



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 22-003
Date: February 14, 2023
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

Pages

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 January 31, 2023

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5. COMMUNICATIONS

6. DELEGATION REQUESTS

6.1 Mike Burnet, ACORN, respecting a Landlord Registry (For the March 21st meeting)

7. STAFF PRESENTATIONS

8. DELEGATIONS

9. CONSENT ITEMS

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14. GENERAL INFORMATION / OTHER BUSINESS

15. PRIVATE AND CONFIDENTIAL

- 15.1 Closed Session Minutes - January 31, 2023
Pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- 15.2 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) for lands located at 651 Queenston Road, Hamilton (LS23001/PED22184(a)) (Ward 5)

Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.3 Appeal to the Ontario Land Tribunal on the City of Hamilton's approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) being the updated Downtown Hamilton Secondary Plan and
Implementing Zoning By-law, for the lands located at 215-231 Main Street West, 62 and 64 Hess Street South, and 67-69 Queen Street South (LS19037(a)/PED19198(a)) (Ward 2)

Pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 15.4 Appeal to the Ontario Land Tribunal (OLT) for Refusal of Zoning By-law Amendment Application (ZAR-18-057) for Lands Located at 130 Wellington Street South (LS23005) (Ward 2)
Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

16. ADJOURNMENT



PLANNING COMMITTEE MINUTES

23-002

January 31, 2023

9:30 a.m.

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

Present: Councillor M. Wilson. (Chair)
Councillor J.P. Danko (1st Vice Chair)
Councillor T. Hwang (2nd Vice Chair)
Councillors J. Beattie, E. Pauls, M. Francis, C. Kroetsch,
T. McMeekin, N. Nann, M. Spadafora, M. Tadeson, A. Wilson

Also in Attendance: Mayor A. Horwath

Absent with Regrets: Councillor C. Cassar – City Business

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide) (Item 9.1)**

(Spadafora/Hwang)

That Report PED23034 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
NOT PRESENT – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
YES – Ward 15 Councillor T. McMeekin

2. Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide) (Item 9.2)

(Nann/A. Wilson)

- (a) That in accordance with Subsection 2.(1)7 of Ontario Regulation 232/18 Council deem N. Barry Lyon Consultants Limited ('NBLC') qualified to complete the required peer review and provision of a formal written opinion of the Inclusionary Zoning (IZ) - Market Feasibility Study currently being prepared by urbanMetrics inc. on behalf of the City of Hamilton; and,
- (b) That the single source procurement, pursuant to Policy #11 Non-competitive Procurements, to NBLC for the required peer review be approved.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

3. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) (Item 10.1)

(Spadafora/Hwang)

- (a) That amended Urban Hamilton Official Plan Amendment Application UHOPA-20-025 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner, to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from "Mid-rise" and "Low-rise 2" to "High-rise 2" on Map B.6.1-2 to permit the development of a 23 storey mixed use commercial / residential building, for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on

Appendix “A” attached to Report PED23022, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23022, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment 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);
- (b) That amended Zoning By-law Amendment Application ZAC-20-038 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner, for a change in zoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone to permit a 23 storey mixed use building with 282 dwelling units, 854 square metres of retail space and 152 parking spaces for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) 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 will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H132’ to the proposed Downtown Central Business District (D1, 820) Zone:
 - H132. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described as 220 and 222 Main Street West and 107 and 109 George Street, no development shall be permitted until such time as:

- (1) The Owner submits and receives approval of the following Cultural Heritage studies, to the satisfaction of the Director, Heritage and Urban Design:
 - (aa) Documentation and Salvage Report for 220 Main Street West and 222 Main Street West;
 - (bb) Commemoration Brief for 220 Main Street West and 222 Main Street West;
- (2) The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning;
- (3) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee;
- (4) That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner:

H141. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described 115 and 117 George Street, no development shall be permitted until such time as the Owner submits and receives approval of a Conservation Plan, to the satisfaction of the Director, Heritage and Urban Design.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

4. Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) (Item 11.1)

(McMeekin/Beattie)

- (a) That Revisions to Draft Approved Plan of Subdivision 25T-201507R, by MHBC Planning on behalf of Flamborough Power Centre Inc. (Owner) to remove the extension of Street B on the subdivision known as “Flamborough Power Centre North Business Park” and located at 74, 78, 90 and 96 Parkside Drive, Flamborough, as shown on Appendix “A”, attached to Report PED23023, be APPROVED subject to the following conditions:
- (i) That the approval applies to the Draft Plan of Subdivision application “25T-201507R” prepared by J.D. Barnes Limited, and certified by R. S. Querubin, O.L.S, dated June 1, 2022, consisting of one block for employment uses (Block 20), one block for Conservation / Hazard Land (Block 21), dedicated road widening for Enterprise Crescent (Blocks 8 and 9) and 0.30 metre reserves (Blocks 18 and 19), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions as attached to Appendix “F” to Report PED23023;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

5. Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046) (City Wide) (Item 11.2)

(Francis/Hwang)

That Report PED23046 respecting Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3), be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

6. Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions (LS22035(a)) (City Wide) (Item 15.3)

(Danko/Hwang)

- (a) That Report LS22035(a) respecting the Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan - Judicial Review Application of Minister's Decisions, remain confidential.
- (b) That the City take no position, **at this time**, on the application for Judicial Review ("JRA") of the Minister of Municipal Affairs and Housing's decision regarding Official Plan Amendment ("OPA") 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan commenced by Environmental Defence Canada Inc. **pending provision of the Provincial Record of Proceeding and additional evidence, at which time Legal staff report back to the Planning Committee for additional instructions**, and the City participate in the JRA proceedings to the extent necessary to ensure the evidentiary record is accurate.
- (c) That the City Solicitor be authorized to retain external legal counsel to represent the City in the JRA proceedings and such external consultants as she deems necessary and that the costs of said retainers be funded first from the Capital account 8140855800 – Official Plan OMB Appeal and second from the Tax Stabilization Reserve (110046) or such other account as deemed appropriate by the General Manager of Finance and Corporate Services.
- (d) **That Staff coordinate with the Environmental Defence Canada Inc. to provide publicly accessible documentation, as required.**

Result: Main Motion, As Amended, CARRIED by a vote of 11 to 1, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

FOR INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

5. COMMUNICATIONS

- 5.1 Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue

Recommendation: Be received.

10. PUBLIC HEARINGS

- 10.1 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West and 107-117 George Street, Hamilton (PED23022) (Ward 2)

(a) Written Submissions:

- (i) Tate Graham
- (ii) Savan Chandaria
- (iii) Ned Kuruc
- (iv) Michael Pernfuss
- (v) Andrew-Christian Adams
- (vi) Adrian Mekli

14. GENERAL INFORMATION / OTHER BUSINESS

- 14.1 Outstanding Business List

(a) Items Requiring New Due Dates:

20L – Use of Tertiary Septic Systems in Hamilton and
Update re: Local Planning Appeal Tribunal Case No.
PL170858

Current Due Date: September 20, 2022

Proposed New Due Date: March 21, 2023

(Danko/Hwang)

That the agenda for the January 31, 2023 Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

The were no declarations of interest.

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

(i) January 17, 2023 (Item 4.1)

(Spadafora/Hwang)

That the Minutes of the January 17, 2023 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(d) COMMUNICATIONS (Item 5)

(i) Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue (Added Item 5.1)

(Beattie/Kroetsch)

That the correspondence from Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue, be REFERRED to the February 8, 2023 Council meeting for a staff response on the questions in the correspondence.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(e) DELEGATIONS (Item 8)

(i) Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning (Item 8.1)

Frank Lenarduzzi addressed the Committee respecting Expansion of Permitted Uses for P4 Zoning.

(Tadeson/Beattie)

That the Delegation from Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(f) CONSENT ITEMS (Item 9)

(i) Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning – Market Feasibility Study (PED23044) (City Wide) (Item 9.2)

Tiffany Singh, Planner I, addressed the Committee respecting Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning – Market Feasibility Study with the aid of a PowerPoint presentation.

(Spadafora/A. Wilson)

That the presentation from Tiffany Singh, respecting Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning – Market Feasibility Study, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

(g) PUBLIC HEARINGS (Item 10)

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

In accordance with the provisions of the *Planning Act*, Chair M. Wilson 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.

(i) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) (Item 10.1)

Alaina Baldassarra, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

(A. Wilson/Tadeson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

David Falletta with Bousfields Inc., was in attendance and indicated support for the staff report.

(Pauls/Tadeson)

That the delegation from David Falletta with Bousfields Inc., be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

Chair M. Wilson called three times for public delegations and none came forward.

(Hwang/Beattie)

- (a) That the following written submissions regarding this matter were received and considered by the Committee; and,
- (i) Tate Graham
 - (ii) Savan Chandaria
 - (iii) Ned Kuruc
 - (iv) Michael Pernfuss
 - (v) Andrew-Christian Adams
 - (vi) Adrian Mekli
- (b) That the public meeting be closed.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

(h) DISCUSSION ITEMS (Item 11)

(i) Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) (Item 11.1)

Charlie Toman, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Spadafora/McMeekin)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

Gerry Tchisler with MHBC Planning, was in attendance and indicated support for the staff report.

(Beattie/McMeekin)

That the delegation from Gerry Tchisler with MHBC Planning, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(McMeekin/Beattie)

That there were no public submissions received regarding this matter.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

(ii) Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046) (City Wide) (Item 11.2)

Christine Newbold, Manager of Sustainable Communities, addressed the Committee with the aid of a PowerPoint presentation.

(Danko/Hwang)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) Outstanding Business List (Added Item 14.1)

(Tadeson/Pauls)

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

20L - Use of Tertiary Septic Systems in Hamilton and Update re: Local
 Planning Appeal Tribunal Case No. PL170858
 Current Due Date: September 20, 2022
 Proposed New Due Date: March 21, 2023

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(j) PRIVATE AND CONFIDENTIAL (Item 15)

(i) Closed Session Minutes (Item 15.1 and 15.2)

(Nann/Spadafora)

That the following Closed Session Minutes be approved, as presented and remain confidential:

- (i) November 29, 2022 (Item 15.1)
- (ii) January 17, 2023 (Item 15.2)

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(Pauls/Francis)

That Committee move into Closed Session for Item 15.3 pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls

NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(i) **Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions (LS22035(a)) (City Wide) (Item 15.3)**

(1) **(Danko/Hwang)**

- (a) That Report LS22035(a) respecting the Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan - Judicial Review Application of Minister's Decisions, remain confidential.
- (b) That the City take no position, on the application for Judicial Review ("JRA") of the Minister of Municipal Affairs and Housing's decision regarding Official Plan Amendment ("OPA") 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan commenced by Environmental Defence Canada Inc. and the City participate in the JRA proceedings to the extent necessary to ensure the evidentiary record is accurate.
- (c) That the City Solicitor be authorized to retain external legal counsel to represent the City in the JRA proceedings and such external consultants as she deems necessary and that the costs of said retainers be funded first from the Capital account 8140855800 – Official Plan OMB Appeal and second from the Tax Stabilization Reserve (110046) or such other account as deemed appropriate by the General Manager of Finance and Corporate Services.

(2) **(Danko/Hwang)**

That Report LS22035(a) respecting Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions, be **amended**, by adding wording to sub-section (b) and adding a new sub-section (d) as follows:

- (b) That the City take no position, ***at this time***, on the application for Judicial Review (“JRA”) of the Minister of Municipal Affairs and Housing’s decision regarding Official Plan Amendment (“OPA”) 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan commenced by Environmental Defence Canada Inc. ***pending provision of the Provincial Record of Proceeding and additional evidence, at which time Legal staff report back to the Planning Committee for additional instructions***, and the City participate in the JRA proceedings to the extent necessary to ensure the evidentiary record is accurate.
- (d) ***That Staff coordinate with the Environmental Defence Canada Inc. to provide publicly accessible documentation, as required.***

Result: Amendment CARRIED by a vote of 10 to 2, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NO – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 6.

(k) ADJOURNMENT (Item 16)

(Danko/Nann)

That there being no further business, the Planning Committee be adjourned at 3:55 p.m.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

**Planning Committee
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**January 31, 2023
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YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
NOT PRESENT – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
YES – Ward 15 Councillor T. McMeekin

Councillor M. Wilson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23020) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with the June 16, 2015, Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal for non-decision.

INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in *Bill 73*, *Bill 139* and *Bill 108*.

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: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23020) (City Wide) - Page 2 of 3

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED23020 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of January 20, 2023, there were:

- 3 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 6 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of January 20, 2023, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED23020 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of January 20, 2023, there were:

- 4 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 8 active Zoning By-law Amendment Applications; and,
- 4 active Plan of Subdivision Applications.

Within 60 to 90 days of January 20, 2023, all eight development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

Attached as Appendix “C” to Report PED23020 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of January 20, 2023, there were:

- 31 active Official Plan Amendment Applications;

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23020) (City Wide) - Page 3 of 3

- 65 active Zoning By-law Amendment Applications; and,
- 18 active Plan of Subdivision Applications.

As of January 20, 2023, 16 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Fifty-four (54) development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 84 active development proposals. Eleven (11) proposals are 2023 (13%), 38 proposals are 2022 files (45%), 35 proposals are pre-2022 files (42%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development Applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “D” to Report PED23020 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 19 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision to approve the Application.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23020 - List of Active Development Applications (prior to December 12, 2017)

Appendix “B” to Report PED23020 - List of Active Development Applications (after December 12, 2017)

Appendix “C” to Report PED23020 - List of Active Development Applications (after September 3, 2019)

Appendix “D” to Report PED23020 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1969
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2319
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2319
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2787

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2613
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2030

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of January 20, 2023
Ward 2									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1519
Ward 6									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	1381
Ward 10									
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton Street, Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	1521
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1683

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of January 20, 2023
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1622
Ward 12 Continued									
.UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1565
Ward 14									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1528
Ward 15									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1664

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 20, 2023)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.

- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.

- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 1								
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	831
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	366
ZAC-23-007	81 Chatham Street, Hamilton	2-Dec-22	n/a	14-Dec-22	2-Mar-22	n/a	GSP Group	50
Ward 2								
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	896
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	726
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	427

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 3								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	185
ZAC-22-053	83 Emerald Street South, Hamilton	9-Aug-22	n/a	22-Aug-22	7-Nov-22	n/a	Gladki Planning Associates Inc.	165
Ward 4								
UHOPA-23-006 ZAC-23-012	1284 Main Street East, Hamilton	14-Dec-22	n/a	10-Jan-23	n/a	13-Apr-23	GSP Group	38
Ward 5								
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	506
ZAC-22-013	200 Centennial Parkway North, Hamilton	19-Jan-22	n/a	20-Jan-22	19-April-22	n/a	Calloway REIT (Stoney Creek) Inc.	365
UHOPA-22-012 ZAC-22-023	2782 Barton Street East, Hamilton	17-Mar-22	n/a	n/a	n/a	14-July-222	A.J. Clarke & Associates Ltd.	310

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 5 Continued								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	269
Ward 6								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	222
ZAC-22-038	4 and 10 Trinity Church Road, Hamilton	13-June-22	n/a	22-June-22	12-Sep-22	n/a	T. Johns Consulting Group	222
UHOPA-22-019 ZAC-22-045	570 Upper Ottawa Street, Hamilton	8-July-22	n/a	8-July-22	n/a	5-Nov-22	Urban Solutions Planning & Land Development	197
UHOPA-22-027 ZAC-22-065	1400 Limeridge Road East, Hamilton	31-Oct-22	n/a	10-Nov-22	n/a	28-Feb-23	MHBC Planning Ltd.	82
25T-202210	705 Rymal Road East, Hamilton	22-Oct-22	n/a	2-Dec-22	n/a	24-Feb-23	Wellings Planning Consultants	91
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	37

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 7								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	926
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	344
ZAR-22-052	311 Rymal Road East, Hamilton	3-Aug-22	n/a	n/a	1-Nov-22	n/a	GSP Group Inc.	171
UHOPA-23-001 ZAC-23-001	499 Mohawk Road East, Hamilton	8-Nov-22	n/a	21-Nov-22	n/a	21-Feb-23	Urban Solutions Planning & land Development	74
Ward 8								
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	1093

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

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Ward 8 Continued								
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	934
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	558
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	299
ZAR-22-035	105 Horning Drive, Hamilton	27-May-22	n/a	n/a	25-Aug-22	n/a	Metropolitan Consulting Inc.	239
ZAC-22-041	251 Stone Church Road, Hamilton	22-June-22	n/a	29-June-22	21-Sep-22	n/a	T. Johns Consulting Group	213
UHOPA-22-021 ZAC-22-047	1177, 1183, 1187 West 5 th Street, Hamilton	13-July-22	n/a	13-July-22	n/a	10-Nov-22	Urban Solutions Planning & Land Development	192
ZAC-22-066	81 Rymal Road East, Hamilton	24-Oct-22	n/a	24-Nov-22	22-Jan-22	n/a	GSP Group Inc.	89
UHOPA-23-004 ZAC-23-005	1550 Upper James Street, Hamilton	24-Nov-22	n/a	9-Dec-22	n/a	24-Mar-23	Arcadis IBI Group	58

**Active Development Applications
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(Effective January 20, 2023)**

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Ward 9								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	1155
ZAC-22-064 25T-202209	82 Carlson Street, Stoney Creek	11-Oct-22	n/a	13-Oct-22	n/a	12-Jan-23	MHBC Planning Ltd.	102
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	1113
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	442
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	274
UHOPA-23-005 ZAC-23-006	1065 Paramount Drive, Stoney Creek	18-Nov-22	n/a	13-Dec-22	n/a	18-Mar-23	Arcadis IBI Group	64

**Active Development Applications
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Ward 10								
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	519
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	739
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	197
UHOPA-22-026 ZAC-22-063	1310 South Service Road, Stoney Creek	28-Sep-22	n/a	30-Sep-22	n/a	5-Jan-23	The Planning Partnership	115
ZAC-23-004	48 Jenny Court	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	53
Ward 11								
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	1071
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	795

**Active Development Applications
Deemed Complete After September 3, 2019
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File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 11 Continued								
ZAC-22-008 25T-202201	3479 Binbrook Road, Glanbrook	10-Jan-22	n/a	24-Jan-22	n/a	10-May-22	Metropolitan Consulting	376
UHOPA-22-008 ZAC-22-017	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	361
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	291
ZAR-22-033	91 Strathearne Place, Glanbrook	10-May-22	n/a	26-May-22	8-Aug-22	n/a	Urban in Mind	256
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	158
Ward 12								
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	981
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	977

**Active Development Applications
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Ward 12 Continued								
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	791
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	760
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	582
UHOPA-22-002 ZAC-22-005	487 Shaver Road, Ancaster	2-Nov-21	n/a	17-Nov-21	n/a	2-Mar-22	GSP Group Inc	428
ZAR-22-042	198 Lovers Lane, Ancaster	23-June-22	n/a	30-June-22	22-Sep-22	n/a	A.J. Clarke & Associates Ltd.	212
ZAC-22-056	343 Springbrook Avenue, Ancaster	2-Sep-22	n/a	8-Sep-22	17-Nov-22	n/a	T. Johns Consulting Group	141
ZAC-22-058	111 Fiddlers Green Road, Ancaster	6-Sep-22	n/a	7-Sep-22	16-Nov-22	n/a	T. Johns Consulting Group	145
UHOPA-23-003 ZAR-23-003	382 Southcote Road, Ancaster	9-Nov-22	n/a	5-Dec-22	n/a	9-Mar-23	Urban Solutions Planning & Land Development	73

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of January 20, 2023
Ward 12 Continued								
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	33
Ward 13								
ZAC-22-044	64 Hatt Street, Dundas	6-July-22	n/a	7-July-22	4-Oct-22	n/a	GSP Group Inc.	199
ZAR-22-004	12 Louisa Street, Flamborough	15-Nov-21	n/a	23-Nov-21	13-Feb-22	n/a	MB1 Development Consulting Inc.	422
RHOPA-23-002 ZAC-23-002	127 Freelon Road, Flamborough	16-Nov-22	n/a	22-Nov-22	n/a	16-Mar-22	Urban Solutions Planning and Land Developmen	65
ZAR-23-008	211 York Road, Dundas	1-Dec-22	n/a	19-Dec-22	1-Mar-23	n/a	GSP Group Inc.	51
Ward 14								
UHOPA-22-015 ZAC-22-028	631 and 639 Rymal Road West, Hamilton	22-Apr-22	n/a	28-Apr-22	n/a	29-July-22	Bousfields Inc.	274

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 20, 2023)**

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Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1125
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	759
UHOPA-22-017 ZAC-22-031	306-308 Parkside Drive, Flamborough	27-Apr-22	n/a	3-May-22	n/a	25-Aug-22	MHBC Planning Ltd.	263
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	163

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective January 20, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 2			
1	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
2	186 Hunter Street West, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
Ward 5			
3	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
4	2900 King Street East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2022
Ward 9			
5	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
6	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
Ward 11			
7	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective January 20, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 11 Continued			
8	3160, 3168, 3180, and 3190 Regional Road 56, Binbrook	MHBC Planning Limited	November 2022
9	3064, 3070, 3078, 3084 Regional Road 56, Glanbrook	MHBC Planning Limited	November 2022
10	11, 19, 20, 21, 23, 27 & 30 Lakeside Drive, 81 Waterford Crescent, Stoney Creek	IBI Group	December 2022
Ward 12			
11	140 Garner Road, Ancaster	MHBC Planning Limited	February 2022
12	1019 Wilson Street West, Ancaster	MHBC Planning Limited	July 2022
13	442-462 Wilson Street East, Ancaster	GSP Group	July 2022
Ward 13			
14	125 Pirie Drive, Dundas	Wellings Planning Consultants	September 2022
Ward 14			
15	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective January 20, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 15			
16	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
17	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
18	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021
19	909 North Waterdown Drive, Flamborough	Corbett Land Strategies Inc.	December 2022



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Devon Morton (905) 546-2424 Ext. 1384
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That amended **Zoning By-law Amendment Application ZAC-22-056**, by **T. Johns Consulting Group Ltd.**, on behalf of **Filippo Cimino c/o Carmela Pagliaro, Owner**, for a change in zoning from the Agricultural “A” Zone, to the Low Density Residential (R1, 836) Zone, to facilitate two new residential lots for single detached dwellings and the retention of an existing single detached dwelling, for lands located at 343 Springbrook Road, Ancaster, as shown on Appendix “A” attached to Report PED23031, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23031, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 (UHOP) and the Meadowlands Neighbourhood IV Secondary Plan.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 2 of 11

EXECUTIVE SUMMARY

The subject lands municipally known as 343 Springbrook Avenue are located south of Regan Drive between Springbrook Avenue and Chambers Drive. The purpose of the Zoning By-law Amendment is to change the zoning from the Agricultural “A” Zone, in the Town of Ancaster Zoning By-law No. 87-57, to the Low Density Residential (R1, 836) Zone, in the City of Hamilton Zoning By-law No. 05-200. The retained lot located at 343 Springbrook Avenue includes an existing single detached dwelling that is proposed to be retained. The proposed two new lots will each have frontage along Chambers Drive. A future application for Consent to Sever will be required for the creation of the proposed two new residential lots.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP) and the Meadowlands Neighbourhood IV Secondary Plan; and,
- It is compatible with and complementary to the surrounding neighbourhood.

Alternatives for Consideration – See Page 11

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 a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Filippo Cimino c/o Carmela Pagliaro
Applicant/Agent:	T. Johns Consulting Group c/o Diana Morris
File Number:	ZAC-22-056
Type of Application:	Zoning By-law Amendment

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343
Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 3 of 11**

Application Details	
Proposal:	The creation of two new residential lots for single detached dwellings with frontage along Chambers Drive and the retention of an existing single detached dwelling with frontage along Springbrook Avenue.
Property Details	
Municipal Address:	343 Springbrook Avenue
Lot Area:	0.2 ha.
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling (to remain on reconfigured lot).
Proposed Uses:	The existing single detached dwelling on Springbrook Avenue is proposed to remain on the reconfigured lot. Two new residential lots are proposed for two new single detached dwellings with frontage along Chambers Drive.
Documents	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
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 Schedule "E-1" – Urban Land Use Designations in the UHOP. The subject lands are further designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Agricultural "A" Zone (Town of Ancaster Zoning By-law No. 87-57).
Zoning Proposed:	Low Density Residential (R1, 836) Zone (City of Hamilton Zoning By-law No. 05-200).
Modifications Proposed	Staff are proposing one modification to remove Street Townhouse Dwelling as a permitted use.
Processing Details	
Received:	August 26, 2022
Deemed Complete:	September 8, 2022

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343
Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 4 of 11**

Processing Details	
Notice of Complete Application:	Sent to 110 property owners within 120 metres of the subject property on October 3, 2022.
Public Notice Sign:	Posted September 21, 2022, and updated with public meeting date on January 18, 2023.
Notice of Public Meeting:	Sent to 110 property owners within 120 metres of the subject lands on January 27, 2023.
Public Comments:	No comments received at the time of writing of this report.
Processing Time:	159 days from when the application was received.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling	Agricultural "A" Zone.
Surrounding Lands:		
North	Single detached dwelling	Residential "R4-562" Zone, Modified and Residential "R4-563" Zone, Modified.
South	Single detached dwelling	Residential "R4-714" Zone, Modified.
East	Single detached dwelling	Residential "R4-563" Zone, Modified.
West	Single detached dwelling	Residential "R4-562" Zone, Modified and Agricultural "A" Zone.

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). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019, as amended).

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 5 of 11

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent approval by the Ontario Land Tribunal, the City of Hamilton has established the Urban Hamilton Official Plan (UHOP) which contains local policies for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e., efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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 the UHOP. The subject lands are further designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan.

The following policies, amongst others, apply to the subject application.

Cultural Heritage

"B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

The subject property meets two of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites; and,
- 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.

These criteria define the property as having archaeological potential.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 6 of 11

A Stage 1-2 archaeological report (P462-0138-2022) has been submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology requirement for the subject application has been met to the satisfaction of staff. Staff request a copy of the letter from the Ministry when available.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.”

The proposed development is located interior to the neighbourhood (E.3.4.1). The proposal consists of two new residential lots for single detached dwellings fronting onto an existing public road (Chambers Drive) with access at grade and the retention of the existing single detached dwelling on Springbrook Avenue (E.3.4.2). The proposed two new residential lots for single detached dwellings are permitted by the UHOP and comply with the Low Density Residential policies of the Neighbourhoods designation.

Tree Management

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

A Tree Protection Plan, prepared by Adesso Design Inc., was reviewed with respect to the proposed application for Zoning By-law Amendment. A total of 27 trees have been inventoried, of which, six trees have been proposed to be removed to facilitate the proposal. Of the trees to be removed, one is in good condition, four are in fair condition and one is in poor condition. Compensation plantings (four trees) are proposed on site and a cash-in-lieu payment is required for two trees. Staff note, the Tree Protection Plan and Landscape Plan are sufficient at this time, however further revisions may be required during the Consent to Sever process and a Verification of Tree Protection Letter is to be provided.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are designated “Low Density Residential 2b” within the Meadowlands Neighbourhood IV Secondary Plan. The following policies, amongst others, apply to the proposal.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 7 of 11

“B.2.6.1.4 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- a) In the Low Density Residential 2b designation:
 - i. The density shall be approximately 1 to 30 units per net residential hectare;
 - ii. Predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,
 - iii. Generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

The retained and severed lots have an approximate net residential density of 15 units per hectare (B.2.6.1.4 a) i.). The proposal is compatible with the surrounding neighbourhood by proposing two new single detached dwellings, similar to existing built forms surrounding the subject lands (B.2.6.1.4(a)(i)). Additionally, the proposal is located interior to the Marritt Neighbourhood with direct access to local roads (B.2.6.1.4 a) i.).

Based on the foregoing, the proposal complies with the policies of Meadowlands Neighbourhood IV Secondary Plan.

Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Agricultural “A” Zone in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23031.

The Agricultural “A” Zone permits single detached dwellings, including uses, buildings and structures accessory to the dwelling. The Agricultural “A” Zone requires a minimum lot area of 1850.00 square metres and minimum lot frontage of 30.00 metres. As such, the applicant has proposed a rezoning to the Residential “R4” Zone and a modified Residential “R4” Zone in Ancaster Zoning By-law No. 87-57 to facilitate development of single detached dwellings fronting Chambers Drive. The Residential “R4” Zone, in the Town of Ancaster Zoning By-law No. 87-57, has been replaced with the Low Density Residential (R1) Zone, in the City of Hamilton Zoning By-law No. 05-200. Therefore, Staff have amended the application to rezone the lands to the Low Density Residential (R1) Zone in Zoning By-law No. 05-200 and are recommending one modification to the Low Density Residential (R1) Zone to remove Street Townhouse Dwelling as a permitted use as this use is not permitted by the Meadowlands Neighbourhood IV Secondary Plan. The applicant is in agreement with the amendments to the application.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 8 of 11

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Planning and Economic Development Department, Transportation Planning and Parking Division, Transportation Planning Section; • Canada Post; and, • Hamilton Conservation Authority. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Support this application as the impact of the development to the existing servicing capacity is negligible. A detailed review of the Grading, Servicing Plans and Stormwater Management Brief will be conducted at the Severance Application stage through the Consent Agreement.</p> <p>All outstanding cost recoveries must be paid to ensure the 0.3 metre reserve is lifted.</p> <p>The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels, erosion and sediment control measures; cash payment requirements for items such as street trees, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading, sidewalk, driveway approaches, and any damage during construction.</p> <p>Infrastructure Planning staff are satisfied with the proposed SWM design and have no objection to the zoning approval for the subject application from a stormwater management perspective.</p>	These items will be addressed through the future Consent to Sever process.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 9 of 11

	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The subject lands are within a defined area of cost recoveries. There may be implications arising from the adjacent Registered Plan of Subdivision, 62M-1116 (25T-200613), e.g. cost recoveries relating to the registered plan.</p> <p>The municipal addresses for this proposal will be determined through the Consent to Sever process.</p>	Cost recoveries and municipal addressing will be addressed through the future Consent to Sever process.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not approve the tree management plan and landscape plan, prepared by Adesso Design Inc. and dated July 7, 2019.</p> <p>Driveway alignment shall be altered or tree # 9 and # 10 need to be removed to ensure trees are not within 1.5m of proposed driveways.</p> <p>Species and condition shall be provided on all public trees.</p> <p>Private trees are required to be spaced a minimum distance of 8m from the public street trees. Otherwise, smaller species shall be selected for the private trees.</p>	These items will be addressed through the future Consent to Sever process.
Waste Management Operations Section, Environmental Services Division, Public Works Department	The existing and proposed single detached dwellings are eligible for curbside municipal waste collection service, subject to meeting municipal criteria.	Noted.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 110 property owners within 120 m of the subject property on October 3, 2022, requesting comments on the proposed Zoning By-law Amendment application. A Public Notice Sign was posted on the property on September 21, 2022, and updated on January 18,

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 10 of 11

2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on January 27, 2023, in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with their Planning Justification Report. The strategy included a mail out to all residents within 120 metres of the subject lands, prepared by the agent, and a microsite was included on their webpage. As the applicant did not receive any public feedback, a neighbourhood meeting was not held.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
 - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) It complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan; and,
 - (iv) It is compatible with and complementary to the existing surrounding neighbourhood.
2. Zoning By-law Amendment

The subject lands are currently zoned Agricultural “A” Zone in the Town of Ancaster Zoning By-law No. 87-57. The applicant had initially requested that the subject lands be rezoned to the Residential “R4” Zone and a modified Residential “R4” Zone, to facilitate development of two new residential lots for single detached dwellings and the retention of an existing single detached dwelling. This zone has been replaced with the Low Density Residential (R1) Zone in Zoning By-law No. 05-200.

Staff are recommending that the subject lands are instead removed from the Town of Ancaster Zoning By-law No. 87-57 and rezoned to Low Density Residential (R1, 836) Zone, in the City of Hamilton Zoning By-law No. 05-200, to facilitate the proposal. Single detached dwellings are permitted within the “Neighbourhoods” designation of the UHOP and within the “Low Density Residential 2b” designation of the Meadowlands Neighbourhood IV Secondary Plan. Street townhouse dwellings are not permitted within the “Low Density Residential 2b” designation of the Meadowlands Neighbourhood IV Secondary Plan, as such, staff propose one modification to the Low Density Residential (R1) Zone to remove Street Townhouse Dwelling as a permitted use. Staff are in

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) - Page 11 of 11

support of this change in zoning as the proposal complies with the Urban Hamilton Official Plan policies and the Meadowlands Neighbourhood IV Secondary Plan.

The subject lands will provide similar zoning standards as adjacent lands to help ensure compatibility in terms of built form, massing, height, setbacks and building separation. The adjacent lands are comprised of modified Residential “R4-714”, “R4-562” and “R4-563 Zones, which provide similar built forms, frontages, setbacks, lot areas, lot coverages and building heights.

Staff support the proposed change in zoning.

3. A future Consent to Sever application will be required to create the two new lots fronting onto Chambers Drive.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application not be approved, the lands would remain under the current Agricultural “A” Zone which permits the existing single detached dwelling on the lot in its current form and does not generally permit lot creation for residential purposes.

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.

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

Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23031 – Location Map
 Appendix “B” to Report PED23031 – Draft Zoning By-law
 Appendix “C” to Report PED23031 – Concept Plan

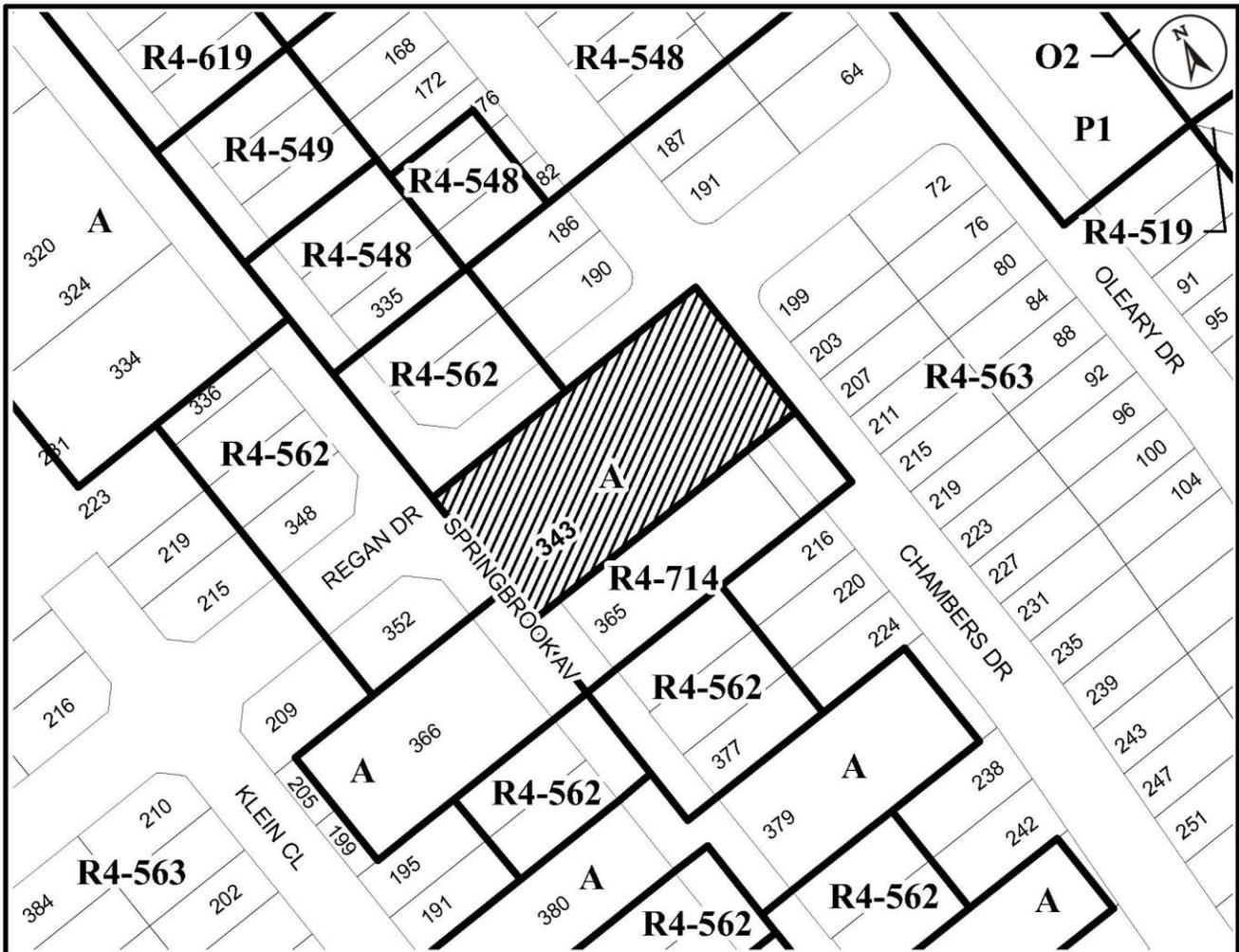
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Appendix "A" to Report PED23031
Page 1 of 1



● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

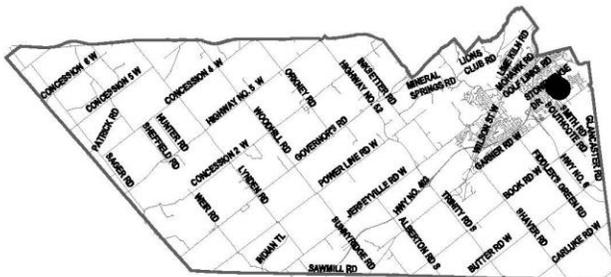
File Name/Number:
ZAC-22-056

Date:
December 22, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TM/AL



Key Map - Ward 12

Subject Property

343 Springbrook Avenue



Change in zoning from Agricultural "A" Zone to the Low Density Residential (R1, 836) Zone



**Appendix “B” to Report PED23031
Page 1 of 2**

Authority: Item XX, Planning Committee
Report
CM:
Ward: 12

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 23-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 343
Springbrook Avenue, Ancaster**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on February 14, 2023;

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

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

1. That Map No. 1284 of Schedule “A” – Zoning Maps is amended by adding the Low Density Residential (R1) Zone to the lands attached as Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:

“836. Within the lands zoned Low Density Residential (R1) Zone, identified on Map 1284 of Schedule “A” – Zoning Maps and described as 343 Springbrook Avenue, the following special provision shall apply:

- a) Notwithstanding Section 15.1.1, a Street Townhouse Dwelling shall not be permitted.”

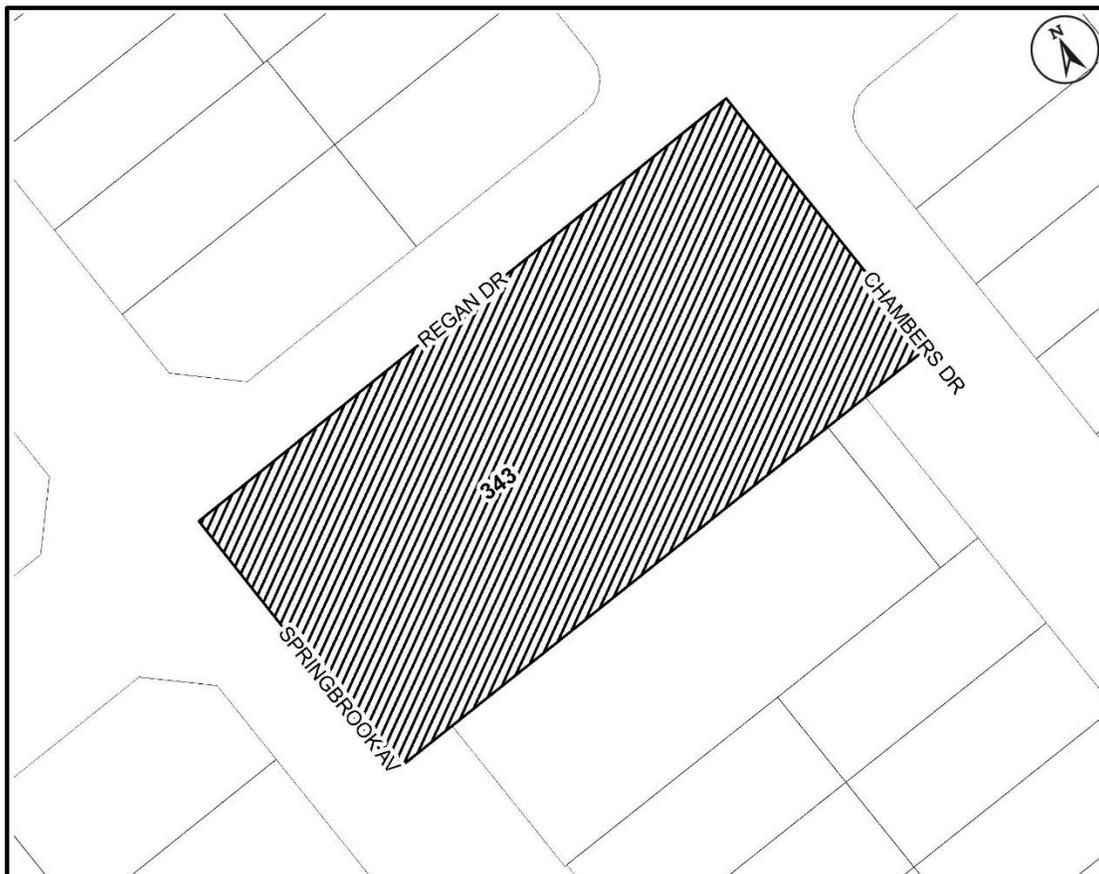
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2023

A. Horwath
Mayor

A. Holland
City Clerk

ZAC-22-056

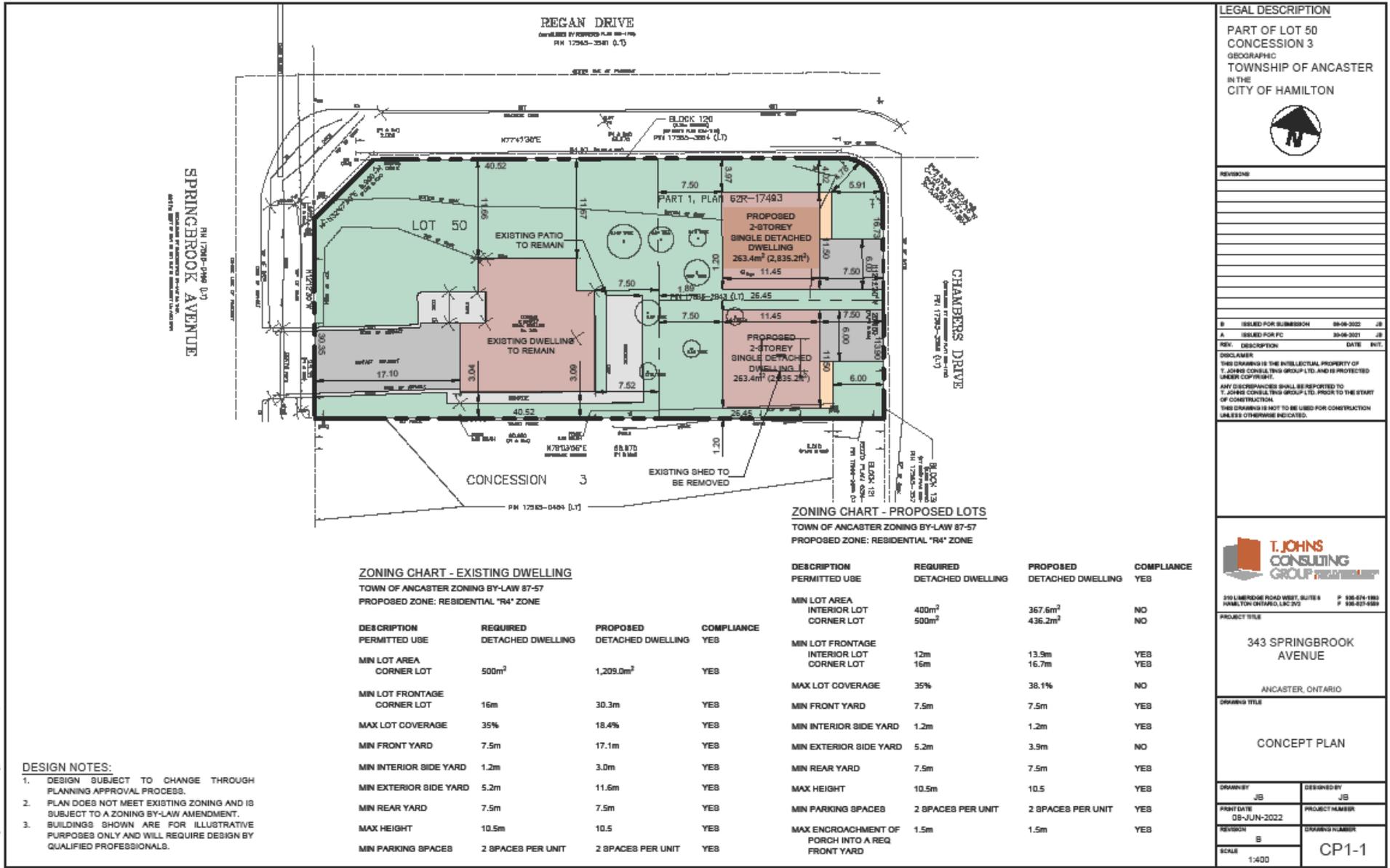


<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Map 1284</p>	<p>Subject Property</p> <p>343 Springbrook Avenue</p> <p> Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 836) Zone</p>
--	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-056</p>		
<p>Date: December 22, 2022</p>	<p>Planner/Technician: DM/AL</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

Appendix "C" to Report PED23031
Page 1 of 1



Plotted by: Jennifer Bestley, 08-JUN-2022, 9:34AM



WELCOME TO THE CITY OF HAMILTON

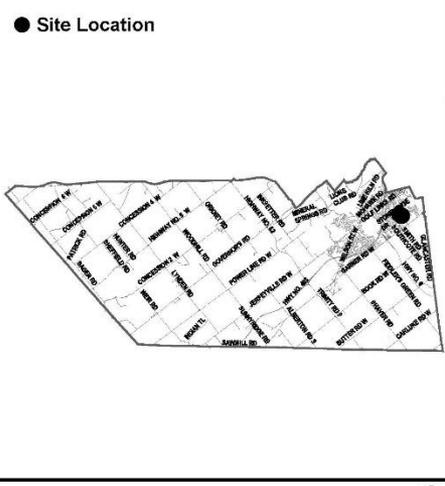
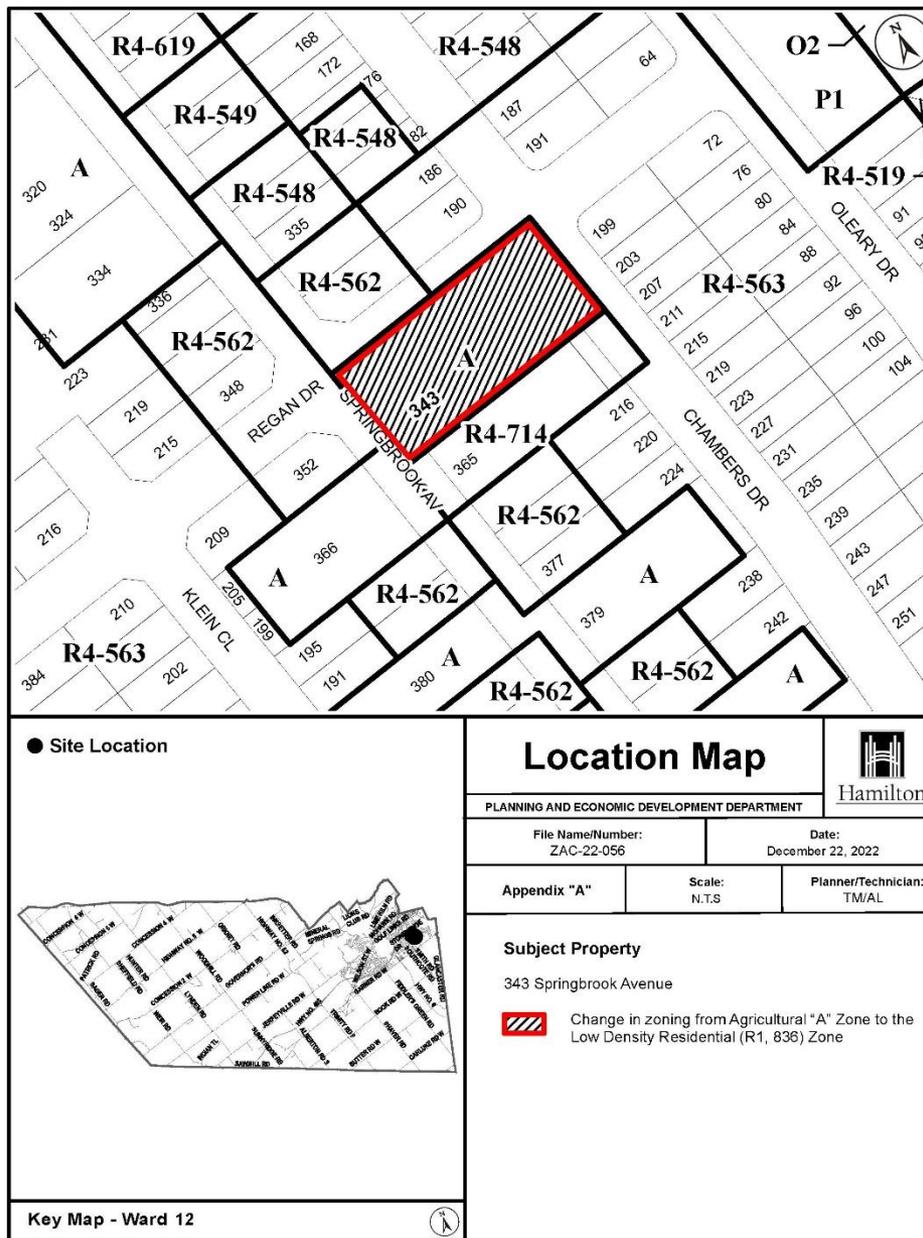
PLANNING COMMITTEE

February 14, 2023

PED23031 – (ZAC-22-056)

Application for a Zoning By-law Amendment for Lands Located at
343 Springbrook Avenue, Ancaster.

Presented by: Devon Morton



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-22-056	Date: December 22, 2022	
Appendix "A"	Scale: N.T.S.	Planner/Technician: TM/AL

Subject Property
 343 Springbrook Avenue

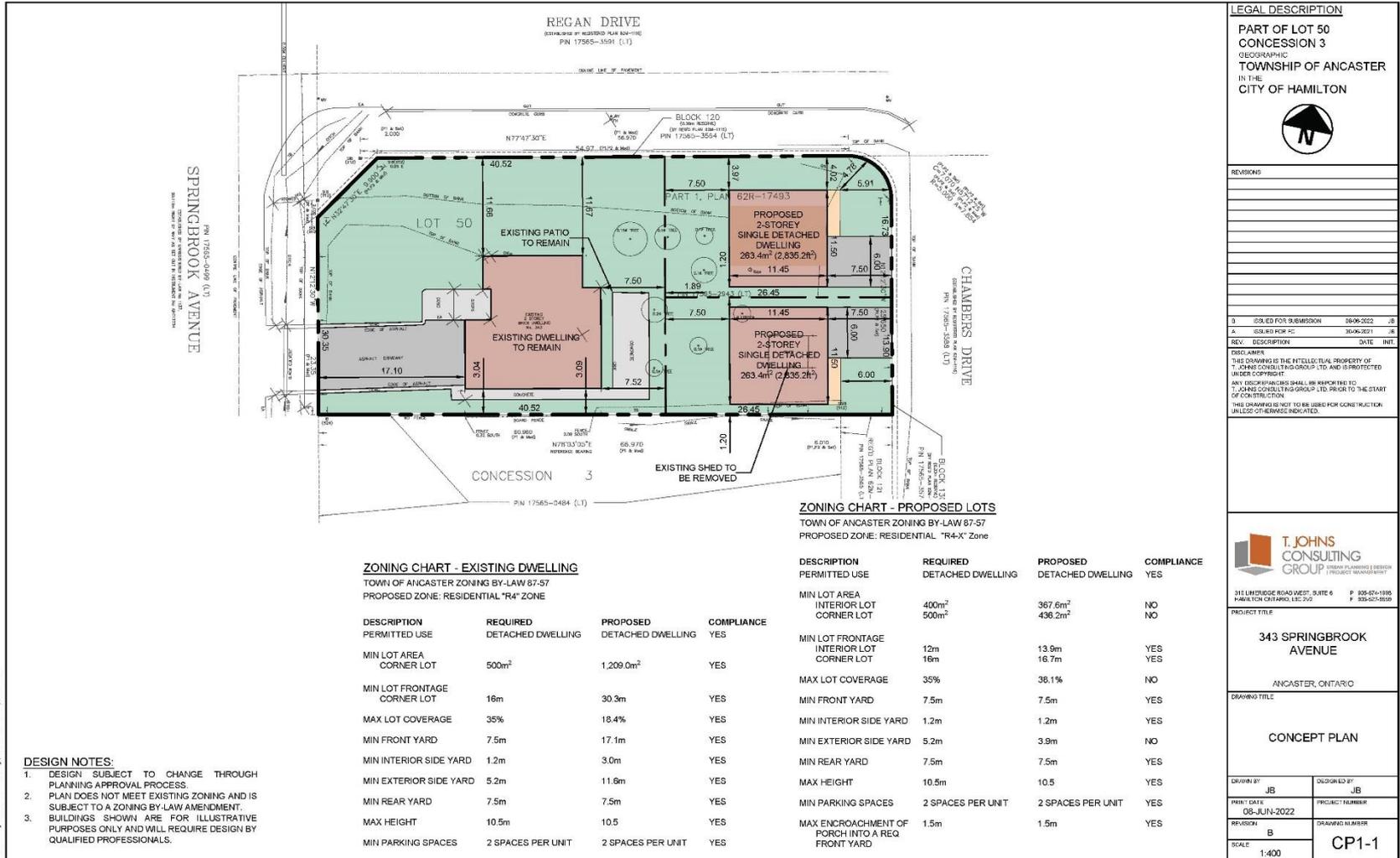
 Change in zoning from Agricultural "A" Zone to the Low Density Residential (R1, 836) Zone



Hamilton Airphoto (2021)

SUBJECT PROPERTY  **343 Springbrook Avenue, Ancaster**





Plotted by: Jennifer Bailey, 06-JUN-2022, 9:34AM

File Location: D:\Dropbox (T. Johns Consulting)\T.JCG SERVER\PROJECTS\INDEPENDENTS\343 Springbrook Ave., Ancaster\Drawings\Planning\343 SPRINGBROOK AVE_CPI-1_29JUNE2021.dwg



Subject Lands



Subject Lands (Existing SDD)



North view



East view



West view



Fair Park



Holy Name of Mary



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Devon Morton (905) 546-2424 Ext. 1384
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-031, by MHBC Planning Urban Design & Landscape Architecture on behalf of St. James United Church (the United Church of Canada)**, for a change in zoning from Community Institutional (I2, 757) Zone to Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to permit development of 44 purpose built rental dwelling units, for lands located at 306 Parkside Drive, Flamborough, as shown on Appendix "A" attached to Report PED23032, be **APPROVED**, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 the Niagara Escarpment Plan, 2017, and complies with the Urban Hamilton Official Plan.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 2 of 23

EXECUTIVE SUMMARY

The subject lands are municipally addressed as 306 Parkside Drive, Waterdown and are located east of Main Street North on the south side of Parkside Drive. The subject lands are a through lot with frontage onto Parkside Drive and a smaller portion fronting onto Kelly Street. The owner, St. James United Church (the United Church of Canada), has applied for an amendment to the City of Hamilton Zoning By-law No. 05-200 to permit development of 44 purpose built rental dwelling units. The existing place of worship will be retained, and a reconfigured community garden will be provided on site. Ninety-four vehicular parking spaces are proposed, of which, 44 will be dedicated to residential parking and 50 will be reserved for the existing place of worship. In addition, the proposal provides 10 bicycle parking spaces in publicly accessible areas. The proposed development is being funded under the Federal Governments Co-Investment Fund which will require 30% of the dwelling units to be affordable dwelling units as defined by the Canadian Mortgage and Housing Corporation (CMHC) in addition to increased energy efficiency and accessibility requirements.

The purpose of the Zoning By-law Amendment is to change the zoning from Community Institutional (I2, 757) Zone to Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to add multiple dwellings as a permitted use with additional site specific modifications.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the Niagara Escarpment Plan (2017);
- It conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan (UHOP) and the Waterdown Community Node Secondary Plan; and,
- The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, and represents good planning by, among other things, creating a compact and efficient urban form, providing an alternative housing typology and tenure option, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets, and providing affordable and barrier-free housing options to support the community and surrounding area.

Alternatives for Consideration – See Page 22

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 3 of 23

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.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	St. James United Church (the United Church of Canada)
Applicant/Agent:	MHBC Planning Urban Design & Landscape Architecture
File Number:	ZAC-22-031
Type of Application:	Zoning By-law Amendment
Application Details	
Proposal:	<p>To permit development of 44 purpose built rental dwelling units with a total of 94 vehicular parking spaces and 10 bicycle parking spaces. The built form will consist of two storey townhouses and three storey walk up multiple dwellings. The existing place of worship will be retained, and a reconfigured community garden will be provided on site. Vehicles will access the site via Parkside Drive and a pedestrian connection will be provided from Kelly Street.</p> <p>At the time of submission for rezoning, the Waterdown Community Node Secondary Plan, which allows the proposed development, had not been adopted by Council. As such, the applicant submitted an amendment to the Urban Hamilton Official Plan to establish a site-specific policy area that allowed a minimum net residential density of 35 units per hectare. The Waterdown Community Node Secondary Plan was then adopted by Council through By-laws No. 22-070, 22-071 and 22-072 on April 13, 2022. After the associated appeal periods had expired, the applicant withdrew their request for amendment to the Urban Hamilton Official Plan as this was no longer required.</p>
Property Details	
Municipal Address:	306 Parkside Drive, Flamborough (see Location Map attached as Appendix "A" to Report PED23032).
Lot Area:	1.21 ha.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 4 of 23

Property Details	
Servicing:	Existing full municipal services.
Existing Use:	Institutional (place of worship).
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Niagara Escarpment Plan	The proposal conforms to the Niagara Escarpment Plan (2017).
A Place to Grow:	The proposal conforms to the 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:	"Institutional" on Land Use Plan Map B.4.4-1 of the Waterdown Community Node Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Community Institutional (I2, 757) Zone.
Zoning Proposed:	Community Institutional (I2, 825) Zone.
Modifications Proposed:	<p>The Applicant is requesting modifications to:</p> <ul style="list-style-type: none"> • Allow the lands described as 306 & 308 Parkside Drive to be considered as one lot for the purposes of zoning (removed by staff); • Deem Parkside Drive as the front lot line; • Allow multiple dwellings as a permitted use whereas the use is not permitted; • Permit a minimum lot area of 12,000 square metres whereas no regulation has been established for multiple dwellings (removed by staff); • Permit a minimum lot width of 30.00 metres whereas no regulation has been established for multiple dwellings (removed by staff); and, • Permit a minimum front yard of 3.00 metres whereas no regulation has been established for multiple dwellings (removed by staff).

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 5 of 23

Documents	
<p>Modifications Proposed Continued:</p>	<ul style="list-style-type: none"> • Permit a minimum side yard of 2.75 metres whereas no regulation has been established for multiple dwellings (removed by staff); • Permit a minimum flankage yard of 3.00 metres whereas no regulation has been established for multiple dwellings (removed by staff); • Permit a minimum rear yard of 7.00 metres whereas no regulation has been established for multiple dwellings (removed by staff). • Permit a maximum building height of 10.5 metres whereas no regulation has been established for multiple dwellings (removed by staff); • Permit a minimum landscaped area of 10% of the lot area (removed by staff); • Permit 75% of the front yard to be used for required parking whereas 50% of the front yard is permitted to be used for parking and access to such parking; and, • Permit 50 parking spaces for the permitted Institutional uses whereas 174 parking spaces are required for the Institutional uses. <p>Staff are requesting modifications to:</p> <ul style="list-style-type: none"> • Permit a minimum side yard of 7.0 metres whereas no regulation has been established for multiple dwellings; and, • Permit a minimum side yard of 2.75 metres from the south-westerly side lot lines measuring 18.62 metres, 17.74 metres and 20.42 metres whereas no regulation has been established for multiple dwellings.
Processing Details	
Received:	April 7, 2022
Deemed complete:	May 3, 2022
Notice of Complete Application:	Sent to 105 property owners within 120 metres of the subject lands on May 10, 2022.
Public Notice Sign:	Posted May 12, 2022 and updated with public meeting date on January 18, 2023.
Notice of Public Meeting:	Sent to 105 property owners within 120 metres of the subject lands on January 27, 2023.
Public Comments:	A petition signed by 73 members of the public and eight comments were received expressing concern regarding the proposed Zoning By-law Amendment (attached as Appendix "E" to Report PED23032).

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 6 of 23

Processing Details	
Processing Time:	287 days from date of receipt of initial application and 102 days from receipt of revised proposal.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Institutional (place of worship)	Community Institutional (I2, 757) Zone
Surrounding Land Uses:		
North	Residential (single detached dwellings)	Urban Residential (Single Detached) "R1-3" Zone
East	Residential (single detached dwellings)	Urban Residential (Single Detached) "R1-74b" Zone
West	Residential (single detached dwellings)	Urban Residential (Single Detached) "R1-74b" Zone
South	Residential (single detached dwellings)	Urban Residential (Single Detached) "R1-74b" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent approval by the Ontario Land Tribunal, the City of Hamilton has established the UHOP which contains local policies for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 7 of 23

As the application for Zoning By-law Amendment complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020);
- Conforms to the Niagara Escarpment Plan, 2017; and,
- Conforms to A Place to Grow: Growth Plan for the Greater Holden Horseshoe, 2019, as amended.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "D" – Urban Structure, designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations and further designated "Institutional" in the Waterdown Community Node Secondary Plan. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167 and prior to the adoption of the Waterdown Community Node Secondary Plan. The applicant has confirmed that this application is to be reviewed under the UHOP policies currently in effect, as amended by OPA No. 167 and the policies of the Waterdown Community Node Secondary Plan.

The following policies, amongst others, apply to the subject application.

Cultural Heritage

"B.3.4.2.1 The City of Hamilton, shall in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

The existing place of worship is included in the City's Register of Property of Cultural Heritage Value or Interest as a non-designated property. In addition, it is located within the Village of Waterdown Cultural Heritage Landscape and is part of the Places of Worship Inventory. The applicant proposes to retain the existing place of worship (B.3.4.2.1).

A Cultural Heritage Impact Assessment (CHIA) for the subject lands was completed by ERA Architects Inc. on March 30, 2022. The report assessed the impact of the introduction of 44 new purpose-built rental dwelling units with a central outdoor amenity space and determined there are no impacts to the non-designated property.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 8 of 23

The CHIA was forwarded to the Policy and Design Working Group (P&DWG) of the Hamilton Municipal Heritage Committee for review and comment at their meeting on June 20, 2022. The feedback provided from the P&DWG required modest revisions to the CHIA and a resubmission to the satisfaction and approval of the City. The applicant submitted a revised CHIA dated September 30, 2022, which has been reviewed and approved.

Archaeological Resources

The subject property meets three of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Staff require that a written caution be added to any future site plan respecting the archaeological potential of the property.

Based on the above, staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

The Niagara Escarpment Plan

"C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail.

C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the development shall be compatible with the visual and natural environment; and,
- b) Setbacks and screening adequate to minimize the visual impact of development on the Escarpment landscape shall be required.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 9 of 23

C.1.1.10 On lands located within Urban Hamilton and identified as Niagara Escarpment Plan Urban Area on Schedule A - Provincial Plans, the following policies shall apply:

- a) Where lands are designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations, the policies contained in Section E.3.0 - Neighbourhoods Designation shall apply.”

The subject lands are designated “Urban Area” in the Niagara Escarpment Plan, 2017 (NEP) but fall outside the area of Development Control. As such, a Niagara Escarpment Commission (NEC) Development Permit is not required to implement the proposal. The NEC has confirmed the use is permitted in the Urban Area designation of the NEP and that the proposal is consistent with Part 2.10 (Cultural Heritage) of the NEP.

The proposed built form is limited to three storeys in height and the subject lands are surrounded by existing single detached homes, as such, the proposal demonstrates compatibility with the visual and natural environment and no visual impact to the Escarpment is anticipated.

Based on the above, the proposal conforms the Niagara Escarpment Plan policies of the UHOP.

Tree Management

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

A Tree Protection Plan, prepared by Janet Rosenberg & Studio, was reviewed with respect to the proposed application for Zoning By-law Amendment. A total of 74 trees have been inventoried, of which, seven privately-owned trees are proposed for removal to facilitate the proposal. The tree identified on the public right-of-way is shown to be retained. The Tree Protection Plan submitted is sufficient to demonstrate that the proposed Zoning By-law Amendment complies with the policies of the UHOP. To mitigate impacts to the existing tree canopy, compensation plantings are required for any private tree, 10 cm in DBH or greater, that is removed from the subject lands. Thirty-eight compensation plantings are shown on the proposed Landscape Plan, of which, all are of an acceptable species and size per the City of Hamilton Tree Protection Guidelines (C.2.11). The compensation plantings exceed the City’s minimum requirement. Staff note that additional revisions to the Tree Protection Plan will be reviewed through Site Plan Control and the Applicant will be required to demonstrate to the City that they have obtained permissions from adjacent landowners regarding any trees that may be injured that border neighbouring properties.

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Waterdown Community Node Secondary Plan

- “B.4.4.3.1 The Waterdown Community Node Secondary Plan shall guide development and land use change within the Secondary Plan area. The following policies apply to the Secondary Plan area:
- b) The Waterdown Community Node Secondary Plan area shall include a range of housing forms and tenures and a mix of commercial, institutional and open space uses;
 - e) The development of affordable housing is encouraged within the Secondary Plan area to provide a full range of housing and meet the City’s affordable housing targets outlined in Policy B.3.2.2 of Volume 1; and,
 - f) To achieve affordable housing targets and meet affordable housing needs in the community, partnerships with non-profit organizations and any other available tools or resources may be considered.”

The proposal contemplates two storey townhouses and three storey walk up multiple dwellings totalling 44 purpose built rental dwelling units including affordable rental dwelling units (B.4.4.3.1 (b)). The proposed built form adds to the available range of housing typologies and provides affordable dwelling units to help the City achieve its affordable housing targets while addressing the needs of the community (B.4.4.3.1 (e) and B.4.4.3.1 (f)).

- “B.4.4.8.1 In addition to Sections B.3.5 – Community Facilities/Services and E.3.0 - Neighbourhoods Designation of Volume 1, the following policies shall apply to lands designated Institutional on Map B.4.4-1 – Waterdown Community Node Secondary Plan - Land Use Plan:
- c) In addition to community facilities/services uses, residential uses may also be permitted on all or a portion of a property designated Institutional without an amendment to this Plan;
 - e) In addition to Policy E.3.4.3 of Volume 1, the following uses shall also be permitted:
 - i. Low rise multiple dwellings such as but not limited to block townhouses, back to back townhouses and stacked townhouses; and,

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- f) Multiple dwelling uses permitted by Policy 4.4.8.1 e) i) shall require approval of a Zoning By-law Amendment to establish standards specific to a proposed development which:
- i. Maintain compatibility with adjacent land uses;
 - ii. Avoid negative impacts to cultural heritage resources; and,
 - iii. Provide sufficient dwelling unit and visitor parking for the proposed uses.
- g) Notwithstanding the design policies for Low Density Residential uses in Policy E.3.4.6 of Volume 1, any proposed multiple dwelling uses shall comply with the design policies for medium density residential uses in Policy E.3.5.9 of Volume 1;
- h) Notwithstanding Policy E.3.4.5 of Volume 1, the maximum height for residential uses shall be two storeys to ensure a compatible scale of development which respects the character of the area. The maximum height for residential uses may be increased to three storeys without amendment to this Plan subject to the following requirements:
- i. Approval of a Zoning By-law Amendment or Minor Variance application;
 - ii. Demonstration that the cultural heritage value of existing cultural heritage resources (built heritage resources and cultural heritage landscapes) on the site and on adjacent lands will not be negatively impacted; and,
 - iii. provision of an appropriate transition between three storey residential uses and adjacent existing low density residential uses, which may include but is not limited to:
 1. An enhanced setback between the three storey buildings and adjacent existing uses;
 2. a treed landscape buffer;
 3. fencing or other equivalent screening;
 4. building design measures that reduce overlook to adjacent properties;
 5. building design measures that reduce the appearance of increased height;
 6. the separation of three storey uses from adjacent existing low density residential uses through the provision of an intervening one to two storey residential use; or,

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7. a combination of the above.”

The proposed residential use is permitted by the Secondary Plan policies (B.4.4.8.1 (c) and B.4.4.8.1 (e)). Additionally, the proposal provides direct access to a minor arterial road, on-site parking and amenity features including a reconfigured community garden (B.4.4.8.1 (g)).

The applicant has submitted an application for Zoning By-law Amendment to permit low rise multiple dwellings and through the submission of a Cultural Heritage Impact Assessment, impacts to the existing Cultural Heritage asset have been assessed and are being mitigated through the design and layout of the proposed multiple dwelling units (B.4.4.8.1(f)). In accordance with City of Hamilton Zoning By-law No. 05-200, residential parking spaces are provided at a rate of 1.0 parking space per unit. Zoning By-law No. 05-200 does not require the provision of visitor parking. As such, the proposed parking arrangement meets the requirements of the Zoning By-law (B.4.4.8.1 (f)). The existing place of worship will provide vehicular parking spaces at a reduced rate of 0.28 spaces per 10 square metres of gross floor area (totalling 50 vehicular parking spaces). Based on the parking study prepared by BA Group which estimates a peak parking demand of 42 spaces, staff are satisfied the number of vehicular parking spaces provided on site is sufficient. Additionally, a 7 metre rear yard (transition space) is provided in conjunction with a treed landscape buffer and design measures including varying roof lines and alternating building heights that reduce overlook to adjacent properties (B.4.4.8.1 (h)). Staff further note that many of the dwelling units proposed are limited to two storeys in height.

Based on the above and as the maximum height proposed is limited to three storeys, an amendment to the Waterdown Community Node Secondary Plan is not required (B.4.4.8.1 (h)).

“B.4.4.10.1 General Urban Design Policies

In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to lands within the Waterdown Community Node Secondary Plan area:

- e) Climate change impacts shall be considered in site and building design for development. The incorporation of design approaches that foster climate change resilience are encouraged; and,

B.4.4.10.3 Residential Design Policies

In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to lands outside of the Community Node:

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- b) Residential development shall utilize high quality, sustainable façade materials which are compatible with existing residential buildings in the neighbourhood;
- c) Development shall demonstrate effort to maintain and expand the existing mature tree canopy; and,
- d) The retention of existing vegetation is encouraged as part of development.”

The proposal includes sustainable features to address climate change and resilience by proposing additional dwelling units within the urban area and incorporating green building standards, timber construction, high quality materials and passive ventilation (B.4.4.10.1 and B.4.4.10.3). Furthermore, the proposal will add to the existing tree canopy by retaining the majority of trees on site and by providing compensation plantings that exceed the City’s requirement (B.4.4.10.3).

“B.4.4.11.1 General Cultural Heritage Policies

In addition to Section B.3.4 – Cultural Heritage Resource Policies of Volume 1, the following policies shall also apply to cultural heritage resources within the Waterdown Community Node Secondary Plan:

- e) In accordance with Policy B.3.4.5.2 of Volume 1, a priority shall be placed on the retention and conservation of significant built heritage resources in their original locations. The relocation or demolition of significant built heritage resources is strongly discouraged.”

The proposal retains the existing heritage asset in its current location and no demolition or relocation is contemplated through this proposal (B.4.4.11.1)

“B.4.4.14.1 Municipal services, such as sewers, water, stormwater systems and public/private utilities shall be provided, maintained and upgraded, as may be required, to accommodate the needs of existing and future development in the Waterdown Community Node Secondary Plan area. In addition to Section C.5.0 – Infrastructure of Volume 1, the following policies shall also apply:

- c) To increase energy efficiency and reduce the environmental impact of buildings, all commercial, institutional, mixed use and multiple dwelling buildings will be encouraged to:

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- i. Build to higher energy efficient standards than outlined in the *Ontario Building Code*;
 - ii. Have green roofs or cool roofing materials;
 - iii. Provide solar capture equipment;
 - iv. Provide for a portion of the building's total energy requirements through alternative energy sources, including photovoltaic, geothermal, or other alternatives;
 - v. Utilize grey water recycling;
 - vi. Utilize low demand or low flow fixtures; and,
 - vii. Plant trees and other vegetation to provide shade, increase tree canopy cover and provide other environmental benefits.
- d) Low Impact Development (LID) is a design technique which contributes to aquatic habitat protection, can help regulate water runoff, improve water quality and reduce the flooding risks associated with extreme weather events. Development, including the redevelopment or creation of parking lots, shall utilize Low Impact Development (LID) measures in site design where feasible to reduce water runoff and improve water quality; and,
- g) Proposed development shall consider how energy efficiency measures, LID measures, innovative servicing technologies or other sustainable measures can be incorporated into site and building design.”

The applicant has demonstrated through the Functional Servicing Report and Stormwater Management Report that the proposal can be serviced. The environment and sustainability have been considered in the proposed development as is demonstrated through the applicant's commitment to re-establish the tree canopy on site and to incorporate timber construction, high-quality materials and passive ventilation (B.4.4.14.1). Passive House Certification and Zero On-Site Carbon will be pursued throughout the development process including the use of geothermal (B.4.4.14.1).

Therefore, the proposal complies with the UHOP and the Waterdown Community Node Secondary Plan.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Community Institutional (I2, 757) Zone in the City of Hamilton Zoning By-law No. 05-200. The Community Institutional (I2, 757) Zone permits a range of institutional and residential uses. Exception 757 permits a multiple dwelling within any existing building designated under the *Ontario Heritage Act* and

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establishes a range of zoning standards related to the use. The applicant has requested Exception 757 not be carried forward as the proposal does not contemplate designation of the existing place of worship under the *Ontario Heritage Act* or contemplate establishing a multiple dwelling within the existing place of worship. To implement the proposed development, a rezoning to the Community Institutional (I2, 825) Zone is required. The site-specific modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in further detail in Appendix "F" attached to Report PED23032.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> • Planning and Economic Development Department, Economic Development Division, Commercial District and Small Business Section and Corporate Real Estate Office Section; and, • Public Works Department, Environmental Services Division, Parks and Cemeteries Section. 	No comment
Development Engineering Approvals Section and Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>Development Engineering is able to support this application.</p> <p>The proponent has demonstrated through the Functional Servicing Report (FSR) and Stormwater Management (SWM) Report that the proposed development can be serviced without adverse impacts to the existing City infrastructure.</p> <p>The proponent shall address all City staff comments prior to submitting the site plan engineering drawings. Further, a detailed review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy will be conducted at the Site Plan/Building Permit application stage to confirm compliance with City Standards.</p> <p>An external works agreement will be required for the proposed extension of the 300 mm storm sewer along Kelly Street to service the site.</p>	<p>Should the application be approved, matters related to site servicing, grading, site access, external works agreement and stormwater management will be addressed at the Site Plan Control stage.</p> <p>The proponent has to submit a revised FSR, SWM report and Water Assessment during the Site Plan Control stage.</p>

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	Comment	Staff Response
Development Engineering Approvals Section and Growth Planning Section, Growth Management Division, Planning and Economic Development Department Continued	<p>It is noted that the subject lands are within Registered Plan 62M-174. According to information provided with the application, the intent for tenure is rental.</p> <p>It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, 62M-174.</p> <p>As noted in FC-21-127, 308 Parkside Drive is not a valid address and the correct current address for the subject lands is 306 Parkside Drive.</p> <p>The owner and agent should be made aware that the addresses for this proposal will be determined after Conditional Site Plan Approval is granted.</p>	
Source Protection Planning, Public Works Department,	Source Protection Planning has reviewed the applicant's revised Hydrogeology Assessment (Pinchin Ltd., November 2, 2022). The applicant has fulfilled the additional requirements and demonstrated that the seasonal high groundwater levels are below the lowest basement elevations. We have no further comments.	Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning generally supports the proposed Zoning By-Law Amendment as the subject development can be accommodated by the surrounding road network without significant concerns provided that the following requirements are provided:</p> <ul style="list-style-type: none"> Approximately, 3.0 metres are to be dedicated to the right-of-way on Parkside Drive. <p>A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).</p>	The required right-of-way dedication has been identified on the concept plan. Should the application be approved, any required dedications and bicycle parking spaces will be addressed at the Site Plan Control stage.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	Without setting precedent, the subject application does not necessitate the submission of a Transportation Impact Study due to the limited number of residential dwelling units proposed and the projected low vehicular impact to the surrounding road network. Provide short-term bicycle parking within the property limits as per the City of Hamilton Zoning By-Law No. 05-200 for the proposed land use type.	
Landscape Architectural Services, Environmental Services Division, Public Works Department	We request cash in lieu of parkland dedication, if applicable. Outdoor landscaping/amenity space shall not count toward parkland dedication.	Should the application be approved, these matters will be addressed at the Building Permit stage.
Waste Management Operations Section, Environmental Services Division, Public Works Department	The multi-residential buildings will require front-end bin service for collection of garbage and cart collection for recycling and organic waste. The townhouse blocks require collection in front of each dwelling unit. The applicant is working towards satisfying Waste Management requirements to be eligible for municipal waste collection.	Should the application be approved, Waste Management requirements will be addressed at the Site Plan Control stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry conditionally approves the tree management plan revision 2, dated 2022-10-11, based on the existing property lines, if there is a right of way widening, resubmission of updated data would be required. Street trees shall be shown within the public right of way. Existing trees on Parkside Drive are shown on private property.	Should the application be approved, the Landscape Plan will be addressed at the Site Plan Control stage.

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	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department Continued	Dependent on primary hydro offsets, small hydro friendly trees may be required if shown within 3m of the pole line. Spacing of 4 to 8m, following a preference of 6 to 7m spacing is required for small species.	
Niagara Escarpment Commission	<p>The site is designated Urban Area in the Niagara Escarpment Plan (NEP) but it is outside the area of development control therefore a development permit is not required from the NEC. However, NEP policies continue to apply to the site.</p> <p>The proposal is generally permitted in the Urban Area. The NEC is satisfied that the proposal is consistent with Part 2.10 (Cultural Heritage) of the NEP and that potential impacts could be mitigated as per the submitted CHIA. The NEC requested that consideration be given to Part 1.7.5.2 of the NEP which encourages the implementation of LID/green infrastructure on the site.</p> <p>As proposed, NEC staff have no objections to the proposal.</p>	Noted, NEC staff will be circulated the future Site Plan Control application.
Alectra Utilities	<p>Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense.</p> <p>Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.</p>	Noted.

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	Comment	Staff Response
Enbridge	The existing church on this site is currently serviced with gas. The redevelopment of the site may have impacts to the service, and if the new buildings wish to be serviced with natural gas, a gas main extension will be required within the site. Note: It is recommended that submissions for gas servicing be applied for a minimum of 10 months in advance of the gas need date.	Noted.
Public Consultation		
Issue	Comment	Staff Response
Amendment to Secondary Plan	Concern that the Secondary Plan would be amended to facilitate the proposal.	The proposal complies with the Waterdown Community Node Secondary Plan.
Tree Retention	Concern that the existing trees on site will be removed.	Of the 74 trees inventoried, seven privately-owned trees are proposed for removal. 38 compensation plantings are shown on the proposed Landscape Plan which exceeds the City's guidelines.
Traffic	Concern that the proposed development will create negative traffic impacts.	A Traffic Impact Study (TIS) was not required in support of the application due to the limited number of residential dwelling units proposed and the projected low vehicular impact to the surrounding neighbourhood.

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Issue	Comment	Staff Response
Privacy	Concerns that the proposal will lead to a loss of privacy.	A 7 metre rear yard will be incorporated throughout the site. Increased tree planting is proposed and existing mature trees along the perimeter of the site will help mitigate privacy concerns.
Noise	Concerns that the proposal will lead to increase levels of noise.	The proposal contemplates other sensitive land uses. No increase in noise is anticipated beyond the normal noise levels of sensitive land uses.
Lighting	Concerns that the proposal will lead to light trespass onto adjacent lands.	The City of Hamilton Site Lighting Guidelines protect adjacent properties from light trespass by limiting the allowable maximum light level at the edge of the site. A Lighting Plan is a condition of Site Plan approval.
Plans Provided	Concern that the plans circulated to the public are not large enough to read.	The public may request plans in a larger or alternative format at any time by contacting City staff.

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 residents within 120 metres of the subject lands on May 10, 2022. The Public Notice sign was posted on the lands May 12, 2022 and updated with the Public Meeting date on January 18, 2023. A Notice of Public Meeting was sent to property owners within 120 metres of the subject lands on January 27, 2023, in accordance with the requirements of the *Planning Act*.

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To date, one petition signed by 73 members of the public and eight comments were received expressing concern regarding the proposed Zoning By-law Amendment. The submissions are summarized above and included in Appendix “E” attached to Report PED23032.

Public Consultation Strategy

The Applicant held a virtual Neighbourhood Meeting on September 27, 2022. Twenty-four members of the public were in attendance in addition to the applicant’s project team, local Ward Councillor and City of Hamilton Planning staff. The concerns expressed by members of the public are summarized by the Applicant and are included as Appendix “E-1” attached to Report PED23032.

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 and conforms to the Niagara Escarpment Plan (2017) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) The proposed development complies with the Urban Hamilton Official Plan; and,
 - (iii) The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, represents good planning by, among other things, creating a compact and efficient urban form, providing an alternative housing typology and tenure option, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets, encouraging active transportation, developing a complete community and providing affordable and barrier-free housing options to support the community and surrounding area.
2. Zoning By-law Amendment

The application for Zoning By-law Amendment is for a change in zoning from the site-specific, Community Institutional (I2, 757) Zone to the site-specific, Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to permit development of 44 purpose built rental dwelling units. The modifications are identified on Pages 4 and 5 of Report PED23032 and discussed in detail in Appendix “F” attached to Report PED23032.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 22 of 23

The principle of land use was negotiated and established through development of the Waterdown Community Node Secondary Plan. The proposed use implements what was agreed to during that process. As such, the proposed use is a built form encouraged and envisioned by the UHOP and the Waterdown Community Node Secondary Plan. The proposal does include a reduction in required parking for the place of worship however the parking study submitted with the application estimates a peak parking demand of 42 spaces and the proposal retains and preserves the existing heritage asset, provides affordable housing units, includes sustainability features such as timber construction and enhancing the existing tree cover, and capitalises on existing municipal infrastructure and services, therefore, staff support the proposed amendment to the Zoning By-law.

3. Site Plan

A Site Plan Control application shall be required to implement the proposal as 44 residential dwelling units are proposed on site. Furthermore, the parking lot and drive aisle construction and increased intensification of the use are also subject to a Site Plan Control application. An exemption to the Site Plan Control process shall not be granted to implement this proposal.

ALTERNATIVES FOR CONSIDERATION

Should the Zoning By-law Amendment application be denied, the subject lands could be utilized in accordance with the existing Community Institutional (I2, 716) Zone within the City of Hamilton Zoning By-law No. 05-200. This zone permits a range of institutional and residential uses including, but not limited to, a community garden, day nursery, duplex dwelling, place of worship, semi and single detached dwellings and street townhouse dwellings.

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.

Clean and Green

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

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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 PED23032 - Location Map

Appendix "B" to Report PED23032 - Amendment to Zoning By-law 05-200

Appendix "C" to Report PED23032 - Revised Concept Plan

Appendix "D" to Report PED23032 - Concept Elevations and Renderings

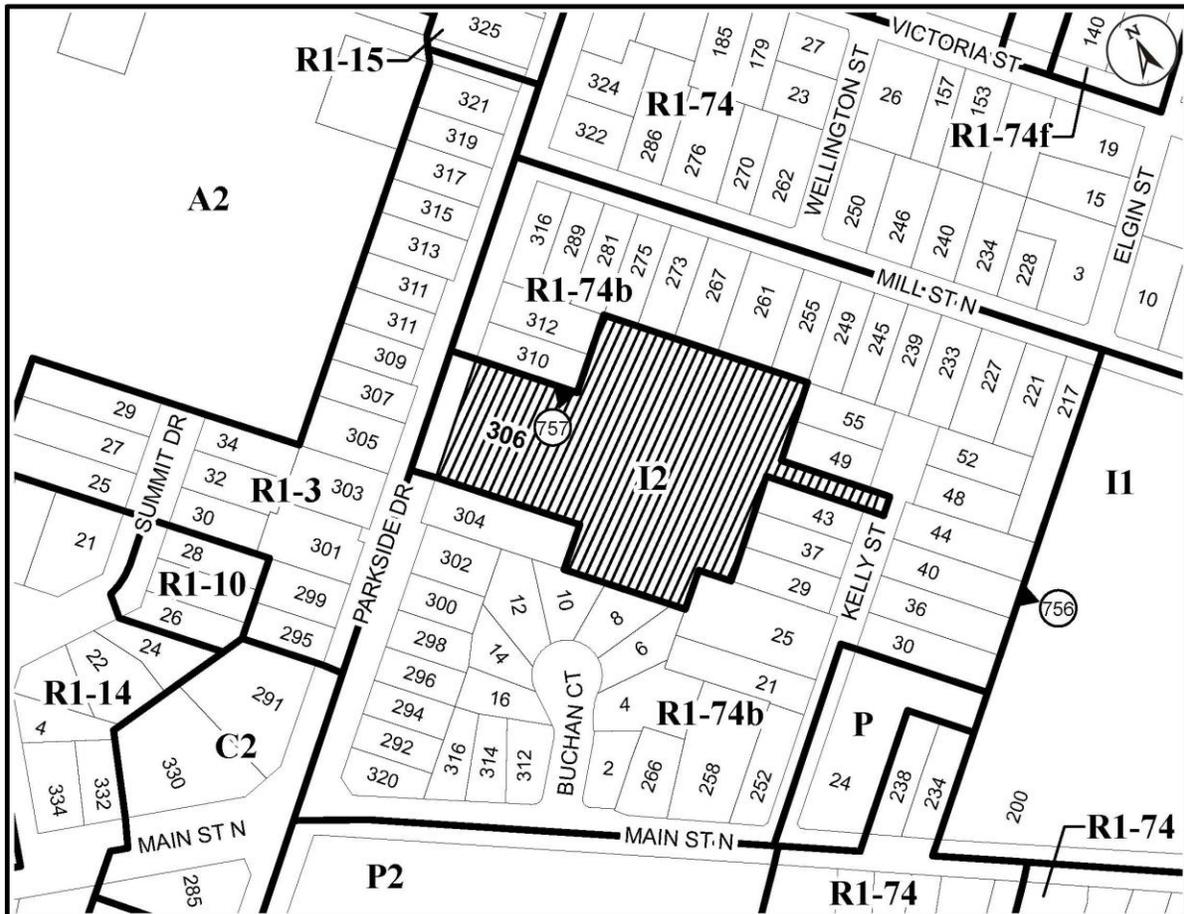
Appendix "E" to Report PED23032 - Public Submission

Appendix "E-1" to Report PED23032 – Applicant's Responses to Public Comments
Received

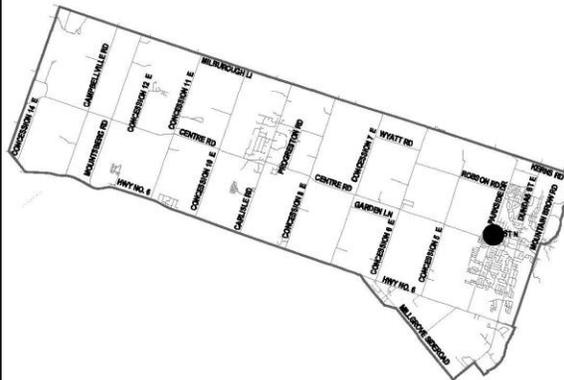
Appendix "F" to Report PED23032 - Zoning By-law Site Specific Modification Chart

DM:sd

Appendix "A" to Report PED23032
Page 1 of 1



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-031

Date:
December 16, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DM/AL

Subject Property

306 Parkside Drive



Change in zoning from the Community Institutional (I2, 757) Zone to the Community Institutional (I2, 825) Zone

**Appendix “B” to Report PED23032
Page 1 of 3**

Authority: Item XX, Planning Committee
Report
CM:
Ward: 15

Bill No. XXX

**CITY OF HAMILTON
BY-LAW NO. 23-XXX**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 306 Parkside Drive, Hamilton**

WHEREAS Council approved Item XX of Report of the Planning Committee, at its meeting held on February 14, 2023.

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

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

1. That Map No. 445 of Schedule “A” – Zoning Maps be further amended by adding the Community Institutional (I2, 825) Zone to the lands known as 306 Parkside Drive, Flamborough, as shown on Schedule “A”, to this By-law.
2. That Schedule “C” – Special Exceptions is amended by deleting Special Exception 757.
3. That Schedule “C” – Special Exceptions is amended by adding the following Special Exception:
 - “825. Within the lands zoned Community Institutional (I2) Zone, identified on Map 445 of Schedule “A” – Zoning Maps and described as 306 Parkside Drive, the following special provisions shall apply:
 - a) Notwithstanding Section 3: Definitions, as it relates to the definition of Front Lot Line, for the purpose of this By-law, the front lot line is deemed to be Parkside Drive.
 - b) Notwithstanding the regulations of Section 5.1 d), as it relates to location, required parking for Day Nursery, Place of Worship, Multiple Dwelling, and visitor parking for residential uses shall be permitted to be located between the façade and the front lot line and up to 75% shall be used for parking and access to such parking.

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- c) Notwithstanding the regulations of Section 5.6 c), as it relates to a Place of Worship and Day Nursery, a minimum of 50 total parking spaces shall be provided for a Place of Worship and Day Nursery.
- d) In addition to Subsection 8.2.1, a multiple dwelling shall also be permitted in accordance with Section 8.2.3.1.
- d) Notwithstanding Section 8.2.3.1 c), as it relates to minimum required yards, the following regulations shall apply for multiple dwellings:
 - i. Minimum Side Yard: 7.0 metres

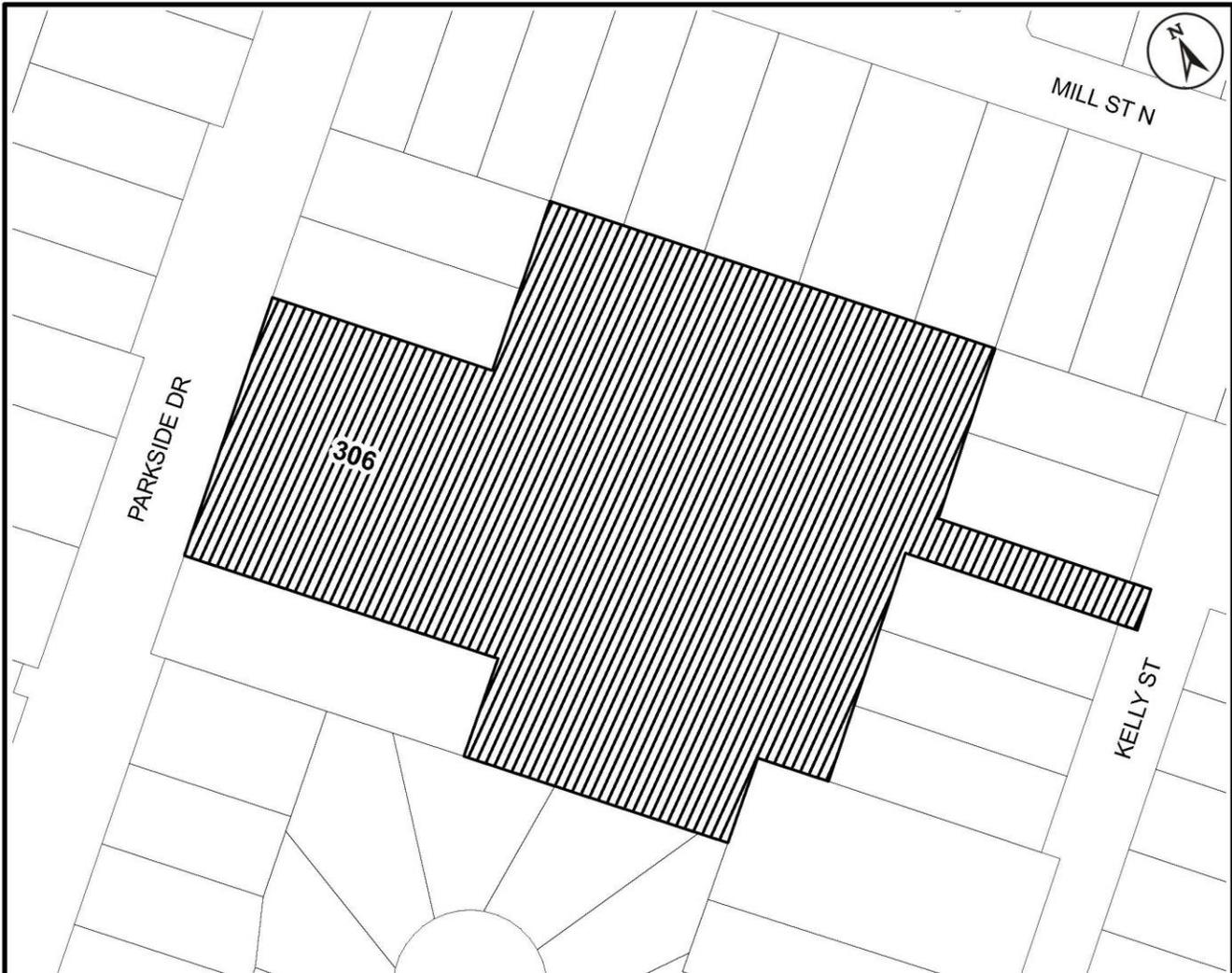
Notwithstanding i) above, the Minimum Side Yard from the south-westerly side lot lines measuring 18.62 metres, 17.74 metres and 20.42 metres shall be 2.75 metres.

- 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 this By-law No.____ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act* upon the date of passage of this By-law.

PASSED this _____ , 2023

A. Horwath
Mayor

A. Holland
City Clerk



This is Schedule "A" to By-law No. 23-

Passed the day of, 2023

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 23-_____

to Amend By-law No. 05-200
Map 445

Subject Property

306 Parkside Drive

 Change in zoning from the Community Institutional (I2, 757) Zone to the Community Institutional (I2, 825) Zone

Scale:
N.T.S

File Name/Number:
ZAC-22-031

Date:
December 16, 2022

Planner/Technician:
DM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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1 GROUP 1 WEST ELEVATION
1:100



2 GROUP 1 NORTH ELEVATION
1:100



3 GROUP 1 EAST ELEVATION
1:100



4 GROUP 1 SOUTH ELEVATION
1:100



5 GROUP 2 NORTH ELEVATION
1:100



6 GROUP 2 EAST ELEVATION
1:100

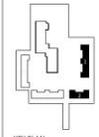


7 GROUP 2 SOUTH ELEVATION
1:100



8 GROUP 2 WEST ELEVATION
1:100

NOTES:
1. All elevations are shown in grey.
2. All elevations are shown in grey.
3. All elevations are shown in grey.
4. All elevations are shown in grey.
5. All elevations are shown in grey.
6. All elevations are shown in grey.
7. All elevations are shown in grey.
8. All elevations are shown in grey.
9. All elevations are shown in grey.
10. All elevations are shown in grey.



KEY PLAN

1:100	Architectural
1:100	Structural
1:100	Mechanical
1:100	Electrical
1:100	Plumbing
1:100	Other

KPSB Architects
1000 St. Clair St.
London, ON, Canada N6A 5L8
416-877-0100

United Church Canada
St James Watford

224 Parkside Dr. Watford, ON
L2K 2G5

Project North True North

Project No. 222
Date: 2/18/2023
Rev: 000000

ELEVATIONS - GROUP 1 & 2

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1 GROUP 3 NORTH ELEVATION
1:100



2 GROUP 3 EAST ELEVATION
1:100



3 GROUP 3 SOUTH ELEVATION
1:100



4 GROUP 3 WEST ELEVATION
1:100



5 GROUP 4 EAST ELEVATION
1:100



6 GROUP 4 SOUTH ELEVATION
1:100



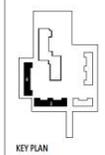
7 GROUP 4 WEST ELEVATION
1:100



8 GROUP 4 NORTH ELEVATION
1:100

REVISIONS

NO.	DATE	DESCRIPTION
1	2023-08-15	ISSUED FOR PERMIT
2	2023-08-15	ISSUED FOR PERMIT
3	2023-08-15	ISSUED FOR PERMIT
4	2023-08-15	ISSUED FOR PERMIT
5	2023-08-15	ISSUED FOR PERMIT
6	2023-08-15	ISSUED FOR PERMIT
7	2023-08-15	ISSUED FOR PERMIT
8	2023-08-15	ISSUED FOR PERMIT
9	2023-08-15	ISSUED FOR PERMIT
10	2023-08-15	ISSUED FOR PERMIT



KEY PLAN

NO.	DATE	DESCRIPTION
1	2023-08-15	ISSUED FOR PERMIT
2	2023-08-15	ISSUED FOR PERMIT
3	2023-08-15	ISSUED FOR PERMIT
4	2023-08-15	ISSUED FOR PERMIT
5	2023-08-15	ISSUED FOR PERMIT
6	2023-08-15	ISSUED FOR PERMIT
7	2023-08-15	ISSUED FOR PERMIT
8	2023-08-15	ISSUED FOR PERMIT
9	2023-08-15	ISSUED FOR PERMIT
10	2023-08-15	ISSUED FOR PERMIT

KPM&A Architects
301 King St. Suite 1000
Oshawa, ON, Canada M5A 1K1
416.291.1111

United Church Canada
St James Waterdown

300 Parkside Dr. Waterdown, ON
L2R 2H0



Project No: 2303
Date: 08/15/23
Plot Size: 30000

ELEVATIONS - GROUP 3 & 4

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IMAGE 1 - GROUP 2 SOUTH TOWNHOUSES



IMAGE 2 - GROUP 4 WEST TOWNHOUSES



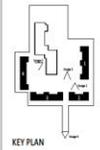
IMAGE 3 - GROUP 2 & 3 SOUTH TOWNHOUSES



IMAGE 4 - KELLY STREET ENTRY COMMUNITY GARDEN

REVISIONS

NO.	DATE	DESCRIPTION
1	2023-08-15	Initial Design
2	2023-09-01	Revised Design
3	2023-09-15	Final Design



NO.	DATE	DESCRIPTION
1	2023-08-15	Initial Design
2	2023-09-01	Revised Design
3	2023-09-15	Final Design

KPMW Architects
200 King St. East, Suite 1000
K1N 1X9, Toronto, ON M5X 1C4
416-977-2200

United Church Canada
St James Waterdown

200 Parkville Dr., Waterdown, ON
L0R 2H0

Project North - North
Project South - South

Project No: 2023
Date: 2023-09-15
Rev No: 000003

RENDERINGS

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[REDACTED]

From: [REDACTED]
Sent: Monday, May 30, 2022 8:04 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 306-308 Parkside Drive Waterdown Development. Files ZAC-22-031 and UHOPA -22-017

[REDACTED]

Thank you for you input. Your concerns are noted.

Thank you
[REDACTED]

From: [REDACTED]
Sent: Sunday, May 29, 2022 1:15 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: 306-308 Parkside Drive Waterdown Development. Files ZAC-22-031 and UHOPA -22-017

Hello [REDACTED], the City of Hamilton, through consultation with the public in Waterdown, developed and approved the Waterdown Secondary Node Plan. At the time of approval, our understanding was that the Developer of 306 - 308 Parkside Drive property even agreed with the plan.

We recently received notice of a Zoning By-law Amendment requesting variances to the by-law.

I do not agree with the Amendment request received, and request the City honour the approved Secondary Node Plan, a plan designed to protect the core of Waterdown.

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: Tuesday, May 31, 2022 1:09 PM
To: [REDACTED]
Subject: FW: Waterdown Secondary Node Plan

Please see below

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

From: [REDACTED]
Sent: Tuesday, May 31, 2022 1:08 PM
To: [REDACTED]
Subject: Waterdown Secondary Node Plan

[REDACTED],
I am a resident [REDACTED] and wish to express my disapproval of amending the latest Secondary Node Plan.
Many of us were involved in the process and felt that the final document was a fair assessment which reflected our views and afforded us some protection of our heritage properties and community. We do not want higher storeys and other changes as being sought by developers who don't live here and don't care how they negatively impact our environment. There has to be more important criteria than how many extra dollars they can squeeze out.
Thank you for allowing my input.
Best regards,

[REDACTED]

Sent from my iPhone

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[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 1, 2022 8:31 PM
To: [REDACTED]
Subject: FW: 306-308 Parkside Drive, Waterdown

See public comment below for the file.

From: [REDACTED]
Sent: Wednesday, June 1, 2022 6:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 306-308 Parkside Drive, Waterdown

Good afternoon,
Thank you for your email [REDACTED]. I will be sure to bring your comments and concerns to the Councillor's attention at my earliest opportunity. Take care, [REDACTED]

Kind Regards,

[REDACTED]
[REDACTED]
Hamilton City Hall, 71 Main Street West – 2nd Floor, Hamilton, Ontario L8P 4Y5
[REDACTED]

COVID-19 INFORMATION: www.hamilton.ca/coronavirus

From: [REDACTED]
Sent: June 1, 2022 5:54 PM
To: [REDACTED]
Subject: 306-308 Parkside Drive, Waterdown

Dear Sir/Madam,

We live [REDACTED] in Waterdown [REDACTED]. We recently received a notice regarding Urban Hamilton Official Plan Amendment (UHOPA-22-017) and Zoning By-law Amendment (ZAC-22-031).

We have a number of concerns:

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1. We ask that the city and developer respect the Secondary Node Plan regarding the height of the proposed development. This was recently approved to protect the core of Waterdown.
2. We ask that the trees that border our property be kept so we can continue to have the privacy we have enjoyed the past 30 years.
3. We also are deeply concerned about the traffic on Parkside as well as on Kelly Street. Traffic is already a nightmare on Parkside especially during the rush hour periods. We wonder about people parking on our street especially in the winter when our street is often just a single lane.

Thank you for listening to our concerns.

Sincerely,



Waterdown, ON

Sent from my Galaxy

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[REDACTED]

From: [REDACTED]
Sent: Thursday, June 2, 2022 7:25 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: 306-308 Parkside road, Waterdown.

[REDACTED]

One for the file.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 1, 2022 10:52 PM
To: [REDACTED]
Subject: 306-308 Parkside road, Waterdown.

Hi [REDACTED]. My name is [REDACTED] along with my wife [REDACTED], we live at [REDACTED] and have some concerns about the potential building on the property of 306-308 parkside.

Firstly, from the notice we received we see that some of the town homes would be three story buildings. This is a concern because this would take away from the beauty that is the Waterdown core. This would also take away a lot of privacy from many homes on Kelly st.

Secondly, there are a line of spruce trees that line the back property of those who share a property line with 306-308 park side that from online drawings are removed. These trees add a lot of character and beauty to the neighborhood and would be a shame to see them removed.

Thirdly, there is a major concern for traffic being added to the area. Kelly st is a quiet cul de sac that often has children playing between the homes on Kelly st. With the plan we received in the notice it does not look like there will be enough parking for all the homes that are being built along with any additional parking the church may need. This will likely push parking traffic onto Kelly st.

Thank you.

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[REDACTED]

From: [REDACTED]
Sent: Thursday, June 2, 2022 7:25 AM
To: [REDACTED]
Subject: FW: 306 Parkside Waterdown.

Another

From: [REDACTED]
Sent: Wednesday, June 1, 2022 11:33 PM
To: [REDACTED]
Subject: 306 Parkside Waterdown.

Hello [REDACTED],

The City of Hamilton, through consultation with the public in Waterdown, developed and approved the Waterdown Secondary Node Plan. At the time of approval, our understanding was that the Developer of 306 - 308 Parkside Drive property even agreed with the plan.

We recently received notice of a Zoning By-law Amendment requesting variances to the by-law.

I do not agree with the Amendment request received, and request the City honour the approved Secondary Node Plan, a plan designed to protect the core of Waterdown.

It's time for the City to hear the tax payers and take action to support us. Please be in touch should you wish to follow up.

Regards,

[REDACTED]

Sent from my iPhone

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[REDACTED]

From: [REDACTED]
Sent: Friday, June 3, 2022 7:53 AM
To: [REDACTED]
Subject: FW: Waterdown Node and St.James united church

See attached

From: [REDACTED]
Sent: Thursday, June 2, 2022 9:57 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Waterdown Node and St.James united church

Hi [REDACTED],

In addition to my below email, our neighbourhood has been meeting on this proposed development and attached is a picture of a petition that has been signed so far by those who live on Kelly Street.

This petition is against the amendment request received.

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Thanks,
█

On May 25, 2022, at 8:53 AM, █

█
Thank you for your input. Your concerns will be included in the staff report.

█
Development Planning
Planning and Economic Development Department
71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 ext.1024

From: █
Sent: Tuesday, May 24, 2022 9:40 PM
To: █
Cc: █
Subject: Re: Waterdown Node and St.James united church

Hi █,

I am providing feedback to ZAC-22-031 & UHOPA-22-017 (St.James United Church). We recently received notice of a Zoning By-law Amendment requesting variances to the by-law.

The City of Hamilton, through consultation with the public in Waterdown, developed and approved the Waterdown Secondary Node Plan. At the time of approval, my understanding was that the Developer of 306 - 308 Parkside Drive property even agreed with the plan. The email below from Judi mentions the property was being planned with the Secondary restrictions and guidelines however it appears this is not the case.

I do not agree with the Amendment request received, and request the City honour the approved Secondary Node Plan, a plan designed to protect the core of Waterdown.

The secondary node plan does not allow for 3 story dwellings and therefore this does not comply with the restrictions and guidelines. Why would 3 stories be proposed after the secondary node was just completed?

There is an arborist report however multiple mature walnut trees have already been removed what is the purpose of this enclosed report if it has no bearing?

Is there a transportation plan to support the increased traffic? The density of this proposal does not align with the secondary node another reason why 3 stories were not permitted.

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Thanks for reviewing our concerns

[REDACTED]. Waterdown

On Feb 13, 2022, at 2:42 PM, [REDACTED]
[REDACTED]

Hello [REDACTED]
The activity at 309 Parkside Drive, Waterdown is in response to the technical studies the city requires for the proposed build. The Secondary Plan is on schedule to be presented and approved by Council this spring. Many residents including the Waterdown Mill Street Heritage committee have been actively involved in shaping the Secondary Plan over the past 18-24 months. The Waterdown Secondary Plan also includes a Heritage Built Inventory Plan and Transportation Master Plan for the core area, so it is a complex lengthy project. The proposed affordable housing project by the United Church on the St. James property is also being planned with the Secondary Plan restrictions and guidelines. It is my understanding that once the plan is ready to go out to the public, residents will have opportunity to comment.

With kind regards
[REDACTED]

[REDACTED]
Thank you~Miigwetch~Nia:wen
[REDACTED]

From: [REDACTED]
Sent: Saturday, February 12, 2022 6:56 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Waterdown Node and St.James united church [REDACTED]

Hi [REDACTED],

I wanted to follow up on this email if there are any further updates regarding the initial proposal and the technical feedback from the city. Also any updates on the waterdown node secondary plan?

We have been seeing a lot more activity at the property at 306 Parkside Drive with drilling and soil testing. We along with the community in the waterdown core are very concerned with the type of development that might occur here. I am concerned that a development may be pushed through given the delays in the waterdown node secondary plan.

Thanks,
[REDACTED]

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[REDACTED], Waterdown ON, L0R2H0

On Sep 29, 2021, at 2:42 PM, [REDACTED]
[REDACTED]

Good Afternoon [REDACTED],

Thank you for your inquiry to the lands located at 306 Parkside Drive. The City has just recently received a formal consultation (FC) application (pre-consultation) which is just an initial proposal to get technical feedback from the City. The City will be reviewing the proposed development and the design from a technical, compatibility, current and future policy perspective, once the review is complete the City will provide the applicant feedback on the development for them to consider before making formal planning application. The review of the proposed development which is within the Waterdown Community Node has just recently begun.

As part of the Waterdown Community Node Secondary Plan Study, the commercial, institutional and residential zoning in this area is under review. Changes may be recommended to align with the goals and directions of the proposed new Secondary Plan.

If the land owners wish to proceed with an actual planning application, we will notify the surrounding residents and there will be several ways for residents to provide feedback to the application. I hope this information has provided some clarity as to the current status of this location. If you have any further questions don't hesitate to reach out anytime. Take care and be well.

Please kindly provide your home address and phone number so that we may be able to contact you with any additional information that is brought to our attention. Thank you for your consideration

Kind Regards,
[REDACTED]

[REDACTED]
Hamilton City Hall, 71 Main Street West – 2nd Floor, Hamilton, Ontario
L8P 4Y5
[REDACTED]

COVID-19 INFORMATION: www.hamilton.ca/coronavirus

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

From: [REDACTED]
Sent: September 27, 2021 7:31 PM
To: [REDACTED]
Subject: Waterdown Node and St.James united church

Hi [REDACTED],

My wife and I have lived in the waterdown core for awhile now and have been more and more discouraged by the traffic in the core and much of the development that has been happening. As a result when the waterdown secondary node plan came up we were very interested and provided alot of comments and feedback.

Only recently we heard about the development plans for St.James united church on Parkside [REDACTED]. As a result of this development plan our neighbourhood has been on high alert and have been meeting regularly on how to respond. Further outreach will be made within the waterdown core by this team. Some of the issues are being addressed in the secondary node plan but many are not. Density is a big issue. The proposal for over 40+ residences is not appropriate for the area given the added stress on traffic. There needs to be a limit on how many townhomes can be built there in addition to how close the development can be to other properties. As you know, character, privacy and lot sizes are the reason people have been attracted to the core. The charm of the Victorian Village will be lost with this type of development if our backyards will now have a brick wall of townhomes. I understand housing is an issue therefore I am not against development but rather that of dense development like what has been happening in other areas of waterdown and that currently proposed for St. James united church. We ask that serious and careful attention be made with regards to this property in terms of density, character, distance from neighbouring homes, traffic/parking.

Thanks for the work you do and looking forward to allowing future neighbourhood feedback regarding this property and the development.

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: Monday, June 13, 2022 8:07 AM
To: [REDACTED]
Subject: FW: ZAC-22-031, UHOPA-22-017

From: [REDACTED]
Sent: Monday, June 13, 2022 7:59 AM
To: [REDACTED]
Subject: ZAC-22-031, UHOPA-22-017

Good morning,

Although this email is created beyond the June 10th deadline, I'm hoping you'll consider my concerns regarding the above plan.

My comments are based on what I can actually read on the plan and trust a larger site-plan will be available at the public meeting.

As a resident [REDACTED], our greatest concerns are privacy and traffic within the area. From what I understand, the current trees will be removed which blocks the church lighting and provides privacy [REDACTED]. Since the site-plan doesn't indicate a two or three story, I have concerns also regarding our home privacy. The resident can potentially be parallel to our bedroom and washroom windows. How does the city and builder intend to protect my rights and privacy as a homeowner?

Can we now expect increased noise, bright lighting, a new resident looking down and into my home, no privacy, an impact to the environment with the removal of trees, view of a brick wall and increased traffic to the area?

Once again, I'll express my disappointment in the received site plan and the inability to read it; sizing and lack of AutoCAD legend.

At this time, I would also request that my personal information isn't published on the City of Hamilton's website.

[REDACTED]

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Applicant’s Responses to Public Comments Received

Question and Answer Period:

#	Question Submitted	Summary of Project Team Response
1.	<p>Has anyone considered the traffic on Parkside drive with this addition housing??? Traffic is already a problem on Parkside drive? What are they going to do with this additional housing?</p> <p>Follow-up: Traffic is already an issue on Parkside, how can you say it is minor?</p>	<p>Traffic impacts from the proposed development were found to be minor in the traffic study. Comments received on the initial submission from City Transportation staff agree that any traffic impacts will be minor. The proposed development and associated traffic study did not hit the City’s threshold where further study would be required. The forecasted number of trips is minor and can be accommodated by the existing road network.</p> <p>Councillor – Once the Waterdown By-Pass construction is complete, traffic on Parkside will be significantly reduced.</p>
2.	<p>This is great that you are proposing additional affordable housing. But, had anyone thought about the amount of people in one small area? There is no way that 42 housing units will fit in this small area? It may look great on paper, but we live here? We are the ones that have to live with these changes!</p>	<p>The proposed development incorporates a density of 36 units per hectare, which is within the range that City of Hamilton permits within the low-density land-use designation of the Official Plan. Prior to the Waterdown Community Node Secondary Plan, the proposed density was too low according to former City policies.</p> <p>We have made all efforts to ensure the proposed development’s impact on neighboring properties is minimal. Traffic is not a large concern, integrated traffic calming within the site, and the community garden on Kelly Street will reduce vehicular access. The proposed development meets the minimum setback requirements, and we are proposing additional landscaping and setbacks from neighboring properties to further mitigate privacy concerns and the impact on surrounding properties.</p>
3.	<p>What is the percentage of greenspace?</p> <p>Follow-up: It used to be a requirement of 10% greenspace...</p>	<p>The current proposed greenspace is 38%, which exceeds the City’s minimum requirement of 10% of the lot area.</p>
4.	<p>How many parking spots for Sunday worship, and will visitors be allowed to park in church members parking spots?</p>	<p>A total of 94 parking spaces are proposed to serve the Subject Lands, including 44 spaces for the residential units (1.0 per unit) and 50 spaces for the existing place of worship. While the City’s Zoning By-law does not require the provision of visitor parking spaces, it is acknowledged that the place of worship spaces may be</p>

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		utilized for visitor parking when not utilized for place of worship functions. The Urban Transportation Considerations Study prepared by BA Group included a review of existing parking demand on site to understand the requirements of the place of worship. This study found that a maximum parking demand of 21 spaces was observed during peak periods, confirming the proposed 50 spaces are more than sufficient to satisfy peak demand as well as a shared visitor parking function. As the site is proposed to remain within the ownership of the United Church, and all units are proposed as rental units, parking demand will be further managed in coordination with the place of worship by property management to ensure impacts on the surrounding neighbourhood are minimized, and arrangements are made in the event greater parking demand is anticipated for a specific function.
5.	There is talk about new plantings! What is going to be done with the existing mature trees on site? Follow-up: Can you tell us where the trees are?	There are 74 trees total on site, and the goal is to retain as many as possible. Approximately 5-6 trees will be removed for the construction of the fire access driveway. There will be a strong attempt to mitigate any impacts to trees from the development, and we will be implementing additional permeable surfaces to reduce potential impacts and improve growing conditions.
6.	Once the application is approved, when will the building of the homes begin and what is the time frame?	We are currently at the Zoning By-law Amendment stage in the planning process, with the target to have a Committee date at the end of this year/early next year. Then we will need to go through Site Plan process, ideally will take about 12 months. We are looking to move as fast as we can, as is reasonable. Aim to start construction after Site Plan approved. Construction anticipated to take 1.5-2 years.
7.	Any consideration for car-share on site especially for use by affordable unit residents?	Car-share is not currently proposed, but could be something that can be examined and would be dependent on having a car-share provider who is interested. Councillor – There is a City partnership with a car-share program, with more locations in City being added each year. The Councillor's office continues to advocate for locations in Waterdown.
8.	How did you come to the amount of buildings on site?	The first step is to look at the existing site layout, then consider what the community need is. It is a balance of what can reasonably fit on the site and what is reasonable within surrounding neighbourhood. Another factor is balancing Kindred Works' housing objectives and CMHC objectives. The end goal is to

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		preserve the existing place of worship and maximize the provision of affordable housing, while being sensitive to surrounding land uses.
9.	How long is it likely to be before this project is finished and available for renting?	As soon as possible, due to need for affordable housing across the City.
10.	How close will the properties be to the existing properties on Kelly Street?	A 7-metre setback will be incorporated throughout entire site. Significant tree planting is also proposed and exists along the perimeter of the site.
11.	What definitions of “Affordable Housing” are you using? Approximate rents by unit type? Follow-up: How many larger Family-Sized “Affordable Housing” units? How many bedrooms?	The proposed development is targeted to be comprised of 70% market rate rental units and 30% affordable rental units. Of the affordable units, they will be affordable at 80% of median market rent for area, which ranges from \$800-\$1400. We are also working with City to further subsidize wherever possible. The mix of unit sizes for the affordable units is not yet determined, goal is to provide a mix.
12.	Will the private road (I assume it will be private) be a one-way lane road or a two-lane road? Will there be on-road parking?	Yes, the drive aisle will be private. It will be a combination of two-way and one-way, with a minimum width of 6.0 metres to allow for sufficient fire access, and accommodate snow and garbage removal.
13.	I came in late and am not sure if this has already been addressed? Can you discuss what the process will be to ensure that affordable housing is going to those in need?	We will be working with the City’s housing department on this, and will be housing those that qualify and are in need of affordable housing. Appropriate screening will be completed to ensure the affordable units are going to those in need.
14.	Will there be vehicle access to the church at the back stairs/kitchen/Fellowship Hall area for church members/community events?	The one-way loop that goes around site allows for a vehicle to stop at the back of the church, and parking spaces will be located at the back of the church.
15.	Will there be new fencing installed (consistent for the whole site), and will there be requests to share any costs?	We are still working on the specific type of fencing, but there will be no shared cost to neighbours and likely no shared costs to the City either.
16.	Is the 3 storey units a non-negotiable? I understand those units will be the affordable units, but the extra story is our main concern with privacy (neighbouring existing residents).	The proposed height of 3 storeys is permitted within the Waterdown Community Node Secondary Plan. When implementing the height permission of 3 storeys, we took into consideration the surrounding properties and tried to reduce the impact of that height by providing variation in height and building placement, the use of tree plantings, fencing, and a sufficient setback. The goal is to create pedestrian-scale development by not putting the taller walk-up units side-by-side and instead putting a townhouse in-between.

Appendix “E-1” to Report PED23032
Page 6 of 4

17.	The road you are proposing next to Parkside #304 looks great on your proposed map? But, there is no way that a road can exist in this small area? and there is proposed parking in front of the church, there are at least 5 mature trees there and how can a parking lot go there?	Something we are currently looking into, as it is a tight space. We need 6 metres to accommodate fire access. We are looking at different ways of treating the pavement so it doesn't read as a drive aisle – trying to make it intuitive as to what is for the church and what is for residents. The community garden in the current access from Kelly Street creates a less inviting space for vehicles – they will not be able to go through the space any longer.
18.	In one of the illustrations, there was a wall alongside the church, what is the length & height and how close to the church? Will it prevent natural light into the church?	The gymnasium wall on the church will remain as-is. The existing windows were not drawn on the plans as no alterations to the church are proposed.
19.	How many community plots will there be; we currently have 23 for the community.	We don't know exact quantity yet, and looking at sizing/spacing to ensure universal accessibility and to integrate seating. There is currently about 20 illustrated on plans, and our target is to get as close as possible to the current number. As for who uses plots of area, that process in the works. It will likely be a mixture of church uses, and then residents of the proposed development, then open to public on a sign-up basis.
20.	Will Kelly St become all non-parking?	There is no vehicular access to the proposed development from Kelly Street. Councillor – Any changes of parking on Kelly St would be up to the residents if they want it changed to no parking.
21.	Are you able to tell us who the developer/builder will be?	Kindred Works is the developer on behalf of United Church of Canada. The construction management company, Chandos, will manage day-to-day construction operations. The ongoing property management will be provided by Kindred Works.
22.	Would traffic lights be a consideration? Currently one has to take their lives in their hands to cross Parkside.	Based on the vehicle volumes determined, the addition of a traffic light is not warranted.
23.	Having lived in a high dense housing area – snow removal looks like it will be a nightmare.	Snow removal will be provided on site.
24.	Single lane and garbage removal will possibly hold up traffic flow?	Garbage removal will be provided by municipal services. The one-way areas are still 6m wide, so you could pass a garbage truck if needed.

Appendix “F” to Report PED23032
Page 1 of 5

Zoning By-Law Amendment Modification Chart (Zoning By-Law No. 05-200)			
Provision	Required	Requested Amendment	Analysis
SECTION 3: DEFINITIONS	<p>Lot Line, Front Lot Line – shall mean any lot line abutting a street, and:</p> <p>a) With reference to a corner lot, shall mean the shorter of the lot lines abutting streets, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line;</p> <p>b) With reference to a through lot, shall mean, at the option of the owner, either of the lot lines abutting a public street; or,</p> <p>c) With reference to an interior lot with multiple lot lines abutting a street, shall mean the shorter of the lot lines abutting a street.</p>	Notwithstanding the Definitions in Section 3, for the purpose of this By-law, the front lot line is deemed to be Parkside Drive.	<p>The applicant is proposing to deem Parkside Drive as the front lot line (lot line, front) as the subject lands have multiple lot lines abutting a street (Parkside Drive and Kelly Street). The applicant is afforded the option to choose the front lot line. Parkside Drive is a Minor Arterial Road and currently functions as the entrance to the existing place of worship whereas the area fronting Kelly Street is proposed to become a Community Garden.</p> <p>Therefore, the proposed modification can be supported.</p>
5.1 LOCATION d) Multiple Dwellings	Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.	Notwithstanding the regulations of Section 5.1 d), required parking for Day Nursery, Place of Worship, Multiple Dwelling, and Residential Visitors shall be permitted to be located between the façade and the front lot line and up to 75% shall be used for parking and access to such parking.	Vehicular parking is currently permitted between the façade and street. The impact from an increased percentage of area used for vehicular parking will be mitigated through tree planting between the parking area and municipal sidewalk. This modification is required to establish distinct parking spaces for the existing place of worship. No negative

Appendix “F” to Report PED23032
Page 2 of 5

			impact to the streetscape is anticipated. Therefore, the proposed modification can be supported.
5.6 PARKING SCHEDULES c)	Day Nursery	<p>i) 1 for each 125.0 square metres of gross floor area which accommodates such use.</p> <p>ii) Notwithstanding clause i), no parking shall be required where a Day Nursery is located within an Education Establishment or Place of Worship.</p>	<p>Notwithstanding the regulations of Section 5.6 c), 50 total parking spaces shall be provided for the existing place of worship and day nursery whereas 174 parking spaces are required.</p> <p>Parking for the existing place of worship is proposed at a reduced rate of 0.28 spaces per 10 square metres of Gross Floor Area totaling 50 parking spaces. In support of the reduced parking rate, BA Group undertook a parking study, reviewed municipal standards and conducted a parking survey to better understand demand. The maximum parking demand for the place of worship equated to 42 spaces, leaving 8 spaces (16%) unoccupied during peak periods of utilization.</p> <p>Therefore, the proposed modification can be supported.</p>
	Place of Worship (All Zones except Transit Oriented Corridor Zones)	1 for every 10 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use.	
8.2.1 PERMITTED USES	<p>Community Garden</p> <p>Day Nursery</p> <p>Duplex Dwelling</p> <p>Educational Establishment</p> <p>Emergency Shelter</p> <p>Museum</p> <p>Recreation</p>	Add Multiple Dwelling as a permitted use.	Multiple Dwelling uses are permitted within the Institutional Designation of the Waterdown Community Node Secondary Plan provided the applicant receives approval of a Zoning

Appendix “F” to Report PED23032
Page 3 of 5

	<p>Place of Worship Residential Care Facility Retirement Home Semi-Detached Dwelling Single Detached Dwelling Social Services Establishment Street Townhouse Dwelling Urban Farm Urban Farmers Market</p>		<p>By-law Amendment that demonstrates the proposal maintains compatibility with adjacent land uses, avoids negative impacts to cultural heritage resources; and provides sufficient dwelling unit and visitor parking for the proposed uses. As discussed in detail in Report PED23032, the proposal satisfies these criteria.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>8.2.3 REGULATIONS</p> <p><i>** Staff Requested Modification</i></p>	<p>The Institutional (I2) Zone does not provide Minimum Side Yard regulations for Multiple Dwellings.</p>	<p>Minimum Side Yard: 7.00 metres.</p>	<p>The Zoning By-law currently permits a 1.2 metre side yard for all Residential Uses in the Community Institutional (I2) Zone. Staff are recommending this be increased to 7.00 metres to establish a sufficient transition space and separation distance from adjacent residential dwellings and to aid in mitigating privacy concerns.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>8.2.3 REGULATIONS</p>	<p>The Institutional (I2) Zone does not provide Minimum Side Yard regulations for Multiple Dwellings.</p>	<p>Minimum Side Yard from the south-westerly side lot lines measuring 18.62 metres, 17.74</p>	<p>The Zoning By-law currently permits a 1.2 metre side yard for all Residential Uses in the</p>

Appendix "F" to Report PED23032

Page 4 of 5

<p><i>** Staff Requested Modification</i></p>		<p>metres and 20.42 metres shall be 2.75 metres.</p>	<p>Community Institutional (I2) Zone. Staff are recommending this be increased to 2.75 metres to establish a sufficient transition space and separation distance from adjacent residential dwellings and to aid in mitigating privacy concerns.</p> <p>Therefore, the proposed modification can be supported.</p>
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WELCOME TO THE CITY OF HAMILTON

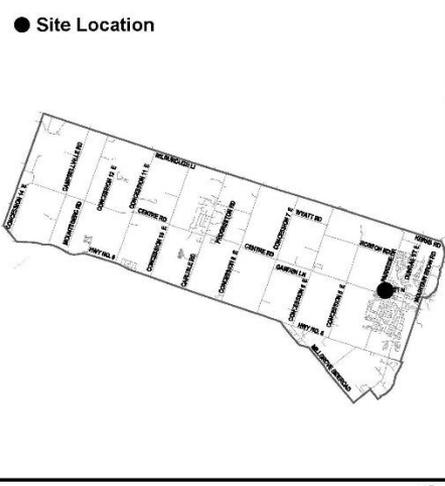
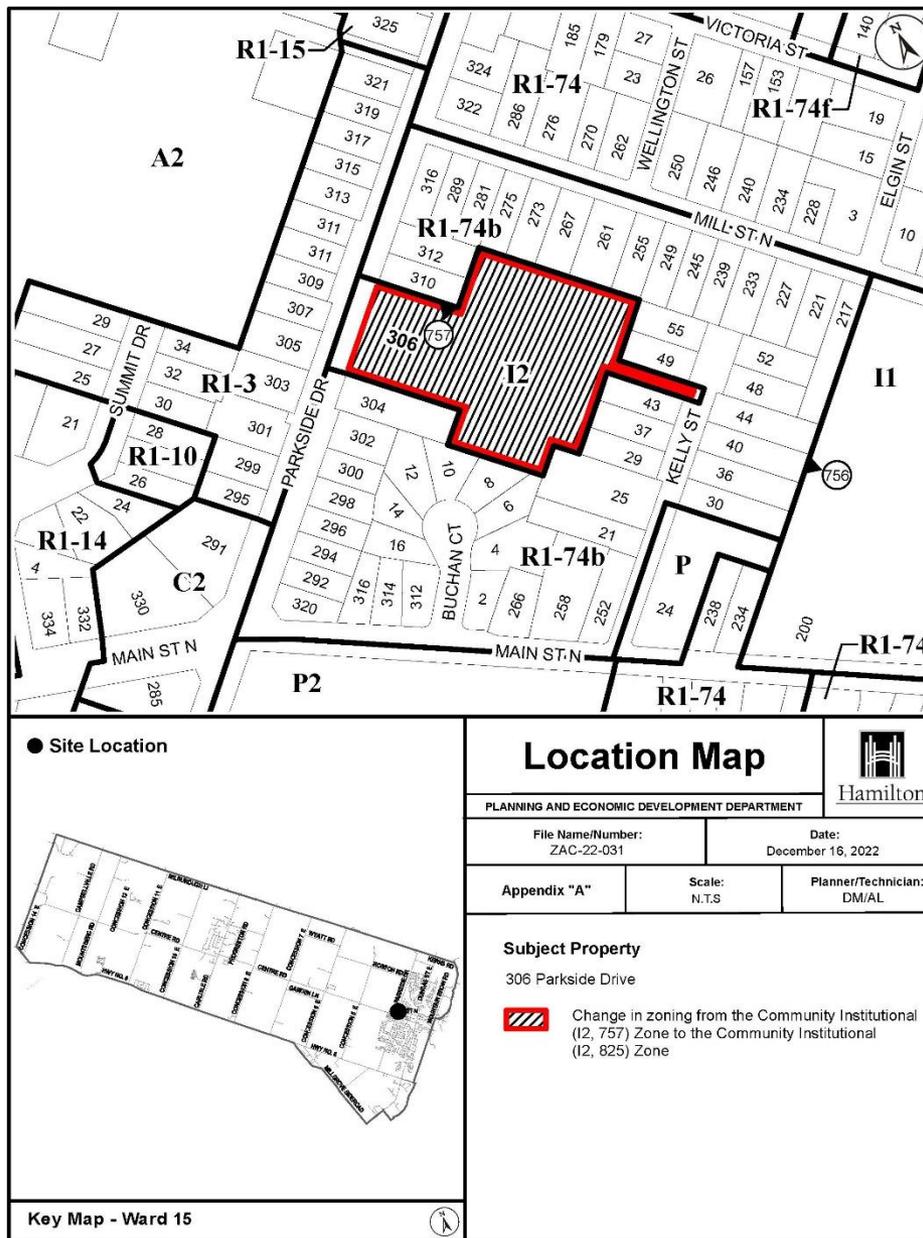
PLANNING COMMITTEE

February 14, 2023

PED23032 – (ZAC-22-031)

Application for a Zoning By-law Amendment for Lands Located at
306 Parkside Drive, Ancaster.

Presented by: Devon Morton



Key Map - Ward 15

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-22-031	Date: December 16, 2022
Appendix "A"	Planner/Technician: DM/AL
Scale: N.T.S	

Subject Property
 306 Parkside Drive

Change in zoning from the Community Institutional (I2, 757) Zone to the Community Institutional (I2, 825) Zone

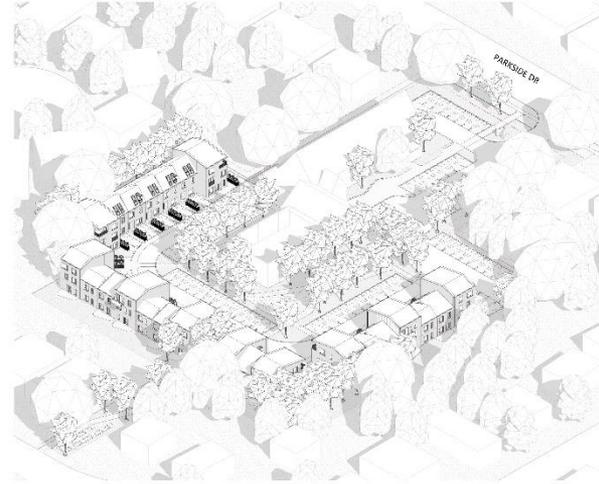
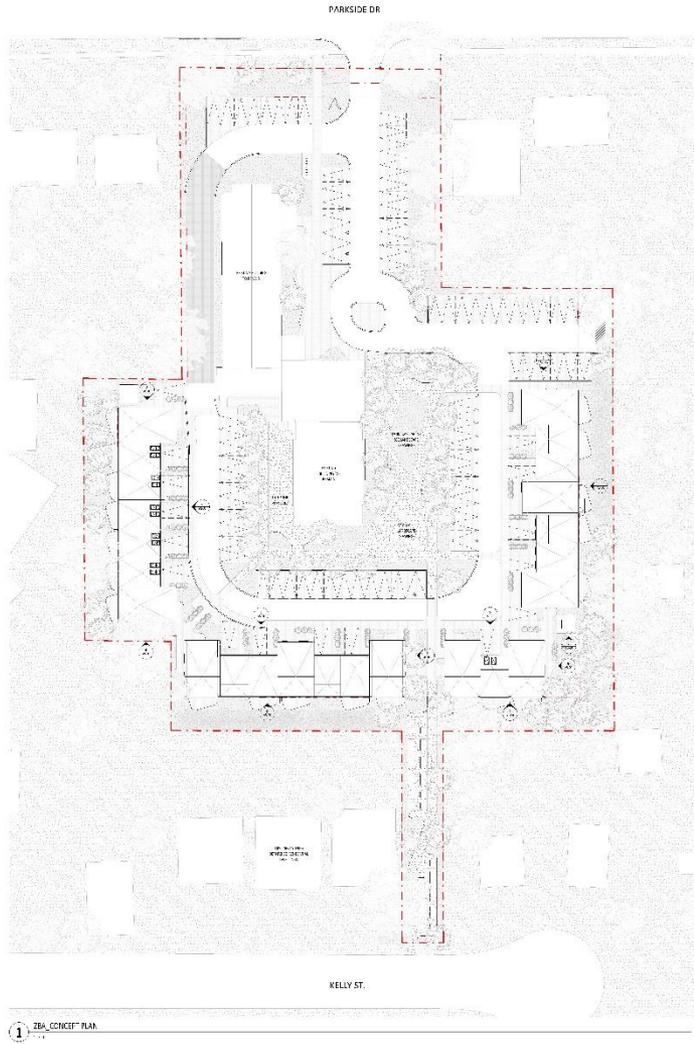


SUBJECT PROPERTY

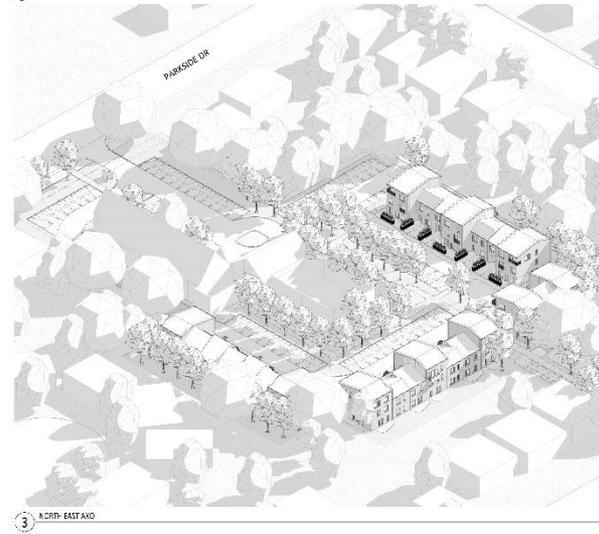
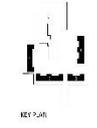


306 Parkside Drive, Flamborough



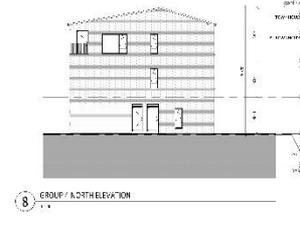
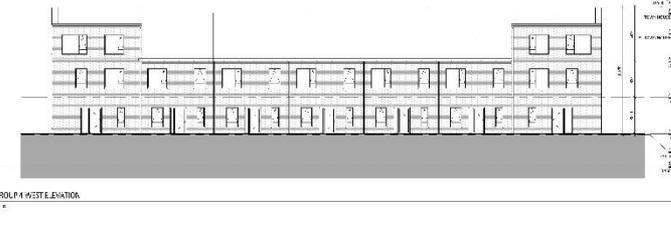
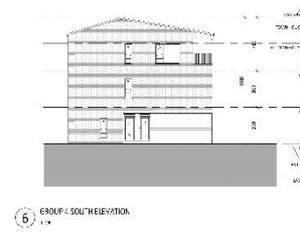
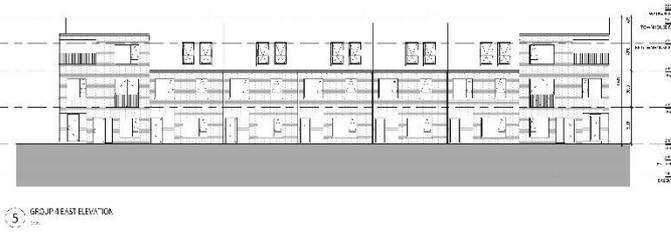
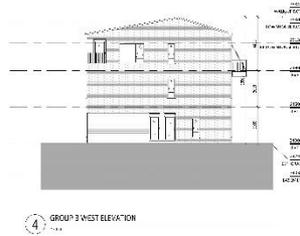
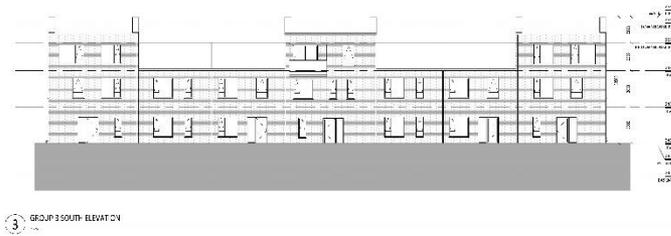
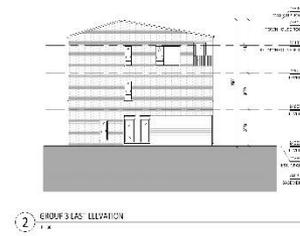
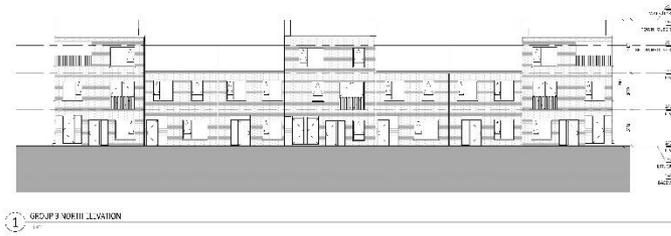


1.00 SITE PLAN
 1.01 ZBA CONCEPT PLAN
 1.02 NORTH-WEST VIEW
 1.03 NORTH-EAST VIEW
 1.04 KEY PLAN
 1.05 LEGEND
 1.06 NORTH-SOUTH VIEW
 1.07 WEST-EAST VIEW
 1.08 CONCEPT PLAN



1.00 SITE PLAN
 1.01 ZBA CONCEPT PLAN
 1.02 NORTH-WEST VIEW
 1.03 NORTH-EAST VIEW
 1.04 KEY PLAN
 1.05 LEGEND
 1.06 NORTH-SOUTH VIEW
 1.07 WEST-EAST VIEW
 1.08 CONCEPT PLAN

A1-03



GROUP 3 NORTH ELEVATION
 GROUP 3 EAST ELEVATION
 GROUP 3 SOUTH ELEVATION
 GROUP 3 WEST ELEVATION
 GROUP 4 EAST ELEVATION
 GROUP 4 WEST ELEVATION
 GROUP 5 SOUTH ELEVATION
 GROUP 7 & 8 NORTH ELEVATION



GROUP 3 NORTH ELEVATION
 GROUP 3 EAST ELEVATION
 GROUP 3 SOUTH ELEVATION
 GROUP 3 WEST ELEVATION
 GROUP 4 EAST ELEVATION
 GROUP 4 WEST ELEVATION
 GROUP 5 SOUTH ELEVATION
 GROUP 7 & 8 NORTH ELEVATION

A5-01



Subject Lands



Subject Lands



Subject Lands



Subject Lands



Trees



Community Garden



View East



View West



View North



Mary Hopkins Elementary School



Memorial Park



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-19-003, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners**, to redesignate the southern portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the Western Development Area Secondary Plan to permit the development of 11 block townhouse dwellings with a maximum residential density of 46 units per hectare on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment 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);

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) - Page 2 of 23

- (b) That **Zoning By-law Amendment Application ZAC-19-007, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified, to permit the development of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment 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);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Draft Plan of Subdivision Application 25T-201901, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners**, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Barton Estates” 25T-201901, prepared by A. J. Clarke and Associates Ltd., and certified by Nicolas P. Muth, O.L.S., dated November 20, 2022, consisting of one block for proposed townhouses (Block 1) and one block for a right-of-way widening (Block 2), attached as Appendix “F” to Report PED23040, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23040;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton responsibility for cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) - Page 3 of 23

permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment (UHOPA), a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of 11 block townhouse dwellings with two parking spaces each and six visitor parking spaces.

The purpose of the Official Plan Amendment (OPA) application is to redesignate the southern portion of the subject lands from "Low Density Residential 2b" to "Low Density Residential 3c" within the Western Development Area Secondary Plan with a maximum residential density of 46 units per hectare.

The purpose of the Zoning By-law Amendment application is to change the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-71" Zone, Modified. Staff are supportive of the requested modifications.

The proposed Draft Plan of Subdivision consists of one block to facilitate the creation of Parcels of Tied Land for the proposed 11 block townhouse dwellings tied to a Common Element Condominium roadway and one block for a right-of-way widening.

Future Site Plan Control and Draft Plan of Condominium applications will be required to implement the proposal.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the general intent of the Urban Hamilton Official Plan (UHOP), and will comply with and implement the policies of the Western Development Area Secondary Plan upon approval of the UHOPA.

The proposed development represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned development in the surrounding area. The addition of 11 block townhouse dwellings is supportable, as they provide a built form that is compatible with existing development in the area and enhance the character of the neighbourhood through intensification. The subject site has adequate transportation systems available

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) - Page 4 of 23

and existing servicing with sufficient capacity to support the proposed development. The development ensures efficient use of land and infrastructure and is recommended for approval.

Alternatives for Consideration – See Page 22

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 OPA and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	My Maruti Construction Inc. (c/o Mike Patel)
Applicant/Agent:	A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari)
File Number:	UHOPA-19-003 ZAC-19-007 25T-201901
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	Two blocks consisting of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces (see Concept Plan attached as Appendix “E” to Report PED23040).
Property Details	
Municipal Address:	238 Barton Street, Stoney Creek
Lot Area:	±0.2382 ha

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) - Page 5 of 23

Property Details	
Existing Use:	An existing single detached dwelling to be demolished.
Servicing:	Full municipal services.
Documents	
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 changes proposed.
Secondary Plan Existing:	“Low Density Residential 2b” and “Low Density Residential 3c” Designations in the Western Development Area Secondary Plan.
Secondary Plan Proposed:	“Low Density Residential 3c” Designation in the Western Development Area Secondary Plan.
Zoning Existing:	Neighbourhood Development “ND” Zone.
Zoning Proposed:	Multiple Residential “RM3-71” Zone, Modified.
Modifications Proposed:	<p>The Applicant proposed the following modifications:</p> <ul style="list-style-type: none"> • To deem the lands one lot for the purposes of zoning regulations and not from individual properties created by registration of a condominium plan or Part Lot Control; • Minimum Lot Area from 4,000 to 2,400 square metres; • Minimum Lot Frontage from 50 to 41 metres; • Minimum Front Yard from 7.5 to 2.4 metres; • Minimum Side Yard from 6 to 2.4 metres; • Minimum Rear Yard from 7.5 to 7.5 metres; • Minimum Distance Between Buildings on the Same Lot from 15 metres to 11 metres; • Maximum Density from 40 to 47 units per hectare; • Minimum Landscaped Area from 50% to 35% of land area; • Minimum Landscaped Strip width from 4.5 to 2.4 metres abutting a street and none required between privacy areas and lot lines; and, • To permit door swings into an interior garage parking space.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) - Page 6 of 23

Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> • Parking location from 3.0 metres to 0.4 metres to any lot line (except adjacent to a dwelling). <p>(See Appendix “E” attached to Report PED23040.)</p>
Processing Details	
Received:	December 18, 2018
Deemed Complete:	January 2, 2019
Notice of Complete Application:	Sent to 179 property owners within 120 m of the subject lands on January 16, 2019.
Public Notice Sign:	Posted January 16, 2019 and updated with Public Meeting date January 18, 2023.
Notice of Public Meeting:	Sent to 179 property owners within 120 m of the subject lands on January 27, 2023.
Public Comments:	No submissions received to date.
Revised Submissions Received:	<ul style="list-style-type: none"> • September 15, 2020; • September 21, 2021; and, • May 9, 2022.
Processing Time:	1,519 days from receipt of initial application, 281 days from receipt of final submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling	Neighbourhood Development “ND” Zone.
Surrounding Land Uses:		
North	Employment Uses	Prestige Business Park (M3) Zone.
South	Single Detached Dwellings	Single Residential “R2” Zone.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) - Page 7 of 23

East	Single Detached Dwellings; and, Townhouse Dwellings	Multiple Residential “RM3-14” Zone, Modified, Multiple Residential “RM3-20” Zone, Modified; and, Single Residential “R2” Zone.
West	Commercial Uses	Neighbourhood Commercial (C2, 579) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The following policies, amongst others, apply to the proposed development.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- 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 uneconomical expansion;
 - e) Support *active transportation*; and,
 - f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated; and,

- 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

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suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within a settlement area. The development of block townhouse dwellings is an efficient use of land and represents an appropriate intensification of the site which will further enable the completion of the surrounding neighbourhood. The subject lands are well serviced by a comprehensive street network and bus route, which will encourage active transportation.

Noise

“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 lands front Barton Street, which is identified as a minor arterial road on Schedule C – Functional Road Classification in the UHOP. The subject lands are also in proximity to commercial uses to the west and commercial and employment uses located north of Barton Street.

Staff have reviewed the environmental noise impact study titled “Environmental Noise Feasibility Study – Proposed Residential Townhouse Development”, prepared by Valcoustics Canada Limited and dated October 2, 2018, and addendum letter dated February 4, 2020. The study identified the acoustic mitigation requirements for this development with respect to road noise from Barton Street and stationary noise sources (primarily HVAC equipment) from the commercial uses to the west and north. Staff concur with the recommendations of the study that warning clauses, provisions for central air conditioning, building components, and a noise barrier will be required. Provisions for central air conditioning and building components will be addressed at the future Site Plan Control stage, and warning clauses will be addressed at the future Draft Plan of Condominium stage. The required noise barrier is addressed as Condition No. 7 of Appendix “G” attached to Report PED23040 and is discussed further in the Urban Hamilton Official Plan section below.

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Archaeology

“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.*”

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) 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;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 (P017-0657-2018) archaeological report 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 July 29, 2019. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

Based on the foregoing, the proposal is consistent with the PPS (2020).

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

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a. The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;

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- ii. Have existing or planned *municipal water and wastewater systems*; and,
- iii. Can support the achievement of *complete communities*;
- c. Within *settlement areas*, growth will be focused in:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
 - iv. Areas with existing or planned *public service facilities*;

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

- a. Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- e. Provide for a more *compact built form* and a vibrant *public realm*, including public open spaces.”

The subject lands are within the Urban Boundary in a settlement area and the proposal will provide an opportunity to increase residential density where there are existing municipal services and a mix of land uses. The proposed development provides an efficient use of land with appropriate densities while being well serviced by a comprehensive street network and bus route, which will encourage active transportation.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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

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Noise

- “B.3.6.3.8 Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:
- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
 - b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.
 - c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
 - d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
 - e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.
- B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:
- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible;

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- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed;
- d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

As discussed in the Provincial Policy Statement (2020) section above, the environmental noise impact study titled “Environmental Noise Feasibility Study – Proposed Residential Townhouse Development”, prepared by Valcoustics Canada Limited and dated October 2, 2018, and addendum letter dated February 4, 2020, identified that a noise barrier will be required at the northeast corner of this development to mitigate road noise from Barton Street. While a 2.7 metre tall noise barrier would mitigate sound levels at all units to 55 dBA or below (as shown in the Concept Plan attached to Appendix “E” to Report PED23040), in accordance with Policy B.3.6.3.8 d) the proponent provided justification that it would not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA as the existing fence located at the adjacent property to the south is measured at ±2.0 metres in height. For aesthetic consistency, a 2.0 metre tall noise barrier is recommended to reduce sound levels in the outdoor living areas for Unit 11 to up to 59 dBA, which is within provincial guidelines for outdoor living areas. Staff are satisfied with this approach and appropriate warning clauses will be addressed at the future Draft Plan of Condominium stage.

The description of the sound barrier wall within the report was assessed based on flat topology and will be confirmed once grading information is available. The required noise barrier would be less than 8.0 metres in length along Barton Street. The Applicant explored alternative noise mitigation measures to address urban design policies of the UHOP and demonstrated that no other measures are practical or feasible for the proposed built form.

The applicant advised that the noise barrier would be comprised of 2 in (5 cm) cedar tongue and groove boards to form the acoustic barrier with no gaps, cracks or holes and having a minimum surface density of 20 kg/m². Planning staff are of the opinion that the length and height of the required noise barrier is minimal, and the proposed wood noise fence design would not greatly differ aesthetically from a standard wood privacy fence, which is compatible with the existing and planned development for the surrounding neighbourhood and the Barton Street corridor.

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The required noise barrier is addressed as Condition No. 7 of Appendix “G” attached to Report PED23040. A detailed noise study and design of the noise barrier, along with landscaping and other design elements to screen the noise barrier and animate the Barton Street corridor, will be further reviewed at the future Site Plan Control stage, and long term maintenance and replacement as well as other matters identified in the Provincial Policy Statement (2020) section above (including warning clauses) will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.

Built Form

“B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;”

As shown on the site plan and elevations in Appendix “E” attached to Report PED23040, the façade design of the north elevation of “Building 1” provides the appearance of a typical side elevation and not of an end unit providing dual frontages which address the street. At the future Site Plan Control stage, staff will require that the proponent revise the façade design to also address Barton Street.

Tree Protection

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

Trees have been identified in and around the subject property. Staff have reviewed the Existing Conditions and Tree Management Plan, prepared by Hill Design Studio Inc. (Aaron Hill, landscape architect) and dated September 20, 2021. A total of 19 trees have been inventoried (including one within the municipal right-of-way), of which 16 (including the public tree) have been identified for removal. As the root zones of the trees proposed to be removed conflict with the required grading for development of the subject lands, there are limited opportunities for retention of these trees. Implementation of the approved tree protection plan is addressed as Condition No. 5 of Appendix “G” attached to Report PED23040.

To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. The compensation required for this development is 15 private trees

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and one public tree. This matter is addressed as Condition No. 6 of Appendix “G” attached to Report PED23040.

Right-of-Way Widening

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- d) Minor arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres...;”

Barton Street is classified as a Minor Arterial with a future right-of-way width of 36.576 metres, as specified in Schedule C – Functional Road Classification of the UHOP. A right-of-way widening of ± 4.7 metres to provide a right-of-way width of 18.288 metres from the road centreline is required, which is addressed as Condition No. 1 of Appendix “G” attached to Report PED23040.

Plan of Subdivision

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
 - b) The plan of subdivision implements the City’s staging of development program;
 - c) The plan of subdivision can be supplied with adequate services and community facilities;
 - d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
 - e) The plan of subdivision can be integrated with adjacent lands and roadways;
 - f) The plan of subdivision shall not adversely impact municipal finances; and,

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- g) The plan of subdivision meets all requirements of the *Planning Act*.”

The proposed Draft Plan of Subdivision is to facilitate the creation of Parcels of Tied Land for the proposed 11 block townhouse dwellings tied to a Common Element Condominium roadway, and one right-of-way widening block. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides housing opportunities, complies with the general intent of the UHOP, will not adversely impact upon the transportation system or the natural environment, and will integrate well with the existing development in the area.

Western Development Area Secondary Plan

The subject lands are designated “Low Density Residential 2b” and “Low Density Residential 3c” on Map B.7.1-1 – Western Development Area Secondary Plan. The proposed amendment is to re-designate the portion of the subject lands designated “Low Density Residential 2b” to “Low Density Residential 3c” in the Secondary Plan so that there is one designation on the subject lands to permit block townhouse dwellings. The following policies, amongst others, apply to the proposal.

Residential Designations

“B.7.1.1.2 Low Density Residential 2b Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 2b designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

- a) the permitted uses shall be single, semi detached and duplex dwellings;
- b) the density shall range from 1 to 29 units per net residential hectare; and,
- c) lands designated Low Density Residential 2b, located on the south side of Barton Street and fronting Barton Street, permitted uses may include triplexes, fourplexes, fiveplexes, and sixplexes. (OPA 64)

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7.1.1.3 Low Density Residential 3c Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 3c designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

- a) the permitted uses shall be low rise apartments, and townhouse dwellings and,
- b) the density shall range from 30 to 49 units per net residential hectare.”

The north portion of the site is designated “Low Density Residential 3c”. To provide a comprehensive development, an amendment to the Western Development Area Secondary Plan is required to redesignate the southern portion of the lands from the “Low Density Residential 2b” designation to the “Low Density Residential 3c” designation in order to facilitate the proposed development. As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding residential intensification and built form, the proposed re-designation can be supported. The Urban Hamilton Official Plan (UHOP) Amendment is discussed in greater detail in the Analysis and Rationale for Recommendation section of this Report.

Stoney Creek Zoning By-law No. 3692-92

The subject property is currently zoned Neighbourhood Development “ND” Zone, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED23040. In order to permit the proposed development, the proposed Zoning By-law Amendment application is to rezone the subject property from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified. The proposed zoning is discussed in the Analysis and Rationale for Recommendation section of this Report, and an evaluation of the proposed modifications to the “RM3” Zone is included in Appendix “D” to Report PED23040.

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RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> Transit Planning and Infrastructure, Transit Operations Division, Public Works Department. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> There is an existing 400 mm\varnothing water main, 500 mm\varnothing sanitary sewer, and a 1050 mm\varnothing storm sewer fronting the property on Barton Street. \pm4.7 metres are to be dedicated to the Barton Street municipal right-of-way. Stormwater management, servicing, and grading matters will be addressed through future detailed design. 	<ul style="list-style-type: none"> Road right-of-way dedication is addressed as Condition No. 1 of Appendix "G" to Report PED23040. A dust control plan, detailed stormwater management report, detailed engineering design and cost estimates are addressed as Condition Nos. 2 - 4 of Appendix "G" attached to Report PED23040.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The Tree Management Plan, prepared by Hill Design Studio (Aaron Hill, landscape architect) and dated September 20, 2021, is approved for the removal of one City-owned tree. The applicant paid the Forestry's Permit and Loss of Canopy Fees on June 30, 2022; and, A landscape plan is required. 	<ul style="list-style-type: none"> The landscape plan is addressed as Condition No. 6 of Appendix "G" attached to Report PED23040 and payment of applicable street tree planting fees is addressed as Condition 2.8 of the City's Standard Conditions of Subdivision Approval.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Municipal addressing for the units within the development will be determined after Draft Plan approval is given; and, Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<ul style="list-style-type: none"> Municipal addressing is addressed as Condition No. 8 of Appendix "G" attached to Report PED23040; and, Approval limitation has been added as Note No. 1 on the conditions of Draft Plan of Subdivision approval attached as Appendix "G" to Report PED23040.

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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.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Vehicular impact of the proposed development is generally minor and the proposal can be supported by the surrounding road network; and, • In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, ± 4.7 metres are to be dedicated to the Barton Street municipal right-of-way, 5.0 metre x 5.0 metre visibility triangles are required at the driveway access to Barton Street (encroachment for the proposed visitor parking stall shall be permitted), and on-site short-term bicycle racks are to be provided. 	<ul style="list-style-type: none"> • Road right-of-way dedication is being addressed as Condition No. 1 of Appendix "G" attached to Report PED23040; • Visibility triangles and short-term bicycle racks are shown on the Concept Plan attached as Appendix "E" to Report PED23040; and, • Visibility triangles and short-term bicycle racks will be confirmed at the future Site Plan Control stage.
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City's requirements; and, • Waste collection will take place at the municipal curb, which shall be noted on site plan drawings as well as agreement for purchase and sale or lease. If curbside collection within the development is the desired level of service, a private waste hauler shall be retained at the expense of the development. 	<ul style="list-style-type: none"> • Waste collection requirements are addressed as Condition No. 9 and Note No. 2 on the conditions of Draft Plan of Subdivision approval attached as Appendix "G" to Report PED23040.
Canada Post Corporation	<ul style="list-style-type: none"> • Owners / developers are required to notify purchasers of Centralized Mailbox locations; and, • Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> • This requirement is a Standard Condition of Draft Approval.

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	Comment	Staff Response
Enbridge Gas Inc.	<ul style="list-style-type: none"> Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.

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 179 property owners within 120 m of the subject lands on January 16, 2019.

A Public Notice Sign was posted on the property on January 16, 2019, and updated on January 18, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 27, 2023.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included mailing out a public information letter to residents within 120 m of the subject lands. The applicant did not receive any feedback as a result of their consultation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS 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 as it relates to residential intensification and complete communities in the Neighbourhoods designation;

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- iii) It will comply with and implement the policies of the Western Development Area Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX; and,
- iv) The proposed development of 11 block townhouse dwellings is supportable, as they provide a built form that is compatible with existing development in the area and enhances the character of the neighbourhood through intensification. The subject site has adequate transportation systems available and existing servicing with sufficient capacity to support the proposed development.

2. Western Development Area Secondary Plan Amendment

The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to amend the Western Development Area Secondary Plan to redesignate the southern portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c”.

As per the UHOP policies identified above, the proposed re-designation can be supported as the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding residential intensification, respects the scale of the neighbourhood, is consistent with the higher densities contemplated in current Provincial policies, is in an area where full municipal services are available, which ensures the efficient use of land and infrastructure, and is a compatible residential development that contributes to a complete community. The proposed re-designation will result in a consistent designation and permitted dwelling forms across the lands. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified to permit the development of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces. Given that:

- The proposed development complies with the general intent of the Urban Hamilton Official Plan and will comply with the Western Development Area Secondary Plan upon approval of the proposed UHOPA;

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- Will provide a built form that is compatible with existing development in the area and respects and enhances the character of the neighbourhood; and,
- Has adequate transportation systems available and existing servicing with capacity sufficient for the proposed development, ensuring efficient use of land and infrastructure;

Staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone, which are discussed in Appendix “D” to Report PED23040.

4. Draft Plan of Subdivision

The proposed Draft Plan of Subdivision will consist of one block for proposed block townhouse dwellings (Block 1) for the creation of Parcels of Tied Land for a future Common Element Condominium and one right-of-way dedication block (Block 2).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) 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);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon approval of the UHOPA;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision consists of a single development block for the purposes of a future common element condominium for block townhouse dwellings, which will be appropriately zoned, and will be compatible with

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the existing road network and block pattern of the surrounding neighbourhood;

- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (g) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (h) The application will not have any negative impact on the City's finances.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with Neighbourhood Development "ND" Zone, which permits uses including, but not limited to, agricultural uses and one single detached dwelling existing at the date of the passing of this By-law.

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.

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 PED23040 – Location Map

Appendix "B" to Report PED23040 – Draft Official Plan Amendment

Appendix "C" to Report PED23040 – Draft Amendment to Zoning By-law No. 3692-92

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Appendix "D" to Report PED23040 – Zoning Modification Chart

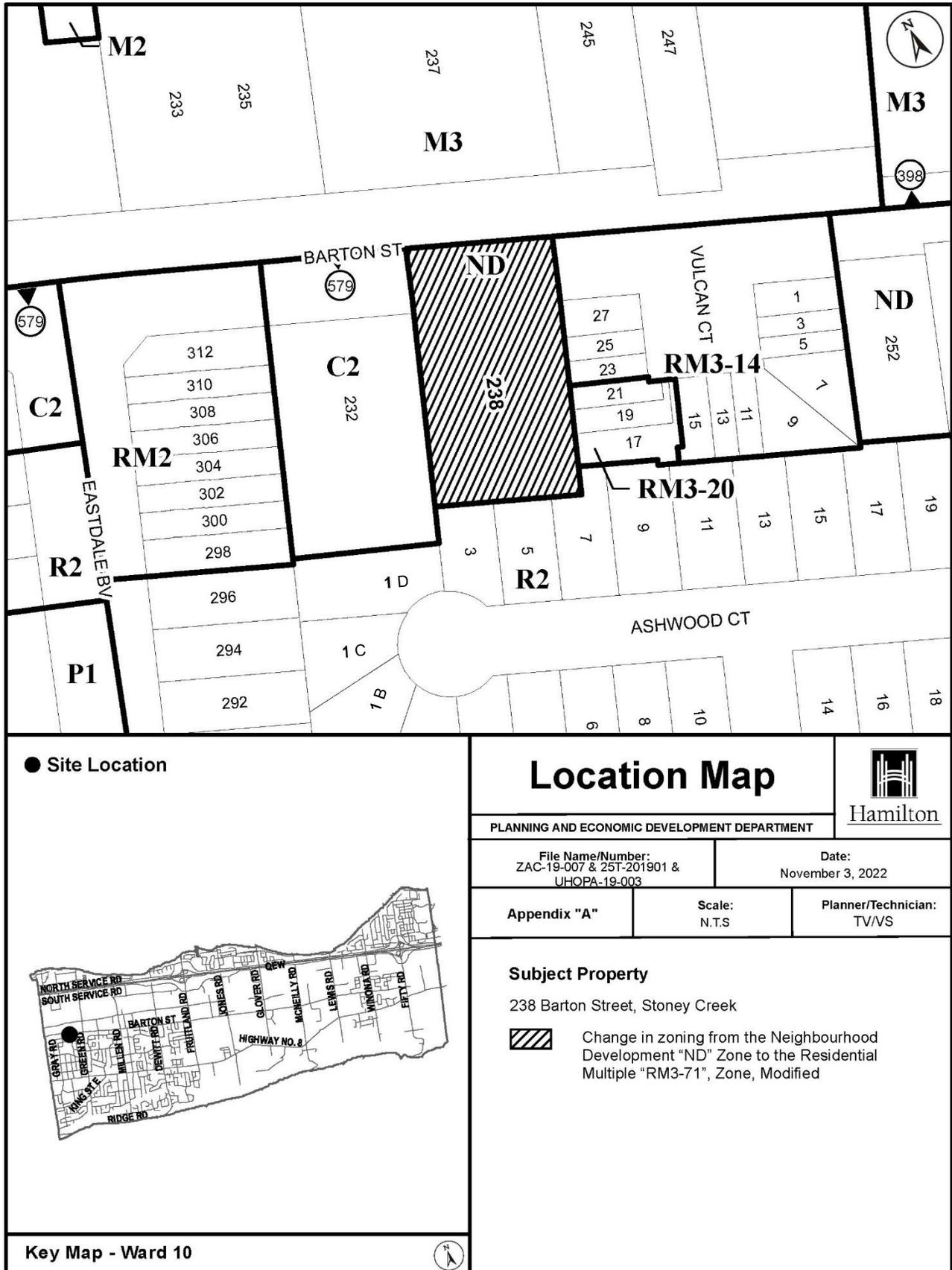
Appendix "E" to Report PED23040 – Concept Plans

Appendix "F" to Report PED23040 – Proposed Draft Plan of Subdivision

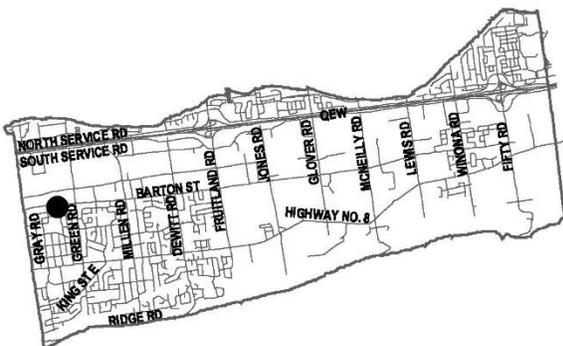
Appendix "G" to Report PED23040 – Draft Plan of Subdivision Special Conditions

TV:sd

Appendix "A" to Report PED23040
Page 1 of 1



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-007 & 25T-201901 &
UHOPA-19-003

Date:
November 3, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/VS

Subject Property

238 Barton Street, Stoney Creek



Change in zoning from the Neighbourhood Development "ND" Zone to the Residential Multiple "RM3-71", Zone, Modified

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to amend the Western Development Area Secondary Plan – Land Use Plan to permit the development of 11 block townhouse dwellings on the subject lands.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 238 Barton Street, in the former City of Stoney Creek.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development will be compatible and complementary with the existing and planned development in the immediate area.
- Adequate servicing and transportation capacity are available for the proposed uses.
- 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

Maps

4.1.1 Map

- a. That Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan be amended by redesignating lands from "Low Density Residential 2b" to "Low Density Residential 3c", as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

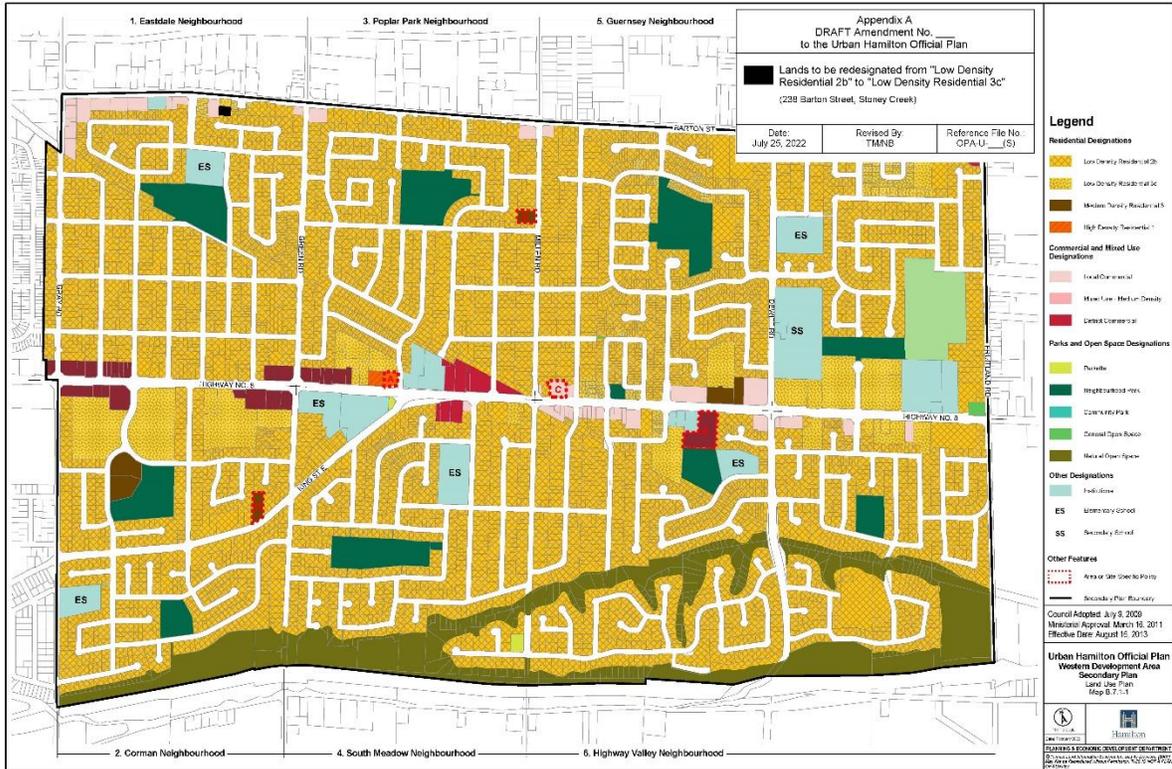
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 2023.

**The
City of Hamilton**

A. Horwath
MAYOR

A. Holland
CITY CLERK



Appendix “C” to Report PED23040**Page 1 of 4**

Authority: Item _____, Planning Committee
Report PED23040
CM:
Ward: 10

Bill No.**CITY OF HAMILTON****BY-LAW NO. 23-_____****To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 238 Barton Street, 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 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item X of Report 23XXX of the Planning Committee at its meeting held on the ___ day of _____, 2023, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX.

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

1. That Map No. 6 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71”

Appendix “C” to Report PED23040
Page 2 of 4

Zone, Modified, 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 Special Exemption “RM3-71”, as follows:

“RM3-71” 238 Barton Street, Schedule “A” Map No. 6

Notwithstanding the provisions of Part 2, those lands zoned “RM3-71” by this By-law shall be considered as one lot, the lot line adjacent to Barton Street shall be deemed the front lot line, and all lot lines shall correspond thereto and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements, and accessory buildings, shall be from the exterior boundaries of those lands zoned “RM3-71” by this By-law and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control.

Notwithstanding Subsections 6.10.3 (a), (b), (c), (d), (f), (h), (i), and (m) of the Multiple Residential “RM3” Zone, the following regulations shall apply:

- | | | |
|-----|--|----------------------|
| (a) | Minimum Lot Area | 2,300 square metres |
| (b) | Minimum Lot Frontage | 41 metres |
| (c) | Minimum Front Yard | 2.4 metres |
| (d) | Minimum Side Yard | 2.0 metres |
| (f) | Minimum Rear Yard | 7.4 metres |
| (h) | Minimum Distance Between Buildings on the Same Lot | 11.0 metres |
| (i) | Maximum Density | 47 units per hectare |
| (m) | Minimum Landscaped Open Space | |
1. Not less than 35 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped including privacy areas.
 4. A landscaped strip having a minimum width of 2.4 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. Notwithstanding the definition of

Appendix “C” to Report PED23040**Page 3 of 4**

Landscaped Strip, an area for temporary waste pickup shall be permitted within the required landscaped strip.

In addition to Subsection 4.10.3 b) Dimensions of Parking Spaces and notwithstanding Subsection 6.1.8 (c) Parking Restrictions In Residential Zones and Subsection 6.10.5 (d) of the Multiple Residential “RM3” Zone, the following regulations shall apply:

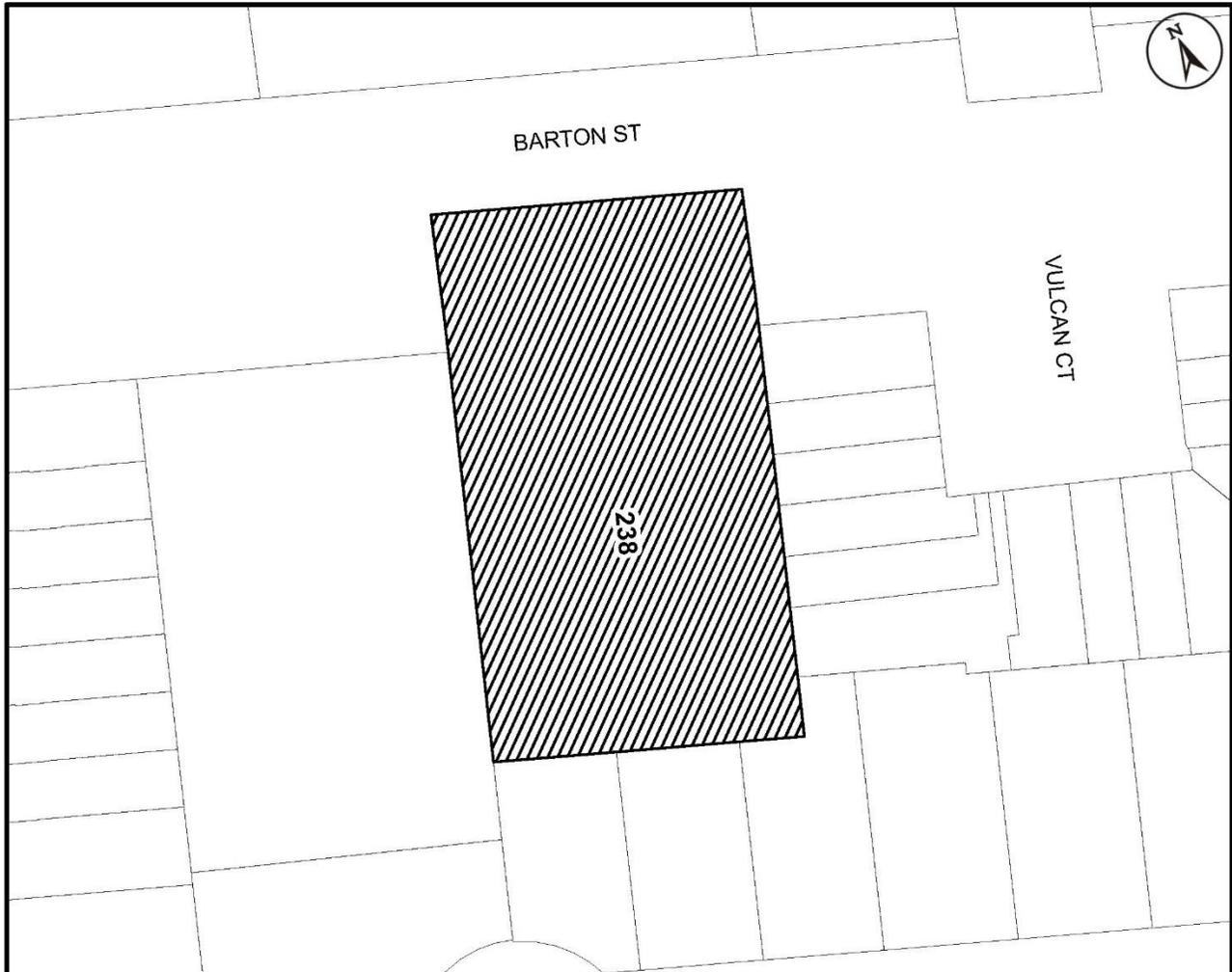
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line or 5 metres to any dwelling unit located on a lot other than the said lot. Interior door swings shall be permitted to encroach into an interior garage parking space.
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” Zone provisions, subject to the special requirements referred to in Section 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 ___, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

ZAC-19-007



This is Schedule "A" to By-law No. 23-
Passed the day of, 2023

Mayor

Clerk

Schedule "A"
Map forming Part of
By-law No. 23-_____
to Amend By-law No. 3692-92

Subject Property
238 Barton Street, Stoney Creek
 Change in zoning from the Neighbourhood Development "ND" Zone to the Residential Multiple "RM3-71", Zone, Modified

Scale:
N.T.S.
Date:
November 4, 2022

File Name/Number:
ZAC-19-007 & 251-201901 &
UHOPA-19-003
Planner/Technician:
TV/VS



Site Specific Modifications to the Multiple Residential “RM3” Zone

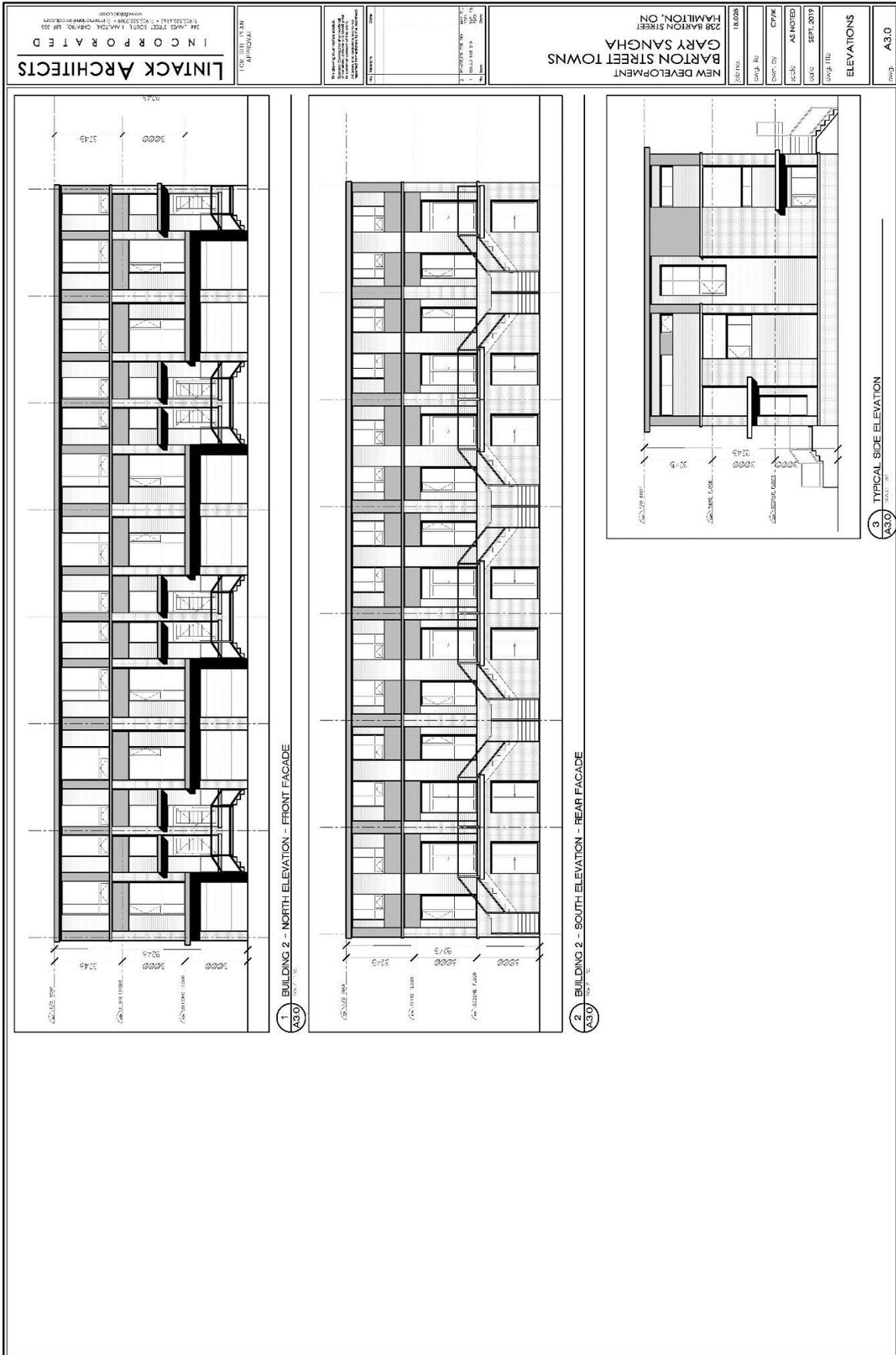
Regulation	Required	Modification	Analysis
Lot Boundary	Lot - Line means any boundary of a Lot. Lot means a parcel of land pursuant to the <i>Planning Act</i> (i.e. a condominium unit).	Notwithstanding the provisions of Part 2, those lands zoned “RM3-71” by this By-law shall be considered as one lot, the lot line adjacent to Barton Street shall be deemed the front lot line, and all lot lines shall correspond thereto and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements, and accessory buildings, shall be from the exterior boundaries of those lands zoned “RM3-71” by this By-law and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control.	Establishing the lot boundary to the development of 11 block townhouse dwellings on the subject lands for the purposes on this by-law enables the lot area, frontage, coverage, and setbacks to apply to the entire comprehensive development for the subject lands. Therefore, staff supports this modification.
Minimum Lot Area	4,000 square metres.	2,300 square metres.	The proposed minimum lot area reflects the size of the existing lot, therefore a site specific modification is required to accommodate the proposed development. Therefore, staff supports this modification.
Minimum Lot Frontage	50 metres.	41 metres.	The proposed minimum lot frontage reflects the width of the existing lot, therefore a site specific modification is required to accommodate the proposed development. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
Minimum Front Yard	7.5 metres.	2.4 metres.	<p>The proposed modification to the front yard setback will promote a more compact built form to achieve urban design principles for an attractive, safe and pedestrian oriented environment, and will maintain a consistent street edge with adjacent developments fronting onto Barton Street.</p> <p>Therefore, staff supports this modification.</p>
Minimum Side Yard	6 metres.	2.0 metres.	<p>The proposed modification to the side yard setback allows for an efficient lot configuration which is consistent with typical urban developments and maintains sufficient separation distance from adjacent developments to the east and west so that shadowing, privacy, and overlook are not an issue.</p> <p>Therefore, staff supports this modification.</p>
Minimum Rear Yard	6 metres, except 7.5 metres abutting a zone for single, semi-detached or duplex dwellings, or a street.	7.4 metres.	<p>The proposed modification to the rear yard setback is minor and maintains an efficient lot configuration which is consistent with typical urban developments and maintains sufficient separation distance from adjacent developments to the south so that privacy and overlook are not an issue.</p> <p>Therefore, staff supports this modification.</p>
Minimum Distance Between Buildings on the Same Lot	15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.	11 metres.	<p>The reduced building separation distances are only with respect to the front wall facing an end wall. The proposed reductions are required to accommodate a compact design and efficient lot configuration. Sufficient space is maintained for vehicular access and landscaped areas. Additionally, all construction will be designed in accordance with the Ontario Building Code and the relevant provisions for firefighting.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Maximum Density	<ol style="list-style-type: none"> 1. 40 units per hectare. 2. 49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building. 	47 units per hectare	<p>The density of the proposed development is 46.1 dwelling units per hectare, with not all parking provided underground or enclosed in a building. This density complies with the density range of the “Low Density Residential 3c” designation for a maximum of 49 units per hectare.</p> <p>Therefore, staff supports this modification.</p>
Minimum Landscaped Open Space	<p>Minimum landscaped area of 50% of lot area for maisonettes, townhouses and dwelling groups and 25% of lot area for apartments.</p> <p>Minimum landscaped strip width of 1.5 metres between any privacy area and any lot line and 4.5 metres abutting a street.</p>	<p>Minimum landscaped area of 35% of lot area.</p> <p>Minimum landscaped strip width of 2.4 metres abutting a street.</p> <p>Notwithstanding the definition of Landscaped Strip, an area for temporary waste pickup shall be permitted within the required landscaped strip.</p>	<p>The intent of the landscaped open space is to promote the inclusion of natural features and provide privacy areas that enhance the proposed development, ensuring that there is an adequate balance between built form, hard surface and open space areas on a property. The request to reduce the landscaped area and landscaped strips will permit the establishment of a compact housing form while still providing adequate private amenity areas, common landscaped strips, and permeable areas. Due to drainage swales required to be provided along interior lot lines, the space between privacy areas and lot lines will be sodded but would not be able to provide ornamental plantings. Fencing is located along the property lines abutting adjacent residential uses to enhance privacy and screening between adjacent developments.</p> <p>A curbside waste collection area is identified within the landscaped strip. As waste will be set out in accordance with the Solid Waste Management By-law, staff have no concerns with this exception.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Parking Location and Private Residential Garages	3 metres to any lot line or 5 metres to any dwelling unit located on a lot other than the said lot.	0.4 metres to any lot line or 5 metres to any dwelling unit located on a lot other than the said lot. Interior door swings shall be permitted to encroach into an interior garage parking space.	<p>The intent of this regulation is to mitigate impact of vehicle parking in proximity to adjacent properties. The visitor parking area is located adjacent to the west lot line, abutting a commercial development where the impact would be minimal. Therefore, the reduced setback for the visitor parking from the west lot line will have no impact on the adjacent property.</p> <p>The modification to permit a door swing to encroach into a garage parking space will allow for a useable parking space within the garage while permitting direct access to the garage and parked vehicles from the dwelling.</p> <p>Therefore, staff supports these modifications.</p>

Appendix "E" to Report PED23040



Last Saved By: jritchie, Date: May,9/22

Appendix "E" to Report PED23040
Page 3 of 3

LINTACK ARCHITECTS
INCORPORATED
324 BARTON STREET, CAMDEN, NJ 08105
TEL: 856.735.1124
WWW.LINTACK.COM

NEW DEVELOPMENT
BARTON STREET TOWNS
GARY SANGHA
228 BARTON STREET
HAMILTON, NJ 08620

DATE: 05/09/22
SCALE: AS NOTED
SHEET: SEPT. 2019
SHEET TITLE: ELEVATIONS

1. BUILDING 1 - WEST ELEVATION - FRONT FACADE
A3.1

2. BUILDING 1 - EAST ELEVATION - REAR FACADE
A3.1

3. BUILDING 1 - NORTH SIDE ELEVATION
A3.1

1. BUILDING 1 - WEST ELEVATION - FRONT FACADE

2. BUILDING 1 - EAST ELEVATION - REAR FACADE

3. BUILDING 1 - NORTH SIDE ELEVATION

Last Saved by: jfitchie, Date: May,9/22

Appendix "F" to Report PED23040
Page 1 of 1



DRAFT PLAN OF
**BARTON
ESTATES**
BEING A PROPOSED SUBDIVISION OF
PART OF LOT 245
REGISTRAR'S COMPILED PLAN No. 1294
IN THE
CITY OF HAMILTON
SCALE 1:200
BY
NICHOLAS P. MUTH O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.
METRIC: DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(7)
THE PLANNING ACT

- A. SHOWN ON PLAN
- B. SHOWN ON PLAN
- C. SHOWN ON PLAN
- D. SEE LAND USE SCHEDULE
- E. SEE PART OF PLAN
- F. SHOWN ON PLAN
- G. SHOWN ON PLAN
- H. MUNICIPAL PAVED WATER AVAILABLE IN BARTON STREET
- I. SHOWN ON PLAN
- J. SHOWN ON PLAN
- K. SHOWN ON PLAN
- L. SHOWN ON PLAN

NOTES:
IN ACCORDANCE WITH SECTION 51(7) OF THE PLANNING ACT, DRAFT APPROVAL SHALL BE OBTAINED FROM THE REGISTRAR OF LANDS AND SURVEY. THIS PLAN AND THE PLANNING ACT SHALL BE CONSIDERED AS A WRITTEN REQUEST IS RECEIVED TWO MONTHS BEFORE THE DRAFT APPROVAL Lapses.

SURVEYOR'S CERTIFICATE:
I, NICHOLAS P. MUTH, O.L.S., DO HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND THAT THE DIMENSIONS AND AREAS ARE CORRECTLY SHOWN.

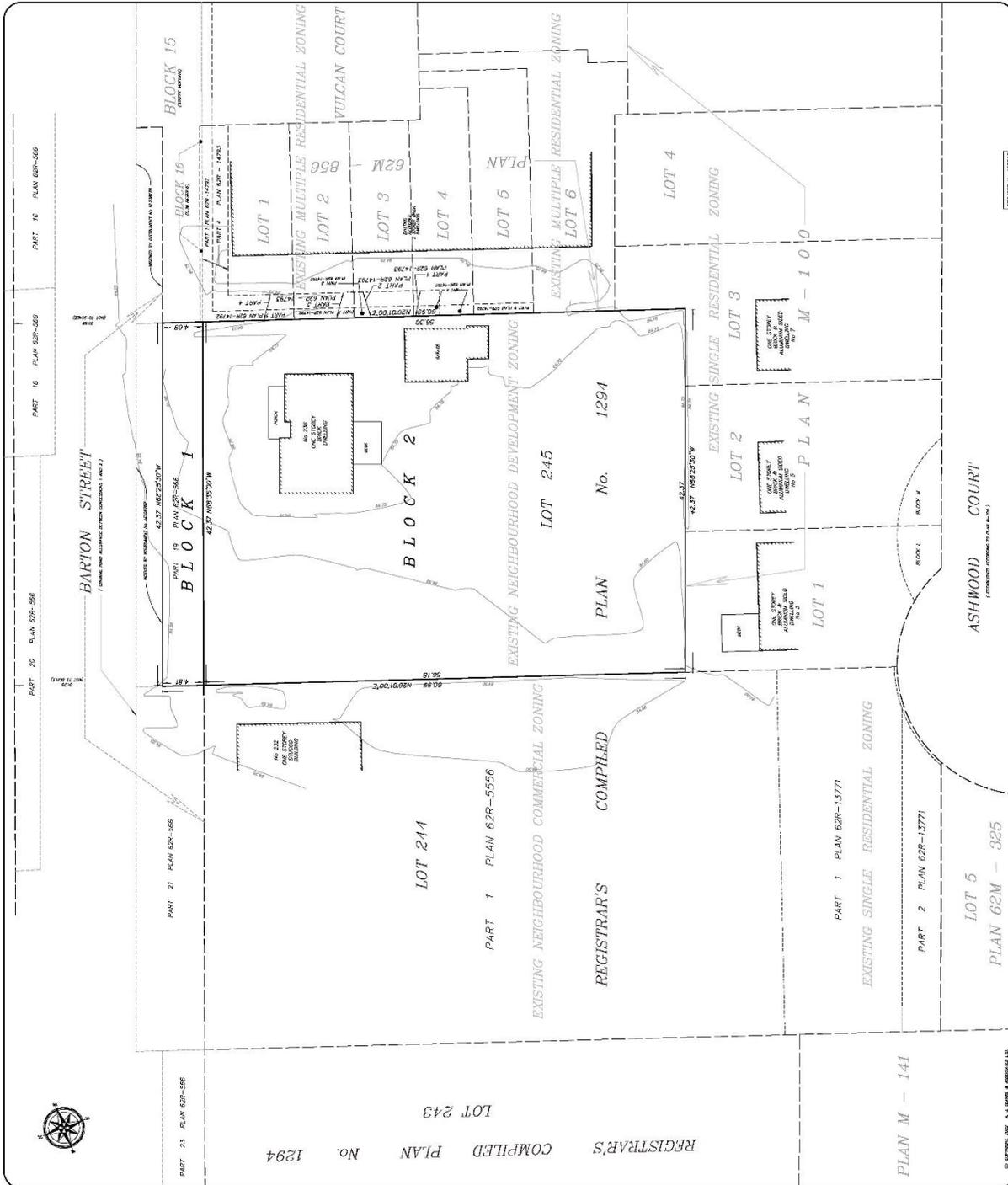
NOVEMBER 30, 2022
DATE
NICHOLAS P. MUTH
DRAFTING LAND SURVEYOR

LAND USE SCHEDULE:
BLOCK 1 (PROPOSED ROAD INCLUDING AREA 201.13 m²)
BLOCK 2 (PROPOSED ROAD INCLUDING AREA 201.13 m²)
BLOCK 3 (PROPOSED ROAD INCLUDING AREA 201.13 m²)

SUBDIVISION DRAFT APPROVAL:
APPROVED UNDER SECTION 51 OF THE PLANNING ACT, A.S.O. PARCELS 113 AS AMENDED, BY THE CHIEF MUNICIPAL ENGINEER AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 03-054.

THE DATE OF... 2022
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

A.J. Clarke and Associates Ltd.
SURVEYORS - PLANNERS - ENGINEERS
24 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8N 3R1
TEL: 905-528-9781 FAX: 905-528-2289
email: aj@ajclarke.com



REGISTRAR'S COMPILED PLAN No. 1294
LOT 243
PART 1 PLAN 62R-5556
EXISTING NEIGHBOURHOOD COMMERCIAL ZONING
LOT 211
PART 20 PLAN 62R-556
PART 18 PLAN 62R-556
PART 16 PLAN 62R-556
BARTON STREET
BLOCK 15
BLOCK 16
BLOCK 1
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 245
PLAN No. 1294
EXISTING NEIGHBOURHOOD DEVELOPMENT ZONING
EXISTING SINGLE RESIDENTIAL ZONING
EXISTING MULTIPLE RESIDENTIAL ZONING
LOT 4
LOT 3
LOT 2
LOT 1
ASHWOOD COURT
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
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BLOCK 10
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Appendix “G” to Report PED23040
Page 1 of 3

Special Conditions for Draft Plan of Subdivision Approval for 25T-201901

That this approval for the Draft Plan of Subdivision “Barton Estates” 25T-201901, prepared by A. J. Clarke and Associates Ltd., and certified by Nicolas P. Muth, O.L.S., dated November 20, 2022, consisting of one block for proposed townhouses (Block 1) and one right-of-way widening block (Block 2), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the final plan of subdivision**, the Owner agrees that the final plan of the subdivision shall include a 4.7 metre block widening to be dedicated to the City of Hamilton as public highway by the Owner’s certificate on the plan, to establish the widened limit of Barton Street at 36.576 metres from the center line of the original road allowance, to the satisfaction of the Director of Growth Management.
2. That, **prior to preliminary grading**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works to be completed as necessary, to the satisfaction of the Director of Growth Management.
3. That, **prior to preliminary grading**, the Owner shall submit a detailed stormwater management (SWM) report prepared by a qualified Professional Engineer to demonstrate how stormwater quality and quantity control for the proposed development will be handled in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines. The design shall include but not limited to the following:
 - a. Identifying and establishing a SWM Facility (underground storage chamber) to accommodate drainages from the subject land including any external drainage routed through the SWM facility for 2 to 100-year storm events;
 - b. The 100-year post development flow shall be controlled to 5-year predevelopment level as identified in the FSR and SWM Report (AJ Clarke; dated: June 2020);
 - c. Demonstrating that the post-development 100-year hydraulic grade line (HGL) is at least 0.3 m below the lowest top of grate elevation at all inlet (RYCB/DCB/CB) locations; and,

Appendix “G” to Report PED23040
Page 2 of 3

- d. An appropriate treatment train technique in the SWM design to meet ‘Level 1’ stormwater quality control as per the City Standards;

all to the satisfaction of the Director of Growth Management.

4. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for abandonment/installation of services, removal of the existing driveway, installation of a concrete sidewalk, curb and boulevard, relocation of all above ground or underground utilities, pavement installation of top and base asphalt for the entire road section fronting the draft plan land, all at the Owner’s expense, to the satisfaction of the Director of Growth Management.

Development Planning:

5. That, **prior to preliminary grading or servicing**, the Owner shall provide a Verification of Tree Protection Letter to the satisfaction of the Director of Planning and Chief Planner, to ensure that the tree protection measures identified within the Tree Management Plan, prepared by Hill Design Studio Inc. and dated September 20, 2021, are implemented.
6. That, **prior to registration**, the Owner shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals, completed in accordance with the Tree Management Plan prepared by Hill Design Studio Inc. and dated September 20, 2021, to the satisfaction of the Director of Planning and Chief Planner.
7. That, **prior to servicing**, the owner shall include in the engineering design for the subject lands, to the satisfaction of the Director of Planning and Chief Planner, the inclusion of a noise barrier wall, as per Figure 1 of the addendum environmental noise analysis dated February 4, 2020, prepared by Valcoustics Canada Limited, subject to the following:

“Acoustical barriers shall consist of a 2.0 m sound barrier wall constructed along the north and east side of Unit 11 of Building 1 be constructed with no gaps, cracks or holes (except for small localized openings required for water drainage) and must have a minimum surface weight of 20 kg/m². A variety of materials are available, including concrete, masonry, glass, wood, specialty composite materials, or a combination of the above.

The noise barrier wall and wood material treatment shall be shown on the final grading plan, draft plan, and landscape plan to the satisfaction of the Manager of Heritage and Urban Design and the Manager of Development Engineering Approvals. The final height of the sound barrier may change from the height shown on Figure 1 based on final grading information once it becomes available.”

Growth Planning:

8. That, **prior to registration**, the owner and agent shall work with Legislative Approvals / Staging of Development Staff to finalize street naming and municipal addressing for the subject proposal, to the satisfaction of the Director of Growth Management.

Waste Management:

9. The following shall be included in all agreements for purchase and sale or lease, to the satisfaction of the Manager of Waste Policy and Planning:

"Purchasers or tenants are advised that municipal Waste Collection Vehicles may not be able to enter the property to collect any Waste including Garbage, Recycling, Organics, Leaf and Yard or Bulk Waste. All Garbage, Recycling, Organics, Leaf and Yard, and Bulk Waste. For collection to occur, waste shall be placed at the municipal curb adjacent to the property entrance in accordance with the City of Hamilton Solid Waste Management By-law 09-067, as amended."

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.



WELCOME TO THE CITY OF HAMILTON

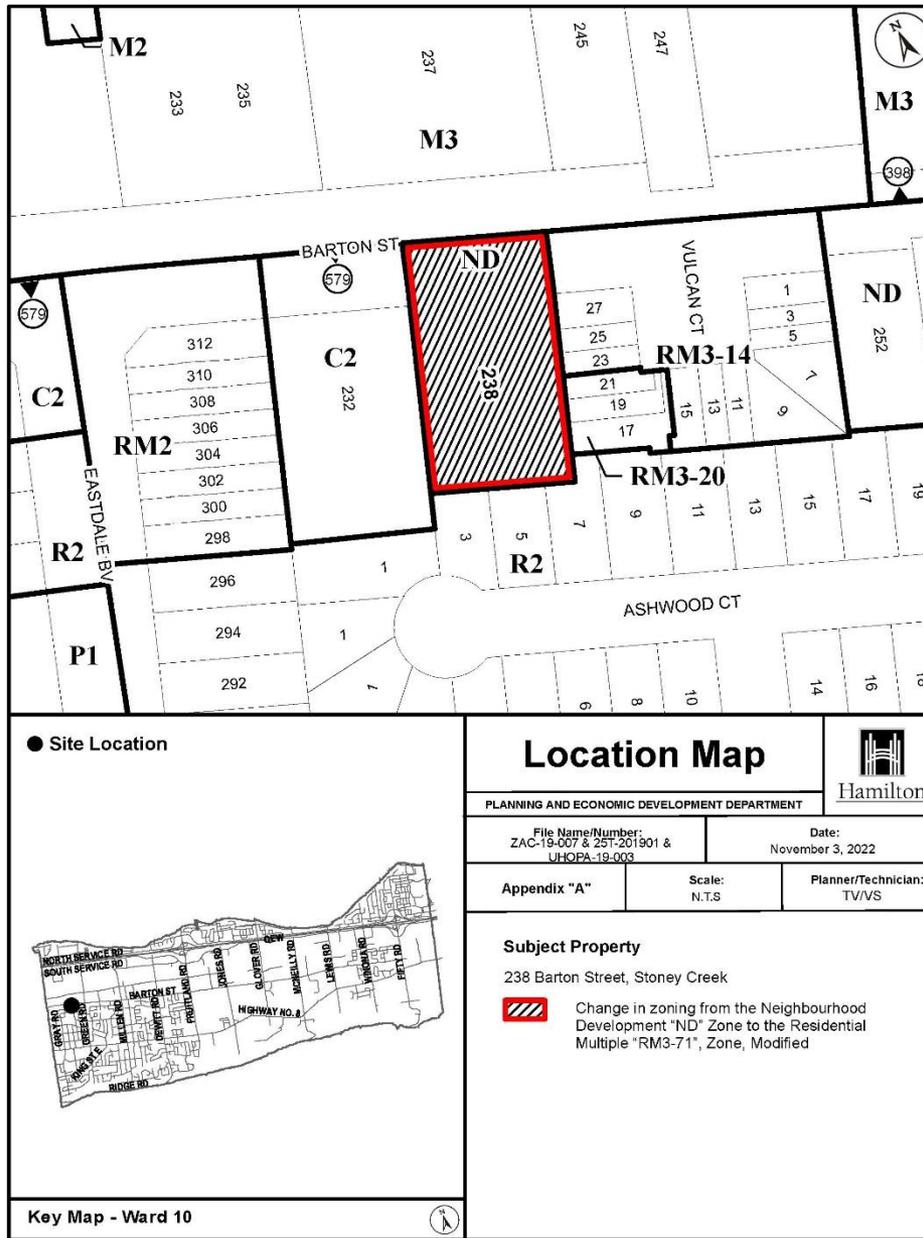
PLANNING COMMITTEE

February 14, 2023

PED23040 – (UHOPA-19-003 & ZAC-19-007 & 25T-201901)

Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek.

Presented by: Tim Vrooman





SUBJECT PROPERTY



238 Barton Street, Stoney Creek





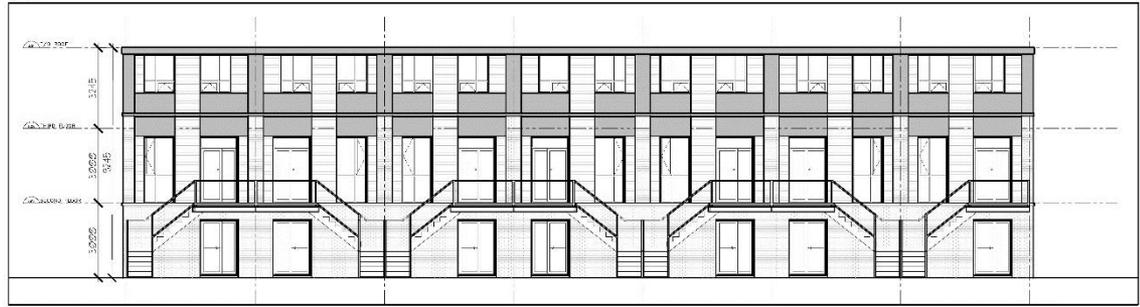
1 BUILDING 1 - WEST ELEVATION - FRONT FACADE
 SCALE: 1/2"



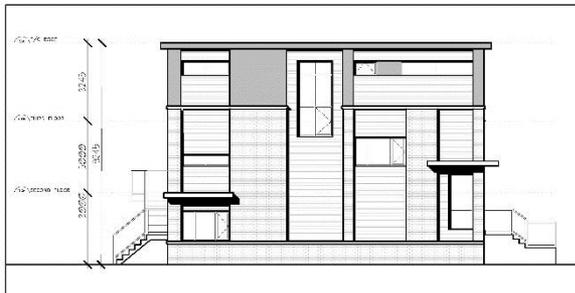
1 BUILDING 2 - NORTH ELEVATION - FRONT FACADE
 SCALE: 1/8"



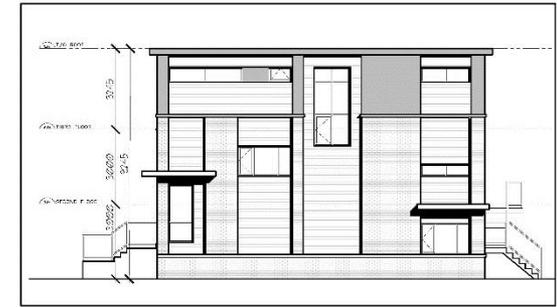
2 BUILDING 1 - EAST ELEVATION - REAR FACADE
 SCALE: 1/2"



2 BUILDING 2 - SOUTH ELEVATION - REAR FACADE
 SCALE: 1/8"



3 BUILDING 1 - NORTH SIDE ELEVATION
 SCALE: 1/2"



3 TYPICAL SIDE ELEVATION
 SCALE: 1/2"



Subject Lands



Adjacent townhouse dwellings to east



Adjacent commercial property to west



Employment lands along Barton Street to west



Employment lands across Barton Street to north



Employment lands along Barton Street to east



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 198 Lover's Lane, Ancaster (PED23041) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Amended **Zoning By-law Amendment Application ZAR-22-042, by James Gregory Warnick**, for a change in zoning from the Deferred Development "D" Zone to the Low Density Residential (R1,) Zone for lands located at 198 Lover's Lane, Ancaster, as shown on Appendix "A" to Report PED23041, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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), conforms to the Niagara Escarpment Plan (2017, as amended), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject lands municipally known as 198 Lover's Lane are located west of Lover's Lane and south of Lloyminn Avenue. The purpose of the Zoning By-law Amendment is

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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.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 2 of 11**

for a change in zoning from the Deferred Development "D" Zone in the Town of Ancaster Zoning By-law No. 87-57 to the Low Density Residential (R1) Zone in the City of Hamilton Zoning By-law No. 05-200.

The applicants have submitted a consent application to sever the lands to permit the development of a single detached dwelling on the new parcel and to retain the existing single detached dwelling.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan; and,
- It is compatible with and complementary to the existing surrounding neighbourhood.

Alternatives for Consideration – See Page 11

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 a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	James Gregory Warnick
Agent:	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer
File Number:	ZAR-22-042
Type of Application:	Zoning By-law Amendment

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 3 of 11**

Application Details	
Proposal:	To permit a single detached dwelling on a parcel of land to be created through a future Consent to Sever application having frontage on Lover's Lane and to retain the existing single detached dwelling having frontage on Lover's Lane.
Property Details	
Municipal Address:	198 Lover's Lane
Lot Area:	0.47 ha.
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling (to remain on reconfigured lot).
Proposed Uses:	The existing single detached dwelling on Lover's Lane is proposed to remain on the reconfigured lot. One new residential lot is proposed for a new single detached dwelling with frontage along Lover's Lane.
Documents	
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.
Secondary Plan:	N/A.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Deferred Development "D" Zone (Town of Ancaster Zoning By-law No. 87-57).
Zoning Proposed:	Low Density Residential (R1) Zone (City of Hamilton Zoning By-law No. 05-200).
Modifications Proposed:	No modifications proposed.
Processing Details	
Received:	June 3, 2022

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 4 of 11**

Processing Details	
Deemed Complete:	June 23, 2022
Notice of Complete Application:	Sent to 68 property owners within 120 m of the subject property on July 15, 2022.
Public Notice Sign:	Posted July 21, 2022 and updated with Public Meeting date January 18, 2023.
Notice of Public Meeting:	Sent to 68 property owners within 120 m of the subject property on January 27, 2023.
Public Comments:	Two emails (attached as Appendix "D" to Report PED23041).
Processing Time:	256 days from when the application was received.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling.	Deferred Development "D" Zone.
Surrounding Lands:		
North	Single detached dwellings.	Residential "R2" Zone and Residential "R3-218" Zone, Modified.
South	Single detached dwellings.	Residential "R2" Zone and Residential "R3-218" Zone, Modified.
East	Single detached dwellings.	Deferred Development "D" Zone and Residential "R1-212" Zone, Modified.
West	Single detached dwellings.	Residential "R3-218" Zone, Modified.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 5 of 11**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of Provincial interest (e.g. efficiency of land use) are discussed in the Official Plan analysis below.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan (UHOP) it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Niagara Escarpment Plan

The subject lands are identified as "Urban Area" within the Niagara Escarpment Plan. The lands are not located within the development control area and therefore do not require a permit from the Niagara Escarpment Commission. The application was circulated to the Niagara Escarpment Commission who found that the proposal does not conflict with the Niagara Escarpment Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the UHOP. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is to be reviewed under the Urban Hamilton Official Plan policies currently in effect, as amended by OPA No. 167.

The following policies, amongst others, apply to the subject application.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198 Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 6 of 11

Low Density Residential

- "E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas:
- a) Shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and
 - b) May include multiple dwellings containing a maximum of 6 units for lots in proximity to collector roads or arterial roads."

The subject lands are located on a local road, Lover's Lane, within the interior of the neighbourhood. The proposed zoning permits low density forms of residential development including single detached dwellings. The proposal complies with the Low Density Residential policies of the Neighbourhoods designation.

Tree Management

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

A Tree Management and Compensation Plan has been prepared by Hill Design Studio Inc. (Aaron Hill; landscape architect) dated May 11, 2022 and revised Oct. 12, 2022. A total of 62 trees have been inventoried. Of these, six trees have been proposed to be removed. The decision to retain trees is to be based on condition, aesthetics, age, and species. It is recognized that this approach has been taken into consideration since most trees on site are proposed to be retained. To ensure that trees are protected during on-site construction, a Verification of Tree Protection Letter will be required as a condition of a Consent to Sever approval.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Deferred Development "D" Zone in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix "A" attached to Report PED23041.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198 Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 7 of 11

The Deferred Development "D" Zone permits agricultural uses, urban farms, community gardens, and dwellings that existed at the time of the passing of the by-law. As such, the applicant has proposed a rezoning to the Residential "R2" Zone in Ancaster Zoning By-law No. 87-57 to facilitate development of a single detached dwelling fronting Lover's Lane. The "R2" Zone, in the Town of Ancaster Zoning By-law No. 87-57, has been replaced with the Low Density Residential (R1) Zone, in the City of Hamilton Zoning By-law No. 05-200. Therefore, Staff have amended the application to rezone the lands to the Low Density Residential (R1) Zone in Zoning By-law No. 05-200. The applicant agrees with placing the subject lands in Zoning By-law No. 05-200. The proposed zoning and zoning standards are consistent with the lands fronting onto Lover's Lane to the north and south. The rationale for the Zoning By-law Amendment is discussed in the Analysis and Rationale for Recommendation section.

RELEVANT CONSULTATION

Department and Agencies	Response
<ul style="list-style-type: none"> • Forestry and Horticulture Section, Environmental Services Division, Public Works Department; • Budgets & Finance Section, Corporate Service Department; • Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department; • Infrastructure Renewal Section, Public Works Department; • Commercial Districts and Small Business Section, Planning and Economic Development Department; • Corporate Real Estate Section, Planning and Economic Development Department; and, • Canada Post. 	No Comment

Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The Development Engineering Approvals section is able to support this application as the impact of the development to the existing servicing capacity is negligible.	These items will be addressed through the future Consent to Sever process.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 8 of 11**

Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	<p>The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to suitable outlet on the conveyed and retained parcels, erosion and sediment control measures; cash payment requirements for items such as street trees, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading, sidewalk, driveway approaches, and any damage during construction.</p> <p>At the Severance application stage, the Owner shall pay their share for concrete sidewalks along the entire frontage along Lover's Lane.</p>	
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, 62M-821 (25T-96006), e.g. cost recoveries relating to the registered plan or any reserves to be lifted.	These items will be addressed through the future Consent to Sever process.
Landscape Architectural Services Section, Public Works Department	Requests cash in lieu of parkland dedication if applicable.	Cash in lieu of parkland dedication, if applicable, will be addressed at the building permit stage.
Waste Management Division, Public Works Department	The existing single detached dwelling is eligible for curbside municipal waste collection service.	Noted.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 9 of 11**

Department	Comment	Staff Response
Niagara Escarpment Commission	<p>The subject property is outside of the area of Niagara Escarpment Commission development control and therefore no development permit is required for development including the creation of a new lot and constructing a new dwelling here.</p> <p>The proposal is not in conflict with the Niagara Escarpment Plan and we therefore have no objection to the approval of the application by the City.</p>	Noted.
Alectra	For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department	Noted.
Enbridge	There is an existing gas main fronting this property.	Noted.
Public Consultation		
Topic	Comment	Staff Response
Sidewalk	There is a gap in the City sidewalk running along the west side of Lover's Lane in front of the Subject Lands. Residents request that the sidewalk be extended.	<p>The Official Plan does not allow land dedications through a Zoning By-law Amