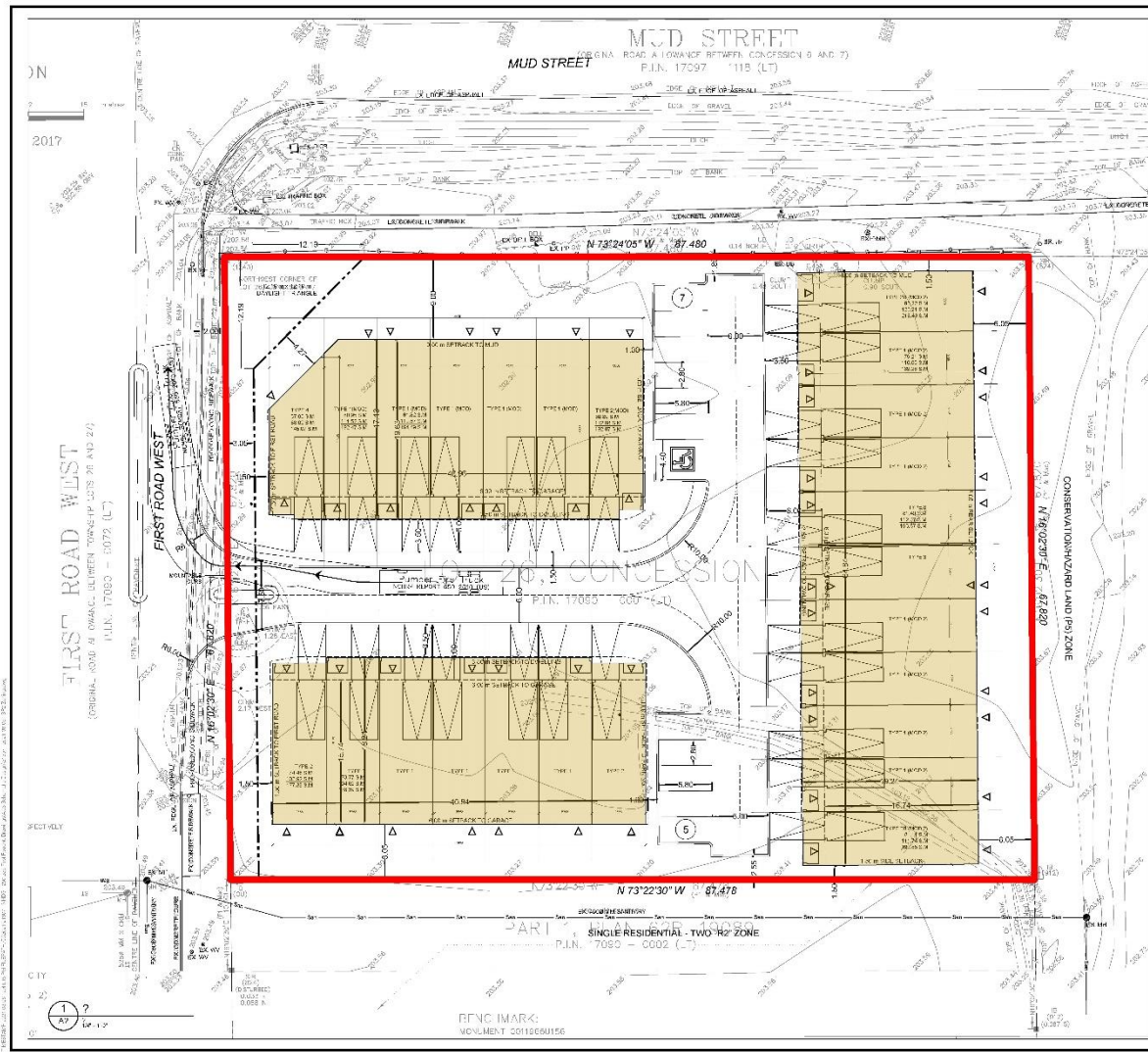
Planner/Technician:  
EM/AL

**Subject Property**

250 - 256 First Road West

 Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding

Appendix 'D' to Report PE22097  
 Page 1 of 1



CITY OF HAMILTON PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT	
DRAWING SET NO. 2017 PROJECT NO. 2017-0000	DATE: 2017-00-00 BY: [ ] CHECKED BY: [ ]
<b>NOT FOR CONSTRUCTION</b>	
<b>KNYMH</b> ARCHITECTURAL SOLUTIONS	
20 CONCESSION	
NHDG TOWNHOMES 200-250 FIRST ROAD WEST, HAMILTON, ONTARIO	
SITE PLAN <b>OPTION 2</b>	
DRAWING NO. 21307	SHEET NO. SP2





Subject Lands





Looking west on Mud Street towards intersection





Property frontage along Mud Street West





Looking across Mud Street West from the Subject Lands





Subject Lands from First Road West





Looking south on First Road West





Looking south on First Road West



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-20-012 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner**, to establish a new Area Specific Policy within Site Specific Policy - Area E within the Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a 15 storey, mixed use development, for 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22098, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That amended **Zoning By-law Amendment Application ZAC-20-016 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner**, for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone, to permit a 15 storey mixed use development,

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for lands located at 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22098, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provision:
  - H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule “A” – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:
    - (1) A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
    - (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;
    - (3) That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition;
    - (4) That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. \_\_\_\_\_.

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 1107 Main Street West. The Owner, 1107 Main Inc. c/o Eva Rygeiski has applied for amendments to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 to permit a 15 storey mixed use building containing 269 multiple dwelling units and 562 square metres of commercial gross floor area.

The purpose of the Official Plan Amendment (OPA) Application is to establish a new Area Specific Policy within Site Specific Policy - Area E in the Ainslie Wood Westdale Secondary Plan to permit a maximum building height of 15 storeys.

The purpose of the Zoning By-law Amendment Application is for a further modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to permit a 15 storey mixed use development with a maximum of 269 units.

The Applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- They comply with the general intent of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan, upon approval of the Official Plan Amendment; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing commercial uses along a primary corridor, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, provides for the management of the existing heritage resources on the subject lands and supporting public transit.

## **Alternatives for Consideration – See Page 42**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

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## HISTORICAL BACKGROUND

### Report Fact Sheet

Application Details	
Applicant/Owner:	1107 Main Inc. c/o Eva Rygeiski
File Number:	UHOPA-20-012 and ZAC-20-016
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The original Applications were for the development of a 15 storey mixed use building, with the portions of the building along Dow Avenue and Cline Avenue South having a height of nine storeys, containing a total of 310 dwelling units and 535 square metres of commercial gross floor area, and 226 on-site parking spaces.</p> <p>The 15 storey mixed use building proposal was amended by reducing the total number of dwelling units from 310 to 269 units. The amount of commercial gross floor area was increased from 535 square metres to 562 square metres, which will provide commercial space for a total of five ground floor commercial units with direct pedestrian access to Main Street West. Parking will be provided below grade and loading will be located at grade within the ground floor. Amenity space will be provided by way of a rear court yard, roof top terraces, and private balconies. The design was amended to increase setbacks from the street line and from the rear lot line to provide additional transition to the surrounding land uses. The changes from the original Applications include:</p> <ul style="list-style-type: none"> <li>• The massing along Dow Avenue and Cline Avenue South has been reduced from nine storeys to seven storeys;</li> <li>• The rear yard setback has been increased to 7.5 metres;</li> <li>• The setbacks from the rear have been revised to include the following: <ul style="list-style-type: none"> <li>○ To establish a setback with a depth of 7.0 metres above the fourth floor; and,</li> <li>○ To establish a second setback with a depth of 3.0 metres above the sixth floor;</li> </ul> </li> <li>• The setbacks from Dow Avenue and Cline Avenue South has been revised with the second setback being increased above the fifth floor; and,</li> <li>• The number of parking spaces was reduced from 234 to 139 parking contained in two levels of underground parking.</li> </ul>

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<b>Application Details</b>	
<b>Proposal (Continued)</b>	<ul style="list-style-type: none"> <li>• The number of long term bicycle parking spaces was reduced from 150 to 145;</li> <li>• The number of short term bicycle parking spaces was increased from 6 to 22; and,</li> <li>• A 3.0 metre wide planting strip was introduced along the rear lot line.</li> </ul> <p>The proposed development will incorporate heritage features into the proposed development including retaining the front façade of the Grace Evangelical Lutheran Church into an on-site community garden, and incorporating salvaged materials into the development including into portions of the ground floor.</p>
<b>Property Details</b>	
Municipal Address:	1107 Main Street West, Hamilton.
Lot Area:	5,169.3 square metres (0.517 hectares) (pre road widening) 4,517 square metres (0.452 hectares) (post road widening)
Servicing:	Existing full municipal services.
Existing Use:	Place of Worship
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	Urban Hamilton Official Plan Schedule "E" - Urban Structure: Primary Corridor Schedule "E-1" – Land Use Designations: Mixed Use – Medium Density  Ainslie Wood Westdale Secondary Plan Mixed Use – Medium Density
Official Plan Proposed:	"Mixed Use - Medium Density" designation, Site Specific Policy Area
Zoning Existing:	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
Zoning Proposed:	Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone

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<b>Documents</b>	
<p>Modifications Proposed:</p>	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"> <li>• To reduce the finished floor elevation for ground floor dwelling units from 0.9 metres to 0.5 metres;</li> <li>• To increase the maximum building setback from a street from 4.5 metres to 13.3 metres;</li> <li>• To increase the maximum building height from 22.0 metres (6 storeys) to 47.0 metres (15 storeys);</li> <li>• To increase the maximum number of driveways from one to two, and maximum width from 6.0 metres to 7.6 metres;</li> <li>• To permit a gate to be included in a visual barrier;</li> <li>• To permit a community garden and accessory structure within the front and flankage yards; and,</li> <li>• To increase the maximum height of an accessory structure from 4.5 metres to 9.7 metres.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To require a minimum 5.0 metre setback above the second floor along the easterly and westerly facades;</li> <li>• To require a minimum 6.5 metre setback above the fifth floor along the easterly and westerly side façades;</li> <li>• To require a minimum 14.3 metre setback above the seventh floor along the easterly and westerly side facades;</li> <li>• To require a minimum 14.5 metre setback above the fourth floor along the southerly rear façade;</li> <li>• To require a minimum 17.5 metre setback above the sixth floor along the southerly rear façade;</li> <li>• To require a minimum 33.5 metre setback above the seventh floor along the southerly rear façade;</li> <li>• To require a minimum 9.3 metre setback above the 12<sup>th</sup> floor along the northerly front façade;</li> <li>• To eliminate the requirement that height above 11.0 metres have an equivalent increase in the minimum setback requirement when abutting an Institutional Zone;</li> <li>• To require a minimum 3.0 metre wide planting strip along the rear lot line; and,</li> <li>• To require that the front façade of the Grace Evangelical Lutheran Church be re-established on-site.</li> </ul>

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<b>Processing Details</b>	
Received:	February 13, 2020.
Deemed Complete:	March 13, 2020.
Notice of Complete Application:	Sent to 98 property owners within 120 metres of the subject property on March 20, 2020.
Public Notice Sign:	Posted April 6, 2020 and updated with public meeting date on April 20, 2022.
Notice of Public Meeting:	Sent to 98 property owners within 120 metres of the subject property on April 29, 2022.
Public Consultation:	The Applicant held a virtual Public Open House meeting on August 11, 2020, with invitations sent to 98 properties within the area. A total of 34 interested parties participated in the Public Open House meeting, and comments were provided to the Applicant. The comments received during the Public Open House are provided in Appendix "F-3" attached to Report PED22098.
Public Comments:	Letters of objection were submitted by 13 interested parties expressing concern for the proposed Official Plan Amendment and Zoning By-law Amendment Applications.  Letters of support were submitted by eight interested parties along with five petitions of support containing a total of 59 signatures. Public comments are summarized in the table below and are provided in Appendix "F-1" and "F-2" to Report PED22098.
Processing Time:	838 days from date of receipt of initial Application. 179 day from receipt of revised development proposal.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Place of Worship	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone

**Surrounding Land Uses:**

<b>North</b>	Commercial uses, single detached dwellings, and multiple dwelling.	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
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**Surrounding Land Uses:**

<b>East</b>	Single detached dwellings	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
<b>South</b>	Place of Worship	Neighbourhood Institutional (I1) Zone
<b>West</b>	Single detached dwellings	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses:
- a) Efficiently use land and resources;
  - b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion;
  - e) Support active transportation; and,
  - f) Are transit-supportive, where transit is planned, exists or may be development;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area and represents a compatible form of intensification which promotes efficient use of land, existing infrastructure, and existing public transit. The proposed development is a compact form of development that is appropriate in scale for the area.

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### Cultural Heritage and Archaeology

The Urban Hamilton Official Plan has not been updated with respect to the cultural heritage policies of the PPS (2020). The following policies, amongst others, apply to the proposal.

- “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; and,
- 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 property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) Within 250 metres of a known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, the criteria defines the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings as part of a future Site Plan Control Application.

The existing Grace Evangelical Lutheran Church is listed on the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property, is within the Main Street West Cultural Heritage Landscape, and is included in the City’s Places of Worship Inventory. Grace Evangelical Lutheran Church was constructed in 1959 and designed in a modern neo-gothic style by notable architecture firm W.R. Souter and Associates. The addition of a similarly styled Grace Parish Hall was completed in 1970. Notable architectural features include the metal steeple, stained glass, and gothic styled windows at the front and side façades.

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A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by Metropolitan Design dated January 2020 and subsequently updated in June 2021. Both the initial CHIA and the updated CHIA were reviewed by staff and the Policy and Design Working Group (PDWG) of the Hamilton Municipal Heritage Committee (HMHC). An additional CHIA was prepared by Parslow Heritage Consultancy Inc. dated November 2021 and reviewed by staff and the PDWG on January 17, 2022 and forwarded to the Inventory and Research Working Group (IRWG) of the HMHC on January 24, 2022. The PDWG and IRWG recommended to the HMHC that the property be added to the Heritage Register and the City's Workplan for Designation under Part IV the *Ontario Heritage Act*.

The HMHC on February 25, 2022 adopted the recommendations of the PDWG and IRWG to add the property to the Heritage Register and the City's Workplan for Designation under Part IV of the *Ontario Heritage Act*. Planning Committee adopted the recommendations of the HMHC at the Planning Committee meeting held on March 22, 2022. At the Council meeting held on March 30, 2022, Council resolved to include the property on the City Heritage Register, but that the inclusion of the property on the City's Workplan for Designation under Part IV of the *Ontario Heritage Act* be referred back to Planning Committee until such time as Council has made a decision on the Applications for an OPA and Zoning By-law Amendment, and that as part of the review of the Applications for an OPA and Zoning By-law Amendment, that staff be directed to report back on options on how the recommendations of the November, 2021 CHIA will be implemented. The motion of Council specifically stated:

- (i) That the lands located at 1107 Main Street West be added to the Heritage Register;
- (ii) That the inclusion of 1107 Main Street West on the City's Workplan for Designation under Part IV of the *Ontario Heritage Act*, be referred back to Planning Committee until such time as Council has made a decision on the Applications for an OPA and Zoning By-law Amendment; and,
- (iii) That as part of the review of the Applications for an OPA and Zoning By-law Amendment, that staff be directed to report back on options on how the recommendations of the November 2021 CHIA will be implemented.

The November 2021 CHIA includes the following recommendations:

- A sample of the cut limestone plinth, rusticated limestone finish and carved limestone window surrounds be salvaged and incorporated into the main public entrance of the proposed re-development. An interpretive display would accompany the entrance depicting the source and history of the salvaged components;

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- The cut limestone of the main entry be disassembled, palleted and stored off-site until its reconstruction as a feature within a community garden;
- The carved date stone be removed and incorporated into the interpretive display at the community garden; and,
- Any salvageable materials not incorporated into the proposed structure, retained by the Lutheran Church of Hamilton or accepted by McMaster University be sold to a salvage company.

Since the January 2022 PDWG meeting, the Applicant has agreed to retain the front façade of the Grace Evangelical Lutheran Church and incorporate it into an on-site community garden. This is in addition to including salvaged materials into the front entrance of the new development, which was proposed as part of the materials reviewed by the PDWG. The integration of salvaged materials and the incorporation of the front façade into an on-site community garden would meet the objectives of the recommendations of the CHIA. The re-establishment of the front façade was not evaluated in the November 2021 CHIA. Therefore, an updated CHIA will be required to be submitted as part of the future Site Plan Control Application to evaluate the re-establishment of the front façade into the proposed community garden. To ensure the front façade is appropriately maintained on Site the draft By-law has included the following regulation to require re-establishment of the existing front façade of the Grace Evangelical Lutheran Church is included as a provision of the Zoning By-law, attached as Appendix “B” to Report PED22098. Further details of this proposal will be explored as part of a Site Plan Application within a Conservation Management Plan and Documentation and Salvage Report. This would include details on the orientation of the façade, stabilization of the façade, and further retention and re-use of church materials in the development, especially within the entrance on Main Street West. The completion of the Documentation and Salvage Report and Conservation Management Plan are included as a ‘H’ Holding Provision and will need to be completed prior to lifting of the proposed ‘H’ Holding Provision.

The November 2021 CHIA (Parslow Heritage Consultancy Inc.) concludes that although the Grace Evangelical Lutheran Church was assessed as containing Design/Physical Value, Historical/Associative Value, and Contextual Value as per the evaluation of the property under Regulation 9/06 of the *Ontario Heritage Act*, retention is not recommended due to site constraints and the benefits associated with redevelopment. Staff concur that site constraints and planning goals for this site (i.e. along the LRT corridor, road widenings) restrict in-situ retention options for the Grace Evangelical Lutheran Church. Although the Grace Evangelical Lutheran Church does contain Design/Physical Value, Historical/Associative Value, and Contextual Value, many of the values can be continued through incorporation of the front façade on site within a community garden and with re-use of architectural features of the church including:

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- The Design/Physical Value can be partially maintained through the façade retention and re-use of materials;
- The Historical/Associative Value can be maintained through commemorative means; and,
- The Contextual Value can be continued through the presence of the retained portions on site.

The specific means of commemoration have not yet been determined and will be required to be evaluated in an updated CHIA that will be required through the Site Plan Control Application prior to the lifting of the proposed 'H' Holding Provision. Staff will continue to work with the Applicants through the removal of the Holding Provision and the Site Plan Application process to incorporate the retained façade and other materials that will retain significant features of the building associated with its heritage values. Furthermore, the long term protection of the heritage elements will be secured through a future site plan agreement and condominium agreement (if applicable).

Council at the Council meeting held on March 30, 2022 referred inclusion of property on the City's Workplan for Designation under Part IV of the *Ontario Heritage Act* back to Planning Committee until such time as Council makes a decision on the Applications for OPA and Zoning By-law Amendment. Below is a review of Council's options regarding this recommendation:

- **Add Grace Evangelical Lutheran Church to the City's Workplan for Designation under Part IV of the *Ontario Heritage Act*.** As noted above, the Cultural Heritage Impact Assessment assessed the property as containing Design/Physical Value, Historical/Associative Value, and Contextual Value as per the evaluation under Regulation 9/06 of the *Ontario Heritage Act*. This assessment could be used to support a Notice of Intention to Designate to protect the property. As a property proposed for designation, the retention strategy for the Grace Evangelical Lutheran Church would need to be more extensive. This would potentially include in-situ retention of the Grace Evangelical Lutheran Church with the majority of the structure kept intact. This level of retention would limit the ability of the current proposal addressed in this OPA and Zoning By-law Amendment to move forward due to site restraints. If designated, a heritage permit would be required prior to the demolition and salvage of the heritage elements. However, through the requirements of the proposed 'H' Holding Provision, those elements will be documented, salvaged and reused and thereby achieve the same outcome.
- **Not add the Grace Evangelical Lutheran Church to the City's Workplan for Designation under Part IV of the *Ontario Heritage Act* and retain its current status on the Heritage Register:** Grace Evangelical Lutheran Church's status on the Heritage Register acknowledges the heritage values associated with the

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site, while allowing for a retention strategy that encourages retention of features associated with those values without a full in-situ retention expected of properties designated under Part IV of the *Ontario Heritage Act*. Additionally, although many value criteria under Regulation 9/06 of the *Ontario Heritage Act* are met, some of these criteria are not strong examples of the associated values. Grace Evangelical Lutheran Church is representative and late for its architectural style, not unique or rare. Additionally, although being the work of a well-known local architect, William R. Souther, this property has not been considered a highlighted of his work. As a property listed on the Heritage Register, the owner must provide 60-days notice of intention to demolish the building.

#### Noise

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The subject lands are close to existing noise sources, primarily from the surrounding roads. An Acoustical Study (Study) by HGC Engineering dated February 7, 2020 and an updated study dated June 1, 2021, were prepared in support of the Applications.

The Study identified transportation noise sources from Main Street West and Highway 403. The Study also provided an evaluation of the impacts of Light Rail Transit (LRT) on the proposed building. Stationary noise sources were also identified, specifically from rooftop units at the institutional building to the south of the subject lands.

The Study determined that the sound levels from the stationary noise source to the south was deemed to be below the Ministry of the Environment, Conservation and Parks (MECP) minimum exclusionary sound levels and therefore physical mitigation measures were not required.

The Study found that the potential sound levels from the LRT will be negligible in comparison with overall sound levels from cars/trucks on the roadway and that perceptible tactile vibrations and vibration-induced noise is anticipated to be within indicated criteria in the proposed building. Nonetheless, the Study recommended Level 1 isolation (embedded, soft rubber) be provided to further limit the vibration-induced sound levels at the location of the proposed building. The implementation of all vibration mitigation measures will be undertaken through the Site Plan Control and Building Permit Applications.

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In respect to transportation noise, the Study found that the ground floor outdoor amenity area did not exceed the MECP threshold of 55 dBA but that the terraces on the eighth floor exceed the permitted noise level. Therefore, noise warning clauses will be required as well as a two metre high noise barrier to reduce the noise levels below 60 dBA. Noise impacts on the portions of the eighth floor terrace, exposed to Main Street West will be further evaluated at the Site Plan Control stage.

Additionally, the Study found that all facades of the proposed building will exceed the maximum 65 dBA daytime and 60 dBA night time sound levels of the MECP. The Study has identified required mitigation measures and noise warning clauses to meet the minimum requirements including:

- Requiring all dwelling units to be equipped with central air condition systems so that windows can be kept closed;
- Establishing a sound transmission class (STC) rating for windows ranging from STC-33 to STC 40 which vary between various facades and room types;
- Warning clauses that will need to be included in all offers of purchase and sale, and property and tenancy agreements; and,
- Prior to the issuance of an occupancy permit the municipality's building inspector or a professional Engineer qualified to provide acoustical engineering services in the Province of Ontario to certify that the noise measures for the building have been properly incorporated, installed and constructed.

All noise mitigation measures will be implemented at the Site Plan Control stage.

Therefore, the proposal is consistent with the PPS.

**Growth Plan for the Greater Golden Horseshoe 2019, as amended**

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

"2.2.1.2 a) 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*;

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2.2.1.2 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;”

The subject lands are located within the urban area and are fully serviced by municipal water and wastewater infrastructure. The proposed mixed use development contributes toward providing a diverse mix of land uses and a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes and future higher order transit routes along Main Street West.

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

### **Urban Hamilton Official Plan**

The subject property is identified as “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

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## Corridors

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.10 The built form along the Urban Corridor shall generally consist of low to mid rise forms but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater portion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
- E.2.4.16 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall be located and be designed to minimize the effect of shadowing and overview on properties in adjacent neighbourhoods.”

The proposed mixed use development is located along Main Street West, a Primary Corridor, which provides a link between Downtown Hamilton and McMaster University, a major activity centre. Higher order transit routes in the form of existing bus routes and a future LRT route serve to make Main Street West a higher order transit route. The proposed mixed use development is appropriately located along the primary corridor with direct access to the higher order transit corridor and provides a continuation of the commercial uses along the Main Street West streetscape.

The proposed 15 storey mixed use building incorporates a variety of stepbacks and heights to provide a low to mid rise built form along Main Street West with gradual increases to the 12 and 15 storey portions of the building.

Commercial uses are proposed on the ground floor along Main Street East and will contribute maintaining Main Street West as a mixed use corridor.

The adjacent lands to the south are designated “Neighbourhoods”, and the existing low density residential uses to the east and west are designated “Mixed Use – Medium Density”. Main Street West is a corridor in transition with the intension of facilitating intensification along a higher order transit corridor in a form that is compatible with the surrounding area. The proposed development achieves an appropriate transition to the surrounding area through the incorporation of stepbacks in height. The proposed development incorporates gradation in building massing along Main Street West, Dow

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Avenue, Cline Avenue South, and the rear lot line to minimize the shadow and overview impacts on the surrounding area.

Mixed Use – Medium Density

- “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 services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
  - b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on pedestrian focus streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies on this Plan.
  - c) Institutional uses such as hospitals, places of worship, and schools;
  - d) Arts, cultural, entertainment, and recreational uses;
  - e) Hotels;
  - f) Multiple Dwellings; and,
  - g) Accessory uses.
- E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this plan, provided the Applicant demonstrates:
- a) There are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
  - b) Buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning By-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,

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- c) Buildings are stepped back from the street to minimize the height appearance from the street, where necessary;

E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density;

E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The proposed mixed use building is permitted in the Mixed Use – Medium Density designation. The proposed development incorporates stepbacks from the rear lot line, including stepbacks above the fourth, sixth and seventh storeys. The proposed development includes stepbacks above the second and fifth storeys along both Cline Avenue South and Dow Avenue, which will reduce the height appearance from the street. The massing of the proposed development along Main Street West will vary between two, seven and 12 storeys in height, and as parts of the development are recessed above the second floor as a result of the angle of the front lot line, the massing will therefore be stepped back so as to minimize the height appearance from the street.

A Sun Shadow Impact Study by SRM Architects Inc. dated March 2, 2020 was provided with the Applications and an updated Sun Shadow Impact study by SRM Architects Inc. dated November 26, 2021 was provided to reflect the changes in the proposed design.

The study demonstrates that at the spring and fall equinox for Cline Avenue South, only the front yard of 94 Cline Avenue South will be subject to any shadows which will be limited in scope and ending by 10:00 a.m. For those properties on the east side of Dow Avenue the study demonstrates that at the spring and fall equinox, the development will not cause any shadow impacts prior to 3:00 p.m. The study demonstrated at 3:00 p.m. only small portions of the front yard of 1 Dow Avenue will be in shadow, with additional properties being in shadow between 4:00 – 6:00 p.m.. Therefore, the study demonstrates that adequate sun access will be provided for surrounding uses and the proposed development will not create adverse shadow impact on these uses.

In respect to the public sidewalk, the study demonstrates that at the spring and fall equinox, the proposed building will only cast shadows on the sidewalk on the north side of Main Street West for approximately two hours at any given location. For Cline Avenue South the study demonstrates that the westerly sidewalk will be clear of

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shadow impacts by 11:00 a.m. at the spring and fall equinox, while the east side of Dow Avenue will be clear of shadow impacts until 3:00 p.m. Therefore, the proposed development will not create adverse shadow impacts on the public realm.

The adjacent low density residential uses are separated from the proposed development by Dow Avenue and Cline Avenue South. Additionally, the rear amenity areas of these dwelling units will be buffered by the dwellings themselves. Therefore, privacy impacts on the adjacent low density residential uses are not anticipated.

The subject property abuts an existing place of worship including an associated school and play area, to the south. A 7.5 metre rear yard setback is to be provided along the rear lot line, with larger setbacks to the upper floors. The stepping back of the upper floors will reduce the potential for privacy overlook impacts on the adjacent lands to the south. In addition, a visual barrier and 3.0 metre planting strip will be required along the rear lot line to provide a buffer to the adjacent lands and reduce privacy overlook impacts.

#### Residential Intensification

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

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

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The proposed development of 269 multiple dwelling units will contribute to achieving a range of dwelling types and tenures. As part of the OPA and Zoning By-law Amendment Application a Functional Servicing Report and Transportation Impact Assessment were submitted demonstrating that there is adequate infrastructure service capacity and transportation service capacity for the development. The proposed development contributes towards achieving the planned urban structure by making use of a large lot on an existing corridor, that will facilitate a compatible form of intensification along a higher order transit corridor, and which will be oriented toward and will promote a vibrant streetscape along Main Street West. The design of proposed development locates the tallest portion of the development towards the northerly portion of the property along Main Street West. The proposed development will incorporate, setbacks, stepbacks, landscape buffers, and other design features to integrate the development with the surrounding area and ensure that the development, while different from what exists in the immediate area, will be compatible in respect to scale, form and character.

#### Urban Design

“B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) Creating transitions in scale to neighbouring buildings;
- b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) Minimize the impacts of shadows and wind conditions.

B.3.3.3.3 New development shall be massed to respect existing and planned street proportions.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
- b) Including ample glazing on ground floors by create visibility to and from the public sidewalk;
- c) Including a quality landscape edge along frontages where buildings are set back from the street;

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- d) Locating surface parking to the sides or rear of sites or buildings where appropriate; and,
- e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The subject lands are bound by streets on both the east and west lot lines providing separation to the existing low rise residential dwellings. Additionally, setbacks to the ground floor from the flanking lot lines and stepbacks incorporated into the easterly and westerly facades will recess the massing of the upper floors from the surrounding area and provide a transition to the existing low density residential uses. The proposed setback and stepbacks will ensure that the majority of the massing along Dow Avenue and Cline Avenue South will not encroach into the 45 degree build to plane measured at 80 percent of the right-of-way width of those streets. Setbacks and stepbacks are included in the massing along Main Street West to achieve a 45 degree build to plane from 80% of the Main Street West right of way. Finally, transition to the existing institutional use located to the south of the subject lands is achieved through adhering to the minimum 7.5 metres rear yard setback, provision of a 3 metre planting strip and requirement of a visual barrier, as well as the incorporation of stepbacks to the upper floors.

As previously noted, an analysis of shadow impacts was undertaken as part of the Applications and the findings of the study demonstrated that adequate sun access will be achieved for the neighbouring properties and the public realm. Therefore, the proposed development will not create negative shadow impacts on the surrounding area.

Furthermore, as previously noted the privacy of the existing dwellings to the east and west will be protected by being separated by the existing roads and the existing dwellings buffering the rear amenity areas of the dwellings.

A pedestrian wind level impact study has not yet been undertaken and the completion of a wind study and implementation of any wind mitigation measures is included as a 'H' Holding Provision and will need to be completed and any mitigation measures implemented through the site plan review process prior to lifting the 'H' Holding Provision.

New development is required to be massed to respect both the existing and planned street proportions. The current zoning for the subject lands, and the lands to the east and west, permits a maximum building height of 22.0 metres. The portion of the building that is located along both Dow Avenue and Cline Avenue South will not exceed the currently envisioned height of 22.0 metres. To respect the existing massing along both Dow Avenue and Cline Avenue South, a 2.0 metre stepback will

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be included above the second floor which will break up the massing, with the first stepback being provided at a height that reflects the one to two storey buildings that exist along these streets. Ground oriented units are also being incorporated along both Dow Avenue and Cline Avenue South to reflect the existing uses along both streets.

The massing of the proposed development along Main Street West and primary building entrances are to be located close to and parallel to the street. Ample glazing will be incorporated into the ground floor facades. Landscaped areas along with a community garden are to be included between the proposed building and the adjacent streets. Parking is to be located below grade and the loading area is to be located to the rear of the proposed building. Design techniques such as stepbacks are to be utilized to maximize sun access to pedestrian areas.

#### Tree Management

A Tree Management Plan were reviewed with respect to the proposed Applications for Official Plan Amendment and Zoning By-law Amendment. A total of 26 trees have been inventoried, 16 public trees and 10 private trees. Of these 26 trees, 18 have been proposed to be removed, eight public trees and ten private trees. It is recognized that there may be limited opportunities to retain more trees on site. The Tree Management Plan submitted is accepted, however the Tree Management Plan will be required to be included and will be further reviewed as part of the Site Plan Control Application.

In order to ensure existing tree cover is maintained, compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Compensation is to be provided on site, a preliminary Landscape Plan has been prepared, which identify 25 trees are proposed, which can be supported.

Detailed Landscape Plans will be reviewed as part of the Site Plan Control Application.

To facilitate tree planting, a 3.0 metre planting strip is being required in the amending By-law along the rear lot line.

#### **Ainslie Wood Westdale Secondary Plan**

The subject property is designated “Mixed Use – Medium Density” – Site Specific Policy Area E on Land Use Plan Map B.6.2-1. The following policies, amongst others, apply to the proposal.

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“6.2.7.1 The objectives for Mixed Use – Medium Density designated areas and Mixed Use – Medium Density – Pedestrian Focus designated areas are as follows:

- a) Encourage mixed uses, with residential apartments on upper floors of commercial buildings located along major roads, namely arterial and collector roads, with higher densities to support use of infrastructure;
- b) Provide commercial areas in combination with other uses to serve the needs of local residents and visitors;
- e) Require the provision of appropriate amenities for commercial areas, including parking, signage, and streetscaping on public lands; and,
- f) Enhance the appearance and encourage good maintenance of commercial buildings and areas;

6.2.13 Good urban design, both in the public and private realm, is to be encouraged in the Ainslie Wood Westdale community;

6.2.13.1 The objectives for urban design in Ainslie Wood Westdale community are as follows:

- a) Built forms and landscaped areas, including residential neighbourhoods, commercial areas, arterial roads, and other areas shall be enhanced through high quality design initiatives; and,
- b) New development, including infill and additions to existing buildings, shall complement and enhance the existing character of the surrounding environment, through the use of appropriate building materials and attention to the scale, massing, colour, and special features of the existing built context;

Area Special Policy – Area E

6.2.17.6 In addition to Policy B.6.2.17.5, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan;

- a) In addition to Section E.4.0 – Commercial and Mixed Use Designations of Volume 1, and notwithstanding B.6.2.7.2 of Volume 2, the following policies shall apply:

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- i) Building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks;
- ii) Provisions of sufficient parking to accommodate all uses shall be required. Shared parking should be considered where appropriate; and,
- iii) Development or redevelopment of lands for mixed uses shall be in accordance with the following criteria;
  - 1) Provision of satisfactory access and parking shall be required; and,
  - 2) Measures to ensure the safety of pedestrian traffic crossing Main Street West shall be required.”

A mixed use building is permitted for lands designated “Mixed Use – Medium Density” and mixed use buildings with dwelling units on the upper floors and ground floor commercial uses are encouraged along major arterial roads. The proposed development will contribute towards the Main Street West corridor by facilitating intensification along a higher order transit corridor and through the inclusion of at grade commercial uses along Main Street West.

Policy 6.2.17.6 does not establish a maximum building height and therefore the maximum building height outlined in policy E.4.6.7 and E.4.6.8 of Volume 1 apply. As previously noted, the policies permit a maximum height of six storeys with the opportunity to increase that maximum height to eight storeys, and the proposed height of 15 storeys would exceed the maximum height provision of the UHOP and therefore an Official Plan Amendment is required.

As outlined in the Analysis and Rationale Section of the Report. Staff are in support of the increase in height.

The proposed site layout concentrates the majority of the massing, towards the northerly portion of the site along Main Street West. The proposed building will be progressively stepped back from the rear lot line, with the proposed tower being setback 33.5 metres from the rear lot line. The development includes a 3.0 metre setback from the street line of Cline Avenue South and Dow Avenue with the 15 storey tower being setback approximately 14.3 metres from the Cline Avenue South and Dow Avenue street lines. The proposed building height along Cline Avenue South and Dow Avenue is seven storeys with a 2.1 metre stepback above the second storey and 1.5 metre stepback above sixth storey. Grade related residential units are proposed at the base of the proposed development along both Cline Avenue South and Dow Avenue. These units are designed to reflect the existing at grade low rise, built form, that currently exists along these local roads. The massing of the proposed building will be

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articulated through the required setbacks for the upper floors to be compatible with the existing and planned function of the area. A detailed review of the materiality for the proposed development will be evaluated as part of the Site Plan Control Application.

All required parking both vehicle and bicycle parking will be provided on site located within the proposed building. Access will be provided by way of two driveway access, one for loading and utility vehicles accessed from Dow Avenue and the other for vehicle parking accessed from Cline Avenue South. No vehicle access is to be provided directly onto Main Street West and therefore no vehicle access for the proposed development will cross pedestrian traffic along Main Street West.

Based on the foregoing, the proposed development complies with the policies of the UHOP and Ainslie Wood Westdale Secondary Plan, subject to approval of the OPA.

### **City-Wide Corridor Planning Principles and Design Guidelines**

The subject property is located on Main Street West which is a Primary Corridor. The following guidelines, amongst others, apply to the proposal.

#### **“4.3 Maximum Building Height**

New multiple storey buildings can have negative impacts on the existing character of neighbourhoods, streets and adjacent properties through shadows, overview and abrupt changes in scale. These impacts can be minimized in height and built form is considered in context to surrounding properties by relating maximum building height to property depth and street width.

#### **4.3.2 Maximum Building Height Related to Street Width**

New buildings should be limited in height by a 45 degree build to plane beginning from a line at grade parallel to the front property line at a distance of 80% of the width of the arterial street right-of-way. All parts of the new building above 3 storeys in height should be below the build to plane. Properties along parts of the corridors with wider streets can accommodate a higher building without increasing impacts on the existing street. As can be seen in figure 3, this creates an appropriate scale related to the street and minimizes shading.”

The design for the proposed building incorporates setbacks and stepbacks to address the relation of the building to the adjacent lands and adjacent streets.

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As discussed earlier, the proposed development incorporates setbacks and stepbacks in height to help to achieve a 45 degree build to plane taken from 80% of the right of way width along all street lines. The 15 storey tower will encroach into the 45 degree build to plane along both Cline Avenue South and Dow Avenue, however it has been designed to be oriented away from these streets and the design incorporates stepbacks above the second, sixth and seventh storeys along Cline Avenue South and Dow Avenue. In addition, as previously noted the development will not create negative shadow impacts on the public sidewalk or adjacent lands.

Based on the foregoing, the proposed development will comply with the City-Wide Corridor Planning Principles and Design Guidelines.

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

The subject property is zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, which permits a mixed use building. The TOC1 Zone restricts the maximum building height to 22.0 metres. To implement the proposed development, the Applicant is seeking to establish a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone. The site specific modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “E” attached to Report PED22098.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Planning and Infrastructure Transit (HSR)	<p>HSR seeks to maintain the existing bus stop and its amenities (concrete landing pad, shelter, bench, litter container) on the south side of Main Street West, west of Dow Avenue. HSR will work with the developer to temporarily relocate the bus stop, if necessary, during construction.</p> <p>Convenient access to HSR bus service should contribute positively to the travel demand management measures under consideration.</p>	<p>The existing bus stop and its amenities are located within the existing municipal right-of-way. The proposed development is premised on a road widening dedication of approximately 8.9 metres and building setbacks of 1.7 metres from the widened limit. The proposed development does not contemplate the permanent relocation of the existing bus stop or its amenities.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals, Planning and Economic Development Department	<p>Development Engineering staff have no objection with respect to the proposed Official Plan Amendment or change in Zoning.</p> <p>A preliminary Functional Service Report from IBI Group dated January 31, 2020 and updated June 14, 2021 was submitted and reviewed as part of the Applications for Official Plan Amendment and Zoning By-law Amendment. No concerns were raised with respect to servicing capacity limitations that would preclude the proposed development.</p> <p>An updated Functional Servicing Report along with grading, storm water management, servicing plans, shoring plans, amongst others, will be required to be submitted and will be reviewed at the Site Plan Control stage.</p>	<p>An updated Functional Servicing Report along with detailed grading, storm water management, servicing plans, amongst others, will be reviewed as part of the Site Plan Control Application.</p>
Growth Planning, Planning and Economic Development, Department.	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control Application.</p> <p>Note that confirmation on the tenure of the subject proposal should be provided and whether the subject proposal will be a Condominium.</p> <p>At the Site Plan Control stage the Applicant will be required to submit a list to Growth Planning Section indicating the mailing address unit number of each residential unit on each floor.</p>	<p>The municipal address and mailing address unit numbers will be finalized through the Site Plan Control Application.</p> <p>It is the understanding of staff that the units are intend to be established as Condominium units, however, the tenure of the proposed development as either rental units or condominium units would not be determined through the Applications. The establishment of the units as condominium units would be undertaken through a subsequent Application for Draft Plan of Condominium.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture, Public Works Department.	Forestry and Horticulture staff reviewed the Tree Management Plan dated November 24, 2021 and the Landscape Plan dated November 24, 2021 and identified additional revisions that are required. Forestry and Horticulture staff do not approve either the Tree Management Plan or Landscape Plan at this time. An updated Tree Management Plan and Landscape Plan will be required to be submitted and approved as part of the Site Plan Control Application.	An updated Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
Transportation Planning, Planning and Economic Development, Department.	<p>A Transportation Impact Study (TIS) prepared by GHD dated January 2020 was submitted with the Applications for Official Plan Amendment and Zoning By-law Amendment. The TIS was reviewed by Transportation Planning staff and approved in August 2020.</p> <p>Transportation Planning found that the road network can accommodate the additional site generated traffic of 100 peak hour trips in the morning and 114 peak hour trips in the evening.</p> <p>Transportation Planning recommend that the parking requirements be met fully on-site and not include any required parking within the municipal right-of-way.</p>	<p>It should be noted that the TIS that was reviewed was prepared on the basis of a development with 310 dwelling units and 234 parking spaces, and it was found that the road network could accommodate morning and evening peak demands generated by this scale of development. As the revised development is for a reduced number of units and parking spaces, the road network would be able to accommodate the proposal.</p> <p>All required parking will be provided on-site, with no modification to the Zoning By-law for a reduction of required on-site parking.</p> <p>An updated Transportation Demand Management Report will be required to be provided as part of the Site Plan Control Application and all TDM measures will be required to be identified and implemented through the Site Plan Control Application.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning, Planning and Economic Development, Department <b>(Continued)</b> .	<p>Revisions to the Transportation Demand Management will be required and implementation of all TDM measures will be undertaken as part of the future Site Plan Control Application.</p> <p>The provision of a vehicle for vehicle sharing service is required as per the TDM section of the TIS report.</p> <p>A right of way dedication of approximately 8.9 metres is required to be dedicated along the Main Street West right-of-way. As Main Street West is a rapid transit corridor, the maximum widening width is required.</p> <p>A 12.19 metre by 12.19 metre daylight triangle is required by the UHOP at the corners of Main Street West and Dow Avenue and Main Street West and Cline Avenue South. A reduction in the required daylight triangle to 4.57 metres by 4.57 metres at both intersection can be accepted.</p> <p>A 5.0 metre by 5.0 metre visibility triangle for each driveway access is required, however as both Cline Avenue South and Dow Avenue are local road a 3.0 metre by 3.0 metre visibility triangle are acceptable.</p>	<p>A parking space for vehicle sharing services will need to be identified on the site plan drawing as part of the Site Plan Control Application and detailed in the updated Transportation Demand Management Report.</p> <p>The dedication of the required road allowance widening and dedication of the required daylight triangles will be required as part of the Site Plan Control Application.</p> <p>The visibility triangles will be required to be shown on the final plans for the Site Plan Control Application.</p> <p>A 6.0 metre clearance between the garage door to the underground parking garage and the property line along Cline Avenue South is provided.</p> <p>A garage door is proposed for the access driveway from Dow Avenue and therefore a clearance in excess of 6.0 metres will be provided.</p> <p>All required bicycle parking will be provided on-site with no modification for reduced short term or long term bicycle parking being requested.</p> <p>The final layout of any parking access ramp and other traffic mitigation measures will be reviewed and implemented through the Site Plan Control Application.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning, Planning and Economic Development, Department <b>(Continued)</b> .	<p>A 6.0 metre deep clearance from the ultimate property line along Cline Avenue South to the underground parking garage door is required to provide on-site stacking for one vehicle and ensure that vehicles will not queue on Cline Avenue South.</p> <p>All required bicycle parking spaces will need to be provided on-site and clearly shown on the plan.</p>	
Recycling and Waste Disposal, Operations Division, Public Works Department.	<p>Recycling and Waste Disposal staff do not have a concern with the Applications.</p> <p>The City does not collect from underground / basement locations. Diversion programs dictate that recycling opportunities be equally accessible as garbage disposal and the building should be designed with sensible waste management systems for the anticipated building population.</p>	The detailed design with respect to waste disposal services will be received at the Site Plan Control stage.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Building Height / Neighbourhood Character.	Concern that the height of the proposed development is not in keeping with the character of the area, and the height will create negative impacts on the area.	<p>The portions of the development seeking an increase in building height are limited to the northerly portion of the property along Main Street West with the balance of the development along Dow Avenue and Cline Avenue South complying with the current maximum building height of the Zoning By-law. Furthermore, the massing of the upper floors of the development will be stepped back to reduce the scale of the proposed development, ensure that the tower is limited to the northerly portion of the lands, and establish a base for the proposed development that is in keeping with the character of the area.</p> <p>The proposed increase in building height will not create negative shadow impacts on adjacent lands or the public realm, and will not create negative privacy overlook impacts.</p>
Over Intensification / Density.	Concern that the proposed development represents an over intensification of the subject lands and that the proposed density of the development is too high.	<p>The subject property being located along Main Street West which is a major arterial road, represents the periphery of the neighbourhood to the south, is a higher order transit route and future LRT route, and is an ideal location for increased density.</p> <p>The initial proposal was for 310 dwelling units which has been reduced by 41 units to 269 dwelling units.</p>

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Over Intensification / Density <b>(Continued)</b> .		The development has been evaluated in respect to potential traffic impacts and it has been determined that the development can be supported by the existing and planned infrastructure.
Angular Planes.	Concerns about the development meeting angular planes from the streets.	<p>The proposed development will adhere to the 45 degree build to plane measured from 80 percent of the right-of-way of Main Street West.</p> <p>The majority of the building massing along Dow Avenue and Cline Avenue South will adhere to the 45 degree build to plane measured from 80% of the right-of-way.</p> <p>Only the tower encroaches. Given that the building massing is to be stepped back and the tower is oriented perpendicularly to Dow Avenue and Cline Avenue South it will not create a negative impact on the public realm or adjacent properties.</p>
Traffic Impacts.	Concern that the proposed development will create negative traffic impacts.	A Traffic Impact Study (TIS) was submitted in support of the Applications and was reviewed by staff. The TIS included that the proposed development can be supported by the surrounding transportation network without significant concerns, and was supported by staff.
Pedestrian Safety.	Concern that the proposed development will negatively impact the safety of pedestrians.	All loading vehicles will be required to enter and exit the site in a forward manner. The proposed development includes visibility triangles on both sides of the driveway access to maintain safe pedestrian visibility from the site.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Pedestrian Safety <b>(Continued).</b>		All vehicles will enter and exit the site in a forward manner. The garage door is to be located approximately 6.0 metres from the sidewalk along Cline Avenue South.  Additional mitigation measures such as mirrors, traffic calming measures, and other such measures will if required be evaluated and implemented at the Site Plan Control stage.
Insufficient Parking.	Concern that there is insufficient parking for the proposed development.	The Zoning By-law Amendment does not include a modification for reduction in on-site parking. The proposed development meets the minimum parking requirements as outlined in the Zoning By-law.
Shadow Impacts.	Concern that the proposed development will create negative shadow impacts.	A sun shadow study was submitted with the Applications and demonstrated that the proposed development will not create an adverse sun shadow impact on either the adjacent lands or the public realm.
Noise Impacts.	Concern that the proposed development will create negative noise impacts on the surrounding area.	The potential noise sources for the proposed development on the surrounding area include the roof top mechanical equipment, parking area, loading area, and proposed amenity areas.  The roof top mechanical equipment will be located on-top of the proposed 15 storey tower and will be both enclosed and stepped back more than 7.0 metres from the edge of the building.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Noise Impacts <b>(Continued).</b>		<p>The proposed parking for the subject property is to be located entirely underground and therefore the surrounding area will be insulated from any noise generated within the underground parking area.</p> <p>The loading and utility area is to be located at grade underneath the proposed building and the proposed building which will buffer the loading area from the lands to the south and partially buffer the loading area from the lands to the east. The loading area will be further separated from the lands to the east by Dow Avenue. It is anticipated that loading activities will be limited for the subject lands given that the predominant use of the lands is residential and given the limited gross floor area of the on-site commercial space.</p> <p>The proposed amenity area in the rear court yard is not anticipated to generate significant noise levels, furthermore adjacent lands will be buffered from the court yard by either the building itself or by required visual barriers. The roof top patio above the seventh floor will be setback from the rear lot line and side streets and will be required to incorporate solid safety railings which will also serve as a buffer and roof top planters can limit activity at the edges of the roof top patio thereby providing further buffering.</p>

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Lighting Impacts.	Concern that the proposed development will create negative lighting impacts on the surrounding area.	<p>Lighting from any pole or wall mounted light fixture will be required to be contained on the subject lands as part of the Site Plan Control Application.</p> <p>As a result of vehicle parking being located below grade, lighting impacts from vehicles would not negatively impact the adjacent lands.</p>
Climate Change Impacts / Air Pollution.	Concern that the proposed development will create negative impacts with respect to climate change and create negative impacts with respect to Air Pollution.	<p>Intensification within built up areas with availability to access alternative transportation options will assist with addressing impacts on climate change.</p> <p>The proposed development is not seeking 100% lot coverage, and is proposing to incorporate plantings and landscaping in various parts of the development including within the court yard, rear planting strip, the community garden, roof top planters on the terraces and landscape areas along the streets. Uses such as automotive commercial uses and industrial uses that would typically generate greater levels of pollution are not proposed nor would they be permitted in the Zoning.</p>
Amenity Space.	Concern that insufficient amenity spaces is being provided for the proposed development.	<p>The existing provisions of the Zoning By-law establish minimum standards for required amenity area. No modification is requested to reduce the minimum standards for amenity area, and the proposed development is anticipated to exceed the minimum requirement for amenity space.</p>

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Student Residence.	Concern that the proposed development will be used as a student residence.	The proposed Applications deal with the principal of the land use and the massing and scale of the building. The Zoning By-law cannot restrict the prospective resident / tenant of a dwelling unit.
Servicing Capacity.	Concern that the proposed development will negatively impact existing municipal service capacity.	A Functional Servicing Report (FSR) was submitted and reviewed as part of the Applications. An evaluation by City staff did not identify a concern respecting the capacity of the municipal services to service the proposed development.
Limited Commercial.	Concern with respect to the limited commercial being proposed on-site.	The proposed development is for a mixed use development, with five commercial units along Main Street West. The five commercial units occupy the majority of the ground floor fronting Main Street West. Expanding commercial beyond what is proposed would require commercial to be extended along the side streets of Dow Avenue and Cline Avenue South which would not be consistent with the residential nature of these streets.
Setbacks.	Concern that the setbacks of the proposed development are insufficient and not in keeping with the character of the area.	The proposed development is not seeking to modify the existing setback requirements of the Zoning By-law except in respect to an increase in the maximum setback for the north east corner of the subject lands due to the angle of the street and to facilitate a community garden.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Setbacks <b>(Continued).</b>		The proposed development is proposing to provide a 3.0 metre setback along both Dow Avenue and Cline Avenue South and additional setbacks for the upper floors to reduce the massing of the building along the streets. Additionally, landscaping is being proposed between the building and the street to reflect the character of the area.
Tree Impacts.	Concern with respect to the loss of mature trees.	A Tree Management Plan was undertaken as part of the Application which identified a total of 26 public and private trees and that 18 trees are proposed to be removed. Due to the nature of the development it is noted that there are limited opportunities to retain more trees on site.  The proposed development will include opportunities for the replacement of trees both on-site and within the boulevard at the Site Plan Control stage.
Removal of Community Garden.	Concern with respect to the loss of an existing community garden.	The proposed development will result in the removal of the existing community garden located in the north east portion of the subject property but will be replaced with a community garden in the north east corner of the subject lands, located between the proposed building and Main Street West.
Heritage Impacts.	Concern with respect to the impact of the proposed development on the cultural heritage of the subject lands and the area.	The existing place of worship on the subject property is included on the City's Heritage Register.

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Public Consultation		
Issue	Comment	Staff Response
Heritage Impacts (Continued).		<p>Due to the orientation of the building relative to the street it is difficult to incorporate the existing building into the development. The proposed development does propose to incorporate elements of the existing place of worship into the design of the building including salvaged materials near the north west corner of the proposed building and a re-established front wall in the community garden in the north east corner of the site.</p> <p>A Documentation and Salvage Report will be required to be undertaken and implemented prior to lifting of the 'H' Holding Provision.</p>

### Design Review Panel

The Applicant went before the Design Review Panel (DRP) on January 14, 2021 for a 15 storey mixed use building with a total of 327 dwelling units, 615.2 square metres of commercial space at grade along Main Street West and 208 parking spaces. The portions of the development along Dow Avenue and Cline Avenue South proposed a building height of 9 storeys, with stepbacks above the fifth and eighth floors from both the side streets and rear lot line, and a 3.3 metre rear yard setback.

The comments of the DRP on the original proposal included:

- Site is located on Main Street West, a primary corridor, and that an appropriate amount of intensification is to be expected along a corridor; however the height and massing of the proposed development is overwhelming to the context;
- Main Street West frontage is likely able to accommodate additional height. The proposed height and massing on Dow Avenue and Cline Avenue South is inappropriate based on the low density, low rise context of the surrounding neighbourhood;
- The building sections adjacent to Dow Avenue and Cline Avenue South should be reduced in height and revised to respect the 45 degree angular plane;

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- The tower volume should be revised and concern with overlook impacts to the surrounding community was identified;
- The front façade be simplified with respect to materials and reduce the number of varied components for a sleeker and simpler design;
- The active grade related uses were supported and a more detailed landscape strategy along the Main Street West frontage was recommended;
- Recommended that alternative methods of incorporating the salvaged entryway be explored, suggested that heritage features may be more appropriately integrated into the courtyard; and,
- Recommend changing the design of the courtyard to allow better access to sunlight.

Subsequent to the DRP meeting the Applicant has revised the design of the proposed development reducing the number of dwelling units and parking spaces. The height and massing of the development along Dow Avenue and Cline Avenue South has been reduced from nine storeys to seven storeys and stepbacks have been included at a lower height, being proposed above the second floor and above the fifth floor. The rear yard setback has been increased to 7.5 metres and stepbacks above the fourth and sixth floors are proposed. The base of the building along Dow Avenue and Cline Avenue South will comply with the 45 degree build to plane measured from 80% of the right-of-way of Dow Avenue and Cline Avenue South. The reduced building height and inclusion of stepbacks along Dow Avenue and Cline Avenue South will reduce the perceived volume of the tower. Alternative methods for incorporating heritage features into the development are being explored in the revised design. The courtyard is sheltered from the public realm and therefore integrating heritage features into the court yard is not ideal for preserving heritage features for the benefit of the public. The revision in the design with respect to the height and setbacks of the building in relation to the court yard will increase sun access to the court yard.

The revisions in the subsequent submissions seeking to address the comments of DRP, additional revisions respecting the detailed podium design, materials and treatments will be further evaluated and refined at the Site Plan Control stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 98 property owners within 120 metres of the subject property on March 20, 2020. A Public Notice sign was posted on the property on April 6, 2020 and updated

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on April 20, 2022. Finally, the Notice of the Public Meeting was given on April 29, 2022 in accordance with the requirements of the *Planning Act*.

To date, letters from 13 interested parties expressing concerns with the proposed development have been received, including multiple letters of objection from some of the interested parties. Eight letters along with five petitions containing 59 signatures supporting the proposed development have been received.

These are attached as Appendix “F-1” and “F-2” to Report PED22098 and summarized in the table above.

### **Public Consultation Strategy**

The Public Consultation Strategy included a virtual Public Open House meeting on August 11, 2020, as discussed on page 7 of Report PED22098, and the questions, comments and concerns raised as part of the virtual Neighbourhood Open House meeting were summarized by the Applicant and are attached as Appendix “F-3” of Report PED22098 attached to Report.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the general intent of the Urban Hamilton Official Plan and of the Ainslie Wood Westdale Secondary Plan subject to the Official Plan Amendment; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure, and supporting public transit.

2. Official Plan Amendment

The proposed Official Plan Amendment seek to establish a Special Policy Area within the Mixed Use - Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a maximum building height of 15 storeys. In the opinion of staff, the increase in height and density proposed to be established by

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way of the Special Policy Area constitutes a scale of development that can be supported.

As outlined in detail in the Policy Implication and Legislated Requirements section of Report PED22098, the proposed change in designation facilitates a form of development that is compatible with the scale and character of the area. The subject lands are appropriately suited for the proposal due to the proximity of the lands to an arterial road and higher order transit, and proximity to a major activity centre (McMaster University) and along a corridor that links the major activity centre to the downtown.

The proposal is appropriate for the subject lands they are located along Main Street West a major arterial road, located at the periphery of the neighbourhood to the south and along an existing higher order transit route along Main Street West and future Light Rail Transit route. The change in designation is being undertaken on a parcel of land which can accommodate an increase in density and will facilitate a development that will be compatible with the area. The proposed development can be designed to mitigate any potential negative impacts on adjacent properties and the public realm including shadow, noise and overlook.

Therefore, the proposed OPA has merit can be supported.

3. Zoning By-law Amendment

The Application for Zoning By-law Amendment is for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone.

The maximum building height along with minimum setbacks for the upper floors complies with the general intent of UHOP and Ainslie Wood Westdale Secondary Plan, will ensure a development that is compatible with the existing and planned character of the area. The modifications are identified on page 6 of Report PED22098 and discussed in detail in Appendix "E" attached to Report PED22098.

Therefore, staff support the proposed amendment to the Zoning By-law.

4. Holding Provision

An 'H' Holding Provision is recommended to address the following:

- A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;

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- A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Report has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library;
- That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition; and,
- That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner.

Through the site plan agreement, the City will secure the implementation of the above reports and studies.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject property can be used in accordance with the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, in the City of Hamilton Zoning By-law No. 05-200.

## **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.

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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: Application for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 1107 Main Street West, Hamilton  
(PED22098) (Ward 1) - Page 43 of 43**

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**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22098 – Location Map

Appendix "B" to Report PED22098 – Draft Official Plan Amendment

Appendix "C" to Report PED22098 – Draft Amendment to Zoning By-law No. 05-200

Appendix "D" to Report PED22098 – Revised Concept Plan

Appendix "E" to Report PED22098 – Zoning By-law Site Specific Modification - Chart

Appendix "F-1" to Report PED22098 – Public Submissions Objections

Appendix "F-2" to Report PED22098 – Public Submission Support

Appendix "F-3" to Report PED22098 – Summary of Public Open House

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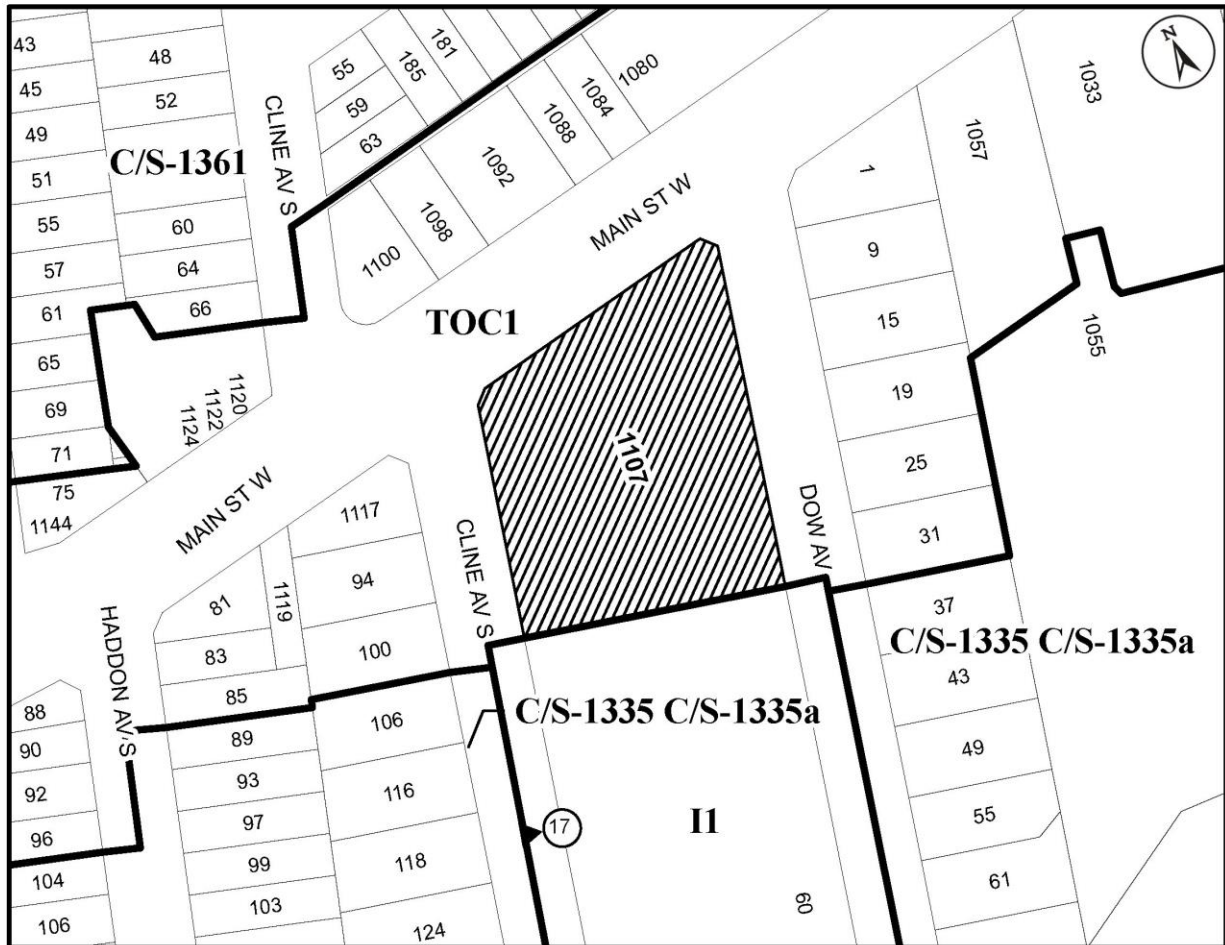
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Appendix "A" to Report PED22098



● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-016 & UHOPA-20-012

Date:  
March 14, 2022


Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
DB/VS

Subject Property

1107 Main Street West, Hamilton

 Change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone



Schedule "1"

## DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, 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 new Area Specific Policy within Area Specific Policy – Area E of the Ainslie Wood Westdale Secondary Plan to permit a maximum building height of 15 storeys and a maximum residential density of 345 units per gross hectare.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 1107 Main Street, in the former City of Hamilton.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is consistent with, and complementary to, the existing development in the immediate area and efficiently utilizes existing infrastructure and supports transit;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### 4.0 Actual Changes:

#### 4.1 Volume 2 – Secondary Plans

#### *Text*

4.1.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.2 - Ainslie Wood Westdale Secondary Plan

a. That Policy 6.2.17.6 be amended by adding a new paragraph b), as follows:

"b) Notwithstanding Policy E.4.6.7 of Volume 1, for the lands known municipally as 1107 Main Street West, designated Mixed Use – Medium Density, shown as Area Specific Policy - Area E-"X" on Map – B.6.2-1 Ainslie Wood Westdale Secondary Plan Land Use Plan, a maximum building height of 15 storeys shall be permitted."

**Maps**

4.2.1 Map

a. That Volume 2: Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended by adding Area Specific Policy – Area E-"X" identification to the subject lands, as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

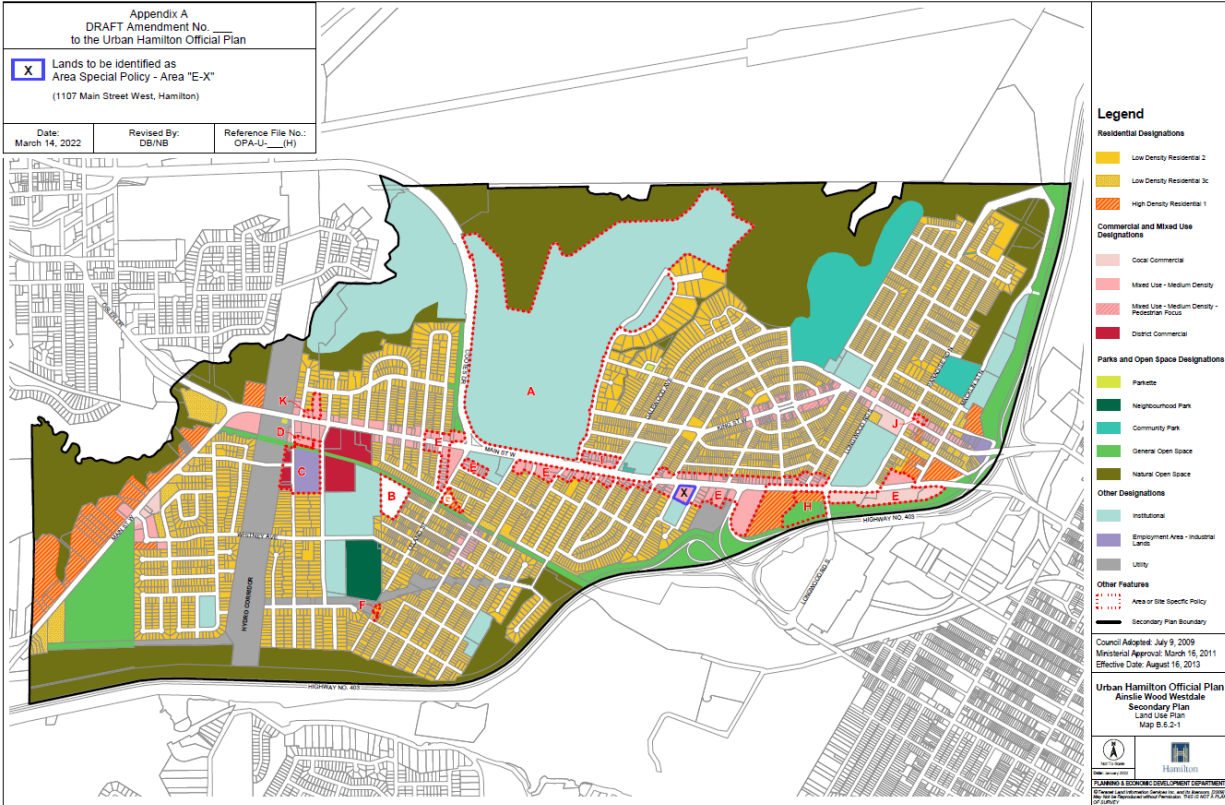
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 2022.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK



**Appendix “C” to Report PED22098****Page 1 of 6**

**Authority:** Item ,  
Report (PED22098)  
CM:  
Ward: 1

**Bill No.****CITY OF HAMILTON****BY-LAW NO.**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1107 Main Street West**

**WHEREAS** Council approved Item \_\_\_ of Report PED22098 of the Planning Committee, at the meeting held on May 17, 2022;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. \_\_\_\_\_;

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

1. That Map 949 of Schedule “A” – Zoning Maps, appended to and forming part of By-law No. 05-200, is amended by changing the zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone for the extent and boundaries more particularly described in Schedule “A” annexed hereto forming part of this By-law.
2. That Schedule “C” - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding the following new Special Exception:

“772. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map 949 of Schedule “A” - Zoning Maps and described as 1107 Main Street West, the following special provisions shall apply:

- a) Notwithstanding Section 4.8 (b) and (g) and Section 4.27 the following special provisions shall apply:

i)	An accessory building (landscape feature) shall be permitted to be located within a front or flankage yard;
ii)	An accessory building (landscape feature) shall have a maximum height of 9.7 metres; and,
iii)	A community garden shall be permitted to be located within a front or flankage yard.

## Appendix "C" to Report PED22098

## Page 2 of 6

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1107 Main Street West**

- b) In addition to Section 11.1.1 and 11.1.3 b) and notwithstanding Sections 11.1.1.1 i) 1., 11.1.3 a) ii), d) ii) and iii), g) v) and i) i) and 11.1.8 a) the following special provisions shall apply:
- i) A Community Garden shall also be permitted.
  - ii) That an accessory building (landscape features) shall include a portion of the existing building façade and shall be required to be provided within the front yard.
  - iii) Minimum Finished Floor Elevation of any dwelling unit 0.5 metres above grade;
  - iv) Building Setback from a Street Line
    - 1. Maximum 13.3 metres from Main Street West;
    - 2. Notwithstanding 1. above, a minimum 9.3 metres from Main Street West for any portion of the building exceeding 36.0 metres in height;
    - 3. Maximum 4.5 metres from Cline Avenue South and Dow Avenue;
    - 4. Notwithstanding 3. above, the following minimum setbacks shall apply from Cline Avenue South and Dow Avenue:
      - A. 5.0 metres for any portion of the building exceeding a height of 7.8 metres;
      - B. 6.5 metres for any portion of the building exceeding a height of 16.5 metres; and,
      - C. 14.3 metres for any portion of the building exceeding a height of 22.0 metres, except for an enclosed stairwell.
  - v) Minimum Rear Yard
    - 1. 14.5 metres for any portion of the building exceeding a height of 13.5 metres;



**Appendix “C” to Report PED22098****Page 3 of 6**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1107 Main Street West**

- |       |                                |    |  |
|-------|--------------------------------|----|--|
|       |                                | 2. | 17.5 metres for any portion of the building exceeding a height of 18.0 metres; and,  |
|       |                                | 3. | 33.5 metres for any portion of the building exceeding a height of 22.0 metres, except for an enclosed stairwell.   |
| vi)   | Maximum Building Height        |    | 47.0 metres  |
| vii)  | Built Form for New Development | 1. | A maximum of two driveways shall be permitted;   |
|       |                                | 2. | A driveway on Dow Avenue shall have a maximum width of 7.5 metres and a driveway on Cline Avenue South shall have a maximum width of 6.0 metres; and,    |
|       |                                | 3. | A driveway on Main Street West shall not be permitted.   |
| viii) | Visual Barrier                 |    | A visual barrier shall be required along any lot line abutting an Institutional Zone and may include a gate.   |
| ix)   | Planting Strip                 |    | A planting strip with a minimum width of 3.0 metres shall be provided along any lot line abutting an Institutional Zone, except for a walkway to a gate. |
4. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provisions as follows:
- H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule “A” – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:
- a. A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;

**Appendix “C” to Report PED22098**

**Page 4 of 6**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1107 Main Street West**

- b. A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports be submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the owner to the Hamilton Public Library;
  - c. That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition; and,
  - d. That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner.
5. 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*.
6. That this By-law No. 22\_\_ shall come into force and be deemed to come into force in accordance with Sub-Section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said Sub-Section.

**PASSED** this \_\_\_\_\_ , 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-20-016

**Appendix "C" to Report PED22098**  
**Page 5 of 6**

**To Amend Zoning By-law No. 05-200**  
**Respecting Lands Located at 1107 Main Street West**



This is Schedule "A" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0 0 0;">Map forming Part of By-law No. 22-_____</p> <p style="margin: 5px 0 0 0;">to Amend By-law No. 05-200 Map 949</p>	<p><b>Subject Property</b></p> <p>1107 Main Street West, Hamilton</p> <p> Change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-20-016 & UHOPA-20-012	
Date: March 14, 2022	Planner/Technician: DB/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Appendix "C" to Report PED22098**

**Page 6 of 6**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1107 Main Street West**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members      Report No.: PED22098      Date: 05/17/2022

Ward(s) or City Wide: Ward: 1      (MM/DD/YYYY)

Prepared by: Daniel Barnett      Phone No: 905-546-2424 ext. 4445

*For Office Use Only, this doesn't appear in the by-law*

Zoning By-law Site Specific Modifications – Transit Oriented Corridor Mixed Use Medium Density (TOC1) – Zone

Provision	Required	Requested Amendment	Analysis
<b>Section 4: General Provisions</b>			
<p>4.8 (b) – Location of an Accessory Buildings</p> <p><i>** Applicant Requested Modification</i></p>	<p>Accessory buildings shall not be permitted within a front or flankage yard.</p>	<p>An accessory building shall be permitted within a front or flankage yard.</p>	<p>A community garden and proposed accessory structure are being proposed in the north east corner of the subject lands and located in the front yard between the building and Main Street West and the flanking side yard between the building and Dow Avenue.</p> <p>The proposed structure that is intended to be preserved is the historical façade of the existing church. This façade will be reestablished as a free-standing archway structure located in the north east corner of the subject lands. The value in preserving the historical façade is achieved by having the structure be publicly visible between the building and the street.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>4.8 (g) – Maximum height of an Accessory Building</p> <p><i>** Applicant Requested Modification</i></p>	<p>All Accessory Buildings shall have a maximum height of 4.5 metres.</p>	<p>A maximum accessory building height of 9.7 metres.</p>	<p>The modification of a maximum 9.7 metre height is reflective of the existing height of the historical façade that is intended to be preserved.</p> <p>Therefore, the proposed modification can be supported.</p>

<p>4.27 c) and 11.1.1.1 Location of a Community Garden and Additional Permitted Use</p> <p><b>** Applicant Requested Modification</b></p>	<p>A Community Garden is not a permitted use for lands zoned (TOC 1) Zone and a Community Garden shall only be permitted within a rear yard.</p>	<p>A Community Garden shall be included as a permitted use and to permit a Community Garden in a front or flankage yard.</p>	<p>There is an existing Community Garden on the subject property. The proposed development incorporates a new Community Garden in the north east corner of the subject lands. The proposed modification facilitates the continuation of the Community Garden as a benefit to the community.</p> <p>The intent of the regulation is to limit the location of a Community Garden to a rear yard. The proposed Community Garden is in a similar location to the existing Community Garden to preserve the community benefit as part of the proposed development. In order for the Community Garden to serve its intended purpose it needs to be in a location that is publicly accessible and therefore needs to be located between the building and the street.</p> <p>Therefore, the proposed modification can be supported.</p>
<p><b>Section 11: Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone</b></p>			
<p>11.1.1 – Permitted Uses</p> <p><b>** Staff Recommended Modification</b></p>	<p>No existing requirement for the front façade of the existing Grace Lutheran Church be re-established on-site.</p>	<p>To require that the front façade of the existing Grace Lutheran Church be re-established on-site.</p>	<p>The modification is ensure that the front façade of the existing Grace Lutheran Church is re-established on the subject property. The re-establishment of the existing front façade will preserve this heritage feature on the subject lands.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.1.1 i) 1. – Restriction on Permitted Use</p> <p><b>** Applicant Requested</b></p>	<p>Finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.</p>	<p>To permit a finished floor elevation of any dwelling unit to be a minimum of 0.5 metres above</p>	<p>A minimum finished floor elevation of 0.5 metres above grade is being requested with respect to the proposed ground floor units that face Dow Avenue and Cline Avenue South. The intent and purpose of requiring a minimum finished floor elevation of 0.9 metres for a dwelling unit, is to avoid rear lotting and ensure buildings</p>

<i>Modification</i>		grade.	<p>are designed with front porch conditions facing the street.</p> <p>The ground level units proposed along both Dow Avenue and Cline Avenue South will be intended to front onto the street and will include a front porch.</p> <p>Finally, the intent of the ground floor units along Dow Avenue and Cline Avenue South is to provide a development scale that is reflective of the neighbourhood which is dominated by low rise dwellings accessed at grade. The proposed modification for a 0.5 metre finished floor elevation will assist in achieving a built form that will be reflective of the scale of development for the area.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 a) ii) – Building Setback from a Street Line</p> <p><i>** Applicant Requested Modification</i></p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway.</p>	<p>Maximum 13.3 metres for Main Street West</p> <p>Maximum 4.5 metres for Cline Avenue South and Dow Avenue.</p>	<p>The proposed modification to increase the maximum setback from a street to 13.3 metres is to address the north east corner of the proposed development.</p> <p>Due to the angle of Main Street West relative to the side streets of Dow Avenue and Cline Avenue South, the subject lands narrow to a tight angle at the intersection of Main Street West and Dow Avenue. The tight angle presents difficulties with maintaining the maximum setback of 4.5 metres along the entire frontage.</p> <p>In addition, a larger setback is required in order to facilitate the establishment of both a community garden and proposed accessory structure in the north east</p>

			<p>corner of the subject lands.</p> <p>Finally, the majority of the façade along Main Street West and along both Dow Avenue and Cline Avenue South will comply with the maximum 4.5 metre setback and therefore will ensure that the development contributes towards achieving an active pedestrian environment.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 a) – Building Setback from a Street Line (above the 12<sup>th</sup> storey)</p> <p><i>** Staff Recommended Modification</i></p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway.</p>	<p>To require a minimum setback of 9.3 metres from the Main Street West street line for those portions of the building exceeding 36.0 metres in height.</p>	<p>The proposed modification is to provide a minimum 9.3 metre setback from the Main Street West street line for those portions of the building exceeding 36 metres in height, or above the 12<sup>th</sup> storey. A 9.3 metre setback is required to ensure that the proposed building does not encroach into the 45 degree build to plane from 80% of the Main Street West road allowance.</p> <p>Maintaining the 45 degree build to plane will ensure that adequate sun access to the public realm is maintained, and the massing of the building façade will be compatible with the character of the area.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 a) – Building Setback from a Street Line (Cline Avenue South and Dow Avenue)</p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway.</p>	<p>To require the following minimum easterly and westerly flanking yard setback from Dow Avenue and Cline Avenue South;</p>	<p>The proposed modification to provide a series of setbacks for the upper floors is to ensure that building massing along Dow Avenue and Cline Avenue South is appropriately massed.</p> <p>A 5.0 metre setback is required above the second storey to create a two storey massing for the ground floor units and by extension a two storey base for the portion of the</p>



<p><b>** Staff Recommended Modification</b></p>		<p>5.0 metres above the 7.8 metres;</p> <p>6.5 metres above the 16.5 metres; and,</p> <p>14.3 metres above the 22.0 metres, except for an enclosed stairwell.</p>	<p>building along Dow Avenue and Cline Avenue South. Providing a two storey base provides a building massing that reflects the existing low rise scale of development that dominates Dow Avenue and Cline Avenue South.</p> <p>A 6.5 metre setback above the fifth floor ensures that the principal massing along both Dow Avenue and Cline Avenue South is stepped back. Stepping back the massing will assist with transitioning the building from the existing low rise residential dwellings that dominate Dow Avenue and Cline Avenue South and ensure that the building massing along these streets adheres to the 45 degree build to plane from 80% of right of way of Dow Avenue and Cline Avenue South.</p> <p>A 14.3 metre setback above the seventh floor is to setback the 15 storey tower from the street lines of Dow Avenue and Cline Avenue South. This setback will ensure that only the top floors of the proposed 15 storey tower will encroach into the 45 degree build to plane from 80% of the right of way of Dow Avenue and Cline Avenue South, while the majority of the tower will comply. As the proposed tower is oriented to be perpendicular to both Dow Avenue and Cline Avenue South and will not be abutting the rear amenity area of any adjacent lands to the east or west, the encroachment of the upper portions of the tower will not create negative overlook impacts or shadow impacts and will limit the scope of the building massing that encroaches into the 45 degree build to plane.</p> <p>An exception to the 14.3 metre easterly and westerly</p>
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			<p>yard setback above the seventh floor is permitted to facilitate an enclosed stairwell located within the proposed eight floor terrace. This exception is for a portion of the building that is small in scale and will contain no habitable space. Furthermore, the enclosed stairwell is stepped back from the edge of the seventh floor. Therefore, this exception will not create negative overlook impacts, shadow impacts, or contribute to the perceived massing of the proposed building.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>11.1.3 b) – Minimum Rear Yard</p> <p><b>** Staff Recommended Modification</b></p>	7.5 metres.	<p>To require the following additional minimum rear yard setbacks:</p> <p>14.5 metres above the 13.5 metres;</p> <p>17.5 metres above the 18.0 metres; and,</p> <p>33.5 metres above the 22.0 metres, except for an enclosed stairwell.</p>	<p>The proposed modifications are to provide a series of setbacks for the upper floors to ensure that building massing along the rear facade is appropriately massed.</p> <p>A minimum 7.5 metre rear yard setback is required. The existing Zoning Provision also requires an equivalent increase relative to building height for those portions of the building above 11.0 metres in height. For the portions of the building that run parallel to Dow Avenue and Cline Avenue South, setbacks in the rear facade are included above the fourth floor and sixth floor. The proposed setbacks facilitate an angular plane that is consistent with the current requirement for an equivalent setback increase relative to building height. The 14.5 metre rear yard setback above the fourth floor and 17.5 metre rear yard setback above the sixth floor is to ensure that the proposed setbacks will be achieved.</p> <p>An additional 33.5 metre rear yard setback for the portion of the building above the seventh floor ensures</p>

		<p>that the proposed 15 storey tower is restricted to the front portion of the property. The proposed setback also ensures that only the top 2.5 storeys of the tower will encroach into the build to plane. The proposed modification for a 33.5 metre setback will ensure that the massing of the proposed tower will be appropriately setback from the existing institutional use to the south and will ensure that the proposed tower will not create negative overlook impacts on the adjacent lands. An exception to the 33.5 metre rear yard setback above the seventh floor is permitted to facilitate an enclosed stairwell located within the proposed eighth floor terrace. This exception is for a portion of the building that is small in scale and will contain no habitable space.</p> <p>Furthermore, the enclosed stairwell is stepped back from the edge of the seventh floor. Therefore, this exception will not create negative overlook impacts, shadow impacts, or contribute to the perceived massing of the proposed building.</p> <p>The inclusion of modifications for setbacks of the upper floors will ensure that the building massing is appropriately implemented to transition to the adjacent property to the south and reduce privacy overlook to the adjacent lands. The setbacks of the upper floors will also reduce the massing of the building along Dow Avenue and Cline Avenue South by reducing the length of the building for those upper floors. Therefore, the proposed modification can be supported.</p>
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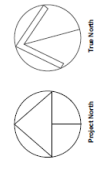
<p>11.1.3 d) ii) – Maximum Building Height</p> <p><i>** Applicant Requested Modification</i></p>	<p>22.0 metres.</p>	<p>47.0 metres.</p>	<p>The proposed modification is seeking to increase the maximum building height from 22.0 metres to 47.0 metres.</p> <p>The subject lands are along an arterial road, at the periphery of the neighbourhood, and along a higher order transit route and future light rail rapid transit route. The only portion of the proposed building that will exceed the existing maximum building height of 22.0 metres is the proposed tower located towards the northerly portion of the property along Main Street West. The tower will be oriented perpendicular to the side streets of Dow Avenue and Cline Avenue south, and thereby reducing the perceived massing of the tower from the adjacent local roads. The proposed height for those portions of the building along Dow Avenue and Cline Avenue South will not exceed the current maximum building height of 22.0 metres.</p> <p>The proposed 47.0 metre building height for the 15 storey tower will be massed to respect the 45 degree build to plane along Main Street West, will generally be consistent with the 45 degree build to plane along Dow Avenue and Cline Avenue South, and consistent with the build to plane from the rear lot line. Through the use of setbacks and stepbacks the proposed development will appropriately transition to the adjacent lands, and will achieve an appropriate balance between promoting intensification along a major arterial road and higher order transit route, while being compatible with the existing character of the area.</p>
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			<p>Due to the massing and orientation of the proposed tower, the additional building height will not create adverse shadow impacts on the adjacent properties or public realm, and will not create adverse privacy overlook impacts on the adjacent properties.</p> <p>Main Street West is a corridor in transition with higher order transit routes both existing and proposed, and represents a key linkage between the downtown and McMaster University, a major activity centre.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 d) iii) – Building Height</p> <p><b>** Staff Recommended Modification</b></p>	<p>Any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement, when abutting an Institutional Zone, to a maximum of 22.0 metres.</p>	<p>Shall not apply</p>	<p>The proposed modifications to establish minimum rear setbacks for those portions of the building above the fourth storey, sixth storey and seventh storey are generally achieving the intent of this By-law provision to provide adequate transition to the adjacent lands and to minimize privacy overlook and shadow impacts.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 g) v) – Maximum number of Driveways and Maximum Driveway Width</p> <p><b>** Applicant</b></p>	<p>A maximum of one driveway with a maximum width of 6.0 metres shall be permitted for ingress and egress.</p>	<p>A maximum of two driveways, and to permit a maximum width of 7.5 metres for the Dow Avenue driveway.</p> <p>No driveway shall</p>	<p>The propose development includes two driveway accesses, one from Dow Avenue which serves as a utility access for loading and garbage collection and one from Cline Avenue South that serves as the access driveway for the underground parking levels. The access on Dow Avenue is proposed to be increased in width from 6.0 metres to 7.5 metres serve for loading and service vehicles and a wider driveway width is</p>

<p><i>Requested Modification</i></p>		<p>be permitted from Main Street West.</p>	<p>required to ensure that larger vehicles can safely enter and exit the site.</p> <p>No modification is proposed for the Cline Avenue South access.</p> <p>The restriction for driveway access to Main Street West is to ensure that no direct access is provided to Main Street West which will protect pedestrians along Main Street West and avoid conflicts with existing and future public transit.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 i) – Visual Barrier and Planting Strip</p> <p><i>** Applicant Requested Modification</i></p> <p><i>and</i></p> <p><i>** Staff Recommended Modification</i></p>	<p>A visual barrier shall be required along any lot line abutting an Institutional Zone.</p>	<p>To permit a gate to be established within the visual barrier along the southerly rear lot line.</p> <p>To require a 3.0 metre wide Planting strip along any lot line abutting an Institutional Zone, except for a walkway to a gate.</p>	<p>A visual barrier is required along the rear lot line. The applicant is proposing to include a gate to allow connectivity with the institutional use to the south. The inclusion of a gate in the visual barrier will not have any significant impact on the effectiveness of the visual barrier to provide a buffer between the proposed development and the adjacent institutional use. The visual barrier will continue to be effective at protecting the lands to the south with respect to privacy overlook.</p> <p>Any direct access to the lands to the south can only be provided with the consent of the adjacent property owner. This modification does not give authorization to access the adjacent lands nor require the adjacent property owner to provide such an access.</p> <p>A 3.0 metre wide planting strip is proposed to provide additional buffering, and provide additional screening to</p>

			<p>enhance the privacy on the adjacent lands and thereby reduce overlook on the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
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Appendix "D" to Report PED22098  
Page 1 of 15



**GENERAL NOTES**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 7. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 8. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 9. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 10. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**SITE DATA**

ITEM	DESCRIPTION	REQUIRED	PROVIDED
1	LOT AREA	10,000	10,000
2	LOT WIDTH	100	100
3	LOT DEPTH	100	100
4	LOT COVERAGE	10%	10%
5	LOT SETBACK	10'	10'
6	LOT FRONT SETBACK	10'	10'
7	LOT SIDE SETBACK	10'	10'
8	LOT REAR SETBACK	10'	10'
9	LOT CORNER SETBACK	10'	10'
10	LOT AREA	10,000	10,000
11	LOT WIDTH	100	100
12	LOT DEPTH	100	100
13	LOT COVERAGE	10%	10%
14	LOT SETBACK	10'	10'
15	LOT FRONT SETBACK	10'	10'
16	LOT SIDE SETBACK	10'	10'
17	LOT REAR SETBACK	10'	10'
18	LOT CORNER SETBACK	10'	10'
19	LOT AREA	10,000	10,000
20	LOT WIDTH	100	100
21	LOT DEPTH	100	100
22	LOT COVERAGE	10%	10%
23	LOT SETBACK	10'	10'
24	LOT FRONT SETBACK	10'	10'
25	LOT SIDE SETBACK	10'	10'
26	LOT REAR SETBACK	10'	10'
27	LOT CORNER SETBACK	10'	10'
28	LOT AREA	10,000	10,000
29	LOT WIDTH	100	100
30	LOT DEPTH	100	100
31	LOT COVERAGE	10%	10%
32	LOT SETBACK	10'	10'
33	LOT FRONT SETBACK	10'	10'
34	LOT SIDE SETBACK	10'	10'
35	LOT REAR SETBACK	10'	10'
36	LOT CORNER SETBACK	10'	10'

**BUILDING DATA**

ITEM	DESCRIPTION	REQUIRED	PROVIDED
1	TOTAL FLOOR AREA	10,000	10,000
2	NET FLOOR AREA	10,000	10,000
3	GROSS FLOOR AREA	10,000	10,000
4	FLOOR AREA PER FOOTPRINT	10,000	10,000
5	FLOOR AREA PER FOOTPRINT	10,000	10,000
6	FLOOR AREA PER FOOTPRINT	10,000	10,000
7	FLOOR AREA PER FOOTPRINT	10,000	10,000
8	FLOOR AREA PER FOOTPRINT	10,000	10,000
9	FLOOR AREA PER FOOTPRINT	10,000	10,000
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44	FLOOR AREA PER FOOTPRINT	10,000	10,000
45	FLOOR AREA PER FOOTPRINT	10,000	10,000
46	FLOOR AREA PER FOOTPRINT	10,000	10,000
47	FLOOR AREA PER FOOTPRINT	10,000	10,000
48	FLOOR AREA PER FOOTPRINT	10,000	10,000
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50	FLOOR AREA PER FOOTPRINT	10,000	10,000

**VEHICLE PARKING DATA**

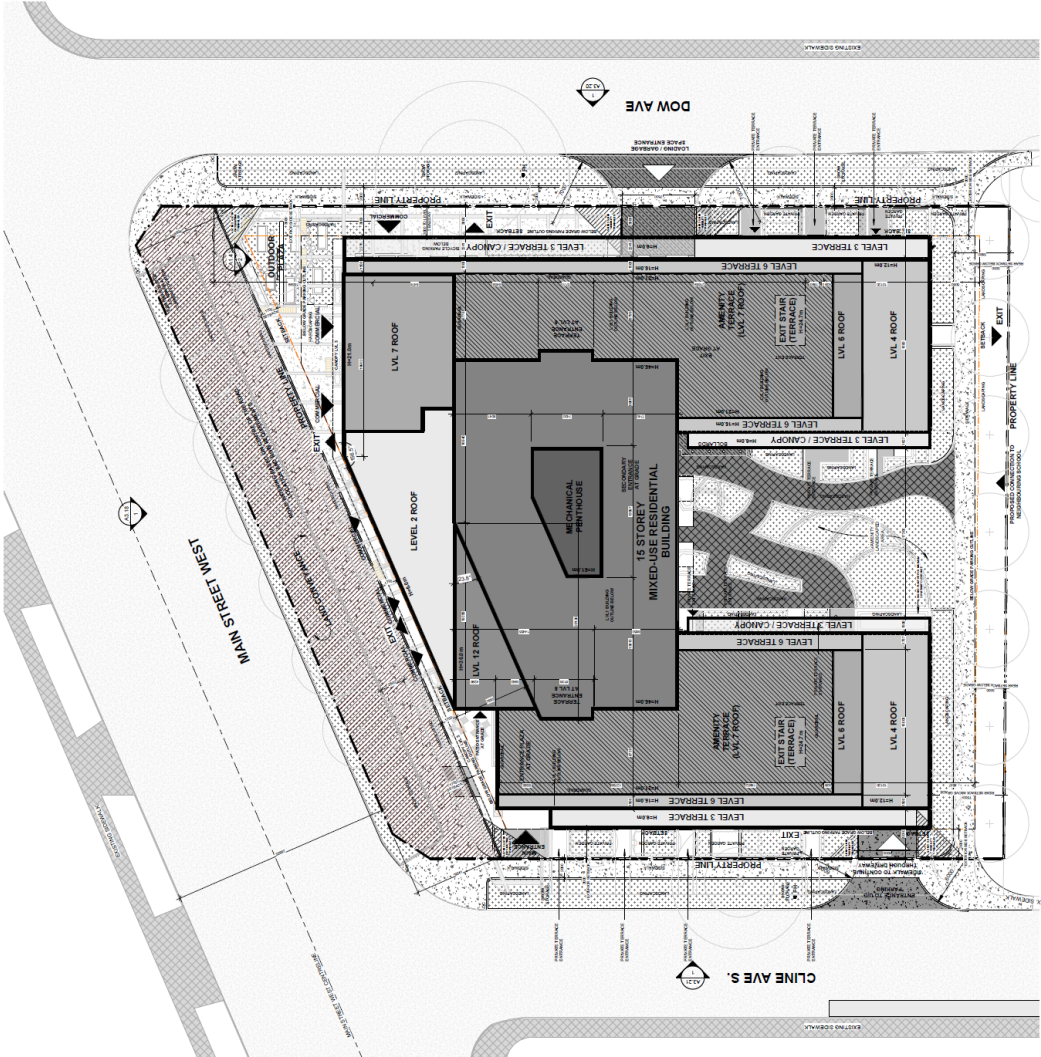
ITEM	DESCRIPTION	REQUIRED	PROVIDED
1	TOTAL VEHICLE SPACES	100	100
2	TOTAL VEHICLE SPACES	100	100
3	TOTAL VEHICLE SPACES	100	100
4	TOTAL VEHICLE SPACES	100	100
5	TOTAL VEHICLE SPACES	100	100
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32	TOTAL VEHICLE SPACES	100	100
33	TOTAL VEHICLE SPACES	100	100
34	TOTAL VEHICLE SPACES	100	100
35	TOTAL VEHICLE SPACES	100	100
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37	TOTAL VEHICLE SPACES	100	100
38	TOTAL VEHICLE SPACES	100	100
39	TOTAL VEHICLE SPACES	100	100
40	TOTAL VEHICLE SPACES	100	100
41	TOTAL VEHICLE SPACES	100	100
42	TOTAL VEHICLE SPACES	100	100
43	TOTAL VEHICLE SPACES	100	100
44	TOTAL VEHICLE SPACES	100	100
45	TOTAL VEHICLE SPACES	100	100
46	TOTAL VEHICLE SPACES	100	100
47	TOTAL VEHICLE SPACES	100	100
48	TOTAL VEHICLE SPACES	100	100
49	TOTAL VEHICLE SPACES	100	100
50	TOTAL VEHICLE SPACES	100	100

**UNIT TYPE BREAKDOWN**

UNIT TYPE	REQUIRED	PROVIDED
1-BED	100	100
2-BED	100	100
3-BED	100	100
4-BED	100	100
5-BED	100	100
6-BED	100	100
7-BED	100	100
8-BED	100	100
9-BED	100	100
10-BED	100	100
11-BED	100	100
12-BED	100	100
13-BED	100	100
14-BED	100	100
15-BED	100	100
16-BED	100	100
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18-BED	100	100
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21-BED	100	100
22-BED	100	100
23-BED	100	100
24-BED	100	100
25-BED	100	100
26-BED	100	100
27-BED	100	100
28-BED	100	100
29-BED	100	100
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33-BED	100	100
34-BED	100	100
35-BED	100	100
36-BED	100	100
37-BED	100	100
38-BED	100	100
39-BED	100	100
40-BED	100	100
41-BED	100	100
42-BED	100	100
43-BED	100	100
44-BED	100	100
45-BED	100	100
46-BED	100	100
47-BED	100	100
48-BED	100	100
49-BED	100	100
50-BED	100	100

**UNIT SIZE BREAKDOWN**

UNIT SIZE	REQUIRED	PROVIDED
1-BED	100	100
2-BED	100	100
3-BED	100	100
4-BED	100	100
5-BED	100	100
6-BED	100	100
7-BED	100	100
8-BED	100	100
9-BED	100	100
10-BED	100	100
11-BED	100	100
12-BED	100	100
13-BED	100	100
14-BED	100	100
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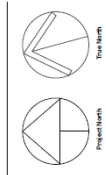


NO.	DATE	REVISIONS
1	10/10/2022	ISSUED FOR PERMITTING
2	10/10/2022	REVISED PER COMMENTS
3	10/10/2022	REVISED PER COMMENTS
4	10/10/2022	REVISED PER COMMENTS
5	10/10/2022	REVISED PER COMMENTS
6	10/10/2022	REVISED PER COMMENTS
7	10/10/2022	REVISED PER COMMENTS
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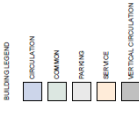


Appendix "D" to Report PED22098  
Page 3 of 15



**GENERAL NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED SHALL BE IN METERS.
2. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
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11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.



No.	Date	Revision
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**srmi** ARCHITECTS INC.

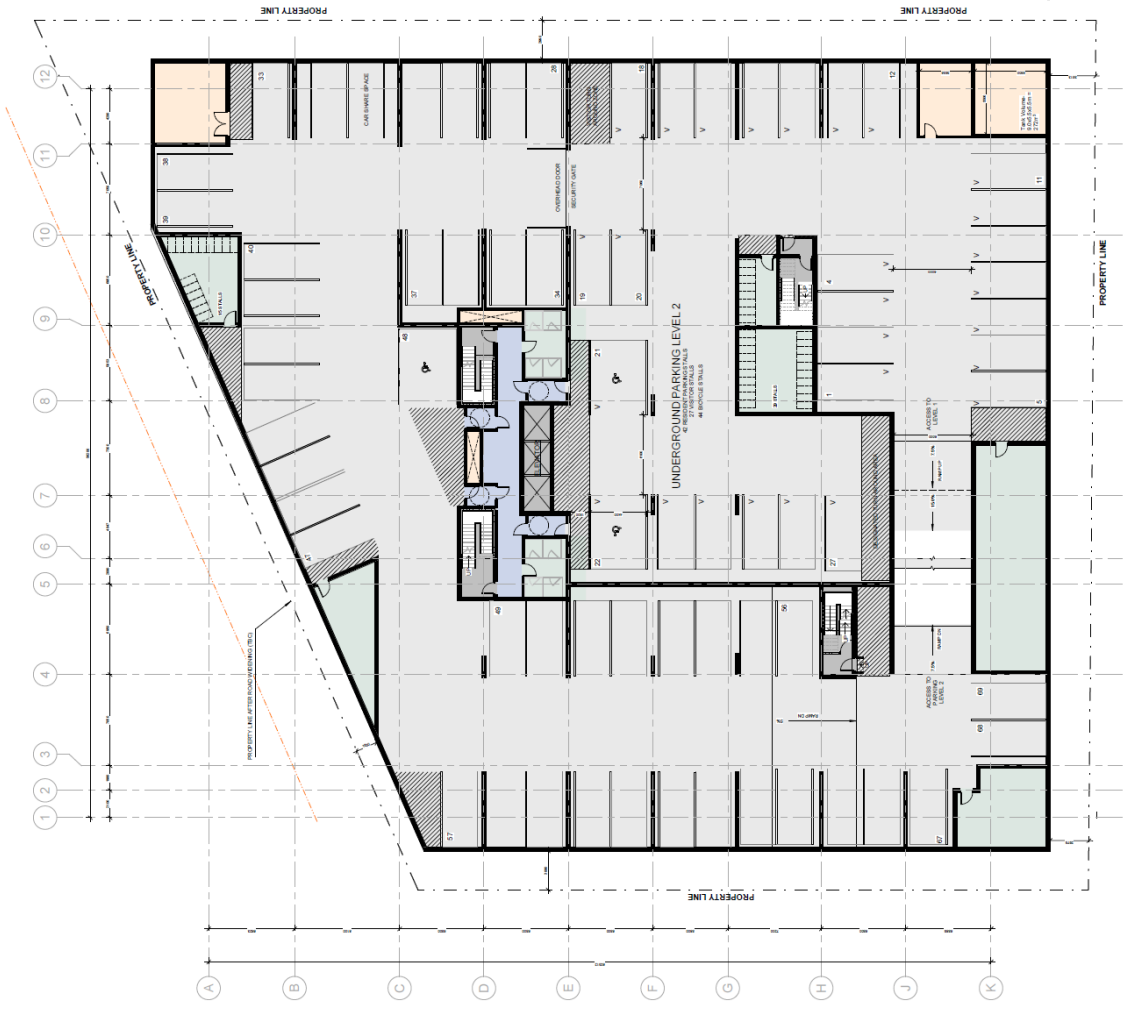
PROJECT: 1107 MAIN ST  
 DATE: 2021-10-02  
 DRAWN BY: JAV  
 CHECKED BY: JAV  
 PROJECT LOCATION: 1107 MAIN ST, TORONTO, ONTARIO

IN8  
1107 MAIN ST  
LEVEL P1 FLOOR PLAN

SCALE: 1:100

ASSOCIATION OF ARCHITECTS OF ONTARIO

A2.2 - P23

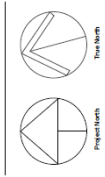


1 LEVEL P1 FLOOR PLAN

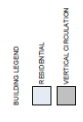
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Appendix "D" to Report PED22098  
Page 5 of 15



**GENERAL NOTES:**  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.  
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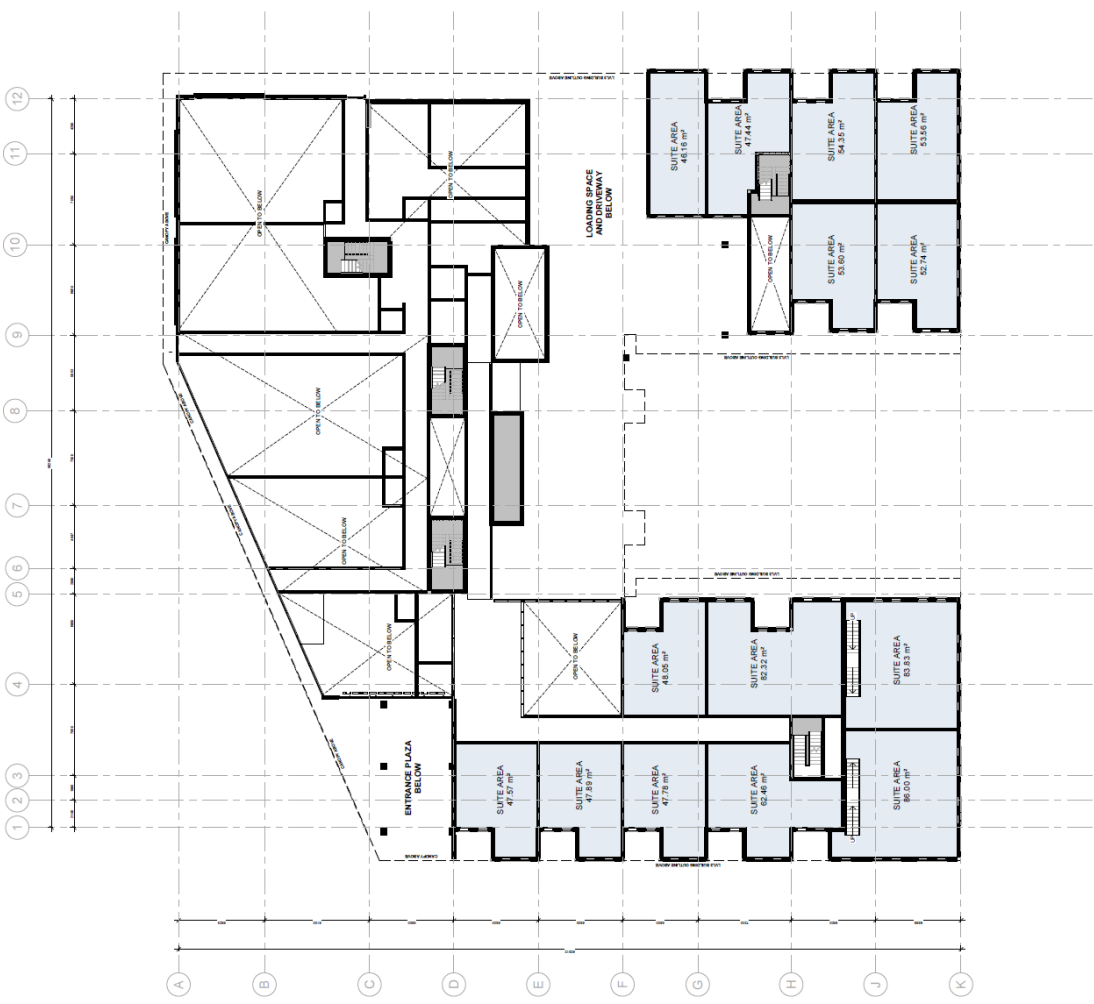


NO.	AREA	DESCRIPTION
1	SUITE AREA	48.00 sq ft
2	SUITE AREA	47.89 sq ft
3	SUITE AREA	47.78 sq ft
4	SUITE AREA	52.46 sq ft
5	SUITE AREA	86.00 sq ft
6	SUITE AREA	48.00 sq ft
7	SUITE AREA	52.32 sq ft
8	SUITE AREA	83.83 sq ft
9	SUITE AREA	47.89 sq ft
10	SUITE AREA	47.78 sq ft
11	SUITE AREA	52.46 sq ft
12	SUITE AREA	46.16 sq ft
13	SUITE AREA	47.44 sq ft
14	SUITE AREA	54.35 sq ft
15	SUITE AREA	53.80 sq ft
16	SUITE AREA	52.74 sq ft
17	SUITE AREA	53.55 sq ft

**srms** ARCHITECTS INC.  
 PROJECT: 1107 MAIN ST  
 SHEET: 1107 MAIN ST - 1107 MAIN ST - 1107 MAIN ST  
 DATE: 11/15/2017

IN8  
1107 MAIN ST

**LEVEL 2 FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 DRAWING NO: A2.4 - I23



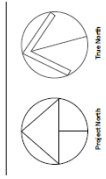
1 LEVEL FLOOR PLAN

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Appendix "D" to Report PED22098  
Page 8 of 15



**GENERAL NOTES**

1. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE SPECIFIED IN FEET AND INCHES. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

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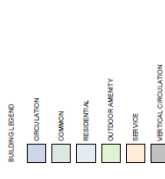
6. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

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DATE	DESCRIPTION
10/15/2021	ISSUED FOR PERMITS
10/15/2021	ISSUED FOR PERMITS
10/15/2021	ISSUED FOR PERMITS
10/15/2021	ISSUED FOR PERMITS
10/15/2021	ISSUED FOR PERMITS



PROJECT: IN8  
 1107 MAIN ST

**LEVEL 7 FLOOR PLAN**

SCALE: 1/8" = 1'-0"

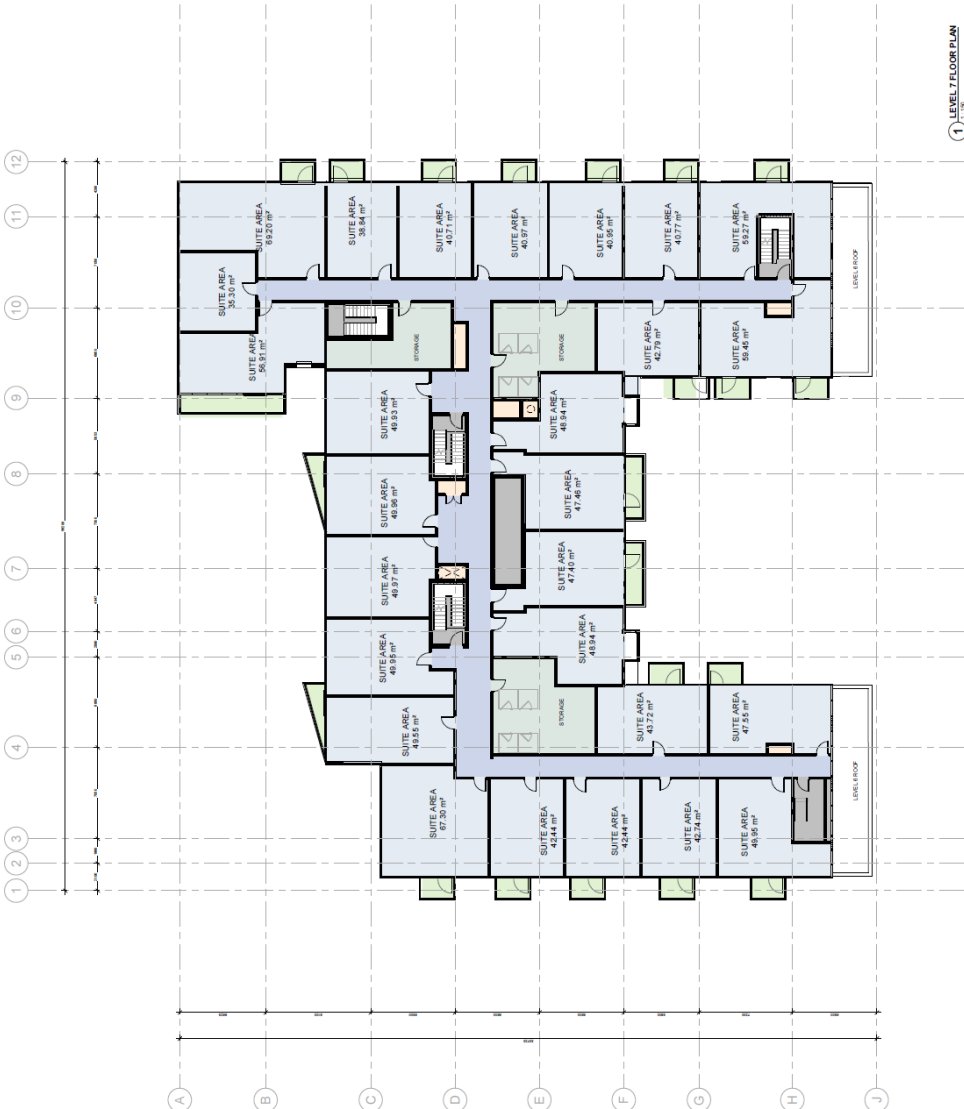
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PROJECT: IN8

1107 MAIN ST

ARCHITECTS INC

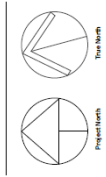
A2.7 - I23



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Appendix "D" to Report PED22098  
Page 9 of 15



**GENERAL NOTES**  
 1. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.  
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**BUILDING LEGEND**

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[Color]	RESIDENTIAL
[Color]	OUTDOOR AMENITY
[Color]	SERVICE
[Color]	VERTICAL INSULATION

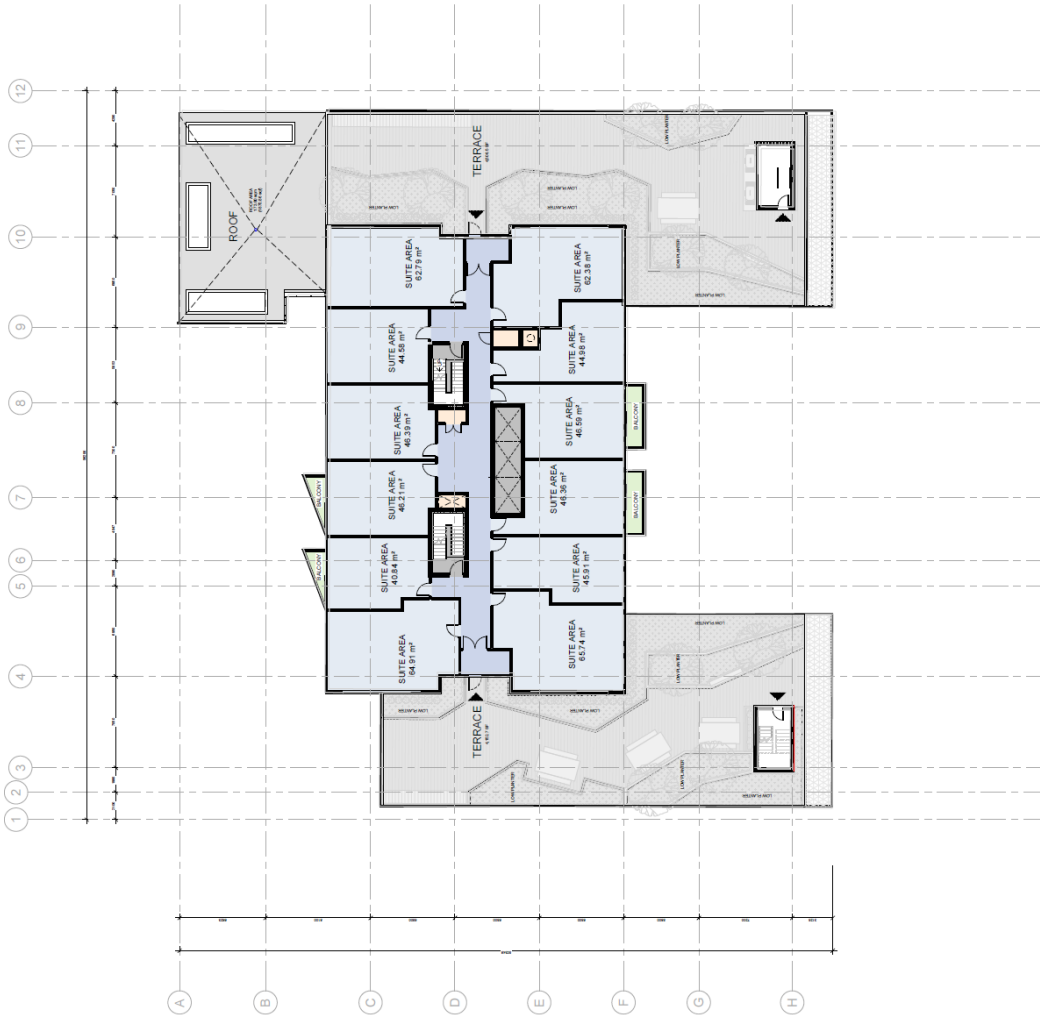
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3	11/05/2021	REVISIONS
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5	12/01/2021	REVISIONS
6	12/15/2021	REVISIONS
7	01/05/2022	REVISIONS
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17	06/01/2022	REVISIONS
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19	07/01/2022	REVISIONS
20	07/15/2022	REVISIONS

**srin**  
 ARCHITECTS INC.  
 PROJECT: IN8  
 PREPARED: 2021.10.05  
 CHECKED: [Name]  
 DATE: 2021.10.05  
 SCALE: 1/8" = 1'-0"  
 SHEET: 108 OF 110

IN8  
1107 MAIN ST

LEVEL 8 FLOOR PLAN

SCALE: 1/8" = 1'-0"  
 ONTARIO ASSOCIATION OF ARCHITECTS  
 REG. NO. 12345  
 A2.8 - r23

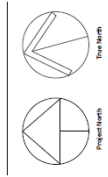


1 LEVEL 8 FLOOR PLAN

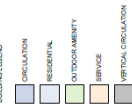
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Appendix "D" to Report PED22098  
Page 10 of 15



**GENERAL NOTES**  
 1. ALL DIMENSIONS SHOWN ON THIS DRAWING SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.  
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 6. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE MEMBER UNLESS OTHERWISE NOTED.  
 7. THE CONTRACTOR SHALL VERIFY THE DIMENSIONS OF ALL MATERIALS AND EQUIPMENT PRIOR TO INSTALLATION.  
 8. THE CONTRACTOR SHALL VERIFY THE DIMENSIONS OF ALL MATERIALS AND EQUIPMENT PRIOR TO INSTALLATION.  
 9. THE CONTRACTOR SHALL VERIFY THE DIMENSIONS OF ALL MATERIALS AND EQUIPMENT PRIOR TO INSTALLATION.  
 10. THE CONTRACTOR SHALL VERIFY THE DIMENSIONS OF ALL MATERIALS AND EQUIPMENT PRIOR TO INSTALLATION.



No.	Area	Revision
1	1107 MAIN ST	
2	1107 MAIN ST	
3	1107 MAIN ST	
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5	1107 MAIN ST	
6	1107 MAIN ST	
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12	1107 MAIN ST	

**srin** ARCHITECTS INC.  
 PROJECT: 1107 MAIN ST  
 DATE: 2021.12.02  
 DRAWING: 1107 MAIN ST 9-12 FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

IN8  
 1107 MAIN ST  
 LEVELS 9-12 FLOOR PLAN  
 SCALE: 1/8" = 1'-0"  
 A2.9 - r23



1 LEVELS 9-12 FLOOR PLAN

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**MATERIAL LEGEND**

1	PRECAST CONCRETE - RED MASONRY
2	PRECAST CONCRETE - BRICK CONCRETE
3	PRECAST CONCRETE - CHEMICAL MASONRY
4	RECYCLED HERITAGE MASONRY
5	SPANREL PANEL A
6	GLAZING - TINT 2
7	ALUMINUM MILLION
8	PRECAST CONCRETE - WHITE EXTERIOR
9	ALUMINUM PANEL
10	PRECAST CONCRETE JOIST
11	METAL CANOPY
12	SPANREL PANEL B



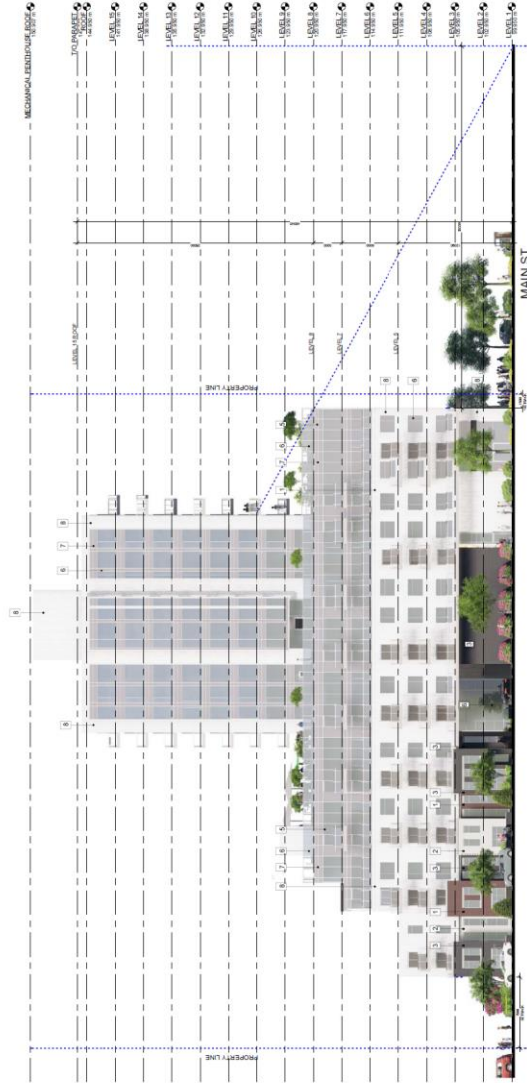
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 DATE: 2022-11-28  
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 2022-11-28 11:14:52 AM

IN8  
1107 MAIN ST

PRESENTATION  
ELEVATION - EAST



PROFESSIONAL ENGINEER  
 STATE OF MARYLAND  
 No. A3.20 - r21  
 EXPIRES 12/31/2024



1 EAST ELEVATION PRESENTATION

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**Appendix "F-2" to Report PED22098**  
**Page 1 of 18****Barnett, Daniel**

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**From:**  
**Sent:** May 1, 2020 4:18 PM  
**To:** Dear, Andrea  
**Cc:** Wilson, Maureen; board@awwca.ca

To the Planning Committee and whom it may concern:

I saw the sign notifying the community of the proposed development at Main & Dow St. I wish to communicate my support for this project. I live in the area, and attend services at the Adas Israel. My child goes to the Hamilton Hebrew Academy. I believe this development will enhance the growth and focus of our community. The design is modern and in spirit with the development of McMaster Innovation Park. It is a positive step towards attracting young families and empty nesters to our neighborhood.

I moved to Ainslie Wood in 2006. The character of the neighborhood has changed. Many families have moved away, and the students have moved in. As a result, it's really hard for young families to find space close enough to be viable to live here. I know Seniors who live in Westdale who come to prayer services on Saturday. In the winter months, it's a precarious walk as most students don't clear their walks of snow and ice. These Units will allow our Elder generation to maintain a spiritual and physical connection to our community.

I am very excited at the benefits of this development for our community. I hope the City will recognize the strength and value in our community and work fruitfully with the Developers to achieve a positive result.

Thanks,

**Appendix "F-2" to Report PED22098**  
**Page 2 of 18****Barnett, Daniel**

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**From:**  
**Sent:** April 22, 2020 1:06 PM  
**To:** Dear, Andrea  
**Cc:** Wilson, Maureen; board@awwca.ca  
**Subject:** Application for Amendment at 1107 Main Street West, Hamilton, File No: UHOPA-20-012

Dear Ms. Dear:

We reside at \_\_\_\_\_ and are writing to confirm our support for the above development.

We are concerned that there is a serious shortage of housing accommodation for members of our synagogue, Adas Israel, given that many homes in our area have, unfortunately, been converted into student housing. We feel that the new development will help to provide housing to congregants who wish to live close to the synagogue (walking distance), which will also expand our community and likely include families. West Hamilton / Westdale is crying out for family residences given the propensity for our area to attract students attending McMaster University or Columbia College. We feel that this will at least redress the imbalance in the neighborhood in some small way.

Furthermore, we also believe this new development will improve the overall standard in the community, as the student housing has not been maintained adequately and is unsightly.

The additional units in this residence will provide the City with additional resources by way of property taxes and will also be a boon to the nearby businesses.

We would be pleased to provide further input if requested.

Yours truly,



**Appendix "F-2" to Report PED22098**  
**Page 3 of 18****Barnett, Daniel**

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**From:**  
**Sent:** May 3, 2020 12:04 PM  
**To:** Dear, Andrea  
**Cc:** Wilson, Maureen; 'board@awwca.ca'  
**Subject:** Re: 1107 Main Street West, Hamilton. File No. UHOPA-20-012

Andrea Dear,  
City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design-Urban Team  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON  
L8P 4Y5  
May 3, 2020

Dear Ms. Dear,

Re: UHOPA-20-012 and ZAC20-016 Application by 1107 Main Inc. to amend Official Plan and Zoning By-Law- 1107 Main Street West

Thank you for the opportunity to submit a statement with regard to the aforementioned application. I have waited until this point until I had spoken to the parties both for and against the application, wanting to hear the rationales for both sides.

Having now heard from the parties involved I feel that is incumbent on me to support this application for the following reasons:

1. It is my belief that progress is inevitable, the demand for affordable housing in our neighbourhood will only be offset when the supply of available housing is increased. Several competing parties could have purchased this property; it is my opinion that the Applicant has put forth a design that is respectful of the needs of our community, providing much needed housing for both young families looking to move to the community, designs that are sympathetic to the needs of the elderly and also spaces that are viable options for post-secondary students. The ratios of town homes to apartments shows that this is not a development that is simply being built with profit in mind. This is a design that puts the needs of the community over the desire to make a profit, a much more parsed back design that maximized all available space would have been a red flag to me, and this design is not the case.
2. It appears to me that similar size developments are going up along the Main Street corridor, this is a logical place to put them in my opinion, as the transportation corridor along Main Street is best utilized by this location. If other developments are already approved, I feel it inevitable that a piece of property the size of

**Appendix “F-2” to Report PED22098**  
**Page 4 of 18**

1107 Main Street would be a logical location for another development of similar size, due to its proximity to the University, public schools, shopping and transportation. The very few number of houses in the immediate surrounding area will minimize the amount of disruption caused by the project as it undertaken. I live in one of those homes on Dow and am not overly concerned about any construction related disruptions, seeing them as the cost of progress.

3. A smaller size development could be approved, however I appreciate the cost of valuable land these days, and the scarcity of it along the Main Street corridor. Forcing developers to construct smaller high rises is an inefficient use of what little available space there is remaining, and if we have a developer that has shown they are willing to make amendments to the plans submitted to address concerns of the community, we should be rewarding such efforts. One thing I was encouraged by was the willingness to add additional parking underground, with the understanding that the cost can be offset by adding a couple more stories to the building, which to me will serve both the additional needs for living space and parking in the area. I would not like to see a smaller building if it comes at the cost of parking in the area.
4. I have always been an opponent of houses being purchased by absentee landlords and converted into student houses. The current cost of a detached home continues to go up, and the only solution available to those that continue to buy houses for this purpose will be to either raise rents to an unmanageable level, or put even more students in a residence, causing further deterioration of the neighbourhoods, driving potential families away and continuing the proliferation of student ghetto neighbourhoods. The current projects approved close to McMaster will only serve to reverse these trends and hopefully start us on the road to neighbourhood gentrification, which we so desperately need if we are to have a vibrant Ainslie Wood community.
5. Having been a resident of the Community for close to 7 years now, with daughters who attend schools in the surrounding area, I have found the builder to be open to discussion from the onset, and willing to seek input into the design of the building. It is my opinion that this design stands out as a project that is not being put forth simply to generate wealth for any of the parties involved, but actually is designed to give something back to the Community as a whole. Giving something back to the Community is what motivates the members of these Review Committees in the first place, and this design gives you all the opportunity to see out that mandate.

Respectfully

**Appendix "F-2" to Report PED22098**  
**Page 5 of 18****Barnett, Daniel**

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**From:**  
**Sent:** April 28, 2020 9:53 AM  
**To:** Dear, Andrea  
**Cc:** Wilson, Maureen; board@awwca.ca; McKie, Shannon; Fabac, Anita; Robichaud, Steve  
**Subject:** Re: 1107 Main Street West, Hamilton

Thank you for your response, and consideration.

On Tue., Apr. 28, 2020, 9:38 a.m. Dear, Andrea, <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hello Oliver,

Thank you for your message. It will now form part of the public record. Your thoughts will be considered as part of our review of the application and will be included in the Report.

We will keep you informed of any future public consultation and give you notice of the Planning Committee date once it has been determined.

Thanks,

Andrea Dear MCIP, RPP  
Senior Planner  
City of Hamilton

---

**From:**  
**Sent:** April 24, 2020 1:23 PM  
**To:** Dear, Andrea  
**Cc:** Wilson, Maureen; \_\_\_\_\_  
**Subject:** Re: 1107 Main Street West, Hamilton

Dear Ms. Dear,

In my lifetime, I have lived in 6 cities, 4 countries and 3 provinces. I moved to the great city of Hamilton 4 years ago with my new wife, and we have since grown to a family of 4 who hopes more than anything for the longevity of the Hamilton Jewish community.

The Hamilton Jewish Community is thriving more than in any other place that I have lived, and is on the cusp of being a potential home to many young Jewish families struggling to find affordable housing.

But it is also on the cusp of forcing many young families who were hoping to make Hamilton their forever homes elsewhere.

**Appendix "F-2" to Report PED22098**  
**Page 6 of 18**

As an observant Jew, I need to live in close proximity to our community synagogue, so that we can practice our faith on the Shabbat, where we are not permitted to drive. The obvious conundrum, here, is that our neighbourhood is overwhelmed with student housing, not only driving prices unreasonably high, but affecting also the availability of viable housing for young families.

Ms. Dear, to facilitate the urgent needs of our community, this project will not only be a solution for my family personally but for many young families who would like to remain in, or relocate to, this neighbourhood.

Not speaking in hyperbole, this project allows us to suddenly explore housing options in a rare and unprecedented way. To say yes to this project is to say yes to the continuation of Ainslee Wood and Westdale neighborhoods as viable options for families.

Please don't hesitate to reach out.

Sincerely,

**Appendix "F-2" to Report PED22098  
Page 7 of 18**

**Re: Application UHOPA-20-012 (1107 Main Street West)**

To whom it may concern:

As a resident residing directly across from 1107 Main Street West, and a member of one of the founding families of the Adas Israel Congregation, I fully support the application UHOPA-20-012.

As a man in his ninth decade, I am proud to witness our community and congregation grow and expand. I have no doubt this will bring a fresh vitality to our neighbourhood and set our path for the future.

Sincerely,

**Appendix "F-2" to Report PED22098**  
**Page 8 of 18**

**Barnett, Daniel**

---

**From:**  
**Sent:** May 5, 2020 3:35 PM  
**To:** Dear, Andrea  
**Subject:** Re: 1107 Main Street West, Hamilton File No. UHOPA-20-012  
**Attachments:** Neighbourhood Residents.pdf

Hi there,

Please see the attached petition in support of the proposed development on 1107 Main St W.

Thanks,

On Thu, Apr 23, 2020 at 12:31 PM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hello Ilan,

This type of application normally takes a year or two to be complete. In light of the unfortunate circumstance we are in , this may take longer. I don't think I would be able to get a report to Planning Committee early next year.

I am still waiting on comments from a number of agencies. Once those are received in full I will be in a better position to estimate timing.

Please feel free to stay in touch and I can keep you up to date.

**Andrea Dear, MCIP, RPP**

Senior Planner

**From:** \_\_\_\_\_  
**Sent:** Thursday, April 23, 2020 11:14 AM  
**To:** Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>  
**Cc:** Wilson, Maureen <[Maureen.Wilson@hamilton.ca](mailto:Maureen.Wilson@hamilton.ca)>; \_\_\_\_\_; McKie, Shannon <[Shannon.McKie@hamilton.ca](mailto:Shannon.McKie@hamilton.ca)>; Fabac, Anita <[Anita.Fabac@hamilton.ca](mailto:Anita.Fabac@hamilton.ca)>; Robichaud, Steve <[Steve.Robichaud@hamilton.ca](mailto:Steve.Robichaud@hamilton.ca)>  
**Subject:** Re: 1107 Main Street West, Hamilton File No. UHOPA-20-012

Thank you for your response. What does the timeline look like for this type of project?

On Thu, Apr 23, 2020 at 10:48 AM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hello

**Appendix “F-2” to Report PED22098**  
**Page 9 of 18****Barnett, Daniel**

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**From:**  
**Sent:** April 21, 2020 10:33 AM  
**To:** Dear, Andrea  
**Cc:** Wilson, Maureen; board@awwca.ca  
**Subject:** [\*\*\*POSSIBLE SPAM]1107 Main St W

To whom it may concern:

As a neighbour in close proximity to 1107 Main Street West, I fully support the proposed development. My wife grew up on Dow Avenue, meters from the site, and now we, as a young couple, have chosen this same block to raise our two children.

As a real estate professional, this development is astonishing and clearly demonstrates the developer's commitment to strengthening the family character of our neighborhood. The most obvious financial model, for a site so close to McMaster University, would be a dormitory-style building of studio units exclusively targeting students. These are common in other university areas, similar to the two other major projects nearby in the development stages. This application proposed is clearly not motivated solely for profit, with the incorporation of townhouses, apartments with large living areas, and a high ratio of underground parking stalls, rather to add family-style and affordable housing to the Westdale area.

Our neighborhood is currently saturated with houses that have been converted to student rental. Our community desperately requires the development of this nature. This proposal has the power and potential to tip the scale and transform the character of our community. Frankly, I do not know whether our neighborhood will remain an option for families without it. We need this development to bring a balance to the neighborhood.

**Appendix "F-2" to Report PED22098**  
**Page 10 of 18**

Thank you for this petition of support. This will form part of the public record and will be considered while evaluating the application.

We are working with the applicant to ensure that all of the information is available to anyone interested. The applicant is setting up a website where all the materials can be accessed. Once this has gone live, I will contact you and others with the web address. In the interim, anyone wishing more information can contact me directly.

Take care.

**Andrea Dear, MCIP, RPP**

Senior Planner

**From:**

**Sent:** Wednesday, April 22, 2020 5:14 PM

**To:** Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>

**Cc:** Wilson, Maureen <[Maureen.Wilson@hamilton.ca](mailto:Maureen.Wilson@hamilton.ca)>;

**Subject:** 1107 Main Street West, Hamilton File No. UHOPA-20-012

To whom it may concern:

Please see the attached list of direct neighbors, within 150 meters of the development, in support of application no. UHOPA-20-012

There are several more who are inclined to support but are awaiting more information.

Thank you in advance,



Appendix "F-2" to Report PED22098  
Page 11 of 18



Tuesday, April 21, 2020

RE: APPLICATION FOR AMENDMENT, FILE NO. UHOPA-20-012

Attention: Andrea Dear  
City of Hamilton Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton ON L8P 4Y5

Dear Ms. Dear.

The Board of Directors of the Adas Israel Congregation, with unanimous approval, supports the Application for Amendment at 1107 Main Street West, Hamilton (file No. UHOPA-20-012).

The Adas Israel Congregation, founded in 1912, relocated to our current location at 125 Cline Avenue South, in 1961, to the parcel adjacent to 1107 Main Street West. While the synagogue continues to expand, its growth is being curtailed by the acute need for suitable family housing in the neighbourhood. This predicament has been compounded over the years by the ever-expanding conversion of family homes to student homes in the Ainslie-Wood/Westdale community. The diminishing stock of appropriate homes is continually eroding the character and nature of our neighborhood. As many of our congregants are Sabbath observers, who walk to synagogue on Saturdays, the problem is critical.

Since the summer of 2017, the Adas Israel Board of Directors has been proactively engaged with potential developers to insure that any future development at 1107 Main Street West meets the needs of the congregation, as well as the Ainslee Woods Westdale neighborhoods.

**Appendix "F-2" to Report PED22098**  
**Page 12 of 18**

In our discussions, we have found that the applicant has shared our vision and has been responsive to community needs, as reflected in the design of the project. The proposed plan incorporates townhouse units in the podium, on grade, with one-floor units to accommodate seniors and others with mobility challenges. The general suite mix is conducive for family living, and, upon community feedback, the developer has incorporated a third level of underground parking.

Due to its proximity to McMaster University, this development will be one of the few in the area, if not the only, that will foster community development and not be designed as purpose-built student rental. It is our conviction that this application deserves to be embraced as part of a strategic plan to preserve and strengthen the communal character of the Ainslie-Wood/Westdale neighborhood.

Yours truly,

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האקדמיה העברית בהמילטון זכרון מאיר

**Hamilton Hebrew Academy**

April 21, 2020

**RE:** File No. UHOPA-20-012 ZAC-20--016**Attention:** Andrea Dear, City of Hamilton Planning and Economic Development Department  
71 Main Street West, 5th Floor. Hamilton ON L8P 4Y5

Ms. Dear,

The Hamilton Hebrew Academy is the largest Jewish school in the area. While enrollment has grown in recent years, the percentage of students from outside of Hamilton-Wentworth has outpaced local growth. We attribute this demographic trend to the lack of suitable housing in the local neighbourhood.

As the closest institution to the proposed development, at 1107 Main Street West, we were pleased to review the application and enthusiastically lend our support to the application. The plans provide much needed housing inventory and have been designed to cater to the needs of families with children, as well as their grandparents, which will enrich and invigorate the character of our community.

We look forward to seeing the development come to fruition, overflowing with life in our community park, our school and neighborhood, with dynamic and intergenerational vitality,

Sincerely,

Principal, Hamilton Hebrew Academy

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As community members of Ainslie Woods/Westdale, impacted by the proposed development at 1107 Main Street West, we the undersigned support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents that will be most greatly impacted by the development, we feel this will enhance the quality of living in our area.

NAME

ADDRESS

SIGNATURE

12 Signatures on Petition

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As community members of Ainslie Woods/Westdale, impacted by the proposed development at 1107 Main Street West, we the undersigned support application UHOPA-20-012.

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NAME	ADDRESS	SIGNATURE
9 Signatures on Petition		

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We, the residents of Cline Avenue South, Dow Avenue and Paul Street, who live within 150 meters of the proposed development at 1107 Main Street West, support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents that will be most greatly impacted by the development, we feel this will enhance the quality of living in our area.

NAME	ADDRESS	SIGNATURE
20 Signatures on Petition		

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We, the residents of Ainslie Wood & Westdale, in the area of the proposed development, at 1107 Main Street West, support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents near the development, we feel this will enhance the quality of living in our area.

NAME	ADDRESS	SIGNATURE
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9 Signatures on Petition



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We, the residents of Ainslie Wood & Westdale, in the area of the proposed development, at 1107 Main Street West, support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents near the development, we feel this will enhance the quality of living in our area.

NAME	ADDRESS	SIGNATURE
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9 Signatures on Petition





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**4.2 Questions received in advance and during the August 11, 2020  
Public Community Meeting:**

PLANNING

QUESTION – ANGULAR PLANES AND PLANNING JUSTIFICATION

We received a question about the reason behind the Zoning By-law application and the proposed building height as well as angular plane. Could you tell us a bit more about this, and talk about other policies and considerations from the PPS that were considered in putting forward this proposal?

RESPONSE

From a planning policy perspective, the site’s location is appropriate for intensification.

- Provincial policy (Growth Plan and PPS) require municipalities to intensify within the existing boundaries and to identify strategic growth areas where new development is directed
- The UHOP identifies this corridor as a strategic growth area, a primary corridor where intensification is directed.
- The site is one of the largest along this corridor and can achieve the additional height being requested.
- The UHOP requires new development to be compatible with the surrounding context.
- In our opinion, our previously submitted Planning Rationale was able to rationalize how the proposal conforms with the policies set forth in the PPS and Growth Plan and how it maintains the general intent and purpose of the UHOP and Secondary Plan.

With respect to the building height and angular plane.

- The building was designed to respond to each of its 3 street frontages.
- The purpose and intent of Angular Planes are to provide transition to adjacent parcels of land and to limit built form impacts that include light, view, and privacy.
- At grade units proposed on Dow and Cline Avenue with upper portions stepped back away from the street.

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- Main Street West is identified to be an intensification corridor to promote a higher density and transit-oriented development.

Built form impacts –how will the building responds to the surrounding context:

- We have reviewed the shadow impacts and, in our opinion, do not create any unacceptable impacts on the subject site or surrounding area
- Angular planes were applied to the building from the east side of Dow and west side of Cline.
- Only projections are from the taller portion (15-storeys) along Main Street West.
- Applying the angular plane greatly reduces the shadow impact to the low rise neighbourhood to the east, west and south.

Built form and Massing

- The proposed building has been designed in line with the City's urban design policies and guidelines, in order to achieve an active and pedestrian oriented place, which responds to the Main Street Primary Corridor and appropriately transitions to the surrounding stable neighbourhood.

QUESTION – BUILDING HEIGHT

Another question we received was about other buildings in the area and how specifically they relate to this application. When you looked at those other three projects (McMaster Traymore Student Residence, the Columbia International College Student Residence, and Camelot Towers), what were the types of things you considered when you looked at those projects and then evaluated this particular site?

RESPONSE

- The existing and approved buildings represent an evolving neighbourhood character with denser development along Main Street West.
- Each development is reviewed based on its own merits and how it responds to its surroundings in a compatible manner.

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- In this case, this site is an appropriate location for intensification and the proposed height is based on the relationship and built form impacts to the surrounding context.
- Strategic growth area and higher density envisioned along corridor.
- Height is based on a review and analysis of built form impacts.

CULTURAL HERITAGE

QUESTION

- There's been a question about the two buildings on site and the heritage of these two buildings, their relationship to the new building, as well as the relationship to the architecture of the adjacent Adas Israel Synagogue.
- We also received a question about the Cultural Heritage Landscape of the Grace Lutheran Church, its gardens, and whether there could be a way of incorporating some of the existing landscaping into the proposal?

RESPONSE

- Both the Grace Lutheran Church and Adas Israel Synagogue are considered an "Inventoried Property", which means it is included on the "Inventory of Buildings of Architectural and/or Historical Interest" for the City of Hamilton.
- This inventory contains a list of over 6,000 properties which are identified as being of potential cultural heritage value or interest.
- They are also included on the "Inventory of Significant Places of Worship in the City of Hamilton", an ongoing project to identify and document heritage sites and structures throughout Hamilton, a city which is undergoing continuous change.
- Both properties are subject to heritage policies of the Urban Hamilton Official Plan.
- Metropolitan Design Ltd. Is the heritage consultant that forms part of the consultant team and they worked closely with the architect to design the project.
- As part of the application a Cultural heritage impact assessment was submitted in support of the application.
- The report concludes the proposal conforms to the UHOP policies and is an appropriate response.

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- The resubmission includes an updated cultural heritage impact assessment, which addresses the comments received from the City and Municipal Heritage Committee.

**ARCHITECTURE AND DESIGN**

**Building's Users**

- There has also been a question about whether this development has been designed for students, and generally who are the intended users of this building?

**RESPONSE**

- The proposal has not been designed or intended for student rentals.

**Unit Sizes**

- We received a question regarding the average sizes of the building's units. Could you speak to what standard was used when determining the proposed unit sizes in this building?

**RESPONSE**

- The proposed mix of units is provided in Table 1 above. Additionally, the average unit sizes being proposed are as follows:

Bachelor Unit – 355 SF  
 1 Bed Unit – 495 SF  
 1 Bed + Den Unit – 515 SF  
 2 Bed Unit – 750 SF  
 2 Bed + Den Unit – 800 SF  
 3 Bed Unit – 900 SF  
 3 Bed + Den Unit – 1000 SF

**Design / Aesthetics**

- When it comes to the inspiration for the building's design, could you tell us a bit more about that? For example, going through what design elements you've incorporated to reflect the context and character of the local neighbourhood and surrounding buildings.

**RESPONSE**

- The design of the proposed building is a result of a number of considerations, including materials found in the neighbourhood, an evolving architecture within

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the neighbourhood that includes a mix of styles and more recently the introduction of modern buildings.

**Balconies**

- SRM has designed other buildings in the City without balconies, why does this building have balconies?
- Do you anticipate there will be concerns or noise complaints due to the uses that would be adjacent to the residential building? Will those uses (for example, the synagogue) limit the functionality of the balconies?

**RESPONSE**

- Buildings without balconies tend to be designed for student residence buildings and office buildings.
- Balconies have been provided for additional personal amenity space for each unit.
- There is no anticipation that there will be any concerns or noise complaints due to the balconies, since it is common, planned, permitted and encouraged to have balconies on mid-rise and tall buildings along intensification corridors within the urban area and near other sensitive uses (residential and institutional uses).

**Playground**

- We had a question about whether there would be any impacts (e.g. shadowing) on the synagogue's playground?

**RESPONSE**

- Due to the orientation of the proposal, no shadow impacts are proposed to interfere with the synagogue's playground.

**AMENITY SPACE**

There was a question regarding the amount of indoor/outdoor amenity space that's provided, what the amenity spaces are like, as well as how this all relates to the zoning by-law requirements?

**RESPONSE:**

- The Zoning By-law requires:
  - An area of 4.0 square metres for each dwelling unit less than 50 square metres;

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- An area of 6.0 square metres for each dwelling unit more than 50 square metres;
- The zoning bylaw defines an amenity area as either outdoor or indoor:
- Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or Planting Strip.
- The proposal exceeds the zoning requirements and provides:
  - A large indoor amenity room (+/-1,000 sq. ft.)
  - Large landscape courtyard (+/-480 sq. m/5,200 sq. ft.)
  - As well as private balconies and terraces.

#### OTHER QUESTIONS

#### MEETING WITH NEIGHBOURHOOD ASSOCIATIONS

There was a question regarding the November 2019 meeting with neighbourhood associations, and the community feedback and discussion at this meeting with regards to a height increase from 13-storeys to 15-storeys. Could you clarify that meeting for us and the proposed design changes that followed from that meeting?

#### RESPONSE

- We (consultant team, ownership group, and Rabbi Green) met with representatives from the Ainslie-Wood Westdale Community Association and Ainslie Wood Community Association.
- At that time the proposal was for a 13-storey building with 2-levels of underground parking. At that meeting some of the representatives stated that they understood that Main Street West is an intensification corridor and that they accept that height is appropriate at certain locations like this one.
- They also the discussed the need for additional parking and economically the additional level of underground parking would require additional saleable area.
- Based on this feedback the proposal was revised to increase the height and add a level of underground parking.

#### COMMERCIAL USES



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There was a question about the types of businesses and tenants that the applicant is thinking of for the retail/commercial component of the project, as well as some questions about why there are no designated parking spaces for this commercial component.

**RESPONSE**

- The types of businesses and tenants that will occupy the commercial space of the proposal will be market driven. Local uses that can operate in the space being provided will ultimately be the types of businesses and tenants that will be selected.
- No designated parking has been provided for the commercial component due to the urban and pedestrian focused nature of the built form. It is common practice that commercial/retail uses that front onto an intensification corridor such as Main Street West would provide no dedicated parking.
- In addition, it is anticipated that the residential visitor and commercial parking will be shared between the two uses.

**TRAFFIC AND PARKING**

- Another question we received is whether parking spots in the underground garage of the proposed building might be rented out to McMaster students or other non-residents of the building?
- Question regarding the 8 proposed at-grade parking spaces along Cline and Dow for the townhouse units, which will be permit parking. Can you share a bit about the rationale for including these parking spaces at-grade and not in the proposed underground parking garage?
- Some are also wondering about the school drop-off and parking plan on Cline and Dow. Could you explain this a bit more?

**RESPONSE**

- The proposed vehicular parking is intended for the residents and visitors of the proposed building. Utilizing the parking as a “commercial parking facility” to be used by other uses in the area is not proposed and, as such, would not comply with the Zoning By-law.
- The proposal was revised and the on-street layby parking was removed from both Cline and Dow.

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QUESTIONS/COMMENTS DURING THE MEETING:

There were a number of questions asked during the community meeting, the following is a summary of the questions and our responses. Questions that are answered above have not been repeated here. We have grouped the questions into categories to better answer the concerns being raised.

*Building/Built Form*

- Are floor plans available to view?
- A "mid-rise" building is defined by the City of Toronto as 5-6 stories, with a maximum of 11 stories. The proposed building is not a "mid-rise" building.

RESPONSE

- A website has been created for the project, which provides a all of the submission materials and will provide updates and any resubmission materials. (<https://www.1107mainhamilton.com/>)
- The City of Toronto's mid-rise guidelines define a mid-rise building as generally relating at a 1:1 ratio to the street in which it fronts, which in most cases significantly exceeds 5-6 storeys. The City of Hamilton Tall Building Guidelines identifies that a "Mid-Rise" building is a building ranging in 6-12 storeys on a lot depth of approximately 32.6 - 44.6 metres. The subject site has a depth of approximately 58-86 metres. Furthermore, only 3- storeys of the proposal, of which have been drastically reduced in floorplate site and drawn close to the Main Street West frontage are in excess of a "mid-rise" building per the City Tall Building Guidelines. In addition, the large depth of the subject site also allows for the additional height where being proposed with no negative impacts to the residential neighbourhood. It is our opinion that the proposal maintains the general intent of a "mid-rise" building.

Where is garbage collected and how is it picked up? How do you ensure that garbage is not strewn on the streets and does not interfere with daily school drop off and pick up. How do you ensure that garbage does not impact neighbourhood - especially with mice and rats.

RESPONSE

- Garbage pickup and storage is provided internal to the building and not on the street.



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- Details related to garbage will be addressed during the required Site plan control stage.

Being an owner of 3 homes on Dow. Comment on the sewage please. We are all having back up issues because there is only one line. This building would add to the problem.

**RESPONSE**

- A Functional Service Report has been prepared and is in support of the proposal, which addresses sewage capacity. City staff are reviewing the report and proposal to ensure it complies with the City's requirements.

**Traffic/Parking**

- There are presently markings on Cline at Main pavement that appear to lay out a lance reduction measure. Is that part of your considerations on traffic?
- How many cars can wait to make a turn at the north end of Cline between the project's driveway and Main? At sometimes there is a solid line of eastbound vehicles across the ends of Cline and Dow.
- The study by the City done in 2018 concluded that some of the immediate intersection are operation close to the capacity and that was before the application was submitted.
- Will any streets end up being made into “one way” streets?
- What are the plans to address the traffic flow in and out of Dow avenue? Already in the school months its difficult to turn off of main street , in school hours Dow avenue turns into a one way street
- There is already surge of traffic at drop off and pick up time of HHA school children. Having difficulty accessing court at the back of school. How will the applicant ensure that we will not be negatively affected with an increased congestion?

**RESPONSE**

- There markings do not relate to the subject proposal.
- The driveway on Cline was moved south to provide additional queuing.
- A transportation Impact Study was submitted with the application and concluded that the traffic generated by the proposed development does not add adverse impacts on the nearby road network and no road improvements are triggered as a result.

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- No changes to the street system are proposed, including any directional conversions.
- The underground parking is accessed from the driveway on Cline Ave. S., which will help alleviate the traffic on Dow.

Miscellaneous/already answered above

- How will property tax be assessed? Is there any modification since religious institutions occupied the site or are involved in ownership?
- Aside from commercial and residential use, will the common areas include anything that will be a meeting room or “cultural” uses.
- Concerned about the very limited commercial parking spaces. Since we do not know of the businesses that will come in to the neighborhood how do you plan of accommodating a proper/sufficient parking?
- Are you aware of other developments to higher density that this project will lead or has led the way, located on Dow or Cline?
- There is a concern regarding the traffic entering the complex from Main St. Street onto Cline and conversely exiting the complex from Cline onto Main St. How is this being addressed?
- I live in the immediate neighbourhood and find it difficult to access my neighbourhood either entering or exiting. Will the city of Hamilton be installing traffic lights on both Cline and Dow Ave.?
- How will the Applicant reconcile the fact that proposed development assumes the residents will use bikes as a mode of transportation when there is a significant lack of bike lanes on Main St? Since there are no immediate plans to develop new bike lanes by the City, how will the safety be assured?
- How many mature trees can be preserved?
- This question is for Mr. Falletta: In slide 1.4, you referred to this plan area of mixed use being for 6-8 storeys, which seems far more reasonable. How can 15 storeys fit here?
- Being an owner of 3 homes on Dow. Comment on the sewage please. We are all having back up issues because there is only one line. This building would add to the problem.
- What steps are included in the proposed development to make it consistent with the city council's declaration of a climate emergency and its commitment to net zero greenhouse gas emissions from Hamilton by 2050? For example, are the parking spots to allow installing charging stations for electric cars?

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**RESPONSE:**

- It is our understanding that the property will be assessed like all other mixed use buildings.
- The revised proposal includes a large 158 square metre (1,700 square feet) indoor amenity area space that can be utilized for a community room/party room for the residents of the building.
- The City's Zoning By-law provides a parking ratio for local commercial uses in mixed-use buildings. These tend to be lower, since the uses are typically utilized by neighbourhood residents that walk.
- The application included the submission of a tree protection plan, which identified existing tree resources on site and within the abutting right of ways as well as a plan for their protection. Existing trees in the centre of the site are proposed to be replaced as part of the redevelopment.
- Redevelopment of lands within the urban boundary and in an area well served by public transit provides a significant opportunity to reduce greenhouse gases. In addition, at the future site plan and building permit stages the detailed architectural plans will review the proposal and determine opportunities to further reduce greenhouse gas emissions and provide charging stations.

**Appendix “F-1” To Report PED22098**  
**Page 1 of 259****Barnett, Daniel**

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**From:**  
**Sent:** April 22, 2020 12:32 PM  
**To:** Dear, Andrea  
**Cc:** McKie, Shannon; Wilson, Maureen; Fabac, Anita; Robichaud, Steve  
**Subject:** Re: UHOPA-20-012 and ZAC-20-016

Hello Andrea,

Thank you for the prompt reply.

Could you forward a list of the applicant’s submission materials to me and I will canvass the other peer review consultants on own team to determine what they need to review. Ideally getting digital copies of the materials would be preferred. Once we have all of the information I would expect we would need 4-6 weeks to review and prepare a response.

Thank you

On Apr 22, 2020, at 9:57 AM, Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hello .

I have asked for direction on this, but I can assure you that we will be able to accept your comments after April 30<sup>th</sup>. AS you can imagine, we did not think that this pandemic would last as long as it has. We invite informed participation and will work with you on timelines.

Can you please let me know how much time you need? Also please let me know if you have all of the submitted materials in order to review?

Thanks,

**Andrea Dear, MCIP, RPP**  
Senior Planner

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**From:** .  
**Sent:** Tuesday, April 21, 2020 8:20 AM  
**To:** Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>

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Cc: McKie, Shannon <[Shannon.McKie@hamilton.ca](mailto:Shannon.McKie@hamilton.ca)>; Wilson, Maureen  
<[Maureen.Wilson@hamilton.ca](mailto:Maureen.Wilson@hamilton.ca)>

**Subject:** UHOPA-20-012 and ZAC-20-016

Hello Ms. Dear,

We are planning consultants retained by residents on Cline Avenue South with regards to the above-noted OPA/ZBA applications at 1107 Main Street West.

We understand that the applications were deemed complete on March 20, 2020 and that the City established a deadline of April 30, 2020 for the submission of public comments.

Due to the current COVID-19 environment, business and physical restrictions we have not had an opportunity to fully evaluate the applications, conduct site visits, attend at City hall or confer with our clients and other affected parties.

As a result we respectfully request an extension of the deadline for comments.

Please advise as soon as possible.

Thank you for your consideration.

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June 20, 2020

**We, signed below, would like to exercise our right and request City of Hamilton to remove our personal information from this letter before it is made available to the Applicant and the general public and that no personal information of ours appears on the City's website.**

To: Andrea Dear, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design-Urban Team  
for Shannon McKie, Senior Project Manager

Regarding:

Urban Hamilton Official Plan Amendment (File No. UHOPA-20-012)

Zoning By-law Amendment (File No. ZAC-20-016)

On March 23<sup>rd</sup>, 2020 we were notified that a Complete Application has been received by Hamilton's Planning and Economic Development Department from 1107 Main Inc. for an Urban Official Plan Amendment and Zoning by-law Amendment for lands located at 1107 Main St. W. Hamilton (Ward 1).

As this application directly affects us, we would like to submit our comments on the matter. There are several different areas that we would like to address in this opposing letter. Before we express our concerns however, we would like the Planning and Development Department to know that we are fully aware that our city is changing and expanding and that it does not come as a surprise to us that areas considered to be underdeveloped hold a special interest as future developmental opportunities; this holds true in view of the City's intensification efforts as a key component of Hamilton's growth strategy. It is especially true in the area we find ourselves in, that of Transit Oriented Primary Corridor and Neighborhoods with Mixed Use Medium Density (TOC1) Zone. We also understand that the Growth Plan provides directions on how growth is to be accommodated and includes intensification and density targets which municipalities plan on



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achieving within the existing built-up areas. We definitely do not want to be perceived by you as NIMBY but we do have specific concerns regarding this development and as residents and taxpayers we deserve our concerns to be heard and appropriately addressed. It is our belief that as Hamiltonians we should strive to preserve the attributes that set Hamilton apart from other GTA cities and make our city such a great place to live, work and play in. With its small neighbourhoods Hamilton allows a sense of being a part of and belonging to a conscientious and considerate community where neighbours are looking out for each other while residing minutes away from urban amenities. It is one of the reasons we have chosen to live here leaving Toronto behind where one does not get to experience this sense of belonging among its many concrete high-rise buildings compared to the tranquility our current, small community offers. We fear that given time, with excessive development Hamilton will lose its title of a "city of many communities" and will in fact begin to resemble Toronto. We will dearly miss the green space the Grace Lutheran Church has provided our family over the years, especially the well-maintained gardens. On the other hand, we recognize that the planned commercial spaces will bring tax revenue to the City and create jobs for Hamiltonians. We are, however, especially sad to see that the contributions of the Church to our City's food banks will cease as the gardens are planned to be replaced with the minimal ground and high rooftop replacements preventing neighbourhood residents' access. Grace Lutheran Church has been a part of this neighbourhood for many decades contributing to the religious nature of this neighbourhood along side Adas Israel Synagogue. To quote Chapter B of Urban Hamilton Official Plan "History and character is based in its communities. Our communities define the City and shape the quality of life for Hamiltonians. The quality of daily life is influenced by the quality of our built, natural, social, and cultural environments and supported by the strength of the economy and the creativity of citizens". The daily well being of all residents is dependent on all these factors, should not be ignored and its positive gains should not be understated. After careful study of the "Planning & Urban Design Rationale" prepared by Bousfields Inc. on behalf of the Applicant 1107 Main Inc. we strongly **OBJECT** the proposed changes to the Zoning By-law and Urban Hamilton Official Plan. The following are the areas of concern for us:

**Zoning- Hamilton Growth Plan:** Policy E 4.2.2 allows lands of less than 4 hectares to be developed within the Neighborhood Designations specified as Mix Use Medium Density Zoning with 1107 Main St. W. falling in this size range. Policy E.4.6 intends Mix Use-Medium Density designation to permit a full range of retail, service commercial, entertainment and residential accommodation at a **moderate** scale. Policy E.3.0. states that Neighbourhood Designation means living areas of various land uses that are important to the neighbourhood as is the importance of the relationships between these uses, the locations of the uses, how they function together, how they are designed and how they are accessed by local residents. Furthermore E.3.1.4. and 3.1.5. state that the goal of Neighbourhood Designation is to promote and support design which enhances and respects the character of the existing neighbourhoods and residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods while at the same time allowing their ongoing evolution. Current scale allowance in the TOC1 Zoning allows a maximum height of 6 storeys (E.4.6.7). Additional height up to a total of 8 storeys (E4.6.8) may be permitted without an amendment to this Plan, provided that the applicant demonstrates: (a)(b)(c) as stated in the policy. We believe the Applicant failed to adequately prove, among

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other things, that there will be no adverse shadow impacts created by the 15-storey development thus we insist that the current scale of 6 storey height be maintained.

**Intensification:**

We recognize that Chapter B policy 2.4 which states that intensification contributes to creating and maintaining vibrant neighborhoods, nodes, and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton’s current and future population and develops and transforms targeted areas, such as ours, creating livable, vibrant, compact communities; facilitates and enhances the node and corridor structure of the City, and makes efficient use of the City’s public transit network and other infrastructure. As the City states, the goal of increased residential density within existing developed areas is driven by providing a variety of housing choices utilizing existing public infrastructure and reinforcing opportunities for pedestrian and transit friendly neighbourhoods **critically** maintaining the compatibility with the surrounding neighbourhoods. We believe that, as an intensification effort, placing a high rise building directly adjacent to low rise buildings presents a significant departure from the immediate surrounding neighbourhood and is thus inappropriate. It is our position that as our ever-growing population is in need of additional dwelling places, we all should strive to find a middle ground when approving new developments especially such that may not be fully compatible with the surrounding neighbourhoods. Just because the Official Plan does not contain density limitations, does not mean that the Applicant should be free to establish a density based on specific built form design and ignore the surrounding immediate and current neighbourhood density.

**Build form:**

It does not appear that the development is sensitively designed nor appropriately integrated into the existing neighbourhood. As a key consideration, compatibility stresses harmony of new development with the existing neighbourhood by encouraging development that increases the number of units on the property yet complements the character of the neighbourhood. Although the designer made an attempt by integrating the townhomes along Cline and Dow Avenues with the 2-storey townhouses, the remainder of the proposed development appears to be architecturally bulkier and overbearing from the surrounding residential low-rise contemporary neighbourhood. Due to the excessive number of proposed stories the built form will not complement the current neighbourhood. The commercial buildings immediately located to the proposed development area along Main St.W. are maximum 3 storeys in height. The 1Dow Ave. property picture provided by the Applicant is hardly representative of many area homes. A great number of homes in the neighbourhood have been designed by a renowned Hamilton architect named Joseph B. Singer, please see attached pictures of other area residential homes that better capture the surrounding architecture. On pg. 47 the Applicant states that there will be a “minimal” penetration to the sideline 45-degree angular plane setbacks on the 13-15 levels. We beg to differ, any additional storey of this development will greatly affect the light, view and privacy and we find it insulting that the needs of the neighborhood property owners are so casually dismissed. The scale and development’s massing and overall domineering effect will transform our landscape from tranquil to a combination of glass/concrete downtown structure.



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Policy Chapter B 3.3.3.3. states that New Developments shall be massed to respect existing and planned street proportions. In our opinion the proposed development is not respecting the existing street proportions along Dow Ave. nor Cline Ave. In addition, multi family high rise dwellings are inconsistent with the neighborhoods developed in the area. The Camelot Towers is currently the only 12 story high building located in Ainslie Woods but unlike the proposed development, is set well off the Main St. to allow ample space around it. Chapter E 2.4.10 of UHOP speaks of a built form along the Urban Corridors to “generally consist of low to mid rise forms, but may vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form”. We understand that there are several proposed developments that are very fitting within this policy coming into Ainslie Woods, some of which are also seeking amendments to allow height increases i.e. McMaster and Columbia College Residences. Both projects are desirable and serve a very designated purpose, that to provide residence to students and provide necessary support for a main area employer. On pg.49 the Applicant claims that 1107 Main St. W. is neighbourhood consistent in its height, massing and density and provides McMaster and Columbia collage residences as examples, failing to recognize that it is in fact not consistent with immediate surrounding neighbourhood. Chapter E 2.4.16 speaks of New Developments along the Corridors to be respecting of the existing built form of the adjacent neighbourhood. All other currently planned projects for Ainslie Woods are within the 5-9 storeys in height and are well blending within the residential neighbourhood e.g. 71,75&77 Leland Ave. and 69 Sanders Blvd. projects. We insist that the City respects our current zoning and does not allow a zoning amendment to build above 6 stories in height.

**Traffic, Road Safety, Congestion & Parking:**

Hamilton has an amazing public transportation system and to the benefit of the developer it has been well presented however the further development of transit in form of the LRT line has been currently suspended which may affect the plans going forward. The Urban Corridors policy 2.4 states “The City’s corridors provide a significant opportunity for creating vibrant pedestrian and transit-oriented places through investment in infrastructure, residential intensification...and careful attention to urban design”. The developer proposes 156 bike parking spaces to be available for the residents however we desperately lack proper bike lanes on Main Street. At this stretch of the Corridor, Main St. is not a pedestrian oriented street but a two directional fast-moving road and the lack of bike lines on Main St. poses a dangerous idea. We have been living here for the last 16 years and know firsthand how dangerous Main St. is for bikers. We have never allowed our children to bike on the road and instead always had them bike on the sidewalk. I have personally hit a biker with my car while exiting Dow Ave., a biker who just like us was using a sidewalk instead of the road. With the nearby schools, traffic and safety of pedestrians is of major concern for us. Lack of appropriately designed and designated bike use lanes pose additional dangers to area residents and to users themselves. To point it out, the stretch of the corridor where the area developments are planned, including 1107 Main St W., have no planned bike lanes identified in Transportation Master Plan Recommendations Project #TPB186044(7.1) from December 2019. While we would expect the city to make all the necessary improvements to accommodate the increased traffic, especially environmentally friendly modes of transportation, we should not forget many students use not only bikes but also rollerblades,

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skateboards, power toys etc. As with any college town we have come to understand that we reside in high bike theft area, having our own 4 bikes stolen over the years. We fear that the new development with its ambitious focus on bikes may certainly increase criminal behaviour in the neighbourhood. It is also worth noting, that due to the property's peculiar shape there is a dangerous, invisible corner that may cause an increase in collisions as a new bulky structure may cause impaired sightline issues. In addition, we already experience a surge in traffic during morning and afternoon hours making it very difficult to exit Dow Ave. and Cline Ave. in either direction, with generally high delays along Main St. between Coots Dr. and Hyw 403 Off-Ramp. It is an expectation that with the implementation of the LRT the traffic would decrease but that is currently not the scenario being considered. We suspect that with the lack of the LRT and with a significantly increased local population the traffic surge will increase further along with pollution (car exhaust fumes) and noise and thus will negatively impact the safety of local residents and school children some of whom are of special care. In preparation of the LRT construction a recent study "Future Conditions Report Ainslie Wood Traffic Management Review" from 1/14/2019 prepared by Wood Environment & Infrastructure Solutions, concluded that our immediate intersections are projected to operate with an overall acceptable level of service in both AM and PM peak hours but some intersections will reach near capacity by the 2031 horizon year and that conclusion was reached before the application of this development. We would ask that this information also be considered when making your decision as any high-rise building is not built to last a mere 11 years but way beyond that. Although, the commercial spaces planned in this development are predominantly designated for resident's use there are no such guaranties that outside customers would not wish to access the services offered thus resulting in additional traffic increase and parking problems. Policy Chapter E of HUOP 4.6.26 states that "Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation". I believe the Applicant has tried to well balance the different modes of transportations however, we can not ignore that automobiles will remain in use regardless of and in addition to other modes of transportation. The 1107 Main St W. proposes 310 dwelling units yet only 234 parking spaces in total. Our households are generally changing and become smaller and it makes absolute sense that the developer plans to have 54.70% of this structure occupied by singles or couples. Although, the remaining units represent only 45.3% they will be of higher density and the entire project can reach as many as 1000 new people on this small plot of land. The environmental footprint surely needs to be considered. Many residents will move in and adjust their lives accordingly and use the environmental modes of transportation, however the remainder especially the ones with children may still require more than one car. In our opinion the proposed number of parking (181 residents and 31 visitors) may prove inadequate and result in congested street parking. That has already proved a challenge in other areas of Ainslie Woods where it is difficult to back out of the driveways due to the parked vehicles on the streets (Ainslie Wood Traffic Management Study Dec/2019).

**Environmental Factors:**

Loss of direct **sunlight** is a major concern for us as it represents most of the light we currently enjoy inside our home. One of the best features of this beautifully designed house is the absolute



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use of the huge east and west facing windows in an attempt to capture the maximum amount of sun and heat. In addition, as the direct sunlight is captured and solar heat retained it provide us with light and heat reducing our electricity bills. We have no other way to prove this point except by providing the following pictures which have been taken on June 13<sup>th</sup>, (before the longest day of the year June 21) starting at 8am and continued every hour until 9pm clearly showing the amount of direct sunlight we currently receive. One of the best features of this beautifully designed house is the absolute use of the huge east and west facing windows in an attempt to capture the maximum amount of sun and heat. In its Planning Rationale the Applicant claims to have eliminated the shadow impact on the existing neighbourhoods, yet the shadow study provided clearly shows a significant shadow impact on our house. Page 47 of Design Rationale states that "between the hours of 10am to 4pm the proposed development allows for full 6h of sun coverage for all off-site private and public areas". That statement is false, and the commissioned study provided should be further investigated. We normally can enjoy about 2 hours of sunlight from the east in the morning. Then we have no sunlight until about 1:30pm when we can enjoy direct sunlight until late into the evening. This scenario, of course is ideal on the nice sunny day regardless of the season (except winter) and will differ on a gloomy day when we only receive daylight but not direct sunlight. With the proposed height of the development it is impossible to receive a minimum of 5 consecutive hours of full sun coverage. New multi story buildings can have a negative impact on adjacent properties and public sidewalks when they cast shadows for long periods of time. In our opinion, the proposed built form, and setbacks of the taller elements of the building are inappropriate and the shadow impact on our property has not been adequately eliminated. The proposed built form even with the setbacks of the taller elements significantly and negatively affect the direct sunlight plunging our house into deep shadows. It is especially important to address the negative overshadowing for buildings along the south side of east/west arterial of which we are. On pg. 44 the Applicant states that there generally exist or are planned greater heights along Mains St. between Longwood Rd. and Cootes Dr. and in fact there is only one such high rise (Camelot Towers) that currently fit that description. Furthermore, the mid-rise intensification of the corridors still refers to the maximum of 6 storeys in height. Policy Chapter E of Urban Systems and Design 2.4.16 state that "New Developments shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods, (OPA98). Pictured below is a picture we took to show the overlooking that will result as a consequence of this development. We of course are concerned about losing our privacy and resent that not much can be done to decrease it. For if we install privacy blinds, we will lose the little of the light we may get. Although, the loss of a view can not be considered in planning especially such as important as main corridor redevelopment, we wish the Project Manager to see the view we will never see from our front door ever again once this building is built. On pg. 47 the Applicant states that the proposed development will not result in any unacceptable sky view impact; again, we beg to differ with it. **Sound** travels and impacts so much; the negative effect of noise, whether intermittent or continuous can result in physical conditions such as hypertension or sleep disturbance and a wide range of mental/emotional illnesses such as anxiety, anger, and depression. To be clear, we are concerned about the noise disturbance not only during but also after the construction of the proposed development. With a significantly increased resident density we are greatly concerned

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with additional noise. The Applicant has provided the noise study but only regarding the future residents of the development and not to the effects the noise will have on current neighbourhood. We are concerned that such a massive structure, which will house so many people, the stationary and constant noise that will be produced will greatly affect our peaceful and relaxing atmosphere in our home and our neighbourhood. We are, of course concerned about the **vibration** the construction will produce but that at least will end when the project is completed. Therefore, we are insisting that the zoning not be allowed to change to accommodate the height the Applicant is applying for. We are very sorry to see the Grace Lutheran Church go. The green space provided us with our own little park right next to the busiest street in town. The massive trees along Dow Ave. will be greatly missed if they cannot be saved. It is especially sad because the new development allows a very limited 2,500 sqf of amenity space. The green amenities within immediate neighbourhoods provide a walkability and are a great source of mental health balance and are vital to the character of our city. The less tangible factor of tranquility that can not be measured will be greatly missed as the little that the development offers in this regard will not be accessible by neighbours.

At last, please note that we have taken every effort to present accurate information for your consideration. This has proven a steep learning curve for us, and we can not accept any responsibility for unintended errors or omissions. We do, however, ask that you please take all factors into consideration before reaching your decision.

Sincerely,



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**From:**  
**Sent:** May 5, 2020 3:48 PM  
**To:** Dear, Andrea  
**Subject:** Re: [WARNING : A/V UNSCANNABLE] Re: 1107 Main St W.

Hi Andrea,  
I am sorry I was not going to bother you today but as I was reading through the material you forwarded yesterday, which is proving to be a very steep learning curve for me, I came across some info that I may need help with. Are there engineers in your department who specialize in shade and noise studies and are able to answer my questions? Or perhaps you or someone else knows of a specialist in these areas and perhaps you could recommend so that I could have my questions answered as I am preparing to submit my comments?  
Please let me know. I will try not to bother you too much but unfortunately can't promise it.  
Thank you again for your very prompt answers every time.

Sent from my iPhone

On May 4, 2020, at 2:55 PM, wrote:

Thank you very much Andrea. I now will be able to see the whole project and comment appropriately.  
Have a good day and stay safe

Sent from my iPhone

On May 4, 2020, at 9:25 AM, Dear, Andrea wrote:

<https://www.1107mainhamilton.com/>

Hi,

Above is a link to all the information submitted as part of the application.

I am not 100% certain which information you are looking for but this is a valid and complete application. They have met the requirements of the Planning Act.

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IF you are looking for additional information on ownership, I recommend contacting the agent David Falletta.

I hope this is helpful.

Andrea Dear MCIP, RPP

Senior Planner

City of Hamilton

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**From:**

**Sent:** May 1, 2020 3:14 PM

**To:** Dear, Andrea

**Subject:** Re: [WARNING : A/V UNSCANNABLE] Re: 1107 Main St W.

Hello Andrea,

It is me again, sorry. I have read through the Application you have emailed yesterday and have a question. I have not noticed any dates nor signatures of city official, I only see the registered owner's signature on pg's 20, 21, 24, 27th. Is this a standard practice? Is this application even valid? Perhaps there is another official document that confirms the receipt of this application? I am sorry, as I mentioned before I am unfamiliar with such documentation but it struck me as a bit incomplete...

On Thu, Apr 30, 2020 at 12:17 PM .

wrote:

Thank you. Will do

Sent from my iPhone

On Apr 30, 2020, at 11:45 AM, Dear, Andrea  
<[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

David Falletta of Bousfields Inc. is the agent.

I have attached the application form. 1107 Main Inc. has a contact at Sage Condos. I assume that this is the owner.

If you want to know more, I recommend contacting David.



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As for timing, I think 4-5 weeks from receipt of the materials could be allowed. Does this seem reasonable?

Andrea

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**From:****Sent:** April 30, 2020 11:30 AM**To:** Dear, Andrea**Subject:** Re: 1107 Main St W.

Thank you Andrea for this reply. How much time will you give me to study these materials before I submit my comments and before you begin drafting your report?

Also, do you have the digital access to the application yet? I still would like to have the names associated with the company/applicant, please.

Thank you,

Sent from my iPhone

On Apr 30, 2020, at 10:30 AM, Dear, Andrea  
<[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hi Anna,

The applicant is getting a website set up with all of the materials. I have just asked them for an update on the timing. It should be ready in the next day or 2. I will let you know as soon as it becomes available.

Andrea Dear MCIP, RPP

Senior Planner

City of Hamilton

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**From:****Sent:** April 30, 2020 1:28 AM**To:** Dear, Andrea**Subject:** Re: 1107 Main St W.

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Good morning Andrea,  
It is me again asking for help; so sorry to be such a nuisance. I find it quite difficult to offer my comments as I do not have enough information in regards to the development. Are you able to provide me with the remaining documents I requested?

Thank you,

On Wed, Apr 29, 2020 at 2:11 PM Dear, Andrea  
<[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hi ,

You can for sure have more time. The April 30 is a suggestion, but comments are welcome up to and including when we get to Planning Committee. You are welcome to comment when you are ready. I have not begun drafting the report.

**Andrea Dear, MCIP, RPP**

Senior Planner

**From:** .

**Sent:** Wednesday, April 29, 2020 2:01 PM

**To:** Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>

**Subject:** Re: 1107 Main St W.

Hello Andrea,

I wanted to notify you that I need more time to research the project before I can submit my comments. As you have stated in your email on March 23rd, April 30th is not a hard deadline I would like to take this time to learn about this development. I really need your assistance in getting as much information as possible. Not sure of which information I am allowed to receive prior to the Planning Committee meeting but could use all the help I can get. I am sure you have a lot of projects to deal with and I appreciate the fact that you have been able to correspond so timely with me. My question from my email from last night still an info I would like to receive as soon as you get a chance.

Thank you,

On Tue, Apr 28, 2020 at 12:40 AM .  
wrote:

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Thank you so much Andrea for the Planning & Urban Design Rationale, I will await the rest of the documents. I am sure it will be an interesting read! Also, on March 23rd you have mentioned in your email that you will try to follow up with the names associated with the company 1107 Main Inc. Would you happen to have this information ready for me?

Have a good day and stay safe,

On Mon, Apr 27, 2020 at 9:50 PM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hi. ,

No worries...these are crazy times and we are all doing the best we can.

Feel free to contact me, but you can also copy Shannon if you like. She is my Senior Project Manager. I copy her to keep her in the loop, but I am the planner on the file.

The applicants have been working to create a webpage where all the information is available to the public. This will be ready by end of week. I will forward you the link as soon as that is available. In the interim, I am attaching the Planning and Urban Design Rationale for you.

Andrea Dear MCIP, RPP

Senior Planner

City of Hamilton

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**From:**  
**Sent:** April 27, 2020 8:52 PM  
**To:** Dear, Andrea  
**Subject:** Re: 1107 Main St W.

Hello Andrea,

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Please ignore the first part of my recent email.  
I clearly found the information in your previous letter. My apologies, again.

I would still, however like to receive the remaining info at your convenience.

Thank you,

On Mon, Apr 27, 2020 at 12:54 PM

> wrote:

Hi Andrea,

Quick question for you: who do I address the comments/opinion letter to? You or Mrs. Shannon McKie?

Also, can I have copies or links to the materials that were submitted as part of the Complete Application? I am specifically interested in the following:

Architectural Plans/Renderings

Environmental Noise Report

Shadow study

Traffic Impact Study

Tree/green space management plan

I am also interested in the City of Hamilton planning and urban design rationale as well as applicant's in regards to this property.

Thank you,

On Fri, Mar 27, 2020 at 2:17 PM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/interactive-zoning-mapping>

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Hi ,

Above is a link to our interactive zoning map. This will give you the as of right zoning on all properties.

The current zoning for 1107 Main Street West is TOC1 - Transit Oriented Corridor One. The applicant is requesting to add a Site Specific Zone to the existing TOC1 zone in order to permit the height and other items like parking and building setbacks.

Please let me know if you need additional information.

thanks

Andrea Dear MCIP, RPP

Senior Planner

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**From:****Sent:** March 26, 2020 10:41 AM**To:** Dear, Andrea**Subject:** Re: 1107 Main St W.

Good Morning Mrs. Dear

When you get a moment could you please direct me where (website) I can find the exact description of the following zonings for:

1. 9 Dow Ave city of Hamilton
2. Current 1107 Main St West
3. Proposed Zoning Amendment (File No. ZAC-20-016) for 1107 Main St W.

As I mentioned before, I am quite unfamiliar of the processes but would like to be able to review the differences of current and proposed zoning changes and its possible impacts on me.

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Thank you,

On Mon, Mar 23, 2020 at 4:05 PM

> wrote:

Thank you 🙏

Sent from my iPhone

On Mar 23, 2020, at 3:31 PM,

Dear, Andrea

<[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>

wrote:

In this crazy time, I am glad I can help a bit.

The applicant is 1107 Main Inc. (I do not have digital access to the application so I am not able to get the name associated with this company but I will follow up)

The consultant is Bousfields Inc. (c/o David Falletta)

We do not always know who the builder will be until much later in the process but I will see what I can find out.

Please feel free to contact me anytime.

Andrea Dear MCIP, RPP

Senior Planner

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**From:**



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**Sent:** March 23, 2020 3:13 PM  
**To:** Dear, Andrea  
**Subject:** Re: 1107 Main St W.

Thank you so much for your swift reply Andrea, it is greatly appreciated. You are correct, there is the date on the last page; I was so rattled when this letter arrived that I have missed it. My apologies.

I do have some additional questions and I am sure I will have more as things move along. Is it ok if I email you when I do?

1. How does one know who has applied to develop this land and who will be the builder? I would like to be able to research these companies as I am sure the quality of their work may affect the surrounding areas... both positively or let's hope not negatively.

2. Are there any public records available to us that can shed light as to the previous projects completed by this Applicant?

On Mon, Mar 23, 2020 at 3:00 PM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hi ,

You should see a date on the last page. We have asked for comments by April 30th, but that is not a hard

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deadline. Comments can be made right up to, and including, the Planning Committee meeting which has not been scheduled yet. You will receive future notice once a meeting is scheduled. There will also be a sign posted on the property and it will be updated as dates become available.

Rest assured you have plenty of time to comment and participate.

The applicants will also be arranging and hosting public consultations which you will be notified of.

As you mentioned, in light of Covid19 we are all operating on a day by day basis. The notice you received was under legislative timelines and had to be sent out. I can tell you with a fair amount of certainty that the Planning Committee meeting is not likely to be scheduled in this calendar year. I know that the Councillors are looking at ways to keep business moving, but I am not sure what that will look like.

Since you have already provided comments, you have the right to appeal a decision of Council and you will be kept informed on any dates for public meetings related to this application.



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So far, we are working from home. Please feel free to contact me with any questions or concerns you may have.

Thanks

Andrea Dear MCIP, RPP

Senior Planner

City of Hamilton, Planning,  
Heritage and Design

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**From:**

**Sent:** March 23, 2020 2:42 PM

**To:** Dear, Andrea

**Subject:** 1107 Main St W.

Hello Mrs. Dear,

I am writing in regards to the mail I have received today and dated March 20,2020.

I would like to be able to submit comments and opinion in regards to this application (File No. UHOPA-20-012) and (File No. ZAC-20-016) as it directly affects me and my family. However, there are no deadlines specified in your letter. How does one know when the proposed Official Plan Amendments are to be adopted with no specific dates provided? Is this a routine practice?

As I am unfamiliar with the development projects of any sort nor the processes

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or procedures I would greatly appreciate additional assistance. Specifically I am looking to receive the deadlines for submissions and the dates of public meetings. With the restrictions of large gatherings due to the COVID-19 outbreak, when and how will you plan a public meeting with all the interested parties being able to attend?

Thank you in advance for answering my inquiry,

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**Page 24 of 259****Dear, Andrea**

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**From:**  
**Sent:** Friday, May 1, 2020 4:59 PM  
**To:** Wilson, Maureen  
**Cc:** Dear, Andrea;  
**Subject:** 1107 Main Street West

Dear Maureen,

I hope that you are keeping safe during the present pandemic. I imagine that you are being run off your feet with issues connected with the new disease that is spreading around the globe. However, other issues remain. In particular, I wanted to express my views on the proposed development of a 15-storey apartment building on Main Street West, on the present site of Grace Lutheran Church.

Although I am a member of the Board of the Ainslie Wood Westdale Community Association, I am writing as an individual. Since AWWCA Board meetings have been suspended indefinitely, I do not have an opportunity to have my reactions to the proposal discussed with other Board members.

First, in general I support the proposal. I attended the meeting on November 26 at Westdale Public Library at which the developer and the architects showed their plans for the development, and at which Rabbi Green of Adas Israel Synagogue explained the background to the proposal. I raised then a question about whether there were enough parking spaces in the proposed development, and the architects subsequently added another floor of underground parking, along with some more units to provide compensating revenue, without changing the overall proposed 15-storey height. I am happy that this change was made. I also asked how the neighbours immediately to the east and west of the site would react to the proposal, and was assured that as members of the synagogue they were all in favour of it; despite the objection of one neighbour to the scope of the project, this assurance has been borne out by the many messages and petitions that Andrea Dear has received from the neighbours in support of the project. Since the synagogue is to the south of the site and a strip mall is to the north of it on the other side of a six-lane arterial road (Main Street West), the proposed development seems quite compatible with its surroundings. The designs that I have seen show a very attractive building, with a mix of sizes of units comparable to that of high-rise buildings in downtown Toronto (except for the very small number of studio apartments, in response to a concern expressed at the November 26 meeting that studio apartments would attract students rather than the synagogue members who are expected to be the main tenants).

Second, I have a concern about whether the proposal as now formulated is compatible with city council's declaration of a climate emergency and its adoption of a goal of reducing Hamilton's net greenhouse gas emissions to zero by 2050. I strongly support both the declaration and the goal, believing that the enormous quantity of very long-lasting greenhouse gases that humans have emitted into the atmosphere and global ocean since the start of the industrial revolution has had on balance very serious adverse consequences for the life-support systems on our beautiful planet and that further greenhouse gas emissions will make these adverse consequences much worse. The sooner humans get to net-zero greenhouse gas emissions and then go to net-negative emissions, the better. Given the goal of net zero by 2050, it makes no sense for the city to approve new buildings whose operation emits greenhouse gases. Buildings are going to have to be net-zero or net-negative in their operations, and it is much more expensive to retrofit them than to make them net-zero or better from the beginning. We have examples of buildings with net-zero heating systems already in Hamilton, such as the City Square development of three high-rise towers near the city centre. At the November 26 meeting, the developer was asked whether the project would receive LEED certification (of which one form is certification as a net-zero emitter of greenhouse gases), and replied that certification would add an expense that was incompatible with the goal of keeping rents in the new building reasonable. I have seen no indication that the building is

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being designed to be net zero or better in its operations. I believe that the planning department should negotiate with the developer, as a condition of approval of changing the zoning of the property, a binding enforceable commitment to net-zero operation. Further, as people shift from greenhouse-gas-emitting vehicles to zero-emissions vehicles, the parking spaces in the proposed building will need to be fitted with charging stations for electric cars. It would be much cheaper to rough in the conduits for linking such charging stations to the electrical mains than to drill concrete each time tenants ask for an electrical charging station in their parking space. The planning department should make inclusion of such conduits a condition of approval of the zoning change.

Third, I have a concern about the protection of the proposed development from the kind of bait-and-switch tactics that Hamilton has seen with other proposals. Rabbi Chanan Weiser, Executive Director of Adas Israel, has informed Kenneth Moyle and the AWWCA Board that the builder and developer of the project is IN8 Developments. IN8 Developments has built a number of apartment buildings in the student district of Waterloo that provide off-campus housing for students at the city’s two universities. These buildings appear to me to be well-built and well-managed, and in my view Waterloo has found a good solution to providing accommodation for students off campus in a way that does not disrupt neighbourhoods with single-family dwellings. My concern is that it may be more profitable, once approval is given for construction of a 15-storey apartment building on the site, to build it as off-campus student housing rather than as accommodation for members of Adas Israel Synagogue. What control does the city have in the planning and construction phases over the ultimate design and ownership structure of the building? I am told that the developers of the property at 77 Leland St. originally proposed an off-campus student residence with security and that the project was approved on that understanding. However, it is now being marketed as a condominium development, with fully furnished apartments “with the sleek high-end features certain to attract international and local students from McMaster University” (quoted from [here](#)). Since students are unlikely to have the money to buy such units, they are evidently being marketed to investors who will rent them out to students—a whole building full of student homes with absentee landlords and none of the governance structures of a university residence. What is to prevent the development at 1107 Main Street West, if it is approved, ending up at a similar place?

P.S. At least one person has questioned whether I have a conflict of interest with regard to this proposal because I live on Cline Avenue, which is the western boundary of the property. I live on the part of Cline Avenue on the other side of Main Street, at the far (north) end of the block next to King Street. Because Cline Avenue jogs to the east as one goes south from King Street, I cannot see from my home the part of Cline that is on the other side of Main Street. Since there is a three-storey building at the northeast corner of Cline and Main, I will be unable to see from my home the 15-storey building proposed for 1107 Main Street West. So I believe that I have no conflict of interest in this matter. Subjectively, my motivation for writing about this proposal is a combination of concern for the planet and concern for the quality of life in my community.

P.P.S. There is a certain irony in the proposal to construct an apartment building for families with children near the synagogue because the nearby single-family dwellings are predominantly student homes owned by absentee landlords. Abstractly, the most appropriate accommodation for a family with children is a dwelling with a yard in which the children can play, on a street where they can in the normal course of events meet and get to know other children. And the most appropriate accommodation for McMaster students not living at home or on campus is a room (or room and board) in an owner-occupied dwelling or an apartment rented along with others; students have no interest in having a yard and tend not to take care of it if they rent a place with one. Unfortunately, it is not possible to wave a magic wand and prescribe a time limit for student homes within a specified distance from the synagogue to become owner-occupied.



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April 22, 2020

Andrea Dear, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> floor, Hamilton, ON, L8P 4Y5  
[andrea.dear@hamilton.ca](mailto:andrea.dear@hamilton.ca)

**RE: Public Input for UHOPA-20-012 & ZAC-20-016 @ 1107 Main Street West, Hamilton**

**Subject: INSUFFICIENT PARKING**

Hello Ms. Dear,

This letter is in response to the City of Hamilton’s request for Public Input into the application to amend the Official Plan and Zoning By-Law for the lands located at 1107 Main St. W. Hamilton (UHOPA-20-012 & ZAC-20-016). Please remove my personal information before including these comments in the public record.

I would like to express my concern about the lack of sufficient parking in the above referenced development contributing to increased vehicular traffic, noise and congestion on the streets in the Ainslie Wood neighborhood.

Specifically, the proposal includes **65 too few parking spots** for a building of this size in the proposed zoning. Referencing Zoning By-law No. 05-200, Section 5.6.c.i for Residential, Multiple Dwelling, Commercial and Mixed Use Zone C5, with units > 50 square meters, this development requires 299 parking spots but the application proposes only 234 spots and the supporting documentation references only 217 spot.

Furthermore, there appears to be a **net decrease to parking at grade**, based on the site plan drawing provided. I estimate that up to 16 existing parking spots on the West side of Dow Ave would be eliminated in order to access the proposed 4 at grade parking spots. Street parking is already scarce during daytime hours due to the adjacent school’s staff who use the spots.

Finally, it is unclear whether short term parking will be provided below grade for both the residential and commercial building uses, which if not available, risks encouraging vehicle idling on adjacent streets.

Regards,

**Appendix “F-1” To Report PED22098  
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April 22, 2020

Andrea Dear, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> floor, Hamilton, ON, L8P 4Y5  
[andrea.dear@hamilton.ca](mailto:andrea.dear@hamilton.ca)

**RE: Public Input for UHOPA-20-012 & ZAC-20-016 @ 1107 Main Street West, Hamilton**

**Subject: PLANNING & DEVELOPMENT**

Hello Ms. Dear,

This letter is in response to the City of Hamilton’s request for Public Input into the application to amend the Official Plan and Zoning By-Law for the lands located at 1107 Main St. W. Hamilton (UHOPA-20-012 & ZAC-20-016). Please remove my personal information before including these comments in the public record.

The proposed **development should be rejected** because it disregards the City’s Official Plan, the Ainslie Wood Secondary Plan, the Zoning guidelines, & the City-Wide Corridor Planning Principles.

Section 2.4.2.2 of the **Urban Hamilton Official Plan** lists the considerations for an application for residential intensification. The proposed development is incompatible with the single family residences on the adjacent streets and will cause detrimental sun shadowing, noise, night lighting and other negative effects on the neighborhood.

Section 6.2.7.2 of the **Ainslie Wood Secondary Plan** for Mixed Use Medium Density notes that building height should be limited to 3 storeys (not 17 storey equivalent when considering the mechanical structure on the roof). Also, the residential density target is 30-49 units per hectare (not ~600 per the application), as well as provide sufficient parking and pedestrian safety measures.

Section 10.5 of **Zoning By-law No. 05-200** clarifies that “although residential uses are permitted, either as a single or mixed-use building, this zone [Mixed Use Medium Density (C5)] is predominantly commercial.” The development contains less than <5% commercial and would more correctly be described as a High Density Residential, which is incompatible with the surroundings.

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Finally, the **City-Wide Corridor Planning Principles and Design Guidelines** note that new developments should be limited in height to a 45 degree plane in order to minimize shadowing. Based on a line at 80% of the adjacent street widths, the permitted height including mechanical structure on the roof should be **no more than 8 stories**. Additionally, there should be a stepping down of height on the South of the building which overlooks the City-funded Dow Parkette. The rear of the building should ideally be tiered so that ice and snow do not fall from the roof onto children playing in the park.

Lastly, in response to I would like to request that the above submission be accepted **without my personal information** for publication on the city website.

I thank you for your time in reading my response and look forward to your return communication.

Sincerely,

**Appendix "F-1" To Report PED22098  
Page 29 of 259****Dear, Andrea**

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**From:** .....

**Sent:** Tuesday, April 14, 2020 5:28 PM

**To:** Dear, Andrea

**Subject:** Re: 1107 Main

Thank you Andrea for your reply and follow up on this.

I also appreciate your explanation on your email of what your role with respect to the proposed development.

As a fellow who is new to all this, in response to Shannon McKie's letter of March 20th, there is a lot of information that I trying to learn about at this unprecedented time, especially with the Covid crisis.

Thank you again,

On Tue, Apr 14, 2020 at 9:00 AM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

I am very sorry, I was certain that I provided a response, but I was mistaken.

I have asked the applicant to make the submission materials available via their website, but I have not yet heard back. I will follow up with them. In the event that the applicant is unable to do that, I will see what I can do to share them digitally. As the files are large, I will need to find the best way to share them.

As for the tenure of the development, at this time, I believe that the plan is for it to be condominium, but this could change.

in terms of my evaluation of the proposal, the tenure is not a factor.

Even if it is a condominium, there is nothing to prevent investors from purchasing units and renting them out. My job is to evaluate the proposal in terms of height, massing, design, character and to consider things like parking and amenity space. If the Official Plan and Zoning by-law amendments are approved, the applicant will be required to get site plan approval, and if the building is condominium, they will be required to apply for a Plan of Condominium. If it is rental, there is no such requirement as the building would remain in sole ownership.

I will get back to you as soon as I have figured out how to share the materials.



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Thanks,

Andrea Dear MCIP, RPP

Senior Planner

City of Hamilton

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**From:** .

**Sent:** April 13, 2020 9:15 AM

**To:** Dear, Andrea

**Cc:** Wilson, Maureen

**Subject:** Fwd: 1107 Main

Hi Ms. Dear

I am just following up on the email I send about 11 days ago on March 31st 2020. I have not heard back as of yet.

I noticed the signage that was erected in front of the 1107 Main Grace Lutheran Church with your contact information but as I tried to call the number to reach you, it is unable to connect understandably because of Covid

As per the notice that was distributed on our street, we have been asked to submit a response by the end of the month.

Re: 1107 main

May I ask you please provide copies of the application and all supporting documents for the UHOPA-20-012 & ZAC-20-016 amendments? If these are not yet available publicly, can you please advise how and when I will be able to access the materials?

Additionally, I would like to know when in the process the applicant will need to decide whether the development will be rental units or a condominium?

I am cc'ng Maureen Wilson in case you may be away just to ensure that with time of the essence in your request for neighbourhood response, that we can submit a response.

thank you

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----- Forwarded message -----

From:  
Date: Tue, Mar 31, 2020 at 8:34 AM  
Subject: Re: 1107 Main  
To: Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>

Good morning Ms. Dear,

Thank you very much for your response. Glad to know that we you can work from home and keeping safe indeed!

Re: 1107 main

May I ask you please provide copies of the application and all supporting documents for the UHOPA-20-012 & ZAC-20-016 amendments? If these are not yet available publicly, can you please advise how and when I will be able to access the materials?

Additionally, I would like to know when in the process the applicant will need to decide whether the development will be rental units or a condominium?

Thank you for help on this matter

Will look forward to staying in touch with you on this important matter for our neighbourhood

Best

On Thu, Mar 19, 2020 at 10:03 PM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hello

I am keeping safe and am now able to work from home so feeling grateful.

I am the planner assigned to the 1107 Main Street West applications.

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Can you let me know what you would like to know and I can certainly provide you with that information.

Let me know.

Andrea Dear

Senior Planner

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**From:**

**Sent:** March 11, 2020 11:51 PM

**To:** Dear, Andrea

**Subject:** 1107 Main

Hello Ms. Dear

I hope you are well and keeping infectious safe at this difficult time in our community.

I received your email from Maureen Wilson and was hoping to connect with you on the proposed 1107 Main project.

Thank you in advance for your time in reading and reply,

Best

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**Appendix “F-1” To Report PED22098**  
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Andrea Dear,  
City of Hamilton,  
Planning and Economic Development Department,  
Development Planning, Heritage and Design – Urban team,  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

April 27, 2020

Dear Ms. Dear,

Re: UHOPA-20-012 and ZAC20-016  
Application by 1107 Main Inc. to amend Official Plan and Zoning By-Law –  
1107 Main Street West

Thank you for the opportunity to provide written comments on the above-named application. We are familiar with the application, having reviewed the materials that you sent and participated in a question and answer discussion with the architect. We are local residents who live on adjacent Dow Avenue where we have lived for almost two decades; we are members of the adjacent local synagogue and our children attended the adjacent Hebrew day school.

We have serious concerns about the application in its present form, as we understand it, as an imposing 15-storey ‘mid’-rise structure that includes retail commercial space; we are concerned mainly due to its potential for damaging effects on the character and cultural heritage history of our residential neighbourhood and local adjacent synagogue. We strongly encourage you to require that the applicants modify their application to conform with the reference guidelines identified for such projects, according to the City of Hamilton Residential Intensification Guide and requirements in the Urban Hamilton Official Plan (UHOP), the Ainslie Wood Westdale Secondary Plan, the Provincial Policy Statement and the Golden Horseshoe Growth Plan . Our comments below correspond to the Guide’s key issues and how, in our view, the proposal is contrary to the planning and growth thrusts of the four Plans:

1. *Density*. The proposal is for 310 dwelling units which is a drastic increase in both sheer number of dwellings and sheer number of residents (occupancy projections are not specified but could be anticipated to be a flood of 500 – 600 people) for a tiny area, that represents a significant game-changing departure from the existing single family home composition of our local residential neighbourhood and synagogue community. The majority of the units (53.5%) in the proposed mammoth building are very small single-bedroom units, described by the architect as “efficient” in size to make them economical, which we are concerned will have specific appeal to university students, making these 168 units the building’s essential heartbeat (“what the market wants”, in the words of the architect), and to which we object as local property owners as a violation of our street ambience and cultural character.

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Comments on UHOPA-20-012 and ZAC20-016

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2. *Character.* As noted above, a key impact is our concern that the proposed building will vie to house the city’s largest private off-campus student residence adjacent to our homes. There are other impacts as well. We are concerned with the potential for the many terrace spaces to become raucous and potentially dangerous outdoor party areas. Further, the proposed commercial space is surprising to us, and is out of character with the adjacent and nearby properties on the south side of Main Street West (we will comment on both parking concerns and serious traffic flow issues related to the commercial space below). Parenthetically, we along with other local residents patronize nearby Westdale retail establishments; the proposal has potential to compete with these existing local businesses. Finally, the existing green space will be replaced by the enormous building structure itself described by the architect as “covering the majority of the property” and which is insufficiently set back and appears to abut up not only to the local streets but directly against the local school yard. In our view, the architectural design features (such as height set-backs) will not hide the space-consuming bulkiness of the edifice.
3. *Height.* We have major objections to what we consider excessive height which is out of keeping with the neighbourhood. We acknowledge that there appears to be architectural use of a ‘set-back’ design for the upper floors but this, in our view, would not disguise the towering height of the 15-storey structure relative to the surrounding homes and school and synagogue building which max at 2 – 3 storeys. Comparable approved applications have limits at 5-storeys (such as 77 Leland Avenue); this proposal is triple that height, and is the main basis for our objection to zoning amendments to current height restrictions. In particular, we are appalled that the design apparently proposes an intrusive 8-storey façade of residential units abutting and overlooking the Hamilton Hebrew Academy school and children’s playground.
4. *Traffic.* The heightened density noted above as well as the new addition of retail traffic will directly impact on the safety of young children particularly at school drop-off and pick-up times in the school zone designated streets. With regard to Main Street West, we are concerned that the traffic generated by the anticipated over 300+ cars plus commercial traffic generated by the building will involve dangerous disruptions to the flow of the already very busy Main Street, the right lane of which serves at this location as an already heavily-trafficked highway on-ramp to Hwy 403.
5. *Parking.* Notwithstanding our concerns for the density of the project, we are concerned that the proposal has insufficient parking, not fully one space per unit, and with no visitor parking or any parking for retail customers. Taken together, the lack of sufficient parking will serve to impact on traffic flow onto our streets (as noted above) and increased demands for limited available parking for local homeowners, school and synagogue staff, parents, members and volunteers.

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Comments on UHOPA-20-012 and ZAC20-016

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Taken together, we have serious objections to this application in its current form particularly due to intense density and occupancy level changes, drastic height impositions and disruptive traffic considerations that are contrary to the four Planning documents, that will impact on the character and cultural heritage of our local residential neighbourhood and that are not at all resolved through the architectural design features. We ask that you kindly consider these objections in your consideration of application and oppose any and all proposed amendments to existing zoning by-laws.

Sincerely,

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**Barnett, Daniel**

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**From:**  
**Sent:** April 27, 2020 3:55 PM  
**To:** Dear, Andrea  
**Cc:** Ward 1 Office; McKie, Shannon; Fabac, Anita; Robichaud, Steve  
**Subject:** Re: UHOPA-20-012 and ZAC20-016 comment submission

Dear Ms. Dear,

Thank you for confirming receipt of our letter. In terms of it being a purpose built rental for students, this concern was based not only on the architectural design of the small 'efficient' size of single bedroom units (over half of the building's units), but also the specific mention in the developer's traffic study submission (section 5.2 of that document) which describes the proposal as a 'student rental building'. If you have information from the applicant that indicates the building is not geared for students but rather is truly being designed for families and seniors, that would be helpful to share for clarification purposes.

Best wishes,

On Mon, Apr 27, 2020 at 11:08 AM Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)> wrote:

Hello

Thanks you for your email. This will form part of the public record and will be considered as we evaluate the proposed amendments to the Official Plan and Zoning By-law. You will be notified of any future public consultation and of the Planning Committee meeting date once it has been confirmed.

For your information, I am not aware that this is a purpose built rental for students. In speaking with the applicants, it is my understanding that this is a building being designed for families. This is not to say that there would never be students, I just wanted to let you know that it is not my understanding at this time.

Let me know if you have any questions.

thanks

**Andrea Dear, MCIP, RPP**

Senior Planner

**From:**  
**Sent:** Monday, April 27, 2020 10:49 AM  
**To:** Ward 1 Office <[ward1@hamilton.ca](mailto:ward1@hamilton.ca)>; Dear, Andrea <[Andrea.Dear@hamilton.ca](mailto:Andrea.Dear@hamilton.ca)>  
**Subject:** UHOPA-20-012 and ZAC20-016 comment submission

Dear Ms. Wilson and Ms. Dear,



**Appendix “F-1” To Report PED22098**  
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Thank you for the opportunity to comment and vigorously oppose the proposal for amendments (Re: UHOPA-20-012 and ZAC20-016) to allow a 15-storey mid-rise structure to be built adjacent to the Hamilton Hebrew Academy and local synagogue. The nature of our opposition is outlined in the letter which we have attached for your review and consideration (can you kindly confirm receipt?).

More broadly though, we ask you and your colleagues on City Council and in City Planning to address what is the plan for building projects of this sort, that is, mid-rise structures that are designed to be essentially off-campus student residences. We understand the need to cater to this market, indeed, I am a university faculty member and I recognize the need and desire for decent student housing. However, as local residents and as property owners, we would like to know and anticipate into which neighbourhoods these projects will be potentially located. We are very concerned, as we point out in our letter, about massive towering structures being built on small lots in residential areas and we are concerned that these lots are being utilized in the architectural designs to their very fullest (abutting right up to the edge of the property) and not have the usual set-backs, which maintain the residential community character. Specifically, will this project become the tip of the iceberg for essentially ‘free for all’ for zoning amendment approvals in our neighbourhood and others?

We are looking to you, we are appealing to you, to enforce existing by-laws and planning restrictions that ensure that neighbourhoods like Westdale do not evolve into an urban core.

Thank you for considering the objections outlined in our letter and to these broader considerations.

Sincerely,



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Mr. Daniel Barnett,  
City of Hamilton,  
Planning and Economic Development Department,  
Development Planning, Heritage and Design – Urban team,  
71 Main Street West, 5th Floor, Hamilton, ON L8P 4Y5

January 28, 2022

Dear Mr. Barnett,

Re: UHOPA-20-012 and ZAC20-016  
Application by 1107 Main Inc. to amend Official Plan and Zoning By-Law – 1107 Main Street West

I am writing to further our objection to the dangerous scope and over-intensification of the proposed 1107 Main Street West development. We have objected in writing previously (April 27, 2020) and find it grossly self-serving when the developer puts forward claims of local resident support as if it is somehow unanimous; we live on the same street as this proposed development and we object strenuously to any bylaw changes to accommodate this plan. Specifically, with regard to violations of the city’s Tree Protection Plan, the developer will be wantonly cutting down and disposing of a gorgeous English Oak (whose roots just won’t survive the proposed 3m setback and the proposed underground parking excavation) and the beautiful Silver Maple.

And more. The property on Dow Avenue bookended by those two trees was an important garden space providing for those in our city with food insecurity. The proposed plan paves paradise and puts up park benches overlooking their garbage dump (I know it sounds incredible but it’s true). The green space in the proposal is on upper levels – public space? No chance – it will be an outdoor party area for high-rise tower student residents who are at risk for throwing bottles onto the streets below – witness headline-grabbing street party destructive outbursts. Did we not learn anything from the pandemic about respect for safe distancing and preserving our spaces including our green spaces?

Finally, we are members of the local Adas Israel community, among those who are opposed to the overwhelming size of this proposal - in our Jewish tradition, we have just celebrated Tu B’shevat, a holy day which is specifically set aside in our calendar to celebrate the vibrant importance of trees in our community lives and our moral environmental responsibilities – it is terribly ironic at a time when we are celebrating such ecological growth that we are told to witness instead the destruction of these heritage trees, only to be seen in photo memories or perhaps, as the folk singer predicted ‘in a tree museum where we pay a dollar and a half just to see ‘em’.

The developers have an alternative – they can stay within the current city bylaws – they can build a beautiful mixed rental-condo building of 6 – 8 stories, preserving the trees and the land and the local neighbourhood community while still adding needed residential accommodation to our city. But they are preoccupied with profit at all costs, with what appears to be an ecology insensitive and dangerously over-intensive skyscraper that ignores local needs. Please consider this in your deliberations on this ugly plan.

Sincerely,

cc: Maureen Wilson, Councillor, Ward 1

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April 21, 2020

Andrea Dear, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> floor, Hamilton, ON, L8P 4Y5  
[andrea.dear@hamilton.ca](mailto:andrea.dear@hamilton.ca)

**RE: Public Input for UHOPA-20-012 & ZAC-20-016 @ 1107 Main Street West, Hamilton**

**Subject: SCHOOL SAFETY & TRAFFIC FLOW**

Hello Ms. Dear,

This letter is in response to the City of Hamilton’s request for Public Input into the application to amend the Official Plan and Zoning By-Law for the lands located at 1107 Main St. W. Hamilton (UHOPA-20-012 & ZAC-20-016). Please remove my personal information before including these comments in the public record.

The City of Hamilton should be **commended for supporting the Vision Zero** initiative to improve the safety of our streets. The reduced 40 kph speed zones across Ainslie Wood, and a 30 kph School Zone on Dow and Cline Avenues with speed bumps on each street, both contribute positively to the safety and security of the children in the neighborhood.

That being said, the additional vehicular traffic from a high density development adjacent to an approved **Early Years Child Care Center, Elementary School** and the City renovated **Dow Parkette**, appears to conflict with these objectives.

What **additional precautions** would be put in place by the City and / or the Applicant in order to mitigate the increased risk of a pedestrian accident?

Currently, even without the proposed development, there is often standstill traffic during the morning and afternoon school drop off and pickup times. This situation would inevitably be exacerbated by additional vehicles departing the development during rush hour to go to work, particularly if the vehicles attempt to turn left across 3 lanes of traffic onto Main St. from either Dow Ave or Cline Ave. A full review of the traffic impact from this development should be presented to Council.

Regards,

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April 28, 2020

Andrea Dear, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> floor, Hamilton, ON, L8P 4Y5  
[andrea.dear@hamilton.ca](mailto:andrea.dear@hamilton.ca)

**RE: Public Input for UHOPA-20-012 & ZAC-20-016 @ 1107 Main Street West, Hamilton**

**Subject: INSUFFICIENT PARKING**

Hello Ms. Dear,

This letter is in response to the City of Hamilton’s request for Public Input into the application to amend the Official Plan and Zoning By-Law for the lands located at 1107 Main St. W. Hamilton (UHOPA-20-012 & ZAC-20-016).

I would like to state at the outset that my granddaughter helped me compose this letter as I am francophone and my written English is limited.

We are tenants of [redacted]; the house owned by our daughter [redacted]. She had invested in this home for us to move from Quebec to be closer to her. We have been fortunate and appreciative of living in Westdale over the last 5 years, being close to our family, befriending the community and feeling “at home”.

The above statement is impactful for us for a few reasons. I am a child of a Holocaust survivor. My father [redacted] had escaped the Nazis and fled to Belgium for survival. I was raised in post war Belgium with French as my only language. My father always shared with me the importance of feeling “at peace” of where you live while giving back to your community. He also cautioned me and to always be watchful when my peaceful home may be at risk.

We moved from Belgium to Montreal because of the facility of French in the 1983. When our daughter asked us to move to Hamilton a few years ago, my husband and I were nervous. As seniors in their 70s+ moving to a new city is not easy, another move, a different city, less French etc. We decided to follow our daughter, [redacted] advice to come to Hamilton as she reassured us that all will be safe into a new home that will be quiet and into community that is friendly.

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We were blessed to find a warm Westdale community where we have been embraced by neighbors and their children. We have adopted other people’s children, like our “grandchildren”. We are affectionately known as “Grandma and Grandpa”. We open our home to every neighbor (prior to Covid-19) and affectionately give love back as much as we can.

Sadly, as we have aged, our mobility requires assistance. Both my husband and I require walkers. We try to take walks every day, understandably a little bit less now due to Covid. We are naturally cautious when we go for walks. We are grateful to live independently, close to our daughter.

We have had the experience of seeing the lovely children being dropped off at the Hamilton Hebrew Academy (HHA) on a daily basis. (Many times they come after school for treats). We are witnesses to the fact that Dow Ave is a very busy street with twice daily mini traffic jams, cars dropping off their children and picking them up. We notice children at the beautiful park across the street playing on a daily basis which attracts outside visitors as well, afterschool and on weekends. Finally, we also witness the line of cars parked on Dow Ave. for the teaching staff and McMaster students, who park on a daily basis throughout the year.

Please see attached photos of parents dropping off their children at the HHA.

At this time my husband and I would like your planning committee to analyze and see for yourselves how much activity is already present on Dow Ave.

Please understand that as seniors we do not have the analytic abilities to assess the details of your by-laws and the proposed project at 1107 Main St West. We understand though that it is a large building and for a period of time, up to 3 years, there will be large machines on site. When developed as proposed there will be 310 dwelling units to populate, with cars, parking and traffic to deal with.

We are in our “Golden Years” now and appreciate waking up every day. We would like to continue living in a “safe” environment that I was raised with from my father. We delight to see the children who pass by frequently and wish that they can continue doing so in a safe manner.

**We just ask that the planning committee kindly reassess the safety of the proposed project so close to a school and a dwelling where senior citizens live.**

We thank you for your time in reading our letter,



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Picture 1

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Picture 2



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Picture 3

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May 27, 2020

Andrea Dear, City Planner  
[Andrea.dear@hamilton.ca](mailto:Andrea.dear@hamilton.ca)

Maureen Wilson  
[Ward1@hamilton.ca](mailto:Ward1@hamilton.ca)

Re: 1107 Main St. West, Hamilton, ON L8S 1B8 Proposed Development

To Whom It May Concern:

I wish to express my objection and concern regarding the proposed development listed above. Currently, this location supports a low-rise Lutheran church with surrounding houses also all low-rise profiles.

Since inception, the vision for this planned Westdale Community was to house single-family low-density quality homes. Somehow, with the thought of implementing a traffic corridor along Main St. West, the density was changed (without neighbourhood input) from low-density (max. 3 storeys) to medium-density (max. 8 storeys). With this change, all of a sudden, three high rise development proposals (including this one) sprung up within two blocks on either side of this one. The two high rise proposals are for student residents (Columbia College – 22 storeys and the McMaster Residence – 15 storeys). None of the three proposed high rise developments (including this one) falls within the recent medium density edict. It is a big departure from most buildings in the area being no taller than three storeys to every new proposal starting at 15 storeys and higher. All of a sudden, we are being surrounded by high density skyscrapers. Therefore, this development proposal should conform to and stay within the designated medium density allowable limit.

The parking situation with this building proposal is even more concerning. This proposed development offers 234 underground parking spots. There are 310 units proposed of various sizes, some townhouses, and four commercial space units. This does not even provide one parking spot per unit and not enough employee/customer parking let alone visitor parking. Nuclear families generally even own two cars – there is a definite parking shortage and this is grossly inadequate! This does not even take into account the additional developments with Columbia College housing more than 1024 students / 156 parking spots and McMaster Residence with 1400 students and 23 parking spots which we were told will be for staff usage. These will also impact the community as we all fight for parking. I note from the literature that the May 10, 2016 census was quoted for residence statistics. The material fails to take into account that the McMaster students' school year is from Sept. 1 to April 30<sup>th</sup>, hence, the census material statistics are skewed – the students that normally reside in the area, generally five to a house with several cars each, have moved out. With this being a university / student area, there are a lot of students and residents - all fighting for parking spaces and not much driveway space.

This proposal and the others previously mentioned, relies heavily on public transportation and the slight possibility that there will be an LRT (Light Rail Transit). Given the current pandemic and government cash influx to support people during this crisis, it is highly debatable that the LRT will be implemented anytime soon, if at all. To base developments on this and to provide inadequate parking is short-sighted. Additionally, it can be debated that people wanting any LRT would not be in a rush to use the proposed LRT destinations using the east/west corridor. Most people in my area travel to Ancaster Meadowlands or to Limeridge Mall. Taking the bus to these destinations could take an hour, so, they would much rather use private vehicles for shopping, weekend trips home, or pleasure purposes.



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1107 Main St. W, Hamilton, ON - Building Proposal

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With the current Covid-19 pandemic, we are constantly advised to social distance. It will be difficult to do so now, or in similar future situations, in the Westdale area with such influxes of high-density populations. Given that with just these three proposed developments, there will be a minimum increase of at least 3,500 additional people, let alone the high student density that exists during the school year, that social distancing will be very difficult for the community, businesses, and government to support and implement. Additionally, these are not the only proposed developments in my neighbourhood which would further impact the population density.

I haven't seen the floor plans for this development but I would also advise additional space in elevators and hallways being at least 10 feet wide to allow for social distancing. It would be easier to do this now, before any building takes place, than try to do a workaround after it is built.

Since social distancing is currently in effect and a ban on public gatherings, I would propose expanding the distribution of this building's proposal notifications to several blocks surrounding the development allowing the neighbours to become aware of this proposal and to ask questions. Not every one is a member of a neighbourhood association since they require a membership and they are not recognized by everyone. This development will impact more than just the minimum few neighbours nearby. It will also obstruct our escarpment view and impact our privacy and enjoyment of our properties.

Please keep me apprised of any further developments and progress with regard to this building proposal as my home is also only two blocks away – sandwiched between all the proposed high rises.

Best Regards

**Appendix "F-1" To Report PED22098**  
**Page 47 of 259****Dear, Andrea**

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**From:**  
**Sent:** Tuesday, May 5, 2020 3:24 PM  
**To:** Dear, Andrea  
**Cc:** A Andrea Levy Levy; Ward 1 Office  
**Subject:** 1107 Main West @Cline Avenue South

Good afternoon Andrea.

I am writing this email as a home owner of : with respect to the development of the property of 1107 Main Street West. I have owned my home and lived in this community since 2006.

I recognize that this development will likely go ahead, regardless of the sentiment of owners on the abutting streets, but I would like to share my concerns and possible suggestions with you.

My primary concerns revolve around the increase in population density in what is a primarily residential neighborhood and the impact on traffic flow on both Cline and Dow.

Currently, Cline Avenue South is a through fare for Ainsley woods - car traffic barrels down the street at high speeds and without stopping at the stop sign at Paul street. I fear, that with the added population and traffic at the corner, this is only going to get worse.

When we're not in the middle of a pandemic, I commute to Toronto on a daily basis. During normal traffic times, I often have to wait at least 5 minutes to make a right onto Main Street to get to the highway. I can only imagine what this wait will be like when there are hundreds of more vehicles in the cue (not to mention the possibility of the LRT).

To address these issues, I would like to suggest the following remediations to improve the situation.

- 1) Reduce the number of units in the proposed structure
- 2) Add a right turn traffic signal or traffic light at Cline Avenue South on the south side, so that traffic from the neighborhood can use Dow Ave as an exit to the highway
- 3) Consider closing off Cline Ave South at Paul Street so that this section of Cline is a court. Keep the southern section of Cline open to Paul street to allow access to Dow. Barring that, consider making a one way U around the development and synagogue with traffic control measures.

Thank you for your consideration in this matter. I look forward to hearing how these concerns will be addressed.

Kind regards,

**Appendix "F-1" To Report PED22098**  
**Page 48 of 259****Dear, Andrea**

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**From:**  
**Sent:** Thursday, June 25, 2020 2:57 PM  
**To:** Dear, Andrea; clerk@hamilton.ca  
**Cc:** Wilson, Maureen  
**Subject:** Excessively high builds planned for Main West (1190 and 1107 Main west, and Columbia College build)

Dear Ms Andrea Dear, and Clerk's office,

I would like to express my objection to the 3 development proposals that have been made to build towers on Main St. West that exceed the current height limit of 6-8 storeys, and in fact are proposing towers that are more than double that size. These proposals include McMaster/Knightsbridge's proposal at 1190 Main west and Columbia Colleges, as well as the 1107 Main St. proposal.

My concern is first and foremost regarding traffic and the safety of the inhabitants of these builds, 2 of which will be occupied by students. Highschool students will be housed in the Columbia College build (which we notice is right across from the heavily populated Westdale High School). Concern for safety and traffic issues at this delicate intersection of Main West and Longwood are paramount.

Pedestrian safety and the lack of parking is a major concern and I want to strongly urge that the current building restriction on Main St. West are adhered to in any and all of the proposed developments. We don't want to put students, residents or motorists at further risk, nor do we want to reduce the quality of life by the extreme and absurd densification that developers are proposing. Quality of life, and reasonable traffic has to be the utmost consideration, not the profits of billionaire developers.

I would appreciate if you could pass my letter on to the decision-makers and have my voice counted with those voices who are proposing to maintain the current building density and height guidelines on Main Street West.

Sincerely,

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February 21, 2020

To: Ira Rosen - President  
Ainslie Wood Westdale Community Association (AWWCA)

**RE: 1107 Main Street West  
Developer's Update Report from SRM Architects**

Dear Ira,

We are forwarding the attached letter to you concerning the project at 1107 Main Street West and the Developer's Update Report, and we kindly ask if you could have this letter placed on the agenda for consideration by the Board Members at your upcoming Board Meeting.

Please contact us if you have any questions or if you wish any other information.

Yours truly,

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February 21, 2020

To the Board of Directors and Officers of the  
Ainslie Wood Westdale Community Association (AWWCA)

**RE: 1107 Main Street West  
Developer’s Update Report from SRM Architects**

We thank you for the opportunity of being able to attend as guests your February 3, 2020 Board Meeting, and to allowing us to speak to you about our concerns with the proposed high-rise development at 1107 Main Street West.

We took far too much of your time and we truly recognize that there are many other issues that require your involvement and attention. It is therefore with great reluctance that we feel that we must contact you over an urgent matter that has arisen with respect to this project. This relates to the attached Project Update from the developer’s architects outlining the redesign of the project based on its meeting with AWWCA representatives.

**Project Update Report**

The Project Update stated that the meeting with AWWCA representatives was a **“public meeting”**, but we were told on February 3<sup>rd</sup> that the developer’s meeting was by private invitation only and that it was not advertised anywhere, nor was it open to the public. On the contrary it was also mentioned to us on February 3<sup>rd</sup> that the developer has no intention of meeting with any of the neighbours within the 120-meter required notice boundary, and that the very first time these neighbours will get to find out any information from the developer is at the Planning Department City Hall Meeting. It would therefore appear to us that the meeting was a **“private meeting”** and that if the developer wanted, in its own words, to **“create a positive connection with the community around it”** the developer is doing just the opposite.

**Increased Height and Density**

Our greatest objection, however, is the fact that the Project Update stated that the project was redesigned based on its meeting with AWWCA and that **AWWCA wanted an ‘Increased Height and Density on Main Street Corridor’**. Accordingly, the Developer **revised the building from 13 Storeys and 300 units to 15 Storeys and 310 units because of AWWCA.**

We certainly agree that the AWWCA should support an increased density in the neighbourhood as outlined in the Ainslie Wood Westdale secondary Plan (2005) but we do not believe that

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AWWCA should be so anxious and proactive as to push for and recommend an increase in height or density well beyond the 6-storey maximum set out in the recently updated TOC1 zoning by-laws.

We have reviewed all the relevant municipal policies, the provincial policy statement, the planning guidelines regulating development, the zoning by-laws and the Official Plan and we do not see any justification for exceeding the present height restrictions and zoning densities. The initial proposal of 13 storeys and 300 units was objectionable and unjustified, and so we respectfully ask why did AWWCA encourage and recommend that the developer go even higher in height and density.

**Bachelor Units changed to One Bedroom Units**

The four other listed redesigns and revisions made by the developer based on comments from AWWCA are also very confusing and could only be properly evaluated on examining detailed plans and drawings, including setbacks and unit dimensions. The worst example is the fact that the developer claims that it reduced the project from 48 bachelors to 4 bachelors or from a 16% ratio to a 1.2% ratio. Yet if there was such massive reduction, how did the number of units go up from 300 units to 310 units. Should not the number of units be reduced if bachelors were being converted into one-bedroom apartments. Or is the developer merely now keeping his bachelors the exact same size and just calling them “one-bedrooms”.

**Meeting Developer without Plans, Drawings or Sufficient Time to Review**

The discussions of AWWCA with the developer are very critical for the entire neighbourhood and recommendations should only have been made upon review of detailed plans and drawings freely available to the community at large, and by AWWCA consulting with the rest of the Board, and with their own architect or planner, or an architect or planner paid for by an association member, who could review the entire project to see on what basis the developer was justifying such a major increase in height and density.

**Detrimental Impact**

The actions of AWWCA certainly will have a detrimental impact on us, the residents across the street from the project, as the AWWCA premature approval of this project, before the formal application has even been filed, will be used by the developer to seek and obtain the approval of the City of Hamilton Planning Department. The developer will even be able to state that it was AWWCA who arrived at and determined the increased height and density. We were also told at the Board Meeting that the developer is already marketing the 15-storey project for lease and wants it 100% rented out before construction and before the zoning amendment is even heard and voted upon by City Council.

**Protocol to Follow for Neighbourhood Consultation Requirement**

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The City of Hamilton has made it a mandatory requirement in their Pre-Consultation Agreement with the developer that the developer has to meet with the neighbourhood association. But this condition does not require the neighbourhood association to endorse, accept or negotiate with the developer before the Application for the Zoning Amendment is filed and all the plans have been reviewed. The condition to meet certainly does require the AWWCA to recommend that the developer increase the height and density of the project.

Perhaps the Officers and Board of Directors of AWWAC should implement a protocol to follow whenever a meeting with a developer has been arranged or an invitation extended by the developer. Important matters and concerns to be included are some of the following:

- a) Developer to provide in advance of the meeting, a written justification setting out why it seeks to obtain a zoning amendment increasing the height and/or density from those set out in the current zoning by-laws;
- b) Developer to provide to AWWCA a written list setting out the names of the builder, the developer, their respective experience in construction and other construction projects they were associated with, and a written list setting out all other third parties having an interest greater than 20% in the project;
- c) Developer to set out in writing the intended purpose of the project, be it rental, condominium investor rental, condominium homeowner, etc., and to set out to whom the project will be marketed to;
- d) Developer to provide in advance of the meeting sufficient and detailed plans and drawings setting out unit dimensions, street setbacks, underground parking ramp location, etc. and all other alterations or minor zoning amendments that it will need for the project;
- e) Developer to sign prior to the meeting a written commitment to provide all drawings and amendments to AWWCA in a timely manner;
- f) Developer to sign prior to the meeting a written commitment to meet with the neighbours within the 120-meter boundary of the project, well in advance of the first public meeting with the City of Hamilton Planning Department, and not to market the project until such time as the developer has met with these neighbours;
- g) Developer to sign prior to the meeting a non-disclosure agreement not to report or utilize in any report, update or correspondence to any other party, conversations or comments made by AWWAC as evidence that AWWAC has in any manner endorsed or supported the project or recommended changes or alterations to the project, until such time as AWWAC gives formal written permission to the developer;
- h) AWWAC to hold its own meeting to review plans and drawings, and zoning issues and to vote at a general meeting as to whether it approves or rejects the developer's project;
- i) Both the representatives of AWWAC and the developer, builder, agents and investors to declare and observe all Conflict of Interest disclosure requirements, as adopted by the City of Hamilton, so as to prevent the appearance of improper influence, and if a conflict of interest arises that such representatives not participate or attend the meeting with the developer.



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In light of the fact that the developer has involved AWWCA in its project and stated that AWWCA recommended among other things, the increase in height and zoning, we believe that it is now incumbent upon AWWCA to disavow and disassociate itself, in writing, from the attached Project Update and to forward correspondence confirming the same to the developer, the Ward Councillor and the Planning Department of the City of Hamilton.

We are therefore sending you this letter in order to have it placed on the agenda for your consideration at your next Board meeting. If you should require any further information or wish us to attend the Board meeting to answer any questions, please do not hesitate to contact us.

Yours very truly,

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**Dear, Andrea**

**From:**  
**Sent:** Monday, February 24, 2020 3:52 PM  
**To:** Pigott, Mary Louise  
**Cc:** Dear, Andrea; Ward 1 Office  
**Subject:** Project at 1107 Main Street West and AWWCA update report  
**Attachments:** BRW68140114C84B\_016353.pdf

Hi Mary Louise and Andrea,

Please see the attached letter which my wife and I have sent to the Board members of AWWCA concerning their endorsement of the project and the recommendation that it be even higher and have greater density. Basically, we are asking that a Board member representative recuse oneself from participating as the AWWCA representative if a person is in a conflict of interest and that AWWCA disavow the attached Project Update Post-Community Meeting for the reasons we set out in our letter.

Perhaps it would be good if all neighbourhood associations in the City were supplied with a copy of the Conflict of Interest Guidelines of the City of Hamilton so that all members are aware of their responsibility to disclose and recuse where it is necessary.

I have also found that many members do not know the difference between the various zoning by-laws of the City of Hamilton and that they believe that if you can build a 40-storey high-rise downtown, it means it can be built anywhere. Similarly, members may wrongly believe that if you stopped your neighbour from getting a severance or a minor variance, that the same argument can be used to stop a high-rise building in an area zoned for such buildings.

Perhaps the City of Hamilton Planning Department should put out a small booklet for the Board Members of all neighbourhood associations explaining in general the difference zonings and where they are located in the City so that board members don't mix apples with oranges.

Thank you for your assistance.

Regards



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May 25, 2021

Shannon McKie  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Maureen Wilson  
Councillor Ward 1  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. McKie and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016  
1107 Main Street West, Hamilton (Ward) 1  
Three level underground parking garage and inconsistency PPS 2020  
Transit -Supportive Developments and reduced need for motor vehicles and parking  
along the Main Street West transit corridor**

In a prior letter dated February 16, 2021 a group of residents objected to the massive and detrimental three-level underground parking garage on the basis of environmental, subwatershed and conservation concerns. The Planning Rationale of the Applicant was also questioned, and the objecting group of residents submitted that a three-level underground parking garage was contrary to the PPS and GP.

I now wish to add additional specifics to that objection letter, based on the PPS 2020 and the introduction and promotion of “transit-supportive development” as set out and defined in the PPS 2020. This is because the residents in the neighbourhood already take advantage of the transit opportunities available in the municipality, and public transit is one of the most important reasons for residing in the neighbourhood. Many of us also rely heavily on GO Transit for travel to other municipalities, and for transportation to and from such destinations as Pearson International Airport, and we greatly appreciate the convenient first Hamilton stop at Main Street West and the 403-exit ramp.

**Main Street West Traffic Corridor**

In reviewing the Applicant’s Planning Rationale and comments made at the On-Line Community Meeting of August 11, 2020 it appears that the Applicant’s decision to build a three-level underground parking garage is entirely inconsistent with the policy directives of the PPS 2020 and “transit-supportive development”. This is because the Main Street West corridor is already at overcapacity levels as identified by Road Traffic Studies and is identified in City of Hamilton

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traffic studies as a corridor subject to rush-hour congestion. It is also to be noted that even after completion of the LRT, the vehicular traffic is still expected to substantially rise, especially because of the large percentage of commercial trucks using Main Street West. With the removal of two of the six lanes of traffic along Main Street West to accommodate the LRT, these levels of congestion will drastically increase.

Accordingly, it is imperative that any “transit-supportive development” be approved only if, among meeting and satisfying other important PPS policies and criterion, it can be shown that it is predicated on the reduction of motor vehicles ownership or usage by the intended occupants of the development, and that the parking garage which is intended to be built, will be of a limited capacity to not encourage motor vehicle ownership. For it is only policies such as this, which will help promote the reduction of traffic related air pollution and allow all of us to live in healthy and safe neighbourhoods abutting busy high order traffic corridors.

**Three-Level Underground Garage at a Parking Ratio Triple other Proposed Developments**

On May 12, 2020 a letter was written by a person associated with the proposed development, and in this letter it stated that among the features incorporated in the proposed development were  
“3 levels of underground parking (with a parking ratio triple the average size of proposed buildings in the area, with an estimated cost of over 12 million dollars)”

It is respectfully submitted that this higher ratio is also not consistent with the PPS 2020, as it encourages motor vehicle ownership by the occupants in this “transit-supportive development”. (nor does it assist in meeting the demand for affordable housing as also stated in the PPS). But perhaps the greatest concern is that this extra surplus capacity of parking stalls will be registered as separate condominium units for sale or lease. This will result in the surplus parking stalls being utilized for other developments, or simply used as a revenue producing parking garage for students attending McMaster University who do not wish to park in the designated parking lots further distant from the main campus.

One development, which was approved by City Council, having extremely limited on-site parking is the McMaster Undergraduate Student Residence on Traymore, which is being developed by Knightstone Capital Management Inc. on behalf of McMaster University. It is not consistent with the PPS, nor does it conform with the GP or UHOP to have our neighbourhood bear all the detrimental impacts, if these surplus parking units/stalls in the present development are purchased by Knightstone or any other future land developer. This is even more disconcerting if the Applicant is able to recoup its related parking garage construction costs by selling or leasing the surplus stalls at a purchase/rental price which reflects the full construction costs of the parking stalls.

It is therefore imperative that triple ratio surplus parking units be denied in a transit-supportive development, as the creation of unnecessary parking units, will turn our neighbourhood streets into an entry point to an immense parking garage. Unnecessary increased traffic volumes within

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the neighbourhood will be very detrimental to the health and safety of residents and young children, for all the reasons already delineated in prior objection letters.

In the expectation that approval of the LRT will be imminent, it should be noted that the traffic patterns within the neighbourhood will drastically change as a direct result of the elimination of left-turns from Cline Avenue South and Dow Avenue onto Main Street West, and also left-turns from westbound Main Street West onto Cline Avenue South and Dow Avenue. These critical changes will generate far more traffic congestion within the neighbourhood, and with the three-level triple ratio parking garage, the traffic problems and the health and safety concerns will be greatly magnified. These hazards will include the many anticipated U-turns which the Applicant's own traffic experts have identified in their traffic study, and which will add to the highly dangerous conditions that will be encountered by all pedestrians as a result of the proposed development.

**Triple-Parking Ratio being paid for by increased Height and Density**

At an On-Line Community Meeting held on August 11, 2020 it was stated by the Applicant's Planner that solely due to comments and input obtained from attendees at a meeting on November 26, 2019 relating to parking and a request to increase the parking amount over what was provided, the decision was made to add an extra level of underground parking. After this meeting the Planner stated that he went back to the architect to have a conversation requesting him to add an additional level of underground parking. It was also stated that in order to provide this increase in parking space with an additional underground level, the Applicant needed additional leasable or saleable space in the proposed building, and therefore the architect increased the height and density from 13-storeys to 15-storeys, or two storeys above ground in consideration for the one level underground.

I also wish to draw to your attention that the residents in the neighbourhood were informed by the Planning Department that a full transcript of the August 11, 2020 meeting, and written responses to all of the questions submitted at the on-line meeting, would be prepared and posted on the Applicant's website. To date this transcript has not yet been posted, and it would be greatly appreciated if the Planning Department could instruct the Applicant to post the same without any further delay.

**Conclusion**

It is submitted that the request made to the Applicant at the November 26, 2019 closed meeting was not consistent with the PPS 2020 in that having an extra level of underground parking in excess of the parking ratio requirements is not consistent with a “transit-supportive development” which is intended to discourage reliance on motor vehicles and to promote the use of public transit. There is no issue of lack of parking for residents in the immediate vicinity as we reside in homes that have driveways, which can accommodate three to four vehicles. Furthermore, many of the neighbourhood residents already heavily rely on public transit.

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To this extent, the hastily agreed upon trade-off made by the Applicant with a person or persons requesting an additional level of underground parking in consideration of two additional above ground storeys, should be rejected by the Planning Department as being totally contrary to the best interests of the neighbourhood and to the policies being promoted under the PPS 2020 for a transit corridor and a transit-supportive development.

Furthermore, the appropriate level of intensification and the extent to which this particular site can accommodate such intensification can only be determined after a full and complete assessment of all the other relevant policies set out in the PPS, GP and UHOP which have bearing on the proposed development, and the zoning by-law which enacts these very same guidelines and policies into planning principles. Even though the PPS specifically directs a consideration of "transit-supportive development" it is my sincere belief that this policy still has to be regulated and considered in light of these many other competing and conflicting policies within the PPS which speak to the health and safety of neighbourhoods.

It would be counterproductive to permit under the guise of "transit-supportive development" the two subject applications with the proposed height, density, massing and scale, and especially with the requested relief from rear-yard setbacks, if the very effect of the approvals will result in detrimental impacts on the health and safety of the neighbourhood residents, and force us to move out of the existing transit-supportive neighbourhood we already enjoy and wish to call our home.

Yours very truly,

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Andrea Dear, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

July 2, 2020

Dear Ms. Dear,

**RE: UHOPA-20-012 and ZAC20-016**  
**1107 Main Street West, Hamilton (Ward) 1**  
**Noise Feasibility Study submitted by Applicant**

I have reviewed the Noise Feasibility Study prepared by HGC Engineering which was dated February 7, 2020 and which was submitted in support of the redevelopment application. It is my opinion that this very Study demonstrates that the proposed project, consisting of a 15-storey high-rise tower and 310 units, is entirely incompatible with the surrounding single-detached residences on Dow Avenue and Cline Avenue South and with the existing institutional uses of the Adas Israel Synagogue and the Hamilton Hebrew Academy Day school and the City of Hamilton playground parkette.

I further believe that the Study offers clear evidence that the Applicant must amend the proposed project to an urban design that is in full conformity with the TOC1 Zoning and which will incorporate ground level acoustic barriers of fully landscaped setbacks from Dow Avenue, Cline Avenue South and the southerly lot boundary shared with the Adas Israel Synagogue and the playground parkette.

The Noise Feasibility Study has set out a series of recommendations based on noise sources and noise criteria, and this will be examined in more detail. Unfortunately, the Study has ignored noise sources which will emanate from within the development and this also will be reviewed in more detail, and for which it is suggested further engineering tests be undertaken to address these important concerns.

**Noise Sources from the Adas Israel Synagogue and “Warning Clauses for Nearby Religious Uses”**

The Study has concluded that due to noise from the Adas Israel Synagogue there will need to be “**warning clauses in the property tenancy and rental agreements** that warn occupants of the potentially audible noise levels and of the **nearby religious uses.**” In addition, the Study states

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that these “Warning Clauses should be used to inform future owners of the traffic noise issues, (and) the presence of **nearby commercial/institutional services**”.

It is not set out in the Study the exact nature of the “religious uses” that the Engineering Consultants were referring to in their analysis. Were they concerned with ritual hymns and prayers emanating from the sanctuary and chapel, or with congregants walking to and from the synagogue, or were they concerned about the day school students and members of the public that will be playing in the City of Hamilton financed parkette playground, or is it a combination of all of them? These Warning Clause recommendations were set out on the third paragraph on page 1 (section 1); page 9 (section 5.4(c)); and on top of page 12 (section 7(3)).

It is my opinion, however, that because of the generality of the Warning Clauses with respect to the “religious uses”, they will be considered by a court of law to be unenforceable by the Landlord/Applicant, and that tenants will be entitled to avail themselves of a full range of remedies to address each tenant’s noise concerns.

**Noise Sources from the Playground and Basketball Net**

The children’s playground as well as the basketball net located a few feet away from the southerly boundary line of subject proposed development, will undoubtedly be a loud noise source detrimentally impacting on the rental residential units, especially since the exterior walls of the two 10-storey towers do not comply with the minimum zoning setbacks.

I can personally attest to the fact that between the hours of 1:00 am to 4:00 am, when university students in the neighbourhood often played basketball at the playground, the sound of the basketball bouncing on the pavement can be heard through my closed bedroom windows at the back of the my house. During the daytime basketball playing is fine but at night the sound level is sufficiently loud enough to awaken me from my sleep. The window panes at the back of my house are further away from the playground basketball net than most of the windows for the proposed 310 residential units, and there is no doubt that the estimated number of 851 tenants, (based on Applicant’s own Functional Servicing Report) in the proposed project, will be equally disturbed by noise throughout the day and also late into the evening.

The noise emanating from children paying in the adjacent playground throughout the day and on weekends will also be equally disturbing to the proposed 851 tenants, especially when there is no ground level acoustic landscaped barrier between the towers and the playground. Is it reasonable to assume that the fact that 851 tenants signed leases in which they acknowledge being warned of noise from the “nearby religious uses” enough to stop them from complaining about children in the future? Is it a good planning principle to address obvious noise concerns only through the suggested noise warning clauses in leases?

**Impact on the Development on Itself - Sound Transmission Class (STC)**

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Perhaps what is most revealing about the architectural design of the proposed high-rise development is the concern over the acoustic features that must be built into the structure in order to protect residents from sound emissions and to effect noise mitigation, from the development on itself. This is made clear on page 11 of the Study in which the glazing of all windows is to meet noise and acoustic specifications as well as constructing the units STC-50 walls to insulate suites from each other.

This important fact is made clear in the Study’s reference to Tarion Builder’s Bulletin B19R which requires that the internal design of condominium projects integrate suitable acoustic features to insulate the suites from noise from each other and from amenities in accordance with the Ontario Building Code. The Study furthermore recommends that the **“outdoor sound emissions should also be checked to ensure compliance with the City of Hamilton noise by-law”**. (see top of page 13 of Study)

While this recommendation pertains to outdoor equipment, can the Applicant ensure that future residents/tenants will refrain from contacting the City of Hamilton noise by-law officers with respect to the children in the playground and those people playing basketball? Can the Applicant further guarantee the noise by-law officers will not be requested by tenants to intervene for the outdoor or indoor “religious uses” by the Adas Israel Congregation or any of its congregants?

The testing of noise levels from the City of Hamilton children’s parkette/playground which is used by the Hamilton Hebrew Academy on a daily basis for all school recesses and lunch time school breaks, was not carried out as part of the Noise Feasibility Study even though it was a few feet away from the proposed exterior wall of the proposed residential towers. While it is currently impossible due to the COVID-19 pandemic to reattend at the playground and to test for noise levels, it should be possible for the Consulting Engineers to obtain similar based noise level results from other school/municipal playgrounds studies for other residential projects in the Province of Ontario. It is imperative that the comparable data from these other noise feasibility studies be incorporated into the Study with respect to the subject proposed development, and that the issue of proper identification of noise sources be utilized in the new report, rather than relying on the amorphous terminology of “nearby religious uses”.

#### **Balconies and Warning Clauses**

The Consultant’s Noise Feasibility Study considers that the road traffic and predicted noise levels on Main Street West will be in excess of the permitted guidelines of the Ministry of the Environment, Conservation and Parks (MECP) and the City of Hamilton, which will result in the need for noise mitigation. The Study concludes that the noise levels are significantly greater than 65dBA during the daytime and 60dBA during the nighttime, requiring acoustic mitigation such as noise barriers, and in the building of façade construction and ventilation requirements. Details of the predicted future sound levels dBA are set out in Table III on page 5 of the Study.

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It is to be noted, however, that the proposed balconies and patios are excluded from MECP mitigation as the Consultant considered them to be less than 4m in depth and accordingly they were “not considered outdoor amenity areas under MECP guidelines and are therefore exempt from traffic noise assessment.”

The major acoustical recommendation to mitigate the noise from traffic and the nearby commercial facilities (i.e. Adas Israel Synagogue) is to adhere to the warning clauses which are to be inserted in the purchase and sale and lease agreements and that pertain to windows and doors. These are set out in Section 5.4 on Page 9 of the Study.

5.4 (a) Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the levels of the City and the Ministry of Environment, Conservation and Parks.

5.4 (b) This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of Environment, Conservation and Parks’ noise criteria.

5.4 (c) Purchasers/tenants are advised that due to the proximity of the existing commercial facilities, noise from these facilities may at times be audible.

If the exterior windows and balconies doors are recommended to remain closed in order to enjoy activities within the dwelling unit, and if the balconies are so small that they are not considered amenity area, then it is reasonable to question the rationale for architecturally designing this building with balconies in the first place.

**Balconies in a Student Building**

GHD, the Applicant’s own Traffic and Parking Consultants in the Transportation Study which was submitted on behalf of the Applicant in support of its application, repeatedly referred throughout their report that this proposed 15-storey 310-unit project was a “student rental apartment building” for students attending McMaster University. All statistical data and analytical findings and conclusions set out in the report, such as the number of parking spaces, visitor parking, commercial tenant parking and daily trips in and out of the parking garage were based on the student apartment building premise.

*It is to be noted that the generally accepted architectural and planning design for a student apartment building precludes balconies as the neighbourhood residents face a loss of privacy from students being able to go out on balconies and to peer down on the backyards and properties of single-detached residential properties. This was the case specifically for the proposed student building at 354 King Street West, Hamilton in which the entire building has no balconies extending out from the residential units. (see Schedule)*



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The architect for this proposed application is SRM Architects Inc., which is the same firm that designed the plans for the subject application at 1107 Main Street West. Why were balconies excluded from one student apartment building, but included in the design for this student apartment building? Are not the concerns for lack of privacy by neighbourhood residents just as compelling as for 354 King Street West? Is not privacy for the neighbours an even greater concern when the angular plane diagram submitted by the Applicant indicates that the upper storeys of the high-rise building exceed the 45-degree plane for both Dow Avenue and Cline Avenue South.

**Noise from Balconies and the two 10<sup>th</sup> Floor rooftop amenity areas**

If the balconies are used by students, or if the balcony doors are left open for the playing of music, or if there are large gatherings of students at each of the two 10<sup>th</sup> floor rooftop built-in BBQ stations and picnic tables, it is imperative that another noise study be conducted to obtain data on projected noise emanating from the balconies and the two rooftop terraces.

The Consultants who prepared the present Noise Study only looked a traffic noise affecting the terrace amenity areas, and not the projected noise coming from the balconies and the rooftop terraces. The Noise Study recommended an acoustic barrier of 2.0 m in height to reduce the traffic noise to below 60 dBA. But will the acoustic barrier stop noise from the outdoor rooftops from reaching the single-detached residences on Dow Avenue and Cline Avenue South? Will a noise feasibility study be conducted to determine possible and projected noise levels emanating from the balconies with loud music and from the rooftop amenity areas? Most importantly will the Noise Study recognize, as did the Traffic and Parking Transportation Study, that visitors to the student rental buildings are at their highest level on weekends, which is precisely the same time that coincides with the Sabbath, when there are regular Friday evening services and both Saturday morning services and afternoon services for the Sabbath? Accordingly, the likelihood of parties, loud music, noise from open balcony doors, and the utilization of these rooftop amenity areas with their built in BBQs and picnic tables will coincide with the very time that “religious uses” are observed at the synagogue and by many homeowners of Dow Avenue and Cline Avenue South.

**Noise from the Student Café at the corner of Dow Avenue and Main Street West**

The proposed commercial anchor tenant is a “café” according to the Applicant. If this “café” is licensed it could also be considered a “pub”, but in either case it will allow late night customers entering and leaving the eating/drinking establishment in the proposed building. This will directly impact the neighbours on Dow Avenue and Cline Avenue South, and it is recommended that a noise study be conducted to determine the dBA of a group of 5 or 6 students who are all conversing with each other at the same time. This would give an accurate reading of the noise disruption heard late at night by homeowners.

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The noise levels would be an even greater concern if the Applicant allowed any of the following:

- 1) Outdoor patio with chairs and tables on the corner of Dow Avenue and Main Street West;
- 2) An elevated outdoor terrace above the commercial area which is connected to the student café;
- 3) A sound system or speakers that are on the outside of the proposed building;
- 4) Single entry doors to the student café from the street level which will allow noise to escape when students exit and enter;
- 5) Live entertainment in the student café in which noise levels are generally higher than normal;
- 6) A licensed establishment under the LCBO in which students are generally much more boisterous than a passive coffee shop;
- 7) A percentage commercial lease with rent based on the volume of liquor and beer sales made by the commercial tenant;
- 8) Hours of operation that allow the student café to be opened after 6:00 pm and to be open on weekends.

The Transportation Study prepared by GHD and submitted by the Applicant confirms in Section 7.3 that the proposed building is a "student rental apartment building" and that "as a rental apartment building, **the proposed commercial component provides services predominately to the students / residents**, and therefore no parking is needed for the commercial use".

The Applicant's desire to have a student café, therefore raises many concerns for the neighbourhood and especially for residents within 120m of the proposed building. If one reads the vast majority of letters of objection filed in virtually every high-rise project that requires an amendment to the Urban Hamilton Official Plan, (as well as some variances before the Committee of Adjustment) it is quickly noted that they all refer to late night noise, vandalism and disruptive behaviour attributable to student drinking, and that the Ainslie Wood Westdale Neighbourhood is vulnerable to irreversible "studentification" whereby the neighbourhood itself is being detrimentally affected by late night student disruption.

Accordingly, the desire of the Applicant to have a student café as the anchor tenant in a student building, causes great alarm, as this type of tenancy may quickly evolve into making the student café a magnet for all students living in the Ainslie Wood Westdale Neighbourhood. It may even succeed in turning Dow Avenue and Cline Avenue South, with the owner occupied single-detached residences, into the two primary streets leading directly to and from the student café.

I have no objection to an apartment building or condominium being constructed on the subject lands in accordance with TOC1 Zoning, nor do I have any objection with ground level commercial units on Main Street West. However, the "bicycle repair shop" tenancy originally touted by the parties who purchased the subject lands, now seems to have transformed into a "student café" tenancy which threatens the viability of the surrounding neighbourhood. The high level of noise, certain to emanate from the proposed project with its balconies, roof top built in

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BBQs and picnic tables, and the new proposed commercial tenant, is totally incompatible with the neighbourhood that surrounds it on the east, west and south.

**Solution to Competing Noise Sources – “Nearby Religious Uses” vs. Student Balconies, Roof-top Amenity Areas, Student Café**

There are three basic solutions to the noise problems arising from the proposed 15-storey 310-unit high-rise project on the subject lands.

**1. Do not allow increased height and density under the requested UHOP Amendment and Zoning Amendment**

The existing TOC1 Zone which limits the height, density, massing and scale of the building will reduce the noise emanating the proposed building and at the same time reduce the number of tenants that are exposed to the noise from the “nearby religious uses”. This existing TOC1 Zone will ensure the compatibility within the neighbourhood and that the redevelopment will be in conformity with the PPS, GPGGH, UHOP and the AWWNP.

The elimination of the balconies, which are in excess of the MECP guidelines and which will remain as unmitigated areas, were subject to proposed warning clauses to have balcony doors and windows remain closed for the enjoyment of the rental units. The elimination of the two outdoor roof-top amenity areas will also make the building more compatible with the neighbourhood. These modifications in the architectural design will not only remove a source of projected noise from the proposed building into the neighbourhood, but also remove the privacy concerns of students peering into the neighbouring backyards on Dow Avenue, Cline Avenue South, Southview Place, Haddon Avenue and Westwood. The elimination of the balconies is also consistent with other architectural plans drawn by SRM Architects Inc. for a nearby student high-rise building on King Street West.

It is also suggested that instead of the “light” and “efficient” design of the proposed towers, that a more traditional architectural style be utilized that not only will address the road noise and MECP guidelines and the noise from “nearby religious uses”, but be more appealing to a greater cross-section of residents in the Ainslie Wood Westdale who are less likely to make late night noise and cause disruption on the neighbouring streets. The modification of the proposed project to larger sized condominium units and with a height and density in compliance with TOC1 Zoning, will also ensure that the commercial units will be more compatible with the entire Ainslie Wood Westdale Neighbourhood, and be a benefit for the entire neighbourhood, rather than the Applicant’s present plan to only serve and address the needs and whims of the proposed student tenants.

**2. Ground level fully Landscaped Acoustic Barrier**

It is a well recognized noise mitigation practice and urban design principle that ground level landscaped areas are most appropriate for noise level reduction. Given the high road noise levels

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from Main Street West and the concern with MECP guidelines, and the noise from “nearby religious uses” it is puzzling as to why the architectural plans have virtually no ground level landscaped areas surrounding the proposed building.

A fully landscaped acoustic barrier with deciduous trees and large shrubs between the proposed building and the entire boundary area with the neighbouring Adas Israel Synagogue and the playground parkette on the Hamilton Hebrew Academy day school, would certainly reduce noise levels and offer much needed mitigation. An extension of the acoustic landscaped area around the proposed building onto Main Street West would also help mitigate the noise from the roadway.

Another important aspect of the landscaped acoustic barrier between the proposed building and the Adas Israel Synagogue is that the Grace Lutheran Church grounds should be considered as a Cultural Heritage Landscape which will be demolished. When combined with the fact that the Adas Israel Synagogue is on both the City of Hamilton inventoried list of Places of Worship and on Buildings of Architectural and Historical Interest, making it worthy of designation under the Ontario Heritage Act, the landscaped acoustic barrier area should be considered mandatory to maintain and preserve the historic and architecturally significant character of the neighbourhood.

### **3. Ground Level Amenities**

The two 10<sup>th</sup> floor roof-top amenity areas with built in BBQs and picnic tables are matters of great concern for projected noise into the surrounding neighbourhood and seem to provide limited enjoyment of the building for any tenant with the exception of students. The most important amenity for seniors and retirees is a well landscaped ground level garden with paths and sitting areas. In order to have the building appeal to a wider cross-section of the neighbourhood population, either as tenants or condominium owners, the noise making 10<sup>th</sup> floor amenity areas should be replaced with the noise mitigation landscaped acoustic barrier area on the ground level.

### **4. Restrictive Covenants to be registered on title and in the Development Agreement**

While it is indeed worthwhile to have warning clauses inserted into Purchase Agreements and Leases, these warning clauses should list with specificity the noises emanating from the Adas Israel Synagogue and the Hamilton Hebrew Academy Day School and the City of Hamilton parkette. As pointed out previously, the deemed acknowledgment by Tenants in the lease may be non-binding upon them if the noise warning clauses are not spelled out in detail. If they are found to be non-binding then each tenant could seek their own remedy and even involve the City of Hamilton Noise By-law Department to try to resolve their noise issue with the neighbouring property.

With respect to the noise emanating from the student tenants either on their balconies or 10<sup>th</sup> floor roof-top terraces, and with respect to noise emanating from the student café, it is strongly

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recommended that the City of Hamilton control these projected noise sources right at the start. This can be accomplished by restrictive covenants registered on title and in the Development Agreement that forbid the construction of balconies for the subject property, and forbid roof-top outdoor amenity spaces that have picnic tables and built-in BBQs.

With respect to the commercial tenants at the subject property, the City of Hamilton should likewise forbid student cafes and similar tenancies that have the ability to turn the location into a “party central” for a neighbourhood that deserves and is entitled to ask for compatible uses, and to seek respect for and preservation of its character and its historical and architecturally important buildings.

These restrictive covenants should regulate type of tenancies, outdoor patios, outdoor sound systems and hours of operation. Most importantly the City of Hamilton should endeavour to ensure that the commercial tenancies on the ground floor of the proposed redevelopment, match up to and across the entire spectrum of the identified stakeholders in the Ainslie Wood Westdale Neighbourhood. This far better approach is different than that of the Applicant and its consultants who will only seek out commercial tenancies that are oriented for their student tenants in a student rental high-rise apartment building.

**Conclusion**

The Noise Feasibility Study prepared by HGC Engineering and submitted on behalf of the Applicant, clearly indicates the competing noise sources for the projected redevelopment of the property from both the neighbouring property and the development itself.

To mitigate the noise problems that are bound to occur at the site and within the neighbourhood, and to avoid the unnecessary involvement of the City of Hamilton Noise By-law Department in trying to resolve noise disputes, it is recommended that the City of Hamilton Planning Department not only insist upon a fully landscaped ground level acoustic barrier surrounding the proposed project, but with a substantial landscaped separation area between the proposed building and the neighbouring lands to the south.

It is further recommended that the Application for the UHOP Amendment and the Zoning By-law Amendment by the Applicant be denied until such time as the Applicant submits a proposed redevelopment that complies with the TOC1 Zoning that is already in place, and which regulates the height, density, massing, scale and character of any redevelopment.

Finally, it is recommended that the City of Hamilton Planning Department take active measures to control and regulate the ground floor commercial tenancies, and to prohibit architectural design plans containing balconies and roof-top terraced amenity areas in student rental apartment buildings located in residential neighbourhoods that contain buildings of architectural and historical interest and important Places of Worship.

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Yours truly,

Cc. Maureen Wilson, Councillor Ward 1



## 5. Proposed development

### 5.1 Site traffic generation

The proposed development, at full build-out, is expected to consist of 310 residential rental units with 5,760.3 ft<sup>2</sup> (535.1 m<sup>2</sup>) gross floor area (GFA) of commercial at grade. The detail residential unit breakdown in the site plan (dated January 2020) is provided in Appendix E.

For comparison purposes, subject site trips were estimated based on the average trip rates as well as based on trip rates derived from the fitted curve equations of High-Rise Multifamily House (LUC #222) provided in Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE). The resultant trip rates, entering and exiting proportions, and estimated total site trips are summarized in Table 3.

**Table 3 Site trip generation**

Site Development	Units	Parameter	Peak Hour Trip Generation					
			Weekday AM Peak			Weekday PM Peak		
			In	Out	Total	In	Out	Total
Residential (High-Rise Multifamily House)	310	Gross Rate (Average Rate)	0.07	0.24	0.31	0.22	0.14	0.36
		New Trips	23	73	96	68	44	112
Residential (High-Rise Multifamily House)	310	Gross Rate (Fitted curve equation)	0.077	0.246	0.323	0.224	0.144	0.368
		New Trips	24	76	100	70	44	114

According to Table 3, to be conservative, the subsequent analysis applied the higher trip rates (derived from the fitted curve equation) of High-Rise Multifamily House.



As a rental apartment building, the proposed commercial component provides services predominately to the residents / students, and therefore it is not expected to generate any vehicular trips.

Although there could be an allowance for transit and active transportation modes, vehicle trip reductions were not considered for this analysis. Accordingly, the total site trips are expected to be 100 two-way vehicle trips during the weekday AM peak hour total and 114 two-way vehicle trips during the weekday PM peak hour.



### 5.2 Directional distribution and assignment

With the implementation of the Main Street LRT Line, Cline Avenue South and Dow Avenue connecting Main Street will be right-in and right-out. Left turns will not be permitted (or possible) at these unsignalized intersections due to the LRT in the centre of Main Street. In addition, as a student rental building, the majority of the site trips will be to or from the university of McMaster during the weekday AM and PM peak hours.

To be conservative, the analysis assumed that all site traffic will access the site from Main Street and Cline Avenue. Furthermore, all traffic will come from or go to the west (MacMaster University). The site traffic volumes are illustrated in Figure 8.

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**Table 8 Parking requirements for site visitors**

Units	Toronto Requirement		Existing parking demand	
	Parking Rate	Parking Spaces	Parking Rate	Parking Spaces
	Visitor	Visitor	Visitor	Visitor
310	0.10	31	0.091	28

Therefore, the required visitor parking is 28 and 31 spaces, respectively, based on the existing parking demands and the Toronto's By-law for visitor parking.

### **7.3 Recommended parking ratio and spaces**

#### **Parking requirements for residents**

For Multiple Dwelling residential use, the City of Hamilton's current parking By-Law requires 181 parking spaces for the site residents (see Table 5). It should be noted that the parking requirements for the student rental apartment building is expected to be less than the typical residential building.

#### **Parking requirements for visitors**

Based on the City of Toronto By-law requirement and existing visitor parking survey data, the required visitor parking is 28 and 31 spaces (see Table 8), respectively for the proposed development.

As a rental apartment building, the proposed commercial component provides services predominately to the students / residents, and therefore is no parking needed for the commercial use.

Therefore, the estimated total parking requirement for the proposed development will be 212 (181 resident +31 visitor) parking spaces.

From a review of above, the proposed parking supply of 234 spaces will meet Hamilton's By-law requirements for resident parking and can accommodate anticipated visitor parking demand.

## **8. Site circulation review**

The site plan was reviewed with respect to design vehicle circulation using AutoTURN software.

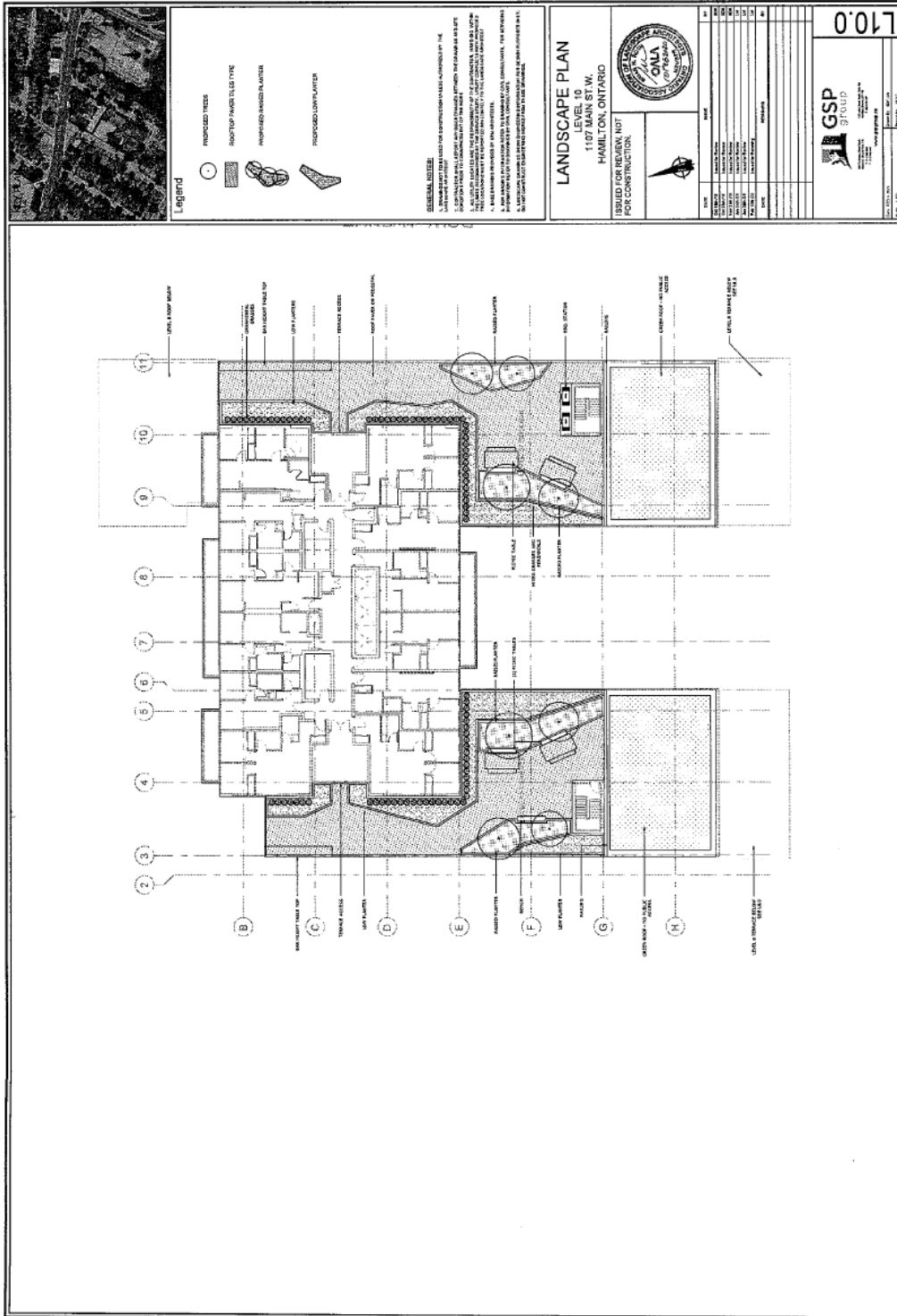
Based on the analysis, the proposed site plan is sufficient to accommodate the circulation requirements of garbage trucks as well as medium single unit (MSU) trucks. By all indications in Appendix H, there are no truck circulation concerns with the site plan.

The proposed parking level plans are sufficient to accommodate circulation requirements of the passenger car design vehicles, as illustrated in Appendix H.

Therefore, the proposed site plan has been reviewed and found to be acceptable in terms of vehicular flow and parking space accessibility. Therefore, we conclude that the current site plan can accommodate the intended design vehicles.



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#### City of Hamilton Sanitary Design Flow Review

Project: 1107 Main Street West, Hamilton  
 File No: 122727  
 Date: 30-Jan-20  
 Design By: AH  
 Checked By: JP  
 Page: 2 of 2



#### REQUIREMENT

Design Flow = Average Dry Weather Flow X Peak Flow Factor + Infiltration Allowance

#### Proposed Development Maximum Daily Flow

Land Use	Population Density		Units	Area	Equivalent Population
Townhouse					
2 Bedroom <sup>1</sup>	1100.0 L/day	3.06 PPU	11	-	34
3 Bedroom <sup>1</sup>	1600.0 L/day	4.44 PPU	6	-	27
			Subtotal		Subtotal
			17		61
13-storey Building					
Bachelor <sup>1</sup>	750.0 L/day	2.08 PPU	4	-	9
1 Bedroom <sup>1</sup>	750.0 L/day	2.08 PPU	166	-	346
2 Bedroom <sup>1</sup>	1100.0 L/day	3.06 PPU	99	-	303
3 Bedroom <sup>1</sup>	1600.0 L/day	4.44 PPU	24	-	107
Commercial <sup>2</sup>	450.0 ppha		-	0.0535 ha	25
			Subtotal		Subtotal
			293		790
			Total		Total
			310		851

$$\text{Peaking Factor, } M^2 = 5 / P^{0.2}$$

where: P = design population in thousands

$$\text{Peaking Factor}^2 = 5.00$$

$$\text{Average dry weather flow}^2 = 360 \text{ L/day/p}$$

$$\text{Dry Weather Flow} = 306360 \text{ L/day}$$

$$= 306.36 \text{ m}^3/\text{day}$$

$$= 3.55 \text{ L/s}$$

$$\text{Drainage area} = 0.52 \text{ ha}$$

$$\text{Infiltration Allowance}^2 = 0.400 \text{ L/s/ha}$$

$$= 0.21 \text{ L/s}$$

$$\text{Total Design Flow} = 17.94 \text{ L/s}$$

1- Ontario Building Code Part 8 - Table 8.2.1.3.A

2- City of Hamilton Engineering Guidelines for Servicing Land Under Development Applications Part 2.4.2.6

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Criteria	Response
	<p><i>edge of the site, avoiding casting any shadows onto Market St sidewalks would be difficult to achieve due to their northern exposure. While the proposed development casts shadows onto the sidewalks at the Ray St N and Market St intersection (March 21st 10:51AM, Sept 21st, 10:36AM) and the Queen St N and Market St intersection (March 21st 3:51PM, Sept 21st 3:36PM), the proposed 25-storey dwelling avoids casting even more adverse shadows by being situated along the southern edge of the site (1.96 – 2.00 metres from the King St W street line), in between Ray St N and Queen St N.</i></p> <p>A Grading Plan (prepared by MTE Consultants) was approved through the SPA process. The plan (Drawing C1.2) has been updated to reflect the changes made during the OPA/ZBA process including the additional vehicle access on the western lot line and the revised transformer locations.</p>
<p>* *</p>	<p>With regards to overlook, no balconies are proposed for both the approved development or additional storeys on the multiple dwelling and hotel. Without balconies, the windows on the upper levels of the buildings will only be passively used in the sense that residents will not be sitting for long periods of time as they would be if there were balconies. The absence of balconies thereby reduces adverse overlook concerns on adjacent land use. Small, 2<sup>nd</sup> storey balconies are proposed along street-orientated dwelling units along Market Street. These small balconies provide views to the public sidewalk and will not result in adverse overlook impacts on adjacent land uses. The rooftop amenity areas proposed atop the 15<sup>th</sup> floor and 25<sup>th</sup> storey are inset 3 m from the building edges, therefore minimizing overlook from residents who are utilizing the outdoor amenity spaces.</p> <p>With regards to noise, King Street West and Queen Street North are identified as a “full time truck route” and see a number of cars, medium, and heavy trucks travel on these routes daily (pg 5 of the Noise Study). The additional vehicles and commercial deliveries along King Street West and Queen Street as a result of the additional units will not add a significant amount of noise along these routes as they are already full-time truck routes. The additional traffic in and out of the Market Street access as a result of the additional units will be comprised mainly of resident vehicles.</p>

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December 10, 2020

Andrea Dear  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Maureen Wilson  
Councillor Ward 1  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Dear and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016  
1107 Main Street West, Hamilton (Ward) 1  
Environmental concerns and adverse health impacts relating to the proposed  
development and the inappropriate level of intensification for the site  
Failure of Applicant to adhere to required design guidelines and planning principles  
Request for: 1) an Environmental Review, 2) a City of Hamilton Health Department  
Review, 3) additional revised reports pertaining to a Sun/Shadow Impact Study and  
a Wind Impact Study, and 4) Traffic Vehicle Congestion and Queues Study**

I am writing this letter in opposition to the proposed development on the basis of environmental concerns relating to the level of harmful air pollution which currently exists at the subject lands. It is my opinion that if the City of Hamilton allows this development to proceed it will exacerbate an existing critical air pollution problem, that will further jeopardize the health and safety of residents, school children, pedestrians and cyclists in the Ainslie Wood Westdale Neighbourhood, as well as future intended occupants of the proposed development. This environmental problem will occur by reason of the proposed level of intensification with its designed height, density and massing of the project. The proposed development will directly contribute to an increased concentrations of harmful air pollution which are inconsistent with the provisions of the Provincial Policy Statement, and which do not conform to the Growth Plan for the Greater Golden Horseshoe, the UHOP and AWW Secondary Neighbourhood Plan.

To this extent, I propose to address the following issues (**and advise that all markings throughout in bold have been added for my emphasis**):

- 1) the nature and specifics of the architectural proposed design form contravention and non-conformity;
- 2) the Applicant’s justification for non-compliance;
- 3) the rationale for avoiding a “Canyon Effect” also known as an “urban or street canyon”
- 4) an examination and determination of the air quality in and around the site;

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- 5) a road traffic volume analysis for Main Street West and Highway 403;
- 6) a comparative analysis of the air pollutant measurements of the Hamilton West Ambient Air Monitoring Site located at Main St. W./Hwy 403 with the rest of Ontario and Canada;
- 7) the Explanatory Notes of the Ontario Ministry of the Environment, Conservation and Parks;
- 8) the “canyon effect within a canyon” and the impact of lack of wind and sunlight penetration on the dispersion of ambient air pollutants;
- 9) adverse health effects of air pollution
- 10) the detrimental effect on adjacent landowners, residents and institutions, pedestrians, school children, particularly female children, and new tenants/occupants of the proposed high-rise, as a result of the proposed high-rise;
- 11) steps being taken by Municipal jurisdictions in response to the harmful effects of air pollution adjacent to Highways and Traffic Corridors;
- 12) guiding principles and approaches within the Planning Act and the Provincial Policy Statement with respect to environmental air quality protection;
- 13) guiding principles and approaches within the Growth Plan of the Greater Golden Horseshoe with respect to environmental air quality protection;
- 14) the guiding principles and approaches within Urban Hamilton Official Plan with respect to Land Use Compatibility and healthy, safe, liveable communities and air quality protection;
- 15) provisions of the City-Wide Corridor Planning Principles and Design Guidelines and appropriate and separate approaches for difference Corridors and segments;
- 16) the appropriate level of intensification of the site and the required modifications to development proposal to bring it into consistency and conformity with all relevant planning policies and to mitigate the adverse health impacts.

**1) THE DESIGN BUILT FORM CONTRAVENTION**

Upon reviewing the Applicant’s Planning Rationale in respect to the City-Wide Corridor Planning Principles and Design Guidelines I ascertained that the Applicant was not in compliance with Guideline 4.9 which states:

**4.9 Long Buildings**

**A long multi storey building along the street may negatively impact the quality for the street by creating a canyon effect and shading the street for great lengths.**

**Guideline:**

**Where a building or portion of a building is greater than 60m long and greater than 3-storeys high it should be divided into two separate built forms above the 3rd storey. This will allow a space for light to reach the street and minimize the canyon effect. This is especially important for buildings along the south side of east/west arterials.**

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2) **APPLICANT’S JUSTIFICATION FOR NON-COMPLIANCE**

It was clear that the Applicant’s proposed development falls squarely within this guideline as it is over 60m, over 3-storeys in height, and is on the **south side of Main Street West** which is an arterial route which runs on **an east/west axis**. Yet, the Applicant made no attempt to comply with the guideline and explains in the Planning Rationale its failure to conform with the guideline in the following manner:

**“The portion of the south sidewalk on Main Street West between Cline Avenue and Dow Avenue area is in shadow for most of the day.  
However, it must be noted that this area would still receive 0 hours of full coverage in an as-of-right scenario. In our opinion, the proposed built form and stepbacks of the taller elements of the building are appropriate and the shadow impact on the existing neighbourhoods and public sidewalks has been adequately limited”**

The Applicant goes on to justify its non-compliance by simply stating that “in our opinion and as explained in Section 5 of this report, the proposed development has had **appropriate regard** for the City-Wide Corridor Planning Principles and Design Guidelines.

In Section 5 of the report the Applicant again repeats its **“appropriate regard excuse”** for several of the guidelines, even when it is not in compliance with the exact requirements as it concludes that “in our opinion, the proposed development maintains the general intent of the City-Wide Corridor Planning Principles and Design Guidelines and Transit Oriented Development (TOD) Guidelines, since:

- The proposed building maintains **appropriate** angular planes (Guideline 4.3.1)
- The proposed building’s height and front step backs are **appropriate** (Guideline 4.3.2)
- The proposed building provides an **appropriate** built frontage along Main street West (Guideline 4.4)
- The proposed building’s ground floor is pulled close to the street lines (Guideline 4.7.3)
- **The site is approximately 60 metres wide and the proposed building has been designed to break up its Main Street West façade (Guideline 4.9)**
- The proposed building has been designed with upper storey step backs, which limits its shadow impacts on the surrounding lands (Guideline 4.12)

The determination of what is appropriate, however, and whether one should merely accept the Applicant’s standard of “appropriateness” requires greater examination into the rationale for the guidelines, the reasons why the City of Hamilton wants sunlight penetration onto the sidewalk and the street, and a full determination of all the negative impacts on the environment if a Canyon Effect is created.

3. **THE RATIONALE FOR AVOIDING A “CANYON EFFECT” AND ITS IMPACT ON AIR POLLUTION**



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The City of Hamilton is trying to avoid “urban canyons”, also known as “street canyons” as a high-rise building on the south side of an east/west arterial road can modify wind speed and direction and eliminate the penetration of sunlight, both of which are helpful in promoting the rate of dispersion of harmful air pollutants which can collect adjacent to the high-rise building. When wind flow is impeded and sunlight blocked from penetrating into the street, it reduces the “flushing out” of harmful air pollutants. The lack of sunlight and wind can therefore drastically reduce air quality on either side of the high-rise building, as well as adjacent properties and sensitive locations within the immediate vicinity and throughout the neighbourhood.

**4. AIR QUALITY EXAMINATION IN HAMILTON AND SPECIFICALLY IN THE AINSLIE WOOD WESTDALE NEIGHBOURHOOD**



A) CBC Article posted May 29, 2019

It was recently reported by the CBC that an Air Quality study from McGill University found that Hamilton has a “striking” level of a deadly blood cancer, known as acute myeloid leukemia (AML). The other cities affected were Sarnia, Sault Ste. Marie and Thunder Bay.

The incidents of AMR rates were tracked by postal code and one of the noted postal codes with “high incidence” in Hamilton, was L8S which includes the Ainslie Wood Westdale Neighbourhood and the site of the proposed development at 1107 Main Street West. Lynda Lukasik, the executive Director of Environment Hamilton attributes this to the high rate of air pollution in Hamilton and especially the air borne carcinogen benzene. A copy of the post is attached as a Schedule.

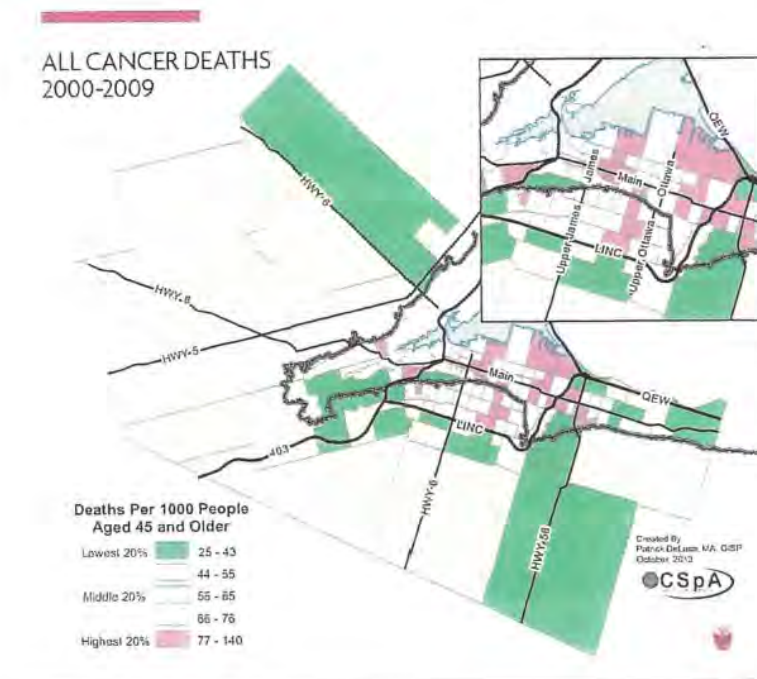
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B) Analysis of Acute Myeloid Leukemia Incidence and Geographic Distribution in Canada From 1992 to 2010 Reveals Disease Clusters in Sarnia and Other Industrial US Border Cities in Ontario

This is the article appearing in the CBC news headline and in it the Physician authors outline their methodology, their incidence tracking data, and their conclusion that the “results provide a comprehensive analysis of AML burden in Canada and reveal striking geographic case clustering in industrial Ontario cities and potentially implicate exposure to materials/pollution from these plants as an important risk factor for developing AML in Canada.

C) Hamilton Spectator / McMaster University Code Red Cancer Project Part 1

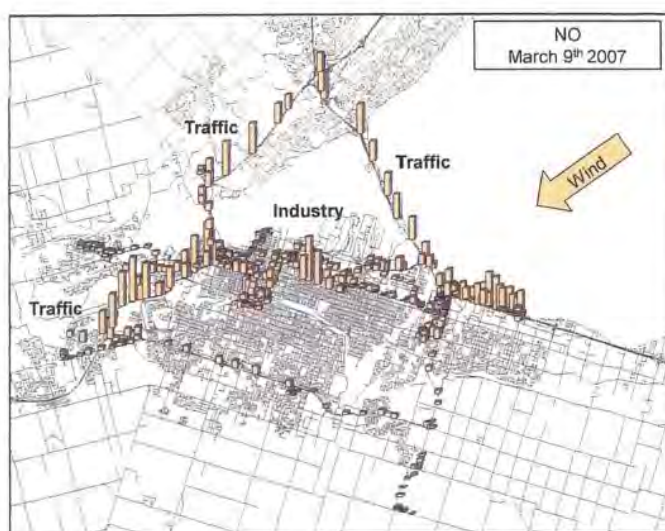
In reporting on all cancer deaths in Hamilton from the year 2000-2009 the researchers on the project identified the street addresses of those who had died, and prepared a map with the indices of Death Per 1000 People Aged 45 and Older, and colour coded from with the Lowest 20% through the Middle 20% and the Highest 20%. **Based on this Map, which is attached as a Schedule, the area between Main Street West and the 403 Highway (Ainslie Wood Westdale) was shown as being on the highest scale in Hamilton, in common with the neighbourhoods in the industrial core of the City.**





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The authors of this report focused on air pollution in urban centres resulting from increased traffic and industry, and recognized that “the detrimental impact on population health has been the focus of many epidemiological studies. Some cities are fortunate to have one, or at most a few, sparsely spaced fixed air quality monitors, which provide much needed daily data. However, fixed monitors do not accurately depict the spatial distribution of air pollution over the extent of an urban area nor can they target areas for focused surveys”. The authors therefore relied upon “mobile monitoring to improve spatial coverage of pollution concentrations over the city of Hamilton, Ontario and to enhance our knowledge of the short-term bursts of pollution to which the population is exposed.” The authors specifically traced the “results for two pollutants, **oxides of nitrogen (NO(x)) representing traffic sources**, and sulfur dioxide (SO<sub>2</sub>) representing industry sources” and concluded that “**the data demonstrate very high levels of NO(x) exceeding 600 ppb, near major highways with SO<sub>2</sub> levels up to 249 ppb near industrial sources. Both values significantly exceed the hourly maxima recorded by fixed monitors. The results also highlight the effect of wind direction on SO<sub>2</sub> and NO(x) levels, and the affected population in each scenario.**”



**Figure13: Nitric Oxide Traffic Model Predictions and Mobile Monitoring Data, NE Wind.**

This figure also shows the relative contributions of Nitric Oxide from traffic and industry with traffic contributing relatively high levels of contaminants.

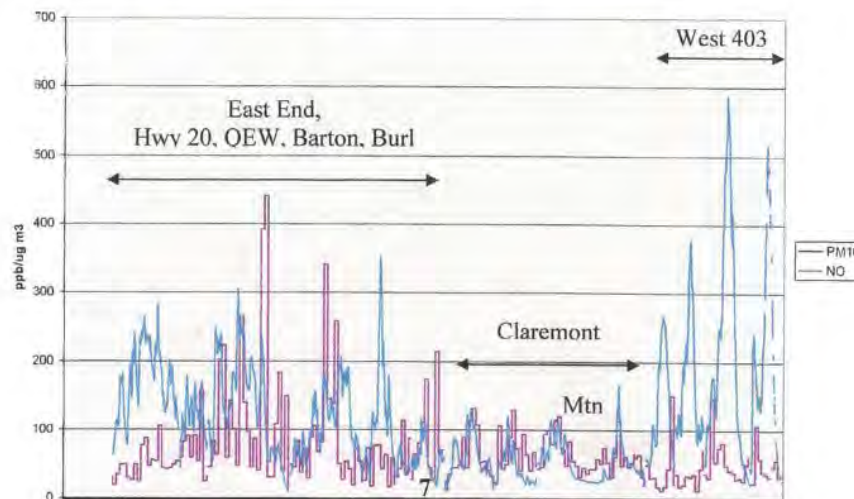
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G) Health-Impacting Air Pollutants: A Mobile Monitoring Study to Identify and Rank Sources in Hamilton, Ontario Phases 2/3 by Denis Corr of Rotek Environmental Inc.

This detailed Report was prepared for Clean Air Hamilton, the City of Hamilton, the Ministry of the Environment and Environment Canada and “addressed inversion/smog days, traffic impacts, vehicle idling, drive throughs, road dust resuspension and better air quality modelling. Mobile scans for **NO<sub>x</sub> (Oxides of Nitrogen)**, SO<sub>2</sub> (Sulphur Dioxide), PM (Airborne Particulate Matter) and CO (Carbon Monoxide) were performed in traverses across the city, at selected industrial areas, **at traffic intersections and at a school during student pickup and drop-off times. Highest pollutant concentrations were observed near major road intersections** and along heavily used roads affected by dirt track-out in the industrial sectors of the city. **These high levels were attributed to the impacts of city traffic emissions** and the industrial transportation sector, respectively”.

“Modelling had indicated that higher pollution incidences would be expected in the east end of the City around the QEW/Hwy 20 intersection, on the Claremont mountain access complex and **in the west end around the Hwy 403/ King/Main/Aberdeen intersections**. Special sampling runs were conducted over a number of days and under different meteorological conditions to evaluate these results and compare the levels of pollutants in these three areas, see Figure 12.”

“The Claremont Access and Jolley Cut mountain accesses did not show pollutant levels significantly different from other well traveled roadways, peaking at 132 ug/m<sup>3</sup> for PM<sub>10</sub> and 158 ppb for NO. However, these concentrations are still well above the residential levels on the mountain of 26 ug/m<sup>3</sup> PM<sub>10</sub> and 12 ppb NO. **In the 403 Highway valley in the west and on the 403 Ancaster hill, very high levels of NO were detected, reaching a peak of 586 ppb. These are in fact the highest NO levels measured to date in Hamilton, higher than industrial source impacts around major steel companies. The maximum value for NO<sub>x</sub> (NO + NO<sub>2</sub>) was 660 ppb.**”



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The report examined the aggregated Health Impacts of NO for traffic and although they relied upon this technique the author “also developed an innovative GIS analysis for the total health effects of the pollutants measured. The pollutant effect metrics used were those determined by Jerrett and Sahasrovglou in their May 2003 report to **Clean Air Hamilton “A Public Health Assessment of Mortality and Hospital Admissions Attributable to Air Pollution in Hamilton”** (School of Geography and Geology and McMaster Institute of Environment and Health).

<http://cleanairhamilton.ca/wp-content/uploads/2017/05/Health-Study-Full-Report.pdf>

Notation in the following tables includes ‘P1997’ as the original HAQI report, Pengelly et al. (1997); ‘P2000’ as the City of Toronto report, Pengelly et al. (2000); ‘CAH’ as the current reanalysis of HAQI conducted for Clean Air Hamilton; ‘Adjusted’ as the current results with adjustment of 42% overestimate; ‘M-min’ (mean minus minimum 20%) represents the baseline 20% model; and ‘M-min adj’ indicates the baseline model adjusted for the 42% overestimate.

Relatively wide ranges can be observed within the estimated percent changes from increases in pollutants. For an increase of 10  $\mu\text{g}/\text{m}^3$  in  $\text{PM}_{10}$ , there was an increase ranging from 0.43% to 1.07% in non-traumatic deaths; 0.7-3.5% for respiratory admissions; and 0.5-2.3% in cardiovascular admissions. In the case of  $\text{SO}_2$ , the increase per 10ppb resulted in a range of 0.84-3.89% increase in mortality; 1.3-6.1% for respiratory admissions; and 0.2-2.1% in cardiovascular admissions. The other pollutants follow similar ranges, with the higher ranges existing for morbidity results and lower ranges in mortality estimates. Adjusted mean values were slightly higher than the low end of the estimates, except for the association between  $\text{O}_3$  and non-traumatic mortality.

**Table 1. Summary of Percent Changes per 10 Units of Pollutant: Low, Mean, High, and 42% Adjusted Mean Estimates of Calculated Values**

Pollutant	NT mortality <sup>a</sup> (change per 10 units pollutant) range of estimates				Respiratory admissions <sup>b</sup> (change per 10 units pollutant) range of estimates				CV admissions <sup>b</sup> (change per 10 units pollutant) range of estimates			
	low	mean	high	adj mean	low	mean	high	adj mean	low	mean	high	adj mean
	$\text{PM}_{10}$ ( $\mu\text{g}/\text{m}^3$ )	0.43	0.76	1.07	0.44	0.7	2.1	3.5	1.22	0.5	1.4	2.3
$\text{PM}_{2.5}$ ( $\mu\text{g}/\text{m}^3$ )	1.68	2.88	4.46	1.67								
$\text{SO}_2$ (ppb)	0.84	2	3.89	1.16	1.3	3.7	6.1	2.15	0.2	1.1	2.1	0.6
$\text{NO}_2$ (ppb)	1.5	1.9	2.3	1.10	1	4.9	9	2.84	4.4	6.55	8.7	3.8
CO (1 ppm)	2	3.68	4.95	2.13					0.4	1.95	2.5	1.1
$\text{O}_3$ (ppb)	0.94	1.38	1.7	0.80	1.5	2.8	4.9	1.62	1.6	4.5	7.5	2.6

NT= Non-traumatic; CV = cardiovascular;

<sup>a</sup> = Mortality values were calculated on the basis of 2 or 3 estimates

<sup>b</sup> = Morbidity values were calculated on the basis of 1 or 2 estimates; in the case of one estimate, 95% confidence intervals were used as the low and high range of estimates

adj mean = Mean estimate adjusted for 42% overestimate

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Table 4 compares the estimates taken from the three studies and adjusted values, calculated on current air quality and health outcome data. Detailed calculations for these estimates can be found in Appendix 3. This table shows the differences in estimated mortality and morbidity counts according to the respective study values. The adjusted estimate is lower than any of the studies for mortality, at 229 annual deaths, but higher than the initial Pengelly study for morbidity at 407 annual respiratory and 1239 cardiovascular admissions.

**Table 4. Summary and Comparison of the Mortality and Morbidity Counts Using the Average Dose-response Calculated in the Three Studies with Adjusted Values, Applied to Current Hamilton Data**

Pollutant	NT mortality (average incidences/year) average of estimates				Respiratory admissions (incidences/year) average of estimates				CV admissions (incidences/year) average of estimates			
	P1997	P2000	CAH	Adjusted	P1997	P2000	CAH	Adjusted	P1997	P2000	CAH	Adjusted
	PM <sub>10</sub>	102	81	77	45	59	142	176	102	122	466	384
SO <sub>2</sub>	15	58	51	30	22	81	72	42		629	52	30
NO <sub>2</sub>	83	86	137	79	24	147	290	168	135	338	937	543
CO	3	10	10	6					20	50	126	73
O <sub>3</sub>	97	29	119	69	53	66	164	95		641	638	370
Total	300	264	394	229	158	436	702	407	277	2124	2137	1239

Table 5 compares the original study, the current study, adjusted risk estimate values, baseline 20% adjustments, and application of both adjustments, all calculated for 1997 values. As the values show, there is a substantial difference in total mortality and morbidity counts, depending on the assumptions underlying the calculations. Our most conservative estimate, the application of both the 42% adjustment and the baseline 20% model, estimated 96 deaths in 1997 due to PM<sub>10</sub>, compared to HAQI initial estimate of 298, our initial estimate of 374, and 217 deaths if the GAM discrepancy is taken into consideration. For respiratory admissions, the most conservative estimate is only a few admissions lower than HAQI estimates (139 compared to 144, respectively), while the highest estimate stands at 607 admissions. The highest estimate for cardiovascular admissions is our initial estimate of 2000 admissions, while the most conservative estimate is 479 admissions, still higher than the 257 admissions estimated by HAQI in 1997.

**Table 5. Summary of the Mortality and Morbidity Counts Using the Average Dose-response in HAQI, CAH and Both Adjustments; Applied to 1997 Hamilton Data**

Pollutant	NT mortality (average incidences/year) average of estimates					Respiratory admissions (incidences/year) average of estimates					CV admissions (incidences/year) average of estimates				
	P1997 <sub>97</sub>	CAH <sub>97</sub>	Adj <sub>97</sub>	M-min 1997	M-min adj	P1997 <sub>97</sub>	CAH <sub>97</sub>	Adj <sub>97</sub>	M-min 1997	M-min adj	P1997 <sub>97</sub>	CAH <sub>97</sub>	Adj <sub>97</sub>	M-Min 1997	M-Min adj
	PM <sub>10</sub>	97	73	43	24	14	48	144	83	46	27	112	280	157	84
SO <sub>2</sub>	16	53	31	27	16	28	69	40	35	20		56	31	45	26
NO <sub>2</sub>	81	134	78	46	27	20	244	142	83	48	125	888	497	303	176
CO	3	10	6	6	3						20	118	66	65	38
O <sub>3</sub>	102	105	61	62	36	48	150	87	75	44		659	369	329	191
Total	298	374	217	119	96	144	607	352	239	139	257	2000	1120	826	479



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### 3.3 Results of Hamilton-specific Estimates

Hamilton-specific estimates revealed that, for NO<sub>2</sub> and CO, the values were comparable to the lower ranges of the literature estimates. For SO<sub>2</sub>, estimates were slightly higher than the mean count from literature estimates, and Hamilton-specific O<sub>3</sub> estimates were at the higher end of the calculations (Table 6). Applying the 42% adjustment brought the Hamilton-specific total down closer to the mean of the literature estimates. The 20% baseline estimate lowered the total to 206 mortality incidences, compared to 248 for the low end of literature estimates. When both adjustments were applied, total mortality fell to 119. This Hamilton-specific value is still higher than the 96 incidences (see Table 5), which results from data averaged across all literature findings.

**Table 6. Comparison of the Range of Mortality Counts Using Current Estimates with Averaged Hamilton-specific Estimates and Adjustments**

Pollutant	low	mean	high	NT mortality (incidences/year) range in estimates		M-min <sub>1997</sub>	M-min adj
				Hamilton	Adj		
PM <sub>10</sub>	44	77	109				
CoH				256	148	40	23
SO <sub>2</sub>	22	51	100	73	42	37	21
NO <sub>2</sub>	108	137	166	108	63	45	26
CO	6	10	14	5	3	4	2
O <sub>3</sub>	68	119	122	122	71	81	47
Total	248	394	511	564	327	206	119

CoH= coefficient of haze.

Table 7 summarizes all available calculations performed for non-traumatic mortality estimates.

**Table 7. Summary and Comparison of Mortality Counts Estimated for All Available Models, Based on 1997 Hamilton Pollution Values**

Pollutant	NT mortality (average incidences/year) average of estimates						Pooled	Hamilton	Chronic
	P1997 <sub>1997</sub>	CAH <sub>1997</sub>	Adj <sub>1997</sub>	M-min	M-min adj				
PM <sub>10</sub>	97	73	43	24	14	31			
PM <sub>2.5</sub>		110	64					232	
CoH							256		
SO <sub>2</sub>	16	53	31	27	16	22	73		
NO <sub>2</sub>	81	134	78	46	27	14	108		
CO	3	10	6	6	3	0	5		
O <sub>3</sub>	102	105	61	62	36	23	122		
Total	298	374	217	119	96	90		232	
Total **		411	238				564		

M-min adj = Adjusted value of M-min, for overestimate of 42%

Pooled = Pooled random effect model estimates (Stieb et al, 2003)

Hamilton = Hamilton-specific dose-response estimates

Chronic = Estimates based on chronic exposures to particulates (Pope et al., 2002)

CoH= Coefficient of haze

Total \*\* = Totals calculated with PM<sub>2.5</sub> or CoH as particulate measure

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**Calculations for respiratory morbidity for NO<sub>2</sub>**

NO <sub>2</sub>	morbidity	change per 10	%change	pollutant	outcome	42% Adj
1995	resp			(arith mean)		
mean	2249	4.90	0.0049	19.3	213	123
min		1.00	0.001		43	25
max		9.00	0.009		391	227
Pengelly 1996		0.40	0.0004		17	10
Pengelly 2000		2.49	0.00249		108	63

**Calculations for cardiovascular morbidity for NO<sub>2</sub>**

NO <sub>2</sub>	morbidity	change per 10	%change	pollutant	outcome	42% Adj
1995	CV			(arith mean)		
mean	5612	6.55	0.00655	19.3	709	411
min		8.70	0.0087		942	547
max		4.40	0.0044		477	276
Pengelly 1996		0.00	0		0	0
Pengelly 2000		4.40	0.0044		477	276

**Calculations for NT mortality for NO<sub>2</sub>**

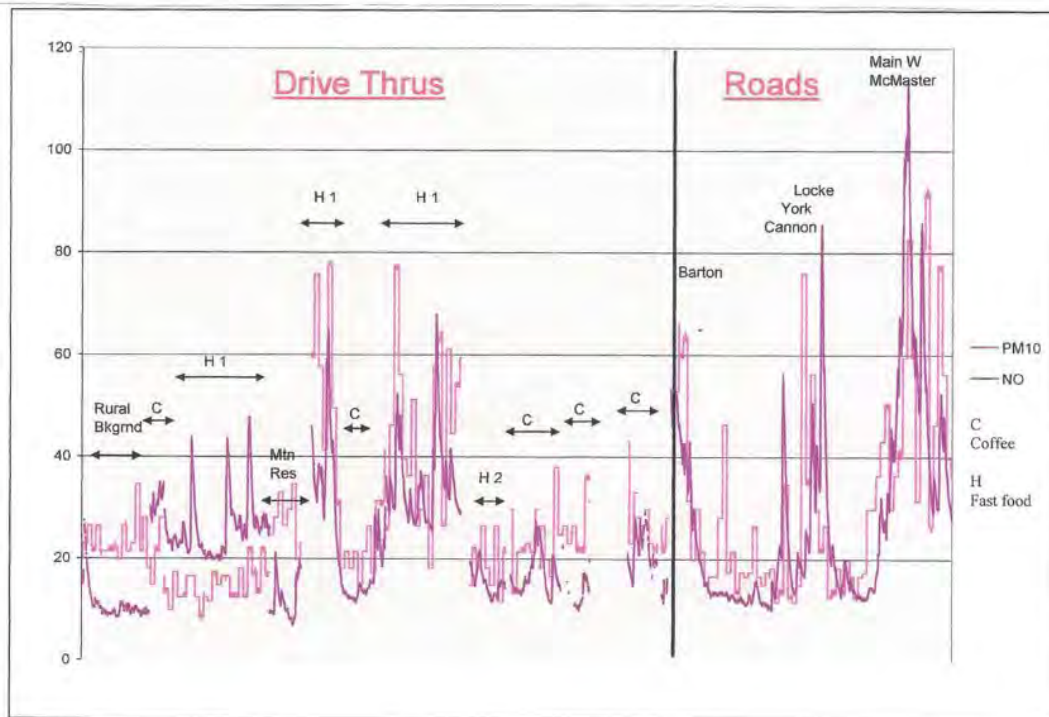
NO <sub>2</sub>	base	change per 10	%change	pollutant	outcome	42% Adj
1995	nt mort			(arith mean)		
our	3730	1.90	0.0019	19.3	137	79
min		1.50	0.0015		108	63
max		2.30	0.0023		166	96
Pengelly 1997		1.15	0.00115		83	48
Pengelly 2000		1.19	0.00119		86	50

Some of the conclusions and recommendations most pertinent to the development of the site at 1107 Main Street West, and its close proximity to Hwy 403 were listed in the Denis Corr report as follows:

- 1) The majority of direct air pollution exposures of Hamilton citizens **are due to vehicles**, although under NE wind/inversion conditions significant industrial impacts also occur. **Road intersections, highways and any accumulation of idling vehicles exacerbate these exposures.**
- 2) In the Phase 2 study, **the highest air pollution levels measured by far are on highways and heavily traveled arterial roads, particularly where truck traffic is frequent, i.e. QEW, Hwy 20, 403, Burlington Street. If the emissions are confined in a valley or between banks, or trucks have to drive up a hill (403 west), then the ambient levels rise sharply.** These high pollutant levels do seem to be mainly confined to the roadway and immediate vicinity.
- 3) Nitrogen Dioxide roadway concentrations **are highest in the west end, peaking at 586 ppb.** These values are higher than those downwind of heavy industry in the City. Roadway pollutant levels in the east end are more heavily influenced by particulate, with PM10 levels as high as 442 ug/m<sup>3</sup>.

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- 4) To our knowledge, the areal extent of inversion related pollution has never been measured before in Hamilton. In this study, measurements were made on several inversion days and showed that **plumes from the industrial area can reach across the City and up through the Dundas valley.**
- 5) Under inversion conditions there are much higher aggregate exposures to air pollution, because of the greater exposure area and greater numbers of exposed citizens in addition to the higher air pollution concentrations. **The content of pollutant mixtures in inversions is a more toxic mix than in normal conditions, making the situation worse yet again. A further consideration is that there is a wide of range of bronchial reactivity (asthma sensitivity) and cardiac status in the population,** so that reducing these higher pollution levels could bring relief to a sizeable fraction of asthma sufferers and cardiac patients.
- 6) control of both point and area particulate pollution, NOx and SO2 emissions remains an ongoing priority.
- 7) **physicians should caution patients with respiratory or cardiac difficulties to avoid areas of higher air pollution, e.g. highways with high levels of diesel truck traffic, particularly under low dispersion conditions, whether weather related or by virtue of valley type effects.**
- 8) Anti-idling measures should be aggressively promoted.
- 9) **cycling/walking routes should be separated from heavily travelled roads.**



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H) Hamilton’s Air Quality: Status and Expected – An Inquiry Submitted by Omar Al-Daggagh

In this Report the air quality of Hamilton is examined, and reasons given for its poor air quality. The author bases it on five factors being: 1) close proximity of heavy industrial facilities in the northeastern section of the City; 2) complex meteorological conditions relating to winds from the southwest and the northeast, and thermal inversions which may cause pollutant build-ups in the lower City; 3) the Niagara Escarpment which separates the lower and upper City and which acts as a downwind barrier, trapping pollution; 4) the major highways, railway and heavily travelled Transit Corridors which are used by local residents, commuters passing through the City and long-distance traffic, and; 5) Transboundary air pollution coming from the industrialised mid-west US.

The Report contains a breakdown of the Types of Air Pollutants found in Hamilton’s air, and the sources of each. Of particular concern is that Nitrogen Oxides, Sulphur Dioxides/Oxides and Carbon Monoxide are primarily from Transportation on the roads and highways, and that Tropospheric Ozone is a reaction between the above listed pollutants with oxygen and sunlight in the atmosphere.

<b>Substances associated with traffic emissions</b>	<b>Substances not associated with traffic emissions</b>
Acetaldehyde	Carbon tetrachloride
Acrolein	Chloroform
Benzene	1,4-Dichlorobenzene
1,3-Butadiene	1,2-Dichloroethane
Cadmium	Dichloromethane
Chromium	Ethylene dibromide
Chromium VI	Lead
Formaldehyde	Mercury
Manganese	Ozone <sup>2</sup> (O <sub>3</sub> )
Nickel	Tetrachloroethylene
Nitrogen oxides (NO <sub>x</sub> )	Trichloroethylene
Nitrogen dioxide (NO <sub>2</sub> )	Vinyl Chloride
Nitric oxide (NO)	Volatile organic compounds (originating from human activity and nature)
PM <sub>2.5</sub>	
PM <sub>10</sub>	
Polyaromatic hydrocarbons (as benzo[a]pyrene)	
Total suspended particles	

The adverse health effects attributable to Air Pollution is listed, and an analysis is given for the mobile surveys in Hamilton which revealed that **“high levels of pollutants are cause by the automobiles, light trucks and heavy trucks. More particularly, the highest concentrations of pollutants are the intersections of major roads and along heavily used roads....”**



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The Report most importantly also examines the manner of dispersion of air pollutants and identifies that the lower and upper city have different dispersion due to the geographical feature of the Niagara Escarpment, which results in different atmospheric conditions. The author also points out that with atmospheric inversions “in which air masses close to the earth surface are unable to move upwards, resulting in trapping more air pollutants and making the situation worse than in normal conditions.” He also provides by satellite photograph which shows the air pollution impacts under the prevailing South West wind and the North East wind under inversion conditions in Hamilton.

- I) A Land Use Regression Model for Predicting Ambient Concentrations of Nitrogen Dioxide in Hamilton, Ontario By Sahsuvaroglu T, Arain A, Kanaroglou P, Finkelstein N, Newbold B, Jerrett M, Beckerman B, Brook J, Finkelstein M, Gilbert NL.

This paper outlines the methodology of using Land Use Regression (LUR) modelling to predict air pollution exposure in cities, and by the use of 100 mobile tracking stations throughout Hamilton during a two-week period the authors were able to determine Nitrogen Dioxide levels. The study placed monitors close to the highways and heavily travelled roads in the City, physical geography, traffic density. **Of particular concern were lands downwind of Hwy 403 which had positive correlations with Nitrogen Dioxide concentrations.** The paper further analyzed distances from the Highways and road and again found **that wind effects, both upwind and downwind patterns in relation to Hwy 403 were very strong factors in influencing air pollutant concentrations.**

- 5) ROAD TRAFFIC PEAK VOLUME ASSESSMENT FOR MAIN STREET WEST AND HWY 403

A) MAIN STREET WEST BETWEEN THE 403 EXIT RAMP AND HADDON

GHD Report

The Traffic Study prepared by GHD and submitted by the Applicant confirms the high traffic volume on Main Street West, which consists of six lanes. This volume is recorded for both eastbound and westbound traffic, as well as AM Peak Volume Hour Volumes and PM Peak Volume Hours.

The Total Traffic conditions are as follows:

Westbound AM Peak Hour Volume is estimated at: 2408 vehicles per hour in two lanes  
 Westbound PM Peak Hour Volume is estimated at: 1898 vehicles per hour in two lanes  
 Eastbound AM Peak Hour Volume is estimated at: 2074 vehicles per hour in three lanes  
 Eastbound PM Peak Hour Volumes is estimated at: 2697 vehicles per hour in three lanes.

According to the study the “westbound volume exceeds typical road theoretical planning capacities which are generally in the range of 800 to 1,000 vehicles per hour per lane.

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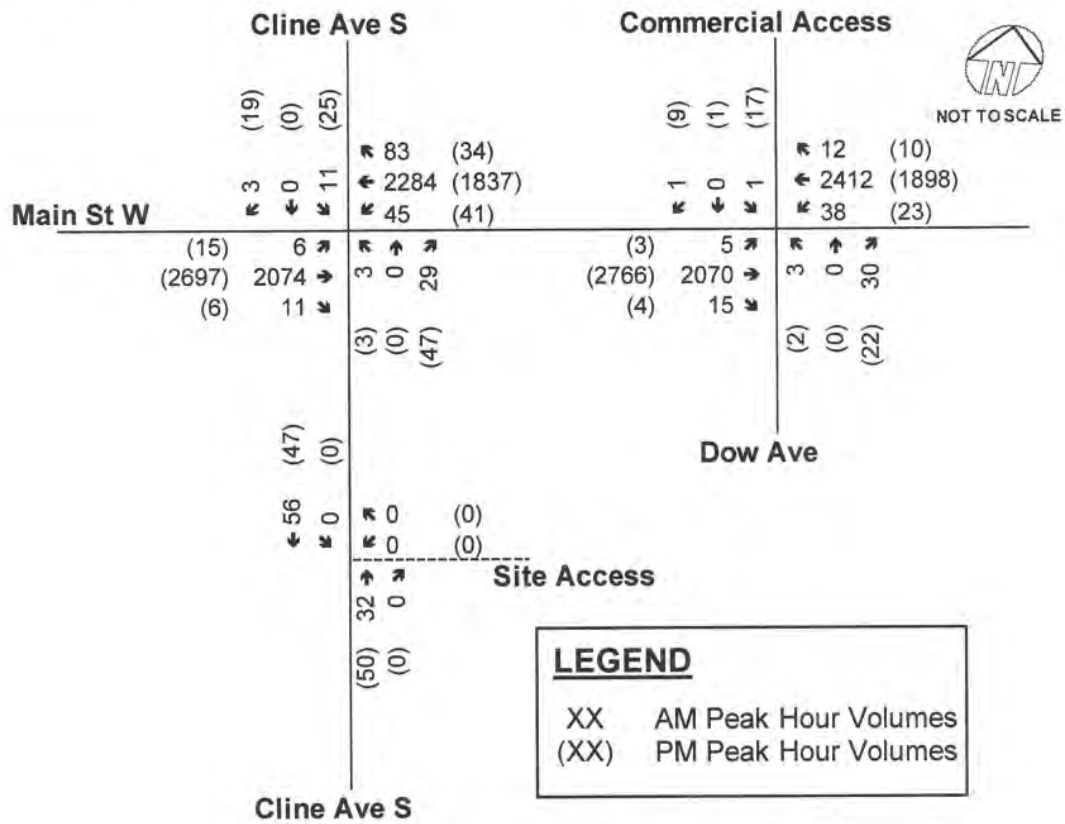


Figure 6 Background traffic volumes

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**Ontario Traffic Inc.**  
TRAFFIC MONITORING SERVICES & PRODUCTS

### Traffic Count Summary

Intersection: Main St W & Cline Ave  
 Municipality: Hamilton  
 Count Date: Sep 17, 2019

#### Main St W - Traffic Summary

Hour	East Approach Totals						West Approach Totals					
	Includes Cars, Trucks						Includes Cars, Trucks					
	Left	Thru	Right	U-Turn	Total	Peds	Left	Thru	Right	U-Turn	Total	Peds
07:00 - 08:00	30	1323	46	0	1399	0	7	1681	6	0	1694	0
08:00 - 09:00	42	2109	77	0	2228	0	6	1915	10	0	1931	0
BREAK												
16:00 - 17:00	33	1654	27	0	1714	0	15	2478	6	0	2499	0
17:00 - 18:00	41	1659	57	0	1757	0	26	2270	1	0	2297	0
<b>GRAND TOTAL</b>	<b>146</b>	<b>6745</b>	<b>207</b>	<b>0</b>	<b>7098</b>	<b>0</b>	<b>54</b>	<b>8344</b>	<b>23</b>	<b>0</b>	<b>8421</b>	<b>0</b>

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**Ontario Traffic Inc.**  
TRAFFIC MONITORING SERVICES & PRODUCTS

**Traffic Count Summary**

Intersection: Main St W & Dow Ave-Commercial Access  
 Municipality: Hamilton  
 Count Date: Sep 17, 2019

Main St W - Traffic Summary												
Hour	East Approach Totals						West Approach Totals					
	Includes Cars, Trucks						Includes Cars, Trucks					
	Left	Thru	Right	U-Turn	Total	Peds	Left	Thru	Right	U-Turn	Total	Peds
07:00 - 08:00	8	1401	7	0	1416	0	3	1706	6	0	1715	1
08:00 - 09:00	35	2227	11	0	2273	0	5	1912	14	0	1931	0
BREAK												
16:00 - 17:00	17	1704	8	0	1729	1	1	2517	4	0	2522	3
17:00 - 18:00	18	1743	14	0	1775	0	5	2307	5	0	2317	0
<b>GRAND TOTAL</b>	<b>78</b>	<b>7075</b>	<b>40</b>	<b>0</b>	<b>7193</b>	<b>1</b>	<b>14</b>	<b>8442</b>	<b>29</b>	<b>0</b>	<b>8485</b>	<b>4</b>

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Dillon Consulting Limited Report

The City of Hamilton also prepared a City of Hamilton Rapid Transit Initiative Assessment Report in March 2009 by Dillon Consulting Limited and in this report the Peak Traffic Volumes along Main Street from West to East, being the route of the proposed LRT starting from West of Cootes/Leland were ascertained. Based on the Table setting out the Current 2008 Peak Traffic Volumes for both Eastbound and Westbound traffic, the segment from Haddon/Bowman to the 403 had a total of **3900 vehicles per hour**. This is the second highest volume of traffic along the entire Main Street Traffic Corridor Route and is only exceeded by a total of 4000 vehicles per hour at the segment of Main Street between Cootes/Leland to McMaster Entrance/Emerson.

It should be noted that GHD found the City of Hamilton Rapid Transit Initiative Assessment Report in March 2009 by Dillon Consulting Limited to be too conservative, “as the Dillon’s study estimated the PM peak hour volumes for year 2031 with LRT conditions along Main Street West within the study area, which assumed an applied annual growth rates of **0.73% from 2008 to the 2031 horizon.**” To be conservative, this GHD “analysis applied an annual growth rate of **1.0% to all movements to estimate the background traffic growth for the 2027 study horizon.** This would indicate that the Peak Traffic volumes on Main Street West will be even higher than what is predicated by the City of Hamilton.

HGC Engineering

This acoustical report which was submitted by the Applicant was required as it was necessary to assess traffic volume as the firm had identified that “the primary noise sources impacting the site are road traffic on Main Street West and Highway 403. Road traffic volume data was obtained from the City of Hamilton and Ministry of Transportation (MTO) personnel.”

The Projected traffic data for Main Street West “was obtained from the City of Hamilton. Data was provided in the form of current Turning Movement Counts (TMC) and are provided in Appendix B of the Report. The traffic volumes were grown to the year 2030 using a growth rate of **2.5% per year. A commercial vehicle percentage of 3.7%** was obtained and split into **1.4% medium trucks and 2.3% heavy trucks.** A day/night split of 90%/10% and a speed limit of 50 km/h was used in the analysis. (Note: This speed limit may not be accurate as my own observations indicate that the traffic is often in excess of 60 km/h)

Table II summarizes the road traffic data used in the Report.

**B) HIGHWAY 403**

HGC Engineering

In this Report “Road traffic data for Highway 403 was obtained from the Ministry of Transportation (MTO) in the form of summer average daily traffic volumes (SADT) for the year 2016, and are provided in Appendix B. The data was projected to the year 2030 using a **2.5% growth rate. A commercial vehicle percentage of 10% was used, split into 3.8% medium trucks and 6.2% heavy trucks,** as per the MTO procedures. A day/night split of 85%/15% and a posted speed limit of 100 kph were used in the analysis.

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City of Hamilton  
Rapid Transit Initiative Acoustic Assessment - FINAL

March 2009

### 2.1 Current (2008) Condition

This scenario consists of the current road configuration and current traffic conditions. Existing peak PM traffic volumes for the primary road segments along Main St. and King St. of the study area were provided in Exhibits 1 and 2 in Appendix B of the Rapid Transit Feasibility Study. This data is presented in Table 1.

The percentage of truck traffic was based on traffic volume and class data recorded by the City of Hamilton (the City) at King St. west of Wellington St. N and Main St. west of Wellington St. N. The respective percentages were assumed to be consistent on all road segments of Main St. and King St. that are under study. The percentage truck traffic on Main St. and King St. were estimated to be 3.0% and 2.2%, respectively. Traffic speed was assumed to be 50 km/h along subject routes (except west of Dundurn St. for which a flow speed of 60 km/h was used, based on information provided by the City).

**Table 1 – Current 2008 Peak PM Peak Traffic Volumes**

Road Segment	PM Peak (veh/ hr)	
	EB	WB
<b>Main Street (West to East)</b>		
West of Cootes/ Leland	1000	1500
Cootes/ Leland to McMaster Entrance/ Emerson	1700	2300
McMaster Entrance/ Emerson to Haddon/ Bowman	1500	1900
Haddon/ Bowman to 403	2200	1700
403 to Longwood	1800	1500
Longwood to Dundurn	2800	-
Dundurn to Locke	2900	-
Locke to Queen	2800	-
Queen to Bay	2400	-
Bay to James	3000	-
James to John	3000	-
John to Catharine	2500	-
Catharine to Wellington	2600	-
Wellington to Victoria	2400	-
Victoria to Wentworth	2400	-
Wentworth to Sanford	2400	-
Sanford to Sherman	2300	-
Sherman to Gage	2400	-
Gage to King	2400	-
King to Ottawa	1400	800
Ottawa to Kenilworth	1200	1000

Dillon Consulting Limited

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*City of Hamilton  
Rapid Transit Initiative Acoustic Assessment - FINAL*

*March 2009*

system in place and two-way traffic on all sections of Main and King Streets. The methodology described above in Section 2.3 was used in predicting the 2031 traffic volumes with the LRT.

To account for the proposed two-way traffic on Main and King streets, traffic volumes for the one-way road segments between Paradise Road South to the King Street and Main Street intersection described above in Option 1, were halved and assigned to the eastbound and westbound traffic. The peak PM traffic volumes for the roadway segments modelled can be found in Table 4. As a result of the reduced volume in non-commercial traffic volumes, the percentage truck traffic on Main St. and King St. were estimated to be 5.6% and 3.5%, respectively.

The current 2008 city bus transit volumes were also assumed to remain the same in 2031 for both the no-build and with-LRT cases. For the future with-LRT scenarios, the express buses along the subject routes were assumed to be replaced by the proposed LRT. Traffic speed was assumed to be 50 km/h along subject routes (except west of Dundurn St. for which a flow speed of 60 km/h was used, based on information provided by the City). The LRT was assumed to be 26 m in length with a speed of 50 km/h. The peak frequency of 12 LRTs per hour on each east-bound and west-bound route was assumed for modelling purposes. For Option 2 the number of traffic lanes on King St. was reduced by two.

**Table 4 – Peak PM Volumes for 2031 with-LRT Option 2 Condition**

Road Segment	PM Peak (veh/ hr)	
	EB	WB
<b>Main Street (West to East)</b>		
West of Cootes/ Leland	1183	1774
Cootes/ Leland to McMaster Entrance/ Emerson	2011	2720
McMaster Entrance/ Emerson to Haddon/ Bowman	1774	2247
Haddon/ Bowman to 403	2602	2011
403 to Longwood	2129	1774
Longwood to Dundurn	1656	2129
Dundurn to Locke	1715	1951
Locke to Queen	1656	1537
Queen to Bay	1419	1360
Bay to James	1774	946
James to John	1774	946
John to Catharine	1478	710
Catharine to Wellington	1537	1360
Wellington to Victoria	1419	946

*Dillon Consulting Limited*

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It is to be noted that Highway 403 serves as both a major Transportation and trucking route and daily commuter route as it connects the QEW and the 407 with the 401 when heading westbound, and it similarly connects from the 401 to the QEW and the 407 when heading eastbound. Many new subdivisions in the Hamilton area connect into the 403 from the Lincoln Alexander Parkway, and communities further south in Haldimand county, creating a very heavily travelled and congested 403 in the Peak AM and Peak PM hours with highway traffic often being at a standstill at both the Main Street West and East ramps and Aberdeen Avenue exit ramps, which are in the lowest elevation of the Chedoke valley.

Combined Traffic Volumes for Main Street West and Highway 403

Accordingly, both Main Street West and Highway 403 are extremely high-volume traffic volume corridors which are operating at full capacity. Both Main Street West and Highway 403 have a high percentage of large trucks and light trucks, and both serve GO transit with regular bus service to various destinations and utilize the Main Street West exit and entry ramps as part of their service routes. In addition, Main Street West serves eight HSR bus routes which travel along Main Street West.

The **STAMSON 5.0** Report obtained by HGC Engineering and submitted by the Applicant is attached. Based on the data the predicated daytime and nighttime total daily combined traffic volume for cars is **171,410 Cars; 6,179 Medium Trucks; and 22,310 Heavy Trucks** per 24-hour period. The total Road Traffic therefore over a 24-hour period is **199,899 vehicles, or approximately 200,000 total vehicles each day** passing to the north and south of the proposed development at 1107 Main Street West. (also note that there are more Heavy Trucks on Main Street West than on Hwy 403)

**Table II: Forecasted Road Traffic Data (2030)**

Road Name		Cars	Medium Trucks	Heavy Trucks	Total
Main Street	Daytime	40 162	744	12 219	53 124
	Nighttime	4 462	83	1 358	5 903
	<b>Total</b>	<b>44 624</b>	<b>826</b>	<b>13 576</b>	<b>59 027</b>
Highway 403	Daytime	107 768	4 550	7 424	119 742
	Nighttime	19 018	803	1 310	21 131
	<b>Total</b>	<b>126 786</b>	<b>5 353</b>	<b>8 734</b>	<b>140 873</b>



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STAMSON 5.0                    NORMAL REPORT                    Date: 07-02-2020 14:32:07  
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: b.te                    Time Period: Day/Night 16/8 hours  
 Description: **Predicted daytime and nighttime sound levels at the east façade of the proposed building, prediction location [B].**

Road data, segment # 1: Main St W (day/night)

-----  
 Car traffic volume : 40162/4462 veh/TimePeriod \*  
 Medium truck volume : 744/83 veh/TimePeriod \*  
 Heavy truck volume : 12219/1358 veh/TimePeriod \*  
 Posted speed limit : 50 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

\* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 44987  
 Percentage of Annual Growth : 2.50  
 Number of Years of Growth : 11.00  
 Medium Truck % of Total Volume : 1.40  
 Heavy Truck % of Total Volume : 23.00  
 Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: Main St W (day/night)

-----  
 Angle1 Angle2 : -90.00 deg 0.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0 / 0  
 Surface : 1 (Absorptive ground surface)  
 Receiver source distance : 25.00 / 25.00 m  
 Receiver height : 1.50 / 1.50 m  
 Topography : 3 (Elevated; no barrier)  
 Elevation : 42.00 m  
 Reference angle : 0.00

Road data, segment # 2: HWY 403 (day/night)

-----  
 Car traffic volume : 107768/19018 veh/TimePeriod \*  
 Medium truck volume : 4550/803 veh/TimePeriod \*  
 Heavy truck volume : 7424/1310 veh/TimePeriod \*  
 Posted speed limit : 100 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

\* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 99700  
 Percentage of Annual Growth : 2.50  
 Number of Years of Growth : 14.00  
 Medium Truck % of Total Volume : 3.80  
 Heavy Truck % of Total Volume : 6.20  
 Day (16 hrs) % of Total Volume : 85.00

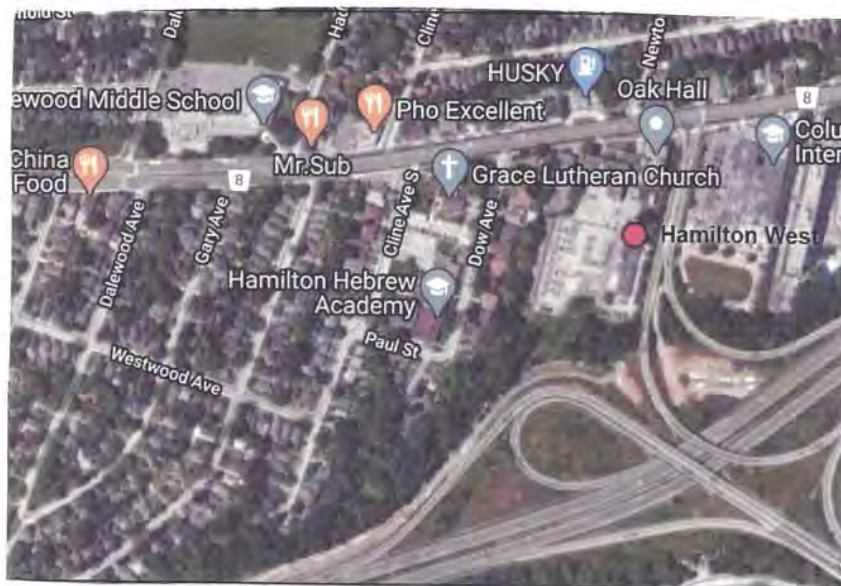


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**6) HAMILTON WEST AMBIENT AIR MONITORING STATION**

The Hamilton West Ambient Air Monitoring Station is one of 39 permanent fixed stations located throughout the Province of Ontario and which are operated by The Ontario Ministry of the Environment, Conservation and Parks. The Ministry’s Air Quality Index web site provides users with access to hourly pollutant concentration data from each of the ministry’s 39 ambient sites.

The Hamilton West site is located approximately 130 - 150m from the southeast corner of the Applicant’s proposed development, if the southerly boundary line is extended easterly in a straight line, and the monitoring station can be found on the eastbound exit ramp from Main Street West to the 403. It is also in line with the backyard of the fourth house on the east side of Dow Avenue, and is marked in the red circle on the map below.



This station measures and records every hour three types of ambient air pollutants, being **NITROGEN DIOXIDE (NO<sub>2</sub>)**, **FINE PARTICULATE MATTER (PM<sub>2.5</sub>)** and **OZONE (O<sub>3</sub>)**. A printout for each of pollutant being Hamilton West: Hourly Nitrogen Dioxide Readings from November 7, 2020 to November 9, 2020; Hamilton West: Hourly Fine Particulate Matter Readings from November 7, 2020 to November 10, 2020, and; Hamilton West: Hourly Ozone Readings are attached. The peak period for Nitrogen Dioxide for this period appears to be between 5am November 9 to 11pm on November 9, 2020. The peak period for Fine Particulate Matter appears to be between 10am November 9, 2020 to 11pm November 9, 2020. The peak periods for Ozone appear to be the entire day from 12am to 12 pm on November 7, 2020; from

**Hamilton West: Station Information**

Sunday, November 15, 2020, 1:00 pm



Photo: Hamilton West Ambient Air Monitoring Site

## Station Data for Hamilton West

**Station Information**

Station Name: Hamilton West  
 Address: Main St. W./hwy 403  
 Latitude: 43.257444  
 Longitude: -79.90775  
 Station Type: Urban  
 Height of Air Intake: 3 m  
 Elevation ASL: 96 m  
 Pollutants Measured: O3, PM2.5, NO2

## Measured Pollutants at Hamilton West

**Pollutant Measured 1-Hour  
Concentration**

O3  ([http://www.ontario.ca/history/pollutant.php?stationid=29118&pol\\_code=122](http://www.ontario.ca/history/pollutant.php?stationid=29118&pol_code=122)) 33 ppb

PM2.5  ([http://www.ontario.ca/history/pollutant.php?stationid=29118&pol\\_code=124](http://www.ontario.ca/history/pollutant.php?stationid=29118&pol_code=124)) 6 µg/m3

NO2  ([http://www.ontario.ca/history/pollutant.php?stationid=29118&pol\\_code=36](http://www.ontario.ca/history/pollutant.php?stationid=29118&pol_code=36)) 3.2 ppb

Ontario 1-hour AAQC for the measured 24

Ontario  
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

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Air Quality Ontario > Pollutants > Hamilton West: Hourly Nitrogen Dioxide Concentrations

**Nitrogen Dioxide NO<sub>2</sub>**

Choose Station: Hamilton West | Pollutants: Carbon Monoxide (CO) | Day: 7 | Month: November | Year: 2020 | Show as Chart:  | Update

**Hamilton West: Hourly Nitrogen Dioxide Readings**

Pollutant data for this station for a three-day period.

Date	12 AM	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
7-Nov-20	6.5	5.6	4.8	5	5.8	6.9	6.9	4.8	8.5	9.2	7.6	7.7	6.5	4.1	8.7	10.9	6.9	5.1	7	4.8	4.6	6.7	14	11.7
8-Nov-20	26.3	18.7	8.3	10.1	9.1	11.6	19.2	17.1	17.3	23.3	12.4	18.1	9.4	11.8	12.8	9.3	12.3	11.8	16.7	12.9	17.2	31.4	36.3	31
9-Nov-20	14.8	14.2	11.2	20.8	N/A	30.9	31.1	30.8	31.1	32.2	45.7	42.2	41.8	40.4	32.8	26.7	26.7	16.7	36.3	34	36.2	40.5	36	31.3

Station Selector: Hamilton West | Choose Station

From November 7, 2020 EST to November 9, 2020 EST.



www.airqualityontario.com

Air Quality: Frequently Asked | New tab | Hamilton West | Air Quality: Frequently Asked | Hamilton West: Hourly | X

ONTARIO.CA | MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS | ACCESS ENVIRONMENT

Air Quality Ontario > Pollutants > Hamilton West: Hourly Fine Particulate Matter Concentrations

**Fine Particulate Matter PM<sub>2.5</sub>**

Choose Station:  Pollutants:  Day:  Month:  Year:  Show as Chart:  Update

**Hamilton West: Hourly Fine Particulate Matter Readings**

Pollutant data for this station for a three-day period.

Date	12 AM	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
7-Nov-20	17	17	17	17	18	18	19	18	19	18	16	15	15	15	15	15	15	15	17	18	18	17	18	20
8-Nov-20	22	24	25	26	25	23	23	26	24	22	20	17	15	13	13	14	15	16	19	19	22	25	24	
9-Nov-20	21	22	23	22	22	22	23	22	23	23	31	32	40	48	45	37	33	30	35	37	35	38	38	35

Previous Next

**Station Selector:**

**Hamilton West**

- Station Information
- Current AQHI Details
- Hourly Pollutant Charts

**Hamilton West: Hourly Fine Particulate Matter PM<sub>2.5</sub> Concentrations**

From November 7, 2020 EST to November 9, 2020 EST.

Notes:

- Effective January 1, 2013, the PM<sub>2.5</sub> monitoring method was changed in Ontario. For more information, visit [Frequently Asked Questions](#).
- The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification.

[Show as Chart](#)

ONTARIO.CA | MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS | ACCESS ENVIRONMENT

Air Quality Ontario > Pollutants > Hamilton West: Hourly Ozone Concentrations

Choose Station: **Hamilton West** | Pollutants: **Fine Particulate Matter (PM2.5)** | Day: **7** | Month: **November** | Year: **2020** | Show as Chart:  | Update

### Hamilton West: Hourly Ozone Readings

Pollutant data for this station for a three-day period.

Date	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	
7-Nov-20	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	PM	PM	PM	PM	PM	PM	PM	PM	PM	PM	PM	PM	PM
8-Nov-20	30	26	40	37	34	27	14	15	16	18	34	36	44	43	45	48	45	43	37	41	34	11	4	8
9-Nov-20	32	31	35	20	N/A	1	1	1	7	11	11	12	13	20	29	28	36	15	10	6	1	1	1	1

Station Selector: **Hamilton West** | Choose Station

Hamilton West

Station Information

Notes:

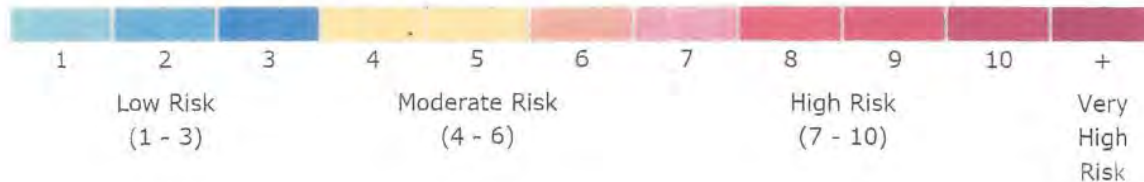
- Ontario 1-hour Ambient Air Quality Criterion (AAQC) for O<sub>3</sub> = 80 ppb.
- The pollutant concentrations on this web page are based on automatically polled data and

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12am to 8pm on November 8, 2020, and; from 12am to 3am, and from 2pm to 5pm on November 9, 2020. These charts are attached.

In addition to the hourly printouts, each ambient air station gives a combined Hourly Air Quality Health Index Reading which is measured on a risk scale from 1 to 10+ and which is on a combined reading of the three air pollutants occurring at the same time. The scale index was created by scientists “by estimating the daily change in mortality risk for ten cities from 1998-2000 and plotting it on a 10 point scale. The higher the number, the greater risk and the need to take precautions.”

**Air Quality Health Index Categories, Values and Associated Colours**



The Hamilton West: Hourly Air Quality Health Index Readings for the three-day period in which this report was written, being **November 8<sup>th</sup> 2020 to November 10<sup>th</sup> 2020** indicate Moderate Risk (4-6) from 8am on November 8, 2020 to 4 am on November 9, 2020, with the risk level reaching **Level 6 from 11am to 4pm on November 9, 2020**. The Chart is illustrated below:



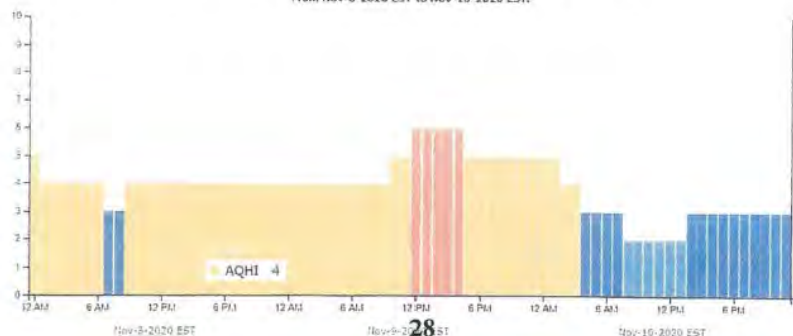
Air Quality Ontario > AQHI > Hamilton West: Current Air Quality Health Index

AQHI Observations

Choose Station:  Day:  Month:  Year:  Show as Table:  Update:

**Hamilton West: Hourly Air Quality Health Index Readings**

From Nov-9-2020 EST to Nov-10-2020 EST.



Hamilton West: Current | www.airqualityontario.com

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Air Quality Ontario > AQHI > Hamilton West: Current Air Quality Health Index

**AQHI Observations**

Choose Station: Hamilton West

Day: 8

Month: November

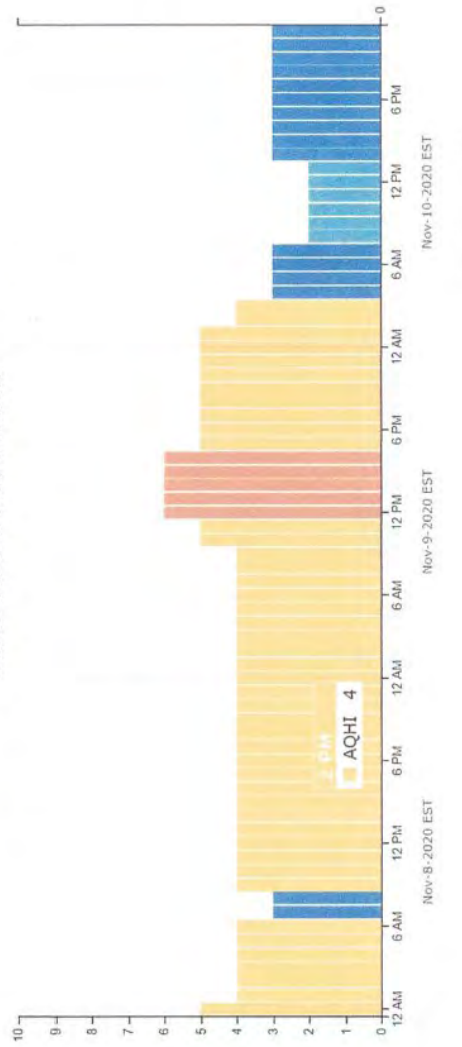
Year: 2020

Show as Table:

Update

### Hamilton West: Hourly Air Quality Health Index Readings

From Nov-8-2020 EST to Nov-10-2020 EST.





### Hamilton West: AQHI for November 9, 2020

Air Quality Health Index Categories, Values and Associated Colours

#### Air Quality Health Index Categories and Values

1 2 3 4 5 6 7 8 9 10 +  
 Low Risk Moderate Risk High Risk Very High Risk  
 (1 - 3) (4 - 6) (7 - 10)

Air Quality Health Index readings by date.

Date	Time	AQHI	Category
2020-11-09	12:00 am EST	4	Moderate Risk
2020-11-09	1:00 am EST	4	Moderate Risk
2020-11-09	2:00 am EST	4	Moderate Risk
2020-11-09	3:00 am EST	4	Moderate Risk
2020-11-09	4:00 am EST	4	Moderate Risk
2020-11-09	5:00 am EST	4	Moderate Risk
2020-11-09	6:00 am EST	4	Moderate Risk
2020-11-09	7:00 am EST	4	Moderate Risk
2020-11-09	8:00 am EST	4	Moderate Risk
2020-11-09	9:00 am EST	4	Moderate Risk
2020-11-09	10:00 am EST	5	Moderate Risk
2020-11-09	11:00 am EST	5	Moderate Risk
2020-11-09	12:00 pm EST	6	Moderate Risk
2020-11-09	1:00 pm EST	6	Moderate Risk
2020-11-09	2:00 pm EST	6	Moderate Risk
2020-11-09	3:00 pm EST	6	Moderate Risk
2020-11-09	4:00 pm EST	6	Moderate Risk
2020-11-09	5:00 pm EST	5	Moderate Risk
2020-11-09	6:00 pm EST	5	Moderate Risk
2020-11-09	7:00 pm EST	5	Moderate Risk
2020-11-09	8:00 pm EST	5	Moderate Risk
2020-11-09	9:00 pm EST	5	Moderate Risk
2020-11-09	10:00 pm EST	5	Moderate Risk
2020-11-09	11:00 pm EST	5	Moderate Risk

#### Choose Search Terms

Select Station:

## Nitrogen Dioxide (NO<sub>2</sub>)

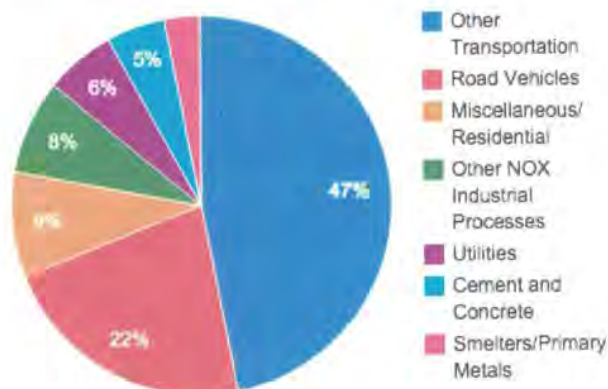
### What is Nitrogen Dioxide?

NO<sub>2</sub> is a reddish-brown gas with a pungent and irritating odour. It transforms in the air to form gaseous nitric acid and toxic organic nitrates. NO<sub>2</sub> also plays a major role in atmospheric reactions that produce ground-level ozone, a major component of smog. It is also a precursor to nitrates, which contribute to increased respirable particle levels in the atmosphere.

### What are the sources of NO<sub>2</sub>?

(NO<sub>x</sub>)All combustion in air produces oxides of nitrogen (NO<sub>x</sub>), of which NO<sub>2</sub> is a major product. Approximately two-thirds or 69% of NO<sub>x</sub> emitted in Ontario in 2012 came from the transportation sectors. Miscellaneous/Residential was the second largest source of NO<sub>x</sub> emissions, accounting for approximately 9%.

### Ontario Nitrogen Oxides Emissions by Sector - 2012 Estimates



Ontario Nitrogen Oxides Emissions by Sector - 2012.

Category	Percent
Other Transportation	47%
Road Vehicles	22%
Miscellaneous/Residential	9%
Other NO <sub>x</sub> Industrial Processes	8%
Utilities	6%
Cement and Concrete	5%
Smelters/Primary Metals	3%

**Note:** 2012 is the latest complete inventory. Emissions may be revised with updated source/sector information or emission estimation methodologies as they become available.

### What are the effects of NO<sub>2</sub>?

NO<sub>2</sub> can irritate the lungs and lower resistance to respiratory infection. Sensitivity increases

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for people with asthma and bronchitis. NO2 chemically transforms into nitric acid and, when deposited, contributes to lake acidification. NO2, when chemically transformed to nitric acid, can corrode metals, fade fabrics and degrade rubber. It can damage trees and crops, resulting in substantial losses.

The Ontario Ambient Air Quality Criteria (AAQC) for 1-hour average NO2 concentrations is 200 parts per billion (ppb), which has been incorporated into Ontario's Air Quality Health Index to better protect Ontarians. For more information on how the Air Quality Health Index has been modified for reporting in Ontario, please visit the [Frequently Asked Questions \(http://www.ontario.ca/press/faq.php\)](http://www.ontario.ca/press/faq.php).



Choose Station: 
 Pollutants: 
 Day: 
 Month: 
 Year: 
 Show as Chart: 
 Update

**Hamilton West: Hourly Nitrogen Dioxide Readings**

Pollutant data for this station for a three-day period.

Date	12 AM	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
9-Nov-20	14.8	14.2	11.2	20.8	N/A	30.9	31.1	30.8	31.1	32.2	45.7	42.2	41.8	40.4	32.8	26.7	26.7	16.7	36.3	34	35.2	40.5	36	31.3
10-Nov-20	29.6	38.2	18.7	19.9	26.5	18.1	8.4	8.4	8.7	11.5	7.1	8.6	6.7	10.8	13.5	15	10.9	11.4	16.9	14.8	10.9	10.3	9.2	10.7
11-Nov-20	12.7	11.3	5.5	4.7	3.5	3.9	4.4	5.1	5.9	4.5	4.8	4.3	6.9	11.7	11.5	9.8	11.2	13.9	13.8	10.1	11.4	10.4	8.2	13

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Station Selector:  
  
 Choose Station  
 Hamilton West

**Hamilton West: Hourly Nitrogen Dioxide NO<sub>2</sub> Concentrations**

From November 9, 2020 EST to November 11, 2020 EST.

Notes:

- Ontario 1-hour Ambient Air Quality Criterion (AAQC) for NO<sub>2</sub> = 200 ppb.
- The pollutant concentrations on this web page are based on automatically polled data and



Choose Station: 
 Pollutants: 
 Day: 
 Month: 
 Year: 
 Show as Chart: 
 Update

**Hamilton Downtown: Hourly Nitrogen Dioxide Readings**

Pollutant data for this station for a three-day period.

Date	12 AM	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
9-Nov-20	13	29.2	19.3	27.7	39	40.2	36.7	36.7	37.8	44.1	43.5	46.7	50.7	40.5	34.5	30.5	37.3	42.5	46	46.3	41.6	42.9	39.1	37.8
10-Nov-20	35.8	32.2	32.1	34	32.9	24.2	11	9.6	10.9	9.6	7.6	6.8	5.9	4.7	4.5	5	5.1	6.2	11.4	9.3	5.9	5.5	4.5	4.2
11-Nov-20	3.4	3.1	3.1	2.9	3.2	3.2	3.9	4.6	4.2	4.5	3.8	5.2	6.1	4.9	5	5.6	8.1	8.1	10.5	13.8	9.8	11.9	6.2	5

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Station Selector:  
  
 Choose Station

**Hamilton Downtown: Hourly Nitrogen Dioxide NO<sub>2</sub> Concentrations**

From November 9, 2020 EST to November 11, 2020 EST.



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During the same time frame the only other provincial monitoring station of the 39 operated by the Province of Ontario, was **Hamilton Downtown** which had a higher risk level and reached **Level 7 – High Risk** at 1:00pm on November 9, 2020 and which consistently remained at **Level 6 – Moderate Risk** from 2:00 pm to 10:00 pm on November 9, 2020. Accordingly, on this day and time, the City of Hamilton had the worst air quality index in Ontario and perhaps the worse air quality in Canada.

In comparing the levels of Nitrogen Dioxide (NO<sub>2</sub>) in the two stations, **Hamilton Downtown** had readings of **over 30.0 parts per billion (ppb)** for **25 consecutive hours** from 4:00 am on November 9, 2020 to 4:00 am on November 10, 2020. During this same period of time **Hamilton West** had **17 hours of over 30.0 parts per billion** and 7 hours of over 15.0 ppb. This indicates that when the Health Index is Moderate Risk or High Risk in the City of Hamilton, the Nitrogen Dioxide levels are extremely high in both sections of the lower city.

When the Air Quality Health Index is low to moderate risk such as from 5:00 am on November 10, 2020 to 11:00pm on November 11, 2020 the hourly levels of Nitrogen Dioxide indicate that **Hamilton West** had **23 hours of NO<sub>2</sub> levels above 10.0 ppb**, while **Hamilton Downtown** had **7 hours of NO<sub>2</sub> levels above 10.0 ppb**. This last comparison indicates that when the other air contaminants are lower throughout the lower city and the air quality health index is low to moderate risk, the Nitrogen Dioxide levels are still higher and persist longer in Hamilton West and that this western section of the lower city has its own separate source of Nitrogen Dioxide air pollution.

The Index Categories, Values and Associated Colours for the scale is listed below as well the Health Messages for each category:

Health Risk	Air Quality Health Index	Health Messages	
		At Risk Population*	General Population
<b>Low</b>	1 - 3	Enjoy your usual outdoor activities.	Ideal air quality for outdoor activities.
<b>Moderate</b>	4 - 6	Consider reducing or rescheduling strenuous activities outdoors if you are	No need to modify your usual outdoor activities unless you experience symptoms such as coughing and throat irritation.

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Health Risk	Air Quality Health Index	Health Messages	
		At Risk Population*	General Population
		experiencing symptoms.	
<b>High</b>	7 - 10	Reduce or reschedule strenuous activities outdoors. Children and the elderly should also take it easy.	Consider reducing or rescheduling strenuous activities outdoors if you experience symptoms such as coughing and throat irritation.
<b>Very High</b>	Above 10	Avoid strenuous activities outdoors. Children and the elderly should also avoid outdoor physical exertion.	Reduce or reschedule strenuous activities outdoors, especially if you experience symptoms such as coughing and throat irritation.

**The table below provides the health messages for each category of the Air Quality Health Index for the "at risk" population and the general population.**

\* People with heart or breathing problems are at greater risk. Follow your doctor's usual advice about exercising and managing your condition.

7) **THE EXPLANATORY NOTES FROM THE ONTARIO MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS**

**How does air pollution affect my health and the health of my family?**

Depending on the length of time you are exposed, your health status, your genetic background and the concentration of pollutants, air pollution can have a negative effect on your heart and lungs. It can:

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- Make it harder to breathe
- Irritate your lungs and airways
- Worsen chronic diseases such as heart disease, chronic bronchitis, emphysema and asthma

Each person reacts differently to air pollution. Children, seniors and those with diabetes, heart or lung disease are most sensitive to the adverse health effects of air pollution.

Negative health effects increase as air pollution worsens. Small increases in air pollution over a short period of time can increase symptoms for those at risk.

#### **How do I know if I am at risk?**

People with diabetes, lung disease (such as chronic bronchitis, asthma, emphysema, lung cancer) or heart disease (such as angina, a history of heart attacks, congestive heart failure, arrhythmia or irregular heartbeat) are more sensitive to air pollution.

Seniors are at higher risk because of weakening of the heart, lungs and immune system and increased likelihood of health problems such as heart and lung disease.

Children are also more vulnerable to air pollution; they have less-developed respiratory and defense systems. Children also spend more time outdoors being physically active, which can increase their exposure to air pollution.

People participating in sports or strenuous work outdoors breathe more deeply and rapidly, allowing more air pollution to enter their lungs. They may experience symptoms like eye, nose or throat irritation, cough or difficulty breathing when air pollution levels are high.

#### **What can the Air Quality Health Index tell me about the health risks I may experience due to the current local air quality?**

The Air Quality Health Index provides a number from 1 to 10+ to indicate the level of health risk associated with local air quality. Occasionally, when the amount of air pollution is abnormally high, the number may exceed 10.

The higher the number, the greater the health risk and our need to take precautions.

The index describes the level of health risk associated with this number as ‘low’, ‘moderate’, ‘high’ or ‘very high’, and suggests steps we can take to reduce our exposure.

It also forecasts local air quality and provides associated health advice.

The index does not measure the effects of odour, pollen, dust, heat or humidity on your health.

You can refer to the Air Quality Health Index to check the quality of outdoor air in your community before heading off to work or play. And you can use the forecasts to plan your activities, whether over the next hour or the next day.

Seniors, children and people suffering from diabetes, heart or lung disease, can use the index to assess the immediate risk air pollution poses to your health and take steps to lessen that risk.

Even if you’re relatively healthy, fit and active, you can consult the index to decide when and how much to exercise or work outdoors.

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In Ontario, elevated concentrations of ozone are generally observed on hot, sunny days from May to September, between noon and early evening. On such days, fine particulate matter levels are often elevated but unlike ozone they can remain high throughout the day and night and can

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occur throughout the entire year. The biggest contributor to nitrogen oxides (NOX) emissions, in Ontario is the transportation sector, so nitrogen dioxide is often highest in cities with heavier traffic. Stagnation periods when meteorological conditions are not conducive for the dispersion of pollutants often lead to elevated levels of fine particulate matter and nitrogen dioxide.

**8) THE “CANYON EFFECT WITHIN A CANYON” AND THE IMPACT OF LACK OF WIND AND SUNLIGHT PENETRATION ON THE DISPERSION OF AMBIENT AIR POLLUTANTS**

The early Reports on Ambient Air Quality in Hamilton referenced the fact that the escarpment is approximately 90 meters high, which corresponds to the height of a 30-storey high-rise building. Since the escarpment surrounds the lower city on the south and extends through the Dundas Valley to Burlington on the north, this topographic feature is the equivalent of a constant ring of high-rise buildings encircling the lower City, especially the west end. The topographical effect is that of a massive dead-end canyon which traps air pollutants and traffic emissions, which are often exacerbated by temperature inversions and lake breeze effect from the northeast.

A long high-rise building on the southside of a busy Traffic Corridor which is on an east/west axis, is certainly going to have an impact on ambient air pollution. This is because such a structure is already identified by the City of Hamilton as preventing the required light and wind penetration which is necessary to assist in the dispersal of the air pollution. The proposed development at 1107 Main Street West, however, is even more deficient in meeting the required rate of dispersal as it is situated within a **land area lying between a busy high traffic east/west corridor, and a high traffic volume highway with extremely high transportation and vehicle exhaust emissions**. It is also situated in a existing land use where its very geographical location make it vulnerable to the effects of temperature inversion, and to the “lake breeze effect that generates light east to north east winds which blow accumulated industrial and vehicle related pollution back across the City, and to prevailing winds which direct transboundary air pollution coming from the industrialized US mid-west, into the Chedoke valley Highway 403 corridor adjacent to Main Street West.

A tall and long high-rise building comprising the entire ground level envelope on the south side of Main Street West, within close proximity to Hwy 403 will impact upon wind patterns and flows that currently blow across the low-rise Grace Lutheran Church and a large open landscaped area. The prevention of wind flow as well as the penetration of sunlight during periods of inversions as well as other occasions when the Air Quality Health Index is at moderate risk or high risk, will promote the stagnant conditions which will cause “air pollution buildups”.

- A) Climate Change Leading to more Temperature Inversions and the Rise of “Super Pollution Events” [ahn.org/climate-change-inversions-and-air-pollution-2644464249.html](http://www.ahn.org/climate-change-inversions-and-air-pollution-2644464249.html)



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This online article, which appeared on January 8, 2020 in Environmental Health News is extremely relevant to the air pollution problem in Hamilton. This is because it addresses temperature inversions, midlatitude regions, and cities laying in basins and valleys. The City of Hamilton meets every factor identified in the article, which concludes that climate change will lead to more temperature inversions, and to higher levels of air pollution in the affected cities. Perhaps what is most alarming, is that the article states that extreme air pollution events as a result of temperature inversions are increasing despite reduced levels of emissions, the situation in Hamilton indicates that vehicle emissions from Main Street West and Hwy 403 will be increasing due to higher traffic volumes. This does not bode well for the subject lands because the combination of more temperature inversions due to climate change, plus increased vehicle emissions, will create these super pollution events in the very vicinity of the proposed development and higher concentrations of harmful in the immediate neighbourhood.

Some of the most salient points raised in this article are as follows:

**“The unhealthy air was caused by a combination of U.S. Steel's emissions and a temperature inversion, which occurs during unseasonably temperate winter days when a warm air mass sits above a colder air mass, trapping pollutants that typically blow away close to the ground.** The same type of inversion also caused the worst air pollution disaster in U.S. history — the 1948 "Donora Smog," which killed 20 people in the Mon Valley town of Donora, just 13 miles south of the Clairton Coke Works Plant, spurring the creation of the Federal Clean Air Act.”

“Temperature inversions such as these are historically unusual, even in a place such as the Mon Valley, which, like all valleys, is especially prone to stagnant air as the surrounding hills and mountains hem in it. But the last five years were the hottest recorded on the planet, and inversions are becoming more frequent: While the Mon Valley saw just four inversions of this scale in the previous decade, this was the second one to hit the region so far in 2019.”

“Some experts say that trend is likely to continue, and that cities around the world could see an influx of similar "super pollution events" as Earth continues to warm. **“For the last at least 60 years we have data for, we can clearly see a trend of increasing temperature inversions in midlatitude regions,**” Shiliang Wu, an atmospheric chemist and associate professor at Michigan Technological University, told EHN. “I believe this trend will continue in the coming decades, which will likely lead to an increase in extreme air pollution episodes.”

**“Midlatitude regions are the temperate zones between roughly 30 to 60 degrees north or south of the equator.** The midlatitudes encompass about 36 countries, including the United States and most of North America, and are home to more than half of the world's population.”

“Wu co-authored a 2016 paper on long-term changes in extreme air pollution meteorology, which he believes was the first to look at six decades of global meteorology data, to learn how events such as temperature inversions and heat waves have changed over time. **He found that**



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**heat waves in the summer and temperature inversions in the winter — both of which can lead to extreme air pollution events — have increased by up to 50 percent in the last 60 years in most midlatitude regions.”**

“Heat waves often lead to higher ozone levels, **while temperature inversions tend to have a stronger impact on particulate matter pollution.** Like particulate matter pollution, ozone also can cause chest pain, coughing, throat irritation and airway inflammation, reduce lung function and worsen bronchitis, emphysema and asthma. Particulate matter pollution is also linked to heart disease, heart attacks and premature death in people who already have respiratory or heart disease.”

“Extreme air pollution events such as the one that recently plagued the Mon Valley also have happened in Salt Lake City, Paris, London and Beijing in recent years. **Many of them were the result of either heat waves or inversions, and some have occurred despite relatively decreased emissions.”**

“**Certain geographical regions like those in a basin or valley and major urban areas are more likely to be affected by inversions and see this kind of extreme pollution events,**” Wu said. “What just happened in the Mon Valley is obviously not as deadly as what happened during the Donora Smog, but it's still a serious threat to public health when you have air pollution at this level.”

“In the Mon Valley, local environmental organizations have pointed out that this concern is not new to the region, and continually have called for stricter coke oven emission standards in general. **Meanwhile, the local health department has acknowledged that climate change will lead to more temperature inversions, and has announced intentions to create regulations that would allow them to require polluters such as U.S. Steel to reduce their emissions when they know an inversion is coming.**”

“**[Allegheny County Health Department] recognizes that the increasing frequency of these temperature inversions is associated with climate change,**” an agency spokesperson said in a statement. “While we will continue to advocate for residents to do what they can to reduce emissions, we must also explore new regulations that would impose corrective action requirements on industry during short-term pollution events. **Other cities — particularly those located in basins and valleys — may need to take a similar approach.**”

B) “Topographic and spatial impacts of temperature inversions on air quality using mobile air pollution surveys” by Denis Corr and Julie Wallace

In this Report the authors have clearly stated that “under inversion conditions, however, there are much higher aggregate exposures to air pollution, because of the greater exposure area and greater numbers of exposed citizens in addition to the higher air pollution concentrations. As noted earlier, the content of pollutant mixtures in inversions is a more toxic mix than in normal

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conditions, making the situation worse yet again. A further consideration is that there is a wide of range of bronchial reactivity (asthma sensitivity) and cardiac status in the population, so that reducing these higher pollution levels could bring relief to a sizeable fraction of asthma sufferers and cardiac patients.”

The authors also identified “changes in prevailing wind direction and lower wind speeds” in the City of Hamilton as leading directly to “decreased long-range transport of pollutants” and atmospheric dispersal. It is therefore detrimental for the health of the neighbourhood to permit a building design which does not have sufficient landscaping and separation distances when wind flow is the critical factor in lessening the toxicity and length of time for air pollution concentrations.

The traffic volume flow in the eastbound curb lane immediately adjacent to the proposed site is frequently **backed up for three blocks during rush hour from the signal lights at the 403 exit ramp to the traffic signal lights at Haddon and Main Street West**. This traffic congestion results in buses, heavy trucks, medium trucks and motor vehicles continually idling for several minutes throughout the rush hour between Cline Avenue South and Dow Avenue. If a long building in excess of 60m width is built along this section of Main Street West, it will again directly contribute to excessive levels of Nitrogen Dioxide, which will remain in a concentrated cloud adjacent to the structure with no means of dispersion. The emission of Nitrogen Dioxide, however, is not just limited to traffic volume and congestion on Main Street West and Hwy 403, but also attributable to the school buses, taxis and motor vehicles dropping-off and picking-up school children at the Hamilton Hebrew Academy on Dow Avenue and Cline Avenue South. This additional idling in the morning and in the afternoon will contribute to the ambient air pollutants through vehicle emissions, and the tall and wide structure proposed to be built on 1107 Main Street West will only worsen the problem.

**9) ADVERSE HEALTH EFFECTS OF AIR POLLUTION**

The Halton Region Health Department prepared a detailed study in February 2009 on the harmful effects of air pollution on health. In this Report, entitled “Protecting Health: Air Quality and Land Use Compatibility”, by Peter Steer, Kim Perotta and Dr. Bob Nosal, of the Halton Region Health Department, the authors set out their reasons for preparing their Land Use report and outlined why air pollution must be taken seriously. The following are excerpts from this document:

There is a significant burden of illness associated with poor air quality that is commonly experienced in southern Ontario. The Ontario Medical Association estimates that in 2005 air pollution contributed to approximately 190 premature deaths, 540 hospital admissions, 2,010 emergency room visits, and one million minor illness days in Halton Region.

Air quality can vary significantly across a community and differences in air quality

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can have a substantial impact on human health. For example, studies conducted along high-volume traffic corridors consistently report associations between proximity to traffic and at least one of the following adverse health effects: asthma and other respiratory diseases, diminished lung function, adverse birth outcomes, childhood cancer, and increased mortality risks.

It is also well understood that certain populations of people are more sensitive to the negative health impacts associated with air pollution. While poor air quality can affect all people, it is the young, the elderly, and those with existing health problems who are more likely to become ill, be hospitalized, or to die prematurely in response to poor air quality, rather than healthy adults.

Human health impacts from air pollution are well documented and include effects related to short-term and long-term exposures. Effects related to short-term exposures include increases in non-traumatic deaths and hospital admissions for respiratory and cardiovascular conditions, increases in asthma symptoms and respiratory infections, and reductions in lung capacity. Long-term exposures are associated with reductions in lung function in children and adults, reductions in life expectancy, increases in chronic heart diseases, and increases in respiratory diseases including asthma and chronic obstructive pulmonary disease and lung cancer (Institute for Risk Research, 2007; Boothe and Shendell, 2008; Gauderman et al., 2005).

For 2005, the Ontario Medical Association (OMA) estimates that the five common air pollutants (ground-level ozone, fine particulate matter, sulphur dioxide, nitrogen dioxide, and carbon monoxide) contributed to about 5,800 premature deaths, almost 17,000 hospital admissions, 60,000 emergency room visits and 29 million minor illness days **in Ontario**. These health impacts cost Ontario almost \$8 billion (Ontario Medical Association, 2005a).

The OMA estimates that in 2005 air pollution contributed to approximately 190 premature deaths, 540 hospital admissions, 2,010 emergency room visits, and one million minor illness days **in Halton Region**. It is estimated that these health impacts resulted in almost \$17 million in health care costs and almost \$13 million in lost productivity costs (Ontario Medical Association, 2005b).

It is also well understood that certain populations of people are more sensitive to the negative health impacts associated with air pollution. While poor air quality can affect all people, it is the young, the elderly, and those with existing health problems who are more likely to become ill, be

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hospitalized, or to die prematurely in response to poor air quality, rather than healthy adults (World Health Organization, 2004).

**10) THE DETRIMENTAL EFFECT UPON ADJACENT LANDOWNERS/RESIDENTS AND INSTITUTIONS, PEDESTRIANS, SCHOOL CHILDREN, FEMALE CHILDREN AND NEW TENANTS/OCCUPANTS**

The relatively high levels of Nitrogen Dioxide in Hamilton West, specifically as recorded by the Ambient Air Monitoring Station at the Main Street West/403 exit ramp which is located less than 150m away from the proposed development, must be considered from an environmental perspective and from a health perspective when evaluating the Application of the developer.

The Developer’s intention to have a vibrant streetscape with pedestrians and cyclists on Main Street West between Cline Avenue South and Dow Avenue goes against the policies of a prior Environmental Air Pollution review which recommend that “cycling/walking routes should be separated from heavily travelled roads”.

With the width of the proposed building extending over 60m and a height of 15 storeys, (which is approximately 45m and exceeds the angular plane to build as the top three storeys are over the 45 degrees of 80% of the width of the widened right of way of Main Street West, contrary to the Planner’s mistaken contention that the Applicant is in compliance) and with the proposed development being on the south side of an extremely high traffic east/west corridor, the building itself will contribute to the low dispersion conditions that keep air contaminants at high levels and in concentrated pockets. Not only will these adverse conditions affect pedestrians and cyclists on Main Street West resulting from less sunlight and wind penetration, but it will potentially have an adverse impact on the health of the proposed tenants as the building is designed with patio doors and balconies, affecting the interior living space of the units.

Sun/Shadow and Wind Impact Studies

The height and width of the proposed development will also create low dispersion conditions on Cline Avenue South and Dow Avenue, as the height again is not in compliance with the angular plane guidelines, and these two streets require higher levels of sunlight and wind to aid in the dispersal of the NO2 contaminants which are recorded at some of the highest levels in Ontario, and perhaps Canada, based on readings at Hwy 403 and Main Street West. The sun/shadow impact study submitted by the Applicant is therefore not relevant to the health concerns raised in this objection letter, as that report only focused upon compliance with the minimum hours of daylight for only one day of the year. Rather a sun/shadow impact study is required for multiple days throughout the year in order to determine and assess the maximum number of hours required to aid in the dispersal of ambient air pollutants. The comparison should be with the existing sun/shadow conditions currently in place and existing with the height and mass of Grace Lutheran Church and its community gardens and cultural heritage landscaping, and the extent to which these current beneficial conditions for contaminant dispersion will be lost with the proposed development.

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Similarly, a wind impact study with a full and proper meteorological analysis is required, not to determine whether any new adverse wind conditions will be created by the proposed development, but to determine how existing winds and gentle breezes that are clearing the air, may be diminished by the new structure. It is vitally important to identify and assess the winds and breezes that currently blow across the site and into neighbouring and adjacent properties, as well as the winds and breezes that are transporting air pollutants into the Main Street West/403 corridor. Accordingly, a meteorological report will be a key element in assessing the dispersal of the air contaminants and toxic concentrations that are present from the vehicle emissions of the heavy traffic volumes on Main Street West and Hwy 403.

### Additional High-rise Project

The impact of air quality and the lower rate of dispersion of airborne contaminants will be further magnified because associates of the Developer have already commenced a land acquisition of some of the houses along the east side of Dow Avenue opposite to the site, with the supposed intention of building another high-rise development on the lands on the corner of Dow Avenue and Main Street West and which will extend southerly along Dow Avenue. This future development will further detrimentally affect and greatly diminish the dispersal conditions that are required for the health and well-being of the residents in the immediate neighbourhood.

### Stakeholders affected by the Proposed Development

The Applicant has submitted the following demographic information in its Stakeholder Analysis regarding the neighbourhood, but it is useful to look at two distinct age groupings, namely 0 to 14 years, and over 55 years.

## DEMOGRAPHIC DATA

DEMOGRAPHIC INDICATOR CENSUS TRACT 5370043.00

### **Population Change**

Total	3,587
Percentage change, 2011 to 2016	-9.8%

### **Age**

0 to 14 years	11%
15 to 24 years	29%
25 to 34 years	16%
35 to 44 years	8%
45 to 54 years	11%
55 to 64 years	10%
65+ years	14%

### **Housing Structure Type**

Single-Detached House	53%
Semi-Detached House	<1%
Row House	0%
Duplex	12%
Apartment <5 Storeys	8%
Apartment 5+ Storeys	27%

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Based on this data it can be ascertained that **11%** of the neighbourhood is under 11 years of age, and that **24%** of the neighbourhood is over 55 years of age. If those who are very young, and those who are seniors are both considered the most vulnerable segment of the community, and if these are the two groups which the Province of Ontario is promising active, healthy and safe communities, then an air pollution review and its impact on **35%** of the Ainslie Wood Westdale Neighbourhood should be paramount.

These two groups of residents are most susceptible and vulnerable to the higher categories in each level of the Air Quality Health Index and increases in air pollution. This is because these two age groups are either outside walking to school or walking to local grocery stores, library and shops; playing with friends in the playground or carrying out chores, doing backyard and front yard gardening or playing sports; walking the dog around the block or skipping rope and playing hopscotch; and other similar outside activities.

If the proposed development is allowed and air pollution concentrations increase due to the lack of sunlight and wind penetration by reason of the excessive height, density and massing of the building, should the most vulnerable segment of society add a Level to the Air Quality Health Index (AQHI) so that a Moderate Risk reading is actually a High Risk warning, and that a High Risk reading is actually a Very High Risk warning. Furthermore, is it fair that seniors and youngsters be forced to curtail and modify their activities to be in accord with the Ontario Ministry of the Environment, Conservation and Parks recommendations for these higher levels of Nitrogen Dioxide, if these higher air pollution concentrations are increasing as a direct result of the proposed development:

Adjacent Lands to the South - Hamilton Hebrew Academy, Dow Avenue Parkette, Adas Israel Synagogue

The Applicant has not complied with the angular plane to build for any of the four boundary lines of its property, but no where is the problem more acute than for the rear southerly property line. It is in this very location, adjacent to a private day school playground and a City of Hamilton parkette. It is also in respect of these lands to the south that it is strongly recommended that a full Environmental Report be obtained and that the City of Hamilton Health Department intercede to take immediate steps to ascertain existing health risks and future health risks if the Applicant's project were to be approved.

The Planning Rationale suggests that the architectural drawings and site plan with respect to the southerly boundary line and adjacent property is fine and represents good planning principles. The zoning by-laws **require a 7.5 metre setback from this rear property line**, but the Applicant **only proposes a 1.7 metre setback**, and doesn't even attempt to adhere to any angular plane. Rather they suggest on page 46 of their Planning Rationale that



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“Along the southern portion of the building, the proposed stepped back at level 8 is appropriate, given its interface with the existing surface parking\* (\*see picture below of the school playground and City of Hamilton parkette) and the 1-storey building\* to the south (\*see picture below of the southerly wall of the Adas Israel Synagogue/Hamilton Hebrew Academy that may be 10 metres in height) **which locates approximately 18.0 metres from the southern property line.** For the foregoing reasons, it is our opinion that the proposed massing and setbacks are appropriate for the subject site.”

While there are major objections to the height, density and massing of the proposed built form under all the Provincial and Municipal planning documents, the objection which warrants attention from an environmental and health risk perspective, is that the two buildings will only be **19.7 metres apart** when the two measurements are added together. Sandwiched between them will be the children’s playground and the City of Hamilton parkette, and it is this very aspect of the proposed development which must be thoroughly examined by a health risk analysis.

High Levels of Nitrogen Dioxide and the Development of Asthma in Female Children

The prior studies referred to in this objection letter set out the readings of Nitrogen Dioxide in the City of Hamilton with a particular emphasis on the West end of the lower city, Main Street West and Hwy 403. The articles and reports also expressed the health risks associated with poor air quality but did not connect by scientific study the fact that exposure to high levels of Nitrogen Dioxide can be a cause of childhood illnesses. In order to have any weight with a Planning Department review of the proposed development it is therefore a legitimate concern to request an objector to provide the necessary scientific evidence relating to the current conditions at the children’s playground/parkette and to demonstrate that the proposed development will only worsen the conditions that lead to greater childhood illnesses.

Such a scientific medical study, however, is available, and it is extremely relevant and pertinent to the proposed development by the Applicant. The study originally published in Environmental Health and then published online in April 2009 by Sahsuvaroglu T, Jerrett M, Sears MR, McConnell R, Finkelstein N, Arain A, Newbold B, Burnett R. under the title: Spatial analysis of air pollution and childhood asthma in Hamilton, Canada: comparing exposure methods in sensitive subgroups. Environ Health. 2009 Apr 1;8:14. doi: 10.1186/1476-069X-8-14. PMID: 19338672; PMCID: PMC2669065.

The study Abstract is printed below:

**Background:** Variations in air pollution exposure within a community may be associated with asthma prevalence. However, studies conducted to date have produced inconsistent results, possibly due to errors in measurement of the exposures.

**Methods:** A standardized asthma survey was administered to children in grades one and eight in Hamilton, Canada, in 1994-95 (N approximately 1467). Exposure to air pollution was estimated in four ways: (1) distance from roadways; (2) interpolated surfaces for ozone, sulfur dioxide, particulate matter and nitrous oxides from seven to nine governmental monitoring stations; (3) a kriged nitrogen dioxide (NO<sub>2</sub>) surface based on a

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network of 100 passive NO<sub>2</sub> monitors; and (4) a land use regression (LUR) model derived from the same monitoring network. Logistic regressions were used to test associations between asthma and air pollution, controlling for variables including neighbourhood income, dwelling value, state of housing, a deprivation index and smoking.

**Results:** There were no significant associations between any of the exposure estimates and asthma in the whole population, but large effects were detected the subgroup of children without hayfever (predominately in girls). The most robust effects were observed for the association of asthma without hayfever and NO<sub>2</sub>LUR OR = 1.86 (95%CI, 1.59-2.16) in all girls and OR = 2.98 (95%CI, 0.98-9.06) for older girls, over an interquartile range increase and controlling for confounders.

**Conclusion:** Our findings indicate that traffic-related pollutants, such as NO<sub>2</sub>, are associated with asthma without overt evidence of other atopic disorders among female children living in a medium-sized Canadian city. The effects were sensitive to the method of exposure estimation. More refined exposure models produced the most robust associations.

The important aspects of the study, directly quoting from it, are as follows:

“Although adverse respiratory health outcomes from exposure to ambient air pollution are biologically plausible, research linking exposure to asthma has been inconclusive [1,2]. **Recent research has emphasized the growing contribution and heightened toxic potential of traffic-related air pollution (TAP) near major vehicular corridors [3], as well as significant associations between exposure to TAP and onset of asthma.**”

“The inconsistencies in linking TAP and asthma may be due to exposure measurement error in some studies, which arise partly from the way exposures to traffic pollution are estimated and derived. These exposure estimates include: self-reported traffic density at residence [11,12]; **number of cars passing by per 24 hours on the nearest street to a home or school [7,17,18]; distance between the nearest street and home [8,9,16,17,19,20]; identification of the street with highest traffic density relative to a child’s school or home [10,21]; perception of residential nuisances related to traffic pollution [22]; indices which combine traffic and distance [14,23,24]; cumulative exposure indices [25,26]; and estimation of pollution exposure at the home using geographic information systems (GIS) and land use regression models [27].**”

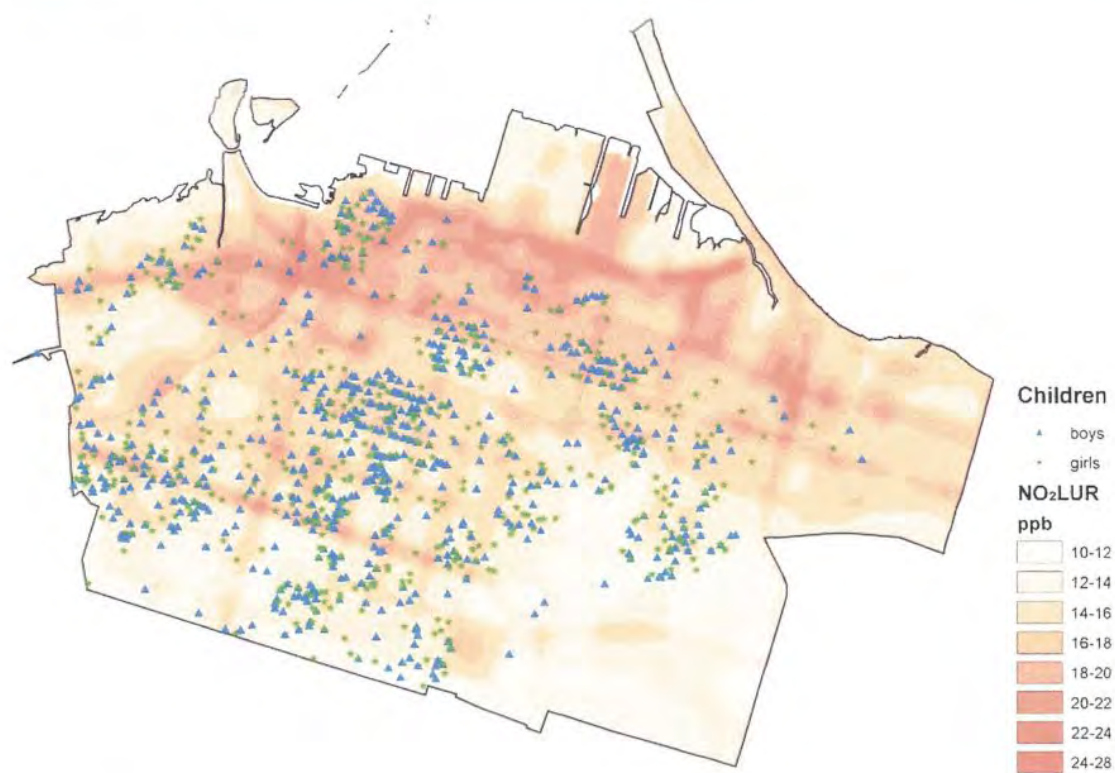
**“In this article, we examine the relationship between within-city or ‘intraurban’ contrasts in air pollution exposure and childhood asthma in Hamilton, Canada.** Further, we test these associations within asthmatic subgroups stratified by the presence or absence of other atopic diseases, **gender and age to determine whether these susceptibility factors influence the relationship between air pollution and asthma.**”

“Hamilton is the ninth largest city in Canada, with a population of over 660,000 in 2001 [35]. The city experiences high levels of pollution exposure for a number of reasons, including traffic



## Figure 4

From: [Spatial analysis of air pollution and childhood asthma in Hamilton, Canada: comparing exposure methods in sensitive subgroups](#)



NO<sub>2</sub> LUR surface.

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and local steel manufacturing plants [36]. The city has well-documented spatial variability of air pollution [37-40]. Pollution is higher in the major industrial zone located in the northeast and generally lower in the southern and western parts of the city. **This is mainly due to prevailing winds, the location of industry upwind of major population areas, temperature inversions that trap pollutants near ground level and topographical elevation created by the presence of the approximately 100 m high Niagara Escarpment [41] (see Figure Figure11).**”

“We estimated exposure to air pollution using four techniques. **First, we created buffers of 50 m and 100 m from major roadways to proxy for traffic pollution exposure based on the DMTI spatial data coverage (DMTI Spatial, Markham, ON). Children living within the specified buffer distance from a major road were assigned the number 1; those who did not were assigned the number 0.** Second, we created pollution surfaces for particulates (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and ozone (O<sub>3</sub>), using deterministic interpolators applied to three-year averages corresponding to the time of enrolment in the survey. These models were derived from between seven and nine Ontario Ministry of the Environment (MOE) ambient fixed-site pollution monitors located in Hamilton, depending on data availability for the period coinciding with the ISAAC study. Specifically, we derived Thiessen polygons, bi-cubic spline and inverse distance weighted (IDW) interpolation techniques [50] for each of the four pollutants.”

“The third pollution surface estimation method was based on a **detailed network of 107 monitoring locations deployed throughout Hamilton for a two-week period in 2002.** Passive NO<sub>2</sub> Ogawa monitors (Ogawa & Co., USA) were set up in duplicate at each location. Every monitor had two filters, yielding four readings per site. **Values at each of the 107 locations were based on an average of these four readings.** After field retrieval and data cleaning, 100 readings remained available for analysis. **Pollutant concentrations from these locations were interpolated to estimate the most likely value of NO<sub>2</sub> occurring between the monitored locations.** We used kriging, an optimal stochastic interpolation method that supplies the best linear unbiased estimate of the variable of interest for this type of exposure calculation [50]. While a temporal difference exists between data collection of the ISAAC study and NO<sub>2</sub> observations, the spatial trends of pollution in Hamilton between 1995 and 2002 have been relatively consistent, based on annual air quality reports [39]. The stability of the spatial distribution of pollution with Hamilton is also discussed below in terms of the land use regression model.”

“**Our fourth assessment method was a NO<sub>2</sub> surface created using a land use regression (LUR) model, explained elsewhere in detail [51,52]. Based on the same 100 readings from the passive monitors mentioned above, the LUR model [53] was implemented to assess the land use characteristics, transportation, population and physical geography variables most strongly associated with ambient NO<sub>2</sub> concentrations.** Our final seven-variable model explained 76% of the variation in the measured NO<sub>2</sub>. **Variables included: traffic density, open land use within 500 m, industrial land use within 200 m, presence of a highway within 50 m, presence within 1000 m from downtown industrial core, presence downwind from a highway,**



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## Table 4 Odds ratios of bivariate associations between asthma without hayfever and both NO<sub>2</sub>LUR and confounding variables within subgroups of all girls and boys<sup>+</sup>

From: [Spatial analysis of air pollution and childhood asthma in Hamilton, Canada: comparing exposure methods in sensitive subgroups](#)

	All girls		All boys	
	Exp(B)	95% CI	Exp(B)	95% CI
<b>Bivariate Associations</b>				
NO <sub>2</sub> LUR	1.137**	(1.012–1.278)	0.967	(0.868–1.078)
Avg Income	0.945	(0.465–1.919)	0.658	(0.335–1.294)
Dwelling Value	0.946	(0.864–1.035)	0.969	(0.898–1.045)
Rate of repair	1.043	(0.983–1.108)	1.004	(0.952–1.060)
Older house	1.009	(0.999–1.020)	1.000	(0.992–1.008)
Smoking	1.044	(0.995–1.096)	1.017	(0.982–1.053)
DI	1.049	(0.952–1.156)	1.025	(0.935–1.123)

\*\*p < 0.05, \* p < 0.1

<sup>+</sup> calculated for a 1-unit increase in pollutant

## Table 8 Co-pollutant models for asthma without hayfever, controlling for DI and rate of repair<sup>†</sup>

From: [Spatial analysis of air pollution and childhood asthma in Hamilton, Canada: comparing exposure methods in sensitive subgroups](#)

	All girls		Older girls	
	Exp(B)	95% CI	Exp(B)	95% CI
NO <sub>2</sub> LUR	1.162**	(1.000–1.350)	1.289**	(1.017–1.634)
SO <sub>2</sub> Theissen	1.163	(0.953–1.419)	1.260	(0.832–1.910)
NO <sub>2</sub> LUR	1.144*	(0.982–1.331)	1.287**	(1.008–1.643)
PM <sub>10</sub> Spline	1.063	(0.969–1.666)	1.058	(0.918–1.219)
NO <sub>2</sub> LUR	1.171**	(1.004–1.366)	1.304**	(1.025–1.658)
O <sub>3</sub> Theissen	1.01	(0.821–1.241)	0.951	(0.685–1.318)
NO <sub>2</sub> LUR	1.146*	(0.978–1.334)	1.271*	(0.992–1.627)
PM <sub>10</sub> Spline	1.045	(0.943–1.158)	1.044	(0.891–1.225)
SO <sub>2</sub> Theissen	1.135	(0.912–1.142)	1.246	(0.802–1.934)
O <sub>3</sub> Theissen	1.005	(0.802–1.259)	0.998	(0.691–1.440)

\*\*p < 0.05, \* p < 0.1

<sup>†</sup> calculated for a 1-unit increase in pollutant

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and distance to the lake. The variables representing traffic density, industrial land use, meteorology, and other activities thought to predict traffic pollution levels had coefficients with the expected sign. Predicted values were used to generate a detailed exposure surface that captured the small-area variability of pollution within the city. Cross validations indicated that the LUR model performed well, demonstrating good predictions for sites not used in model calibration and stable coefficients when assessed with the Chow test [54]. Our seasonal analysis suggested the model was capable of predicting spatial variation within the city for different seasons, probably due to spatial patterns of pollution that remain stable over time [51].”

**“After testing interactions between the pollutants, atopy and subgroups, we found effects suggestive of an interaction between hayfever and pollutants in all girls for NO<sub>2</sub>LUR (p = 0.156).** The power to test for interactions in epidemiological studies is often poor, resulting in researchers missing important interactions due to lower power [70]. As noted by Selvin [71], relaxing the type 1 error p value from the traditional 5% to 20% is a common approach in epidemiological studies, one that can allow for interaction tests in studies that are not powered for effect modification. **In this instance, we had substantive reasons to test for interaction, and the sub-group analysis indicates that girls are more susceptible than boys.”**

“Tables 3.3, 4.4, 5.5 and 6.6 show the associations for the stratified analysis conducted for the non-atopy related asthma population within the subgroups. **Asthma without hayfever was associated with NO<sub>2</sub>LUR for all girls and older girls. We also ran trivariate logistic regressions on the significant associations identified in the bivariate tests for asthma without hayfever (see Table 7.7). The effects of pollutants remained robust. NO<sub>2</sub>LUR retained significance with asthma without hayfever in all girls for each confounding variable.”**

“There were no significant associations between any of the exposure estimates and asthma in the whole population, **but large effects were detected in the subgroup of children without hayfever (predominately in girls). More specifically, after controlling for confounders we observed significant associations between NO<sub>2</sub>LUR and non-atopy related asthma in all girls and older girls. The NO<sub>2</sub>LUR surface provided the only robust associations with all girls and older girls after running the co-pollutant models and GLM sensitivity analyses.”**

“Other researchers have also commented on the relevance and importance of non-atopy related respiratory symptoms. Heinrich and colleagues [73] evaluated TAP exposure using self-administered subjective questionnaires assessing traffic intensity in a population of 6896 adults. **High traffic intensity increased the risk for non-allergic asthma, but not for atopic symptoms including allergic sensitization.** Non-allergic asthma in this study was identified as having current asthma but a negative screening assay for specific sensitizations to mite, cat, dog, pollen and fungal allergens.”



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**“In the most stringent analysis controlling for confounders and co-pollutants, effects were observed in all girls and older girls and only for the NO<sub>2</sub>LUR model, a result consistent with recent findings from the CHS cohorts in Southern California [20].** Female sex has shown to increase the risk of a non-allergic type of asthma in an adult population [74] although no mechanism for this difference was suggested. **Gold et al. [80] have suggested that gender differences in asthma rates might be due to differences inherent in the mechanical properties of the lung and inflammatory responses. Alternatively, Venn et al. [81] proposed that hormonal changes occurring in early puberty may affect prevalence rates,** as well as differential exposures to triggers for wheeze or asthma, such as smoking. Berhane et al. [82] have found that duration and age of onset of asthma differs between the sexes, thus having differential impacts on lung function. There may also be additional factors influencing exposure times to pollution levels that we were not able to account for in this study.”

**“We found significant associations between exposure to modeled NO<sub>2</sub> and asthma without hayfever outcomes in children living in Hamilton. Girls with asthma without hayfever, and particularly older girls, were most susceptible to the effects of NO<sub>2</sub> or a closely associated co-pollutant.** The effects were sensitive to the method of exposure estimation, and more refined exposure models produced the most robust associations.”

Impact of Study

This study clearly indicates the relationship between exposure to Nitrogen Dioxide and development of asthma in young female children. But what is most alarming is that the exposure levels obtained from the mobile ambient air monitoring units and the three fixed sites to obtain air pollutant readings for this, were not even as high as subsequently reported by Denis Corr who wrote:

**“In the 403 Highway valley in the west and on the 403 Ancaster hill, very high levels of NO were detected, reaching a peak of 586 ppb. These are in fact the highest NO levels measured to date in Hamilton, higher than industrial source impacts around major steel companies. The maximum value for NO<sub>x</sub> (NO + NO<sub>2</sub>) was 660 ppb.”**

Accordingly, it is Main Street West/403 area which should be the major source of concern for health officials as this area has the highest concentrations of Nitrogen Oxide and it is the area which is closest to elementary schools, such as Dalewood Public School on the north side of Main Street West, and the Canadian Martyrs Catholic Elementary School and the Hamilton Hebrew Academy on the south side of Main Street West. It is the Hamilton Hebrew Academy which is adjacent to the proposed development and it is the Hamilton Hebrew Academy playground and the City of Hamilton Parkette which are situated approximately 120 metres away from the Hamilton West Ambient Air Monitoring Station at Main Street West/403.

Due to the proximity of the Air Monitoring Station to the playground and the parkette, it is extremely likely that the Nitrogen Dioxide readings at the Station would reflect the levels of

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Nitrogen Dioxide at the playground and the parkette. This again should be of major concern as the study identifying the correlation between the development of asthma in young girls and exposure to Nitrogen Dioxide were **based on an average exposure level of 14.84 parts per billion**.

The average and range of pollution exposures is more particularly set out in Table 2 of the study which is set out below.

**Table 2**

Average and range of pollution exposures

Pollutants <sup>†</sup>	All subjects		Boys		Girls	
	Average	Range	Average	Range	Average	Range
PM <sub>10</sub> Spline	20.90	26.98	20.88	26.98	20.92	20.10
NO <sub>x</sub> Theissen	31.77	20.91	31.69	20.91	31.85	20.91
SO <sub>2</sub> Theissen	5.81	6.04	5.88	6.04	5.74	6.04
O <sub>2</sub> Theissen	20.12	4.30	20.10	4.30	20.15	4.30
NO <sub>2</sub> Kriged	15.36	8.93	15.37	8.93	15.36	8.85
NO <sub>2</sub> LUR	14.84	16.08	14.79	15.55	14.90	12.52

<sup>†</sup> Particulate matter in micrograms per cubic meter; gaseous pollutants in parts per billion

But if we take the readings of the level of Nitrogen Dioxide from the Hamilton West Ambient Air Monitoring Station for the hours of 8:00 am to 6:00 pm on Monday November 9, 2020 the levels when compared with Table 2 are **“double and triple”** the average exposure level of 14.84 ppm set out in the study. For the hours of 8:00 am to 6:00 pm on Tuesday November 10, 2020 the average exposure level is approximately equal to or slightly below the average. If a youngster, however, lives in the area and is playing outside or walking to school, thereby increasing the hours of exposure in the morning and in the evening, the levels for these additional hours again exceeded the average exposure level used in the study of 14.84 ppm on both November 9 and November 10, 2020.

The readings from the Hamilton West Ambient Air Monitoring Station indicate that the concerns of the authors who provided the data used in [Spatial analysis of air pollution and childhood asthma in Hamilton, Canada: comparing exposure methods in sensitive subgroups](#) would be equally concerned about the young girls living in or attending school in the Ainslie West

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Westdale neighbourhood, and specifically those girls attending the Hamilton Hebrew or playing in the playground or in the City of Hamilton parkette.

In my opinion it would be prudent to not only conduct an Environmental review based on a site specific meteorological wind pollution impact study and a site specific sunlight dispersion study to analyze the proposed built form to be constructed on the subject lands, but to also once again utilize the services of the City of Hamilton Health Department. Specifically, I am referring to the International Study of Asthma and Allergies in Childhood (ISAAC) phase 1 questionnaire which was administered to 6388 children in Hamilton from ages 6 to 14 as part of the original study.

In light of the high Nitrogen Oxide readings in the Ainslie Wood Westdale neighbourhood, especially that portion which is in close proximity to both Main Street West and Hwy 403, the questionnaire should again be administered to children at the neighbourhood schools and those living on Dow Avenue, Cline Avenue South, Southview Place, Westwood Avenue, Haddon, Gary, Dalewood and Stroud. Other streets further to the south that are backing right up to Hwy 403 should also be involved, as it is possible that the high Nitrogen Oxide concentrations are in their immediate vicinity as well.

The Health Department should also intercede to ensure that it is circulated to the parents of students at the Hamilton Hebrew Academy as these youngsters, especially females, would be most affected and for whom a direct comparison to the hourly readouts of the air pollutants at the Hamilton West Ambient Air Monitoring Station could be matched and validated. This updated health report would be of immeasurable benefit to assessing the extent of the air pollution health risks at and adjacent to the site of the proposed development.

**11) STEPS BEING TAKEN BY OTHER JURISDICTIONS IN RESPONSE TO THE HARMFUL EFFECTS OF AIR POLLUTION ADJACENT TO HIGHWAYS AND TRAFFIC CORRIDORS**

It is important to recognize that two neighbouring municipalities have already undertaken studies of the adverse effects of air pollution on properties adjacent to highways and traffic corridors, and that these are extremely relevant for the City of Hamilton to consider in regard to the proposed development.

One is the City of Toronto, which presented their findings and recommendation in October 2017 a detailed report entitled “Avoiding the TRAP: Traffic-Related Air Pollution in Toronto and Options for Reducing Exposure”  
<https://www.toronto.ca/legdocs/mmis/2017/hl/bgrd/backgroundfile-108070.pdf>

The second municipality is the Region of Halton, which as mentioned earlier, requested the Halton Region Health Department to prepare an Air Quality and Land Use Compatibility Study to resolve issues such as the conflict between residential mixed-use intensification on traffic corridors and the effect of air pollution, and to recommend policies on this important matter.



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[https://opha.on.ca/OPHA/media/Resources/Resource%20Documents/AirQuality\\_LandUse-Feb09\\_2.pdf?ext=.pdf](https://opha.on.ca/OPHA/media/Resources/Resource%20Documents/AirQuality_LandUse-Feb09_2.pdf?ext=.pdf)

**A) Toronto – Avoiding the TRAP (Traffic-Related Air Pollution)**

This study, written by Toronto Public Health (TPH) and Toronto Environment and Energy Division (EED), examined local air quality in the City of Toronto. It is extremely pertinent to the site and the proposed development by the Applicant as the identical issues are involved, and because the subject lands, being within 500 metres of a major highway, and within 100 metres of a major arterial road, would be placed in the Greatest TRAP Exposure Location Category. Accordingly, the Report is being heavily relied upon and some of its most pertinent excerpts are as follows:

“In 2014, Toronto Public Health (TPH) reported that air pollution from all sources gives rise to 1,300 premature deaths and 3,550 hospitalizations in Toronto each year. Traffic-related air pollution (TRAP) is the major local contributor to air pollution in Toronto. **Adverse health impacts attributed to air pollution are amplified for people in close proximity to major highways and roads, where the concentration of common air contaminants (CACs) is significantly increased by local TRAP.** In the 2014 assessment, TRAP accounted for 42% of premature deaths and 55% of hospitalizations attributable to locally emitted air pollution each year (TPH, 2014b).”

“Based on the city-wide modelling, traffic is a significant source of air pollution in Toronto, and concentrations are especially high near highways and busy roads. **Modelling results indicate that some TRAPs, benzene and PM10, are present at levels that exceed the health benchmarks set by the Ministry of the Environment and Climate Change (MOECC) at times in Toronto.** An assessment of the health risks arising from modelled air pollution on a city-wide scale showed elevated risk for respiratory and cardiovascular illness, cancer, and non-cancer outcomes (e.g., adverse immunological, neurological, and developmental outcomes).”

“As anticipated, modelled levels of TRAP tend to be higher along highways and major arterial roads of Toronto. **People who live, work, learn or play near these roads are at greatest risk of adverse health outcomes associated with TRAP. Vulnerable populations, including children, seniors, and people who work or commute in vehicles are at particular risk.**”

“Factors that determine the concentration of TRAP include traffic volumes and their patterns of flow, meteorological conditions, built form, and urban topography. **For any given roadway, a key indicator of the presence of TRAP is traffic volume.** Numerous Toronto highways and roadways carry high traffic volumes. Highway 401 within Toronto includes the busiest section of highway in North America. The average daily volume of traffic on Toronto’s 116 major and minor arterial roads is over 25,000 vehicles. TPH

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**mapped TRAP exposure zones, defined as 500 metres on either side of a highway with an average of 100,000 vehicles or more per day, 150 metres on either side of a highway with an average of 50,000 vehicles or more per day, and 100 metres on either side of a roadway with an average of 15,000 vehicles or more per day.** The maps were used to estimate the number of sensitive sites, including schools, child-care centres and long-term care facilities, that are located in TRAP exposure zones and that may benefit from mitigation measures to reduce exposure of sensitive receptors.”

**“TRAP includes some of the common air contaminants (CACs) - sulphur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and fine particulate matter (PM<sub>2.5</sub>). In addition to these pollutants, vehicle emissions include a range of toxic pollutants such as acrolein, benzene, benzo[a]pyrene, cadmium, chromium, and formaldehyde.** Ozone (O<sub>3</sub>) is a secondary pollutant that is formed in the atmosphere when CACs, including those emitted by vehicles, and other pollutants react. Carbon dioxide (CO<sub>2</sub>) is also emitted in large quantities by vehicles. While CO<sub>2</sub> does not have direct health impacts, it is a greenhouse gas (GHG) that contributes significantly to global climate change, which is expected to lead to a variety of adverse health outcomes (TPH, 2005; WHO, 2016).”

“TPH’s burden of illness findings focus on premature deaths and hospitalizations related to respiratory and cardiovascular illness. However, the impacts of air pollution on health also include less severe effects such as chronic bronchitis and asthma symptom days, visits to physicians, and school and work absences (TPH, 2014b). Using updated estimates for premature death and hospitalization numbers from TRAP, the other health outcomes were adjusted using data from an earlier report (TPH, 2007) on TRAP in Toronto that considered additional cardiovascular and respiratory outcomes. **It is estimated that air pollution in Toronto from traffic sources currently contributes to 800 episodes of acute bronchitis among children, 42,900 asthma symptom days (also mostly among children), 43,500 days where respiratory symptoms such as chest discomfort, wheeze, or sore throat would be experienced, and 128,000 days when people would stay in bed or otherwise cut back on normal activities as a result of air pollution (TPH, 2014b).”**

**“When the proportion of the burden attributable to each individual pollutant is considered, PM<sub>2.5</sub>, NO<sub>2</sub>, and O<sub>3</sub> contribute the most to cardiovascular and respiratory ill health.** They account for about 69%, 14%, and 13% of premature mortality and about 33%, 35%, and 29% of hospitalizations, respectively. Carbon monoxide and SO<sub>2</sub> contribute relatively little to the overall burden of illness, with CO accounting for 3% of deaths and 2% of hospitalizations, and SO<sub>2</sub> accounting for 1% of deaths and 1% of hospitalizations (TPH, 2014b).”

**“Both short- and long-term exposure to TRAP can result in adverse health outcomes. Acute respiratory and cardiovascular effects can be experienced from**

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exposure periods of minutes or hours, whereas chronic illnesses like diabetes, hypertension, and cancer are the result of long-term exposures (Brauer et al., 2012; TPH, 2007; WHO, 2013). Reviews of the health evidence have identified that the strongest association between exposure to TRAP and adverse health outcomes is the onset and exacerbation of respiratory disease, particularly asthma (Brauer et al., 2012). Studies have shown that TRAP may also be associated with heart attack and other cardiovascular disease, wheezing, reduced lung function, childhood cancer, lung cancer, adverse birth outcomes, neurodevelopmental issues, reduced cognitive function, dementia, and chronic conditions such as diabetes (Brauer et al., 2012; Chen et al., 2017; HEI, 2010; WHO, 2013).”

**Table 7: Number and percentage of vulnerable sites in TRAP zones and level of TRAP exposure in Toronto<sup>16</sup>**

	<b>Greatest exposure</b>	<b>High exposure</b>	<b>Medium-high exposure</b>	<b>Medium exposure</b>	<b>Outside TRAP zones</b>
Location	Within 500 metres of multiple major highways	Within 500 metres of one major highway	Within 150 metres of a highway with AADT > 50,000 vehicles	Within 100 meters of one or more arterial roads with AADT > 15,000 vehicles	Farther from highways & high-volume arterial roads
Facilities	Number (%)	Number (%)	Number (%)	Number (%)	Number (%)
Child care centres	11 (1%)	129 (13%)	2 (0.2%)	367 (36%)	497 (49%)
Schools	20 (2%)	131 (12%)	2 (0.2%)	333 (29%)	644 (57%)
Long-term care centres and senior's homes	0 (0%)	27 (16%)	0 (0%)	80 (47%)	65 (38%)

“The conclusions drawn from city-wide modelling significantly enhanced the conclusions of the local air quality studies. City-wide modelling indicates that traffic is a significant source of air pollution in Toronto, **and concentrations are especially high near highways and busy roads. Results indicate that some TRAPs, benzene and PM10, are present at levels that may exceed the health benchmarks set by the Ministry of the Environment and Climate Change (MOECC) at times in Toronto.** AAQCs and Canada-Wide Standards (CWSs) are benchmarks that represent an upper limit of desirable concentrations of contaminants in air, and are intended to be protective of health and/or environmental effects.”

“In the case of carcinogens, benzene, chromium, polyaromatic hydrocarbons, and 1,3-butadiene are all among the top contributors to health risk based on modelled levels.

**Among the CACs, PM<sub>2.5</sub>, O<sub>3</sub>, and NO<sub>2</sub> are the primary contributors to excess risk of premature death.** As well, maps of health risk (not shown) suggest that for many of these key pollutants, transportation is an important source of pollution and related health risk across Toronto. While more detailed interpretation of these findings is available in previous reports, the estimated health risk attributable to these substances warrants continued action to reduce exposure, especially for the CACs (TPH, 2011a; TPH, 2014a). The city-wide study also suggests that action is warranted to reduce exposures to some substances in Toronto’s air based on their non-carcinogenic health endpoints; in particular, acrolein and cadmium.”

“As anticipated, results of the air quality modelling indicate that the levels of air pollutants tend to be higher along highways and major arterial roads of Toronto. People who live, work, learn or play near these roads are therefore at greatest risk of adverse health outcomes associated with TRAP (Brauer et al., 2012; PHO, 2016). Specific populations most affected include:

- **Children: Children are especially sensitive to TRAP because they have a faster respiration rate and developing lungs (PHO, 2016). They may also spend more time than adults engaging in physical activity outdoors, and are at increased risk if they attend schools or child care centres that are located near highways or major roadways (Janssen et al., 2001; Reis et al., 2010).**
- **Seniors: Seniors often have existing cardiovascular or respiratory disease which can increase their vulnerability to TRAP (Simoni et al., 2015). Additionally, seniors who live in facilities that are located near highways or major roadways are at increased risk.**

#### **Factors Influencing Dispersion Patterns of Common Air Pollutants**

“Many factors influence how pollutants move and concentrations change and therefore the potential for exposure. The concentration of pollutants varies both spatially (by location) and temporally (by time) (WHO, 2013). The concentration of pollutants in air along highways and major arterial roads decreases as the distance from the roadway increases (HEI, 2010; Karter et al., 2010; WHO, 2013). The concentrations of primary pollutants (those emitted directly from vehicles) tend to decrease rapidly as the distance from the roadway increases, whereas secondary pollutants (those that can be formed in the atmosphere) dissipate more slowly (Brauer et al., 2012; HEI, 2010; TPH, 2004). **Although different studies report slightly different ranges, there is consensus that the concentration of pollutants generally decreases to background levels within 100 metres of the edge of major arterial roads and 500 metres of the edge of highways when there are no major meteorological, topographical, or structural interferences (Brauer et al., 2012; HEI, 2010; TPH, 2004).** “

“**Concentrations of TRAP are influenced not only by the distance from the roadway, but also by traffic volumes and patterns, meteorology, topography, and the built environment (Brauer et al., 2012; PHO, 2016):**

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**Traffic volumes**

“The greater the traffic volume, measured as annual average daily traffic (AADT) volumes, the greater the concentration of pollutants. Highways are typically defined as having an AADT of greater than 100,000 vehicles and major arterial roads typically have an AADT of greater than 15,000 vehicles (Brauer et al., 2012).”

**Traffic types and patterns**

“The concentration of TRAP is greatest when there is a greater volume of older vehicles and heavy-duty diesel trucks (TPH, 2014b; TPH, 2007). Although diesel trucks comprise only 1.5% of Canada’s vehicle fleet, they are responsible for nearly 80% of all traffic-related PM<sub>2.5</sub> emissions and more than half of the emissions of nitrogen oxides (NO<sub>x</sub>) from vehicles in Ontario (Environment Canada, 2014; NRCan, 2009).

Vehicles also emit more pollutants when traffic moves in a stop-and-go pattern rather than in a continuous flow (Brauer et al., 2012). Ryan and colleagues (2005) reported that stop-and-go traffic patterns may be a more important predictor of adverse health impacts than total traffic volumes.”

**Meteorological conditions**

“Wind direction and velocity can impact TRAP concentrations near the roadway. Concentrations of pollutants downwind will decline more slowly than those upwind (Brauer et al., 2012; HEL, 2010; PHO, 2016; Beckerman et al., 2008). Other influential meteorological conditions include solar radiation, which influences the formation of secondary pollutants in the atmosphere, and seasonal conditions – for example, summer rain events can accelerate the deposition of particulate matter (Brauer et al., 2012).”

**Built form and urban topography**

“Long rows of buildings with continuous form on either side of a busy urban street can form “street canyons” that trap pollutants and prevent them from dispersing (Brauer et al., 2012). Similar natural topography formed by valleys can have the same effect on the concentration of pollutants (Brauer et al., 2012; PHO, 2016).”

“Based on this information, TPH set out to estimate how many sites with sensitive users are located in zones with potentially high exposure to TRAP.”

“To gain this understanding, TPH mapped “TRAP zones” where levels of TRAP in the air are expected to be higher than background levels in Toronto. The literature indicates that TRAP exposure zones extend 500 metres from highway with an average of 100,000 vehicles or more per day, and 100 metres from roads with an average of 15,000 vehicles or more per day (Brauer et al., 2012). For this analysis, TRAP exposure zones were defined as 500 metres on either side of a highway with an average of 100,000 vehicles or more per day, 150 metres on either side of a highway with an average of 50,000 vehicles or more per day, and 100 metres on either side of roadways with an

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average of 15,000 vehicles or more per day. As indicated in the literature, beyond these zones it is expected that TRAP is at background levels.”

“Locations of facilities with sensitive users were then compared to locations of estimated TRAP zones. Sites with sensitive users included schools, child-care centres, long-term care centres and seniors' residences. It should be noted that in this analysis, schools include public and private, large and small schools. The purpose of the analysis was to understand how many facilities are affected by TRAP and may benefit from measures to mitigate exposure of sensitive users.”

“**Table 7** summarizes the number of childcare centres, schools, and long-term care centres and seniors' residences that are located in TRAP zones in Toronto, and their level of TRAP exposure. These facilities are categorized as:

- **Sites with the greatest TRAP exposure: located near multiple major highways with an AADT volume of 100,000 vehicles or more, within 500 metres;**
- High exposure sites: located near one major highway with an AADT volume of 100,000 vehicles or more, within 500 metres;
- Medium-high exposure sites: located near one highway with an AADT volume of 50,000 vehicles or more, within 150 metres;
- Medium exposure sites: located near one arterial road with an AADT volume of 15,000 vehicles or more, within 100 metres; and
- Sites outside TRAP zones: located farther away from highways and high-volume arterial roads.”

“The results (**Table 7**) indicate that a large proportion of sites with vulnerable users are located within TRAP exposure zones. It is estimated that approximately 50% of child care centres, 43% of schools, and 63% of seniors' facilities identified in the analysis are located near major roads and highways where TRAP levels are expected to be elevated. Eleven child care centres and 20 schools are located close to multiple highways. The large number of sensitive sites near highways and major roads highlights the need to consider mitigation measures to reduce the exposure of building occupants to TRAP.”

#### **B) Land-Use Planning at the City-Wide and Neighbourhood Level**

##### **Separation distances**

“There is an existing body of literature that links the built environment to health outcomes. Land use and urban design characteristics can influence walkability, bikeability and the level of physical activity, all factors that impact exposure to TRAP (TPH, 2011b). Municipalities have a number of tools at their disposal such as official plans, zoning, and other planning policies that allow them to modify the built environment in order to separate vehicular traffic from places where people spend their time (Brauer et al., 2012).”



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“In 2012, based on more up-to-date evidence, Brauer and colleagues recommended a separation distance of 100 metres from roads with 15,000 or more AADT. **The British Columbia Ministry of the Environment recommends a setback of 150 metres from busy roads for sensitive uses such as schools, hospitals, long-term care facilities and residences (BC MOE, 2012). It further recommends special consideration for truck routes as elevated air pollutant concentrations have been measured up to 750 metres from such routes.**”

#### **Urban street canyons**

“Urban canyons are found in areas of Toronto where tall buildings are built on the existing narrow road network. They occur where multiple buildings on opposite sides of a road face each other and where the buildings are taller than the road is wide. As a result, traffic emissions into air do not disperse as readily and become entrapped at street level which results in an accumulation of pollutants at ground level (City of Toronto, 2016). **This phenomenon can be mitigated by design measures, primarily for new buildings, that encourage greater street ventilation, create fewer confined areas, require step-backs of upper stories and encourage a variety of building heights (GSA, 2012; LASC, 2014).**”

“In 2016 EED completed The Urban Ventilation Study, which quantified the changes to local air quality due to impacts of intensification in combination with the existing urban layout. EED developed an equation to help evaluate streets and identify the level of severity of poor air quality. **The approach can be used to identify streets where changes to existing and future building structure could be used to alleviate air quality impacts due to the street canyon effects. To address the issue, EED also identified options for new-build and existing buildings, in keeping with present urban design guidelines.**”

#### **Congestion reduction**

“A number of studies have examined the relationship between traffic congestion and adverse health impacts. Brauer and colleagues (2012) reported that reduction in traffic congestion was associated with significant decreases in premature birth and low birth weight in infants. **They further reported that “stop-and-go” traffic may be a more important predictor of adverse health impacts than total traffic volumes. Stop-and-go traffic, or brake-and-accelerate traffic, pollutes a lot more than steady flow traffic (Berry, 2010).**”

#### **C) Land-Use Planning at the Site Level**

##### **Site layout**

“There are a number of measures available at the site level to mitigate the impact of traffic emissions, **most notably the location and orientation of individual buildings and outdoor play areas. Ideally, both should be located as far as possible away from roadways and be buffered by transitional uses, thereby increasing the physical**

**distance from traffic emissions. Special consideration should be given to outdoor recreation areas and courtyards that are designed for individuals to spend prolonged periods of time outside.** Consideration should also be given to site open spaces in the interior of "U" or "L" shaped buildings, to create open spaces that are located away from the roadways as this provides a physical barrier between traffic emissions and people using the space (GSA, 2012; LASC, 2014)."

**D) Vegetation and Landscaping**

"It is well known that urban green spaces provide numerous ecological, social, cultural and economic benefits. The ecological services, such as cooling, provided by Toronto's approximately 10.2 million trees are valued at \$28.2 million annually (City of Toronto, 2013). **In its recent report, TPH summarized that the presence of green space is associated with reduced health outcomes such as mortality and cardiovascular disease, increased activity levels, improved health and wellbeing, and various environmental health benefits such as improved air quality, relief from extreme heat, and lessening of the urban heat island effect** (TPH, 2015). Recently, there has also been much attention given to vegetation and green spaces as sinks for traffic pollutants; however, there is still only limited evidence of the effectiveness of such approaches for reducing exposure to TRAP (Brauer et al., 2012; BC MOE, 2012; Baldauf et al., 2011)."

**E) Designing vegetation barriers for urban air pollution abatement: a practical review for appropriate plant species selection by Yendle Barwise and Prshat Kumat**

"Vegetation can form a barrier between traffic emissions and adjacent areas, but the optimal configuration and plant composition of such green infrastructure (GI) are currently unclear. We examined the literature on aspects of GI that influence ambient air quality, with a particular focus on vegetation barriers in open-road environments. Findings were critically evaluated in order to identify principles for effective barrier design, and recommendations regarding plant selection were established with reference to relevant spatial scales. As an initial investigation into viable species for UK urban GI, we compiled data on 12 influential traits for 61 tree species, and created a supplementary plant selection framework. **We found that if the scale of the intervention, the context and conditions of the site and the target air pollutant type are appreciated, the selection of plants that exhibit certain biophysical traits can enhance air pollution mitigation.** For super-micrometre particles, advantageous leaf micromorphological traits include the presence of trichomes and ridges or grooves. Stomatal characteristics are more significant for sub-micrometre particle and gaseous pollutant uptake, although we found a comparative dearth of studies into such pollutants. Generally advantageous macromorphological traits include small leaf size and high leaf complexity, but optimal vegetation height, form and density depend on planting configuration with respect to the immediate physical environment. Biogenic volatile organic compound and pollen emissions can be minimised by appropriate species selection, although their significance varies with scale and context. While this review assembled evidence-based recommendations for practitioners, several important areas for future research were identified."



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“At local scale, the potential for air pollution exposure reduction by appropriate GI (Green Infrastructure) is well-supported (Table 1), particularly where GI involves the physical separation of people from pollutant sources, such as by the use of vegetation barriers 42,48. Indeed, numerous studies have found that vegetation can act as a physical barrier between air pollution and potential sufferers, effectively extending the distance between source and receptor<sup>7,8,20,32,35</sup>, although this function is not without provisos (see ‘Trade-offs in plant selection’). Studies on the influences of such vegetation barriers on air quality have largely concerned atmospheric dispersion, and many have compared the dispersion effects of GI with those of grey infrastructure or other non-porous barriers (Table 1). For example, Gallagher et al.<sup>8</sup> reported that porous (vegetation) barriers can act as a passive method of air pollution amelioration by adjusting dispersion patterns in a similar manner to that which may be achieved by solid barriers.”

**“The primary mechanisms by which vegetation may be considered to improve air quality are those concerning dispersion and deposition 29. Dispersion involves the transportation and dilution of pollutants from the pollutant source, and the various roles that vegetation may play in this process were outlined earlier (see ‘Local scale’ subsection). Dry deposition describes the process by which pollutants are deposited on solid surfaces, thereby reducing ambient atmospheric concentrations. It is through its influences on deposition that vegetation may be seen as passively filtering pollutants from the ambient air.** The capability of vegetation to do so is relatively high in light of its high surface area and complexity in comparison with, for example, grey infrastructure<sup>29,76</sup>. However, the potential capacity of a species for pollutant deposition is determined by the quality and sum of its individual traits<sup>36,37,77,78</sup>.”

#### Vegetation traits for enhanced pollutant deposition

“Because the type and size of pollutant determine its means of deposition (Supplementary Section S1), different vegetation traits will be most effective for the deposition of different individual pollutants. A majority of studies have explicitly focussed on PM, and often only on particles >1µm (Supplementary Table S1). Further research into the influences of individual plant traits on sub-micrometre PM and individual gaseous pollutant concentrations is highly recommended. However, empirical evidence from field experiments to date supports the generalisation drawn above that dry deposition to GI is influenced by specific traits, or inherited biophysical characteristics, the most significant of which concern leaf surface area and leaf properties or functions<sup>32,36,88–90</sup>.”

#### Foliage longevity and leaf phenology

“Foliage longevity describes the length of time that a plant remains in leaf. Evergreen species retain functional leaves throughout the year, whereas deciduous species exist without functional leaves for part of the year and typically during the winter or dry season. The foliage longevity of deciduous species varies between and within species and is influenced not only by genotype but

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also by environmental conditions at microscale<sup>92</sup>. **Due to the significance of leaves in pollutant deposition, the length of time during which GI may be most influential upon deposition is determined by its foliage longevity. In terms of deposition, evergreen species are therefore preferable to deciduous species, and deciduous species that generally exhibit longer in-leaf seasons are preferable to deciduous species that generally exhibit brief in-leaf seasons** 20,36,93. However, evergreen species may be more susceptible to certain stressors (e.g. climate warming<sup>94</sup>) than deciduous species, with potential implications for sustainable ecosystem service provision.”

**F) AN OVERVIEW OF THE MITIGATION OF URBAN AIR POLLUTION  
THROUGH URBAN VEGETATION / FORESTRY**

**Abstract:** This paper provides an overview of the most important air pollutants and main aspects/principles of urban air pollution. It then considers the phenomenon of the abatement of urban air pollutants such as Sulphur Oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), ozone (O<sub>3</sub>) and Particulate emissions (PM<sub>2.5</sub>, 10) by urban vegetation, including urban forests which have been studied extensively as well as the recent green roof movement by way of a literature review from various countries and researchers.

The value of open space in cities (economic, ecological and social) is well documented and commonly cited. Vegetation is an important part of such open space for the range of ecosystems services it provides to the inhabitants of a city. The uptake of carbon dioxide CO<sub>2</sub> and generation of oxygen (O<sub>2</sub>) with the help of sunlight (photosynthesis) in return is a natural process that is especially valuable in city environments where pollutants can cause harmful effects to human health and the environment (HHE). **The “cleaning of air” through vegetation is thus a proven empirical truth. Due to their longevity and perennial nature, urban trees and forests are typically used as unit of measurement. They can be counted individually and most cities have urban forestry management units.**

**Phytodegradation**

Through phytodegradation, organic pollutants can be broken down for metabolic process of the plant. This process can be used for most organic pollutants, such as formaldehyde and benzene, but not all. Certain organics called “Persistent Organic Pollutants” which includes DDT are resistant to breakdown. SO<sub>2</sub> and NO<sub>2</sub> could in that way combine with water in cells to form sulfurous and nitrous acids which may in turn react with other compounds and use for metabolic processes in various part of the plant. If the concentration in plants becomes too high – reduced growth and damage to the plant can occur. These two pollutants that is mainly responsible for acid rain can be used for metabolic process in plants as part of phytodegradation.

**NO<sub>x</sub>**

NO<sub>x</sub> is metabolized into organic compounds of the plant through the nitrate assimilation pathway into amino acids, for example. Certain enzymes such as nitrate reductase play important roles here. Through genetic manipulation such enzymes can be modified to significantly improve their ability. (Yang & Liu, 2011) Such “transgenic” plants in the environment can possess the

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capability to take up more than 50 times the amount of the relevant toxin when compared to control plants. (Dhankher, Pilon-Smits, Meagher, & Doty, 2012).

**G) Halton Region Health Department, Protecting Health: Air Quality and Land Use Compatibility. Oakville, Ontario: 2009**

This study by the Halton Region Health Department is equally as important as the Toronto Health Department as the authors examined both Halton Region and other jurisdictions to determine how they addressed air pollution and “sensitive land” use compatibility. The conclusions and recommendations they arrived at in order to assist Halton Region for their planning principles and guidelines is again highly relevant and are therefore listed in great detail. Some of the most important excerpts from this health study are as follows:

“Many jurisdictions provide guidance on avoiding conflicts between sensitive land uses and various other land uses such as industrial facilities, transportation routes, and agricultural operations. The jurisdictions reviewed are: California (state-, air quality management district-, and city-level); Australia (state-level); England (national- and borough-level); British Columbia (provincial level); and Ontario.”

“On the basis of our review of the health literature and best practices, the Halton Region Health Department recommends that the following parameters be considered during the Sustainable Halton and Regional Official Plan Review processes, in order to protect human health, particularly sensitive receptors, from incompatible land uses:”

**# 1**

Recognizing maturing urban areas, particularly zones of transition and intensification, and Section 38 of the Halton Region Official Plan, Halton Region encourage the MOE to update Guidelines D-1 and D-6 to reflect the changing nature of municipalities and the requirements of the *Places to Grow Plan*. **The update should include the additional experience of environmental officers and public health inspectors gained since 1995, applicable research on separation distances for incompatible land uses, more specific industrial activity classification criteria, and a clear definition of sensitive land use.**

**# 2a**

Halton Region develop a made-in-Halton Incompatible Land Use Guideline (as part of the Healthy Communities Guidelines) that will:

- **be developed by the Health Department, in consultation with Regional and Local partners;**
- **be largely based on the Ministry of the Environment D-Series Guidelines;**

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- **be supplemented with best practices from other jurisdictions, and health research on incompatible land uses;**
- incorporate the Minimum Distance Separation (MDS) Formulae for agriculture;
- **address both greenfields development and infill, urban re-development, and areas of transition to mixed uses;**
- **identify when an air study will be requested, the parameters to be included in an air study, and how the results of such a study would be interpreted;**
- **be updated periodically to reflect advances in understanding of human health impacts related to land uses.**

**# 3**

Sensitive land uses **not be located closer than 150 m to highways anticipated to have greater than 100,000** vehicles per day based on ultimate planned capacity. When applying this guidance, future road widening should be taken into consideration.

**# 4**

Sensitive land uses **not be located closer than 30 m to roads with greater than 30,000 vehicles/day annual average daily traffic (AADT) based on ultimate planned capacity.** Exceptions to this guidance are condominiums and mixed-use buildings, which could locate closer than 30 m provided appropriate controls are incorporated into the building design to protect indoor air quality for the occupants. When applying this guidance, future road widening should be taken into consideration.

**“Line sources are linear features associated with air pollution. Probably the best example is roadways and, over the last couple of decades, numerous health studies have been directed at traffic corridors. These studies, discussed in more detail later in this report, consistently report associations between proximity to traffic and at least one of the following negative health effects: asthma and other respiratory diseases, diminished lung function, adverse birth outcomes, childhood cancer, and increased mortality risks (Boothe and Shendell, 2008).”**

“These findings are also supported by air studies showing that vehicle related pollutants can be concentrated along traffic corridors. For example, Figures 4 and 5 below show, respectively, modelled particulate concentrations along a road where trucks queue near a border crossing (higher concentrations in the left of figure, declining in the downwind direction towards the right of the figure), and the influence of a highway (across the top of the figure) and a secondary road (down the middle of

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the figure) on modelled PM2.5 (warmer colours indicate higher concentrations).”

“This approach does not take into consideration background concentrations (air pollution due to emission sources beyond a community’s border) or cumulative impacts (air pollution from other sources from the same facility or from other, nearby, facilities). Consequently, while the Certificate of Approval process ensures that individual point or area sources do not exceed air standards, it does not ensure that air levels within a community stay below air standards.”

#### H) California

State-level

“In 2005, the California Air Resources Board (CARB) released the *Air Quality and Land Use Handbook: A Community Health Perspective* (California Environmental Protection Agency, 2005). The guidance document is neither regulatory nor binding on local agencies but, rather, is intended to “...highlight the potential health impacts associated with proximity to air pollution sources so planners explicitly consider this issue in planning processes.”

“Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centres, nursing homes, hospitals and residential communities. The guidance document relies on relevant research to recommend minimum separation distances between new sensitive land uses and eight specific source categories of air pollution.

#### I) British Columbia

“In 2006, British Columbia’s Ministry of the Environment released *Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (British Columbia Ministry of the Environment, 2006)...The Community Planning section provides high-level guidance on good planning principles including the use of buffers to separate incompatible land uses. The only specific recommendations for separating sensitive land uses are provided in Section 2.7 *Guidelines for Air Quality and Climate Change* and refer to major transportation routes. The guidance suggests “...a minimum 150 m setback from busy roads for buildings such as schools, hospitals, long-term care facilities, and residences.” A busy road is defined as a road with more than 15,000 vehicles/day.”

#### J) England

“In England, the government-initiated planning system reform in 2002 and subsequently issued a number of planning policy statements to provide guidance to Local Authorities. Land use planning and environmental

quality are addressed in *Planning Policy Statement 23: Planning and Pollution Control (PPS23)* and an annex to PPS23 – *Annex 1: Pollution Control, Air and Water Quality (Annex 1)*. PPS23 advises that “any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use” (Office of the Deputy Prime Minister, 2004a).”

“PPS23 advises that development plan documents should consider, among other things:

- the possible impact of potentially polluting development on land use including effects on health, the natural environment or general amenity;
- the need to separate potentially polluting and other land uses in order to reduce conflicts;
- the **cumulative impacts on air quality** of a number of smaller developments, particularly in areas **where air quality is already, or is likely to be, poor.**”

Local Implementation

“The Royal Borough of Kensington and Chelsea provides an example of how national guidance is implemented at the local level. National policies are reflected in the Royal Borough’s *Unitary Development Plan (UDP)* which is the borough’s principal policy document shaping decisions related to land use. To supplement the policies of the UDP, the Royal Borough has produced *Supplementary Planning Guidance-05 Air Quality* (Royal Borough of Kensington and Chelsea, 2003), hereafter referred to as SPG-05. While SPG-05 has several objectives, three are of particular interest:

- **to emphasize the importance of air quality as a material planning consideration;**
- **to identify those circumstances where an air quality assessment would be required to accompany a development proposal; and**
- **to provide technical guidance relating to the provision of an air quality assessment.**”

“Annex 2 in SPG-05 provides technical guidance for undertaking air quality assessments and two of the general principles are noteworthy:

- **“An air quality impact assessment should clearly indicate the likely change in pollutant concentrations (relevant to the air quality objectives) arising from the proposed development. The factor of greatest importance will, generally, be the difference in air quality as a result of the proposed development.”**
- “For all developments, it is vital that air quality assessments take fully into account the cumulative air quality impacts of committed developments (i.e. proposals that have been granted planning permission at the time the assessment is undertaken)...”



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The jurisdictions that were reviewed recognize if there already exists poor air quality it is necessary to look at the cumulative impact and the acknowledgment that the proposed development will make air quality much worse. It is for this reason that the Developer must be required to provide site-specific tests to assess and quantify the impact. With respect to the development at 1107 Main Street West it is in an area of concentrated emissions from high volume traffic on Main Street West combined with high volume traffic from Hwy 403. There is also the existing effect of idling school buses, taxis, vans and passenger vehicles which currently occurs every school-day morning drop off and every afternoon pickup. Due to the fact that the neighbourhood already suffers from health risks related to the current high levels of Nitrogen Dioxide, affecting both the youngest and oldest segments, who represent a combined 34% of the neighbourhood population, further increases in adverse health and safety impacts must be avoided.

The critical issue is that the proposed built form is a 17-storey high-rise, (15 residential plus 2-storey rooftop mechanical penthouse) allows no sunlight onto Main Street West under the Applicant's own sun/shadow impact study. It is also clear that the building will lessen the total sunlight hours on both Dow Avenue and Cline Avenue South from the presently existing hours of sunlight which these two streets are currently receiving with the height and massing of the Grace Lutheran Church building. A new and drastically increased massing and height of the proposed building, with no separation on Main Street West, will also interfere with and lessen the wind and breezes which blow from either the south or from the north. Finally, the removal of the existing cultural heritage landscape gardens and mature trees, and the replacement of these beneficial features with high-rise concrete structures, will remove a much-needed ecological filtering and moderating component necessary to reduce and disperse harmful air contaminants.

With two sources of air contamination occurring from vehicle emissions to the north, Main Street West, and to the south, Hwy 403, and day school idling traffic emissions already occurring on Cline Avenue South, the proposed 17-storey built form will adversely reduce the necessary conditions for dispersion of air contaminants, and permit higher concentrations of Nitrogen Dioxide and other harmful airborne contaminants to increase and remain in the streets, front yards and backyards of the residential neighbourhood, in the adjacent school playground, and in the adjacent City of Hamilton parkette.

The relevant factors in these other jurisdictions are summarized as follows:

1. proximity to traffic corridors leads to health impacts that must be addressed by setbacks from the roadway, or in alternative planning land use compatibility and the proposed built form must address these severe health issues;
2. developments seeking approval must take into account existing air quality, especially when it is already poor, and the cumulative effect of the proposed built form must be considered;



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3. air quality and wind impact site-specific technical reports must be obtained to determine the difference in air quality and the level of contaminant dispersion as a result of the proposed development;
4. urban air pollution can be mitigated and abated through urban vegetation/forestry and appropriate plant species selection.

**12. GUIDING PRINCIPLES AND APPROACHES WITHIN THE PROVINCIAL INTEREST SET OUT IN SECTION 2 OF THE PLANNING ACT AND THE PROVINCIAL POLICY STATEMENT (PPS) WITH RESPECT TO ENVIRONMENTAL AIR QUALITY, LAND USE COMPATIBILITY AND HEALTHY, SAFE AND LIVEABLE COMMUNITIES**

**PROVINCIAL INTEREST Section 2 of THE PLANNING ACT**

- 2) The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,
- (a) the **protection of ecological systems, including natural areas, features and functions;**
  - (b) the protection of the agricultural resources of the Province;
  - (c) the conservation and management of natural resources and the mineral resource base;
  - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
  - (e) the supply, efficient use and conservation of energy and water;
  - (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
  - (g) the minimization of waste;
  - (h) the orderly **development of safe and healthy communities;**
  - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
  - (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
  - (j) the adequate provision of a full range of housing, including affordable housing;
  - (k) the adequate provision of employment opportunities;
  - (l) the protection of the financial and economic well-being of the Province and its municipalities;
  - (m) the co-ordination of planning activities of public bodies;
  - (n) the resolution of planning conflicts involving public and private interests;
  - (o) **the protection of public health and safety;**
  - (p) **the appropriate location of growth and development;**
  - (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
  - (r) the promotion of built form that,
    - (i) **is well-designed,**
    - (ii) **encourages a sense of place,** and

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(iii) **provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;**  
 (s) **the mitigation of greenhouse gas emissions and adaptation to a changing climate.** 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

**The Provincial Policy Statement 2020 (PPS)**

The PPS contains numerous guidelines and statements to regional and local municipalities regarding health impacts and air pollution. Some of these excerpts are listed below:

**Preamble PPS 2020**

“The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial **goal to enhance the quality of life for all Ontarians.**”

“The Provincial Policy Statement provides for **appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.** The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system”.

**Read the Entire Provincial Policy Statement**

“The Provincial Policy Statement is **more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together.** The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented”.

**Policies Represent Minimum Standards**

“The policies of the Provincial Policy Statement represent minimum standards. Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, **unless doing so would conflict with any policy of the Provincial Policy Statement.**”

**Vision for Ontario’s Land Use Planning System**

“The long-term prosperity and social well-being of Ontario depends upon **planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment,** and a strong and competitive economy.”

“Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. **These land use patterns promote a mix of housing,**

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**including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.**

**Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.”**

**“It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.**

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Strong communities, **a clean and healthy environment** and a strong economy are inextricably linked. **Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.”**

#### **1.0 Building Strong Healthy Communities**

“Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. **Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.** Efficient land use and development patterns **support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”**

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 Healthy, liveable and safe communities **are sustained by:**

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), **institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;**

c) avoiding development and land use patterns which may **cause environmental or public health and safety concerns;**

h) promoting development and land use patterns that **conserve biodiversity;** and

i) **preparing for the regional and local impacts of a changing climate.**

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### 1.1.3 Settlement Areas

**1.1.3.2** Land use patterns within settlement areas **shall be based on densities and a mix of land uses which:**

- c) **minimize negative impacts to air quality and climate change**, and promote energy efficiency;
- d) **prepare for the impacts of a changing climate;**

**1.1.3.3** Planning Authorities shall identify **appropriate locations** and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options **through intensification and redevelopment where this can be accommodated** taking into account existing building stock or areas, including brownfield sites, and the **availability of suitable existing or planned infrastructure** and public service facilities required to accommodate projected needs.

**1.1.3.4** Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, **while avoiding or mitigating risks to public health and safety.**

**1.1.3.5** Planning authorities are directed to “establish and implement minimum targets for intensification and redevelopment within built-up areas, **based on local conditions**”.

### 1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a) planning **public streets**, spaces and facilities **to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.**

### 1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- e) **encouraging a sense of place, by promoting well-designed built form** and cultural planning, **and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;**
- k) **minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature.**

### 1.8 Energy Conservation, Air Quality and Climate Change

**1.8.1** Planning authorities shall support energy conservation and efficiency, **improved air quality**, reduced greenhouse gas emissions, **and preparing for the impacts of a changing climate through land use and development patterns which:**

- f) **promote design and orientation** which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
- g) **maximize vegetation within settlement areas**, where feasible.

### 3.0 Protecting Public Health and Safety

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Ontario's long-term prosperity, **environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.**

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, **and not create new or aggravate existing hazards.**

**Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.**

#### **Definitions Section**

**Adverse effects:** as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;**
- d) an adverse effect on the health of any person;**
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business

#### **Sensitive land uses:**

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. **Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.**

#### Summary

Both the Provincial Interest set out in Section 2 of the Planning Act and the above extracts from the PPS indicate that environmental health is an overriding concern, especially with the challenge of climate change that will increase the prevalence of temperature inversions, and that improved air quality is a goal for planning and land use compatibility. Although the subject site is not adjacent to a “nearby major facility” that is emitting contaminants and pollutant by discharges by a specific facility, the subject site is within a zone which has recorded extremely high air pollution that has a proven adverse effect on the health of residents. As a result of the location of the proposed site being between Main Street West and Highway 403, and with the site being on the southside of a street which is on an east/west axis, the proposed height, density, and massing should not be allowed under PPS guidelines. This is because the proposed height, density and massing will contribute to or aggravate the existing adverse health effects in the immediate neighbourhood.



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It is clear that Section 1.1.3.3 directs “Planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment **where this can be accommodated** taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”, however, it is equally clear that the proposed level of intensification and redevelopment at this specific site, **cannot be accommodated and ignores local conditions**, as it will endanger the health and safety of residents and schoolchildren in the immediate neighbourhood.

The high-density levels envisioned for “transit-supportive development” which may be suitable in other sections and areas and corridor segments within a municipality, will be ruinous and destructive to a residential neighbourhood which is already suffering from being sandwiched between “transit corridors and highways” with vehicular traffic emissions from 200,000 per day. Furthermore, the amount of traffic on Main Street West is projected to increase, not diminish, in 2031 even with the LRT or any substituted Potential Rapid Transit Line, as indicated by the Dillon Consulting Limited traffic report.

For the above reasons I respectfully submit that the Applicant’s proposed development does not have sufficient regard to the Provincial interests listed in Section 2 of the Planning Act, nor is it consistent with the Provincial Policy Statement (PPS).

**13. GUIDING PRINCIPLES AND APPROACHES WITHIN THE GROWTH PLAN (GGH) WITH RESPECT TO ENVIRONMENTAL AIR QUALITY, LAND USE COMPATIBILITY AND HEALTHY, SAFE AND LIVEABLE COMMUNITIES**

**The Growth Plan for the Greater Golden Horseshoe 2-19 , as amended**

The Growth Plan also contains numerous guidelines and statements to regional and local municipalities regarding health impacts and air pollution. Some of these excerpts are listed below:

**1.1 The Greater Golden Horseshoe**

“As the *GGH* grows and changes, we must continue to value what makes this region unique to ensure the sustained prosperity of Ontario, its people, and future generations. While growth is an important part of vibrant, diversified urban and rural communities and economies, **the magnitude of growth that is expected over the coming decades for the *GGH* presents several challenges:**

- Unmanaged growth can degrade **the region’s air quality**; water resources; natural heritage resources, such as rivers, lakes, *woodlands*, and *wetlands*; and *cultural heritage resources*.
- **People over the age of 60 are expected to comprise over 25% of the population by 2041** <sup>footnote 3 [3]</sup>, which will **result in the need for more age-friendly development that can address their unique needs and circumstances**. This will include a more appropriate range and mix of housing options, easier access to health care and other

amenities, walkable built environments, and an age-friendly approach to community design that will meet the needs of people of all ages.”

#### **Vision for the GGH**

“More than anything, the *Greater Golden Horseshoe (GGH)* will continue to be a great place to live, work and play. Its communities will be supported by a strong **economy and an approach that puts people first**. This approach protects the Greenbelt and will **ensure a cleaner environment is passed on to future generations**. A Place to Grow will support the achievement of *complete communities* with access to transit networks, protected employment zones and an increase in the amount and variety of housing available.”

“**A healthy natural environment with clean air**, land, and water will characterize the *GGH*. The Greenbelt, including significant natural features, such as the Oak Ridges Moraine and the Niagara Escarpment, will continue to be enhanced and protected in perpetuity. The *GGH's* rivers and streams, forests and natural areas will be accessible for residents to enjoy their beauty. **Our cultural heritage resources and open spaces in our cities, towns, and countryside will provide people with a sense of place.**”

#### **Relationship with the Provincial Policy Statement (PPS)**

“Like other provincial plans, this Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. This Plan is to be read in conjunction with the PPS. **The policies of this Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise....**”

“As provided for in the Places to Grow Act, 2005, this Plan prevails where there is a conflict between this Plan and the PPS. **The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails.**”

#### **2.1 Context**

“This Plan is about accommodating forecasted growth **in complete communities**. These are communities that are well designed to meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, *public service facilities*, and a full range of housing to accommodate a range of incomes and household sizes. **Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food.**”

#### **4.1 Context**



“The *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable *cultural heritage resources*, and valuable renewable and non-renewable resources. **These lands, features and resources are essential for the long-term quality of life, economic prosperity, environmental health, and ecological integrity of the region. They collectively provide essential ecosystem services, including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change.**”

#### 4.2.9 A culture of conservation

“Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

c) **air quality improvement and protection**, including through reduction in emissions from municipal, commercial, industrial, and residential sources;”

#### 4.2.10 Climate change

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:
  - a. supporting the achievement of *complete communities* as well as the minimum intensification and density targets in this Plan
2. In planning to reduce greenhouse gas emissions and address the *impacts of a changing climate*, municipalities are encouraged to:
  - a. **develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for infrastructure**, including transit and energy, *green infrastructure, and low impact development*, and the conservation objectives in policy 4.2.9.1

#### Definition Section

Sensitive land uses:

“Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by nearby major facilities. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: **residences, day care centres, and educational and health facilities.** (PPS, 2020)”

#### Summary

The above extracts from the Growth Plan for the *GGH* also indicate that environmental health is an overriding concern, and that improved air quality is a goal for planning and land use compatibility. The Growth Plan reflects the identical support for air quality improvement and protection and confirms the provincial commitment to environmental health and to addressing climate change in our communities.

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The Growth Plan also reinforces the commitment to maintaining clean air quality in two important regards. First, although the Growth Plan takes precedence of the PPS, it is subject to the exception that whenever there is a conflict between policies relating to **the natural environment or human health**, the direction that **provides more protection to the natural environment or human health prevails**. This affirmation is extremely important as it validates greater protection, not less protection, in taking the full and proper steps necessary to address the adverse effects on health by reason of air pollution and contamination, especially when it results from climatic temperature inversions which trap nitrogen dioxide emissions in the immediate vicinity. Furthermore, it requires the municipality to consider the full impact of any new development on the safety and health of the residents/school children in the area.

The second important provision is that the Growth Plan is already cognizant of the fact that in achieving “complete communities” and a “sense of place” it is necessary to examine the relevant environmental concerns and to determine the best level of development. In this case it is submitted that the most appropriate level is to follow the minimum intensification and density targets. Accordingly, if the minimum intensification and density targets throughout the city are already being met by the municipality, then maximum or hyper-intensification should not be permitted on this site (Pre-Road widening 0.51693-hectare sized lot and a Lot area Post-Road Widening of 0.4157 hectares) because it would be inconsistent and in conflict with the other provisions of the PPS and the Growth Plan in respect of protecting human health and safety.

It is to be noted that the City of Hamilton, Planning and Economic Development submitted a Report to the Planning Committee on October 1, 2019, in which it reviewed both the PPS and the Growth Plan. The Planning Department confirmed that sufficient land is already available and zoned in Hamilton to accommodate required minimum targets through residential intensification and redevelopment. Therefore, if the intensification and density for the Applicant’s site were to be lowered to the minimum standards and targets which are set out in the Growth Plan, the overall achievement of UHOP’s and the GGH targets would not be in jeopardy. It is also readily apparent that with the Applicant requesting a density more than 5 times higher than what the Growth Plan has currently set for a post-road widening lot area of 0.4157 hectares, the proposed development is inconsistent with and in conflict with both the environmental and health concerns provided for in both the PPS and the Growth Plan.

This is because reducing the height, density and massing to the minimum requirements, and complying with the zoning by-laws for maintaining increased ground level landscaping and setbacks from adjacent roads and property lines, will all aid in allowing and creating the much-needed sunlight penetration and wind dispersion that will reduce the harmful concentrations of air pollutants that currently occur in this very neighbourhood, especially on days of temperature inversions. For the above reasons the Planning Department should reject the Applicant’s proposed development as it does not conform to the Growth Plan for the Greater Golden Horseshoe 2019 ( GPGGH) given the highly sensitive and vulnerable condition of the neighbourhood, the proposed development’s lessening of the dispersal of air contaminants with

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decreased sunlight and wind within the neighbourhood, and the resulting increased levels of adverse impacts on the health of its residents .

**14. GUIDING PRINCIPLES AND APPROACHES WITHIN THE URBAN HAMILTON OFFICIAL PLAN WITH RESPECT TO ENVIRONMENTAL AIR QUALITY, LAND USE COMPATIBILITY AND HEALTHY, SAFE AND LIVEABLE COMMUNITIES**

The Urban Hamilton Official Plan (“UHOP”) also has provisions that are applicable to the proposed intensification and density for this site, but it also sets out the City of Hamilton’s commitment with respect to clean air, quality of life, pollution and the health of its citizens. Some of the relevant excerpts from the UHOP are as follows:

**B.1.0 INTRODUCTION**

“The strength and quality of our communities is derived from the individual components of the built, natural, social and cultural environments, supported by a strong economy. This section of the Plan contains policies that direct the physical shape and quality of these distinct, yet interrelated components, and promote a culture of creativity and innovation.

- **Health and safety in our communities is essential.** Policies ensure that our communities are safe and healthy. **A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens.** Policies in this section enable healthy lifestyles, **promote a healthy and safe community, and promote a high quality of life”.**

**2.4 Residential Intensification**

“*Residential intensification* is a key component in successfully developing and transforming targeted areas of the City. *Intensification* creates livable, vibrant compact communities; facilitates and enhance the node and corridor structure of the City, and makes efficient use of the City’s public transit network and other infrastructure. For *intensification* to make a positive contribution to the City, **careful consideration must be given to design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage. *Intensification* must represent good planning and not cause unacceptable impacts”.**

**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.**

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

- a) the matters listed in Policy B.2.4.1.4;
- b) **compatibility with adjacent land uses** including matters such as **shadowing**, overlook, noise, lighting, **traffic, and other nuisance effects**;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;**
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;**
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;**
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;**
- h) the ability to complement the existing functions of the neighbourhood;**
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.

**2.4.6** The City shall prepare detailed design guidelines for *residential intensification* projects in a variety of contexts.

### **3.3 Urban Design Policies**

The overall future growth and land use vision for the City is based on the development of a nodes and corridors system and is described in Chapter E – Urban Systems and Designations. The transformation of identified node and corridor areas into higher density, mixed use nodes and corridors with enhanced pedestrian environments supported by transit represents a departure from the existing character of some of these areas. **In other places, the development of a node or corridor requires protecting existing built form character. Therefore, the following policies must be read in context with the function, scale, and design intent described in the policies of Chapter E – Urban Systems and Designations and other policies of this Plan.**

#### **3.3.1 Urban Design Goals**

The following goals shall apply in the *urban area*:

**3.3.1.10** Create urban places and spaces **that improve air quality and are resistant to the impacts of climate change.**

#### **3.3.2 General Policies and Principles**

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This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. **The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.**

**3.3.2.8** Urban design should promote environmental sustainability by:

b) integrating, **protecting, and enhancing environmental features and landscapes**, including existing topography, forest and **vegetative cover, green spaces and corridors through building and site design;**

e) encouraging the reduction of resource consumption in building and site development and **avoiding the release of contaminants into the environment;** and,

**3.3.2.9** Urban design plays a significant role in the **physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:**

a) creating high quality, **safe streetscapes, parks, and open spaces that encourage physical activity and active transportation;**

d) **reducing air, noise, and water pollution** through the following:

ii) **providing adequate green space, landscaped buffering,** and storm water management facilities;

### **3.3.3 Built Form**

Built form shapes the visual qualities of streets and open spaces but **also affects how the public spaces around buildings are used**, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design of the City, **therefore attention to each building is an important step in the city building process.** Built form plays a large role in defining the character of an area. **New development shall serve to maintain and support existing character**, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

**3.3.3.2** *New development* shall be designed to **minimize impact on neighbouring buildings and public spaces by:**

a) **creating transitions in scale** to neighbouring buildings;

b) **ensuring adequate privacy and sunlight to neighbouring properties;** and,

c) **minimizing the impacts of shadows and wind conditions.**

**3.3.3.4** *New development* shall define the **street through consistent setbacks and building elevations.** Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

### **3.6.2 Air Quality and Climate Change**



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**“Air quality and climate change have significant direct and indirect impacts on community health, the environment, and the economy of Hamilton. Local sources of air pollutants that can compromise clean air include personal and commercial vehicles, industry, and energy sources used for heating and cooling”.**

“Climate change can be caused by natural processes and human activities. Increased fossil fuel use and permanent forest loss has increased the concentrations of greenhouse gases, leading to accelerated changes in our climate. A high concentration of heavy industries and **transportation corridors are contributing local sources of greenhouse gases in the City.**

**Addressing climate change requires two complementary actions: mitigation (i.e. reduction) and adaptation.** Mitigation involves actions to reduce greenhouse gases or actions to avoid or delay climate change. **Adaptation involves actions or planning to minimize a city’s vulnerabilities to the impacts of climate change”.**

Several goals and policies of this Plan, **both directly and indirectly contribute to the improvement of air quality** and reduce greenhouse gases:

- a) promoting compact, mixed use urban communities;
- b) integrating the transportation network to include all modes of transportation;
- c) **promoting walking, cycling, and use of public transit;**
- d) **achieving a natural heritage ecosystem through the protection and enhancement of natural heritage features and functions;**
- e) implementing urban design features to reduce fugitive dust;
- f) **enhancing vegetative cover;** and,
- g) reducing the heat island effect through the use of reflective roofs, green roofs, **natural landscaping, and increasing the tree canopy.**

Many of these goals and policies also contribute to the **adaptation to climate change by minimizing vulnerabilities to climate impacts.** Prohibiting new *development on hazard lands*, and incorporating urban design features that reduce climate impacts on public works and urban infrastructure - roads and associated infrastructure, bridges, water and waste water systems, and energy distribution, are **climate change adaptation strategies.**

#### **Partnerships**

**3.6.2.1** The City shall partner with community groups, such as **Clean Air Hamilton**, to develop actions **to reduce air pollutants and improve air quality.**

**3.6.2.2** The City shall partner and work with other levels of governments, other municipalities, academics, community groups, and local industries **to develop:**

- a) **actions that reduce air pollutants and greenhouse gases, improve air quality, reduce and respond to the impacts of climate change in the City;** and,
- b) a **Hamilton Air Quality and Climate Change Plan.**

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**3.6.2.3** The City shall promote and support public and private education and awareness of air quality and climate change, associated health impacts, and linkages to transportation and land use development in the City.

**Monitoring**

**3.6.2.4** The City shall undertake an air pollutant and greenhouse gas emissions inventory and assess the conditions of Hamilton’s local air quality and climate to inform actions to reduce emissions of air pollutants and greenhouse gases generated in the City.

**3.6.2.5** The City may partner with other organizations to monitor, track, and assess the conditions of Hamilton’s local air quality and climate to identify local emission sources and take action to reduce air pollutant and greenhouse gas emissions at these sources.

**3.6.2.6** The City shall monitor and reduce air pollutants and greenhouse gases generated by the City’s corporate activities and services to achieve the targets set out in the Corporate Air Quality and Climate Change Strategic Plan.

**3.6.2.7** The City shall prepare an annual Air Quality and Climate Change report to monitor the City’s progress toward its goals and to increase awareness of air quality and climate change.

Summary

The Urban Hamilton Official Plan (UHOP) identifies air quality as a major concern in the City of Hamilton and a desire to stake the necessary actions to respond to air pollution. These concerns are to be an important factor in planning and redevelopment, and the proposed development will certainly impact negatively on the air quality in the neighbourhood. This is because the 17-storey building (15-storeys plus a 2-storey rooftop mechanical penthouse), will a total height of 156.957 meters, will reduce the needed sunlight hours on Dow Avenue and Cline Avenue South that are required to help dissipate the high levels of air contamination from vehicle emissions converging from the heavy traffic volumes on Main Street West, which is often at a standstill right in front of Grace Lutheran Church, Hwy 403 and the exit-entry ramps of Hwy 403/Main Street West, all of which are within 150 meters of the subject site. The vehicle emissions are compounded by the ever-increasing occurrences of temperature inversions days due to climate change and the resulting trapping and containment of harmful air pollution by the topography of the Niagara Escarpment centred within the Hwy 403/Main Street West vicinity. The loss of sunlight hours onto adjacent streets and properties is to the detriment of the health and well-being of neighbourhood residents and the schoolchildren is therefore contrary to the goals set out in the UHOP.

The height, density and massing of the proposed development will also interfere with the required winds and breezes which are necessary to aid in the dispersion of harmful air contaminants, and instead will create pockets of high concentrations of pollutants which will linger longer in the immediate vicinity, be it to the north, south, east or west of the proposed development. This adverse interference with both air quality and the quality of life is again contrary to the goals and policies set out in the UHOP.



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Natural vegetation and trees have been considered by many environmental experts as being a critical factor for reducing air contaminants such as Nitrogen Dioxide. The landscaping plans for the proposed development calls for the removal of the largest and most mature trees on the site (25 trees in all) and substitutes the existing ground level landscaping at Grace Lutheran Church, with landscaping plans for the 10<sup>th</sup> floor of the project consisting of built-in BBQs, picnic tables and planters with ornamental grasses. This proposed landscaping is woefully inadequate to replace the air quality benefits that the neighbourhood is currently receiving in having a landscaped site that is recognized as being able to reduce ground level air pollution. The removal of mature trees, combined with a drastic reduction from existing ground level landscaping requirements through a requested Zoning Amendment, clearly does not conform to the UHOP.

**15. PROVISIONS OF THE CITY-WIDE CORRIDOR PLANNING PRINCIPLES AND DESIGN GUIDELINES AND APPROPRIATE AND SEPARATE APPROACHES FOR DIFFERENT CORRIDORS AND SEGMENTS**

The City of Hamilton has properly confirmed that a key element of corridor development is intensification, but at the same time the City of Hamilton has recognized that **“a central element of corridor planning will be achieving intensification in a manner that brings the benefits of intensification to a Corridor while respecting and protecting the character of the residential neighbourhoods next to the Corridors.”** Fortunately, the City has set out guidelines which is of assistance in evaluating the level of intensification which is appropriate for a site within a designated Corridor. This is in Section 2.2 which reads as follows:

***2.2 Managing Change***

**“The majority of Hamilton’s identified corridors have been in existence for many years, with some areas more than 100 years. Each corridor contains sections that are at various stages of evolution. The role of planning is to manage land use and built form changes brought about by intensification in order to create high quality, liveable environments.”**

**“Within each Corridor, development occurs gradually over time and in specific areas resulting in areas of different character defined by use, function, culture and or aesthetic qualities including built heritage attributes. Corridor planning must recognize these unique character areas and respond with appropriate approaches. A key element of corridor planning activities, whether corridor wide or area specific strategies, secondary plans or neighbourhood planning activities is to identify the areas where change is desired, identify the nature and scale of that change and identify mechanisms and processes to manage the change. Change should be directed and managed to ensure high quality environments are achieved.”**

**“Conversely, there will be areas along or adjacent to a Corridor where change is not desired and where the existing conditions of land use and/or built form character should be protected. Those areas must be identified. Finally, identifying the mechanisms for managing**

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the interface between areas of change and areas for protection must be a key element of planning in corridors.

Planning along the City’s corridors can proceed in a variety of geographical scales such as:

- Corridor wide studies, strategies or **secondary plans**;
- **Studies, strategies or secondary plans for smaller segments of a corridor**;
- **Neighbourhood scale studies, strategies or secondary plans that overlap with a Corridor**;
- Transit station or mobility hub areas along a Corridor; and,
- Precinct plans for larger tracts of land along a Corridor.”

**“It is anticipated that planning for Hamilton’s Corridors will utilize a variety of planning studies, tools and mechanisms at a variety of scales to refine the higher level policy directions and achieve the desired outcomes as identified in Section 1.4.2. Not all Corridors will utilize the same processes given the uniqueness of each corridor.”**

To this extent, the Corridor Guidelines and Principles require that an increase of intensification must take into account the existing nature and character of the neighbourhood in which the proposed development is situated, and to ensure that any neighbourhood adjacent to a corridor, remain as a high quality and liveable environment. If the scale, density, height, and massing of any proposed development, results in adverse impacts on the health of residents, in an area which is already highly vulnerable and sensitive to excessive levels of air contamination, then such a proposed development not only fails to conform with the Corridor guidelines, but it would violate its basic principles.

Accordingly, the health of residents and the appropriate level of intensification should not be considered as a uniquely west end or Westdale problem, in which residents are requesting special treatment. Rather it is a City-wide problem, as the air quality is uniformly bad throughout the corridors traversing the lower city. The west end of Hamilton has just as poor-quality air as the east end and north end of the lower city, and therefore all planning decisions should be cognizant of this fact. All planning approaches respecting air quality must therefore be uniformly applied across the City of Hamilton.

The Corridor Guidelines recognize that each corridor is different and is unique, and that smaller segments may require protection from higher levels of intensification, as change is not desirable in some areas. I respectfully submit that some of the tests that should be applied across the City for corridor planning decisions in respect of air quality are as follows:

- 1) Is the segment within 50 metres of a major arterial road with vehicle traffic in excess of 50,000 per day;
- 2) Is the segment within 500 meters of a major highway with vehicle traffic in excess of 100,000 per day;
- 3) Is the segment within 150 meters of a highway exit/entry ramp;
- 4) Is the segment adjacent to excessive idling from vehicles at a standstill from rush hour traffic jams, stretching out for three or more city blocks;

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- 5) Is the segment on the south side of an east-west axis traffic corridor;
- 6) Is the segment within any topographical features or valleys, basins or canyons that will result in a “canyon effect”;
- 7) Is the segment vulnerable to temperature inversions that stagnant or stall over the immediate vicinity creating dangerous air quality conditions;
- 8) Is the segment subject to proven poor air quality by Provincial/Federal air pollution readings from either a mobile or permanent monitoring station.
- 9) Is the segment indicating readings for extended periods or days when the air quality is the worst in Ontario and possibly in Canada.

The above only pertain to air quality and the tests to determine appropriate level of intensification. The Principles and Design Guidelines contain other factors, such as traffic safety, which can be equally important for determining the intensification appropriateness for any segment of a traffic corridor in the entire City of Hamilton. These additional tests are as follows:

- 10) Is the segment on an intersection(s) which is/are unsignalized and which are six (6) lanes of traffic or wider;
- 11) Is the segment of the corridor subject to a high number of motor vehicle accidents;
- 12) Is the segment of the corridor a location of pedestrian fatalities;
- 13) Is the segment near an elementary/private school or have a large number of young children walking on the adjacent sidewalks;

Finally, there are tests which pertain to the appropriateness of the site beyond air quality and traffic safety, such as cultural heritage, and which can be equally applied across the City of Hamilton are as follows:

- 14) Is the site included in the City of Hamilton’s “Inventory of Buildings of Architectural and/or Historical Interest”;
- 15) Is the site a Place of Worship which is included on the “Inventory of Significant Places of Worship in the City of Hamilton”, and considered by Hamilton to be an essential aspect of the city’s character and heritage;
- 16) Is the site a Cultural Heritage Landscape;
- 17) Is the site subject to heritage policies of the Urban Hamilton Official Plan (UHOP) and must be weighed against any proposed development;
- 18) Is the site adjacent to a building which is included in the City of Hamilton’s “Inventory of Buildings of Architectural and/or Historical Interest”;
- 19) Is the site adjacent to a Place of Worship which is included on the “Inventory of Significant Places of Worship in the City of Hamilton”, and considered by Hamilton to be an essential aspect of the city’s character and heritage;
- 20) Is the site adjacent to a property which is subject to heritage policies of the Urban Hamilton Official Plan (UHOP) and must be weighed against any proposed development;
- 21) Is the site adjacent to a school and a school playground;
- 22) Is the site adjacent to a City of Hamilton park or parkette.

All of these tests are applicable in determining the appropriateness of the level of intensification for this site in accordance with the City of Hamilton’s own planning guidelines and principles.

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With respect to the air quality tests, being **questions 1-9**, the answers are all in the affirmative, a fact that would rank this site on the Toronto Health Department Chart as even being one of the most vulnerable sites for Traffic Related Pollution Exposure in all of Toronto. The affirmative answers clearly indicate that the overriding factors concerning redevelopment of the site should be towards mitigation and not the hyper intensification suggested by the Applicant in its Planning Rationale. The very high traffic volumes and transportation routes abutting the site referred to in its report are not, however, justifiable grounds for drastic higher over-intensification, but rather the heavy traffic volumes on the north and the south represent the very evidence which demonstrates the problem of air pollution caused by vehicle emissions and the extreme vulnerability of the site.

With respect to traffic safety and cultural heritage **questions 10-22** can also all be answered in the affirmative, clearly demonstrating that this site may be the least appropriate site in the entire City of Hamilton for the level of intensification requested by the Applicant, as the proposed development does not have sufficient regard to the Provincial interests set out in Section 2 of the Planning Act; is inconsistent with the Provincial Policy Statement; does not conform to the Growth Plan for the Greater Golden Horseshoe, and in the case of the Zoning Bylaw Amendment does not conform to the Urban Hamilton Official Plan and the AWW Secondary Plan.

**16. THE APPROPRIATE LEVEL OF INTENSIFICATION FOR THE SITE AND THE REQUIRED MODIFICATIONS TO THE DEVELOPMENT PROPOSAL TO BRING IT INTO COMPLIANCE AND CONFORMITY WITH ALL RELEVANT PLANNING POLICIES AND TO MITIGATE ADVERSE HEALTH IMPACTS**

The level of intensification and density which is appropriate for the site, is at a height and number of units which will maintain the exiting levels of sunlight, wind penetration and landscaping vegetation for the benefit of the neighbourhood. This level has been set out in the Secondary Plan as is “Mixed Use- Medium Density”. This is the designation which the Applicant acknowledged in the Formal Consultation Document that it entered into with the City of Hamilton and for which it was informed it was required to provide “a strong planning justification as why the increased height is appropriate in this location.

This existing designation is appropriate as Section 6.2.7.2 b) states that permitted heights shall not exceed three storeys”. The 15-storey plus 2-storey rooftop mechanical penthouse (17-storeys in total) is not justified given the sensitive and vulnerable nature of the site with the poor air quality, high traffic related air pollution and the adverse health impacts that would be caused by the hyper intensification proposed by the Applicant. (See questions 1-9. The affirmative answers to questions 10-22 will be addressed in other material to be submitted).

The current height of Grace Lutheran Church is not even 3-storeys however, a new project of 3-storeys will still permit existing levels of sunlight to reach the streets and properties in the neighbourhood and thereby continue to aid in air pollution dispersion. The 17-storeys would

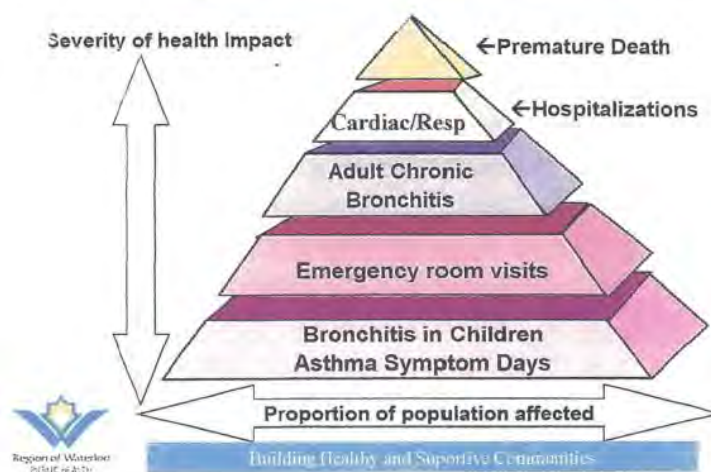


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drastically and detrimentally reduce the desirable hours of sunlight, thereby jeopardizing the health and safety of not only the residents, especially seniors and retirees living in the area, but the school children in the playground and other children who are utilizing the City of Hamilton parkette.

It must be remembered that air pollution does increase health impacts and mortality rates, and that planning decisions can have a positive impact on health outcomes if exposure times are reduced. This is evident from the following table prepared by the WHO and utilized by McMaster Institute of Environment and Health.

### Pyramid of Health Effects



The 3-storey height limit for a development will also permit the same existing breezes and winds to sweep across the site and further aid in air pollution dispersion. The excessive height of 17-storeys will create areas of negative pressure and a containment area on all sides of the proposed development, and this proposed built form design will allow even greater concentrations of harmful air pollutants to occur in and around the neighbouring properties, the school playground and the parkette.

A development, however, limited to 3-storeys in height and with reduced density of 30-49 units per hectare, which in this case of a site of approximately one half of a hectare, will result in approximately 15-25 units. This much more appropriate density and level of intensification conforms to the PPS and the Growth Plan, but most importantly it will also promote the required wind flows to improve or maintain air quality.

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This more appropriate level of intensification and resulting adherence to the requirements of the zoning bylaw will also permit some of the existing mature trees and ground level landscaping on the site to be preserved, as it is these very trees which have been an invaluable aid in reducing and absorbing harmful contaminants from the atmosphere. The removal of these trees from the site and their replacement with ornamental grasses and shrubbery on the 10<sup>th</sup> floor does little in promoting or maintaining the health of the residents who would otherwise be adversely impacted by increased air pollution. The mature trees adjacent to the boundary of the site currently fulfill an essential role in urban air pollution abatement and mitigation, and any redevelopment on the site should take measures to preserve them.

The proposed development should also not have any balconies. Not only did these balconies reduce the privacy of the neighbourhood residents and school children from tenants ..... who would be overlooking them, but the balconies would not be safe amenity space, as the tenants using the balconies would be exposed to harmful outside air pollution.

An additional feature that would assist in air pollution mitigation, and which is desired for wind and sunlight penetration is to separate the project into two buildings of 3-storeys each with the separation occurring above the first storey. This lower one-storey portion fronting on Main Street West could serve as the storefront commercial area for the project, and rear portion on the southerly side, could be the **above ground parking garage** for the 15-25 residential units to be built in the two buildings. This design would also permit increased landscaping on the site, and be in full compliance with the zoning bylaws, rather than the grossly excessive reductions and exemptions that the Applicant is requesting with respect to setbacks from all property lines and in providing the required amenity areas.

Another advantage of the reduced density to 15-25 units is that not only will there be a corresponding reduction in the number of motor vehicles to parking on the site, but there will also be a reduction in the number of visitors, guests, Ubers, taxis, and delivery vans and trucks that will be driving onto either Cline Avenue South or Dow Avenue to drop off or deliver food and parcels. The overall reduction in the idling of motor vehicles in the neighbourhood would result in less emissions and thereby mitigate harmful air pollution. The abatement in emissions will have an even greater effect in the overall traffic making left turns off Dow Avenue or Cline Avenue South onto Main Street West. Often cars are queued on both of these side streets waiting for the traffic to clear before being able to complete a left turn, and the fewer cars at the subject lands and the elimination of the proposed street parking, would have an enormous effect in reducing the motor idling emissions in an already vulnerable neighbourhood.

With the project being limited in height to three-storeys, the project can utilize conventional construction materials and processes, rather than the use of poured concrete, and this will result in tremendous savings for construction costs. Together with the savings on the unnecessary three level underground parking garage, this more appropriate level of intensification will provide an affordable housing alternative, for prospective homeowners and/or tenants. Furthermore, the

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savings in construction costs using conventional building for a three-storey building could allow larger sized units with extra space for a home office or study, thereby appealing to a much larger cross-section of the actual residents comprising the neighbourhood, such as seniors, retirees, and young professionals. It is this type of affordable housing option which is most needed in the City of Hamilton, and it is this level of intensification which is most appropriate for the site.

**CONCLUSION**

I have prepared this detailed objection letter in the expectation that the Planning Department will consider these full environmental concerns and adverse health impacts as part of its evaluation and assessment of the proposed development on the Grace Lutheran Church property.

It is clear that the Applicant envisions the site as being ideal for massive transit-supportive intensification, and that a failure to maximize development to the highest level possible, would be a “waste of underutilized space”. The Applicant and its planner have attempted to rely upon the PPS, the Growth Plan of the Greater Golden Horseshoe, and the UHOP as supporting their goal of intensification at any cost. They also refer to the fact that the busy traffic volumes on Main Street West corridor and the proximity of the site to Hwy 403, are evidence for their request to obtain a high level of intensification and that it fully supports the City of Hamilton UHOP and Secondary Plan objective for a “pedestrian focus”.

It is my respectful opinion, that with the site fronting on the south side of Main Street West, and with it being sandwiched in between the heavy traffic volumes of Main Street West and Hwy 403, and one block away from the Highway 403 exit/entry ramp, this site is not the ideal nor is it a location that can accommodate the level of density and intensification requested by the Applicant. On the contrary it is a site which is extremely vulnerable to the effects of air pollution and it is a site which must be developed in a manner which maintains and secures the health and safety of an existing neighbourhood - a neighbourhood consisting of a large percentage of seniors and young children, two groups who are most affected by the adverse health impacts from vehicle emissions. For this reason, if two objectives are in conflict, being the “higher density corridor intensification and redevelopment” versus the “health and safety of the existing residents already living in the neighbourhood”, the health and safety issue must take precedence and priority.

The vulnerability of the site is further compounded by the topological features of the Niagara Escarpment and the ever-increasing number of temperature inversion days, which trap harmful air contaminants for longer periods in the atmosphere above and adjacent to the site. In fact, the air quality studies all recommended that bicycling and walking trails be moved off the main traffic corridors where traffic emissions are excessive and Nitrogen Dioxide levels are high. It is my belief that the Planning Act, the PPS, the Growth Plan and the UHOP/Secondary Plan support, with their robust policies, the protection of air quality and the liveability of the neighbourhood in which the site is located. It is for these reasons that the Planning Department



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should adhere to the restrictive confines of the numerous air quality policies that have been set out, and to only permit an appropriate level of intensification.

I have undertaken to present the evidence of adverse health impacts in the L8S postal area code, which covers the neighbourhood and surrounding area, the correlation of illness with traffic emissions and harmful contaminants, the identification of Hwy 403 and Main Street West as being an area of high air pollution and ambient contaminants, and the readings of the nearby Air Quality Monitoring Station at Hamilton West.

I have further sought to demonstrate the approaches used by other jurisdictions in trying to abate and mitigate air pollution arising from traffic emissions, notably Toronto (with its TRAP report) and Halton Region, and with some other urban municipalities in other parts of the world. The approaches utilized by these urban centres all focus on four areas in respect of development – 1) increased sunlight penetration onto the streets and properties adjacent to a development; 2) wind penetration to aid in dispersion of air contaminants; 3) anti-idling measures and vehicle emission reduction; and, 4) the use of trees and vegetation (green infrastructure) for air pollution mitigation by means of a) barrier control; b) dispersion; and, c) deposition.

Based on the studies, reports and articles set out in this letter, it is clear that the factors which will ensure the health and safety of the residents in the neighbourhood should be implemented as part of the planning approval process for this site. In reading and reviewing the policies and guidelines set out in the four planning documents and the policies respecting air quality, health and safety, liveable communities, and intensification, it is again clear that in arriving at determination of the appropriate level of intensification, the overriding goal is the “protection” of the neighbourhood, rather than its “abandonment” to unmitigated over-intensification.

It is for all these reasons that I have recommended that the Planning Department involve the services of the Hamilton Health Department to make an assessment of the health of children in the L8S postal code area, and that your department also request the Applicant to submit an Environmental Impact Study regarding ambient air pollution and its mitigation for your review. I also believe that it is imperative that the Applicant be required to submit a full Sun/Shadow Impact Study, not for the one day in March, but for 52 days (falling within a whole 52-week period) to indicate the total amount of sunlight hours that will be lost on Dow Avenue, Cline Avenue South and Main Street West in comparison to the amount of sunlight the area is currently receiving with Grace Lutheran Church versus the 17-storey height of the proposed development.

Similarly, a Wind Tunnel modelling study of the prevailing winds over the course of 52 days within a one-year period from a meteorological analysis should be requested to determine the reduction of winds and breezes in the neighbourhood if the proposed development is allowed to proceed. I believe that an updated Traffic Study is also required from the Applicant in order to examine both the length of time and the number of motor vehicles that are queued or idling on Cline Avenue South, Dow Avenue and Main Street West during at least 10 different morning

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rush hours and 10 different evening rush hours, (when McMaster University, Columbia College and the Hamilton Hebrew Academy are in session). Furthermore, the number of vehicles making either U-turns or three point turns on Cline Avenue South during these rush hour periods should be ascertained in order to accurately identify the total amount of traffic related emissions occurring in the neighbourhood.

If you require any further information or citations for any of the reports and studies referred to, or if you need any clarification on any matter raised in this objection letter, please do not hesitate to contact me.

Yours very truly,

cc. Ainslie Wood Community Association  
Clean Air Hamilton

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March 3, 2021

Andrea Dear  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Hannah Kosziwka  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Maureen Wilson  
Councillor Ward 1  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Dear, Ms. Kosziwka and Ms. Wilson:

**RE: UHOPA-20-012 and ZAC20-016  
1107 Main Street West, Hamilton (Ward 1)  
Supplemental letter regarding deficiencies of the Cultural Heritage Impact  
Assessment (CHIA) which was submitted by the Applicant  
Subject lands formerly owned by Wartime Housing Limited  
Aitkinson Park Plan No. 728, Gore of Ancaster**

I previously submitted a letter to the Planning Department in response to the CHIA which was filed by the Applicant for this site, however I wish to provide additional information which not only addresses further deficiencies in the Applicant’s CHIA report, but which also reinforces the reasons for a fully landscaped, open and public area to promote and preserve the cultural heritage associated with the neighbourhood and specifically in regards to the lands of the proposed development.

The shortcomings relate to the fact that:

- 1) the lands, immediately prior to the construction of the Grace Lutheran Church were owned by Wartime Housing Limited (WHL) a federal crown corporation which existed from 1941-1947 to build and manage thousands of rental units for wartime factory workers, veterans and their families. This information was obtained by examining Aitchison Park Survey Plan No. 728 in which, under the Owner’s Certificate, it reads **“His Majesty the King in Right of Canada herein represented by the Minister of Munitions & Supply of Canada acting through Wartime Housing Limited”**. (See the attachment. This extremely important aspect was completely ignored in the CHIA. Although the heritage planner noted the “many houses” in the Fire Insurance Map, which is attached to the CHIA, he failed to make an association with these many houses to

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- WHL. In addition, wartime houses were not usually “demolished” but rather they were “dismantled” or “disassembled” as most of the prefabricated parts were reused in Veteran’s housing)
- 2) the lands were originally located in the Gore of Ancaster and according to the atlas map of 1875 of the Township of Ancaster they were designated as part of Lot 61(owned by J. Wahling) and part of Lot 60, Concession 1, (owned by G. Cline) in the Gore of Ancaster, each lot consisting of 100 acres. (The CHIA also unfortunately ignores relationship to Ancaster and only discusses the early history of Hamilton, when the Township of Ancaster had its own important history)
  - 3) the lands were extremely close in proximity to the Chedoke Creek Valley, which should deserve recognition for its own history and its critical importance to the watershed of this area, in any cultural heritage assessment of the neighbourhood. (The CHIA avoids mentioning Chedoke Creek Valley and the closest reference to it is as a “wide ravine in the west” on page 9 of that report)
  - 4) prior to the ownership of the lands by Wartime Housing Limited in 1941 the lots appear to have been farmland with only farmhouses belonging to the early Ancaster settlers. The wartime houses, however, were built by using prefabricated parts and were completed within 36 hours by shifts of workers without the need for excavating any basements. Due to the fact that these houses only sat on sunken posts, it may have been possible to locate on the subject site a pre-Confederation farmhouse in the Gore of Ancaster, but such a possibility was never considered in the CHIA. Instead, one of the pictures in the CHIA taken of the site in the fall of 2019, indicates that a large excavation had already been carried out to presumably remove contaminated soil as a result of a non-disclosed Environmental Report (see attachments). This substantial excavation should have been under the supervision of the Heritage Planner and only commenced after the delivery of a full report, not before the date the Heritage Planner was retained.

Furthermore, if the excavation and replacement with clean infill was carried out after the Applicant signed the Formal Consultation Document but before it submitted its Application to the Planning Department, why has the Applicant never made the Environmental Report publicly available on the Applicant’s website? This omission is extremely upsetting to many neighbours as children are playing in an area less than a metre away from where the contaminated soil was removed, and children continue to play on the lawns of the school and Synagogue. If the contamination is in any way attributable to the wartime houses and the use of recyclable materials, this may also affect many of the homeowners of Dow Avenue and Cline Avenue South as their properties were also at one time occupied by wartime houses.

**WARTIME HOUSING LIMITED (WHL)**

Catherine Jill Wade – Wartime Housing Limited

<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0096317>

One of the most informative papers written on wartime housing was by Catherine Jill Wade and was entitled “Wartime Housing Limited, 1941 – 1947: Canadian Housing Policy at the Crossroads”. The housing was built as close as possible to the factories producing munitions and military parts for the armed forces, and the closest factory to Aitkinson Park Plan 728 was the

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Westinghouse factory on Longwood Road and Aberdeen. A web search confirmed that the factory was converted to 100% production to assist the war effort and in fact this factory was ranked as “Canada’s Number One War Plant”. (see attached page from history of Westinghouse)

Other interesting points made by the author was that WHL was forced to discontinue its operations and dismantle its housing inventory, including the houses between Dow Avenue and Cline Avenue South. This was attributable to the fact that the political climate at the time was fearful of “socialism” and social welfare in the form of government intervention in the housing market in only charging rents as low as \$20.00 per month. Rather it was decided after the war that housing and subsidized housing could only be run by private enterprise.

This explanation also helps understand why CMHC, the successor crown corporation to WHL, decided after the houses had been dismantled, to sell the lands for the construction of two Houses of Worship, namely Grace Lutheran Church and Adas Israel Synagogue. Perhaps it troubled the administrators of CMHC to be ordered to abandon “social and subsidized housing” at the very time when the need was still so great, and instead of selling the land to private developers it was decided to sell to two religious non-profit charitable organizations. It also explains why CMHC insisted upon a registered covenant that ran with the land prohibiting any use of the lands for any other purpose, save and except a religious place of worship. (This covenant remained on title from 1957 until 2019 when it was removed by the current owner of the site by instrument No. WE1333517).

Due to the fact that the houses were all made of prefabricated components and were assembled within days, it is even possible that when the houses were disassembled, the very same prefabricated parts were used in the construction of the veteran’s housing project only a block further west on Haddon and on the surrounding streets, and which is a designated Cultural Heritage Landscape (CHL) in the Urban Hamilton Official Plan and the Secondary Plan.

I am attaching a copy of the Aitchison Plan No. 728, a copy of the blueprints for the wartime houses that were built, a few relevant pages from Catherine Jill Wade’s paper, and the 1947 Fire Insurance Map showing the location of the wartime houses on Dow and Cline Avenue South.

Wartime Housing National Film Board (NFB)

An excellent 17-minute documentary film made in 1943 by Graham McInnes is available online for free viewing at the NFB website. ([www.nfb.ca](http://www.nfb.ca) search “wartime housing”)

This film is extremely relevant to understanding the cultural heritage history of the neighbourhood, and it is very informative because it explains many of the aspects of wartime housing. In fact, many of the segments of the documentary were filmed in Hamilton and at Dow Avenue and Cline Avenue South.

Joseph Pigott

The President of Wartime Housing Limited was the illustrious Hamiltonian, Joseph Pigott, one of Canada’s most highly regarded construction magnates. He was involved in many of the most important decisions made by WHL and as a result of his stewardship he was awarded Commander of The Most Excellent Order of the British Empire in 1946.

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The fine work of Joseph Pigott in Hamilton’s cultural history should not be forgotten or ignored in the Applicant’s CHIA report of the subject site, and the subject site is an excellent example of how important Pigott’s efforts were for our City and the entire British Commonwealth.

**GORE OF ANCASTER**

I have attached articles on the history of Ancaster which has relevance to the history of the subject site and which was ignored in the Applicant’s CHIA report and also a Township of Ancaster map from 1852 which indicates the location of the site and the original farmhouses that existed in the Gore of Ancaster at that time. I have also included other maps which help illustrate the early history of these lands.

**AERIAL MAP OF THE SUBJECT SITE AND CHEDOKE CREEK VALLEY**

Although Google satellite maps show the current state of the subject site and its contextual relationship to the surrounding lands, it is a 1960 aerial picture of the site which indicates the location of the then newly constructed Grace Lutheran Church and the partly completed Adas Israel Synagogue, and their proximity to the Chedoke Creek Valley prior to the construction of Highway 403, which began in 1963 - 1964.

The drastic impact of Highway 403 throughout the valley and the irreparable harm inflicted on the urban forest canopy in this portion of the Chedoke Creek Valley is startling. But one can truly appreciate from these photographs exactly why the two congregations considered their two sites to be the most ideal and beautiful lots upon which to build places of worship when they purchased the lands from CMHC in 1957.

**CULTURAL HERITAGE RECOGNITION FOR WARTIME HOUSING BY OTHER MUNICIPALITIES**

Many municipalities across Canada had wartime houses erected in their neighbourhoods, and many such as Fort Erie, Toronto, St. Catharines, and St. Mary’s have taken steps to recognize these former locations for wartime housing in their cultural heritage, by the erection of outdoor interpretive plaques and commemorative plaques. (Attached are two examples of plaques.)

It is also a requirement to have a full Heritage Impact Statement carried out if any infill or redevelopment in Cultural Heritage Landscape or Heritage Designated Area of existing wartime houses. One such Heritage Impact Statement, which is very informative, was carried out for the Malton area of Mississauga by Ann Gillespie, a Heritage Planner and is available online at: [http://www7.mississauga.ca/documents/agendas/committees/heritage/2014/Item\\_6\\_Appendix\\_2.pdf](http://www7.mississauga.ca/documents/agendas/committees/heritage/2014/Item_6_Appendix_2.pdf)

**CONCLUSION**

The cultural heritage and history of the subject lands is quite extraordinary, and all necessary measures should be taken to not lose this valuable heritage. It is not only extremely important for understanding the history of Grace Lutheran Church, Adas Israel Synagogue, the neighbourhood



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which surrounds these two significant Places of Worship, but it also has continuing relevance to better appreciating the history of both the City of Hamilton, and the Dominion of Canada.

The Applicant, in its presentation to the Design Review Panel, does not even appear interested or willing to have any public or open landscaped area to maintain the cultural heritage history of Grace Lutheran Church. Aside from the much-criticized replication of the front doors of the Church on the front of the high-rise facade, no landscaping plans or architectural courtyard plans were presented to the panel indicating that important components of the Church would be repurposed in an open landscaped area. These include the exterior stone base, the cut limestone accents and the curved corner stone, and other heritage components which have been ignored.

Furthermore, it appears that the narrow courtyard between the two towers is going to be used as a private exclusive-use area for only those residents who will be occupying the seven proposed townhouse units. The lack of an public, open landscaped area with repurposed elements will unfortunately ensure the complete erasing of the heritage of the site, and the disruption of the neighbourhood's connection to the history of Hamilton and of Canada.

The beautiful gardens of Grace Lutheran Church truly warrant recognition as a Cultural Heritage Landscape, and although the actual gardens will be lost through the redevelopment process, this landscape must be restored and replaced in a meaningful and significant new landscaped area which is open to the public and which can be primarily located on the very lands required by City Zoning By-laws for setback requirements from adjoining properties and street frontages.

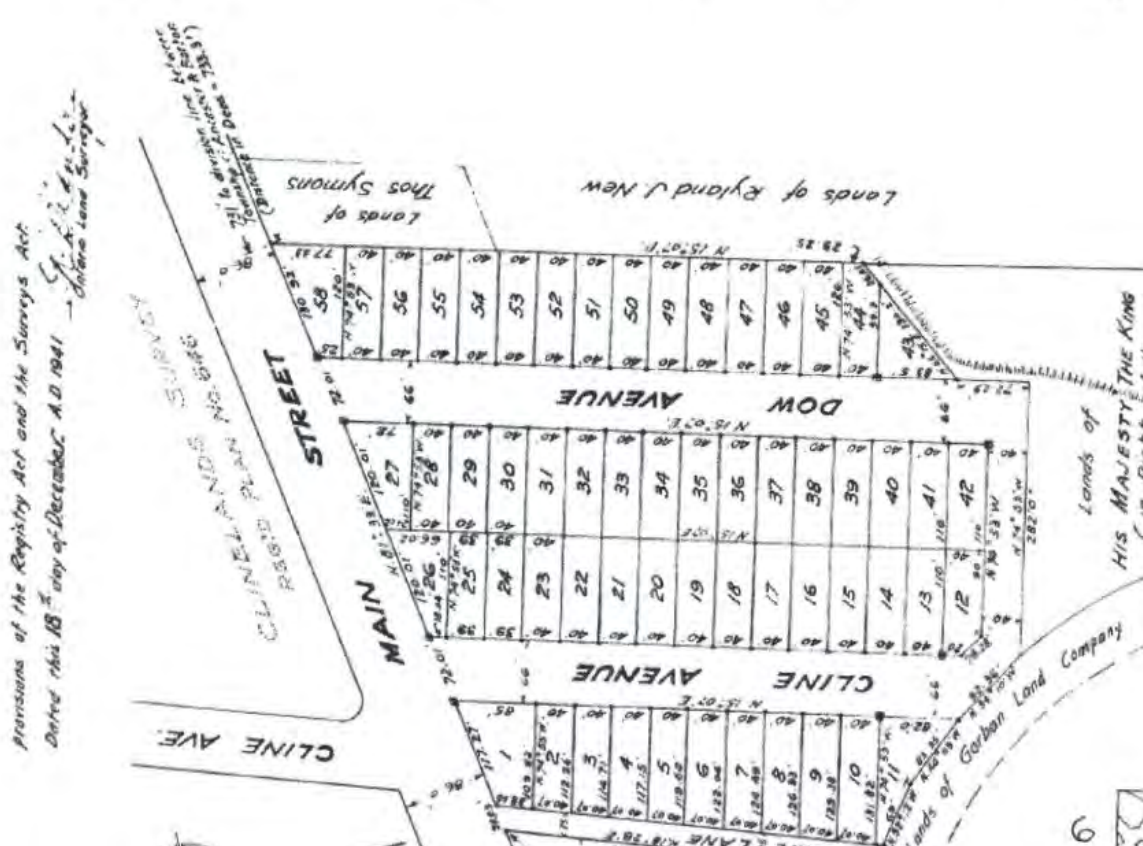
The required landscape plan should also incorporate a heritage design focused on the many interpretative plaques that should be erected in a fully open and attractive landscaped area. These include CMHC, which has already expressed an interest in erecting such a plaque and the desire to place information about the history of these lands on its website (see attachment); a plaque in honour of William Souter, for whom recognition is certainly warranted and for whom a major religious organization has already agreed to undertake the task of a suitable commemorative plaque; a plaque in honour of Joseph Singer the modernist architect who not only designed the former Board of Education centre across from City Hall, but also designed the modernist Adas Israel Synagogue directly to the south of the subject lands, and the modernist office building (now student residence) to the north of the subject lands on the north side of Main Street West; and, most importantly interpretive plaques for Joseph Pigott and Wartime Housing Limited.

For all the above reasons, the proposed development, as presented to the Design Review Panel, will permanently sever the neighbourhood from its cultural heritage and erase a history of the City of Hamilton which should be preserved. Accordingly, I respectfully request that a public landscaped area, with commemorative and interpretive plaques honouring our history and cultural heritage, be a condition of approval for any redevelopment of the subject lands.

Yours truly,



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Provisions of the Registry Act and the Surveys Act  
 Dated this 18<sup>th</sup> day of December A.D. 1941  
 C. H. C. S. J. L.  
 Ontario Land Surveyor

Has Majesty The King in Right of Canada herein represented by the Minister of  
 Munitions & Supply or Canada acting through Wartime Housing Limited hereby certifies  
 Lots 1 to 50 and the Avenues as outlined in Red on this plan are laid out  
 according to instructions and the said Avenues are hereby dedicated  
 as Public Highways.

WARTIME HOUSING LIMITED.

per [Signature]  
 per [Signature]

The Municipal Council of the City of Hamilton doth hereby approve of this plan.

Wm. Monson  
 J. J. Barry

I hereby approve of this plan  
 W. H. Paul  
 City Engineer

The Ontario Municipal Board doth hereby approve of this plan.



Received from [Name] and registered this  
 day of [Month] A.D. 1942 at [City] as PLAN NO. [Number]

**AITCHISON PARK**

BEING A SUBDIVISION OF 728

PART OF THE GORE OF THE TOWNSHIP OF ANCASTER

NOW IN THE

**CITY OF HAMILTON.**

SCALE: - 1 INCH = 100 FEET.

*I hereby certify that this plan accurately shows the manner in which  
the lands enclosed within the Red Lines have been surveyed and subdivided  
by me and that this plan has been prepared in accordance with the  
provisions of the Registry Act and the Surveys Act.*

*Dated this 18<sup>th</sup> day of December A.D. 1941*

*G. E. ...  
Ontario Land Surveyor*

SURVEY

7

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Sworn before me this . . . day of - - - - - A D. 1942.

A Notary Public.

HIS MAJESTY THE KING in Right of CANADA herein represented by the Minister of  
MUNITIONS & SUPPLY of CANADA acting through Warime Housing Limited hereby certifies th  
Lots 1 to 58 and the Avenues as outlined in RED on this plan are laid out  
according to instructions and the said AVENUES are hereby dedicated  
as PUBLIC HIGHWAYS.

WARTIME HOUSING LIMITED.

per \_\_\_\_\_  
per \_\_\_\_\_



The Municipal Council of the City of Hamilton doth hereby approve of this plan.

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Map 5: 1947 Fire Insurance Map showing the location of the church, prior to building. Note the many houses that were demolished for the construction of the church.

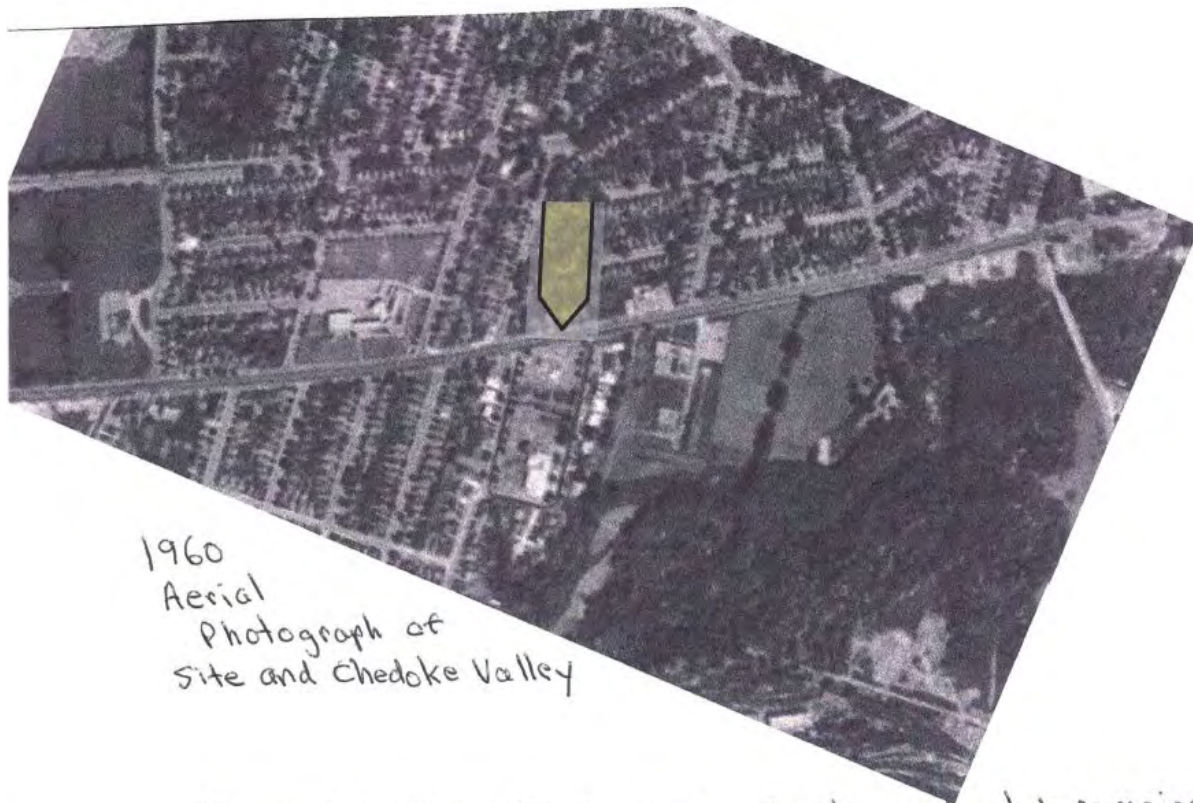
*Photo Credit: Don Louck*



Soil Excavation for unknown reasons  
at time of CHIA in 2019

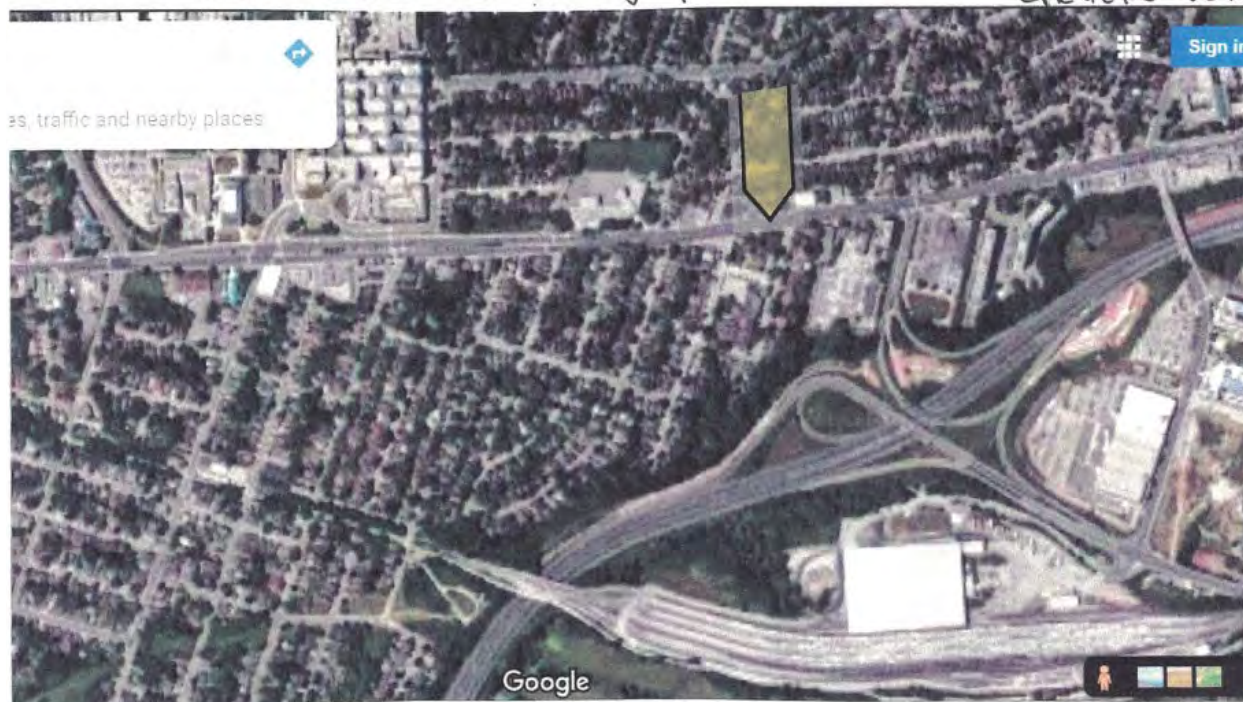


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1960  
Aerial  
Photograph of  
Site and Chedoke Valley

2020 Satellite Photograph of site and what remains of  
Chedoke Valley



1960 Aerial Photograph  
Grace Lutheran Church at top



Unfinished Adas Israel Synagogue  
at bottom



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#### CULTURAL & STEWARDSHIP HISTORY

The first property in Hamilton to be referred to as Chedoke was the property perched at the edge of the Chedoke Ravine and Falls near Fennell Avenue West and Garth Street (HCA, 2007). Although it is not clearly understood why this area was named Chedoke, some theories have been put forth. One of the most common theories is that Chedoke was a First Nations word, perhaps Iroquoian or Algonkian, and meant a collection of oaks. Another theory is that ‘Chedoke’ is a corruption of two English words ‘seven’ and ‘oaks’. This theory draws its meaning from the property at the top of the Chedoke Ravine since seven oaks once stood at this location. Today three of those oaks remain and date back over 150 years. It is thought that the local aboriginal people misunderstood the settlers when they referred to this land as ‘Seven Oaks’ and in turn named it ‘Chedoke’. Yet another theory is that ‘Chedoke’ is derived from the Anishnabek language where this area was referred to as ‘Gchi wiidoke gamig’ or the ‘big healing place’.

The approximate population of the Chedoke Creek subwatershed is 66 000 persons with a population density of about 2629 persons per square kilometre. Current land use within the Chedoke Creek subwatershed is predominantly residential, with transportation corridors being the secondary land use (Table CH- 2). When travelling to the City of Hamilton, Chedoke Creek subwatershed is one in which all visitors will pass through when entering from the west as the Lincoln Alexander Parkway and Highway 403 are major corridors, above and below the escarpment, respectively. Institutional and open space is the third most common land use in this subwatershed, complementing the 44% of residential lands exist, one above and one below the Niagara Escarpment. Above the escarpment the main commercial areas above the escarpment being Mohawk Road and Upper James Street, and below the escarpment being Main Street and King Street. Major industrial land use is located south of Highway 403 adjacent to stream corridors. Two major utility corridors exist, one above and one below the Niagara Escarpment. Above the escarpment the corridor spans the boundaries of the Chedoke West, Lang’s Creek and Mid-Chedoke catchments, while the corridor below the escarpment is used as a rail corridor and travels through Cliffview, Chedoke East and Lower Chedoke Creek catchments. Impervious surfacing within this subwatershed exceeds standards recommended for healthy stream systems.

In this subwatershed there is potential to naturalize an additional 1100 m<sup>2</sup> by enhancing utility corridors to serve as terrestrial habitat. Therefore, it is important to work with our large landowners to restore terrestrial and aquatic habitat in the subwatershed. Additionally, it is

equally important to work with our ward councillors to generate support for local stewardship initiatives with the public and private sectors as well as our development industry.

Although there are not many properties in this subwatershed that have natural features present, there are 483 properties that do accommodate forest, wetland, meadow and riparian/aquatic habitat (Table CH- 3). Of these landowners, 153 (or 32%) have been contacted by the Hamilton-Halton Watershed Stewardship Program, and 7 (or 5%) have become Watershed Stewards (Map CH- 5). This analysis includes rural and urban, public and private landowners by individual property, not landowner name. Therefore, there is much potential within this subwatershed for landowner contact and in turn the establishment of Watershed Stewards. In addition to those landowners who have natural features on their properties, those landowners who do not also act as Watershed Stewards as everyone is affected by what one person does on their property. There is also great opportunity to contact those landowners and create awareness regarding BMPs in an urban environment as they relate to local significant species and storm water management practices.

Currently Watershed Stewards are predominantly located in the Chedoke East catchment surrounding the historical Chedoke Ravine. This area also boasts an active Friends of Chedoke group along Chedoke Avenue, below the escarpment. Isolated steward areas are located adjacent to Iroquoia Heights Conservation Area in Chedoke West catchment, within the Cliffview catchment and adjacent to the Hamilton Escarpment Environmentally Significant Area (ESA). The Royal Botanical Gardens is also named a Watershed Steward for its protection of the ecologically significant lands at Cootes Paradise Marsh in the Lower Chedoke Creek catchment. The majority of landowner contact initiatives have been completed adjacent to the Hamilton Escarpment ESA, therefore there is much opportunity to contact the remaining landowners within this subwatershed, especially public landowners along stream corridors.

Environment Canada has provided guidelines for forest, wetland and riparian habitat for subwatershed areas and in turn a preliminary analysis has been completed using the guidelines set out by this agency. Table CH- 4 displays the status of Ancaster Creek subwatershed when compared to these Federal guidelines.

CHEDOKE CREEK SUBWATERSHED

CH-7

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Due to the high percentage of impervious surfacing and as a result of this subwatershed being altered to such a great extent through urban development, proper BMPs regarding storm water management must be enforced and must encourage groundwater infiltration in order to maintain or enhance warm water fisheries.

This subwatershed is severely degraded due to urban development and intensification. Much of the natural land cover has been replaced with impervious surfacing and many of the Chedoke Creek tributaries have been buried over time. To de-list Hamilton Harbour as an Area of Concern it is important that restoration occurs within this subwatershed, by reducing sedimentation and phosphorus loading. This can be achieved through the implementation of urban stormwater best management practices (before and after development occurs), by increasing natural cover (upland forest and restoration of historical wetlands), through increased awareness of practices contributing to phosphorus loading, and through the completion of natural channel design projects where viable.

Table CH- 2: Land Use Statistics

Area (km <sup>2</sup> )	Agricultural (km <sup>2</sup> )	Commercial (km <sup>2</sup> )	Industrial (km <sup>2</sup> )	Institutional (km <sup>2</sup> )	Open Space (km <sup>2</sup> )	Residential (km <sup>2</sup> )	Transportation (km <sup>2</sup> )	Utility (km <sup>2</sup> )	Impervious Surfacing (%)
25.1	0.001	0.7	0.6	3.2	3.0	11.0	5.5	1.1	76

Table CH- 3: Stewardship Statistics

Approximate Population	Population Density (persons / km <sup>2</sup> )	Total # of Properties with Forest, Wetland, Meadow or Watercourse	# of Landowners with Forest, Wetland, Meadow or Watercourse & Contacted by HCA Stewardship	# of HCA Stewardship Watershed Stewards with Forest, Wetland, Meadow or Watercourse	Total # of Landowners in Subwatershed Contacted by HCA Stewardship	Total # HCA Stewardship Watershed Stewards in Subwatershed
66 000	2629	483	153	7	449	8

Table CH- 4: Environment Canada's How Much Habitat is Enough Guidelines

PARAMETER	% Wetlands	% Stream Naturally Vegetated	Total Suspended Sediments	% Impervious Surfacing	Fish communities	% Forest Cover	Size of largest Forest patch	% Forest Cover 100m & 200m from Forest edge
<b>GUIDELINE</b>	6	75% with 30m buffer on either side	Below 25 mg/L	< 10	Based on historical data / watershed characteristics	30	2km <sup>2</sup> & min 500m wide	10% < 100m from forest edge
<b>SUBWATERSHED STATUS</b>	0.02	n/a	n/a	76	Historically warm – now warm	9.6	0.7km <sup>2</sup> & a section is > 500m wide	n/a

17

**CHEDOKE CREEK SUBWATERSHED CHARACTERIZATION****GEOGRAPHICAL LOCATION**

Chedoke Creek subwatershed is 25.1 km<sup>2</sup> in area and is comprised of six catchment basins. In descending order from the headwaters to the outlet these are: Chedoke West, Lang's Creek, Mid-Chedoke, Cliffview, Chedoke East, and Lower Chedoke Creek (**Map CH-1**). This subwatershed spans the former municipal boundaries of Ancaster and Hamilton, and is also located within five City of Hamilton wards: 1, 2, 7, 8 and 12. The boundaries of this subwatershed are Stonechurch Road West in the south to Highway 403 in the west; the eastern extent ranges between Upper James Street and Upper Wentworth Street. The subwatershed originates above the Niagara Escarpment and outlets directly into the south shore of Cootes Paradise Marsh, parallel to Highway 403. Highway 403 passes through this subwatershed below the escarpment and three interchanges are present: Main Street East, Main Street West and Aberdeen Avenue. Additionally, the Lincoln M. Alexander Parkway (LINC) travels east to west above the escarpment and three interchanges are present in the subwatershed: Golf Links Road / Mohawk Road, Garth Street and Upper James Street. Major transportation routes found within this subwatershed are Bay Street, Queen Street, Dundurn Street, Upper James Street, West 5<sup>th</sup> Street, Garth Street, Upper Paradise, Scenic Drive, Main Street, King Street, Aberdeen Avenue, Fennell Avenue, Mohawk Road, and Stonechurch Road.

Chedoke Creek is the only warm water system of the three subwatersheds in this Stewardship Action Plan. The headwaters are located above the Niagara Escarpment with the only tributaries still present above the surface being located within Chedoke West,

Lang's Creek and Mid-Chedoke catchments. The headwaters of the Chedoke West catchment are piped upstream but still supply the year round flowing Chedoke Falls. All of the tributaries flow over the escarpment and then travel eastward and align parallel with Highway 403 before outletting into Cootes Paradise. Much of the Chedoke Creek subwatershed has been altered over time as a result of intense urban development within the Hamilton area; subsequently the majority of the stream flow directly results from storm water input. Therefore, erosion, sedimentation and insufficient channel sizes occur at the outlet. The following locations are where natural stream channels can be found within the subwatershed: southwest of Golf Links Road and Scenic Drive, through Iroquoia Heights Conservation Area, through Olympic Park / Hydro lands east of Scenic Drive, through Lang's Park east of Scenic Drive, Hydro lands north of Highway 403, northwest of Upper Paradise Road and Mohawk Road, through Chedoke Golf Course, west of Chedoke Avenue, and parallel to Highway 403.

The Niagara Escarpment is present within all catchments of this subwatershed. Additionally, three municipally designated Environmentally Significant Areas (ESAs) are located within this subwatershed: Iroquoia Heights Conservation Area, Hamilton Escarpment, and Cootes Paradise. These natural areas act as major ecological corridors for terrestrial species as well as serve to maintain water quality and quantity within the stream reaches that pass through these areas, to the benefit of aquatic species.

CHEDOKE CREEK SUBWATERSHED

CH-1

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Significant species found within the natural areas of this subwatershed are noted within Appendix C. The majority of these species are rare or uncommon within the City of Hamilton and where a species has been designated by the OMNR it is indicated in the appendix. The following are species that are designated by the OMNR under the Ontario Endangered Species Act and can be found within this subwatershed:

Endangered

- Bashful Bulrush
- Red Mulberry
- Prothonotary Warbler

Endangered (not regulated)

- American Chestnut
- Butternut

Threatened

- Blanding's Turtle
- Common Musk Turtle
- Eastern Spiny Softshell
- Hooded Warbler
- Least Bittern
- White Wood Aster
- Jefferson Salamander

Special Concern

- Bigmouth Buffalo
- Black Tern
- Broad Beech Fern
- Cerulean Warbler
- Monarch
- Northern Map Turtle
- Yellow-breasted Chat
- Eastern Milksnake
- Northern Ribbon Snake
- Woodland Vole

Not at Risk

- American Coot
- Common Mudpuppy
- Cooper's Hawk
- Longear Sunfish
- Rosyface Shiner

It will be important to create awareness and undertake habitat restoration activities related to these species designated by the OMNR, especially those species that are endangered (not regulated).

Due to the erosivity of the fine silt soils found in this subwatershed, headwater wetlands must be restored to meet the How Much Habitat is Enough Guidelines in order to reduce sedimentation occurring downstream. Historical piping and channelization of this stream system only exacerbate the sedimentation problem occurring in Cootes Paradise. Historical wetland restoration may be achieved through the approval of development applications and resultant compensation projects for the proposed development located along existing stream reaches and on public lands. Alternatively, wetland creation may be possible below the escarpment to mitigate upstream sedimentation and attenuate high flows.

For more information regarding the natural history of this subwatershed please refer to the Preliminary Watershed Description Report: Hamilton Conservation Watersheds (Source Water Protection Halton-Hamilton Region, January 2006) and the Nature Counts: Hamilton Natural Areas Inventory (Dwyer, J. et al., 2003).

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Townships of Wentworth County  
1852



[cgill.ca/CountyAtlas/showtownship2.php?townshipid=Beverly+North](http://cgill.ca/CountyAtlas/showtownship2.php?townshipid=Beverly+North)









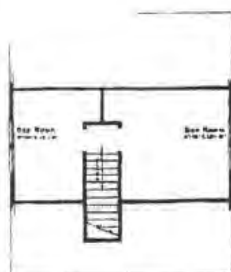




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SINGLE FAMILY DWELLING: TYPE H1



SINGLE FAMILY DWELLING: TYPE H12

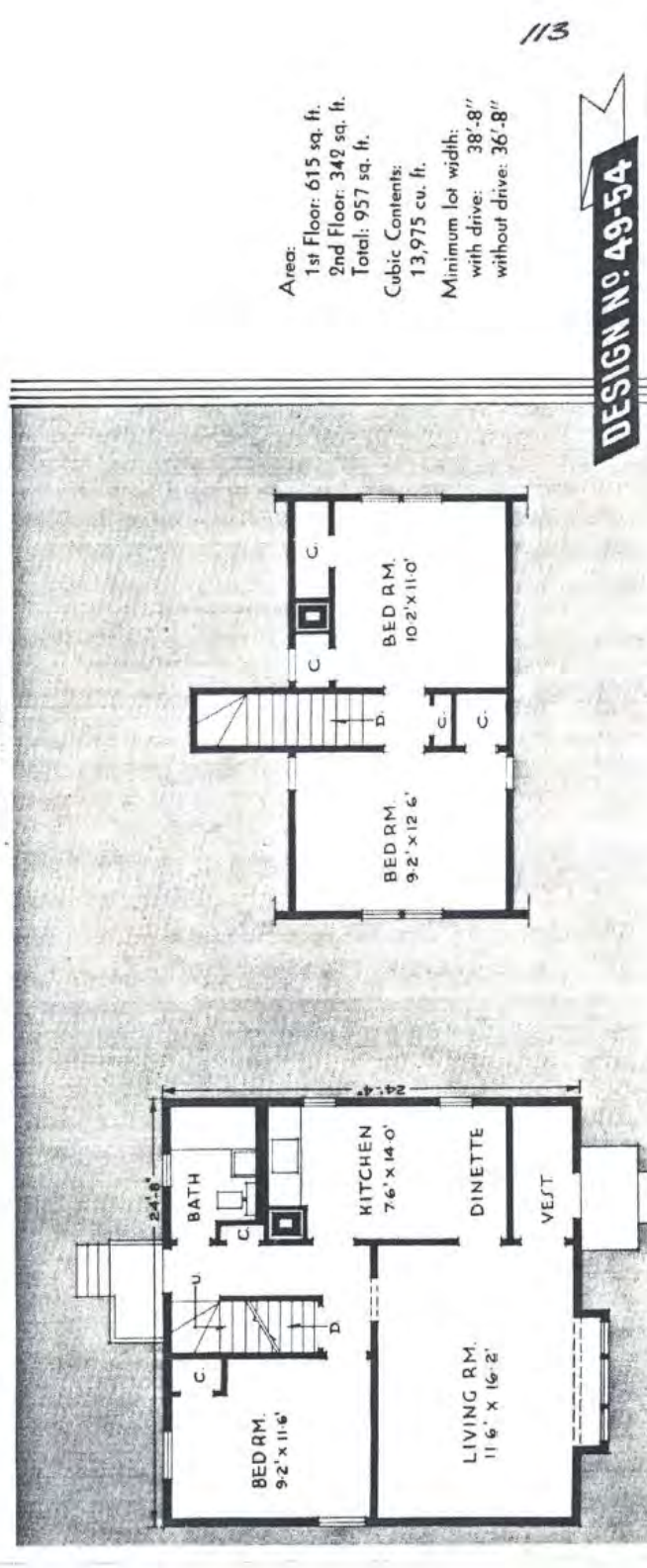
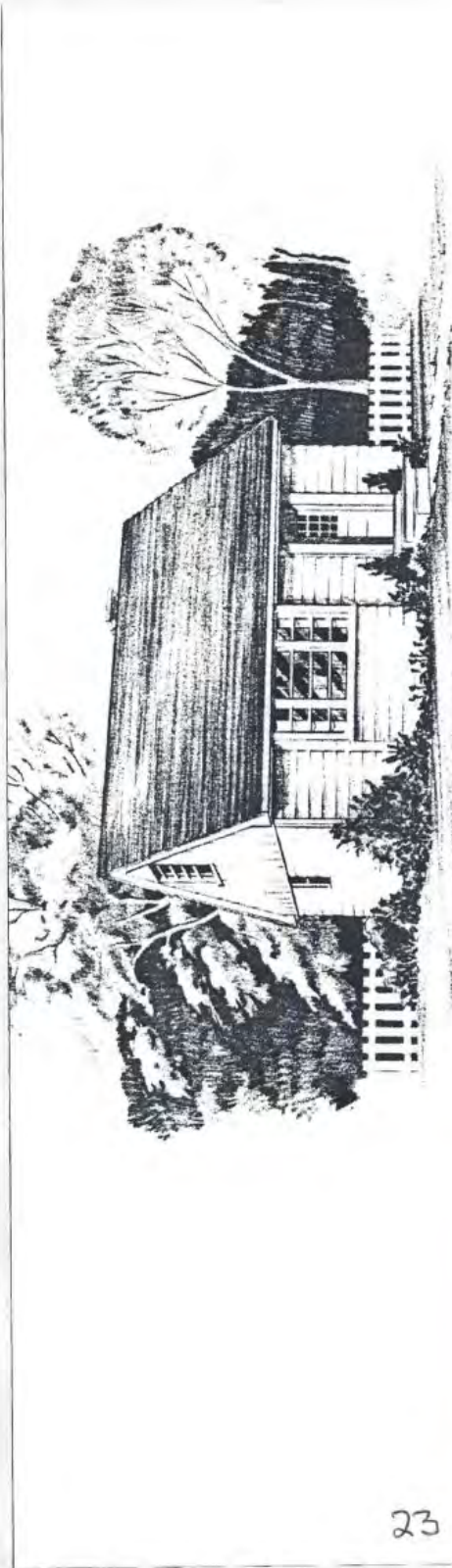


SINGLE FAMILY DWELLING: TYPE H22

22



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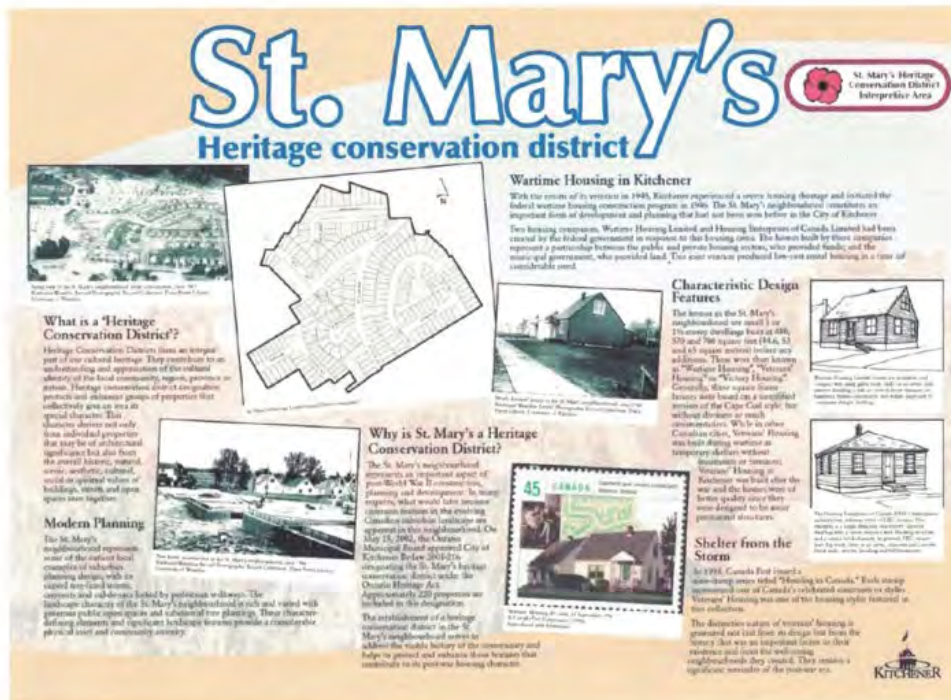


Figure 20: Interpretive plaque for the St. Mary's Heritage Conservation District in Kitchener, showing the boundaries of the district, typical house designs and historic photos.

SOURCE: PDF provided by City of Kitchener Heritage Planner Leon Bensason in 2011 (see accompanying PDF version).





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**From:** Wilbur A. Mclean <wmclean@cmhc-schl.gc.ca>  
**Sent:** May 13, 2020 10:31 AM  
**To:** John Ross  
**Subject:** CMHC plaque

Hi,

Thank you for the conversation.

My contact information is below for your reference.

As discussed, we find this story fascinating and would like to do some promotion around it.

This is the website I mentioned: [www.placetocallhome.ca](http://www.placetocallhome.ca). You'll see a link there to "Success Stories" (<https://www.placetocallhome.ca/stories>). There are dozens of stories on housing impacting Canadians that we produce. We promote those stories externally through advertising, social media and pitches to traditional media. I already spoke to the person who oversees those stories. Like everybody else I've mentioned it to, she was fascinated by the historical story of Westdale. We will write a piece for the website on it in the coming months.

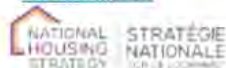
We'll talk soon I'm sure.

Thank you,

Wilbur

**Wilbur McLean**  
 Executive Engagement and Events  
[wmclean@cmhc-schl.gc.ca](mailto:wmclean@cmhc-schl.gc.ca)  
 T: 416-218-3331  
 100 Sheppard Avenue East, 3-624, Toronto, ON  
 Canada Mortgage and Housing Corporation  
 (CMHC)  
[www.cmhc.ca](http://www.cmhc.ca)

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 T : 416-218-3331  
 100 Avenue Sheppard est, 3-624, Toronto, ON  
 Société canadienne d'hypothèques et de logement (SCHL)  
[www.schl.ca](http://www.schl.ca)



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WIKIPEDIA

Coordinates: 43°15′20″N 79°55′30″W﻿ / ﻿43.25556°N 79.92500°W﻿ / 43.25556; -79.92500

# Ainslie Wood, Hamilton

---

**Ainslie Wood** is a residential neighbourhood in Hamilton, Ontario, Canada. It is centered on Alexander Park and located near McMaster University. It is bordered to the north by Main Street, Cootes Drive and Dundas, to the south and east by Highway 403, and to the west by Dundas and Ancaster.



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### History

Early Settlers

Rifle Range and World War I

World War II and after

Present

### Education

### Student housing

### Transportation

### Politics

### References

### External links

## Etymology

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In 1838, George Howlett Ainslie moved onto a sixty-acre farm near Ancaster. It was south of what is now Main Street West and west of Longwood Road. This greenspace became a popular recreation area for Hamilton residents and gained the name Ainslie Wood, which eventually was applied to the entire area between Hamilton and Ancaster.<sup>[1]</sup>

## History

---

The land south of what is now Cootes Paradise was inhabited by a series of native societies. In the early 17th century, European explorers and missionaries visited western Lake Ontario, encountering a population of native people, who were referred to as the Neutral Nation, from their neutrality in conflicts between the Iroquois Confederacy and the Huron.

In the mid-17th century, the Iroquois defeated the Neutrals and the Hurons. Ojibway from north Ontario moved south and displaced the Iroquois. Later, Europeans displaced the Ojibway.

### Early Settlers

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Early European pioneers in Ainslie Wood included the Ainslie, Binkley, Bowman, Buttrum, Cline, Ewen, Forsyth, Radford, Stroud and Horning families.

Early farmhouses were located at today's 54 Sanders Boulevard (built in 1847 by the Binkley family, still standing), 19 Lower Horning Road (built by the Ofield family, still standing), 51 Lower Horning Road and 1686 Main Street West (Binkley family, now a huge student residence with some ground-floor storefronts).

Much of the area of north Ainslie Wood was taken up with the Binkley family farm. This multigenerational farm stretched north of Main Street roughly from McMaster University to the Ancaster Creek Valley and into University Gardens in Dundas. Indeed, the junction of the Dundas and Ancaster roads (today the intersection of Main St, Wilson St, and Osler St) was popularly known as "Binkley's Corner." Marks and Mathelena, the original Binkleys to arrive in the Hamilton area, are buried in the Marks Binkley Cemetery at the end of Lakelet Drive. Marks and Mathelena Binkley were originally Palatine Germans, often referred to as "Pennsylvania Dutch," in reference to the low German language spoken by religious non-conformists who hailed from Switzerland, Germany, and Holland. "Binkley" is an Anglicization of their original Swiss-Italian name, which was "Binggeli." Their ancestors had moved to Lancaster County, Pennsylvania, an Amish and Mennonite settlement. The Binkley family prospered in Ainslie Wood and raised hundreds of grand- and great-grandchildren, and the name has appeared on schools, churches, road signs, and cemeteries throughout Ainslie Wood.

George Bamberger started Ainslie Wood's first non-farming business—a hotel/tavern called the Halfway House (so named because it was halfway between Hamilton, Dundas and Ancaster), located on land on Main Street West today used by Canadian Martyrs' School. Trains that crossed the Bamberger property were required, by a contract with the Bamberger family, to stop at the Halfway House for a minimum of five minutes, so that passengers could buy beer. The Halfway House's bartender would give the train operators a free beer each at the four-minute mark, to delay their leaving and provide the thirsty passengers more time to spend money. When the train did get going, passengers could, in season, reach out a train window and pick ripe cherries from the branches as they passed through the Bamberger's orchards.<sup>[2]</sup>

The area of Colombia International College and Camelot Towers and Highway 403 was, from the earliest days of European settlement, a popular picnicking spot. There were gardens with picnic tables, shade trees, swings, tame raccoons and caged parrots.<sup>[1]</sup> As it was on forested land owned by the Ainslie Family, the spot was known as Ainslie Wood – a name which would later be applied to the whole community. In the early days, however, the area now known as Ainslie Wood was most often called "the Gore of Ancaster." (A gore is a triangle-shaped piece of land.) Until the 20th century, Ainslie Wood was governed as a part of Ancaster.

During the 19th century, a tannery processed cow-skins into leather at the corner of Main Street and Osler Drive. It was demolished in 1880. Apartment buildings now occupy the site.

Main Street West (then called the Hamilton and Brantford Road) was covered with wooden planks in the early 19th century, covered with stones in 1846 and paved by the 1860s.

In 1908, the Burke Real Estate Company bought the Bamberger farmland, breaking it into smaller lots and building new public streets. Emerson, Broadway and Bowman streets and the streets that crossed them, in the area just to the south of today's McMaster University, featured the first non-farm dwellings in Ainslie Wood. Sales posters boasted of "The Ideal Suburban Survey," with 40' x 140' lots that were advertised as being "20 Minutes from Centre of City" on 5-cents-a-ride electric trains. The new suburb had no indoor plumbing, no sidewalks, muddy roads, no electricity and stray cows. Residents got water from a communal pump at the corner of Emerson Street and Holmes Avenue.

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There was a creek that ran through the centre of Ainslie Wood back then, in what is now Ontario Hydro's electricity-transmission field. The Buttrum family farmed potatoes and other vegetables on the hydro field from 1910 on.

Before World War I, there were about 125 families living in Ainslie Wood. There were several stores, a volunteer fire brigade and a resident police constable named George "Fatty" Smith. The people of Ainslie Wood enjoyed a recreation hall, built by George Bowman in 1912, at the North-west end of 4th Avenue (now Royal Ave.) Residents enjoyed costume parties and dances hosted by the West Hamilton Literary Society. In 1912, a soccer team was formed to play against teams from Dundas and Hamilton. An open field on Emerson Street, near Royal Avenue, held sporting events and garden parties. Boxing and baseball were popular.

### Rifle Range and World War I

In the late 19th century, soldiers from the 13th Royal Regiment of Hamilton – now called the Royal Hamilton Light Infantry – used land around today's Rifle Range Road for rifle practice, shooting at concrete bunkers on the Escarpment where targets were set up. There are remains of the target bunkers in the forest south of Alexander Park, while further up the escarpment slope, across the 403 highway, are the remains of a tall stone wall built to protect the cars of the Brantford & Hamilton Railway (the wall may be seen from the recreational Chedoke Radial Trail). Rifle Range Road lost its namesake facility in 1928, when the 13th Regiment started practicing elsewhere.



Remains of the rifle range in Ainslie Wood in Hamilton, Ontario

In World War I, young soldiers from all over the Hamilton area trained for the battlefields of Europe in Ainslie Wood. They practiced with rifles, machine guns and hand grenades at the target facilities along Rifle Range Road, also digging practice trenches and using bayonets in what is now Alexander Park. Stray bullets sometimes flew into residential areas.

After World War I, local residents raised \$2,200 to buy some land beside Emerson Street's St. Margaret's Church (now St. George's) and plant memorial trees for each of the 14 local men killed in combat.

Sidewalks began to be built in Ainslie Wood after World War I and roads began to be covered with rock-chunks and gravel, reducing but not eliminating the problem of springtime mud. The rock-chunks were hauled in horse-drawn wagons from the Escarpment, where the rock had previously been dynamited to build a railway line; the gravel came from a quarry in Dundas. After that, the roads were able for the first time to carry heavy truck and bus traffic.

### World War II and after

In World War II, many small, inexpensive homes were built in Ainslie Wood East for Hamilton's war-expanded industrial labour force. After the war, many empty lots in Ainslie Wood were sold for \$1 to veterans. The central area of Emerson Street had a post office and several busy stores, such as Hemingway's Butcher and Bowman's Lumber (now Aitchison Lumber). There was light industry, such as Donald Wire and Rope (where Fortino's and St. Mary's school are now), John Deere (where the Mondelez International candy factory is now) Ralph & Sons Fuels (where Wendy's is now) and candymaker Walter E. Jacques & Sons (on Ewen, where Onyx Condos (<http://www.coletara.com/communities/onyx/>), a 10-story student residence, is under construction).



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In 1925, the neighbouring community of Westdale was built. As only white, Protestant people were allowed to buy property in Westdale, Jews, Catholics, Slavs and people of colour who wanted to live in West Hamilton had no choice but Ainslie Wood. Westdale's restrictive title covenants held sway until the 1950s, with accusations of discrimination continuing for decades afterwards. In Ainslie Wood, minorities were welcome; today, Ainslie Wood is still a diverse community.

With the establishment of McMaster University in 1930, Ainslie Wood gained proximity to its educational and other resources. In the same year, Ainslie Wood left Ancaster and joined Hamilton, after Hamilton Mayor John Peebles promised Ainslie Wood residents fully paved streets and indoor plumbing.

In the poverty-stricken 1930s and after, Hamilton Street Railway buses went up and down unpaved Emerson Street, sharing the dirt road with horse-drawn wagons, farm vehicles, pedestrians, stray dogs and occasional farm animals.

During Prohibition, Ainslie Wood had a resident bootlegger, Chuck Gowdy, who sold moonshine liquor from his shack. After 1934, when retail sales of alcohol were legal again, customers filled Paddy Green's tavern on Main Street West by Longwood Road.

Before World War II, about half the lots in Ainslie Wood were vacant. Only a few streets had sidewalks then and none were paved. By 1955, all of the streets had sidewalks, and almost all were well-paved. Many old frame houses were raised to install full basements. After 1955, it was popular to cover old houses with aluminum siding.

Russ Jackson was a post-war celebrity from Ainslie Wood: a star quarterback at McMaster who went on to win three Grey Cups with the Ottawa Rough Riders in the 1950s and '60s, becoming Canada's most famous athlete.

In the 1960s, Whitney Avenue was extended to Main Street West. New sub-divisions sprang up on the old farms west of central Ainslie Wood. A new park on Whitney Avenue, Alexander Park, was opened by and named after the Governor General of Canada, Field Marshal Alexander. This park now has baseball diamonds and a wading pool. In 1966, the 403 Highway was extended up the side of the Escarpment to the south of Ainslie Wood.

A group of local volunteers based out of St. Margaret's Church (now St. George's) on Emerson Street, the Women's Institute, did much volunteer work. They fed hungry families. They knit wool mittens and donated books for school children. They lobbied successfully for a skating rink to be built on Leland Street, with a hut for children to put on skates. The Women's Institute also lobbied for Ainslie Wood's first traffic light, at the corner of Main Street and Broadway Avenue.

## **Present**

In recent years, Ainslie Wood has faced many challenges, such as illegal lodging homes for students,<sup>[3]</sup> a lack of recreational facilities<sup>[4]</sup> and greenspace, the closure of Prince Philip School, poverty, traffic and zoning issues. Ainslie Wood has many strengths, including proximity to McMaster and the forest-covered Escarpment, the Rail Trail, Stroud Park, Alexander Park, two Catholic Schools (Canadian Martyr's and St. Mary's), a Hebrew academy, Columbia International College, several churches of various denominations, a thriving commercial zone along Main Street West and two active community associations: the Ainslie-Wood / Westdale Community Association (AWWCA) (<https://awwca.ca/>) and the Ainslie Wood Community Association (<http://www.ainsliewood.ca/>), or A.W.C.A.

## Education

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The first public school, Binkley School was founded in 1815, followed by Princess Elizabeth (originally the West Hamilton School and now used as the Hamilton Hebrew Academy) in 1922 and Prince Philip in 1953. Binkley was closed in 1979, Princess Elizabeth in 1982 and in 2014 the children of Ainslie Wood lost Prince Philip elementary school after a controversial vote against Prince Philip by the local trustee, who left office soon afterwards.

## Student housing

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The increase of McMaster University's student population in recent decades has resulted in many Ainslie Wood homes being rented out to students. Multiple high-rise student and mixed-use residences are being planned in the area, at 17 Ewen Rd & 20 Rifle Range Rd, 1629-1655 Main St W and 69 Sanders Blvd & 1630 Main St W.<sup>[5]</sup>

## Transportation

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Currently, there are 4 bus routes operated Hamilton Street Railway servicing the Ainslie Wood community.

- 10 B-Line Express (University Plaza - Eastgate Square)
- 1 King
- 5 Delaware
- 5C West Hamilton Loop or Meadowlands (westbound only)
- 52 Head Street or Governors & Pirie (westbound only)
- 5A Greenhill & Cochrane (eastbound only)
- 5E Quigley & Greenhill (eastbound only)
- 51 University (temporarily suspended due to decreased ridership during COVID-19 pandemic<sup>[6][7]</sup>)

## Politics

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In the next federal and provincial elections, Ainslie Wood will be in the riding of Hamilton West-Ancaster-Dundas. Federally, Ainslie Wood is represented by Member of Parliament Filomena Tassi and Member of Provincial Parliament Ted McMeekin. On the municipal level, Ainslie Wood is the largest part of Ward 1, represented by Maureen Wilson (<https://www.maureenwilson.ca/>).

## References

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1. Houghton, Margaret (2002). *Hamilton Street Names*. James Lorimer & Company. pp. 8–9. ISBN 1-55028-773-7.
2. Jardine, David (1989). *West Hamilton: A Village and a Church*. self-published.
3. <http://www.thespec.com/news-story/5540116-folks-oppose-15-room-student-home/>
4. <http://www.cbc.ca/news/canada/hamilton/news/ainslie-wood-residents-want-new-rec-centre-at-prince-philip-1.2501107>
5. "Development in Ward 1" (<https://www.maureenwilson.ca/ward1development>). *Maureen Wilson*. Retrieved 2021-02-28.

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6. "Bus News | City of Hamilton, Ontario, Canada" (<https://web.archive.org/web/20210108091958/http://www.hamilton.ca/hsr-bus-schedules-fares/riding-hsr/bus-news>). *web.archive.org*. 2021-01-08. Retrieved 2021-02-28.
7. "HSR buses return to full capacity, even as COVID-19 numbers accelerate | CBC News" (<https://www.cbc.ca/news/canada/hamilton/hsr-1.5694068>). *CBC*. Retrieved 2021-02-28.

## External links

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- [Ainslie Wood Community Association \(http://www.ainsliewood.ca\)](http://www.ainsliewood.ca)
  - [The Ainslie-Wood Community / Westdale Community Association \(http://awwca.ca\)](http://awwca.ca)
- 

Retrieved from "[https://en.wikipedia.org/w/index.php?title=Ainslie\\_Wood,\\_Hamilton&oldid=1010008027](https://en.wikipedia.org/w/index.php?title=Ainslie_Wood,_Hamilton&oldid=1010008027)"

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### Ancaster History

Ancaster History

Postcards of Ancaster



The original Ancaster is found in Lincolnshire, England and is named after a military camp from Roman times, deriving from the latin word "castra" meaning camp. Click [here](#) for more information on Ancaster, Lincolnshire.

Ancaster's history stretches back over 200 years. The town was given its name in 1793 by Lieutenant Governor John Graves Simcoe after it had been surveyed as part of a plan to create roads for military reasons.

Several families, wanting to maintain their loyalty to the British Crown, had already settled in the area after fleeing from the United States. These United Empire Loyalists claimed land in Upper Canada (Ontario) and many received grants of land in Ancaster.

Ancaster is the home of several historically significant sites. In 2008 the Historic Sites and Museums Board of Canada



designated Ancaster's Griffin House a National Historic Site. The Griffin House stands as a testament to the brave men and women who travelled the Underground Railroad to freedom in Canada in the 19th century.

The boundaries of Ancaster, which contain an area almost triangular in shape, were defined in the late 18th century.

- The southwest boundary was formed in 1785. After the American Revolution, the British Crown granted land to loyal Indians who had been unseated from their historic homes in New York State. This land stretched six miles on either side of the Grand River, and the southwest boundary of Ancaster formed part of the "Indian Line."
- The eastern boundary was formed in 1788 when it became the western boundary of Township Number Eight (Barton), the survey of which was completed in that year.



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- The northern boundary was formed in 1793, when the newly appointed Lieutenant Governor of Upper Canada ordered a military road to be built in a straight line to the LaTranche River (now the Thames), starting in the northwest corner of Barton Township. This road is now known as Governor's Road.

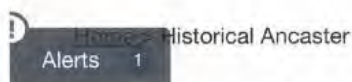
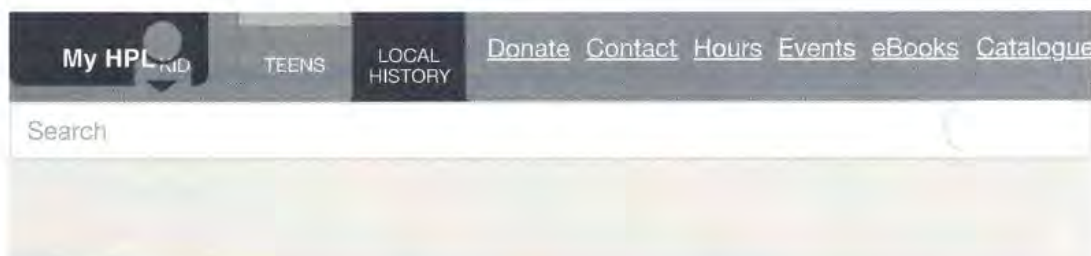


You can see a map of old Ancaster at

<http://digital.library.mcgill.ca/CountyAtlas/SearchMapframes.php>

Search on **Township** of Ancaster for a broader map, or **Town** of Ancaster for a smaller map of the immediate area around Wilson Street and details of some residents.

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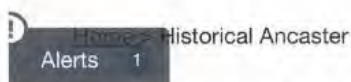
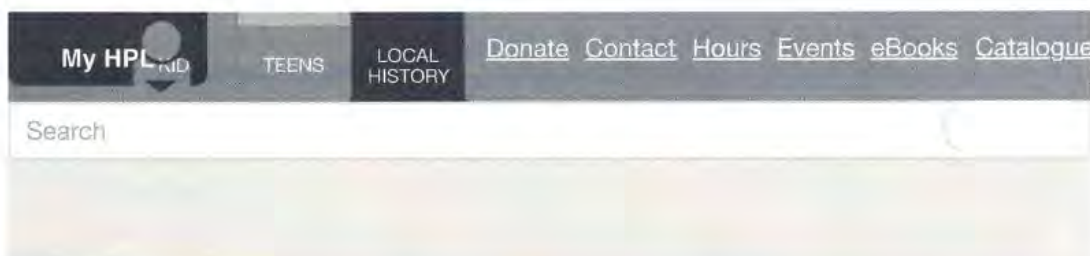
## Historical Ancaster

Established in 1792, Ancaster was briefly known as Wilson's Mills, after James Wilson who had established a saw and gristmill there. The location was ideal as the Mohawk Road was in existence and at the time was one of the major transportation routes in Upper Canada, connecting the Niagara Peninsula with the northern interior. The following year, the community came to be known as the Township of Ancaster, taking its name from Ancaster, a community located south of the city of Lincoln in the Lincolnshire District of England. The Township of Ancaster became a part of Wentworth County in 1816.

Located beside the natural break in the Niagara Escarpment, and beside a significant creek flowing over it, the police village of Ancaster became the location of a large number of mills that took advantage of the available waterpower. When the government of Upper Canada decided that its capital, Newark (now known as Niagara-on-the-Lake) was located too close to the American border, the choice for the new capital was between Ancaster and York (now Toronto). Ancaster's pre-eminence at the Head of Lake Ontario region began to decline with the opening of the Burlington Canal, connecting Hamilton Harbour with Lake Ontario, in the 1820's. Among other factors, competition with the Town of Dundas whose location was on more favourable transportation routes (York Road, Governor's Road, etc.) led to Ancaster's dominant commercial position in the area.

By the mid-19th century, the City of Hamilton had attained the dominant position among municipalities and Ancaster was a relative stable, if not declining, community in terms of population, economic activity etc. With the construction of the Hamilton and Brantford Electric Railway reached as far as Ancaster in 1907,

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the character of the village started to change. More and more Hamilton businessmen found it convenient to work in the city's downtown core, commuting back and forth to their homes in the expanding residential surveys in Ancaster. At the same time, the Hamilton Golf and Country Club relocated from its course in the west end of the city (now Chedoke Golf Course). Internationally famous golf course designer H.S. Colt laid out the Ancaster location for the Hamilton Golf and Country Club. It remains one of Ontario's and Canada's finest golf courses.

In 1973 Bill 155 created the Regional Municipality of Hamilton-Wentworth. As of January 1, 1974, the predominately rural Township of Ancaster as well as the village of Ancaster itself became known as the Town of Ancaster. On January 1, 2002, the Town of Ancaster was amalgamated with several other communities to form the City of Hamilton. Although the formal end of the municipal body known as the Town of Ancaster happened at that time, Ancaster retains a strong community identity and pride. Its history, traditions and location remain as vital components of the new city's community of communities.

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## Joseph Pigott

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**Joseph M. Pigott** was a prominent Canadian businessman, who jointly ran Pigott Construction Company, responsible for some of Canada's largest industrial plants and finest buildings.

### Contents

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### Career

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He was born in Hamilton, Ontario on February 23, 1885, the son of a prominent Irish contractor (Michael Pigott, himself the founder of Pigott Construction Co. and the son of an Irish farmer who emigrated to Canada and settled near Guelph).

In 1903 he began working for his father's construction company. In 1909 Pigott travelled to Saskatchewan with his younger brother Roy where they secured a large contract to build St. Paul's Hospital in Saskatoon.

While in the West, Pigott met and married Yvonne Prince, daughter of the Honorable Joseph Benjamin Prince of Battlefield, Saskatchewan. They had 6 sons: William, Jean-Jacques, Joseph, Patrick, Ronald and Paul.

Together the brothers would direct Pigott Construction to fortune and fame. Roy looked after the engineering and Joseph took care of the business administration. The first \$1,000,000 year came in 1926, and in 1930, Hamilton's earliest skyscraper, the 18-storey Pigott Building, was completed.

After the Second World War, Pigott Construction was Canada's largest privately owned construction company, amassing more than \$113,000,000 in business in a single year.

Pigott built some of Canada's largest industrial plants and finest buildings: the Royal Ontario Museum, Toronto; Crown Life Insurance Company head office, Toronto; Bank of Canada, Ottawa; a plant for General Motors, Oshawa, and buildings for A. V. Roe Company in Malton. In Hamilton, buildings built by his firm included: the Canadian Westinghouse offices, Banks of Nova Scotia, Royal and Montreal, McMaster University, the County Court House, Westdale Secondary School, St. Joseph's Hospital, the Pigott Building, the new City Hall and the Cathedral of Christ the King.




Piggot Building, "Hamilton's first skyscraper"

## Honours

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Pigott was honoured for many of his accomplishments:

 Knight Commander of the Order of St. Gregory the Great and later "Con Placa" - in recognition of the Cathedral, by Pope Pius XI.

Commander of The Most Excellent Order of the British Empire (in 1946), in recognition of his services to the Government of Canada during the war, particularly as president of the Wartime Housing Ltd.

Knight of magistral grace of the Sovereign Military Order of Malta (in 1953) and awarded the honorary degree of LL.D by McMaster University (1962) in consideration of his contributions to social welfare and to the political and intellectual life of Christian society.

## Other roles

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He was a former president of the Canadian Construction Association, Hamilton Chamber of Commerce, a former vice-president and director of the Toronto-Dominion Bank, president of Pigott Realty Ltd., vice-president and director of North American Life Assurance Company, director of Canada Permanent Trust Company, Atlas Steels Ltd., and United Fuel Investments Ltd. Pigott was also a former president of the board of governors of the Art Gallery of Hamilton, a director of the Ontario Heart Foundation, chairman of the advisory committee of St. Joseph's Hospital, a member of the Hamilton Club, the Hamilton Golf and Country Club and the National Club of Toronto. Pigott played an enormous role in the development of Hamilton. He died in Hamilton on 20 April 1969.

## See also

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- List of tallest buildings in Hamilton, Ontario

## References

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Sources of this information include content from the Hamilton Hall of Fame Inductees as well as information coming from the University of McMaster archives (whose reflections come from the donation of Joseph M. Pigotts daily journals donated to the University in 2000).

## External links

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- <http://www.hhca.ca/hall%20of%20fame/inductees/j.m.pigott.asp>
  - <http://library.mcmaster.ca/archives/findaids/fonds/p/pigott.htm>
- 

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**Orders for Large Apparatus Recover**

Over 100 orders for large apparatus recoverers have been received from the Canadian Armed Forces since the introduction of the new design in 1980. The new design is a 2400 lb. apparatus recoverer with a 1000 lb. capacity. It is designed to recover large apparatus such as ambulances, fire trucks, and other heavy vehicles. The new design is a 2400 lb. apparatus recoverer with a 1000 lb. capacity. It is designed to recover large apparatus such as ambulances, fire trucks, and other heavy vehicles.

**Braking Systems for the "Red Rocket" Streetcars**

The new design is a 2400 lb. apparatus recoverer with a 1000 lb. capacity. It is designed to recover large apparatus such as ambulances, fire trucks, and other heavy vehicles.

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*Industrial Hamilton's Contribution to the Naval War*

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shops and then shipped to marine engine builders in Toronto and Montreal for finishing." Due to shortages and substitutions in key metals, wastage rates in the production process were exceedingly high by commercial standards. A standing order at the John Inglis Company in Toronto for 20 ton and 70 ton Worthington-Simpson pumps destined for installation in frigates was delayed because Canadian Westinghouse, Otis-Fensom Elevator Company, and Tallman Brass Company in Hamilton experienced too many rejected castings." The inability of companies to deliver forged parts and components had a trickle down effect on the completion of marine engines and the ships they went into. However, marine work became a sideline for Canadian Westinghouse once Hamilton Munitions Limited, a crown company operating from an adjacent plant, went into gun production. On the electrical side, Hamilton was somewhat better positioned to meet the requirements for electrical fittings and apparatus going into ships from Canadian Westinghouse production.

Canada boasted an advanced electrical manufacturing industry following North American standards and integration centered round the Toronto and Hamilton areas. Over time, this industry was adapted and organized quite comprehensively to meet war purposes in Canada, from the generation of electrical power to the production of armaments and related electrical apparatus in dedicated war plants." Canadian General Electric Company and Canadian Westinghouse, branch plants of American industry leaders, were at the forefront of Canadian electrical manufacturing. Company engineers belonged to American professional associations and kept abreast of the latest developments and production techniques in the field.<sup>6</sup> These connections represented an indispensable means to exchange information about industry-wide practice. The principle problem was the different specifications and voltage called for in British ship and electrical plans, often requiring considerable reworking and redesign on the part of the companies involved. The British Admiralty Technical Mission, which provided overseers and inspection of electrical fittings, accepted some adoption of North American standards, but ships destined for British end-use usually followed Admiralty patterns." To do otherwise created problems with servicing and maintenance when ships became operational with British fleets or operating out of British-controlled ports and bases. Since the Royal Canadian Navy preferred Canadian standards to North American voltage, it was not uncommon for electrical manufacturers like Canadian Westinghouse to be producing the same items for the same class of ship to two entirely different specifications. The range of products made at Canadian Westinghouse included

<sup>6</sup> "Down to the Sea in Ships go Westinghouse marine engine castings..." *Westinghouse Employees' Magazine* Vol. 1 No. 8, (October 1943), 4-5.

<sup>7</sup> Letter, P.J. Baldwin to George C. Bateman, 22 October 1943, City of Toronto Archives, Toronto, John Inglis Company fonds, Fonds 1297 Series A5 Box 16 (196599) File "Department of Munitions and Supply 1943."

<sup>8</sup> "Electrical Firms Devote Plants to Major War Tasks," *Hamilton Spectator* (28 December 1943).

<sup>9</sup> Annual Joint Meeting, Hamilton Branch American Institute of Electrical Engineers, 10 April 1942, QUA, Collection 3621.1 Series I Box 2 File 17.

<sup>10</sup> Letter, Engineer Rear Admiral H. A. Sheridan to Engineer Captain G. L. Stephens, 22 November 1941, L A C, RG 24 Series D-1-a Vol. 5602 File 29-1-31 pt.5.

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*The Northern Mariner/Le marin du nord*

generators, electric-powered motors, floodlights, and other specialized electrical apparatus. When British-designed motors and blowers failed in Canadian warships under operational conditions, technical engineers in Hamilton designed and tested new models for ventilation purposes." From a material and technical perspective, the amount of Canadian content thereby increased, and less dependence on foreign sources of supply was possible. The war years proved extremely lucrative for Canadian Westinghouse, which recorded \$23.1 million in profit after expenses during the tenure of president John Read between 1940 and 1949." Naval work accounted for a fraction of this business, though among Hamilton companies engaged in electrical manufacturing, Canadian Westinghouse could bid with confidence on immediate and future work related to shipbuilding and the Royal Canadian Navy based on its war production record.

Despite the lack of a full-fledged shipyard in Hamilton during the war, some outfitting of minesweepers and fabrication work took place within city limits on behalf of the British. Shipyards on the Ontario side of the Great Lakes were designated mostly for construction of warships due to size limitations and marginal facilities. The Wolvin group, the only established pre-war shipbuilding conglomerate, was run out of Montreal and maintained the illusion of competition to maximize government dry dock subsidies through shipyards situated at Kingston, Collingwood, Midland, and Port Arthur. Hamilton possessed no existing shipbuilding concerns, though vacant lands adjoining the harbour area were suitable for such purposes. The Hamilton Harbour Commission, a quasi public-private body, maintained several harbour-side warehouses for transshipment of freight and goods. Canadian Steamship Lines possessed a large warehouse, and the steel companies built slips and docks for the unloading of coal and raw materials by barges and lake ships. Hamilton's controller A.H. Frame, a long-time advocate of shipbuilding for Hamilton, tirelessly lobbied the Dominion government and local members of parliament: "I have been working in the hope of having shipyards built at Hamilton, as an additional industry, but since the war, and particularly within the last few months, I feel the location of such an industry here could help considerably in the successful prosecution of the war."<sup>10</sup> Hamilton possessed the advantage of nearby supporting industries for the supply of steel plate, propulsion machinery, and related components, but the harbour was iced up part of the year and an available labour market reaching its ceiling with a looming housing shortage worked against adding the burden of one more industry. For their part, civic and public officials largely looked upon shipbuilding as a means of continued employment once armaments production tapered off and reconstruction began.

But, in the end, no private interests stepped forward to undertake the risks

<sup>10</sup> "How Fighting Ships Breathe," *Westinghouse Employees' Magazine* Vol. 3 No. 7 (September 1945), 7.

<sup>11</sup> "Financial History of Canadian Westinghouse," 1960, McMaster, *Canadian Westinghouse Company* fonds, Series 3 Box 16 File 4.

<sup>12</sup> "Will Urge Shipbuilding Program for Hamilton," *Hamilton Spectator* (12 April 1941). A later newspaper editorial applauded Frame for his efforts and felt that shipbuilding "is an industrial achievement which Hamilton is well able to perform." "Hamilton Can Build Them," *Hamilton Spectator* (6 February 1942).

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May 31, 2021

Shannon McKie  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Maureen Wilson  
Councillor Ward 1  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. McKie and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016  
1107 Main Street West, Hamilton (Ward) 1  
Addendum on Environmental concerns and adverse health impacts relating to the  
proposed development as a result of updated PPS 2020 policies on better adaptation  
and response to the impacts of a changing climate and use of green infrastructure**

In a prior letter dated December 10, 2020 the concerns relating to the air quality at Main Street West and Hwy 403, as measured by the Province of Ontario Hamilton West Ambient Air Monitoring Station, was presented. The supporting documentation and material relied on readings and level of air quality and air contaminants up to December 2020.

With the revisions to the PPS by adding an increased emphasis on: 1) air quality and a changing climate; 2) the mitigating effects of green infrastructure; and, 3) the recognition that the changing climate can vary from region to region, and from a regional level to a local level, it is incumbent to provide updated material relating to the calendar year 2021.

Just as the PPS recognizes variances between regions, and between a region and local level, so too variances exist between “transit corridors” and even between sections of the same transit corridor. This circumstance is especially true with the Main Street West transit corridor, and the section where Main Street runs parallel and in close proximity to Hwy 403, which is the exact location of the proposed development.

Ambient air readings in the past indicated extremely high nitrogen dioxide levels in excess of 586 ppb. Unfortunately, with a changing climate, and the dramatic increase in the number of temperature inversion days, and projected increased traffic volumes on Hwy 403, as well as truck and commercial traffic along Main Street West, even with a LRT higher order transit corridor, the ambient air pollution levels will only increase and detrimentally impact upon the health of all the residents in the area.

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The factors all set out in the earlier letter remain true today, and the Applicant’s proposed removal of beneficial green space and the cutting down of 25 mature trees and other vegetation, and the failure to provide any worthwhile green infrastructure in its place, is entirely inconsistent with the policies set out in PPS 2020 for a safer and healthier community in light of the alarming levels of air quality that already exist at the site.

To this extent I have attached the following set of material as Schedules to this letter as follows:

- 1) Hamilton West: Hourly Nitrogen Dioxide Readings from March 22 to March 24, 2021

It should be noted that the harmful effects of nitrogen dioxide on children were identified in a medical study referred to previously as occurring on average readings of 14.84 ppm. But in the attached chart setting out a 72-hour reading of hourly levels, only 11 hours were below this standard while the other 61 hours were above it and often substantially above.

- 2) Hamilton West: Hourly Air Quality Health Index Readings (AQHI)

These chart printouts are for the following time frames:

- a) Feb. 21, 2021 to Feb. 23, 2021
- b) March 22, 2021 to March 24, 2021
- c) April 8, 2021 to April 10, 2021
- d) May 16, 2021 to May 18, 2021
- e) May 19, 2021 to May 21, 2021

- 3) Special Air Quality Statement as issued by the Environment Canada and Province of Ontario

The Air Ambient Monitoring Station at Main Street West and Hwy 403 issues alerts when air quality levels reach high risk or level “7”. It should be noted however, some residents, such as seniors, children and those already suffering health issues, may begin to feel health impacts and symptoms at much lower levels, such as a “4” which is considered a moderate risk for the general public. A copy of a Special Air Quality Statement issued at 3:38 pm on May 19, 2021 and sent out by email at 4:01 pm is attached. This Statement corresponds to the high Air Quality Health Index Readings of Level “7” at the Hamilton West Air Ambient Monitoring Station.

- 4) Nitrogen Dioxide NO2 Concentrations across the Province

A sample of the printouts for Nitrogen Dioxide levels at the same hour on the same day from all the ambient air monitoring stations across Ontario, indicate the high levels that are read at the Main Street West Hwy 403 station. Not only is this the highest reading in Hamilton on these dates, but it is substantially higher than all the other stations in Ontario. This higher level for the



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Hamilton West station applies when the readings are elevated and also when the readings are at the lower end of the scale. Attached as a Schedule are the following printouts:

- a) February 4, 2021
- b) March 9, 2021
- c) March 22, 2021
- d) May 16, 2021
- e) May 19, 2021
- f) May 20, 2021
- g) May 22, 2021
- h) May 23, 2021
- i) May 24, 2021

**Conclusion**

In light of the above updated material and readings from 2021 at the Main West Air Ambient Monitoring Station, which confirm the harmful impacts of a changing climate and the increase in temperature inversion days, and based on all the listed factors previously set out in my letter dated December 10, 2020, it is clear that the proposed redevelopment of the property is not consistent with the PPS 2020.

The excessive height, density and massing of this proposed 15-storey high-rise, and the removal of vegetation and mature trees from the site without the much-needed replacement landscape buffering and green infrastructure required to mitigate against ever increasing levels of harmful air pollution from both traffic related emissions and other sources, clearly indicate that the proposed development will detrimentally impact upon the health and safety of the residents living in this neighbourhood.

For this reason, it is submitted that the most appropriate, and indeed the only level of intensification that can be accommodated at this particular and uniquely vulnerable site, is a three to six storey low-rise building. It should be further provided that the built form and design of any low-rise building approved for the site, be required to incorporate all the mitigating and abating benefits of adequate green space landscape buffering and landscaping setbacks, and the full utilization of green infrastructure in order to prepare for the impacts of a changing climate and the greater traffic volumes and congestion arising from Hwy 403 and the Main Street West traffic corridor.

I also kindly request that this letter, as well as my prior letter of December 10, 2020, if not already forwarded, be circulated to the Environmental Review Department and the Health Department of the City of Hamilton for their review and comments, and that their responses be available for the Planning Committee Meeting that will be hearing these two Applications.

Thank you for your assistance and if you have any questions or require any further information, please do not hesitate to contact me.

Yours very truly,



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MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

ONTARIO.CA | MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS | ACCESS ENVIRONMENT

Air Quality Ontario > Pollutants > Hamilton West: Hourly Nitrogen Dioxide Concentrations

Choose Station: **Hamilton West** | Pollutants: **Nitrogen Dioxide (NO2)** | Day: **22** | Month: **March** | Year: **2021** | Chart  Table  | Refresh Page

**Hamilton West: Hourly Nitrogen Dioxide Readings**

Pollutant data for this station for a three-day period.

Date	12 AM	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
22-Mar-2021	36.9	33.9	33.5	32.8	N/A	32.9	34.7	36.8	40.5	40.3	N/A	N/A	N/A	N/A	N/A	8.4	8.4	3.3	4.9	29.4	36.7	48.5	45.3	43.7
23-Mar-2021	39.2	36.7	35.7	37	36.9	35.9	39.7	40.5	43.9	45.1	46.4	48.3	47.3	42.6	20.3	26.1	26.1	20.3	23.4	13.5	26.4	26.3	19.9	23.3
24-Mar-2021	34	39.1	31.6	24.1	34.2	28.8	35.1	32	35.2	28.8	23.3	16.6	15.5	15.5	20.8	24.9	32	28.5	31.6	36.3	40.2	23.8	31.4	31.4

[Previous](#)

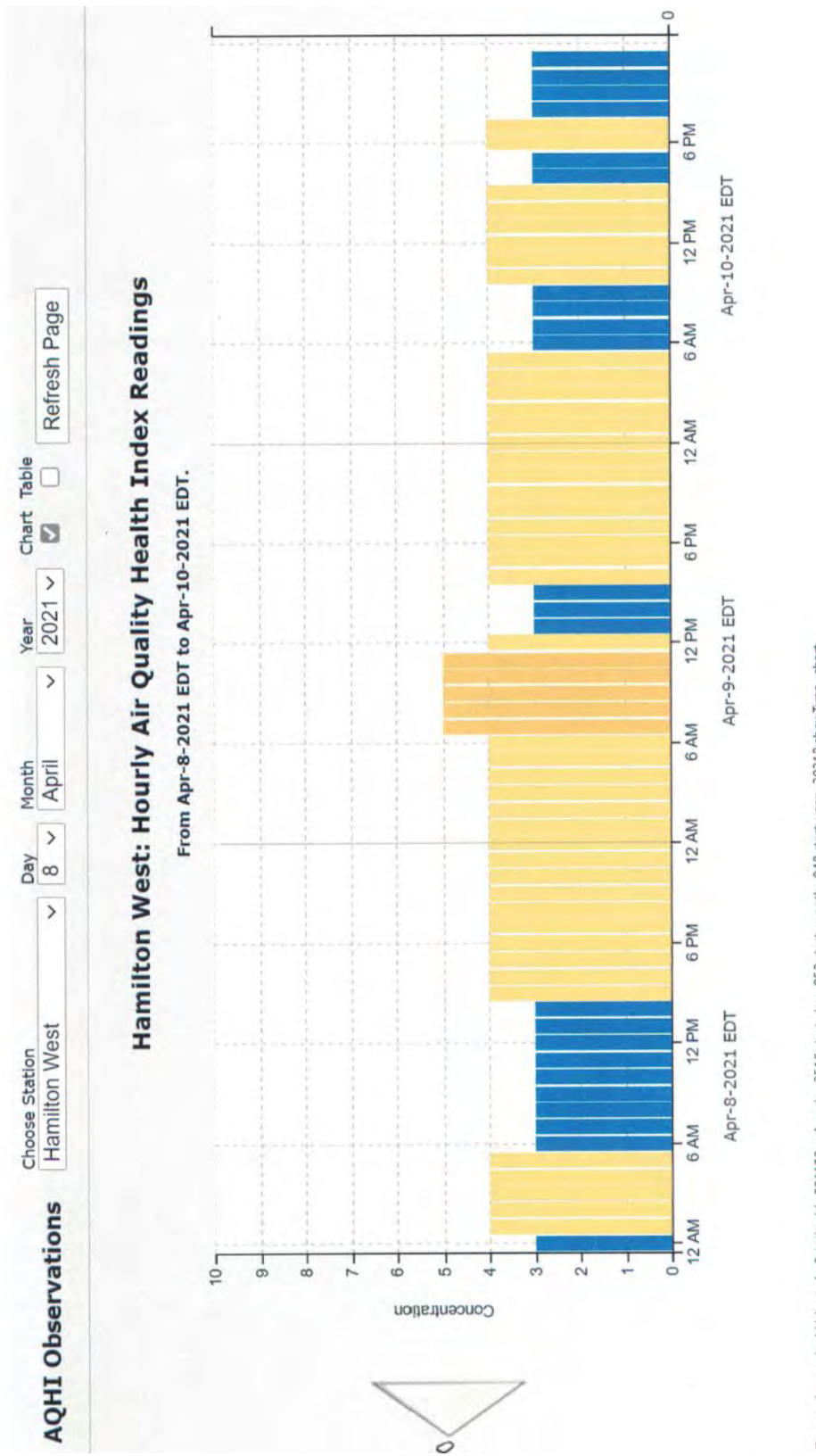
[Next](#)

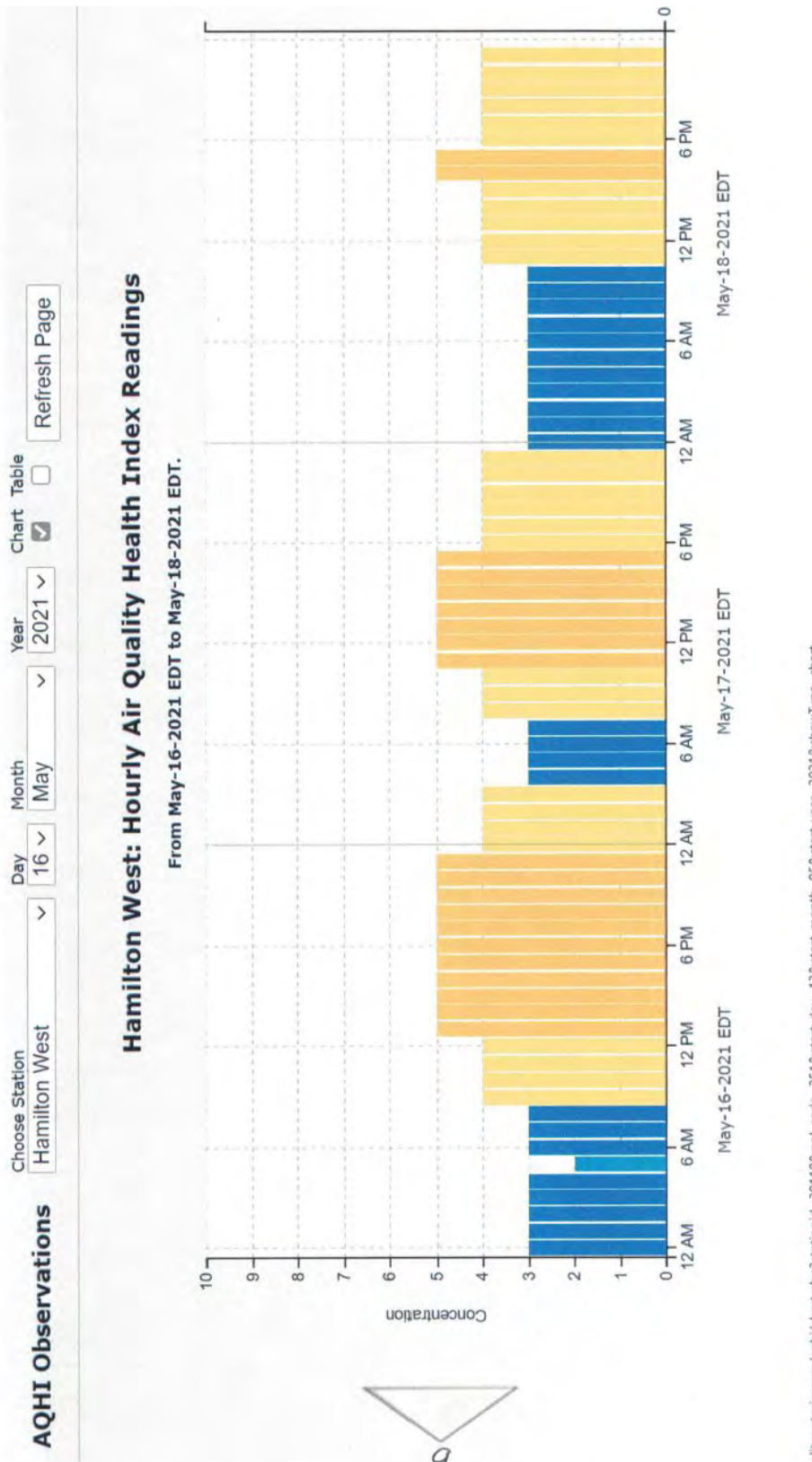
01



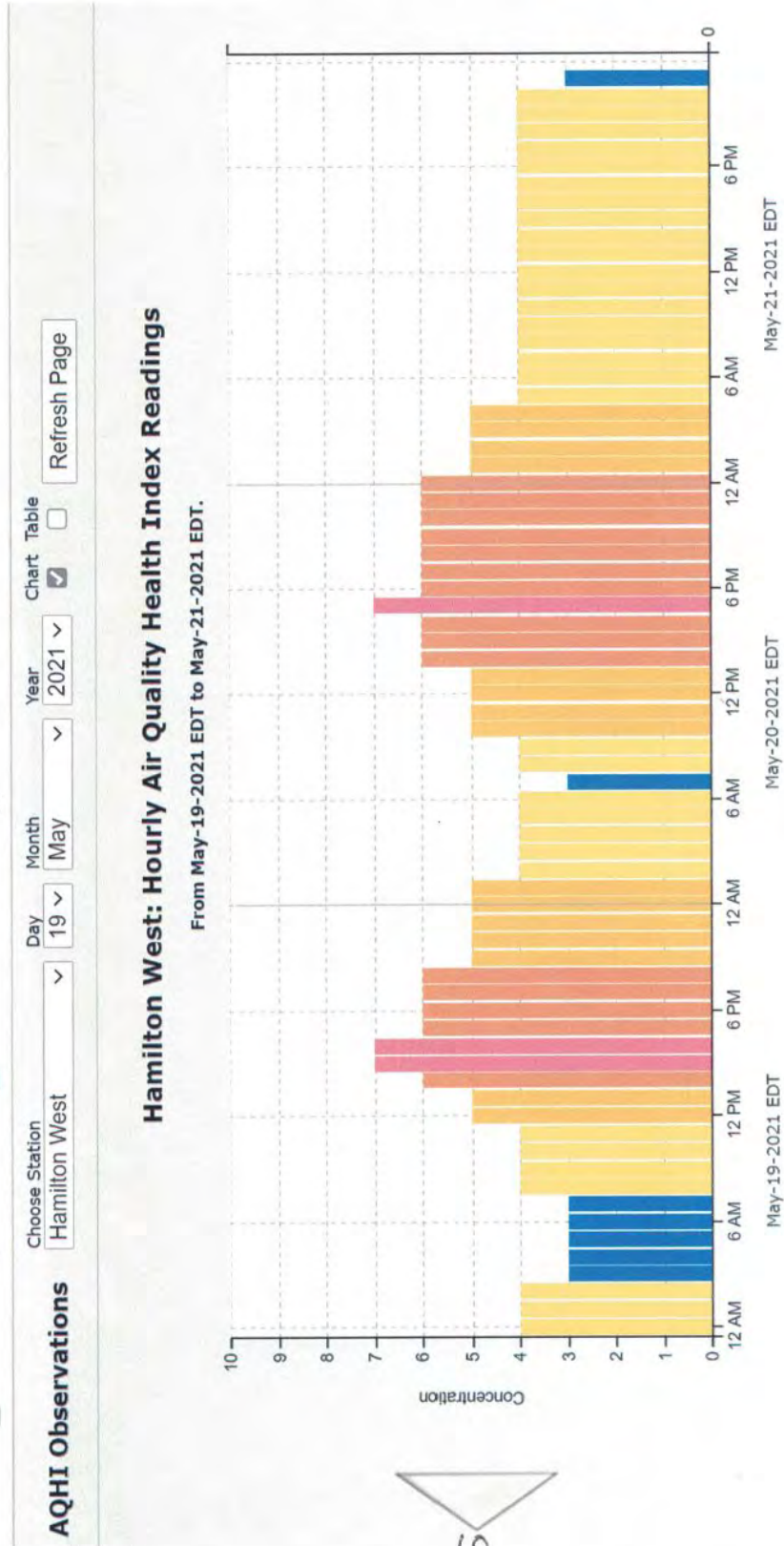












From: admin@airqualityontario.com  
Subject: Special Air Quality Statement  
Date: May 19, 2021 at 4:01:41 PM  
To: ~~admin@airqualityontario.com~~

---

Issued at 2021-05-19 15:38PM EDT by  
Environment Canada, the Province of Ontario:  
**Special air quality statement issued for:**  
City of Hamilton, Ont. (046100)

Current details:

High levels of air pollution have developed in parts of Hamilton. The observed AQHI values for Hamilton are generally in the moderate risk category, however stagnating weather conditions have resulted in increasing levels of fine particles and nitrogen dioxide in Downtown Hamilton. High risk AQHI values are expected to persist for a few hours at this location.

Individuals may experience symptoms such as increased coughing, throat irritation, headaches or

shortness of breath. Children, seniors, and those with cardiovascular or lung disease, such as asthma, are especially at risk.

Visit [www.airhealth.ca](http://www.airhealth.ca) for information on how to reduce your health risk and your personal contribution to pollution levels, as well as for current and forecast AQHI values.

Please continue to monitor alerts and forecasts issued by Environment Canada.

If you are experiencing symptoms, such as coughing or throat irritation, consider reducing or rescheduling strenuous outdoor activities until the special air quality statement is lifted. Exposure to air pollution is particularly a health concern for people with heart or breathing problems, those with diabetes, children and the elderly.



special air quality statement in effect

The latest status and details on all alerts, including alerts that are not part of your subscription, can be found here: [http://www.weather.gc.ca/warnings/index\\_e.html](http://www.weather.gc.ca/warnings/index_e.html)

This is an automated email from EC Alert me and replies to this message will neither be read nor receive a response.

To unsubscribe from these emails please go to <http://www.airqualityontario.com/alerts/signup.php?action=7>.

If you wish to contact us, please email us at [ec.meteo.ec@canada.ca](mailto:ec.meteo.ec@canada.ca).

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**Nitrogen Dioxide NO2:**

Day  
4 ▾  
 Month  
February ▾  
 Year  
2021 ▾  
 Hour  
10:00 pm ▾  
 Pollutant  
NO2 (ppb) ▾  
 Show as Map

Nitrogen Dioxide NO2 Concentrations for Thursday, February 4, 2021, 10:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
<a href="http://www.ontario.ca/history/station.php?stationid=47045">Barrie (http://www.ontario.ca/history/station.php?stationid=47045)</a>	83 Perry St.	7.6
<a href="http://www.ontario.ca/history/station.php?stationid=54012">Belleville (http://www.ontario.ca/history/station.php?stationid=54012)</a>	2 Sidney St., Water Treatment Plant	6.3
<a href="http://www.ontario.ca/history/station.php?stationid=46090">Brampton (http://www.ontario.ca/history/station.php?stationid=46090)</a>	109 Mclaughlin Rd. S.	13.9
<a href="http://www.ontario.ca/history/station.php?stationid=21005">Brantford (http://www.ontario.ca/history/station.php?stationid=21005)</a>	324 Grand River Ave.	9.1
<a href="http://www.ontario.ca/history/station.php?stationid=44008">Burlington (http://www.ontario.ca/history/station.php?stationid=44008)</a>	North Shore Blvd. E. Lakeshore Rd.	6.1
<a href="http://www.ontario.ca/history/station.php?stationid=13001">Chatham (http://www.ontario.ca/history/station.php?stationid=13001)</a>	435 Grand Ave. W.	6.3
<a href="http://www.ontario.ca/history/station.php?stationid=56051">Cornwall (http://www.ontario.ca/history/station.php?stationid=56051)</a>	Bedford St. 3rd St. W.	12.5
<a href="http://www.ontario.ca/history/station.php?stationid=15020">Grand Bend (http://www.ontario.ca/history/station.php?stationid=15020)</a>	Point Blake Conservation Area	4.6
<a href="http://www.ontario.ca/history/station.php?stationid=28028">Guelph (http://www.ontario.ca/history/station.php?stationid=28028)</a>	Exhibition St. Clark St. W.	8.9
<a href="http://www.ontario.ca/history/station.php?stationid=29000">Hamilton Downtown (http://www.ontario.ca/history/station.php?stationid=29000)</a>	Elgin St. Kelly St.	38.9
<a href="http://www.ontario.ca/history/station.php?stationid=29214">Hamilton Mountain (http://www.ontario.ca/history/station.php?stationid=29214)</a>	250 Fennell Ave. W.	21.6
<a href="http://www.ontario.ca/history/station.php?stationid=29118">Hamilton West (http://www.ontario.ca/history/station.php?stationid=29118)</a>	Main St. W. Hwy 403	40.4
<a href="http://www.ontario.ca/history/station.php?stationid=52023">Kingston (http://www.ontario.ca/history/station.php?stationid=52023)</a>	23 Beechgrove Lane	4.3
<a href="http://www.ontario.ca/history/station.php?stationid=26060">Kitchener (http://www.ontario.ca/history/station.php?stationid=26060)</a>	West Ave. Homewood Ave.	10.6
<a href="http://www.ontario.ca/history/station.php?stationid=15026">London (http://www.ontario.ca/history/station.php?stationid=15026)</a>	42 St. Julien St.	5.5
<a href="http://www.ontario.ca/history/station.php?stationid=44029">Milton (http://www.ontario.ca/history/station.php?stationid=44029)</a>	1120 Main St. E.	19
<a href="http://www.ontario.ca/history/station.php?stationid=46108">Mississauga (http://www.ontario.ca/history/station.php?stationid=46108)</a>	3359 Mississauga Rd. N., U of T 5 Campus	5
<a href="http://www.ontario.ca/history/station.php?stationid=48006">Newmarket (http://www.ontario.ca/history/station.php?stationid=48006)</a>	Eagle St. W. McCaffrey Rd.	7.4
<a href="http://www.ontario.ca/history/station.php?stationid=75010">North Bay (http://www.ontario.ca/history/station.php?stationid=75010)</a>	Chippewa St. W., Dept. National Defence	7.1
<a href="http://www.ontario.ca/history/station.php?stationid=44017">Oakville (http://www.ontario.ca/history/station.php?stationid=44017)</a>	Eighth Line, Glenashton Dr., Halton Res.	8.3
<a href="http://www.ontario.ca/history/station.php?stationid=45027">Oshawa (http://www.ontario.ca/history/station.php?stationid=45027)</a>	Brittania Ave. W., Ep Taylor Stables	5.2
<a href="http://www.ontario.ca/history/station.php?stationid=51001">Ottawa Downtown (http://www.ontario.ca/history/station.php?stationid=51001)</a>	Rideau St. Wurtemberg St.	38.3
<a href="http://www.ontario.ca/history/station.php?stationid=49005">Parry Sound (http://www.ontario.ca/history/station.php?stationid=49005)</a>	7 Bay St.	3.7

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<u>Peterborough (<a href="http://www.ontario.ca/history/station.php?stationid=59006">http://www.ontario.ca/history/station.php?stationid=59006</a>)</u>	10 Hospital Dr.	17.1
<u>Port Stanley (<a href="http://www.ontario.ca/history/station.php?stationid=16015">http://www.ontario.ca/history/station.php?stationid=16015</a>)</u>	43665 Dexter Line, Elgin Water T. Pit	5.2
<u>Sarnia (<a href="http://www.ontario.ca/history/station.php?stationid=14111">http://www.ontario.ca/history/station.php?stationid=14111</a>)</u>	700 Christina St. N.	8.5
<u>Sault Ste. Marie (<a href="http://www.ontario.ca/history/station.php?stationid=71078">http://www.ontario.ca/history/station.php?stationid=71078</a>)</u>	Sault College	4.1
<u>St. Catharines (<a href="http://www.ontario.ca/history/station.php?stationid=27067">http://www.ontario.ca/history/station.php?stationid=27067</a>)</u>	Argyle Cres., Pump Stn.	16.3
<u>Sudbury (<a href="http://www.ontario.ca/history/station.php?stationid=77233">http://www.ontario.ca/history/station.php?stationid=77233</a>)</u>	155 Elm St.	13.2
<u>Thunder Bay (<a href="http://www.ontario.ca/history/station.php?stationid=63203">http://www.ontario.ca/history/station.php?stationid=63203</a>)</u>	421 James St. S.	2.7
<u>Toronto Downtown (<a href="http://www.ontario.ca/history/station.php?stationid=31129">http://www.ontario.ca/history/station.php?stationid=31129</a>)</u>	55 John St.	8
<u>Toronto East (<a href="http://www.ontario.ca/history/station.php?stationid=33003">http://www.ontario.ca/history/station.php?stationid=33003</a>)</u>	Kennedy Rd, Lawrence Ave. E.	5
<u>Toronto North (<a href="http://www.ontario.ca/history/station.php?stationid=34021">http://www.ontario.ca/history/station.php?stationid=34021</a>)</u>	4905 Dufferin St., Eccc	9.4
<u>Toronto West (<a href="http://www.ontario.ca/history/station.php?stationid=35125">http://www.ontario.ca/history/station.php?stationid=35125</a>)</u>	125 Resources Rd.	13
<u>Windsor Downtown (<a href="http://www.ontario.ca/history/station.php?stationid=12008">http://www.ontario.ca/history/station.php?stationid=12008</a>)</u>	467 University Ave. W.	6
<u>Windsor West (<a href="http://www.ontario.ca/history/station.php?stationid=12016">http://www.ontario.ca/history/station.php?stationid=12016</a>)</u>	College Ave. South St.	3.6

**Ontario's Ambient Air Monitoring Stations**

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Thursday, February 4, 2021, 10:00 pm for Thursday, February 4, 2021, 10:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php))

**Note:** N/A (Not Available) denotes invalid or missing data.  
Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb



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**Nitrogen Dioxide NO2:**

Day  
9 ▾  
Month  
March ▾  
Year  
2021 ▾  
Hour  
9:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Tuesday, March 9, 2021, 9:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
<a href="http://www.ontario.ca/history/station.php?stationid=47045">Barrie (http://www.ontario.ca/history/station.php?stationid=47045)</a>	83 Perry St.	11.7
<a href="http://www.ontario.ca/history/station.php?stationid=54012">Belleville (http://www.ontario.ca/history/station.php?stationid=54012)</a>	2 Sidney St., Water Treatment Plant	11.2
<a href="http://www.ontario.ca/history/station.php?stationid=46090">Brampton (http://www.ontario.ca/history/station.php?stationid=46090)</a>	109 Mclaughlin Rd. S.	28
<a href="http://www.ontario.ca/history/station.php?stationid=21005">Brantford (http://www.ontario.ca/history/station.php?stationid=21005)</a>	324 Grand River Ave.	6.4
<a href="http://www.ontario.ca/history/station.php?stationid=44008">Burlington (http://www.ontario.ca/history/station.php?stationid=44008)</a>	North Shore Blvd. E. Lakeshore Rd.	24.2
<a href="http://www.ontario.ca/history/station.php?stationid=13001">Chatham (http://www.ontario.ca/history/station.php?stationid=13001)</a>	435 Grand Ave. W.	6.1
<a href="http://www.ontario.ca/history/station.php?stationid=56051">Cornwall (http://www.ontario.ca/history/station.php?stationid=56051)</a>	Bedford St. 3rd St. W.	35.8
<a href="http://www.ontario.ca/history/station.php?stationid=15020">Grand Bend (http://www.ontario.ca/history/station.php?stationid=15020)</a>	Point Blake Conservation Area	2.9
<a href="http://www.ontario.ca/history/station.php?stationid=28028">Guelph (http://www.ontario.ca/history/station.php?stationid=28028)</a>	Exhibition St. Clark St. W.	18.4
<a href="http://www.ontario.ca/history/station.php?stationid=29000">Hamilton Downtown (http://www.ontario.ca/history/station.php?stationid=29000)</a>	Elgin St. Kelly St.	29.9
<a href="http://www.ontario.ca/history/station.php?stationid=29214">Hamilton Mountain (http://www.ontario.ca/history/station.php?stationid=29214)</a>	250 Fennell Ave. W.	9.3
<a href="http://www.ontario.ca/history/station.php?stationid=29118">Hamilton West (http://www.ontario.ca/history/station.php?stationid=29118)</a>	Main St. W. Hwy 403	39.9
<a href="http://www.ontario.ca/history/station.php?stationid=52023">Kingston (http://www.ontario.ca/history/station.php?stationid=52023)</a>	23 Beechgrove Lane	7
<a href="http://www.ontario.ca/history/station.php?stationid=26060">Kitchener (http://www.ontario.ca/history/station.php?stationid=26060)</a>	West Ave. Homewood Ave.	21.3
<a href="http://www.ontario.ca/history/station.php?stationid=15026">London (http://www.ontario.ca/history/station.php?stationid=15026)</a>	42 St. Julien St.	6.2
<a href="http://www.ontario.ca/history/station.php?stationid=44029">Milton (http://www.ontario.ca/history/station.php?stationid=44029)</a>	1120 Main St. E.	19.4
<a href="http://www.ontario.ca/history/station.php?stationid=46108">Mississauga (http://www.ontario.ca/history/station.php?stationid=46108)</a>	3359 Mississauga Rd. N., U of T Campus	21.1
<a href="http://www.ontario.ca/history/station.php?stationid=48006">Newmarket (http://www.ontario.ca/history/station.php?stationid=48006)</a>	Eagle St. W. McCaffrey Rd.	23.4
<a href="http://www.ontario.ca/history/station.php?stationid=75010">North Bay (http://www.ontario.ca/history/station.php?stationid=75010)</a>	Chippewa St. W., Dept. National Defence	18.2
<a href="http://www.ontario.ca/history/station.php?stationid=44017">Oakville (http://www.ontario.ca/history/station.php?stationid=44017)</a>	Eighth Line, Glenashton Dr., Halton Res.	23.8
<a href="http://www.ontario.ca/history/station.php?stationid=45027">Oshawa (http://www.ontario.ca/history/station.php?stationid=45027)</a>	Brittania Ave. W., Ep Taylor Stables	9.6
<a href="http://www.ontario.ca/history/station.php?stationid=51001">Ottawa Downtown (http://www.ontario.ca/history/station.php?stationid=51001)</a>	Rideau St. Wurtemberg St.	32.3
<a href="http://www.ontario.ca/history/station.php?stationid=49005">Parry Sound (http://www.ontario.ca/history/station.php?stationid=49005)</a>	7 Bay St.	12.5

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<u><a href="http://www.ontario.ca/history/station.php?stationid=59006">Peterborough (http://www.ontario.ca/history/station.php?stationid=59006)</a></u>	10 Hospital Dr.	20
<u><a href="http://www.ontario.ca/history/station.php?stationid=16015">Port Stanley (http://www.ontario.ca/history/station.php?stationid=16015)</a></u>	43665 Dexter Line, Elgin Water T. Plt	2
<u><a href="http://www.ontario.ca/history/station.php?stationid=14111">Sarnia (http://www.ontario.ca/history/station.php?stationid=14111)</a></u>	700 Christina St. N.	7.3
<u><a href="http://www.ontario.ca/history/station.php?stationid=71078">Sault Ste. Marie (http://www.ontario.ca/history/station.php?stationid=71078)</a></u>	Sault College	2.8
<u><a href="http://www.ontario.ca/history/station.php?stationid=27067">St. Catharines (http://www.ontario.ca/history/station.php?stationid=27067)</a></u>	Argyle Cres., Pump Stn.	21.3
<u><a href="http://www.ontario.ca/history/station.php?stationid=77233">Sudbury (http://www.ontario.ca/history/station.php?stationid=77233)</a></u>	155 Elm St.	4.4
<u><a href="http://www.ontario.ca/history/station.php?stationid=63203">Thunder Bay (http://www.ontario.ca/history/station.php?stationid=63203)</a></u>	421 James St. S.	22.6
<u><a href="http://www.ontario.ca/history/station.php?stationid=31129">Toronto Downtown (http://www.ontario.ca/history/station.php?stationid=31129)</a></u>	55 John St.	13.7
<u><a href="http://www.ontario.ca/history/station.php?stationid=33003">Toronto East (http://www.ontario.ca/history/station.php?stationid=33003)</a></u>	Kennedy Rd. Lawrence Ave. E.	19.6
<u><a href="http://www.ontario.ca/history/station.php?stationid=34021">Toronto North (http://www.ontario.ca/history/station.php?stationid=34021)</a></u>	4905 Dufferin St., Eccc	24.6
<u><a href="http://www.ontario.ca/history/station.php?stationid=35125">Toronto West (http://www.ontario.ca/history/station.php?stationid=35125)</a></u>	125 Resources Rd,	33.1
<u><a href="http://www.ontario.ca/history/station.php?stationid=12008">Windsor Downtown (http://www.ontario.ca/history/station.php?stationid=12008)</a></u>	467 University Ave. W.	5.2
<u><a href="http://www.ontario.ca/history/station.php?stationid=12016">Windsor West (http://www.ontario.ca/history/station.php?stationid=12016)</a></u>	College Ave. South St.	7.2

**Ontario's Ambient Air Monitoring Stations**

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Tuesday, March 9, 2021, 9:00 pm for Tuesday, March 9, 2021, 9:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php))

**Note:** N/A (Not Available) denotes invalid or missing data.  
 Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb



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**Nitrogen Dioxide NO2:**

Day  
22 ▾  
Month  
March ▾  
Year  
2021 ▾  
Hour  
10:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Monday, March 22, 2021, 10:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
Barrie ( <a href="http://www.ontario.ca/history/station.php?stationid=47045">http://www.ontario.ca/history/station.php?stationid=47045</a> )	83 Perry St.	11.7
Belleville ( <a href="http://www.ontario.ca/history/station.php?stationid=54012">http://www.ontario.ca/history/station.php?stationid=54012</a> )	2 Sidney St., Water Treatment Plant	11.3
Brampton ( <a href="http://www.ontario.ca/history/station.php?stationid=46090">http://www.ontario.ca/history/station.php?stationid=46090</a> )	109 Mclaughlin Rd. S.	11.4
Brantford ( <a href="http://www.ontario.ca/history/station.php?stationid=21005">http://www.ontario.ca/history/station.php?stationid=21005</a> )	324 Grand River Ave.	6
Burlington ( <a href="http://www.ontario.ca/history/station.php?stationid=44008">http://www.ontario.ca/history/station.php?stationid=44008</a> )	North Shore Blvd. E. Lakeshore Rd.	18.4
Chatham ( <a href="http://www.ontario.ca/history/station.php?stationid=13001">http://www.ontario.ca/history/station.php?stationid=13001</a> )	435 Grand Ave. W.	7.9
Cornwall ( <a href="http://www.ontario.ca/history/station.php?stationid=56051">http://www.ontario.ca/history/station.php?stationid=56051</a> )	Bedford St. 3rd St. W.	17.3
Grand Bend ( <a href="http://www.ontario.ca/history/station.php?stationid=15020">http://www.ontario.ca/history/station.php?stationid=15020</a> )	Point Blake Conservation Area	2.5
Guelph ( <a href="http://www.ontario.ca/history/station.php?stationid=28028">http://www.ontario.ca/history/station.php?stationid=28028</a> )	Exhibition St. Clark St. W.	13.7
Hamilton Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=29000">http://www.ontario.ca/history/station.php?stationid=29000</a> )	Elgin St. Kelly St.	32.4
Hamilton Mountain ( <a href="http://www.ontario.ca/history/station.php?stationid=29214">http://www.ontario.ca/history/station.php?stationid=29214</a> )	250 Fennell Ave. W.	38.2
Hamilton West ( <a href="http://www.ontario.ca/history/station.php?stationid=29118">http://www.ontario.ca/history/station.php?stationid=29118</a> )	Main St. W. Hwy 403	48.5
Kingston ( <a href="http://www.ontario.ca/history/station.php?stationid=52023">http://www.ontario.ca/history/station.php?stationid=52023</a> )	23 Beechgrove Lane	27.1
Kitchener ( <a href="http://www.ontario.ca/history/station.php?stationid=26060">http://www.ontario.ca/history/station.php?stationid=26060</a> )	West Ave. Homewood Ave.	21.6
London ( <a href="http://www.ontario.ca/history/station.php?stationid=15026">http://www.ontario.ca/history/station.php?stationid=15026</a> )	42 St. Julien St.	9.8
Milton ( <a href="http://www.ontario.ca/history/station.php?stationid=44029">http://www.ontario.ca/history/station.php?stationid=44029</a> )	1120 Main St. E.	16.1
Mississauga ( <a href="http://www.ontario.ca/history/station.php?stationid=46108">http://www.ontario.ca/history/station.php?stationid=46108</a> )	3359 Mississauga Rd. N., U of T Campus	20.3
Newmarket ( <a href="http://www.ontario.ca/history/station.php?stationid=48006">http://www.ontario.ca/history/station.php?stationid=48006</a> )	Eagle St. W. McCaffrey Rd.	7.5
North Bay ( <a href="http://www.ontario.ca/history/station.php?stationid=75010">http://www.ontario.ca/history/station.php?stationid=75010</a> )	Chippewa St. W., Dept. National Defence	22.7
Oakville ( <a href="http://www.ontario.ca/history/station.php?stationid=44017">http://www.ontario.ca/history/station.php?stationid=44017</a> )	Eighth Line, Glenashton Dr., Halton Res.	14.2
Oshawa ( <a href="http://www.ontario.ca/history/station.php?stationid=45027">http://www.ontario.ca/history/station.php?stationid=45027</a> )	Brittania Ave. W., Ep Taylor Stables	5.2
Ottawa Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=51001">http://www.ontario.ca/history/station.php?stationid=51001</a> )	Rideau St. Wurtemberg St.	10.4
Parry Sound ( <a href="http://www.ontario.ca/history/station.php?stationid=49005">http://www.ontario.ca/history/station.php?stationid=49005</a> )	7 Bay St.	7.3

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**Nitrogen Dioxide NO2:**

Day  
22 ▾  
Month  
March ▾  
Year  
2021 ▾  
Hour  
10:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Monday, March 22, 2021, 10:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
Barrie ( <a href="http://www.ontario.ca/history/station.php?stationid=47045">http://www.ontario.ca/history/station.php?stationid=47045</a> )	83 Perry St.	11.7
Belleville ( <a href="http://www.ontario.ca/history/station.php?stationid=54012">http://www.ontario.ca/history/station.php?stationid=54012</a> )	2 Sidney St., Water Treatment Plant	11.3
Brampton ( <a href="http://www.ontario.ca/history/station.php?stationid=46090">http://www.ontario.ca/history/station.php?stationid=46090</a> )	109 Mclaughlin Rd. S.	11.4
Brantford ( <a href="http://www.ontario.ca/history/station.php?stationid=21005">http://www.ontario.ca/history/station.php?stationid=21005</a> )	324 Grand River Ave.	6
Burlington ( <a href="http://www.ontario.ca/history/station.php?stationid=44008">http://www.ontario.ca/history/station.php?stationid=44008</a> )	North Shore Blvd. E. Lakeshore Rd.	18.4
Chatham ( <a href="http://www.ontario.ca/history/station.php?stationid=13001">http://www.ontario.ca/history/station.php?stationid=13001</a> )	435 Grand Ave. W.	7.9
Cornwall ( <a href="http://www.ontario.ca/history/station.php?stationid=56051">http://www.ontario.ca/history/station.php?stationid=56051</a> )	Bedford St. 3rd St. W.	17.3
Grand Bend ( <a href="http://www.ontario.ca/history/station.php?stationid=15020">http://www.ontario.ca/history/station.php?stationid=15020</a> )	Point Blake Conservation Area	2.5
Guelph ( <a href="http://www.ontario.ca/history/station.php?stationid=28028">http://www.ontario.ca/history/station.php?stationid=28028</a> )	Exhibition St. Clark St. W.	13.7
Hamilton Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=29000">http://www.ontario.ca/history/station.php?stationid=29000</a> )	Elgin St. Kelly St.	32.4
Hamilton Mountain ( <a href="http://www.ontario.ca/history/station.php?stationid=29214">http://www.ontario.ca/history/station.php?stationid=29214</a> )	250 Fennell Ave. W.	38.2
Hamilton West ( <a href="http://www.ontario.ca/history/station.php?stationid=29118">http://www.ontario.ca/history/station.php?stationid=29118</a> )	Main St. W. Hwy 403	48.5
Kingston ( <a href="http://www.ontario.ca/history/station.php?stationid=52023">http://www.ontario.ca/history/station.php?stationid=52023</a> )	23 Beechgrove Lane	27.1
Kitchener ( <a href="http://www.ontario.ca/history/station.php?stationid=26060">http://www.ontario.ca/history/station.php?stationid=26060</a> )	West Ave. Homewood Ave.	21.6
London ( <a href="http://www.ontario.ca/history/station.php?stationid=15026">http://www.ontario.ca/history/station.php?stationid=15026</a> )	42 St. Julien St.	9.8
Milton ( <a href="http://www.ontario.ca/history/station.php?stationid=44029">http://www.ontario.ca/history/station.php?stationid=44029</a> )	1120 Main St. E.	16.1
Mississauga ( <a href="http://www.ontario.ca/history/station.php?stationid=46108">http://www.ontario.ca/history/station.php?stationid=46108</a> )	3359 Mississauga Rd. N., U of T Campus	20.3
Newmarket ( <a href="http://www.ontario.ca/history/station.php?stationid=48006">http://www.ontario.ca/history/station.php?stationid=48006</a> )	Eagle St. W. McCaffrey Rd.	7.5
North Bay ( <a href="http://www.ontario.ca/history/station.php?stationid=75010">http://www.ontario.ca/history/station.php?stationid=75010</a> )	Chippewa St. W., Dept. National Defence	22.7
Oakville ( <a href="http://www.ontario.ca/history/station.php?stationid=44017">http://www.ontario.ca/history/station.php?stationid=44017</a> )	Eighth Line, Glenashton Dr., Halton Res.	14.2
Oshawa ( <a href="http://www.ontario.ca/history/station.php?stationid=45027">http://www.ontario.ca/history/station.php?stationid=45027</a> )	Brittania Ave. W., Ep Taylor Stables	5.2
Ottawa Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=51001">http://www.ontario.ca/history/station.php?stationid=51001</a> )	Rideau St. Wurtemberg St.	10.4
Parry Sound ( <a href="http://www.ontario.ca/history/station.php?stationid=49005">http://www.ontario.ca/history/station.php?stationid=49005</a> )	7 Bay St.	7.3



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**Nitrogen Dioxide NO2:**

Day  
22 ▾  
Month  
March ▾  
Year  
2021 ▾  
Hour  
10:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Monday, March 22, 2021, 10:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
Barrie ( <a href="http://www.ontario.ca/history/station.php?stationid=47045">http://www.ontario.ca/history/station.php?stationid=47045</a> )	83 Perry St.	11.7
Belleville ( <a href="http://www.ontario.ca/history/station.php?stationid=54012">http://www.ontario.ca/history/station.php?stationid=54012</a> )	2 Sidney St., Water Treatment Plant	11.3
Brampton ( <a href="http://www.ontario.ca/history/station.php?stationid=46090">http://www.ontario.ca/history/station.php?stationid=46090</a> )	109 Mclaughlin Rd. S.	11.4
Brantford ( <a href="http://www.ontario.ca/history/station.php?stationid=21005">http://www.ontario.ca/history/station.php?stationid=21005</a> )	324 Grand River Ave.	6
Burlington ( <a href="http://www.ontario.ca/history/station.php?stationid=44008">http://www.ontario.ca/history/station.php?stationid=44008</a> )	North Shore Blvd. E. Lakeshore Rd.	18.4
Chatham ( <a href="http://www.ontario.ca/history/station.php?stationid=13001">http://www.ontario.ca/history/station.php?stationid=13001</a> )	435 Grand Ave. W.	7.9
Cornwall ( <a href="http://www.ontario.ca/history/station.php?stationid=56051">http://www.ontario.ca/history/station.php?stationid=56051</a> )	Bedford St. 3rd St. W.	17.3
Grand Bend ( <a href="http://www.ontario.ca/history/station.php?stationid=15020">http://www.ontario.ca/history/station.php?stationid=15020</a> )	Point Blake Conservation Area	2.5
Guelph ( <a href="http://www.ontario.ca/history/station.php?stationid=28028">http://www.ontario.ca/history/station.php?stationid=28028</a> )	Exhibition St. Clark St. W.	13.7
Hamilton Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=29000">http://www.ontario.ca/history/station.php?stationid=29000</a> )	Elgin St. Kelly St.	32.4
Hamilton Mountain ( <a href="http://www.ontario.ca/history/station.php?stationid=29214">http://www.ontario.ca/history/station.php?stationid=29214</a> )	250 Fennell Ave. W.	38.2
Hamilton West ( <a href="http://www.ontario.ca/history/station.php?stationid=29118">http://www.ontario.ca/history/station.php?stationid=29118</a> )	Main St. W. Hwy 403	48.5
Kingston ( <a href="http://www.ontario.ca/history/station.php?stationid=52023">http://www.ontario.ca/history/station.php?stationid=52023</a> )	23 Beechgrove Lane	27.1
Kitchener ( <a href="http://www.ontario.ca/history/station.php?stationid=26060">http://www.ontario.ca/history/station.php?stationid=26060</a> )	West Ave. Homewood Ave.	21.6
London ( <a href="http://www.ontario.ca/history/station.php?stationid=15026">http://www.ontario.ca/history/station.php?stationid=15026</a> )	42 St. Julien St.	9.8
Milton ( <a href="http://www.ontario.ca/history/station.php?stationid=44029">http://www.ontario.ca/history/station.php?stationid=44029</a> )	1120 Main St. E.	16.1
Mississauga ( <a href="http://www.ontario.ca/history/station.php?stationid=46108">http://www.ontario.ca/history/station.php?stationid=46108</a> )	3359 Mississauga Rd. N., U of T Campus	20.3
Newmarket ( <a href="http://www.ontario.ca/history/station.php?stationid=48006">http://www.ontario.ca/history/station.php?stationid=48006</a> )	Eagle St. W. McCaffrey Rd.	7.5
North Bay ( <a href="http://www.ontario.ca/history/station.php?stationid=75010">http://www.ontario.ca/history/station.php?stationid=75010</a> )	Chippewa St. W., Dept. National Defence	22.7
Oakville ( <a href="http://www.ontario.ca/history/station.php?stationid=44017">http://www.ontario.ca/history/station.php?stationid=44017</a> )	Eighth Line, Glenashton Dr., Halton Res.	14.2
Oshawa ( <a href="http://www.ontario.ca/history/station.php?stationid=45027">http://www.ontario.ca/history/station.php?stationid=45027</a> )	Brittania Ave. W., Ep Taylor Stables	5.2
Ottawa Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=51001">http://www.ontario.ca/history/station.php?stationid=51001</a> )	Rideau St. Wurtemberg St.	10.4
Parry Sound ( <a href="http://www.ontario.ca/history/station.php?stationid=49005">http://www.ontario.ca/history/station.php?stationid=49005</a> )	7 Bay St.	7.3

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<a href="http://www.ontario.ca/history/station.php?stationid=59006">Peterborough (http://www.ontario.ca/history/station.php?stationid=59006)</a>	10 Hospital Dr.	4
<a href="http://www.ontario.ca/history/station.php?stationid=16015">Port Stanley (http://www.ontario.ca/history/station.php?stationid=16015)</a>	43665 Dexter Line, Elgin Water T. Plt	1.6
<a href="http://www.ontario.ca/history/station.php?stationid=14111">Sarnia (http://www.ontario.ca/history/station.php?stationid=14111)</a>	700 Christina St. N.	6.5
<a href="http://www.ontario.ca/history/station.php?stationid=71078">Sault Ste. Marie (http://www.ontario.ca/history/station.php?stationid=71078)</a>	Sault College	4.2
<a href="http://www.ontario.ca/history/station.php?stationid=27067">St. Catharines (http://www.ontario.ca/history/station.php?stationid=27067)</a>	Argyle Cres., Pump Stn.	6
<a href="http://www.ontario.ca/history/station.php?stationid=77233">Sudbury (http://www.ontario.ca/history/station.php?stationid=77233)</a>	155 Elm St.	2.5
<a href="http://www.ontario.ca/history/station.php?stationid=63203">Thunder Bay (http://www.ontario.ca/history/station.php?stationid=63203)</a>	421 James St. S.	5
<a href="http://www.ontario.ca/history/station.php?stationid=31129">Toronto Downtown (http://www.ontario.ca/history/station.php?stationid=31129)</a>	55 John St.	12.4
<a href="http://www.ontario.ca/history/station.php?stationid=33003">Toronto East (http://www.ontario.ca/history/station.php?stationid=33003)</a>	Kennedy Rd. Lawrence Ave. E.	6.1
<a href="http://www.ontario.ca/history/station.php?stationid=34021">Toronto North (http://www.ontario.ca/history/station.php?stationid=34021)</a>	4905 Dufferin St., Eccc	4.7
<a href="http://www.ontario.ca/history/station.php?stationid=35125">Toronto West (http://www.ontario.ca/history/station.php?stationid=35125)</a>	125 Resources Rd.	3.9
<a href="http://www.ontario.ca/history/station.php?stationid=12008">Windsor Downtown (http://www.ontario.ca/history/station.php?stationid=12008)</a>	467 University Ave. W.	4.6
<a href="http://www.ontario.ca/history/station.php?stationid=12016">Windsor West (http://www.ontario.ca/history/station.php?stationid=12016)</a>	College Ave. South St.	2.6

**Ontario's Ambient Air Monitoring Stations**

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Sunday, May 16, 2021, 9:00 pm for Sunday, May 16, 2021, 9:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php)).

**Note:** N/A (Not Available) denotes invalid or missing data.  
 Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb



**Appendix "F-1" To Report PED22098**  
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**Nitrogen Dioxide NO2:**

Dry  
 19 ▾  
 Month  
 May ▾  
 Year  
 2021 ▾  
 Hour  
 11:00 pm ▾  
 Pollutant  
 NO2 (ppb) ▾  
 Show as Map

Nitrogen Dioxide NO2 Concentrations for Wednesday, May 19, 2021, 11:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
<a href="http://www.ontario.ca/history/station.php?stationid=47045">Barrie (http://www.ontario.ca/history/station.php?stationid=47045)</a>	83 Perry St.	8.8
<a href="http://www.ontario.ca/history/station.php?stationid=54012">Belleville (http://www.ontario.ca/history/station.php?stationid=54012)</a>	2 Sidney St., Water Treatment Plant	9.2
<a href="http://www.ontario.ca/history/station.php?stationid=46090">Brampton (http://www.ontario.ca/history/station.php?stationid=46090)</a>	109 McLaughlin Rd. S.	6.2
<a href="http://www.ontario.ca/history/station.php?stationid=21005">Brantford (http://www.ontario.ca/history/station.php?stationid=21005)</a>	324 Grand River Ave.	6.9
<a href="http://www.ontario.ca/history/station.php?stationid=44008">Burlington (http://www.ontario.ca/history/station.php?stationid=44008)</a>	North Shore Blvd. E. Lakeshore Rd.	15.8
<a href="http://www.ontario.ca/history/station.php?stationid=13001">Chatham (http://www.ontario.ca/history/station.php?stationid=13001)</a>	435 Grand Ave. W.	3.9
<a href="http://www.ontario.ca/history/station.php?stationid=56051">Cornwall (http://www.ontario.ca/history/station.php?stationid=56051)</a>	Bedford St. 3rd St. W.	4.2
<a href="http://www.ontario.ca/history/station.php?stationid=15020">Grand Bend (http://www.ontario.ca/history/station.php?stationid=15020)</a>	Point Blake Conservation Area	5.2
<a href="http://www.ontario.ca/history/station.php?stationid=28028">Guelph (http://www.ontario.ca/history/station.php?stationid=28028)</a>	Exhibition St. Clark St. W.	12
<a href="http://www.ontario.ca/history/station.php?stationid=29000">Hamilton Downtown (http://www.ontario.ca/history/station.php?stationid=29000)</a>	Elgin St. Kelly St.	28.1
<a href="http://www.ontario.ca/history/station.php?stationid=29214">Hamilton Mountain (http://www.ontario.ca/history/station.php?stationid=29214)</a>	250 Fennell Ave. W.	17.9
<a href="http://www.ontario.ca/history/station.php?stationid=29118">Hamilton West (http://www.ontario.ca/history/station.php?stationid=29118)</a>	Main St. W. Hwy 403	41
<a href="http://www.ontario.ca/history/station.php?stationid=52023">Kingston (http://www.ontario.ca/history/station.php?stationid=52023)</a>	23 Beechgrove Lane	7.8
<a href="http://www.ontario.ca/history/station.php?stationid=26060">Kitchener (http://www.ontario.ca/history/station.php?stationid=26060)</a>	West Ave. Homewood Ave.	7.7
<a href="http://www.ontario.ca/history/station.php?stationid=15026">London (http://www.ontario.ca/history/station.php?stationid=15026)</a>	42 St. Julien St.	5.9
<a href="http://www.ontario.ca/history/station.php?stationid=44029">Milton (http://www.ontario.ca/history/station.php?stationid=44029)</a>	1120 Main St. E.	9.8
<a href="http://www.ontario.ca/history/station.php?stationid=46108">Mississauga (http://www.ontario.ca/history/station.php?stationid=46108)</a>	3359 Mississauga Rd. N., U of T Campus	9.1
<a href="http://www.ontario.ca/history/station.php?stationid=48006">Newmarket (http://www.ontario.ca/history/station.php?stationid=48006)</a>	Eagle St. W. McCaffrey Rd.	11.2
<a href="http://www.ontario.ca/history/station.php?stationid=75010">North Bay (http://www.ontario.ca/history/station.php?stationid=75010)</a>	Chippewa St. W., Dept. National Defence	9.2
<a href="http://www.ontario.ca/history/station.php?stationid=44017">Oakville (http://www.ontario.ca/history/station.php?stationid=44017)</a>	Eighth Line, Glenashton Dr., Halton Res.	9.5
<a href="http://www.ontario.ca/history/station.php?stationid=45027">Oshawa (http://www.ontario.ca/history/station.php?stationid=45027)</a>	Brittania Ave. W., Ep Taylor Stables	5.3
<a href="http://www.ontario.ca/history/station.php?stationid=51001">Ottawa Downtown (http://www.ontario.ca/history/station.php?stationid=51001)</a>	Rideau St. Wurtemberg St.	4.1
<a href="http://www.ontario.ca/history/station.php?stationid=49005">Parry Sound (http://www.ontario.ca/history/station.php?stationid=49005)</a>	7 Bay St.	5.1

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Peterborough ( <a href="http://www.ontario.ca/history/station.php?stationid=59006">http://www.ontario.ca/history/station.php?stationid=59006</a> )	10 Hospital Dr.	11.6
Port Stanley ( <a href="http://www.ontario.ca/history/station.php?stationid=16015">http://www.ontario.ca/history/station.php?stationid=16015</a> )	43665 Dexter Line, Elgin Water T. Plt	2.3
Sarnia ( <a href="http://www.ontario.ca/history/station.php?stationid=14111">http://www.ontario.ca/history/station.php?stationid=14111</a> )	700 Christina St. N.	4.9
Sault Ste. Marie ( <a href="http://www.ontario.ca/history/station.php?stationid=71078">http://www.ontario.ca/history/station.php?stationid=71078</a> )	Sault College	3.3
St. Catharines ( <a href="http://www.ontario.ca/history/station.php?stationid=27067">http://www.ontario.ca/history/station.php?stationid=27067</a> )	Argyle Cres., Pump Stn.	9.7
Sudbury ( <a href="http://www.ontario.ca/history/station.php?stationid=77233">http://www.ontario.ca/history/station.php?stationid=77233</a> )	155 Elm St.	2.8
Thunder Bay ( <a href="http://www.ontario.ca/history/station.php?stationid=63203">http://www.ontario.ca/history/station.php?stationid=63203</a> )	421 James St. S.	8.6
Toronto Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=31129">http://www.ontario.ca/history/station.php?stationid=31129</a> )	55 John St.	13.1
Toronto East ( <a href="http://www.ontario.ca/history/station.php?stationid=33003">http://www.ontario.ca/history/station.php?stationid=33003</a> )	Kennedy Rd, Lawrence Ave. E.	7.1
Toronto North ( <a href="http://www.ontario.ca/history/station.php?stationid=34021">http://www.ontario.ca/history/station.php?stationid=34021</a> )	4905 Dufferin St., Eccc	7.5
Toronto West ( <a href="http://www.ontario.ca/history/station.php?stationid=35125">http://www.ontario.ca/history/station.php?stationid=35125</a> )	125 Resources Rd.	6.5
Windsor Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=12008">http://www.ontario.ca/history/station.php?stationid=12008</a> )	467 University Ave. W.	7.2
Windsor West ( <a href="http://www.ontario.ca/history/station.php?stationid=12016">http://www.ontario.ca/history/station.php?stationid=12016</a> )	College Ave. South St.	3.2

#### Ontario's Ambient Air Monitoring Stations

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Wednesday, May 19, 2021, 11:00 pm for Wednesday, May 19, 2021, 11:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php))

**Note:** N/A (Not Available) denotes invalid or missing data.  
 Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb



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**Nitrogen Dioxide NO2:**

Day  
20 ▾  
Month  
May ▾  
Year  
2021 ▾  
Hour  
11:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Thursday, May 20, 2021, 11:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
<a href="http://www.ontario.ca/history/station.php?stationid=47045">Barrie (http://www.ontario.ca/history/station.php?stationid=47045)</a>	83 Perry St.	8.6
<a href="http://www.ontario.ca/history/station.php?stationid=54012">Belleville (http://www.ontario.ca/history/station.php?stationid=54012)</a>	2 Sidney St., Water Treatment Plant	2.1
<a href="http://www.ontario.ca/history/station.php?stationid=46090">Brampton (http://www.ontario.ca/history/station.php?stationid=46090)</a>	109 McLaughlin Rd. S.	18.1
<a href="http://www.ontario.ca/history/station.php?stationid=21005">Brantford (http://www.ontario.ca/history/station.php?stationid=21005)</a>	324 Grand River Ave.	5.6
<a href="http://www.ontario.ca/history/station.php?stationid=44008">Burlington (http://www.ontario.ca/history/station.php?stationid=44008)</a>	North Shore Blvd. E. Lakeshore Rd.	8.4
<a href="http://www.ontario.ca/history/station.php?stationid=13001">Chatham (http://www.ontario.ca/history/station.php?stationid=13001)</a>	435 Grand Ave. W.	3
<a href="http://www.ontario.ca/history/station.php?stationid=56051">Cornwall (http://www.ontario.ca/history/station.php?stationid=56051)</a>	Bedford St. 3rd St. W.	5.2
<a href="http://www.ontario.ca/history/station.php?stationid=15020">Grand Bend (http://www.ontario.ca/history/station.php?stationid=15020)</a>	Point Blake Conservation Area	3.5
<a href="http://www.ontario.ca/history/station.php?stationid=28028">Guelph (http://www.ontario.ca/history/station.php?stationid=28028)</a>	Exhibition St. Clark St. W.	12.2
<a href="http://www.ontario.ca/history/station.php?stationid=29000">Hamilton Downtown (http://www.ontario.ca/history/station.php?stationid=29000)</a>	Elgin St. Kelly St.	28.4
<a href="http://www.ontario.ca/history/station.php?stationid=29214">Hamilton Mountain (http://www.ontario.ca/history/station.php?stationid=29214)</a>	250 Fennell Ave. W.	22.7
<a href="http://www.ontario.ca/history/station.php?stationid=29118">Hamilton West (http://www.ontario.ca/history/station.php?stationid=29118)</a>	Main St. W. Hwy 403	39.8
<a href="http://www.ontario.ca/history/station.php?stationid=52023">Kingston (http://www.ontario.ca/history/station.php?stationid=52023)</a>	23 Beechgrove Lane	5.4
<a href="http://www.ontario.ca/history/station.php?stationid=26060">Kitchener (http://www.ontario.ca/history/station.php?stationid=26060)</a>	West Ave. Homewood Ave.	15.7
<a href="http://www.ontario.ca/history/station.php?stationid=15026">London (http://www.ontario.ca/history/station.php?stationid=15026)</a>	42 St. Julien St.	14.3
<a href="http://www.ontario.ca/history/station.php?stationid=44029">Milton (http://www.ontario.ca/history/station.php?stationid=44029)</a>	1120 Main St. E.	14.7
<a href="http://www.ontario.ca/history/station.php?stationid=46108">Mississauga (http://www.ontario.ca/history/station.php?stationid=46108)</a>	3359 Mississauga Rd. N., U of T Campus	15.6
<a href="http://www.ontario.ca/history/station.php?stationid=48006">Newmarket (http://www.ontario.ca/history/station.php?stationid=48006)</a>	Eagle St. W. McCaffrey Rd.	11.8
<a href="http://www.ontario.ca/history/station.php?stationid=75010">North Bay (http://www.ontario.ca/history/station.php?stationid=75010)</a>	Chippewa St. W., Dept. National Defence	15.7
<a href="http://www.ontario.ca/history/station.php?stationid=44017">Oakville (http://www.ontario.ca/history/station.php?stationid=44017)</a>	Eighth Line, Glenashton Dr., Halton Res.	17.7
<a href="http://www.ontario.ca/history/station.php?stationid=45027">Oshawa (http://www.ontario.ca/history/station.php?stationid=45027)</a>	Brittania Ave. W., Ep Taylor Stables	12
<a href="http://www.ontario.ca/history/station.php?stationid=51001">Ottawa Downtown (http://www.ontario.ca/history/station.php?stationid=51001)</a>	Rideau St. Wurtemberg St.	8.9
<a href="http://www.ontario.ca/history/station.php?stationid=49005">Parry Sound (http://www.ontario.ca/history/station.php?stationid=49005)</a>	7 Bay St.	5.1

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<a href="http://www.ontario.ca/history/station.php?stationid=59006">Peterborough (http://www.ontario.ca/history/station.php?stationid=59006)</a>	10 Hospital Dr.	7.3
<a href="http://www.ontario.ca/history/station.php?stationid=16015">Port Stanley (http://www.ontario.ca/history/station.php?stationid=16015)</a>	43665 Dexter Line, Elgin Water T, Plt	1.9
<a href="http://www.ontario.ca/history/station.php?stationid=14111">Sarnia (http://www.ontario.ca/history/station.php?stationid=14111)</a>	700 Christina St. N.	5
<a href="http://www.ontario.ca/history/station.php?stationid=71078">Sault Ste. Marie (http://www.ontario.ca/history/station.php?stationid=71078)</a>	Sault College	2.4
<a href="http://www.ontario.ca/history/station.php?stationid=27067">St. Catharines (http://www.ontario.ca/history/station.php?stationid=27067)</a>	Argyle Cres., Pump Strn.	10.7
<a href="http://www.ontario.ca/history/station.php?stationid=77233">Sudbury (http://www.ontario.ca/history/station.php?stationid=77233)</a>	155 Elm St.	2
<a href="http://www.ontario.ca/history/station.php?stationid=63203">Thunder Bay (http://www.ontario.ca/history/station.php?stationid=63203)</a>	421 James St. S.	9
<a href="http://www.ontario.ca/history/station.php?stationid=31129">Toronto Downtown (http://www.ontario.ca/history/station.php?stationid=31129)</a>	55 John St.	10.8
<a href="http://www.ontario.ca/history/station.php?stationid=33003">Toronto East (http://www.ontario.ca/history/station.php?stationid=33003)</a>	Kennedy Rd, Lawrence Ave. E.	11.7
<a href="http://www.ontario.ca/history/station.php?stationid=34021">Toronto North (http://www.ontario.ca/history/station.php?stationid=34021)</a>	4905 Dufferin St., Eccc	14.5
<a href="http://www.ontario.ca/history/station.php?stationid=35125">Toronto West (http://www.ontario.ca/history/station.php?stationid=35125)</a>	125 Resources Rd.	21.2
<a href="http://www.ontario.ca/history/station.php?stationid=12008">Windsor Downtown (http://www.ontario.ca/history/station.php?stationid=12008)</a>	467 University Ave. W.	4.6
<a href="http://www.ontario.ca/history/station.php?stationid=12016">Windsor West (http://www.ontario.ca/history/station.php?stationid=12016)</a>	College Ave. South St.	5.7

**Ontario's Ambient Air Monitoring Stations**

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Thursday, May 20, 2021, 11:00 pm for Thursday, May 20, 2021, 11:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php))

**Note:** N/A (Not Available) denotes invalid or missing data.  
Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb



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**Nitrogen Dioxide NO2:**

Day  
22 ▾  
Month  
May ▾  
Year  
2021 ▾  
Hour  
7:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Saturday, May 22, 2021, 7:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
Barrie ( <a href="http://www.ontario.ca/history/station.php?stationid=47045">http://www.ontario.ca/history/station.php?stationid=47045</a> )	83 Perry St.	3
Belleville ( <a href="http://www.ontario.ca/history/station.php?stationid=54012">http://www.ontario.ca/history/station.php?stationid=54012</a> )	2 Sidney St., Water Treatment Plant	1
Brampton ( <a href="http://www.ontario.ca/history/station.php?stationid=46090">http://www.ontario.ca/history/station.php?stationid=46090</a> )	109 McLaughlin Rd. S.	1.5
Brantford ( <a href="http://www.ontario.ca/history/station.php?stationid=21005">http://www.ontario.ca/history/station.php?stationid=21005</a> )	324 Grand River Ave.	2.8
Burlington ( <a href="http://www.ontario.ca/history/station.php?stationid=44008">http://www.ontario.ca/history/station.php?stationid=44008</a> )	North Shore Blvd. E. Lakeshore Rd.	3.9
Chatham ( <a href="http://www.ontario.ca/history/station.php?stationid=13001">http://www.ontario.ca/history/station.php?stationid=13001</a> )	435 Grand Ave. W.	2.8
Cornwall ( <a href="http://www.ontario.ca/history/station.php?stationid=56051">http://www.ontario.ca/history/station.php?stationid=56051</a> )	Bedford St. 3rd St. W.	2.3
Grand Bend ( <a href="http://www.ontario.ca/history/station.php?stationid=15020">http://www.ontario.ca/history/station.php?stationid=15020</a> )	Point Blake Conservation Area	2.5
Guelph ( <a href="http://www.ontario.ca/history/station.php?stationid=28028">http://www.ontario.ca/history/station.php?stationid=28028</a> )	Exhibition St. Clark St. W.	2.7
Hamilton Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=29000">http://www.ontario.ca/history/station.php?stationid=29000</a> )	Elgin St. Kelly St.	3.5
Hamilton Mountain ( <a href="http://www.ontario.ca/history/station.php?stationid=29214">http://www.ontario.ca/history/station.php?stationid=29214</a> )	250 Fennell Ave. W.	1
Hamilton West ( <a href="http://www.ontario.ca/history/station.php?stationid=29118">http://www.ontario.ca/history/station.php?stationid=29118</a> )	Main St. W. Hwy 403	13.4
Kingston ( <a href="http://www.ontario.ca/history/station.php?stationid=52023">http://www.ontario.ca/history/station.php?stationid=52023</a> )	23 Beechgrove Lane	1.4
Kitchener ( <a href="http://www.ontario.ca/history/station.php?stationid=26060">http://www.ontario.ca/history/station.php?stationid=26060</a> )	West Ave. Homewood Ave.	2.8
London ( <a href="http://www.ontario.ca/history/station.php?stationid=15026">http://www.ontario.ca/history/station.php?stationid=15026</a> )	42 St. Julien St.	2.7
Milton ( <a href="http://www.ontario.ca/history/station.php?stationid=44029">http://www.ontario.ca/history/station.php?stationid=44029</a> )	1120 Main St. E.	3.3
Mississauga ( <a href="http://www.ontario.ca/history/station.php?stationid=46108">http://www.ontario.ca/history/station.php?stationid=46108</a> )	3359 Mississauga Rd. N., U of T Campus	2.2
Newmarket ( <a href="http://www.ontario.ca/history/station.php?stationid=48006">http://www.ontario.ca/history/station.php?stationid=48006</a> )	Eagle St. W. McCaffrey Rd.	1.4
North Bay ( <a href="http://www.ontario.ca/history/station.php?stationid=75010">http://www.ontario.ca/history/station.php?stationid=75010</a> )	Chippewa St. W., Dept. National Defence	1.2
Oakville ( <a href="http://www.ontario.ca/history/station.php?stationid=44017">http://www.ontario.ca/history/station.php?stationid=44017</a> )	Eighth Line, Glenashton Dr., Halton Res.	2.7
Oshawa ( <a href="http://www.ontario.ca/history/station.php?stationid=45027">http://www.ontario.ca/history/station.php?stationid=45027</a> )	Brittania Ave. W., Ep Taylor Stables	1.8
Parry Sound ( <a href="http://www.ontario.ca/history/station.php?stationid=49005">http://www.ontario.ca/history/station.php?stationid=49005</a> )	7 Bay St.	1.2
Peterborough ( <a href="http://www.ontario.ca/history/station.php?stationid=59006">http://www.ontario.ca/history/station.php?stationid=59006</a> )	10 Hospital Dr.	1.3



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Port Stanley ( <a href="http://www.ontario.ca/history/station.php?stationid=16015">http://www.ontario.ca/history/station.php?stationid=16015</a> )	43665 Dexter Line, Elgin Water T. Plt	1.8
Sarnia ( <a href="http://www.ontario.ca/history/station.php?stationid=14111">http://www.ontario.ca/history/station.php?stationid=14111</a> )	700 Christina St. N.	5.3
Sault Ste. Marie ( <a href="http://www.ontario.ca/history/station.php?stationid=71078">http://www.ontario.ca/history/station.php?stationid=71078</a> )	Sault College	1.5
St. Catharines ( <a href="http://www.ontario.ca/history/station.php?stationid=27067">http://www.ontario.ca/history/station.php?stationid=27067</a> )	Argyle Cres., Pump Stn.	3.4
Sudbury ( <a href="http://www.ontario.ca/history/station.php?stationid=77233">http://www.ontario.ca/history/station.php?stationid=77233</a> )	155 Elm St.	1.7
Thunder Bay ( <a href="http://www.ontario.ca/history/station.php?stationid=63203">http://www.ontario.ca/history/station.php?stationid=63203</a> )	421 James St. S.	5.3
Toronto Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=31129">http://www.ontario.ca/history/station.php?stationid=31129</a> )	55 John St.	4.5
Toronto East ( <a href="http://www.ontario.ca/history/station.php?stationid=33003">http://www.ontario.ca/history/station.php?stationid=33003</a> )	Kennedy Rd. Lawrence Ave. E.	3.9
Toronto North ( <a href="http://www.ontario.ca/history/station.php?stationid=34021">http://www.ontario.ca/history/station.php?stationid=34021</a> )	4905 Dufferin St., Eccc	2.2
Toronto West ( <a href="http://www.ontario.ca/history/station.php?stationid=35125">http://www.ontario.ca/history/station.php?stationid=35125</a> )	125 Resources Rd.	4.6
Windsor Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=12008">http://www.ontario.ca/history/station.php?stationid=12008</a> )	467 University Ave. W.	4
Windsor West ( <a href="http://www.ontario.ca/history/station.php?stationid=12016">http://www.ontario.ca/history/station.php?stationid=12016</a> )	College Ave. South St.	2.7
Ottawa Downtown ( <a href="http://www.ontario.ca/history/station.php?stationid=51001">http://www.ontario.ca/history/station.php?stationid=51001</a> )	Rideau St. Wurtemberg St.	N/A

**Ontario's Ambient Air Monitoring Stations**

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Saturday, May 22, 2021, 7:00 pm for Saturday, May 22, 2021, 7:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php))

**Note:** N/A (Not Available) denotes invalid or missing data.  
 Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb

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**Nitrogen Dioxide NO2:**

Day  
23 ▾  
Month  
May ▾  
Year  
2021 ▾  
Hour  
11:00 am ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Sunday, May 23, 2021, 11:00 am by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
<a href="http://www.ontario.ca/history/station.php?stationid=47045">Barrie (http://www.ontario.ca/history/station.php?stationid=47045)</a>	83 Perry St.	1.6
<a href="http://www.ontario.ca/history/station.php?stationid=54012">Belleville (http://www.ontario.ca/history/station.php?stationid=54012)</a>	2 Sidney St., Water Treatment Plant	.9
<a href="http://www.ontario.ca/history/station.php?stationid=46090">Brampton (http://www.ontario.ca/history/station.php?stationid=46090)</a>	109 McLaughlin Rd. S.	1.8
<a href="http://www.ontario.ca/history/station.php?stationid=21005">Brantford (http://www.ontario.ca/history/station.php?stationid=21005)</a>	324 Grand River Ave.	2.9
<a href="http://www.ontario.ca/history/station.php?stationid=44008">Burlington (http://www.ontario.ca/history/station.php?stationid=44008)</a>	North Shore Blvd. E. Lakeshore Rd.	3.8
<a href="http://www.ontario.ca/history/station.php?stationid=13001">Chatham (http://www.ontario.ca/history/station.php?stationid=13001)</a>	435 Grand Ave. W.	3.4
<a href="http://www.ontario.ca/history/station.php?stationid=56051">Cornwall (http://www.ontario.ca/history/station.php?stationid=56051)</a>	Bedford St. 3rd St. W.	.8
<a href="http://www.ontario.ca/history/station.php?stationid=15020">Grand Bend (http://www.ontario.ca/history/station.php?stationid=15020)</a>	Point Blake Conservation Area	2.3
<a href="http://www.ontario.ca/history/station.php?stationid=29000">Hamilton Downtown (http://www.ontario.ca/history/station.php?stationid=29000)</a>	Elgin St. Kelly St.	5
<a href="http://www.ontario.ca/history/station.php?stationid=29214">Hamilton Mountain (http://www.ontario.ca/history/station.php?stationid=29214)</a>	250 Fennell Ave. W.	2.1
<a href="http://www.ontario.ca/history/station.php?stationid=29118">Hamilton West (http://www.ontario.ca/history/station.php?stationid=29118)</a>	Main St. W. Hwy 403	7.5
<a href="http://www.ontario.ca/history/station.php?stationid=52023">Kingston (http://www.ontario.ca/history/station.php?stationid=52023)</a>	23 Beechgrove Lane	1.3
<a href="http://www.ontario.ca/history/station.php?stationid=26060">Kitchener (http://www.ontario.ca/history/station.php?stationid=26060)</a>	West Ave. Homewood Ave.	1.5
<a href="http://www.ontario.ca/history/station.php?stationid=15026">London (http://www.ontario.ca/history/station.php?stationid=15026)</a>	42 St. Julien St.	3.7
<a href="http://www.ontario.ca/history/station.php?stationid=44029">Milton (http://www.ontario.ca/history/station.php?stationid=44029)</a>	1120 Main St. E.	1.4
<a href="http://www.ontario.ca/history/station.php?stationid=46108">Mississauga (http://www.ontario.ca/history/station.php?stationid=46108)</a>	3359 Mississauga Rd. N., U of T Campus	2.1
<a href="http://www.ontario.ca/history/station.php?stationid=48006">Newmarket (http://www.ontario.ca/history/station.php?stationid=48006)</a>	Eagle St. W. McCaffrey Rd.	1.2
<a href="http://www.ontario.ca/history/station.php?stationid=75010">North Bay (http://www.ontario.ca/history/station.php?stationid=75010)</a>	Chippewa St. W., Dept. National Defence	.8
<a href="http://www.ontario.ca/history/station.php?stationid=44017">Oakville (http://www.ontario.ca/history/station.php?stationid=44017)</a>	Eighth Line, Glenashton Dr., Halton Res.	2.3
<a href="http://www.ontario.ca/history/station.php?stationid=45027">Oshawa (http://www.ontario.ca/history/station.php?stationid=45027)</a>	Brittania Ave. W., Ep Taylor Stables	1.2
<a href="http://www.ontario.ca/history/station.php?stationid=49005">Parry Sound (http://www.ontario.ca/history/station.php?stationid=49005)</a>	7 Bay St.	1.1
<a href="http://www.ontario.ca/history/station.php?stationid=59006">Peterborough (http://www.ontario.ca/history/station.php?stationid=59006)</a>	10 Hospital Dr.	1.1
<a href="http://www.ontario.ca/history/station.php?stationid=16015">Port Stanley (http://www.ontario.ca/history/station.php?stationid=16015)</a>	43665 Dexter Line, Elgin Water T. Pit	2.6

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<a href="http://www.ontario.ca/history/station.php?stationid=14111">Sarnia (<u>http://www.ontario.ca/history/station.php?stationid=14111</u>)</a>	700 Christina St. N.	2.9
<a href="http://www.ontario.ca/history/station.php?stationid=71078">Sault Ste. Marie (<u>http://www.ontario.ca/history/station.php?stationid=71078</u>)</a>	Sault College	1.7
<a href="http://www.ontario.ca/history/station.php?stationid=27067">St. Catharines (<u>http://www.ontario.ca/history/station.php?stationid=27067</u>)</a>	Argyle Cres., Pump Strn.	5.3
<a href="http://www.ontario.ca/history/station.php?stationid=77233">Sudbury (<u>http://www.ontario.ca/history/station.php?stationid=77233</u>)</a>	155 Elm St.	1.2
<a href="http://www.ontario.ca/history/station.php?stationid=31129">Toronto Downtown (<u>http://www.ontario.ca/history/station.php?stationid=31129</u>)</a>	55 John St.	2.3
<a href="http://www.ontario.ca/history/station.php?stationid=33003">Toronto East (<u>http://www.ontario.ca/history/station.php?stationid=33003</u>)</a>	Kennedy Rd, Lawrence Ave. E.	2.9
<a href="http://www.ontario.ca/history/station.php?stationid=34021">Toronto North (<u>http://www.ontario.ca/history/station.php?stationid=34021</u>)</a>	4905 Dufferin St., Eccc	1.9
<a href="http://www.ontario.ca/history/station.php?stationid=35125">Toronto West (<u>http://www.ontario.ca/history/station.php?stationid=35125</u>)</a>	125 Resources Rd.	3.5
<a href="http://www.ontario.ca/history/station.php?stationid=12008">Windsor Downtown (<u>http://www.ontario.ca/history/station.php?stationid=12008</u>)</a>	467 University Ave. W.	4.8
<a href="http://www.ontario.ca/history/station.php?stationid=12016">Windsor West (<u>http://www.ontario.ca/history/station.php?stationid=12016</u>)</a>	College Ave. South St.	6.4
<a href="http://www.ontario.ca/history/station.php?stationid=63203">Thunder Bay (<u>http://www.ontario.ca/history/station.php?stationid=63203</u>)</a>	421 James St. S.	N/A

**Ontario's Ambient Air Monitoring Stations**

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Sunday, May 23, 2021, 11:00 am for Sunday, May 23, 2021, 11:00 am

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php)).

**Note:** N/A (Not Available) denotes invalid or missing data.  
 Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb



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**Nitrogen Dioxide NO2:**

Day  
24 ▾  
Month  
May ▾  
Year  
2021 ▾  
Hour  
7:00 pm ▾  
Pollutant  
NO2 (ppb) ▾  
Show as Map

Update

Nitrogen Dioxide NO2 Concentrations for Monday, May 24, 2021, 7:00 pm by Stations.

<b>Station</b>	<b>Location</b>	<b>NO2</b>
<a href="http://www.ontario.ca/history/station.php?stationid=47045">Barrie (http://www.ontario.ca/history/station.php?stationid=47045)</a>	83 Perry St.	2.7
<a href="http://www.ontario.ca/history/station.php?stationid=54012">Belleville (http://www.ontario.ca/history/station.php?stationid=54012)</a>	2 Sidney St., Water Treatment Plant	1
<a href="http://www.ontario.ca/history/station.php?stationid=46090">Brampton (http://www.ontario.ca/history/station.php?stationid=46090)</a>	109 Mclaughlin Rd. S.	2.3
<a href="http://www.ontario.ca/history/station.php?stationid=21005">Brantford (http://www.ontario.ca/history/station.php?stationid=21005)</a>	324 Grand River Ave.	3.3
<a href="http://www.ontario.ca/history/station.php?stationid=44008">Burlington (http://www.ontario.ca/history/station.php?stationid=44008)</a>	North Shore Blvd. E. Lakeshore Rd.	5.5
<a href="http://www.ontario.ca/history/station.php?stationid=13001">Chatham (http://www.ontario.ca/history/station.php?stationid=13001)</a>	435 Grand Ave. W.	1.9
<a href="http://www.ontario.ca/history/station.php?stationid=56051">Cornwall (http://www.ontario.ca/history/station.php?stationid=56051)</a>	Bedford St. 3rd St. W.	1.2
<a href="http://www.ontario.ca/history/station.php?stationid=15020">Grand Bend (http://www.ontario.ca/history/station.php?stationid=15020)</a>	Point Blake Conservation Area	1.4
<a href="http://www.ontario.ca/history/station.php?stationid=29000">Hamilton Downtown (http://www.ontario.ca/history/station.php?stationid=29000)</a>	Elgin St. Kelly St.	11.9
<a href="http://www.ontario.ca/history/station.php?stationid=29214">Hamilton Mountain (http://www.ontario.ca/history/station.php?stationid=29214)</a>	250 Fennell Ave. W.	3.5
<a href="http://www.ontario.ca/history/station.php?stationid=29118">Hamilton West (http://www.ontario.ca/history/station.php?stationid=29118)</a>	Main St. W. Hwy 403	14.6
<a href="http://www.ontario.ca/history/station.php?stationid=52023">Kingston (http://www.ontario.ca/history/station.php?stationid=52023)</a>	23 Beechgrove Lane	.8
<a href="http://www.ontario.ca/history/station.php?stationid=26060">Kitchener (http://www.ontario.ca/history/station.php?stationid=26060)</a>	West Ave. Homewood Ave.	1.8
<a href="http://www.ontario.ca/history/station.php?stationid=15026">London (http://www.ontario.ca/history/station.php?stationid=15026)</a>	42 St. Julien St.	2.1
<a href="http://www.ontario.ca/history/station.php?stationid=44029">Milton (http://www.ontario.ca/history/station.php?stationid=44029)</a>	1120 Main St. E.	.9
<a href="http://www.ontario.ca/history/station.php?stationid=46108">Mississauga (http://www.ontario.ca/history/station.php?stationid=46108)</a>	3359 Mississauga Rd. N., U of T Campus	1.3
<a href="http://www.ontario.ca/history/station.php?stationid=48006">Newmarket (http://www.ontario.ca/history/station.php?stationid=48006)</a>	Eagle St. W. McCaffrey Rd.	1.5
<a href="http://www.ontario.ca/history/station.php?stationid=75010">North Bay (http://www.ontario.ca/history/station.php?stationid=75010)</a>	Chippewa St. W., Dept. National Defence	.7
<a href="http://www.ontario.ca/history/station.php?stationid=44017">Oakville (http://www.ontario.ca/history/station.php?stationid=44017)</a>	Eighth Line, Glenashton Dr., Halton Res.	2.2
<a href="http://www.ontario.ca/history/station.php?stationid=45027">Oshawa (http://www.ontario.ca/history/station.php?stationid=45027)</a>	Brittania Ave. W., Ep Taylor Stables	2.7
<a href="http://www.ontario.ca/history/station.php?stationid=49005">Parry Sound (http://www.ontario.ca/history/station.php?stationid=49005)</a>	7 Bay St.	1.5
<a href="http://www.ontario.ca/history/station.php?stationid=59006">Peterborough (http://www.ontario.ca/history/station.php?stationid=59006)</a>	10 Hospital Dr.	2.1
<a href="http://www.ontario.ca/history/station.php?stationid=16015">Port Stanley (http://www.ontario.ca/history/station.php?stationid=16015)</a>	43665 Dexter Line, Elgin Water T. Plt	.9

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<a href="http://www.ontario.ca/history/station.php?stationid=14111">Sarnia (http://www.ontario.ca/history/station.php?stationid=14111)</a>	700 Christina St. N.	4.6
<a href="http://www.ontario.ca/history/station.php?stationid=71078">Sault Ste. Marie (http://www.ontario.ca/history/station.php?stationid=71078)</a>	Sault College	1.8
<a href="http://www.ontario.ca/history/station.php?stationid=27067">St. Catharines (http://www.ontario.ca/history/station.php?stationid=27067)</a>	Argyle Cres., Pump Stn.	1.6
<a href="http://www.ontario.ca/history/station.php?stationid=77233">Sudbury (http://www.ontario.ca/history/station.php?stationid=77233)</a>	155 Elm St.	1.6
<a href="http://www.ontario.ca/history/station.php?stationid=31129">Toronto Downtown (http://www.ontario.ca/history/station.php?stationid=31129)</a>	55 John St.	10.3
<a href="http://www.ontario.ca/history/station.php?stationid=33003">Toronto East (http://www.ontario.ca/history/station.php?stationid=33003)</a>	Kennedy Rd, Lawrence Ave. E.	1.5
<a href="http://www.ontario.ca/history/station.php?stationid=34021">Toronto North (http://www.ontario.ca/history/station.php?stationid=34021)</a>	4905 Dufferin St., Ecco	3.1
<a href="http://www.ontario.ca/history/station.php?stationid=35125">Toronto West (http://www.ontario.ca/history/station.php?stationid=35125)</a>	125 Resources Rd.	.9
<a href="http://www.ontario.ca/history/station.php?stationid=12008">Windsor Downtown (http://www.ontario.ca/history/station.php?stationid=12008)</a>	467 University Ave. W.	3.2
<a href="http://www.ontario.ca/history/station.php?stationid=12016">Windsor West (http://www.ontario.ca/history/station.php?stationid=12016)</a>	College Ave. South St.	2.1
<a href="http://www.ontario.ca/history/station.php?stationid=63203">Thunder Bay (http://www.ontario.ca/history/station.php?stationid=63203)</a>	421 James St. S.	N/A

#### Ontario's Ambient Air Monitoring Stations

Nitrogen Dioxide NO<sub>2</sub> Concentrations for Monday, May 24, 2021, 7:00 pm for Monday, May 24, 2021, 7:00 pm

**Note:** The pollutant concentrations on this web page are based on automatically polled data and have not undergone final verification ([http://www.ontario.ca/science/data\\_disclaimer.php](http://www.ontario.ca/science/data_disclaimer.php)).

**Note:** N/A (Not Available) denotes invalid or missing data.  
 Ontario 1-hour AAQC for NO<sub>2</sub> = 200 ppb

February 15<sup>th</sup>, 2022 . !

To : Daniel Barnett & Maureen Wilson.

From :

Re : Concerns over the 1107 Dain Street West project -  
Objection of tree removal.

Dear Ms. Wilson & Mr. Barnett,

My name is \_\_\_\_\_ and I am the owner of \_\_\_\_\_, a detached house next to my parents who leave at \_\_\_\_\_.

I was born at McMaster Hospital and have lived all my life on Dow Avenue. It is home to me in so many ways!

I am writing to you to object and to ask that my concerns about the development of 1107 Dain St W be heard. The size of the proposed project would mean that everything I have known all my life, the character, greenery will disappear forever!

---

The proposed project would take on Cline Avenue and Dow Avenue and bring an influx of people, a level of intensification that is far too high for this quiet neighbourhood; onto my street!

My driveway will become a turning point, a grand central back up space for garbage trucks and buses! The English oak tree across from my house is a magnificent beauty! It is more than 75 years old! All steps must be taken to ensure its survival.

I saw the proposed site plan on line and I deeply oppose to the size and plan of this project.

This project is far too close to the sidewalks on Dow Avenue. Set backs should be at least 6m but they are properly 3m and removal of the tree

This tree is a municipal tree that provide shade in the summer and where birds have made numerous nests throughout the year.

With climate change being a reality and air pollution threatening our health, I am asking you that you please not allow such



project and removal of trees.

A few steps from the Oak tree is a Silver Maple tree that is just as old and beautiful.

Those trees are not sick and do not represent a risk to people walking their dogs.

I thank you for taking the time to read my letter and urge you to please respect the size of this proposed project.

Respectfully yours,

---

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February 16, 2022

Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Attention: Daniel Barnett  
[daniel.barnett@hamilton.ca](mailto:daniel.barnett@hamilton.ca) Fax: (905) 546-4202

Dear Sir:

RE: UHOPA-20-012 and ZAC20-016  
1107 Main Street West, Hamilton (Ward) 1  
Objections to project and questions concerning municipal trees and setbacks  
and 31 Dow Avenue becoming included in a TOC1 zoning as shown in the  
Application zoning map B.6.2-1

I am the homeowner and occupant of \_\_\_\_\_ and I wrote an objection letter on  
September 2, 2020 in which I objected to the proposed building on the basis that the  
height of 15 storeys is excessive and the number of proposed units is far too large for  
the neighbourhood.

I now also object to the fact that mature municipal trees will either be removed or have  
their roots severely cut back to the point that the tree has to be removed, solely due to  
the fact that the developer is not honouring the setback requirement of 6 metres in the  
zoning by-law. This is extremely objectionable as the developer should not be able to  
lessen the enjoyment of the street for other residents merely because he wants to  
overbuild on the site, and because he refuses to design a building which honours the  
zoning setbacks. We need more trees to offset the detrimental harm caused by climate  
change and air pollution. Unnecessarily removing municipal trees goes against this  
principle, and there is no reason why this particular developer should be allowed to  
overbuild, as any other developer could have easily designed a building to create more  
housing in Hamilton while still respecting the neighbourhood residents.

I also still believe that the project will also detrimentally endanger the safety of the many  
pedestrians and school children walking on the sidewalks or crossing the already busy  
streets, and for motorists. The loading access driveway on Dow Avenue also shows that  
trucks will probably be backing out of the driveway as the turn around space for the  
building is far too small, and this fact makes the project even more dangerous for  
pedestrians.

I also did not get a letter back explaining how my house, \_\_\_\_\_, was included  
within the TOC1 zoning Map B.6.2-1 when my address was not included in any

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Submission or Report to the Planning Committee and when my property was not even shown on any map that was an Appendix to any Report. I ask whether my house was rezoned to allow the developer to build his project, as it appears that both Grace Lutheran Church and my house were rezoned at the exact same time.

Yours sincerely,

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March 11, 2022

Daniel Barnett  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Maureen Wilson  
Councillor Ward 1  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Mr. Barnett and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016**  
**1107 Main Street West, Hamilton (Ward) 1**  
**Addendum to the Environmental and Health Concerns relating to the Hamilton**  
**Airshed, Truck Traffic Volume Flow and Decline of the Urban Forest**  
**Applicant’s failure to adhere to zoning by-law setback requirements contrary to**  
**provisions set out in the PPS (2020)**

Further to my objection letter of January 25, 2022 I wish to attach two additional documents in support of the Environmental and Health Concerns relating to the Hamilton Airshed and the Truck Volume on Main Street West and Highway 403, which I had previously raised.

The first is an article which quoted Dr. Denis Corr in identifying “the 5 worst Hamilton neighbourhoods for air pollution”. The news article identifies the number one area as being the neighbourhoods adjacent to the QEW/403 in which he states that “on the busy highways that run through Hamilton the risk of dying from air pollution is 12 per cent higher than the average mortality rate”. This supports the contention that the subject site, being adjacent to both Main Street West and in close proximity to Highway 403, is situated in the worst neighbourhood in Hamilton in terms of air pollution-related mortality, and that such issues as inadequate setbacks, the lack of landscaping buffers and the “canyon effect” of the Applicant’s proposed built form must be evaluated from the public health perspective.

The second addendum are extracts from the “**City of Hamilton Transportation Master Plan Review and Update**”. In the entire City of Hamilton, the Review and Update identifies “five areas that present challenges to providing an efficient transportation system” one of which is Highway 403/Main Street West/Wilson Street Corridors.

Figures 3.1 and 3.2 on pages 59 and 60 are attached, and it is clear that these areas are subject to traffic volume congestion at peak hours, and that the traffic congestion is on Highway 403 due to

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the bottleneck that occurs at the King Street West interchange, and also by virtue of congestion on Main Street West in both the eastbound and westbound traffic flow during that a.m. and p.m. rush hours.

It also must be noted is that a preferred solution set out in Section 3.5 on page 63 is the “widening of Highway 403 and the City of Hamilton’s own recognition that from an Environmental Evaluation perspective it will result in an “increase in air emissions”. This increase in emissions from diesel fuel exhaust from heavy trucks will have a corresponding detrimental effect on the neighbourhood. In addition, the Metrolinx recommendation that the signalized stoplight at the 403/Main Street West exit interchange be increased anywhere from between 55 seconds to over 80 seconds, will only increase the idling time for diesel fuel burning trucks waiting to exit from Hwy 403 and thereby directly increase the levels of nitrogen dioxide in the neighbourhood.

In light of these environmental concerns for the health and safety of the future residents in the proposed development and also for the existing residents in the neighbourhood, I respectfully submit that the Application file be circulated to the Hamilton Conservation Authority, the Hamilton Board of Health, the Air Quality & Climate Change Division, Recreation Division, Healthy & Safe Communities Department, Healthy Environments Division - Public Works Department, Forestry and Horticulture Division – Public Works Department, Source Water Protection Planning – Public Works Department, and the Traffic Department, in order that a full and complete evaluation be carried out to determine if the proposed redevelopment is consistent with the PPS (2020) and if it is in compliance the existing criteria already established by each of the above municipal departments and divisions.

I thank you for your consideration.

Yours truly,

## 5 worst Hamilton neighbourhoods for air pollution

Samantha Craggs · CBC News · Posted: Jul 12, 2012 8:00 AM ET | Last Updated: July 12, 2012

Hamilton residents have a 11.5 per cent higher chance of dying from air pollution-related causes than the average mortality rate.

In other words, if there were 100 deaths from natural causes, there would be 11 more in Hamilton from causes related to air quality.

Local researcher Denis Corr used a mobile air monitoring system to calculate levels of carbon monoxide, oxides of nitrogen, sulphur dioxide, PM10 (inhalable particulates such as dust) and PM2.5 (respirable, or fine, particulates viewable only with a microscope).

Here are the neighbourhoods at greatest risk of air pollution-related mortality:

### 1. QEW/403

On the busy highways that run through Hamilton, the risk of dying from air pollution is 12 per cent higher than the average mortality rate. Vehicle pollution causes cardiovascular and respiratory emergencies, making Hamilton's major highways the deadliest areas of the city when it comes to air quality. Corr says when you're driving on a highway, especially on smog days, you should set your car's ventilation system to recirculate.

### 2. Jones Road and Arvin Avenue area

This area in Winona is particularly high in PM10, as well as the deadlier PM2.5, which are smaller and more likely to infiltrate our lungs and harm our respiratory systems. In this area, the risk of dying from air pollution is nearly eight per cent higher than the average mortality rate.



### **3. Wentworth North around the Eva Rothwell Centre**

High in PM10, PM2.5 and nitrogen dioxide, the area of Wentworth North at the Eva Rothwell Centre carries a mortality rate that is nearly eight per cent higher than the average mortality rate.

### **4. Eastport Drive, east side**

There are several factors at play when it comes to Eastport Drive.

Air quality is the worst where the wind blows from the east. It carries pollution from traffic on the QEW, bringing increased levels of nitrogen oxides. The impact is offset, Corr says, in areas where there are sound walls, which also act as pollution walls. On the west side of Eastport Drive, industry brings higher levels of PM10.

Eastport Drive with an easterly wind brings a mortality risk seven per cent higher than average. On the west side, the risk is about three per cent higher.

### **5. McAnulty Boulevard**

This residential area near Hamilton's industrial sector carries a mortality rate six per cent higher than average. The highest risk is from PM10.



Hamilton

# CITY OF HAMILTON TRANSPORTATION MASTER PLAN REVIEW AND UPDATE



## Chapter 3

# Strategic Transportation System Evaluation of Alternatives

This chapter describes the identification and evaluation of strategic transportation system alternatives.

### 3.1 TRAVEL DEMAND FORECASTING (EMME MODEL)

Travel demand forecasting was undertaken for the TMP review and update to evaluate the existing conditions and forecast future (2031) transportation system performance including identification of deficiencies and assessment of network needs and opportunities.

The City’s travel demand model is a link-based macro-level (regional-scaled) transportation simulation model using the EMME software package. The model is an AM peak model only.

The model was developed as a traditional four-stage approach, which includes:

1. Generating trips that use a transportation system
2. Distributing those trips to and from origin-destination traffic zones across the network

3. Dividing the trips by mode of travel (e.g. driver, passenger, transit)
4. Assigning the trips to a broad transportation system

Travel demand models are calibrated against observed traffic data crossing a series of imaginary “screenlines” in order to ensure the model adequately captures and simulates existing travel. This ensures that the model can be used to forecast future conditions based on growth projections across the Greater Golden Horseshoe (GGH). Thus, macro-level models are generally applied to inform policy direction and decision-making. They are not intended to be used to make specific infrastructure investments solely based on its outputs. They are also not used to assess localized traffic operation issues such as intersection performance, traffic queues, and turning movements. Further details about the modeling are provided in the EMME Technical Report.



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The updated model reflects the 2011 Transportation Tomorrow Survey (TTS) data, and includes an updated road and transit network, revised GRIDS land use data, a disaggregated trip generation process, new base trip tables for trip distribution through the Fratar process and a validated transit mode split procedure.

Validation is the process of comparing modelled traffic volumes with observed traffic volumes to assess how well the demand forecasting model fits. Validation was completed for year 2011 for the screenline locations through linear goodness of fit model validation and through the non-linear single acceptance threshold GEH Statistic, which is a commonly used transportation forecasting technique to compare two sets of traffic volumes.

There was also a further validation procedure undertaken as part of collaboration with the B-Line LRT project and the modelling undertaken as part of that assignment. This

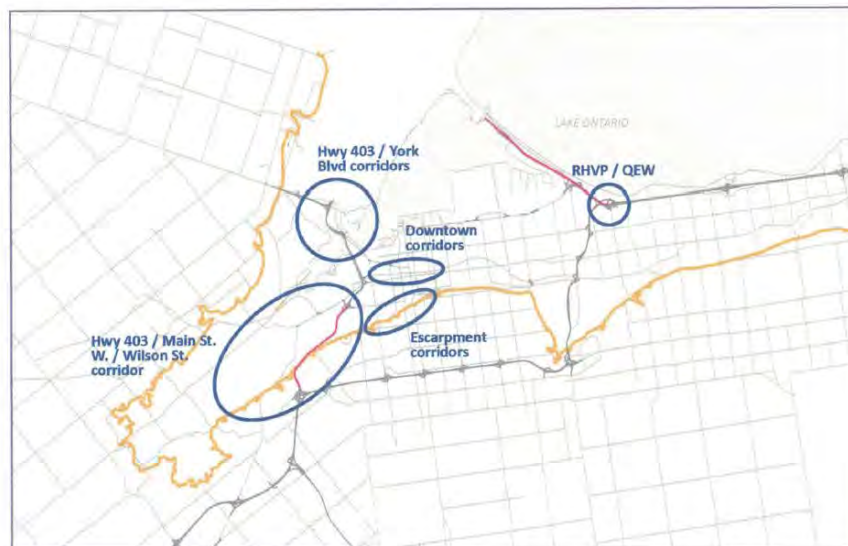
provided both projects the opportunity to validate each other's work. The information from the TMP modeling exercise was then utilized and updated in collaboration with the B-Line LRT project.

Based on these calibration and validation processes, the model was verified to be within acceptable thresholds. As identified in Chapters 7 (Recommendations) and 8 (Monitoring), when new information becomes available through TTS and Statistics Canada, and as changes to population and employment projections, the road network, or other changes occur, the proactive management and monitoring of the model should be undertaken.

### 3.2 EVALUATION OF EXISTING CONDITIONS

Once the calibration and validation of the model was completed, the model was run to evaluate existing conditions. Evaluation of existing conditions is necessary in order to

**FIGURE 3.1**  
2011 Existing Conditions  
AM Peak  
Hour Model  
Results



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provide a baseline to compare future performance against.

Figure 3.1 shows the existing conditions 2011 AM Peak Hour model results, which identifies five areas that present challenges to providing an efficient transportation system:

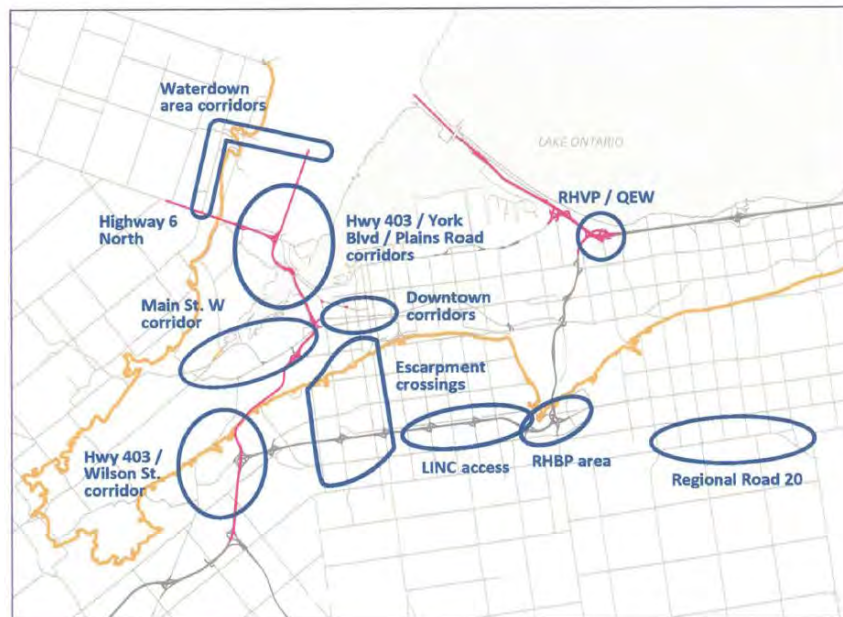
- Red Hill Valley Parkway (RHVP) / QEW
- Highway 403/York Boulevard corridors
- Highway 403/Main Street West/Wilson Street Corridors
- Downtown corridors
- Escarpment crossings

### 3.2.1 Assessment of Future “Do Nothing” Conditions

In order to identify potential alternative scenarios for consideration, an understanding of the impacts associated with the

projected travel patterns in 2031 if no planned or further system infrastructure improvements are made must be understood. Accordingly, two “Do Nothing” scenarios were run. As Figure 3.2 demonstrates, under these scenarios, the areas of concern identified under the existing conditions remained or expanded to affect other areas of the system. Further, additional areas of concern developed in locations primarily driven by expanded residential growth areas without additional supporting road networks or transit service. The development of alternative scenarios to address these areas of concern is discussed in the next section.

**FIGURE 3.2**  
2031 “Do Nothing”  
AM Peak  
Hour Model  
Results





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### 3.3 IDENTIFICATION OF STRATEGIC TRANSPORTATION SYSTEM ALTERNATIVES

In order to minimize the identified potential system challenges associated with the “Do Nothing” scenario, several strategic transportation system alternatives were identified and analyzed as part of the TMP review and update. These are described within this section.

A “2031 Base Case” scenario established the framework from which future alternatives would be modelled and future recommendations built. The “2031 Base Case” included two models which consisted of a “2031 Base Case” scenario without any planned improvements or programs previously identified and a “2031 Base Case” scenario including current planned and approved upgrades. These improvements are derived from sub-area plans, Council approved initiatives, as well as the capital budget and the City’s Development Charges (DC) By-law (2014). No additional improvements above and beyond what has already been approved are included in this scenario. Each base case was analyzed to recognize the demand which would occur on Hamilton’s network by 2031, providing direction on planned improvements based on areas of concern.

A 12% transit mode share assumption was carried forward, consistent with the 2007 TMP, which is associated with development of the rapid transit network (BLAST) and GO Transit rail expansion to the West Harbour and Confederation Stations (all day service). No enhancement to GO bus service was assumed. Truck mode share is based on MTO roadside

commercial trucking survey data, while other travel modes are assumed to remain the same.

This information was used alongside the outputs of the EMME model to identify alternative solutions that could be evaluated against a number of criteria for future study and consideration. The Base Case validates the need for the previously approved improvements (as identified in Maps 3A and 3B and Appendix A). Notwithstanding these improvements, the analysis of the outputs from the EMME model illustrated in Figure 3.3 indicates there will still be capacity deficiencies and pinch points along strategic road links. Alternative solutions to address these deficiencies were therefore identified.

The consideration of different alternatives is an essential part of the EA process. Five alternatives were examined to determine how well they would meet the City’s transportation system to 2031. These include:

#### Alternative A: Widen Highway 403 /QEW

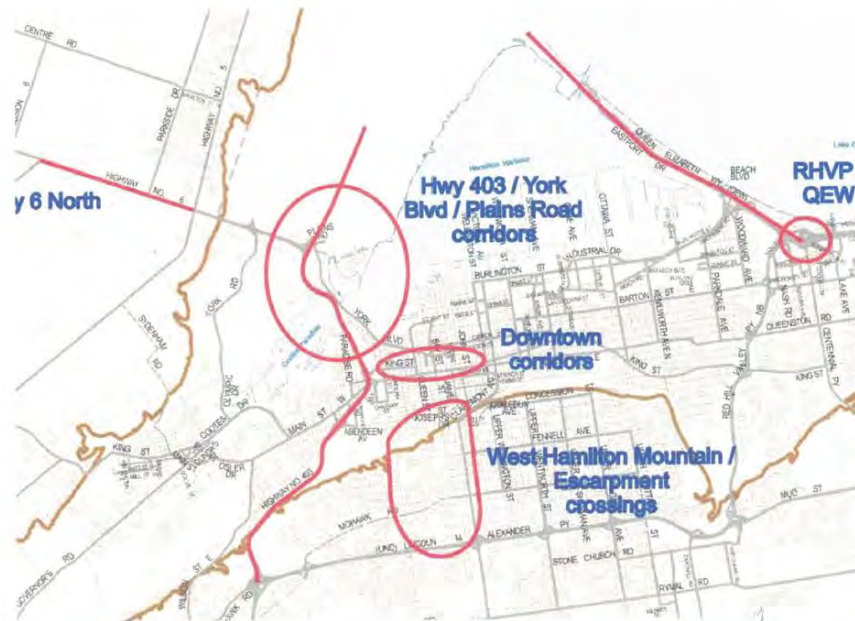
- Widening of Highway 403/QEW from King Street to the Highway 6 South Interchange to remove a bottleneck in the existing system.

#### Alternative B: Localized Improvements (identified through the TMP review and update Process)

- Double transit ridership between upper and lower Hamilton especially on Beckett and James Mountain Road
- Decrease auto trips originating and destined within the Downtown by 5% by changing mode to increased walking and cycling



**FIGURE 3.3**  
2031 AM Peak  
Hour Model  
Results with  
Planned Road  
and Transit  
Improvements



- Build new roadway from RHVP to airport
- Make interim improvements (optimization) to RR 20 east of Centennial Parkway

Alternative B also relies heavily on the implementation of BLAST, the 10 Year Transit Strategy, and the Cycling Master Plan to achieve transit ridership increases and mode shifts.

**Alternative C: Includes Alternative B and widening of LINC and RHVP to six lanes**

- Address two bottlenecks identified in the future planning horizon by providing additional capacity on the LINC and RHVP
- Localized improvements identified in Alternative B above

**Alternative D: Includes Alternatives A, B and C**

- Address two bottlenecks identified in the future planning horizon by providing additional capacity on the LINC and RHVP
- Requires MTO investment to widen Highway 403/QEW to effectively use the increased capacity on the LINC and RHVP
- Localized improvements identified in Alternative B above

**3.4 EVALUATION OF STRATEGIC TRANSPORTATION SYSTEM ALTERNATIVES**

The following sections summarize the evaluation of strategic transportation system alternatives identified in the previous section. This includes a technical analysis using the City’s travel demand model, as well as overall assessment following the EA process.

## Appendix “F-1” To Report PED22098

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The Municipal Class EA document provides guidance on how to evaluate alternative solutions. General criteria include considerations regarding Transportation, Land-Use Planning Objectives, Natural Environment / Natural Heritage Features, Social Environment, Cultural Environment Heritage, First Nations/Aboriginal Peoples and Economic Environments. We have refined these criteria for the purpose of the TMP review and update. This refinement incorporated the lens of the EA process and the three desired outcomes of the transportation system: Sustainable and Balanced Transportation System, Healthy and Safe Communities, and Economic Prosperity and Growth.

Each of the strategic transportation system alternatives were evaluated based on five categories:

- Transportation (Sustainable and Balanced System)
- Environment (Sustainable and Balanced System)
- Social (Healthy and Safe Communities)
- Economic (Economic Prosperity and Growth)
- Implementation (Sustainable and Balanced System)

Table 3.1 provides a summary of the evaluation of strategic transportation system alternatives based on the criteria above.

### 3.5 PREFERRED SOLUTION

As Table 3.1 indicates, the preferred overall strategy is Alternative D. Since no single approach is likely to solve all transportation problems, this will provide a long-term solution that the

City should continue to work towards, which includes:

- Widen Highway 403 / QEW
- Localized improvements
- Expansion of the LINC and RHVP to six lanes

The immediate priority is localized improvements, with potential need for the others to be in the later years of the planning horizon of the TMP.

---

#### WHAT WE HEARD:

**The public preferred the implementation of all improvements as the preferred solution, with a focus on localized improvements.**





However, this long-term solution is not without challenges. For example, improvements to the transportation system such as the expansion of the LINC and RHVP would not be a prudent measure given the pinch points associated with the Provincial freeway network (QEW and Highway 403). Any capacity gained through the LINC and RHVP expansion until these pinch points are resolved would be negated. Further investigation into the sustainability of future expansion should be undertaken. This is described in more detail in Chapter 7 (Recommendations).

Other long-term and interim solutions to the transportation system that are within the City's control regarding localized improvements should be explored. As such, additional sensitivity testing was undertaken regarding localized network improvements and is discussed in the next section.

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**TABLE 3.1** Environmental Assessment Evaluation of Strategic Transportation System Alternatives

Evaluation Criteria	Alternative A Widen Highway 403/QEW	Alternative B Localized Improvements (identified through the TMP Process)
Transportation (Sustainable & Balanced)	<ul style="list-style-type: none"> <li>Provides more efficient connections with regional networks</li> <li>Does not provide diverse transit options</li> </ul>	<ul style="list-style-type: none"> <li>Incorporates multi-modal network enhancements</li> </ul>
Environment (Sustainable & Balanced)	<ul style="list-style-type: none"> <li>Increase in air emissions</li> <li>Requires expansion into surrounding lands</li> </ul>	<ul style="list-style-type: none"> <li>Localized impacts due to road widening conflicts</li> <li>Increase in air emissions</li> </ul>
Social (Healthy & Safe Communities)	<ul style="list-style-type: none"> <li>Potential to reduce collisions and infiltration of traffic into community</li> </ul>	<ul style="list-style-type: none"> <li>Current committed projects will not significantly improve the transportation choices</li> </ul>
Economic (Economic Prosperity & Growth)	<ul style="list-style-type: none"> <li>Widening will have major impacts on the Hamilton Economy during construction</li> <li>Requires funding from Senior Government</li> </ul>	<ul style="list-style-type: none"> <li>Committed projects are planned within budget</li> <li>Committed works do not account for future investment</li> </ul>
Implementation (Sustainable and Balanced)	<ul style="list-style-type: none"> <li>Major impacts to Hamilton network during construction</li> <li>May require new revenue tools</li> </ul>	<ul style="list-style-type: none"> <li>Minimal impacts</li> <li>Projects have been identified in the 2007 TMP</li> <li>May require new revenue tools</li> </ul>
Overall assessment		





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**TABLE ES.3** Summary of Actions

Policy Theme	No	Actions	Timing	Lead (Partners)
Connectivity	44	Maximize the coordination and connectivity of bicycle, pedestrian and transit networks (including public bike share) to improve first and last mile connections to transit.	Ongoing	PED/PW
Climate Change	45	Promote the importance of reducing GHG emissions from transportation, managing fleet operating costs and achieving the City’s Corporate Average Fuel Economy (CAFÉ) targets energy conservation in transportation and ensure Hamilton plays a role in achieving Federal, Provincial and its own commitments to reduce GHG emission reductions.	Ongoing	PW
Emerging Technology	46	Identify opportunities for and run pilot projects to assess the applicability and/or feasibility of implementing new technological opportunities, such as mobility as a service.	Ongoing	PW/PED
	47	Work across departments to use “Big Data” to inform transportation planning decisions, provide better services for the travelling public and reduce net costs.	Short	Corporate Services
	48	Support the transformation of the transportation system to create a “smart city” (intelligent community).	Medium	Corporate Services
Intergovernmental Relations	49	Proactively work with the Ministry of Transportation (MTO), Metrolinx, other provincial/federal agencies and neighbouring municipalities to advance regional transportation initiatives within and beyond the City.	Ongoing	Multiple leads

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**Page 255 of 259**

**TABLE ES.3** Summary of Actions

Policy Theme	No	Actions	Timing	Lead (Partners)
Health and the Built Environment	50	Include health outcomes (chronic disease, respiratory function, injuries, mental health, and health care costs), where possible, in the evaluation of transportation designs, projects and policies, in collaboration with Public Health staff and professionals.	Ongoing	HSC
Road Safety	51	Integrate the goals and principles of Vision Zero into the CLB streets design manual and Engineering Guidelines.	Short	PED
	52	Establish a Vision Zero Task Force that includes multiple partners, leaders, public and private businesses, school boards and public health as a sub-committee to the Hamilton Strategic Road Safety Committee.	Short	PW
	53	Implement a comprehensive collision data collection system integrating multiple modes of transportation and overlaying built environment data.	Ongoing	PW
	54	Apply speed reduction techniques through the implementation of CLB streets as well as through other opportunities such as the introduction of protected cycling facilities.	Ongoing	PW (PED)
Accessibility	55	Support the delivery of age-friendly and accessible transit training and training for other modes run by non-governmental organizations.	Short	PED (HSC, PW, NGOs)
	56	Develop education around sidewalk etiquette and the role of mobility devices.	Short	PED (HSC)

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Page 256 of 259**

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March 30, 2022

Daniel Barnett  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Amber Knowles  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Cultural Heritage  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Ken Coit  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Cultural Heritage  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Steve Robichaud  
Planning and Economic Development Department  
Chief Planner and Director of Planning  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Maureen Wilson  
Councillor Ward 1  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Sirs/Mesdames:

**RE: Objection to the Applicant's Cultural Heritage Proposal of a Stand-Alone Façade  
and six garden planter boxes for the corner of Dow Avenue and Main Street West  
UHOPA-20-012 and ZAC20-016**

We, the undersigned residents of the Ainslie Wood East Neighbourhood, wholeheartedly support the unanimous motion of the Cultural Heritage Committee, which was passed on February 25,





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2022, and the unanimous motion passed by the Planning Committee on March 22, 2022, which recommended to Council that 1107 Main Street West, Hamilton be added to the Municipal Heritage Register and to the staff work plan for heritage designation of the property under the Ontario Heritage Act.

It is our sincere hope that the extant building of the Grace Lutheran Church will be utilized for adaptive use or in the alternative that many heritage attributes of the Gothic and Neo-Gothic architecture be utilized in any new redevelopment of the property. We are fully aware of the fact that the property is on an LRT Corridor, and that as such, is subject to the pressures of higher intensification where it can be accommodated. In fact, we support a truly affordable housing redevelopment with subsidized rents for this site, and we believe that the Applicant has missed a splendid opportunity to partner with CMHC, as this federal agency already has a long and meaningful involvement with these lands and with Grace Lutheran Church.

Upon reviewing the Applicant's Cultural Heritage Impact Assessment (CHIA) Report we have regretfully concluded that the Municipality must now independently make the proper determination of the cultural heritage and historical context of the Church site and the degree to which adaptive use, conservation or preservation can be accomplished. This is because we believe that the CHIA Report recently filed by the Applicant did not sufficiently research the history of the property and consequently the Report failed to present the necessary information to determine the full historical context of the property.

We are also of the belief that the Report overly relied upon perceived notions and incorrect assumptions and in the process, it has minimized any adaptive reuse or preservation of the Church and its Gothic and Neo-Gothic architectural and heritage attributes. This unfortunately resulted in either minimal conservation of the building in its entirety or in part, and in respect to the CHIA Report submitted on December 3, 2021, it directly led to the Applicant's recommendation that the City of Hamilton donate an offsite location to allow the Applicant to erect garden beds using salvaged material from the Church.

We are most shocked and dismayed to learn that the Applicant's Planning Consultant, at the meeting of the Planning Committee on March 22, 2022, advised the Committee Members that the Heritage and Planning Staff are "generally supportive" and "supportive" of the Applicant's most recent recommendation – a stand-alone façade of the front door and wall of the Church building with six community garden planter boxes on both sides of the wall - which is to be erected at the corner of Dow Avenue and Main Street West. We strongly believe that this recommendation should be dismissed as being unacceptable for deserving the support by Heritage and Planning Staff. On the contrary we all strongly urge Heritage and Planning Staff to immediately reject the Applicant's recommendation for the following reasons.

The specific inclusion of the six "community garden planters" is presumably to recognize the symbolic role of Grace Lutheran Church as a participant during the years 2010 to 2020 in the Hamilton Victory Gardens food bank program. It is not clear at all as to why the Applicant decided that this specific 10-year period of participation should be perpetually and symbolically commemorated over all of the other aspects of the activities of Grace Lutheran Church,

ASCO  
J. P. W.

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particularly when Hamilton Victory Gardens has 17 other locations for growing vegetables for food banks throughout the City of Hamilton. It is also puzzling as to why the Applicant ignored the other gardens and walkways and sitting areas on the Church property which were open to the public, such as the meditative "Mary Gardens", the "Peace Gardens", the biodiversity of the "Bee Pollinator" garden, and the many other landscaped flower gardens, shrubs and trees located throughout the semi-public grounds. The Applicant also ignored the Church's strong leadership role and commitment to environmentalism and climate change by being one of the pioneers in disconnecting downspouts into the storm sewer system and only irrigating its entire grounds using a series of rainwater collection barrels.

The Applicant therefore should honour and commemorate the Grace Lutheran Church by expanding the size of the proposed extraordinarily small rear courtyard and utilizing the existing stone benches and salvaged material from the Church to erect a much more appropriate semi-public landscaped courtyard incorporating the same floral themes and gardens that are part of the Church's landscaped property. Accordingly, we find the Applicant's attempt to have six "community garden planters" symbolize the cultural heritage of the site, to be demeaning and insulting, as the proposed development represents quite the opposite in terms of environmentalism and the ideals which the Church truly represents.

This is even more acutely felt because the "community garden planters" will rest on a site plan footprint in which several large and beautiful municipal trees will be needlessly cut down or lost because the Applicant refuses to adhere to the setback requirements set out in the zoning by-law, and because the Applicant will be excavating an even larger portion of the lot below grade for a massive underground parking garage. All these actions make a mockery of the Church's commitment to biodiversity and the environment, its dedication in trying to mitigate the effects of climate change, and its responsibility to maintain watershed recharge by the extensive use of permeable surfaces and rainwater collection barrels.

The proposed stand-alone façade of the front door and wall of the Church is similarly an insufficient and inappropriate replacement for the actual heritage attributes of Grace Lutheran Church. To destroy the Gothic and Neo-Gothic architecture of the Church without any meaningful adaptive reuse or conservation or preservation on the actual interior portion of the proposed redevelopment will be a significant loss of a heritage property for the neighbourhood and all of Hamilton.

The Applicant's intention to erect a stand-alone façade replication, (which we believe to be totally without any precedent in terms of cultural heritage preservation and which lacks any appreciative value in the realm of public art), and to present this proposal as being in compliance with the actual heritage conservation requirements envisioned under the UHOP and the Ontario Heritage Act, is a terrible precedent for the City of Hamilton. This is because any resident of Hamilton who lives not only along the LRT route, but along any bus route or higher-order traffic corridor, and within the vicinity of a heritage property, will soon be facing similar applications in which Developers will create a "Potemkin village" of their own stand-alone facades in lieu of any meaningful cultural heritage preservation and conservation.


J. B.  
K. W.

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Accordingly, it is our sincere hope that Heritage and Planning Staff of the City of Hamilton will reconsider their support of the Applicant's recommendation and will now advise the Applicant that it must resubmit a new Cultural Heritage proposal which meets the policies and guidelines of the City of Hamilton and the Ontario Heritage Act.

We thank you for your consideration.

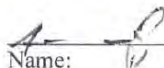
Yours very truly,

  
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
  
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WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

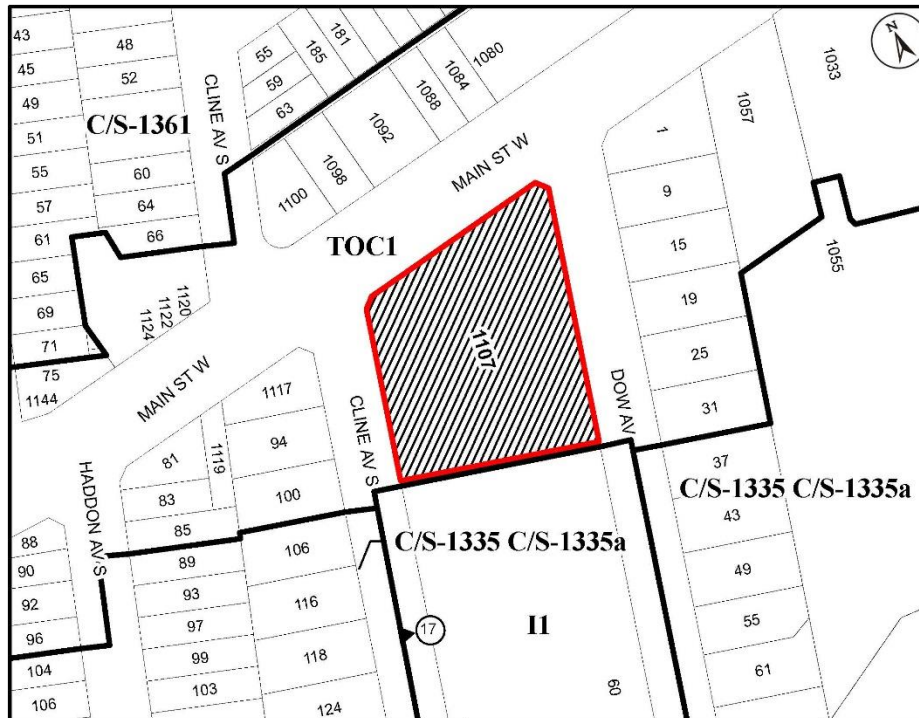
May 31, 2022

## **PED22098 – (ZAC-20-016 / UHOPA-20-012)**

Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton.

Presented by: Daniel Barnett






### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-20-016 & UHOPA-20-012	Date: March 14, 2022
Appendix "A"	Planner/Technician: DB/VS
Scale: N.T.S.	

#### Subject Property

1107 Main Street West, Hamilton

 Change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone

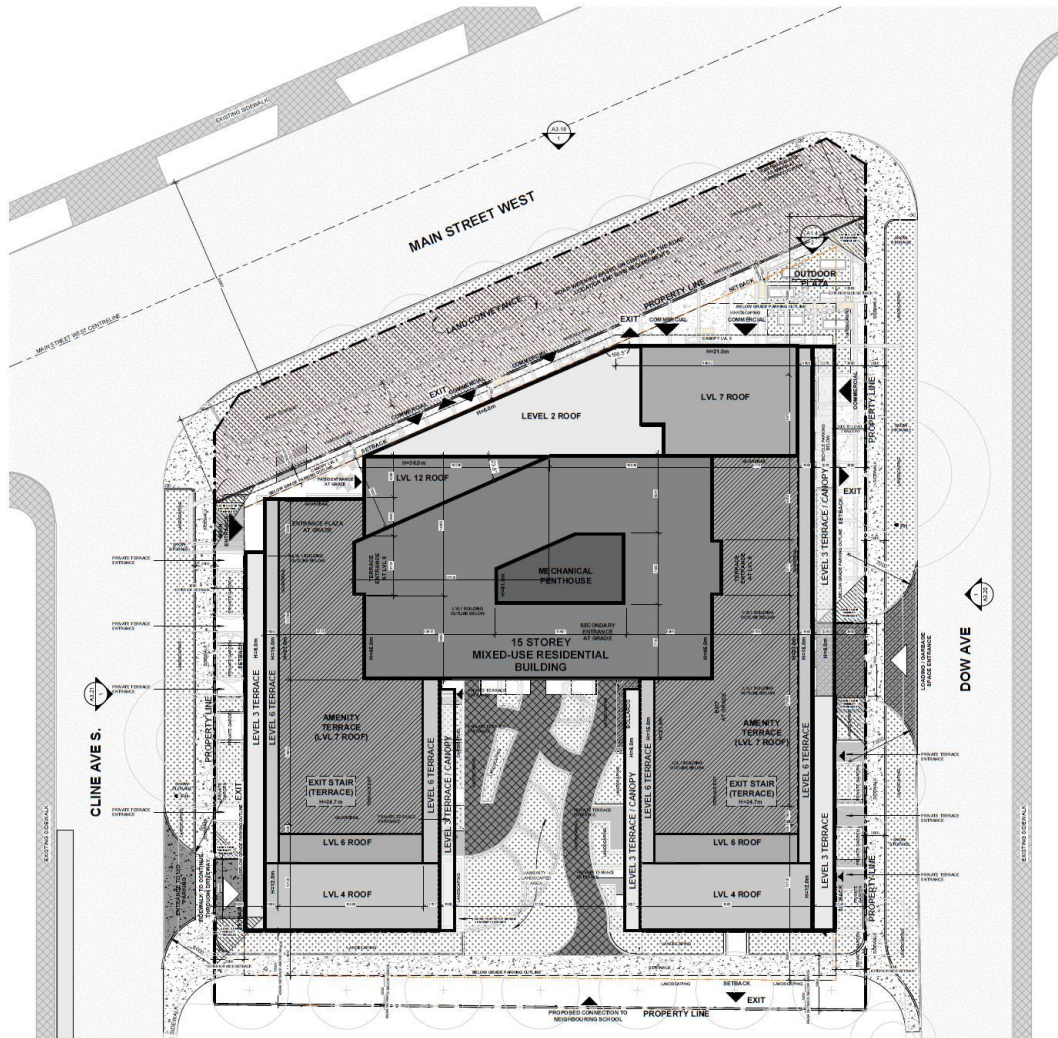




SUBJECT PROPERTY  1107 Main Street West, Hamilton







1 SITE PLAN  
 1/2023

**SITE DATA**

DATA	REQUIRED	PROVIDED
1107 MAIN STREET WEST, HAMILTON, ONTARIO		
ZONE	RESIDENTIAL	RESIDENTIAL
LOT AREA - FINE GRID MEASUREMENT	4,868.00 SF	4,868.00 SF
LOT AREA - LATEST ROAD WIDENING	N/A	4,817.00 SF
FRONT YARD SETBACK	4.0 (2)'	1.7 (1)'
EXTERIOR SIDE YARD (2)	6.0 (2) (2) (2)'	3.0 (1)'
EXTERIOR SIDE YARD (3)	6.0 (2) (2) (2)'	3.0 (1)'
REAR YARD (2)	7.0 (2)'	7.0 (2)'

**BUILDING DATA**

DATA	REQUIRED	PROVIDED
TOTAL GROSS FLOOR AREA	XX (4) (2)	293,088
BUILDING AREA (2) (3)	XX (4) (2)	2,470
ROOF FLOOR AREA ABOVE GRADE (2) (3)	XX (4) (2)	26,322.84 SF
FLOOR SPACE (2) (3)	XX (4) (2)	218,422.27 SF
FLOOR SPACE (2) (3)	XX (4) (2)	14,511.24 SF (2) (3) (4) (2)
NO. ABOVE-GRADE FLOOR AREAS (2) (3)	XX (4) (2)	14.6 (1) (2) (3) (4) (2)
NUMBER OF STOREYS	15	15
SUBJECT HEIGHT (2) (3)	22 (2) (3) MAX	48.76 (2) (3)
COMMERCIAL AREA (2) (3)	XX (4) (2)	918.87 SF (4) (2) (3) (4) (2)
RETAIL (2) (3)	XX (4) (2)	590.00 SF (4) (2) (3) (4) (2)
CAFE/RESTAURANT (2) (3)	XX (4) (2)	328.87 SF (4) (2) (3) (4) (2)
RESIDENTIAL SALEABLE AREA (2) (3)	XX (4) (2)	16,416.82 SF (2) (3) (4) (2)
INTERIOR AMENITY AREA (2) (3)	XX (4) (2)	500.00 SF (2) (3) (4) (2)
OUTDOOR AMENITY AREA (2) (3)	XX (4) (2)	2,016.00 SF (2) (3) (4) (2)
COURTYARD	XX (4) (2)	143.10 SF (2) (3) (4) (2)
ROOF TERRACE	XX (4) (2)	127.00 SF (2) (3) (4) (2)
BRIDGE/ATRIUM	XX (4) (2)	127.00 SF (2) (3) (4) (2)

**VEHICLE PARKING DATA**

DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING		
RESIDENTIAL UNITS (2) (3)	211	211
THRU-DRIVE (2) (3)	63.3	63.3
DRIVE-UP UNITS (2) (3)	58	58
UNITS 1-14	0.714	5.8
UNITS 15-20	0.8506	36.6
UNITS 21	1.00	8
TOTAL RESIDENTIAL PARKING	111.7	112
VISITOR PARKING	0.11 (2) (3)	27
COMMERCIAL PARKING	0 (1) (2) (3)	0
TOTAL 115	139	139

**BICYCLE PARKING DATA**

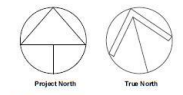
DATA	REQUIRED	PROVIDED
RESIDENTIAL BICYCLE PARKING		
SHORT TERM	5	12
LONG TERM	0.5 (1) (2) (3)	155
COMMERCIAL BICYCLE PARKING		
SHORT TERM	5	5
LONG TERM	12 (2) (3)	10
TOTAL	155	182

**UNIT TYPE BREAKDOWN**

UNITS	UNITS NO.	UNITS %
1-BED	10	4.7%
1-BED + DEN	24	11.4%
2-BED	22	10.4%
2-BED + DEN	11	5.2%
3-BED	1	0.4%
3-BED + DEN	17	8.0%
2-BED TOWNE	6	2.8%
3-BED TOWNE	1	0.5%
TOTAL	88	41.2%

**UNIT SIZE BREAKDOWN**

LEVEL	< 80 SF	> 80 SF
LEVEL 1	2	2
LEVEL 2	7	2
LEVEL 3	25	2
LEVEL 4	25	6
LEVEL 5	22	4
LEVEL 6	22	4
LEVEL 7	22	3
LEVEL 8	6	0
LEVEL 9	13	0
LEVEL 10	12	2
LEVEL 11	12	2
LEVEL 12	12	2
LEVEL 13	11	1
LEVEL 14	11	1
LEVEL 15	11	1
TOTAL	211	28



- GENERAL NOTES**
- DO NOT SCALE DIMENSIONS. WRITTEN DIMENSIONS SHALL PREVAIL OVER DIMENSIONS INDICATED ON DRAWINGS.
  - ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND REGULATIONS.
  - CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  - ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HOLD ALL TOP APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
  - ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNLESS OTHERWISE INDICATED, ALL DOCUMENTS SHALL BE RETURNED TO THE ARCHITECT IMMEDIATELY UPON COMPLETION OF THE PROJECT. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
  - THE ARCHITECT'S CONTRACT DOCUMENTS SET THE CONSULTANTS OBLIGATION IN LIGHT OF THE INFORMATION AVAILABLE TO THEM AT THE TIME OF THE CONTRACT. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS OR ANY INFORMATION OR DATA OBTAINED THEREFROM SHALL BE THE RESPONSIBILITY OF SUCH THIRD PARTY.
  - THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGE TO OR LOSS OF OR DESTRUCTION OF ANY INFORMATION OR DATA OBTAINED FROM OR ACTING UPON THE CONTRACT DOCUMENTS.

No.	Date	Revision
13	2022-11-10	REVISED FOR SPECIAL
12	2022-10-14	REVISED FOR PERMITS
11	2022-09-22	REVISED FOR PERMITS
10	2022-09-22	REVISED FOR PERMITS
9	2022-09-22	REVISED FOR PERMITS
8	2022-09-22	REVISED FOR PERMITS
7	2022-09-22	REVISED FOR PERMITS
6	2022-09-22	REVISED FOR PERMITS
5	2022-09-22	REVISED FOR PERMITS
4	2022-09-22	REVISED FOR PERMITS
3	2022-09-22	REVISED FOR PERMITS
2	2022-09-22	REVISED FOR PERMITS
1	2022-09-22	REVISED FOR PERMITS

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 ARCHITECTS INC.

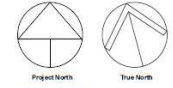
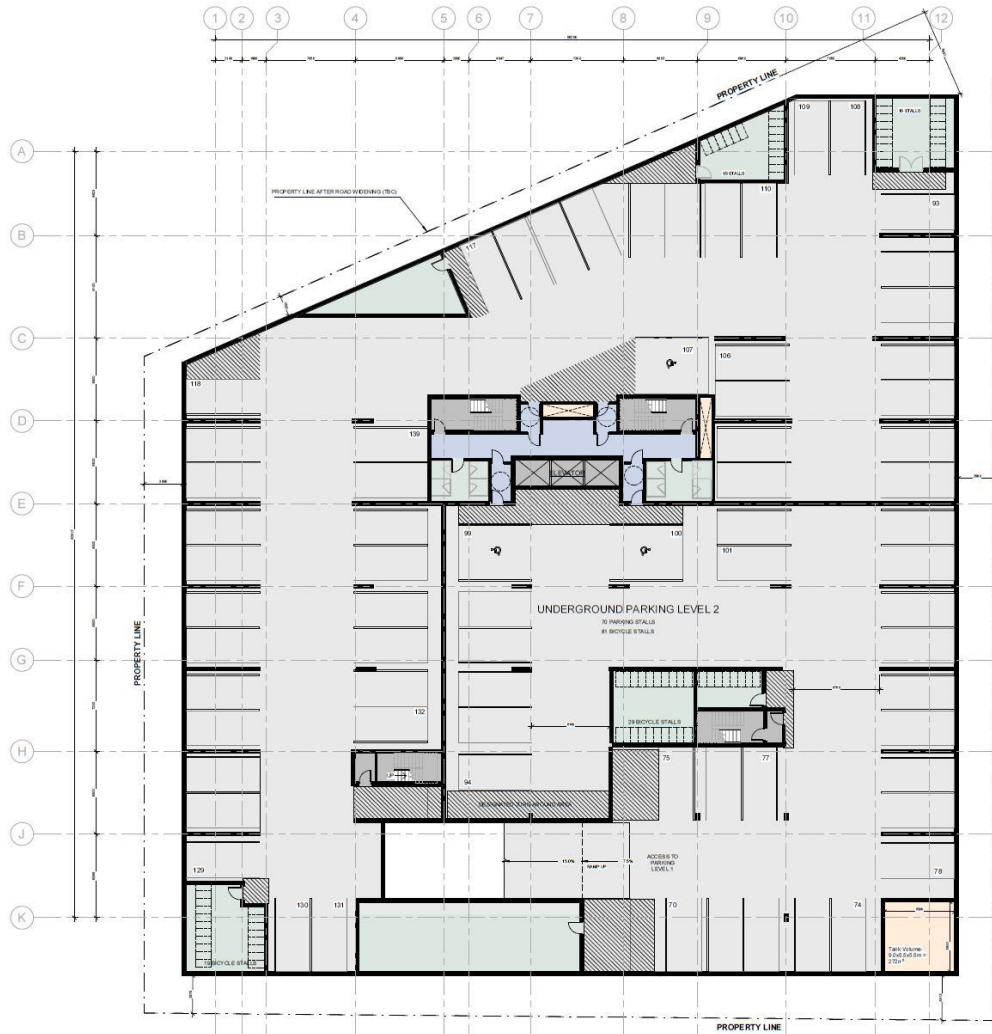
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 Project Date: 2022-03-04  
 Version: F/RP  
 Property: MYV  
 Issue No: 2022-03-04 2:08:28 PM

IN8  
 1107 MAIN ST

SITE PLAN

Issued Date: As indicated  
 Date:

Issuing To: Project No:  
 A1.1 - r23



- GENERAL NOTES**
1. ALL WORK SHALL COMPLY WITH THE BIDDING DOCUMENTS, BUILDING CODES AND ORDINANCES.
  2. ALL WORK SHALL COMPLY WITH THE BIDDING DOCUMENTS, BUILDING CODES AND ORDINANCES.
  3. CONTRACTORS MUST OBTAIN AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND VERIFY ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
  5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION AND STORAGE OF THESE DOCUMENTS. ANY DAMAGE TO OR LOSS OF THESE DOCUMENTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND STORAGE OF THESE DOCUMENTS. ANY DAMAGE TO OR LOSS OF THESE DOCUMENTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
  6. THE MATERIALS COMPANDED HEREIN RESPECTS TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND STORAGE OF THESE DOCUMENTS. ANY DAMAGE TO OR LOSS OF THESE DOCUMENTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
  7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF ACTIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

**BUILDING LEGEND**

[Symbol]	CIRCULATION
[Symbol]	COMMON
[Symbol]	PARKING
[Symbol]	SERVICE
[Symbol]	VERTICAL CIRCULATION

No.	Date	Revision
1	2021-12-02	ISSUE FOR CONSTRUCTION
2	2021-12-02	ISSUE FOR CONSTRUCTION
3	2021-12-02	ISSUE FOR CONSTRUCTION
4	2021-12-02	ISSUE FOR CONSTRUCTION
5	2021-12-02	ISSUE FOR CONSTRUCTION
6	2021-12-02	ISSUE FOR CONSTRUCTION
7	2021-12-02	ISSUE FOR CONSTRUCTION
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150	2021-12-02	ISSUE FOR CONSTRUCTION

**srms**  
 ARCHITECTS INC.

Project No. 19002  
 Project Name 1107 MAIN ST  
 Project Location 1107 MAIN ST  
 Project Date 2021-12-02  
 Project Status 100%  
 Project Manager MYV  
 Project Location 1107 MAIN ST  
 Project Date 2021-12-02 4:37:31 PM

**IN8**  
 1107 MAIN ST

**LEVEL P2 FLOOR PLAN**

Scale: 1:100

Drawn By: [Name]  
 Checked By: [Name]  
 Date: [Date]

**A2.1 - r23**

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2 SALAGED HERITAGE ELEMENTS ELEVATION  
 5/18

MATERIAL LEGEND

1	PRECAST CONCRETE - RED MASONRY
2	PRECAST CONCRETE - WHITE MASONRY
3	PRECAST CONCRETE - CHARCOAL MASONRY
4	RECLAIMED HERITAGE MASONRY
5	SPANDREL PANEL A
6	GLAZING - TINT 2
7	ALUMINUM MULLION
8	PRECAST CONCRETE - WHITE FORMLINE
9	ALUMINUM PANEL
10	PRE-CAST CONCRETE CORNISE
11	METAL CANOPY - CHARCOAL
12	SPANDREL PANEL B

10	2022-11-28	REVISED FOR COMMENTS
11	2022-11-28	REVISED FOR COMMENTS
12	2022-11-28	REVISED FOR COMMENTS
No.	Date	Revision

**sr**m  
 ARCHITECTS INC.

Project No: 19052  
 Project Date: 2021-11-26  
 Designer: DM  
 Drafter: MYV  
 Date Plotted: 2022-11-28 11:54:30 AM

**IN8**  
 1107 MAIN ST

**PRESENTATION ELEVATION - NORTH**

ONTARIO ASSOCIATION OF ARCHITECTS  
 OF ARCHITECTS  
 A3.18 - r23

Stamp area with 'As Indicated' and 'Date' fields.



1 NORTH ELEVATION PRESENTATION  
 1/20

1107 Main St, Hamilton, ON L8N 3A5  
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**MATERIAL LEGEND**

1	PRECAST CONCRETE - RED MASONRY
2	PRECAST CONCRETE - WHITE MASONRY
3	PRECAST CONCRETE - CHARCOAL MASONRY
4	RECLAIMED HERITAGE MASONRY
5	SPANDREL PANEL A
6	GLAZING - TINT 2
7	ALUMINUM MULLION
8	PRECAST CONCRETE - WHITE FORM LINE
9	ALUMINUM PANEL
10	PRE-CAST CONCRETE CORNICE
11	METAL CANOPY - CHARCOAL
12	SPANDREL PANEL B

No.	Date	Revision

**srm**  
 ARCHITECTS INC.

Project No: 19052  
 Project Name: 2021-11-08  
 Owner: EM  
 Consultant: MYV  
 Date: 2021-11-26 11:54:20 AM

**IN8  
 1107 MAIN ST**

**PRESENTATION  
 ELEVATION - SOUTH**

ONYX PRO ASSOCIATION  
 OF  
 ARCHITECTS  
 LICENSE  
 8812

As indicated

**A3.19 - r21**



**1 SOUTH ELEVATION PRESENTATION**  
 1:200

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1 EAST ELEVATION PRESENTATION

**MATERIAL LEGEND**

1	PRECAST CONCRETE - RED MASONRY
2	PRECAST CONCRETE - WHITE MASONRY
3	PRECAST CONCRETE - CHARCOAL MASONRY
4	RECLAIMED HERITAGE MASONRY
5	SPANDREL PANEL A
6	GLAZING - TINT 2
7	ALUMINUM MULLION
8	PRECAST CONCRETE - WHITE FORMLINE
9	ALUMINUM PANEL
10	PRE-CAST CONCRETE CORNICE
11	METAL CANOPY - CORNICAL
12	SPANDREL PANEL B

11	TYPICAL TYPICAL FORM
12	TYPICAL TYPICAL FORM

No.	Date	Revision


 Project No: 16522  
 Project Date: 2021-11-26  
 Designer: DM  
 Drafter: M/V  
 Plot Date: 2021-11-26 11:54:32 AM

IN8  
 1107 MAIN ST  
 PRESENTATION  
 ELEVATION - EAST

Hamilton Association of Architects  
 Registered Professional Architect  
 License No. 1075  
 A3.20 - r21



**MATERIAL LEGEND**

1	PRECAST CONCRETE - RED MASONRY
2	PRECAST CONCRETE - WHITE MASONRY
3	PRECAST CONCRETE - CHARCOAL MASONRY
4	RECLAIMED HERITAGE MASONRY
5	SPANDREL PANEL A
6	GLAZING - TINT 2
7	ALUMINUM MULLION
8	PRECAST CONCRETE - WHITE FORMLINE
9	ALUMINUM PANEL
10	PRE-CAST CONCRETE CORNICE
11	METAL CANOPY - CHARCOAL
12	SPANDREL PANEL B

No.	Date	Revision

**srms**  
 ARCHITECTS INC.

Project No: 19002  
 Issue Date: 2021-11-28  
 Designer: DM  
 Checker: MTV  
 Date Plotted: 2021-11-28 11:54:36 AM

**IN8  
 1107 MAIN ST**

**PRESENTATION  
 ELEVATION - WEST**

ONTARIO ASSOCIATION  
 OF  
 ARCHITECTS  
 REGULATED PROFESSION  
 LICENSE REGD

Drawing No: As indicated  
 Date: As indicated  
 Drawing No: A3.21 - r21



















Existing Place of Worship at 1107 Main Street West, as seen from the intersection of Main Street West and Cline Avenue South looking south east





Existing Place of Worship at 1107 Main Street West, as seen from the intersection of Main Street West and Dow Avenue looking south west





Existing Place of Worship at 1107 Main Street West, as seen from Dow Avenue looking west





Existing Place of Worship at 1107 Main Street West, as seen from Cline Avenue South looking east





Properties at 9, 15 and 19 Dow Avenue located to the east of the subject property, as seen from Dow Avenue looking north east





Properties at 25, 31, and 37 Dow Avenue located to the east and south east of the subject property, as seen from Dow Avenue looking south east





Commercial lands at 1070 Main Street West located to the north east of the subject property, as seen from Main Street West looking north east





Properties of 1080, 1084 and 1088 Main Street West located to the north of the subject property, as seen from Main Street West looking north





Properties at 1098 and 1100 Main Street West located to the north and north west of the subject property, as seen from Main Street West looking north



Property at 1124 Main Street West located to the north west of the subject property, as seen from Main Street West looking north west





Property at 1117 Main Street West located to the west of the subject property, as seen from Main Street West looking south west





Properties at 94, 100 and 106 Cline Avenue North located to the west and south west of the subject property, as seen from Cline Avenue South looking south west





Property at 60 Dow Avenue located to the south of the subject property, as seen from Cline Avenue looking south east





Property at 60 Dow Avenue located to the south of the subject property, as seen from Dow Avenue looking south west



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**From:** Ira Rosen

**Sent:** Tuesday, May 24, 2022 1:30 PM

**To:** Barnett, Daniel <Daniel.Barnett@hamilton.ca>; Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** [Fwd: Re: 1107 Main Street West, Hamilton File No. UHOPA-20-012]

To Whom it may concern,

Just over a year ago a meeting was held by the applicant regarding the proposed development at 1107 Main St. W. This was the first meeting to introduce the proposed plans and all community associations were invited and had representatives in attendance. After the presentation the major concern which was raised by all was the lack of sufficient parking.

The developers representative explained that the addition of another underground parking level would be very expensive and the only way it could be done would be to increase the proposed height of the building to compensate for the required addition of more rental units. At the time all in attendance agreed that if the developer was willing to make the changes for the additional parking we saw no other reason at the time to oppose the development.

A few weeks later we were sent the new plans which now included a full third level of underground parking. The developer made the changes to add more parking which was discussed and we clearly understood and agreed that the development would be higher.



Prior to "Covid" the AWWCA had the opportunity to discuss these development at several board meetings and the consensus was that we saw no reason to formally oppose this development especially in light of the fact that the developer had already reacted to the concerns raised at the first meeting.

Ira Rosen ld.  
President AWWCA



We, the residents of Cline Avenue South, Dow Avenue and Paul Street, who live within 150 meters of the proposed development at 1107 Main Street West, support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents that will be most greatly impacted by the development, we feel this will enhance the quality of living in our area.

NAME	ADDRESS	SIGNATURE
HENRY KATZ		
RUTH KATZ		
Zion Naftali		
AMNON VARDOLLO		
MICAL ABULIN		
Gila Mesusamy		
Alex Lawton		
		
Matanah Friedner		
Jessie Lavian		
Rob Paling		
Sharon Dukest		

NAME	ADDRESS	SIGNATURE
Rachel Michalowitz	[REDACTED]	
Alan Richter		
Orna Richters		
Josephine		
Oliver Borr		
Dorothy Jones		
PARISH HOUSE, ADAS ISRAEL		
Tara Kurgavinko		

As community members of Ainslie Woods/Westdale, impacted by the proposed development at 1107 Main Street West, we the undersigned support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents that will be most greatly impacted by the development, we feel this will enhance the quality of living in our area.

NAME

ADDRESS

SIGNATURE

Nachum Aaron Kutnowski

---

Rabbi Chanoch Rosenfeld

---

*Jonathan*

---

Ricky Livay Shakked

---

Yisrael

---

Yuval Bavly

---

Michael Zians

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Tsadi

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Barak  
Greenbaum, Dr. Joseph

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Leora Bernstein

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Shira Morel

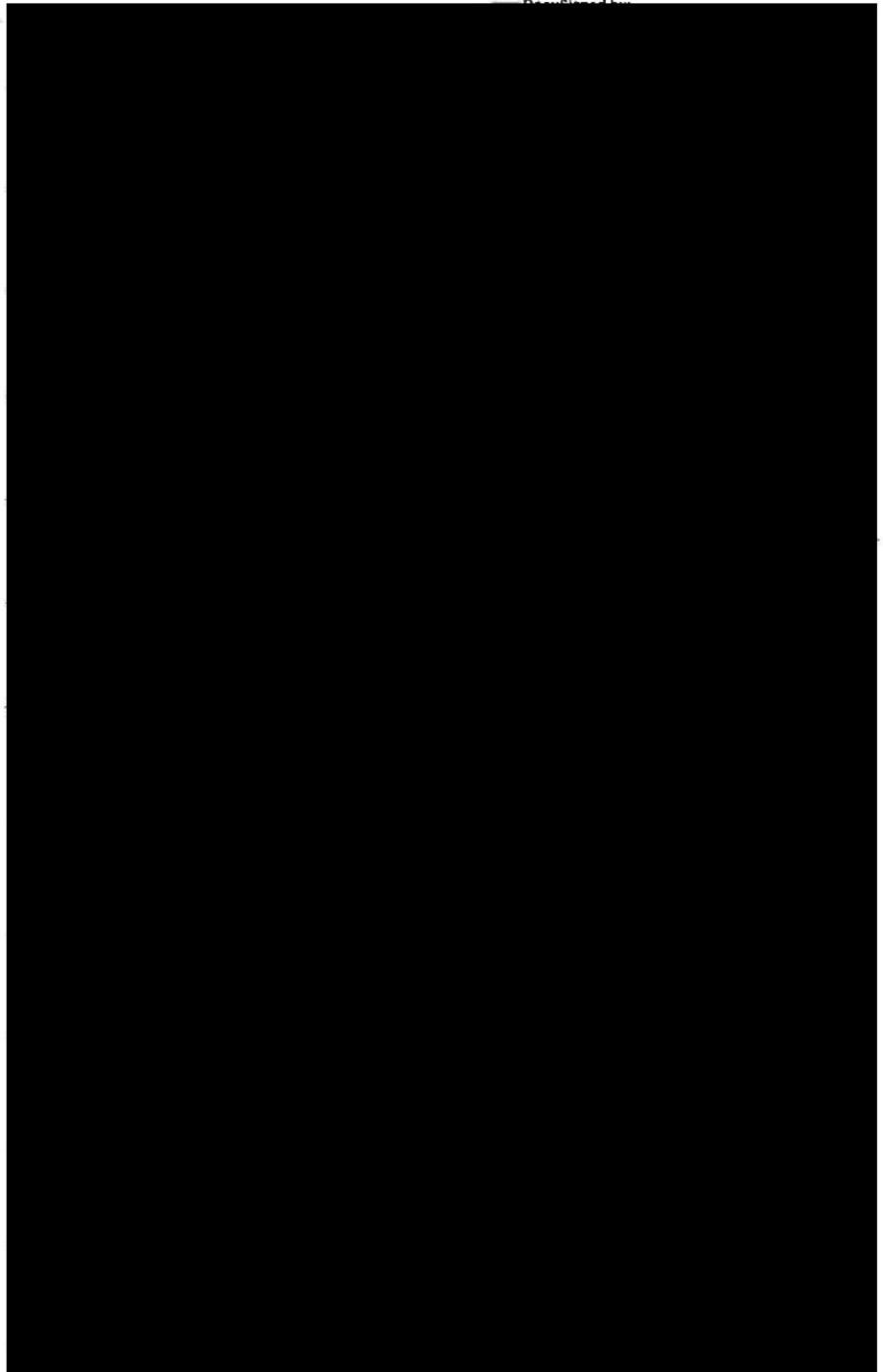
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Dr. Michael Schweitzer

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Goldie Weiser

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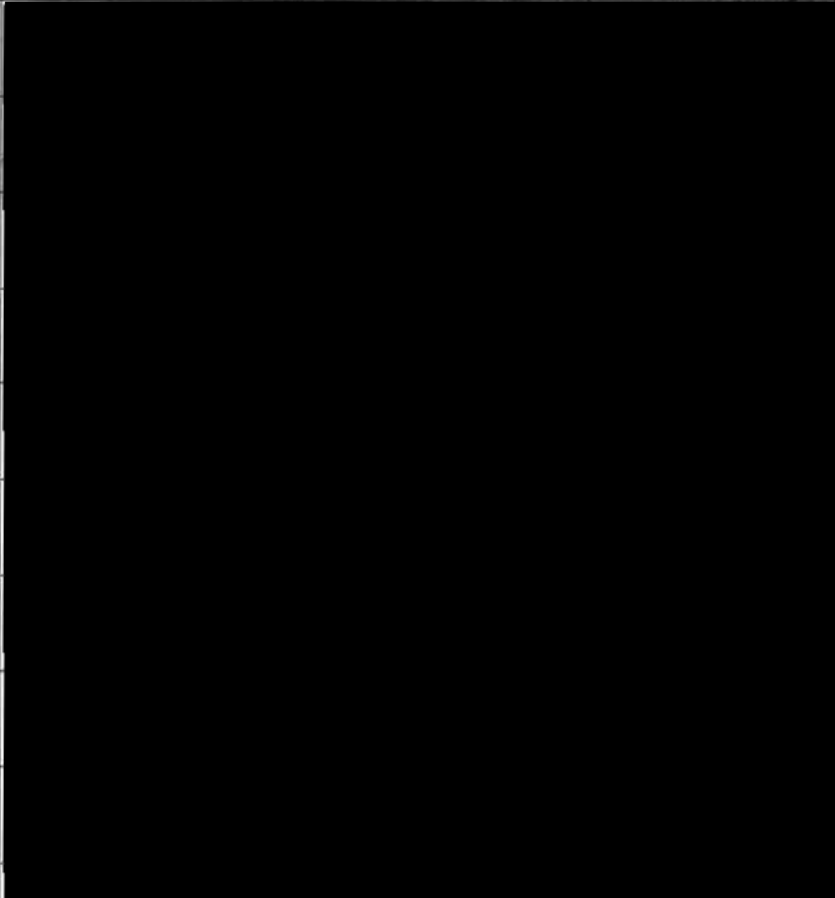
We, the residents of Ainslie Wood & Westdale, in the area of the proposed development, at 1107 Main Street West, support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents near the development, we feel this will enhance the quality of living in our area.

NAME	ADDRESS	SIGNATURE
Jonathan Riady		
Rachel Risby		
Gavriel ALON		
Elkawa yfarah		
Naama Yifrah		
Ben Susla		
Aaron Kutnowski		
BARAK Aburak Tsaidi		
Elad Sadeh		

We, the residents of Ainslie Wood & Westdale, in the area of the proposed development, at 1107 Main Street West, support application UHOPA-20-012.

As a neighbourhood struggling to attract and maintain families due to a shortage of appropriate housing options, this development will provide much needed housing options and help preserve the neighbourhood character. As residents near the development, we feel this will enhance the quality of living in our area.

NAME	ADDRESS	SIGNATURE
Alon Benenstein		
ODED ABRAHAM		
<del>oded Abraham</del>		
Allen Rams		
<del>Mauricio Romero</del>		
ELLIOTT RAHHAEL		
Gayle Kepes		
Lester KRAMS		
STAN KATZ		
Russel Brown		



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Condominium Conversion Policy Review (PED22091) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Melanie Pham (905) 546-2424 Ext. 6685
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Planning Division and Legal Services Division Staff be authorized to consult with stakeholders and the public on:
- (i) The proposed Official Plan Amendment attached as Appendix “A” to Report PED22091, relating to polices about conversion of rental housing to condominium tenure and demolition of rental housing;
  - (ii) The proposed *Municipal Act* By-law attached as “Appendix “B” to Report PED22091, to regulate the demolition and conversion of rental housing in the City of Hamilton;
- (b) That Planning Division and Legal Services Staff be directed to report back to Planning Committee with final recommendations on the Official Plan Amendment and the Municipal Act By-law, with any modifications based on the results of the stakeholder and public consultation;
- (c) That Item 18H be removed from the Planning Committee Outstanding Business List.

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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: Condominium Conversion Policy Review (PED22091) (City Wide) -  
Page 2 of 20**

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## **EXECUTIVE SUMMARY**

This Report addresses item 18H on the City's Outstanding Business List. In June 2018, a motion at Planning Committee directed staff to review existing criteria for conversions of primary rental housing from rental tenure to condominium within the City's Official Plan, and report back with recommendations on how to strengthen the policies and provide protection for rental housing.

In any community, having an appropriate mix and range of housing, in terms of form, function, tenure, and affordability, is critically important to the health and well-being of residents. Rental housing is a key part of the housing continuum outlined in the City's Official Plan, particularly primary rental housing. Primary rental housing is defined in the City's Official Plan as "buildings or groups of buildings containing six or more dwelling units, owned by a single owner or agency, and built with the intention of being permanently rented" and is an important part of the City's housing supply as a significant contributor to affordable housing options in the City. In the past several decades, very little new primary rental housing has been built, and some existing purpose-built rental housing stock has either been converted to condominium tenure or lost to demolition.

The practice of renovictions has also been raised as a serious issue in the context of impacts to affordable rental housing units. This issue is acknowledged but is outside of the scope of this report, which focuses on preventing negative impacts to Hamilton's existing rental housing stock as a result of conversions to condominium tenure or the demolition of buildings containing six or more rental units.

As part of the preparation of this report, staff undertook a comparison review of policies and practices in other municipalities that relate to protecting rental housing stock and criteria for condominium conversions. Based on this review, staff propose to make adjustments to the Urban Hamilton Official Plan (UHOP) policies and use a tool under the *Municipal Act* which enables municipalities to pass by-laws to regulate the demolition and conversion of rental housing units. The implementation of a *Municipal Act* By-law to regulate conversions or demolitions of rental units has been identified as a key feature which can strengthen the City's strategy to protect existing rental housing, particularly affordable rental housing.

Staff are proposing that public and stakeholder consultation take place to collect input on proposed changes to the framework surrounding conversions to condominium tenure and demolitions. The proposed framework will be comprised of revised Official Plan Policies, attached as Appendix "A" to Report PED22091 and a proposed By-law under the *Municipal Act* to regulate requested conversions or demolitions of rental housing, attached as Appendix "B" to Report PED22091.

**SUBJECT: Condominium Conversion Policy Review (PED22091) (City Wide) -  
Page 3 of 20**

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The proposed amendment and *Municipal Act* by-law support the goals of the City's Housing and Homelessness Action Plan and the UHOP by helping to ensure that primary rental housing is adequately protected.

**Alternatives for Consideration – See Page 19**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Recommended consultation will have minimal budget implications, based on costs for organizing consultation events and/or preparing materials, and notification measures. Consultation costs would be paid for through existing funds in the Community Planning Studies Capital Account No. 8120955900.

If a By-law which regulates demolitions and conversions of rental housing were to be enacted, a reserve fund would need to be established to collect fines and cash-in-lieu payments for replacement units. Fees would also need to be established in the *Municipal Act* By-law to cover the cost of processing permits for demolitions and conversions of rental housing. Fees would be based on a cost-recovery model for the staff resources needed to process the permit, similar to fees for *Planning Act* Applications. Implementation details would be determined following the consultations in Recommendation (a) to Report PED22091.

**Staffing:** There are no staffing implication with this Report. Staff will be reporting back on the results of the consultation at which staff will report on any staff recommendations relating to the proposed changes in regulatory framework relating to condominium conversions and/or the demolition of rental units.

**Legal:** Legal staff prepared a draft By-law under the *Municipal Act* to regulate requested conversions or demolitions of rental housing, attached as Appendix “B” to Report PED22091. As stated in Recommendation (b), Legal staff will undertake revisions to the draft by-law in response to feedback received through consultation.

**HISTORICAL BACKGROUND**

**2013:** The UHOP was approved by the Ontario Municipal Board (OMB) and became the new official plan for the City, replacing the Official Plans for the former Municipalities. Consistent housing policies, including criteria for conversions to condominium were established for the entire urban area. Policies restricting demolitions of rental housing were also established.

**SUBJECT: Condominium Conversion Policy Review (PED22091) (City Wide) -  
Page 4 of 20**

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- 2016: *Bill 7, Promoting Affordable Housing Act* received royal assent. The legislation is aimed at increasing access to affordable housing by giving municipalities an option to implement inclusionary zoning that requires affordable housing to be included in residential developments and making secondary suites development less costly and strengthening tenant rights by preventing unnecessary evictions. The enactment of this legislation was an acknowledgement by the province that more options of creating and protecting affordable housing need to be considered beyond growth and planning.
- 2018: Council approves a new Downtown Hamilton Secondary Plan and Zoning By-law which contains policies requiring the replacement of rental units on-site where lands are redeveloped. A holding provision is applied to various properties through the new Zoning, to allow for implementation of this requirement.
- 2018: Provincial government releases “A Plan for the People: Ontario Economic Outlook and Fiscal Review”. This document identifies that the Province will begin rolling out a Housing Supply Action Plan in 2019, aimed at increasing housing supply in Ontario. New legislation exempts all new rental units that are occupied for the first time for residential purposes after November 15, 2018 from rent control.
- 2018: In response to the increase in need for affordable housing units, Housing Services Division commences five-year review of Housing and Homelessness Action Plan.
- 2018: Planning Committee directs staff to review the existing criteria for condominium conversions in the UHOP and report back with recommendations on how to strengthen them.
- 2019: Province closes public consultations for the Housing Supply Action Plan.
- 2019: *Bill 108, More Homes, More Choice Act* receives royal assent. The emphasis of this Act is on increasing supply of affordable housing units by making it easier to create additional residential units (Secondary Dwelling Units), increasing certainty and predictability in the planning system and helping to build housing near transit, including affordable housing.
- 2020: Council endorses a five-year update to Housing and Homelessness Action Plan with a stretch target of creating at least 350 affordable housing units annually to address the community need.

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2021: Council approves By-Law Nos. 21-071 to 21-077 to harmonize and permit secondary dwelling units in the City of Hamilton.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**The Planning Act**

The *Planning Act* (the Act) requires municipalities to have regard for matters of Provincial interest in their decisions. Among the Provincial interests listed in the Act is “the adequate provision of a full range of housing, including affordable housing.” The proposed actions outlined in this report support the Provincial interest of providing an appropriate range of housing to support all needs, including rental needs.

**Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS states that healthy, liveable and safe communities are sustained by a number of factors, including “*accommodating an appropriate affordable and market-based range and mix of residential types (1.1.1b)*”. Planning authorities are directed to permit and facilitate “*all housing options required to meet the social, health, economic and well-being requirements of current and future residents, and all types of residential intensification (1.4.3b)*”.

The proposed actions outlined in this report aim to maintain housing types needed to meet the needs of residents, particularly the maintenance of appropriate rental housing.

**Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) builds upon the principles within the PPS and contains policies for municipalities about directing growth and achieving complete communities in the Greater Golden Horseshoe area. One of the guiding principles listed in the Growth Plan is to “*support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households (1.2.1)*”. The plan outlines current issues of housing affordability in many urban areas, due to growth and lack of housing supply, and looks to address this challenge through planning for a range and mix of housing options.

Policies 2.2.1.4c) and 2.2.6.1a) also speak about achieving complete communities by providing a diverse range and mix of housing options, including additional residential units and affordable housing, accommodating people at all stages of life, and meeting the needs of all household sizes and incomes. Municipalities are directed to identify mechanisms, including land use planning and financial tools, to implement the housing

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policies of the Growth Plan (2.2.6.1b)). This includes implementation through official plan policies and zoning by-laws (2.2.6.1e)).

The actions outlined in this report comply with the policies of the Growth Plan.

**Urban Hamilton Official Plan (UHOP)**

The UHOP stresses the importance of maintaining a balance of primary rental and ownership housing stock. Rental housing stock is an important component of affordable housing. However, it is recognized that conversion of rental units to condominium ownership may be appropriate in certain circumstances, and can support affordable home ownership. It is also recognized that demolition can be appropriate in some circumstances, because redevelopment can assist in neighbourhood revitalization, replacement of aging housing stock, and residential intensification goals. The following policies detail the UHOP intent and requirements for a conversion from rental to condominium ownership, and for demolitions of rental units.

To protect the adequate provision of a full range of housing, the Official Plan contains limitations on when conversions of rental buildings or groups of buildings comprised of six or more units to condominium are permitted. At least one of three general criteria must be met, as outlined below:

1. All of the following four criteria are met:
  - “i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on Canada Mortgage and Housing Corporation (CMHC) data, has been at or above 2.0% for the preceding twenty-four months;
  - ii) The proposed conversion shall not reduce the rental vacancy rate by dwelling unit type (i.e. number of bedrooms) and structure type (i.e. townhouse, multiple dwelling) to below 2.0% for the City and the respective local housing market zone;
  - iii) The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
  - iv) For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the

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respective local housing market zone for rental units of a similar dwelling unit and structure type and size;” or,

2. At least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,
3. The subject building or group of buildings is a *protected heritage property* on the date of Application (Policy B.3.2.5.1).

There is also a permission for the City to allow a conversion where repair or retrofitting is immediately required to meet health and safety standards and the income received from rent and available from government funding programs is not capable of supporting the work required (Policy B.3.2.5.3).

The UHOP also provides direction regarding demolition and redevelopment affecting rental units, as this also can impact rental housing options for residents in the City. Demolition of six or more units is only permitted where the building is determined to be structurally unsound or where the same four criteria listed in (1) above for condominium conversions are met (Policies B.3.2.5.6 and B.3.2.5.7).

### **Rural Hamilton Official Plan**

The Rural Hamilton Official Plan does not contain detailed policies about conversions or demolitions of rental housing.

### **Downtown Hamilton Secondary Plan**

The Downtown Hamilton Secondary Plan contains specific direction regarding demolition and redevelopment affecting rental units, only permitting demolition when rental housing units are replaced on-site. Developers are also required to provide an acceptable tenant relocation and assistance plan, to address tenant displacement issues (Policy B.6.1.4.11, Volume 2).

### **Downtown Hamilton Zoning By-law**

The Downtown Hamilton Zoning provisions apply a holding provision to a number of sites in the Downtown which contain primary rental units. The holding provision prohibits any new development above six storeys unless the owner demonstrates how existing rental housing will be replaced and enters into an agreement with the City to provide the replacement units. The six storey restriction applies where three or more rental units would be removed.



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***Municipal Act, 2001***

Section 99.1 of the *Municipal Act, 2001*, permits a local municipality to regulate the demolition or conversion of residential rental properties. The permissions include the power to pass a by-law to prohibit demolitions or conversions without a permit, and to impose conditions as a requirement of obtaining a permit. Conditions may be imposed requiring an owner to enter into an agreement with the municipality, which may be registered on title to the land to which it applies. These permissions are only applicable where there are six or more rental housing units affected.

**RELEVANT CONSULTATION****Internal Consultations**

Housing Services Division was consulted on the review of the draft Official Plan Amendment and Municipal Act By-law and the preparation of Report PED22091 and their comments have been incorporated.

Legal Services drafted the *Municipal Act* By-law contained in Appendix “B” attached to Report PED22091 and have provided inputs on the proposed actions and draft Official Plan Amendment contained in this report.

Municipal Law Enforcement (MLE) was engaged on the potential enforcement resources that may be needed if the by-laws were to be enacted. It is not anticipated that additional staff will be needed to track Applications and monitor compliance, since the number of anticipated permit Applications is very low. However operationally, a dedicated person may need to be assigned to ensuring compliance on these Applications.

**Public and Stakeholder Consultation**

As provided in Recommendation (a) of Report PED22091, it is proposed that a public consultation process will be initiated upon approval of this report at Planning Committee. In addition to legislated notice and public meeting requirements for the proposed Official Plan Amendment, Staff recommend that online public engagement take place, and that potential stakeholders be provided a direct invitation to comment. In person engagement may be considered if conditions exist to allow for in-person consultation.

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## **ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

### **Housing Need**

Hamilton has a complex and dynamic rental market, with an estimated 68,465 rental households (2016 Census results). The 2016 Census highlighted that of the total 211,600 households in the City (rental and ownership combined), over 30,765 are in core housing need. A household is in core housing need if its housing does not meet one or more standards for housing affordability, adequacy (repair) or suitability (crowding) and if it would have to spend 30% or more of its before-tax income to pay the median rent (including utilities) of appropriately sized alternative local market housing.

Data from the Housing Services Division indicates that over the past ten years, the number of households in need of subsidized housing units has increased by 32%, despite the rate of growth remaining steady between 2011 and 2015. In 2020 alone, only 662 households of the 6,704 households on the Access to Housing (ATH) wait list were housed through the existing 14,000 social housing units in the City.

The housing needs assessment completed during the five-year review of the Housing and Homelessness Action Plan indicated that Hamilton will need an additional 77,800 housing units to accommodate local population growth and housing needs through 2041. The household forecasts in the City's Growth Related Integrated Development Strategy (GRIDS 2) and Municipal Comprehensive Review (MCR) further indicate that between 2021 and 2051, the City will grow by approximately 110,300 additional households. The housing needs assessment concluded that the development of affordable rental housing in the City has not kept pace with demand over the past five years (2015-2020). CMHC's data indicate that over the past ten years only 1,552 primary rental dwelling units were constructed.

Staff believe that the increasing demand for affordable housing requires innovative approaches to not only increase the supply of units but importantly, to also ensure that existing affordable rental units are protected. Accordingly, recommendations (a) and (b) are being brought forward to assist with the preservation of affordable units.

### **Vacancy Rates**

Average market rents have seen a steady increase year over year with no sign of reversing. In 2020, the average market rent (all unit types included) was \$1,118 compared to \$725 in 2010. CMHC data show that overall vacancy rates for primary rental housing were at 3.9% as of October 2020. While a rate above 3.0% is considered to be healthy, the rental market conditions for the most affordable units are much tighter, with vacancy rates fluctuating between 0.5% and 1.0% over the last ten years. This variation in rents for the most affordable units is one of the reasons why

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restrictive provisions in the City's Official Plan policies are needed to maintain the remaining limited supply of affordable units.

### **Condominium Conversion Data**

The City's Official Plan recognizes that there are cases in which a conversion from rental units to condominium ownership can meet the City's goal of providing an appropriate range and mix of housing. For example, rental units converted to condominium can sometimes provide an affordable option for home ownership, as converted units typically cost less than newly built units. It is recognized that there needs to be a balance of different types of tenure, and that conversions should not negatively impact the availability of an appropriate range of rental housing options for residents. As such, the City's Official Plan sets out certain criteria which must be met for an Application to convert to condominium ownership.

Over the last 12 years, there have been 14 Applications for condominium conversions submitted to the City. All 14 Applications have been draft approved as the proposals met the tests in the Urban Hamilton Official Plan. Nine of these have completed the process of registering the Condominium Corporation. The 14 Applications represent a total of 1,054 dwelling units. Between 2005 and 2009, prior to the City's current UHOP policies coming into effect, an additional 22 Applications were approved, totalling 1401 units.

In general, many of these units remain as rental units in the short to medium term. Building owners may choose to continue to operate as a rental building since existing tenants have the right to remain in their units, or if the units are sold and become vacant, buyers can choose to rent them out again on the secondary rental market. However, due to current lack of municipal restrictions to maintain tenure as rental, tenure can be lost in the medium to long term if the tenant vacates the unit. It is against this backdrop that actions are being considered which could assist with implementing Official Plan policy and enable the Application of conditions to mitigate potential adverse impacts to tenants.

### **Why do property owners consider conversion?**

There are several reasons why a landlord may consider it advantageous to change their units from rental units to condominium tenure including:

- Conversion can increase the overall value of the property based on the market value of individual units;
- By increasing the value of the property, conversion can increase flexibility in regard to both sales and financing;

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- The increase in equity as a result of conversion can provide the financial capability to undertake needed repairs. The majority of purpose built rental buildings are over 30 years old, and aging buildings can require more costly repairs; and,
- Conversions change the property tax class of the building from Multi-Residential to Residential, as the units are assessed as individual dwelling units. The 2021 Multi-Residential tax rate was between 2.47% and 2.73%, whereas the Residential rate was between 1.1% and 1.21%. Historically, this may result in a cost savings for the landowner, depending on the implications of the assessed increase in building value.

### **Demolition of Rental Housing**

Staff reviewed demolition permits affecting multiple dwellings with four or more dwelling units between 2005 and 2021, to assess how many rental units may have been demolished as a result of other development proposals. Demolitions involving CityHousing Hamilton (CHH) developments were excluded from this review. In total, eight demolitions occurred, removing 80 rental units. Two of these were located in the downtown. Two redevelopments included rental units, for a total of 129 rental units, which has offset the number of units lost to demolition. The 123-unit redevelopment at 260 King Street East in downtown (2006) accounts for the majority of the new units.

The Downtown Hamilton Secondary Plan requires that any rental units that are demolished as part of a development proposal must be equivalently replaced on the site. Although there have not been a large number of rental units in the City demolished historically, with the focus of current planning policy on intensifying within existing urban areas, redevelopment pressures have been increasing. Particularly, the potential net loss of affordable rental housing is becoming a growing concern in strategic intensification areas such as downtown or along the City's rapid transit corridor.

Current Official Plan policies provide some protection against the demolition of rental housing, particularly affordable units. However, there are additional policy approaches which could also be appropriate, such as allowing for the creation of replacement units at similar rents where existing units are to be demolished. This additional policy would be beneficial to allow more flexibility for intensification projects. Regulating demolitions through other available tools such as a *Municipal Act* By-law would provide a suitable mechanism to implement Official Plan policy through a permit process where conditions can be applied to ensure the replacement units are created and to mitigate impacts to affected tenants.

### **Rental Housing Protection Approaches**

A broad review of rental protection policies in the Official Plans for 21 Ontario municipalities was completed to identify similarities, differences, trends and potential

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best practices. Comparison charts reviewing conversion and demolition policies are attached as Appendices “C” and “D” to Report PED22091. The review found that all municipalities have some restrictions on the conversion of rental housing units to condominium ownership. Many municipalities also have policies addressing demolitions of rental housing. However, the extent of these restrictions differs.

It is necessary to be cautious with policies to preserve existing housing stock, since redevelopment can help meet other planning goals such as intensification, addressing maintenance issues, and rejuvenation of neighbourhoods. The goal is for the restrictions and permissions to be balanced to prevent the loss of too many rental units and to protect affordable units, but not be so restrictive as to deter all redevelopment of housing units. The goal is not to prevent conversions or demolitions in all circumstances, but to establish appropriate limitations to manage change, and to limit negative financial consequences for households, including low-income and marginalized residents who rent.

Staff notes that another issue, termed “renovictions” has also been identified as an issue impacting affordable housing. This term refers to a landlord evicting tenants from a rented unit for renovations, and subsequently charging greatly increased rental rates. Although staff acknowledge that this issue has been raised, this practice is outside of the scope of this report, which focuses on preventing the loss of units from Hamilton’s rental housing stock.

The “renoviction” concerns that tenants have raised have been acknowledged by the Province. On July 21, 2020, the Provincial government passed Bill 184, the “Protecting Tenants and Strengthening Community Housing Act”. The legislative changes made by the Act are aimed at preventing unlawful evictions, including evictions by landlords where landlords renovate and try to increase rental rates. Mandatory one month rent compensation for tenants evicted for repairs or renovations, up to twelve months rent compensation to tenants for “bad faith” evictions, and increased maximum fines for offences were implemented through the Act. In 2021, the City of Hamilton also approved an expansion to the Tenant Defence Fund Pilot Program to provide support to tenants who believe a landlord gave an eviction notice in bad faith and wish to appeal to the Landlord and Tenant Board (LTB).

**Comparison Review of Policies for Conversions to Condominium Tenure**

The most common criteria used by municipalities for assessing whether a proposed conversion to condominium tenure is appropriate is based on vacancy rates. All municipalities surveyed referenced vacancy rates as a measure for assessing conversion proposals. Fifteen municipalities required a vacancy rate of 3% as a minimum threshold before conversions to condominium tenure can be considered. Sudbury and Barrie required a minimum 3% vacancy rate City-wide, and a minimum of

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2% for the type of unit being converted. Guelph has a minimum vacancy rate of 1.5%, but other restrictions on conversions when the rate was between 1.5% and 3%. Brampton requires a minimum 2% vacancy rate. London and Mississauga are the only municipalities surveyed that do not have a specific vacancy rate threshold in Official Plan policy. However, Mississauga has vacancy rates specified in a separate *Municipal Act* By-law which regulates conversions and demolitions of residential rental housing. Many of the vacancy rate policies also state that vacancy rate requirements must be met for a specific length of time, which varies from one year (Mississauga) to four years (Toronto), before a conversion proposal can be considered. Typically, the conversion policies apply only to buildings with six or more units. Other policy approaches used by municipalities include:

- Requiring existing rents to be above average or mid-range market rents, or not more than ten percent below average market rents;
- Requiring a proposal to demonstrate that it will not adversely affect the supply of affordable rental housing;
- Requiring a proposal to demonstrate that the conversion will create affordable home ownership units, limiting conversions to no more than 5% of the existing rental stock over a period of two years;
- Considering the condition of the site, including matters such as public and private infrastructure outdoor areas parking;
- Considering whether a proposal complies with zoning, property standards, urban design guidelines, Crime Prevention through Environmental Design (CPTED), the Fire Code, and safety and security design elements; and,
- Policies to ensure that tenants have the right to continue to lease their units and the right of first refusal for purchasing, in accordance with the *Residential Tenancies Act*.

A few municipalities also have policies which allow conversions where they are needed for immediate health and safety issues to be rectified, or where a building is designated under the *Ontario Heritage Act* and conversion is needed to maintain the viability of the building. Specific building assessment reports (structural, mechanical, electrical, etc) and/or financial statements are required if a conversion is proposed under these circumstances.

Some municipalities like Sudbury and Mississauga allow for consideration of conversions that don't meet the vacancy rate or market rent level criteria if replacement affordable units are provided at a one to one ratio for a specified period of time, or if a financial contribution is made to an affordable housing fund for each affordable unit that is being lost, which can provide for some additional flexibility when considering the merits of each individual Application.



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Hamilton's existing policies similarly refer to vacancy rates and rent levels as measures for assessing proposals. Hamilton uses a 2% vacancy rate threshold for two years, and specifies that the vacancy rates must be reviewed based on dwelling unit and structure type, and by local housing market zone. Existing market rents of units cannot be more than 10% below average market rents.

Hamilton also has an additional criterion which allows conversions where at least 75% of tenants are in support. The goal of this policy was to allow conversions where the majority of tenants wished to purchase their unit. Three Applications have been approved using this criterion since it was enacted. Although the intent of the policy is to allow for affordable homeownership which can result in positive outcomes for existing tenants, it is difficult to document support and ensure that tenants have been provided with fulsome information with which to make their decision and have not been pressured to indicate positive support (i.e. through financial incentives or other means). As such, there is potential for misuse of this policy to effectively provide a mechanism for landlords to by-pass the intent and protections of the other policies. No other municipality surveyed had a similar criterion.

**Comparison Review of Demolition Policies**

Not all municipalities have detailed policies to address demolition in their official plans. In Hamilton, and likely in many other municipalities in southern Ontario (with some exceptions, such as Toronto), there are not many cases of large buildings with six or more residential units being demolished for new development. Most infill development occurs on vacant lands or involves the redevelopment of sites which are used for land uses such as commercial or institutional, or which have less than six rental units.

There have been several examples in Hamilton of larger units within an existing rental building being converted to smaller units, which is a concern from the viewpoint of providing sufficient amounts of rental housing for larger households. This is not a pure demolition, but it is a removal of units of a specific size and type from the rental housing market, which could also have negative effects on the ability of certain households to find adequately sized housing. These cases may require variances at the Committee of Adjustment, and public comment submissions for these Applications have raised concerns about the loss of the larger family sized units. For example, an Application at 192 Hughson Street North and 191 John Street North in 2017 (commonly known as the Greenwin apartments) proposed to eliminate 60 three-bedroom units and convert the space to one bedroom units. In that case, an agreement was ultimately reached between the Beasley Neighbourhood Association and the Applicant to maintain a minimum number of two and three bedroom units on the site.

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The following policy approaches relating to protecting rental housing from demolition have been noted in various municipal Official Plans:

- Policies allowing a municipality to enact a demolition control by-law as a means of maintaining the supply of rental housing;
- Prohibiting the demolition of rental housing if it may adversely affect the supply of affordable housing;
- Prohibiting the demolition of rental housing unless certain criteria are met, such as minimum vacancy rates (i.e. 3%) or minimum rental rates for units (i.e. existing rents must be above average market rents);
- Encouraging or requiring replacement units to be built where rental housing will be demolished;
- Controlling rents for replacement units for a set number of years to ensure they remain affordable;
- Requiring relocation plans for tenants needing to move due to a demolition; and,
- Requiring tenant assistance to lessen the hardship for tenants being displaced.

Where Official Plans had policies relating to the demolition of rental housing, in many cases the policies also applied to buildings with six or more units.

### **Other Tools**

Section 99.1 of the *Municipal Act* allows municipalities to pass a by-law to regulate the demolition and conversion of residential rental properties containing six or more units. The additional statutory powers available under the *Act* provide several key benefits. First, it can be used to regulate Applications to demolish rental housing where the City cannot apply its UHOP policies. For example, where a proposal complies with “as of right” zoning, developments can apply for building and demolition permits without needing to satisfy the City’s rental housing policies. Secondly, the demolition control provisions in Section 33 of the *Planning Act, 1990*, require that demolition permits must be approved if a building permit has been issued, whereas a by-law under the section 99.1 of the *Municipal Act, 2001*, would permit the City to refuse an Application to demolish rental housing, even if a building permit has been issued. Third, a by-law could also regulate situations where a building is being renovated or altered to remove units or change the size or mix of units instead of being demolished. Lastly, there is no ability to appeal Council decisions made under the by-law to the Ontario Land Tribunal (OLT). The By-law itself may only be challenged for illegality or bad faith within a year of passing, by an Application to Superior Court.

The municipality of Mississauga has used this tool to control the demolition and conversion of rental units, passing a by-law in 2018, which came into effect on June 1, 2019. The City of Greater Sudbury also includes reference to the use of this tool in their Official Plan policies. The City of Toronto also implemented a process in 2007 that is

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substantially the same, under the authority of the *City of Toronto Act*. These processes provide greater control over conversions and demolitions and establish a mechanism for conditions to be applied such as for providing tenant support or requiring replacement units.

### **Recommended Changes**

The City of Hamilton already has numerous policies in place for protecting rental housing. However, staff have identified some measures that could be taken to strengthen our approach to protecting existing rental housing stock:

1. Simplify the Official Plan criteria that need to be met when conversions or demolitions of rental housing are proposed, by removing some of the detailed text about specific vacancy rates and market rent levels. Detailed numbers and requirements would be relocated within a *Municipal Act* By-law instead, which cannot be appealed to the OLT. Official Plan changes should be held in abeyance until a by-law under the *Municipal Act* comes into effect;
2. Add a requirement that the City-wide vacancy rate must be above three percent for the previous consecutive 24 month period, in addition to a vacancy rate of 2% for the unit type and local housing market zone;
3. Eliminate the concurrence criteria in the Official Plan that allows conversions if 75% of tenants are in support, as this is not based on an evaluation of actual rental housing needs and the state of the rental housing market;
4. Add a third criteria regarding demolitions of rental housing in the City, permitting demolitions which don't meet other established criteria if the landowner demonstrates that the rental housing units will be replaced by units of the same type (i.e. with the same number of bedrooms) either on-site, off-site in a comparable location within the same local housing market zone, or through a cash-in-lieu payment. An acceptable tenant relocation and assistance plan would be required in addition to replacement. This would provide an option that allows intensification projects to take place, meeting Provincial and City policy goals for intensification, while still protecting rental housing stock and tenants; and,
5. Enact a by-law under the authority of the *Municipal Act, 2001*, to regulate all conversions and demolitions of six or more rental units. This would be a permit process which augments the current condominium conversion Application process, and also regulates demolitions. Detailed criteria for vacancy rate levels and market rent levels would be established in the by-law to ensure that proposed conversions or demolitions do not adversely impact the City's current stock of affordable rental units.

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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.

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The by-law would also create a straightforward and consistent implementation process for the policies of the new Downtown Hamilton Secondary Plan that relate to requiring a tenant relocation plan, building replacement units, and offering replacement units to previous tenants at similar rents. If unit replacements are proposed elsewhere in the City, the by-law would also regulate these situations. In addition, the by-law would also apply conversion and demolition criteria to the West Harbour Secondary Plan area, which is subject to non-decision 113 and is not currently part of the City's UHOP. It is staff's opinion that this would provide an appropriate mechanism to regulate both conversions and demolitions in a comprehensive manner City-wide and ensure compliance with the intent of the City's UHOP policies. This tool will also help to ensure that tenants are protected and given appropriate assistance, as tenant assistance matters can be addressed through specific conditions and legal agreements as part of the permit issuing process.

These recommendations align with the first action in the Housing and Homelessness Action Plan to "modernize rules and regulations to minimize the number of private market affordable rental housing units lost to condominium conversions, demolitions, and other redevelopment initiatives". A draft UHOP Amendment and draft *Municipal Act* by-law which would implement these changes are included as Appendices "A" and "B" attached to Report PED22091.

**Potential Permit Process for *Municipal Act* By-law**

There would be four key steps to the permit process:

**1. Formal Consultation**

It is anticipated that all preliminary consultation related to this process would be integrated with the Planning Division's existing formal consultation process. Staff will be required to identify all proposals that require permits when reviewing formal consultation Applications and when providing information on condominium conversion Application requirements. A screening form can be provided to proponents to help them confirm if their proposal would require a permit. The main focus of the formal consultation meeting would be for Housing Services Division staff and Planning staff to discuss Application requirements with the proponent and review possible tenant displacement issues related to a proposal. Certain proposals may be exempted from the formal consultation process, depending on the nature of the proposal, and would receive only a written confirmation of submission requirements.

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2. Application Submission

The submission requirements would include an Application form, copies of relevant plans or drawings, a record of notice to tenants about the Application, and an Application fee.

3. Application Review

The Development Planning Section would process the Application, and Housing staff would review and comment (similar to current process for condominium conversions). A Recommendation Report would be prepared. Approval can be delegated to the Chief Planner for non-complex Applications, or, where an Application is complex or there are related Planning Applications requiring a public meeting; the permit would be considered by Planning Committee.

4. Permit Issuance

If a proposal meets the requirements for conversion or demolition contained in the *Municipal Act* By-law, a permit will be issued. A permit may be issued with conditions or without conditions. Conditions may include but are not limited to: an agreement to construct replacement units on site and offer them to displaced tenants at similar rents, creation of a satisfactory tenant relocation and assistance plan, compulsory future exchange of rental information (for tracking purposes), and providing notification to tenants.

**Other *Municipal Act* By-law Considerations**

**Transition Period:**

A transition period between the By-law's approval and the date that it comes into force and effect will need to be included in the by-law. The transition period will provide time for standard legal agreements to be developed (i.e. for rental replacement requirements), and to allow for staff training and public communication of the changes. It can also allow for Applications that are in process to be completed prior to the new rules coming into effect. Currently, there are no active condominium conversion Applications in progress.

**Revocation powers:**

The By-law must also include powers for a permit to be revoked if approval was given based on mistaken, false or incorrect information, or if the conditions of a permit are not complied with. As a deterrent, fines would be levied where an Applicant contravenes the terms of a permit. A housing reserve fund would need to be established which

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would hold any fines collected, to be used to reinvest in affordable housing initiatives. Cash-in-lieu for replacement units could also be directed to the same reserve fund.

**Financial/Staffing Impacts:**

An average of 1.4 Applications for condominium conversions have been received annually over the past 10 years. Only four development projects in the last ten years have involved the demolition of six or more rental units. Based on these historical numbers, it is estimated that the total number of annual permit Applications would be approximately 0 to 5 Applications annually, however the number of Applications could exceed this at times depending on vacancy rates and increases in intensification projects in the City. Due to the low number of Applications expected, it is not anticipated that additional staffing would be needed to support this process. Staff review costs would be captured by a permit Application fee. Time spent on Applications would be tracked, similar to other planning Applications, and fees adjusted accordingly.

The current fee for Formal Consultations is \$1,260. The same fee would be applicable to formal consultations for conversion and demolition permits, if required. Fees can be credited towards the cost of a future Application.

A fee structure for the permits has not yet been determined. Different fee categories could be created for routine and complex Applications to reflect the complexity of the work involved. For example, demolitions which require replacement units to be built would require the preparation of legal agreements and would be significantly more complex than a permit issuance with no conditions. The current fee for a condominium conversion Application is \$27,450 and it is anticipated that the fee would be similar, subject to a detailed costing exercise being completed. Some of the Application fees should be directed to the Housing Services Division for cost recovery of staff time needed to review Applications. This would require an amendment to the Fees and Charges By-law.

**ALTERNATIVES FOR CONSIDERATION**

1. The Committee may choose not to pursue any changes to the City's current Official Plan policies and or the creation of a By-law and permit process under the *Municipal Act*. If no changes are made, the City would continue to rely on its ability under the *Planning Act* and the *Condominium Act* to apply its existing Official Plan policies. However, this option would make it more difficult for staff to control the continued loss of affordable housing units in the primary rental market.
2. The Committee may consider making Official Plan policy changes only. This could provide some strengthening for rental housing protection. However, it does not



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provide all the benefits that a *Municipal Act* by-law would. Also, any Official Plan policy changes are appealable to the OLT.

**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.

**Healthy and Safe Communities**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22091 – Draft Urban Hamilton Official Plan Amendment

Appendix “B” to Report PED22091 – Draft Rental Housing Protection By-law

Appendix “C” to Report PED22091 – Summary of Condominium Conversion Policy  
Review

Appendix “D” to Report PED22091 – Summary of Rental Demolition Policy Review

MP:sd

Schedule "1"

## DRAFT Urban Hamilton Official Plan Amendment No. X

The following text constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose of this Amendment is to modify the criteria in the Official Plan which apply to condominium conversion of rental housing units and demolition/redevelopment of rental housing units.

The effect of this Amendment will be to generalize some of the criteria which need to be assessed when conversions or demolitions of rental housing are proposed, by removing specific numerical requirements. The amendment will also allow for demolitions of rental housing units where units will be replaced and other requirements are met.

### **2.0 Location:**

The lands affected by this Amendment are all lands within the Urban areas of the City of Hamilton.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The Amendment will assist in achieving an appropriate balance of primary rental and ownership housing stock, as described in Policy B.3.2.5 of Volume 1;
- The Amendment will ensure that a strong rental housing market exists before the removal of rental housing units for conversions to condominium ownership or demolitions is considered;
- The Amendment will allow for additional opportunities for residential intensification, while still maintaining the City's Official Plan and Housing and Homelessness Action Plan objectives to protect rental housing units, and in particular, affordable rental housing units; and,

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### **4.0 Actual Changes:**

#### **4.1 Volume 1 – Parent Plan**

##### ***Text***

##### **4.1.1 Chapter B – Communities**

- a. That Volume 1, Chapter B – Communities, Section 3.2.5 – Rental Housing Protection Policies, be amended by:
  - i. Amending Policy B.3.2.5.1 by:
    - 1) Deleting the phrase "shall be permitted if any one of" and replacing it with "shall only be permitted where any one of the following";
    - 2) Replacing the word "three" with "two";
    - 3) Replacing the phrase "a), b) and c)" with "a) and b)";
    - 4) Adding a comma after the word "below", and adding the subsequent phrase "demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*";
    - 5) Deleting Policy B.3.2.5.1 a) in its entirety and replacing it with
      - "a) The proposed conversion will not adversely affect:
        - i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
        - ii) The supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type, for the City and the respective local housing market zone; or,";

- 6) Deleting Policy B.3.2.5.1 b); and,
- 7) Renumbering Policy B.3.2.5.1 c) as B.3.2.5.1 b);

So the policy reads as follows:

"3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall only be permitted where any one of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*:

- a) the proposed conversion will not adversely affect:
  - i) The City's overall rental vacancy rate and the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
  - ii) The supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,
- b) the subject building or group of buildings is a protected heritage property on the date of application.

ii. Amending Policy B.3.2.5.6 by:

- 1) Deleting the phrase "shall be permitted if any one of" and replacing it with "shall only be permitted where any one of the following";
- 2) Replacing the word "two" with "three";
- 3) Replacing the phrase "a) and b)" with "a), b) and c)";
- 4) Adding a comma after the word "below", and adding the subsequent phrase "demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*";

- 5) Deleting Policy B.3.2.5.6 a) in its entirety and replacing it with
  - "a) The proposed removal will not adversely affect:
    - i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
    - ii) The supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,";
- 5) Replacing the "." at the end of Policy B.3.2.5.6 b) with"; or,";
- 6) Adding a new Policy as Policy B.3.5.2.6 c):
  - "c) All of the following criteria are met:
    - i) The units to be removed will be replaced either on-site, off-site in a comparable location acceptable to the City within the same local housing market zone, or through a cash-in-lieu payment where physical replacement is not feasible;
    - ii) Replacement units are maintained for a period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
    - iii) An acceptable tenant relocation and assistance plan addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided."

So the policy reads as follows:

- "3.2.5.6 To protect the adequate provision of a full range of housing, *development* or *redevelopment* that would have the effect of removing all or part of rental apartment or townhouse buildings or

groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units shall only be permitted where any one of the following three general criteria are met, outlined as a), b) and c) below, demonstrated through the issuance of a Section 99.1 Permit under the *Municipal Act*:

- a) The proposed removal will not adversely affect:
  - i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone; and,
  - ii) The supply of affordable rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,
- b) The building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City; or,
- c) All of the following criteria are met:
  - i) The units to be removed will be replaced either on-site, off-site in a comparable location acceptable to the City within the same local housing market zone, or through a cash-in-lieu payment where physical replacement is not feasible;
  - ii) Replacement units are maintained for a period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
  - iii) An acceptable tenant relocation and assistance plan addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided."



**5.0 Implementation:**

An implementing *Municipal Act* By-Law (Rental Housing Protection By-law) and implementing Zoning By-law Amendments, Site Plan applications, and draft plan of Condominium applications will give effect to the changes.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_, 202X.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
Andrea Holland  
CITY CLERK

Authority: Item ,  
Report PED22091  
CM:  
Ward: Ward 15

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 2X-XXX

### **DRAFT Rental Housing Protection By-law**

**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("Municipal Act") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

**AND WHEREAS** Subsection 11(2) of the *Municipal Act* provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality and for the health, safety and well-being of persons;

**AND WHEREAS** under Sections 20 to 24 of the *Municipal Act* the City may delegate its powers and duties under the Act to an officer or employee of the City;

**AND WHEREAS**, without limiting the broad municipal powers, Section 99.1 of the *Municipal Act* provides municipalities with the authority to prohibit and regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

**AND WHEREAS** the City wishes to exercise its powers under Section 99.1 of the *Municipal Act* to protect residential rental housing in order to meet the needs of current and future residents;

**AND WHEREAS** under Sections 425 and 429 of the *Municipal Act* the City may pass by-laws to create offences and a system of fines for offences, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law;

**AND WHEREAS** Section 436 of the *Municipal Act* provides that a municipality may pass by-laws to authorize inspections to determine compliance with a by-law;

**AND WHEREAS** Subsection 391(1) (a) of the *Municipal Act* provides that the City may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

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

## **PART 1 - DEFINITIONS**

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
  - a) “**Average Market Rent**” or “**AMR**” means, in respect of a **Rental Unit**, rent that is at or below the average market rent by type of unit in the City of Hamilton as established annually by the **CMHC**;
  - b) “**Building Code Act, 1992**” means the *Building Code Act, 1992 S.O. 1992, c. 23* as may be amended;
  - c) “**Chief Building Official**” means the person appointed under Subsection 3(2) of the *Building Code Act, 1992*, as the Chief Building Official for the City of Hamilton;
  - d) “**City**” means City of Hamilton;
  - e) “**City Official**” means a person who is an employee of the City, and who has been appointed by Council to administer and/or enforce all or part of this By-law on behalf of the City, and shall include any and all municipal By-law enforcement officers;
  - f) “**CMHC**” means the Canadian Mortgage and Housing Corporation;
  - g) “**Condominium Act, 1998**” means the *Condominium Act, 1998, S.O. 1998, c. 19* as may be amended;
  - h) “**Conversion**” or “**Convert**” means converting a **Residential Rental Property** to a purpose other than a **Residential Rental Property** and includes:
    - i. Conversion as a result of a consent to sever land under Section 53 of the *Planning Act*;
    - ii. Conversion to:
      1. A non-residential use;
      2. Living accommodation other than **Dwelling Units**;
      3. A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**; and,
      4. Freehold or other forms of ownership of **Dwelling Units**;
    - iii. Conversion to **Co-ownership** is deemed to occur when the first lease or sale of an interest in **Residential Rental Property** or of a share in a corporation owning or leasing any interest in **Residential Rental Property** takes place that carries with it the right to occupy a specific unit in the

**Residential Rental Property** or when a **Residential Rental Property** is transferred or leased to a corporation of the type described in s. 1(9)(b);

- i) **“Co-ownership”** means an equity co-operative or other co-ownership form of housing where the residential property is:
- i. Ultimately owned or leased or otherwise held, directly or indirectly by more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property; or,
  - ii. Ultimately owned or leased or otherwise held, directly or indirectly, by a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property;
- For certainty, **Co-ownership** does not include a condominium, a residential building that is organized as a **Life Lease Project**, or a non-profit housing co-operative under the *Co-operative Corporations Act*, R.S.O. 1990, c. C. 35;
- j) **“Demolition”** or **“Demolish”** means to do anything in the removal of a building or any material part thereof and includes (but is not limited to) interior renovations or alterations that will result in a change to the number of:
- i. **Dwelling Units**; or,
  - ii. **Dwelling Units** by bedroom type;
- k) **“Director”** means the Director of Planning and Chief Planner for the City or his or her designate;
- l) **“Dwelling Unit”** means one (1) or more habitable rooms designed, occupied or intended to be occupied as living quarters as a self-contained unit and shall, as a minimum contain sanitary facilities, accommodation for sleeping and one (1) kitchen;.
- m) **“Guidelines”** means guidelines for applications to permit **Demolition** or **Conversion** under this By-law;
- n) **“Heritage Act”** means *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 as may be amended;
- o) **“Life Lease Project”** means a life lease project as described in paragraph 1

of Subsection 3(1) of Ontario Regulation 282/98, under the *Assessment Act*, R.S.O. 1990, c. A. 31;

- p) "**Person**" includes, but is not limited to, an individual, sole proprietorship, partnership, association, or corporation;
- q) "**Planning Act**" means the *Planning Act*, R.S.O. 1990, c. P.13, as may be amended;
- r) "**Planning Committee**" means the Standing Committee of Council as constituted and governed by the City's Council Procedure By-Law 10-053, as may be amended or its successor;
- s) "**Related Planning Application**" means:
  - i. An Application that provides for the **Demolition of Residential Rental Property** or the **Conversion of Residential Rental Property** to a purpose other than a **Residential Rental Property**, expressly or by necessary implication;
  - ii. For greater certainty, paragraph (a) includes but is not limited to an Application for the following:
    - 1. A permit under Section 8 or 10 of the ***Building Code Act, 1992***;
    - 2. A consent or permit to alter part of a property or to demolish or remove a building or structure under Section 33, 34, 34.5 or 42 of the ***Heritage Act***;
    - 3. Approval or registration of a description for a proposed condominium or exemption from approval for a condominium, under Section 9 of the ***Condominium Act***;
    - 4. An amendment to the Official Plan under Section 22 of the ***Planning Act***;
    - 5. A zoning by-law amendment under Section 34 of the ***Planning Act***;
    - 6. A minor variance under Section 45 of the ***Planning Act***;
    - 7. Approval of plans and drawings under Subsection 41(4) of the ***Planning Act***;
    - 8. Approval of a plan of subdivision under Section 51 of the ***Planning Act***;
    - 9. A consent under Section 53 of the ***Planning Act***; and,
    - 10. A demolition permit under Section 33 of the ***Planning Act***.
  - iii. Despite subparagraph (b)v., paragraph (a) does not include a City-initiated general zoning by-law amendment to implement area land use studies and other general policies, except for any site specific exemptions or other site specific provisions at the request of a land owner;

- t) **"Related Buildings"** means:
- i. Buildings that are under the same ownership and on the same parcel of land (as defined in Section 46 of the **Planning Act**); or,
  - ii. Buildings that form part of the same Application under this By-law or under a **Related Planning Application**;
- u) **"Rental Unit"** means a **Dwelling Unit** used, or intended for use, for residential rental purposes, including:
- i. A **Dwelling Unit** that has been used for residential rental purposes and is vacant, and,
  - ii. A **Dwelling Unit** in a **Co-ownership** that is or was last used for residential rental purposes;
- But does not include a **Dwelling Unit** in a condominium registered under Section 2 of the **Condominium Act, 1998** or in a building organized as a **Life Lease Project** where the right to occupy the **Dwelling Unit** is based on a life lease interest;
- v) **"Residential Tenancies Act, 2006"** means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17 as may be amended;
- w) **"Residential Rental Property"** means a building or **Related Buildings** containing one or more **Rental Units** and includes all common areas and services and facilities available for the use of its residents;
- x) **"Section 99.1 Permit"** means the permit issued by the **Director** or his or her designate after the approval of an Application under this By-law; and,
- y) **"Vacancy Rate"** means the average percentage of all available rental units for a dwelling unit or structure type that are vacant or unoccupied at a particular time within a designated geographical area.

## **PART II – SCOPE**

2. This By-law shall apply to all **Residential Rental Properties** in the City containing six or more **Dwelling Units** and all **Related Planning Applications**;
3. Notwithstanding Section 2, this By-law does not apply to a **Residential Rental Property** that is:
  - a) A condominium governed by the **Condominium Act, 1998**;



- b) Organized as a **Life Lease Project**;
- c) Described in Section 5 (Exemptions from Act) of the **Residential Tenancies Act, 2006** other than Subsection 5(c), a member unit of a non-profit housing co-operative;
- d) Described in Section 7 (Exemptions related to social, etc., housing) of the **Residential Tenancies Act, 2006**; or,
- e) Required for the implementation of a municipal, provincial, or federal government project previously approved by City Council or a provincial or federal authority and for which an environmental assessment has been conducted pursuant to the **Environmental Assessment Act, R.S.O. 1990, c. E.18**, except if the Residential Rental Property in question is designated as a property of cultural heritage value or interest under the **Ontario Heritage Act, R.S.O. 1990, c. O.18**.

### **PART III – DEMOLITION & CONVERSION PROHIBITED WITHOUT A PERMIT**

#### **Demolition**

- 4. No person shall **Demolish**, or cause to be demolished, the whole or any part of a **Residential Rental Property containing six or more units** unless the person has received a **Section 99.1 Permit** and except in accordance with the terms and conditions of the **Section 99.1 Permit**.

#### **Conversion**

- 5. No person shall **Convert** a **Residential Rental Property**, or cause a **Residential Rental Property** to be converted, to a purpose other than a **Residential Rental Property** unless the person has received a **Section 99.1 Permit** and except in accordance with the terms and conditions of the **Section 99.1 Permit**.

#### **When Permit Not Required**

- 6. Notwithstanding Sections 4 and 5, a **Section 99.1 Permit** is not required if only a part of a **Residential Rental Property** is proposed for **Demolition** or **Conversion** and that part does not contain any part of a **Dwelling Unit**; and,
- 7. Notwithstanding Section 5, a **Section 99.1 Permit** is not required if a **Residential Rental Property** is subject to an Application for a consent to sever under Section 53 of the **Planning Act** and if after the proposed conveyance:
  - a) Each parcel of land resulting from the severance will have six or more **Rental Units**; or,
  - b) One or more parcels of land resulting from the severance will have six or more **Rental Units** and all the other parcels of land at the time of the Application

contained no **Dwelling Units**.

**PART IV – APPLICATION FOR SECTION 99.1 PERMIT**

8. (1) An owner, or their authorized agent, who wishes to **Demolish** or **Convert** a **Residential Rental Property** shall submit an application for approval in writing on a form prescribed by the **Director**, and shall supply any additional information or documentation relating to the application in a form approved by and as required by the **Director**; and,
  - (2) The Director is delegated authority to develop **Guidelines** to assist applicants with the application process and requirements.
9. An Application under Section 8 shall include the following information:
- a) Description of the proposed **Demolition** or **Conversion**;
  - b) The number of existing dwelling units;
  - c) The number of existing and proposed **Rental Units** by unit type, including number of bedrooms and floor area;
  - d) The rents roll(s) including utilities for the **Residential Rental Property**, categorized by unit type;
  - e) A list containing the names and mailing addresses of the tenants of the **Residential Rental Property** proposed for **Demolition** or **Conversion**;
  - f) Identification of any **Related Planning Applications**, including copies of any plans, drawings, studies, or reports submitted in support of such Application;
  - g) Where applicable, a proposal for the replacement or retention of the **Rental Units** proposed for **Demolition** or **Conversion**;
  - h) If applicable, a proposed agreement between applicant and tenants which includes consideration for condo purchase by tenants or renting back to pre-conversion tenants;
  - i) A proposal for tenant engagement by the owner or Applicant, including consultation and education;
  - j) The Applicant shall hold a meeting for all tenants of the Residential Rental Property in advance of submitting an application, and shall provide a record of the public meeting which includes the following information:
    - i. A copy of the notice of the meeting which was provided to tenants, which

shall include notification of the rights of tenants under Provincial Residential Tenancy Legislation;

- ii. A list of all occupied units which received notice including the date and time when the notices were issued to tenants;
- iii. The total number of notices that were sent;
- iv. A copy of the public meeting sign-in-sheet;
- v. A copy of all information distributed or presented at the meeting;
- vi. A copy of the meeting minutes; and,
- vii. A copy of all comments received in relation to the meeting;

All to the satisfaction of the Director;

- k) Any additional information or documentation required to evaluate the application, as specified by the **Director**; and,
  - l) The applicable fees;
10. The **Director** may require that the application information be verified by a person who, in the **Director's** opinion, is qualified to do so; and,
  11. No person shall knowingly furnish false or misleading information in any Application under this By-law.

### **Fees and Charges**

12. The applicable fee for the Application for a **Section 99.1 Permit** shall be paid at the time the Application is submitted to the City;
13. If Section 8 or 10 of the *Building Code Act, 1992* apply to the proposed **Demolition** or **Conversion**, the Applicant must also pay the fees required for such an Application as described in [INSERT FEE SCHEDULE];
14. All fees collected by the City under this By-law shall be used for the purpose of processing the Application; and,
15. All fines and charges and cash-in-lieu payments collected by the City under this By-law shall be offered to the Housing Services Division for the purpose of replacing, renewing or creating affordable housing in the City in accordance with the Urban Hamilton Official Plan.

### **Notice of Application to Tenants**

16. In addition to s. 9(i) of this By-law, an Applicant for a **Section 99.1 Permit** shall also provide proof of notice of the Application to the tenants of the **Residential Rental Property** to the satisfaction of the **Director** within 14 days after the **Director** has advised that the Application is complete or within such other time period as determined

by the **Director**.

### **Related Planning Application**

17. If a person makes a **Related Planning Application**, the person shall also file an Application under this By-law without delay;
18. (1) If a **Related Planning Application** is made with respect to a **Residential Rental Property** for which a **Section 99.1 Permit** is required, the Applicant shall provide written notice to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Land Tribunal or court; and,
  - (2) The notice required under Subsection 14(1) shall be filed at the time the Application for a **Section 99.1 Permit** is filed with the approval authority, or at the same time the referral or appeal of a **Related Planning Application** is filed with the Ontario Land Tribunal or the court, as the case may be;
19. The notice required under Section 14 shall include a statement that the **Demolition** or **Conversion** is not permitted unless a **Section 99.1 permit** has been given for the **Demolition** or **Conversion** under By-law XXXXX, *A By-law to Regulate the Demolition and Conversion of Residential Rental Properties*.

### **Withdrawal of Application**

20. If an Applicant for a **Section 99.1 Permit** does not provide all the required documentation to the **Director** within one (1) year from the date the Application is received by the City, the Applicant shall be deemed to withdraw the Application and shall not be entitled to any refunds of any payments made;
21. Despite Section 19, the **Director** may extend the timeframe for an Application to be completed where the **Director** determines that the applicant is actively taking steps to move the Application forward; and,
22. If the Application is withdrawn or deemed to have been withdrawn under Section 19 before the **Director** or Council makes a decision, no further application under this By-law to approve the **Demolition** or **Conversion** of the **Residential Rental Property** may be made within two years after the withdrawal, unless Council gives its consent.

### **PART V – ELIGIBILITY FOR SECTION 99.1 PERMIT**

23. A **Section 99.1 Permit** shall be approved where an application demonstrates that all of the criteria in either (1),(2) or (3) are met:
  - (1) All the following criteria are met:
    - a) The City-wide rental vacancy rate by dwelling unit and structure type has

- been at or above 3.0% for the preceding 24 months;
  - b) The rental vacancy rate by dwelling unit and structure type for the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), has been at or above 2.0% for the preceding 24 months;
  - c) The proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 3.0% for the City and below 2.0% for the respective local housing market zone;
  - d) The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size;
  - e) For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure types and size; and,
  - f) Where a **Demolition** is proposed, the units are not located within the boundary of the Downtown Hamilton Secondary Plan;
- (2) Where a **Conversion** is proposed, the subject building or group of buildings is a protected heritage property, as defined in the Urban Hamilton Official Plan, on the date of Application; and,
- (3) Where a **Conversion** is proposed by way of a consent to sever under section 53 of the *Planning Act*, that such **Conversion** will not result in an alteration of the form of Dwelling Unit.
24. Where an Application fails to satisfy the requirements of Section 22 above, a **Section 99.1 Permit** may be approved in accordance with Part VI and subject to such conditions as are appropriate in the Director's or Council's discretion, as the case may be, where the Applicant demonstrates that either (1), (2), (3), (4), (5), (6) or (7) below are met:
- (1) Where a **Conversion** is proposed, it is demonstrated to the satisfaction of the Director that:
    - a) Repair or retrofitting is immediately required to meet health and safety standards, including but not limited to the Ontario Building Code, in accordance with Section 50(1)(c) of the **Residential Tenancies Act, 2006** or an order under the **Building Code Act, 1992**; and,
    - b) Income received from rent and available from government funding programs, including rent increases permitted under provincial legislation, is not capable of supporting the capital repairs and maintenance work required;
  - (2) Where a **Conversion** is proposed, units are retained as **Rental Units** at similar

rents for a defined term and existing tenants shall have a right of first refusal to such units upon completion of the Conversion, with rent to be charged in accordance with section 53(3) of the **Residential Tenancies Act, 2006**;

- (3) Where a **Conversion** is proposed and new units are available for purchase by members of the public, pre-conversion tenants shall be prioritized for ownership of units upon completion of the conversion, with purchase value based on market conditions;
  - (4) Where a **Demolition** is proposed, the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City;
  - (5) Where a **Demolition** is proposed in the area comprising the Downtown Hamilton Secondary Plan:
    - a) Conditions are imposed requiring **Rental Units** to be replaced on-site; and,
    - b) Conditions are imposed requiring an acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement rental units at similar rents, the provision of alternative accommodation at similar rents, and other assistance as appropriate;
  - (6) Where a **Demolition** is proposed outside of the area comprising the Downtown Hamilton Secondary Plan:
    - a) Conditions are imposed requiring **Rental Units** to either be replaced on-site, off-site in a comparable location in the same Local Housing Market Zone, or through cash-in-lieu payment; and,
    - b) If applicable, conditions are imposed requiring an acceptable tenant relocation and assistance plan addressing the right to return to occupy replacement Rental Units at similar rents, the provision of alternative accommodation at similar rents, and other assistance as appropriate;
  - (7) Where a **Conversion** is proposed by way of a consent to sever under section 53 of the *Planning Act*, that such **Conversion** will not result in a loss of form of Dwelling Units in accordance with XXXXX, to the satisfaction of the Director.
25. Conditions imposed on a **Section 99.1 Permit** may include:
- a) Requirements to replace the **Rental Units** proposed for **Demolition**, or retention of proposed converted units as **Rental Units**, at similar rents and for a defined term;
  - b) Requirement to provide tenants in the converted property and opportunity for owning the condominiums developed as a result of successful property



conversion;

- c) Requirements that the owner of the **Residential Rental Property** notify any tenants who reside in **Rental Units** affected by the approval of the relevant provisions in the ***Residential Tenancies Act, 2006***;
- d) The following, in accordance with any Guidelines:
  - i. Requirements securing tenants' right to return to the replaced or retained Rental Units at similar rents, and associated notification requirements;
- e) Requirements for tenant relocation and assistance including but not limited to the following:
  - i. Alternative accommodation for displaced tenants at similar rents and in a comparable location until tenants return to the replacement Rental Units; and,
  - ii. Financial assistance and such other support as may be necessary to reduce hardships to tenants resulting from a **Demolition** or **Conversion**;
- f) Provisions concerning the applicant's entitlement to claim or act under any of the following until the conditions imposed have been satisfied or secured, to the satisfaction of the **Director**:
  - i. A permit under Subsection 8(1) or Section 10 of the ***Building Code Act, 1992*** for construction, **Demolition** or **Conversion** of a building;
  - ii. A permit for demolition under under Section 33 of the ***Planning Act***;
  - iii. A consent or permit to alter part of a property or to demolish or remove a building or structure under Section 34, 34.5 or 42 of the ***Heritage Act***;
  - iv. Approval or registration of a description for a proposed condominium under Section 51 of the ***Planning Act***, or an exemption from approval for a condominium, under Section 9 the ***Condominium Act, 1998***; and,
  - v. A consent under Section 53 of the ***Planning Act***, except for provisional consent that is conditional on receiving a **Section 99.1 Permit** under this By-law;
- g) Any other requirements or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the City's rental housing supply;
- h) A requirement that other conditions to the approval shall be secured by an agreement with the City, that the agreement may include restrictions on the transfer, charge or other dealings with the lands unless the transferee, chargee or other party enters into a direct agreement with the City to assume all obligations of the original owner, and that all restrictions and agreements shall be to the satisfaction of the Director and City Solicitor;

- i) Requirements that the owner of the **Residential Rental Property** provide information from time to time sufficient to verify that the terms of an agreement are being met; and,
  - j) Conditions providing for the lapsing of the approval in accordance with any Guidelines.
26. Where conditions are imposed under Section 24, the owner of the **Residential Rental Property** to which the Application for **Section 99.1 Permit** relates shall, as a condition of obtaining a **Section 99.1 Permit**, enter into to an agreement with the City securing conditions to the approval of the **Section 99.1 Permit**;
27. The agreement referenced in Section 25 shall be registered on title to each property to which the agreement applies and may be enforced against the owner and any subsequent owners of the **Residential Rental Property**. The registration of the agreement shall be to the satisfaction of the City Solicitor and with such priority as may be required to ensure its proper enforcement by the City;
28. Conditions imposed under Subsection 24(1) may require the **Rental Units** proposed for **Demolition** be replaced on-site, in a comparable off-site location to the **Residential Rental Property**, by a cash-in-lieu payment for the replacement value of the units, or a combination thereof;
29. Similar, for the purposes of subsection 24(1), includes but is not limited to consideration of the following factors:
- a) Type of residential rental property;
  - b) Proximity to existing and proposed transportation options, including transit service;
  - c) Proximity to community infrastructure such as, recreational facilities, libraries, police stations, schools and places of religious assembly;
  - d) Proximity to commercial services and amenities; and,
  - e) Number of bedrooms;
30. Conditions imposed under Section 23(1) requiring off-site replacement units may also specify a timeframe within which those units must be constructed.

## **PART VI – APPROVAL AND ISSUANCE OF SECTION 99.1 PERMIT**

### **Approval by Director under Delegated Authority**

31. The **Director** is authorized to approve an Application for a **Section 99.1 Permit** when:

- a) The Application meets the requirements of Section 22 or 23 (including any conditions as are appropriate in the Director's discretion);
  - b) The **Residential Rental Property** at the time of the Application has six or more **Dwelling Units**, but less than six **Rental Units**; or
  - c) The **Residential Rental Property** at the time of the application has six or more **Rental Units**, and:
    - i. The combined number of existing **Rental Units** affected by the proposed **Demolition** or **Conversion** and any previous **Demolition** or **Conversion** activities within the preceding five-year period is less than six; and,
    - ii. The proposed **Demolition** or **Conversion** will not reduce the number of **Rental Units** to less than six;
32. For the purposes of Subsection 30 (c)(a), the "preceding five-year period" is deemed to be the earlier of the date all the required Application information is provided to the City under Part IV for a **Section 99.1 Permit** or the complete Application date of a **Related Planning Application** as determined in accordance with the **Planning Act**;
33. The **Director** shall consider the Application not earlier than 14 days after the notice has been given to the tenants under Section 15; and,
34. Where the provisions of Sections 31 to 33 have been met, the **Director** shall approve a **Section 99.1 Permit**.

#### **Referral to Council by Director**

35. The **Director** may refer an Application to the **Planning Committee** for Council's approval if, in the **Director's** opinion, the Application should be considered by Council with a **Related Planning Application**, or that the application has implications for more than one Ward or is of City-wide interest, or if a request is made by Council or the Planning Committee for the Application to be considered by Council;
36. If the approval of an Application is not delegated to the **Director** under Section 30, the **Director** shall submit a report respecting the Application to the **Planning Committee**;
37. The **Planning Committee** shall recommend to Council whether to refuse or approve the Application, including any conditions; and,
38. Council may refuse the Application or approve the Application, and may impose any of the conditions set out in Section 21 on the approval.

### **Section 99.1 Permit Issuance**

39. Subject to Section 40, if Council or the **Director** approves a **Section 99.1 Permit**, the **Director** is authorized to issue the **Section 99.1 Permit** after all the conditions have been satisfied or secured to the satisfaction of the **Director**; and,
40. Where Applications for **Demolition** or **Conversion** are also subject to Section 8 or 10 of the **Building Code Act, 1992** or to a demolition control by-law under Section 33 of the **Planning Act**, the **Director** may designate the **Chief Building Official** to issue the **Section 99.1 Permit**, which shall only be issued once approval for the **Section 99.1 Permit** is given and together with all other applicable requirements related to the **Demolition**.

### **Application for Revision to Conditions**

41. If the owner of a **Residential Rental Property** applies for revisions to the conditions on a **Section 99.1 Permit**, the **Director** may treat the request as a new Application under this By-law or may otherwise require the owner to comply with the notice and meeting requirements of this By-law; and,
42. The **Planning Committee** will consider and make recommendations to Council on the proposed revisions only after a report has been submitted to the **Planning Committee** by the **Director**.

### **Revocation of Section 99.1 Permit**

43. The **Director** may revoke a **Section 99.1 Permit** if:
  - a) The **Section 99.1 Permit** was issued on mistaken, false or incorrect information;
  - b) The conditions to the **Section 99.1 Permit** are not complied with; or,
  - c) The owner of the **Residential Rental Property** or other holder of a **Section 99.1 Permit** has contravened this By-law;
44. Where a **Section 99.1 Permit** for **Demolition** has been issued under this By-law and the building permit for the new construction is revoked under the **Building Code Act, 1992**, the **Section 99.1 Permit** shall be deemed to be revoked and this By-law shall apply to any subsequent application for a **Demolition** of the **Residential Rental Property** for which the original **Section 99.1 Permit** was issued; and,
45. Section 45 does not apply if the **Residential Rental Property** has been demolished under a **Section 99.1 Permit** before the building permit for the new construction was revoked.

### **Council or Director Decision Final**

46. Council's or the Director's decision to approve, refuse or revoke a **Section 99.1 Permit**, or impose or revise conditions on a **Section 99.1 Permit** in accordance with this By-law is final, without any further right of appeal.

### **PART VII – ENFORCEMENT**

#### **Harassment of Tenant**

47. No owner of **Residential Rental Property** or person acting on the owner's behalf shall interfere with a tenant's reasonable enjoyment of a **Rental Unit** in the **Residential Rental Property** with the intent of discouraging the participation of the tenant in the Application or approval process described herein or with the intent of otherwise facilitating the obtaining of the approval of Council or the **Director** on an Application made under this By-law.

#### **Powers of Entry and Inspection**

48. Any **City Official** may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- a) This By-law;
  - b) Any direction or order issued under this By-law;
  - c) Any **Section 99.1 Permit** condition imposed under this By-law; and,
  - d) An order issued under Section 431 of the **Municipal Act**;
49. Subject to the requirements under Section 437 of the **Municipal Act** related to entry to dwellings, submission of an Application for a **Section 99.1 Permit** is deemed to be the consent of the owner for any **City Official** to enter at any reasonable time onto the **Residential Rental Property** for the purpose of carrying out an inspection;
50. Where an inspection is conducted under this By-law, any **City Official** may:
- a) Require the production of documents and things that may be relevant to the inspection;
  - b) Inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;
  - c) Require information from any person concerning a matter related to the inspection, including but not limited to name(s), address(es), contact

information, and proof of identity or other identification; and,

- d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purpose of the inspection;
- 51. No person shall hinder or obstruct, or attempt to hinder or obstruct, any **City Official** from exercising any power or authority, or performing a duty as permitted under this By-law;
- 52. No person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by any **City Official** pursuant to this By-law; and,
- 53. Every person from whom information, or any other thing, has been requested in relation to an inspection conducted under this By-law shall identify themselves to any **City Official** and failure to identify shall constitute hindering and/or obstructing under Section 47.

### **Offences**

- 54. Every person, either by their own actions or through the action of any other person, who contravenes any Section of this By-law, including an Order issued pursuant to this By-law or Sections 444 or 445 of the **Municipal Act** is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended and the **Municipal Act**;
- 55. Every director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence;
- 56. Every person who fails to comply with a term or condition of a **Section 99.1 Permit** under this By-law is guilty of an offence;
- 57. All contraventions of this By-law or an Order issued pursuant to this By-law are designated multiple and continuing offences pursuant to subsection 429(2) of the **Municipal Act**; and,
- 58. For greater certainty, a separate offence may be charged for each or any **Rental Unit** within a single **Residential Rental Property**.



## Penalty

59. Every person who is charged with an offence under this By-law upon conviction is liable as follows:
- a) The maximum fine for an offence is \$100,000;
  - b) In the case of a continuing offence, in addition to the penalty mentioned in Subsection 56(1), for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
  - c) In the case of a multiple offence, including offences as described in Section 59 herein, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and,
  - d) If a person is convicted of an offence under this By-law, the potential for economic advantage acquired by or that accrued to the person as a result of the commission of the offence may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the *Municipal Act*,
60. If any Section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

## PART VIII – TRANSITION

### Effective Date

61. This By-law will come into force on XXXXX, 20XX.

### Applicability

62. This By-law applies to a proposal for **Demolition** or **Conversion of Residential Rental Property** in any **Related Planning Application** made on or after XXXXX, 22XX, except where:
- a) A determination on the **Related Planning Application** is made by the applicable approving authority before the Effective Date; or,
  - b) The **Related Planning Application** relates to Development Applications for

site- specific official plan amendments under Section 22 of the **Planning Act** and/or site- specific zoning bylaw amendments under Section 34 of the **Planning Act** that were approved or appealed to the Ontario Land Tribunal prior to XXXXX, 20XX;

63. In the case of Applications under Section 8 of the **Building Code Act, 1992**, for interior renovations as described in the definition of **Demolition** in subsection 1(7), this By-law applies to any Application made after the Effective Date.

#### **PART IX – GENERAL**

64. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid;
65. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires;
66. References in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto; and,
67. This By-law may be referred to as the "Rental Housing Protection By-law".

PASSED this \_\_\_\_ day of \_\_\_\_, 202X.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Hamilton	Official Plan	The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent in the local rental market area.	<p>The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2% for the preceding twenty-four months.</p> <p>The proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2% for the City and the respective local housing market zone.</p>	Does not apply for buildings of less than six units.	<p>OR, meets criteria if at least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City.</p> <p>OR, the subject building or group of buildings is a protected heritage property.</p> <p>The City may approve an Application to convert rental housing to condominium tenure, where it is demonstrated to the satisfaction of the City that:</p> <ul style="list-style-type: none"> <li>a) Repair or retrofitting is immediately required to meet health and safety standards; and,</li> <li>b) Income received from rent and available from government funding programs, including rent increases permitted under provincial legislation, is not capable of supporting the work required.</li> </ul> <p>The City may require Applicants to submit certified financial statements in support of an Application.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Hamilton <b>(Continued)</b>					A complete Application for conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more rental units shall include, in a manner acceptable to the City, proof of tenant notification of the conversion proposal and proof of notification of the rights of tenants under provincial residential tenancy legislation.
Toronto	Official Plan and Toronto Municipal Code By-law Chapter 667	All of the rental housing units have rents that exceed mid-range rents at the time of application or the matters in the supply vacancy rate criteria column are met.	<p>Rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing.</p> <p>The overall rental apartment vacancy rate for the City of Toronto, as reported by the CMHC, has been at or above 3% per cent for the preceding four consecutive annual surveys.</p> <p>The proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City or in a geographic subarea or a neighbourhood of the City.</p>	Does not apply for buildings of less than six units.	<p>Proposals may require approval by City Council of a Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act.</p> <p>All provisions of other applicable legislation and polices must be satisfied.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Region of Halton ( <b>Burlington, Oakville, Halton Hills and Milton</b> )	Official Plan	No criteria.	<p>Halton Regional Official Plan requires Local Municipalities to use a rental housing vacancy rate of 3% as the minimum threshold to permit the conversion of existing rental housing to ownership tenure or other uses or the demolition of such housing.</p> <p><b>Burlington:</b> The rental vacancy rate by dwelling/structure type for the City of Burlington as defined and reported yearly through the C.M.H.C. Rental Market Survey has been at or above 3% for the preceding two-year reporting period.</p>	<b>Burlington:</b> Does not apply for buildings of less than six units.	<p><b>Oakville:</b> The Town will seek a balance in housing tenure. Conversions of existing rental accommodation to condominium or other forms of ownership shall be discouraged.</p> <p><b>Milton:</b> The conversion of rental housing to condominium, equity co-ops or other forms of tenure shall not be permitted unless:</p> <p>a) The vacancy rate for rental structures in the Town exceeds an acceptable percentage level and as determined by the Municipal Housing Statement targets; or,</p> <p>b) The proposal meets other criteria as set out in the Municipal Housing Statement which is consistent with the objectives of the "Housing Mix" section of the Official Plan; or,</p> <p>c) The building proposed for conversion is designated as a heritage property under the provisions of the <i>Ontario Heritage Act</i> and the conversion is necessary for the viability of the building.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Ottawa	Official Plan	The existing market rents of the units proposed for conversion are at or above the average market rent levels for the corresponding CMHC survey zone in the City of Ottawa, as reported yearly by the CMHC Survey for rental units of a similar dwelling/structure and bedroom type.	The rental vacancy rate by dwelling/structure type for the City of Ottawa as defined and reported yearly through the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey has been at or above 3% for the preceding two-year reporting period.	Does not apply for buildings of less than six units.	Applications for the conversion of rental tenure buildings to condominium tenure shall be evaluated in the context of any relevant policies and standards of the City and in the context of any applicable Provincial legislation.
Mississauga	Official Plan and Rental Housing Protection By-law 121-2018	<p>Rental Housing Protection By-law:</p> <p>Purpose-built rental units must be replaced or retained when existing rents for the units proposed to be converted or demolished are less than the affordable rate of 1.75 times average market rent</p>	<p>Conversion of residential rental properties to a purpose other than the purpose of a residential rental property, will not be permitted if it adversely affects the supply of affordable rental housing as determined by affordable housing targets and rental vacancy rates. (rate not specified in OP)</p> <p>Rental Housing Protection By-law: Purpose-built rental units must be replaced or retained when the City's vacancy rate is less than 3%.</p>	Does not apply for buildings of less than six units.	<p>If the rent level and/or vacancy rate criteria are not met, applications to convert more than six dwelling units will require a Section 99.1 permit under the <i>Municipal Act</i>.</p> <p>Application for approval of a condominium Application will be considered with reference to standards and specifications regarding safety, driveways, traffic, parking control, parking facilities, sidewalks and walkways, open space, recreation, utilities, storm drainage, grading, and internal road construction.</p>



## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Brampton	Official Plan	No criteria.	The City shall encourage the maintenance of a minimum rental vacancy of 2%. To this end the City shall encourage the rehabilitation and provision of rental housing in appropriate forms and locations by practical and realistic means.	No criteria.	Applications for the construction of condominium projects or for the conversion of rental tenure buildings to condominium tenure shall be evaluated in the context of any relevant policies and standards of the City and in the context of any applicable Provincial legislation.
Kitchener	Official Plan	No criteria.	Conversion of rental affordable housing to condominium ownership may only be permitted where the rental vacancy rate for comparable units of the City of Kitchener or Kitchener Census Metropolitan Area, if not available for the City of Kitchener, has been at or above 3% for the preceding three years.	No criteria.	<p>OR, the conversion will address and result in the creation of affordable housing for affordable home ownership; and,</p> <p>OR, the conversion will rectify existing health and safety issues through the completion of building renovations/ retrofits, the cost of which would necessitate an increase in rent levels above the affordability threshold.</p> <p>d) The owner/Applicant submits a detailed inspection report on the physical condition of the property by a qualified architect or engineer to the satisfaction of the City;</p> <p>e) Tenants have the option to continue to lease their units following the approval of the conversion to condominium in accordance with the provisions of the <i>Residential Tenancies Act</i>; and,</p> <p>f) The owner enters into an agreement with the City which states that tenants may have first right to purchase their units or allows them to continue to rent despite the tenure of the building.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Guelph	Official Plan	Conversion may only be permitted where a Rental Conversion Report has been submitted demonstrating to the satisfaction of the City that no adverse impacts will result on the supply or range of rental housing provided, including its geographic distribution. (Specific rent levels not specified)	The City will discourage the conversion of existing rental units to condominium or co-ownership housing when the vacancy rate for rental accommodation is below 3% and will prohibit such conversions when the vacancy rate is below 1.5%. The vacancy rate shall be defined as the average vacancy rate of the latest two vacancy surveys conducted in Guelph by the CMHC. The City may conduct supplementary vacancy rate surveys and modify the vacancy rates reported by CMHC in accordance with its own findings.	No criteria.	When considering applications for the condominium or co-ownership housing conversion, Council will have regard for: <ul style="list-style-type: none"> <li>i) The number of units included in the conversion application;</li> <li>ii) The number of rental units under construction at the time of application for conversion; and,</li> <li>iii) The impact of the conversion on the rental housing market (i.e., anticipated changes in vacancy rates.)</li> </ul>
London	Official Plan	No criteria.	The City May establish policies to limit demolition of residential units or the conversion of rental units to condominiums if it is demonstrated through the Housing Monitoring Report that there has been an adverse impact on the supply of affordable housing through these actions.	No criteria.	The City will undertake, annually, and periodically as need arises, a housing affordability needs analysis and strategy for addressing deficient areas. This will include an assessment of: <ul style="list-style-type: none"> <li>a) Rental vacancy rates, and the anticipated trend in vacancy rates; and,</li> <li>b) Demolitions and conversion statistics.</li> </ul>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Markham	Official Plan	No criteria.	Conversion of the rental units to condominium units prohibited unless the rental vacancy rates, as reported through the CMHC Rental Market Survey, has been at or above 3% for the preceding three-year reporting period and the Application does not negatively affect the supply of rental housing that is affordable and suitable for families, seniors or persons with special needs.	Does not apply for buildings of less than six units.	None.
St. Catharines	Official Plan	No criteria.	<p>Conversion of rental accommodation to condominium or other forms of housing ownership shall only be permitted where both of the following two criteria are met:</p> <p>a) The rental vacancy rate by dwelling/structure type, as defined as reported through the CMHC Rental Market Survey, has been at or above 3.0% within the municipality of reach of the preceding two consecutive annual surveys; and</p> <p>b) All of the ownership housing to be created after conversion is affordable as defined pursuant to the Provincial Policy Statement.</p>	Does not apply to conversion of residential rental properties of five dwellings units or less.	The rental vacancy rates and defined affordable housing value used to evaluate Applications for conversion of rental accommodation will be based on those published at the time a complete application is submitted to the municipality.

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Cambridge	Official Plan	The City may allow the conversion to condominiums of affordable rental multi-unit residential developments where such conversion will not have significant adverse impacts on the supply of affordable housing for rent in Cambridge. (targets not specified in OP)	<p>Condominium conversion of affordable rental units may only be permitted where:</p> <p>a) The private rental vacancy rate, provided by CMHC and public rental vacancy rate, when available, for comparable units including size, type and rental rates in the city has been at or above 3% for the preceding three years; and,</p> <p>b) The conversion will result in the creating of affordable housing for affordable home ownership.</p>	No criteria.	<p>Tenants have the option to continue to lease their units following the approval of the conversion to condominium in accordance with the provisions of the <i>Residential Tenancies Act</i>.</p> <p>Tenants are given the right of first refusal to purchase a condominium unit in the building proposed for conversion.</p> <p>The City will monitor the cumulative impact of condominium conversion on the supply of rental housing. The assessment of the potential effects of condominium conversion will include the following:</p> <p>a) The overall availability of, and vacancy rates for, rental units of various sizes, types and rental rates; and</p> <p>b) The number of potential new rental units becoming or having become available within twelve months of the proposed conversion, including new rental units in the vicinity of the conversion.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
City of Greater Sudbury	Official Plan	<p>Where the existing market rent levels for units proposed to be converted are equal to or less than 90% of the average market rent levels for the entire City and the specific local housing market zone for rental units of a similar unit size, the City may consider the following:</p> <p>a) That replacement units be provided with rents at no more than 90% of average market rents for the entire City and the specific local housing market zone for a period of ten years, increased annually by not more than the Provincial Rent Increase Guideline; or,</p> <p>b) The subject units be sold as affordable ownership units the purchase price of which is at least 10% below the average purchase price of a resale unit in the regional market area and that the tenants of the subject units, if applicable, be given the right of first refusal to purchase the unit; or,</p>	<p>Condominium conversion may only be permitted where:</p> <p>a) The rental vacancy rate for the whole City is 3% or higher for the preceding three years (three successive Fall rental market surveys as undertaken by the CMHC;</p> <p>b) The rental vacancy rate for the specific unit size for the entire City and the specific local housing market zone based on CMHC data, has been at or above 2% for the preceding three years; and,</p> <p>c) The proposed conversion shall not reduce the rental vacancy rate for the majority of the unit type to below 2% for the entire City and the specific local housing market zone.</p>	No criteria.	<p>The subject property must meet the requirements of the City's Property Standards By-law and the requirements of the Ontario Building Code and any deficiencies must be addressed prior to final approval.</p> <p>The subject property must be inspected by a qualified professional and a report be submitted to the City that addresses the following matters: a life and safety audit of the building(s); a structural report; a mechanical report; an electrical report; and a site servicing report.</p> <p>Written confirmation must be received from the Applicant that the tenants of the subject property have been notified of the application for conversion to condominium tenure and of their rights under the <i>Residential Tenancies Act</i> or any successor legislation.</p> <p>All provisions of other applicable legislation and policies must be satisfied.</p> <p>The City of Greater Sudbury may support the implementation of Rental Conversion Policies by:</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
City of Greater Sudbury <b>(Continued)</b>	Official Plan	c) A contribution is made to an Affordable Housing Fund established by the City at a rate based on a percentage of the average house price for a similar unit in the regional market area.			<p>a) Passing a by-law, as per the <i>Municipal Act</i>, that prohibits the conversion of residential rental properties with six or more dwelling units unless the requirements of the City's rental conversion policies are met; and,</p> <p>b) Monitoring the changing rental housing market conditions, including:</p> <ul style="list-style-type: none"> <li>i. Vacancy rates, average rents and rental universe of private apartment units in the entire City and the different local housing market zones through the annual (Fall) CMHC rental market survey; and,</li> <li>ii. The number of rental conversions and the impact on affordable housing.</li> </ul>
Newmarket	Official Plan	No criteria.	Conversion of rental apartment buildings to ownership housing is prohibited if the rental vacancy rate is below 3%.	Six or more dwelling units.	<p>When considering Applications, Council will consider the following:</p> <ul style="list-style-type: none"> <li>a) The rental vacancy rate at the time of application;</li> <li>b) The number of units proposed in the conversion application;</li> <li>c) The number of rental units under construction at the time of the application; and,</li> </ul>



## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Newmarket <b>(Continued)</b>					<p>d) The impact of the loss on the rental vacancy rate.</p> <p>The Town may enter into agreements with the proponents of rental conversions, setting out the specific standards and conditions to be met.</p>
Windsor	Official Plan	City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing.	The rental vacancy rate for private apartments has been at or above 3% for the preceding two-year reporting period. Consideration is to be given to the vacancy rate data as it applies to building characteristics including: structure type, location, age and size.	No criteria.	<p>Conversions are also based on the following considerations:</p> <p>The proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, will not result in the conversion of 5% or more of the existing rental stock.</p> <p>The accommodation of existing tenants of the rental housing development within the proposed condominium development or, if accommodation within the proposed condominium is not feasible, the plan for relocating existing tenants to other rental housing developments.</p> <p>The structural integrity of the building and the condition of the development as it relates to the health and safety of the residents and the public under the requirements of the Ontario Building Code as prescribed by the Corporation of the City of Windsor's Property Standard and Maintenance By-law, all as ascertained by a professional engineer.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Windsor <b>(Continued)</b>					<p>The condition or proposed provision of landscaping areas, playground equipment and other amenities.</p> <p>The appropriateness of the site for the type of development, including such considerations as the provision of adequate on-site parking, compliance with the Zoning By-law, vehicular and emergency access and screening of adjacent land uses.</p> <p>The condition of the development as it relates to the safety and security of residents under the requirements of the Ontario Fire Code.</p> <p>The condition of public and private infrastructure including sidewalks and sewerage systems; and,</p> <p>The condition of the development as it relates to the safety and security of residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Waterloo	Official Plan	No criteria.	<p>Where the rental housing is considered to be affordable, the City shall only support such application where the rental vacancy rate for comparable units is at or above 3% for the preceding three years; or where other criteria is met as detailed in right column. (vacancy rate in relation to the total number of dwelling units of that type)</p>	No criteria.	<p>Where the rental housing is affordable, the City shall only support such application where:</p> <ul style="list-style-type: none"> <li>a) The conversion will address and result in the creation of affordable housing for affordable home ownership; or</li> <li>b) The conversion will rectify existing health and safety issues through the completion of building renovations/retrofits, the cost of which would necessitate an increase in rent levels above the affordability threshold; and,</li> <li>c) The owner/applicant submits a detailed inspection report, to the satisfaction of the City of Waterloo and Region of Waterloo, on the physical condition of the property by a qualified architect or engineer.</li> </ul> <p>In all cases, the City shall consider:</p> <ul style="list-style-type: none"> <li>a) Whether the proposal conforms to the Zoning By-Law, and applicable performance standards are achieved or are proposed to be achieved prior to condominium registration;</li> <li>b) Whether the proposal complies with the current Urban Design Manual, based on a review by the Site Plan Review Committee;</li> <li>c) Whether the proposal satisfies legislation or criteria established by the Provincial Government that may be applicable;</li> </ul>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Waterloo <b>(Continued)</b>					<p>d) Whether the building for which conversion is proposed meets the requirements of the Property Standards By-law and the requirements of the Ontario Building Code and Ontario Fire Code, or securities and any necessary agreements are in place to ensure such necessary upgrades are undertaken to achieve the said standards and requirements;</p> <p>e) Whether all applicable easements affecting the condominium lands are provided; and,</p> <p>f) Whether the proposal impacts the ability to maintain a reasonable supply of residential rental units within the Planning District and the appropriate distribution of residential rental units through the community.</p>
Vaughan	Official Plan	No criteria.	Conversion to condominium ownership or non-residential use is prohibited where it would result in a rental vacancy rate of less than 3% City-wide.	Greater than six units.	None.
Oshawa	Official Plan	No criteria.	The conversion of existing rental units to condominium tenure shall not normally be permitted when the rental vacancy rate in the City, as determined in the annual rental vacancy survey undertaken by the CMHC, is below 3% for the most recent survey year.	No criteria.	None.

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Kingston	Official Plan	No criteria.	<p>The supply of rental accommodation, both City-wide and within the subject neighbourhood, must not be adversely affected by the proposed condominium conversion. The rental vacancy rate(s), as determined by the CMHC, will be reviewed, and where the rate is less than 3%, the Application for the condominium conversion may be denied.</p>	No criteria.	<p>If additional units are being created as part of the condominium conversion, then parkland contributions must be made in accordance with the parkland conveyance by-law.</p> <p>The applicant must submit a report from a qualified person detailing the existing condition of the building and any necessary improvements. The report must include cost estimates on the necessary improvements, as well as information on the maintenance and operating costs of the project in the past five years, or from the date of construction of the project if less than five years.</p> <p>The Applicant must submit a report by a qualified person stating to what extent the existing services and utilities on the property meet City and Utilities Kingston specifications and requirements. The report must also include detailed plans of underground services, and a site grading and drainage plan with details for paved areas and parking spaces.</p> <p>The Applicant must notify all of the tenants about the intention to convert the building(s) to condominium ownership, in accordance with the regulations of the <i>Residential Tenancies Act, 2006</i> or the <i>Commercial Tenancies Act</i>.</p>

## Municipal Comparison of Condominium Conversion Policies

Municipality	Policy Location	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Barrie	Official Plan	<p>Draft Barrie Official Plan 2051:</p> <p>The units are rented for above average market rent for the City, and the conversion will create <i>affordable</i> home ownership units.</p>	<p>Draft Barrie Official Plan 2051:</p> <p>The rental vacancy rate for comparable units for Barrie has been above 3% for the preceding three years based on City or provincial data, and the proposed conversion will not reduce the rental vacancy rate for comparable units to below 2% for the City.</p>	No criteria.	<p>Draft Barrie Official Plan 2051:</p> <p>OR, the conversion will rectify existing health and safety issues through the completion of building renovations, the cost of which would necessitate a permanent increase in rent levels above the affordability threshold.</p> <p>Other Requirements:</p> <p>a) Submission of a detailed inspection report on the physical condition of the property by a qualified architect or engineer to the satisfaction of the City;</p> <p>b) Submission of an affordable housing report, prepared in accordance with the City's terms of reference;</p> <p>c) Tenants have the option to continue to lease their units following the approval of the conversion to condominium in accordance with the provisions of the <i>Residential Tenancies Act</i>; and,</p> <p>d) The owner enters into an agreement with the City which states that tenants may have first right to purchase their units or allows them to continue to rent despite the tenure of the building.</p> <p>Rental units converted to condominium ownership shall be replaced by the proponent at a ratio of one to one.</p>



## Municipal Comparison of Rental Demolition Policies

Municipality	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Hamilton	<p>The existing market rent levels for the units proposed to be removed are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,</p> <p>For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be removed were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size.</p>	<p>The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,</p> <p>The proposed removal shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone.</p>	Does not apply for buildings of less than six units, except in the Downtown Secondary Plan area.	<p>OR, the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City.</p> <p><u>Downtown Secondary Plan:</u> It shall be demonstrated that the rental housing units have been replaced on-site; and,</p> <p>An acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen the hardship, is provided.</p>
Toronto	All of the rental housing units have rents that exceed mid-range rents at the time of Application.	The supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:	Does not apply for buildings of less than six units.	<p>In cases where planning approvals other than site plan are sought, the following are secured:</p> <p>a) At least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment Application is made;</p>

## Municipal Comparison of Rental Demolition Policies

Municipality	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Toronto <b>(Continued)</b>		<p>a) Rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;</p> <p>b) The overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3% for the preceding four consecutive annual surveys;</p> <p>c) The proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic subarea or a neighbourhood of the City.</p>		<p>b) For a period of at least ten years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time;</p> <p>c) An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship; and,</p> <p>d) All provisions of other applicable legislation and policies have been satisfied.</p> <p>Where existing rental units will be kept in the new development:</p> <p>a) Will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and,</p> <p>b) May secure any needed improvements and renovations to the existing rental housing, without pass-through of such costs in the rents to tenants.</p>

## Municipal Comparison of Rental Demolition Policies

Municipality	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Burlington	No criteria.	The rental vacancy rate by dwelling/structure type for the City of Burlington as defined and reported yearly through the CMHC Rental Market Survey has been at or above 3% for the preceding two-year reporting period;	Does not apply for buildings with fewer than six units.	Where demolition occurs, replacement rental housing units are provided for those units that are demolished.  That negative economic and other impacts upon tenants are minimized, and;  The requirements of any applicable Provincial legislation or regulation, as amended, are met.
Ottawa	No criteria.	No criteria.	No criteria.	The City will study the use of demolition control throughout the urban area as a means of maintaining the supply of affordable rental housing.
Mississauga	Demolition of residential rental properties will not be permitted if it adversely affects the supply of affordable rental housing.  Rental Housing Protection By-law: Purpose-built rental units must be replaced or retained when existing rents for the units proposed to be converted or demolished are less than the affordable rate of 1.75 times average market rent	Demolition of residential rental properties will not be permitted if it adversely affects the supply of affordable rental housing as determined by rental vacancy rates. (rate not specified in OP)  Rental Housing Protection By-law: Purpose-built rental units must be replaced or retained when the City's vacancy rate is less than 3%.	Does not apply for buildings less than six units.	If the rent level and/or vacancy rate criteria are not met, applications to convert more than six dwelling units will require a Section 99.1 permit under the <i>Municipal Act</i> .

## Municipal Comparison of Rental Demolition Policies

Municipality	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Kitchener	No criteria.	No criteria.	No criteria.	<p>A demolition control Application will be required for any requests to remove residential dwelling units from the housing supply in accordance with the Demolition Control Policies.</p> <p>The City will consider the following when reviewing demolition control applications:</p> <ul style="list-style-type: none"> <li>a) The condition of the dwelling and/or residential building in terms of damage due to fire, water, wind, or other damaging cause of event, life and health safety and structural stability;</li> <li>b) Whether the property is a cultural heritage resource or has cultural heritage value or interest;</li> <li>c) The impact of the demolition on abutting properties, the streetscape and neighbourhood stability;</li> <li>d) The timeframe of redevelopment, where applicable, and, whether construction of a new structure is permitted pursuant to applicable legislation;</li> <li>e) Consultation with the neighbourhood where appropriate; and,</li> <li>f) Any other site specific issues.</li> </ul>

## Municipal Comparison of Rental Demolition Policies

Municipality	Municipality	Municipality	Municipality	Municipality
London	The City may establish policies to limit the demolition of residential units or the conversion of rental units to condominiums if it is demonstrated through the Housing Monitoring Report that there has been an adverse impact on the supply of affordable housing through these actions.	No criteria.	No criteria.	<p>For the purposes of preventing the premature demolition of residential buildings, Council may prepare and adopt a Demolition Control By-law which shall apply to designated areas of the City in accordance with the provisions of the <i>Planning Act</i>.</p> <p>The City will undertake, annually, and periodically as need arises, a housing affordability needs analysis and strategy for addressing deficient areas. This will include an assessment of:</p> <p>a) Rental vacancy rates, and the anticipated trend in vacancy rates; and,</p> <p>b) Demolitions and conversion statistics.</p>
Markham	Demolition of rental and shared housing units prohibited unless replacement units are provided if the rents of the units proposed for demolition are at or below the average market rents at the time of the Application.	No criteria.	Does not apply for buildings with fewer than six units.	None.
Windsor	No criteria.	No criteria.	No criteria.	The replacement of rental housing shall be required as a priority community benefit on sites where existing rental housing is to be demolished.

## Municipal Comparison of Rental Demolition Policies

Municipality	Rent Level Criteria	Supply/Vacancy Rate Criteria	Unit Quantity Criteria	Other Criteria or Requirements
Newmarket	No criteria.	Demolition of rental housing prohibited if the rental vacancy rate is below 3%.	Does not apply for buildings less than six units.	<p>Demolition of rental apartments shall require the approval of Council. When considering such Applications, Council will consider the following:</p> <ul style="list-style-type: none"> <li>a) The rental vacancy rate at the time of Application;</li> <li>b) The number of units proposed in the conversion Application;</li> <li>c) The number of rental units under construction at the time of the Application; and</li> <li>d) The impact of the loss on the rental vacancy rate.</li> </ul> <p>The Town may enter into agreements with the proponents of rental conversions, setting out the specific standards and conditions to be met.</p>
Vaughan	No criteria.	Demolitions that would result in a rental vacancy rate of less than 3% City-wide prohibited.	Applies to buildings with greater than six units.	None.
All municipalities surveyed, including Brampton, Guelph, Cambridge, Milton, St. Catharines, Barrie, Sudbury, Waterloo, Oakville, Oshawa and Kingston				Demolition control by-laws may be used to control the demolition of residential buildings or units.





WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

May 31, 2022

# PED22091– Condominium Conversion Policy Review

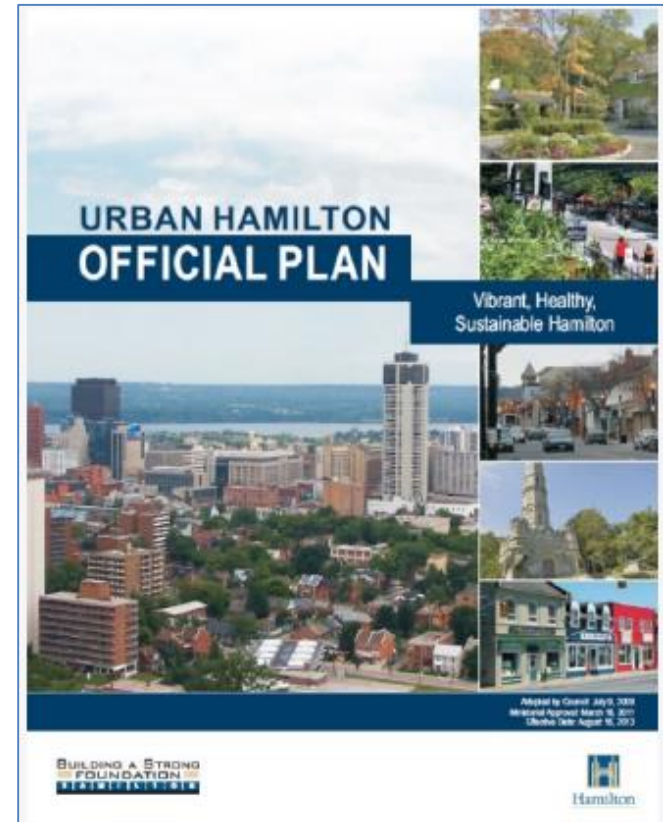
(City-wide)(Outstanding Business List Item)

Presented by: Melanie Pham

## Project Background

2018: Motion at Planning Committee to review existing criteria for conversions of primary rental housing from rental tenure to condominium, within the City's Official Plan.

**Direction to report back with recommendations on how to strengthen the policies and provide protection for rental housing.**



## Rental Housing and Affordability

- Rental housing is a key part of the City's housing continuum.
- Primary rental housing is a significant contributor to affordable housing options.
- Affordable rental housing development has not kept pace with demand. Vacancy rates for the most affordable rental units are very low, below 1.0 percent.
- Existing primary rental housing can be lost due to conversions to condominium tenure or through demolitions.

Primary rental housing = 6 or more units owned by a single owner and intended to be permanently rented.

## Existing Policies – Conversions

**Scenario 1:** All of the following criteria are met.

1. The rental vacancy rate by dwelling unit type and structure type has been at or above 2.0% for the preceding 24 months.
2. The conversion will not reduce the vacancy rate below 2.0%
3. The existing market rent levels are not more than 10% below the average market rent levels for similar unit types/sizes.
4. For vacant units, the last rents charged were not significantly below the average market rent levels.

**Scenario 2:** At least 75% of the current tenants support the conversion to condominium.

**Scenario 3:** The building or group of buildings is a protected heritage property.

**Scenario 4:** Repair or retrofitting is immediately required to meet health and safety standards and the income received from rent and available government funding is not capable of supporting the work required.

## Existing Policies - Demolitions

Demolitions permitted only when:

1. The same vacancy rate and market rent criteria in **Scenario 1** for condominium conversions are met, or,
2. The building is determined to be structurally unsound.

Downtown Secondary Plan – requires replacement units to be provided when rental units are demolished.



## Research

- Review of data on housing and housing need.
- Review of existing data for the last 10 years related to vacancy rates, condominium conversions and demolitions of rental housing.
- Comparison review of policies and practices in other municipalities. (Appendices C and D)
- Reviewed 21 Ontario municipalities.

## Key Findings of Comparison Review - Conversions

Findings	Municipalities
Contain restrictive policies for condominium conversions.	All
Have Vacancy Rate criteria.	All. 3% for most.
Have other criteria referencing average market rents, affordable housing supply, impacts to rental housing stock, the condition of a building, heritage status, and tenant rights.	Varies
Allow for replacement affordable units or a contribution to an affordable housing fund.	2
Use or reference a permit process via a Municipal Act By-law as an additional tool to help regulate conversions and protect affordable units.	3

## Key Findings of Comparison Review - Demolitions

Findings	Municipalities
Note that demolition control by-laws may be used to control the demolition of residential buildings.	All
Contain restrictive policies for demolitions of rental housing to protect affordable units.	About half. Criteria varies.
Reference provision of replacement units.	5
Use a Municipal Act/City of Toronto Act by-law as an additional tool to help regulate demolitions and protect affordable units.	2

## Recommendations

1. Establish a Municipal Act By-law to regulate conversions and demolitions of primary rental housing through a permit process and allow conditions to be applied.
  - Relocate detailed vacancy rate and market rent level criteria from the UHOP to the Municipal Act By-law.
  - Add a requirement that the City-wide vacancy rate be at or above 3% for the previous 24 month period, in addition to a 2% vacancy rate for the unit type and local housing market zone.

## Recommendations

### 2. Policy Changes – Urban Hamilton Official Plan

- Simplify criteria for conversions and demolitions and relocate detailed criteria to a Municipal Act By-law.
- Remove policy permitting conversions if 75% of tenants are in agreement.
- Add flexibility for demolitions, to permit where replacement units will be provided.

## Next Steps

- Recommendation (a) – Consult with the public and stakeholders on proposed changes to framework for conversions and demolitions.
- Recommendation (b) – Report back with final recommendations and modifications. (Estimated Q1 2023)



## Public Consultation

- PIC (Virtual as needed)
- Invitation to stakeholders to comment
- Online web page and commenting





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE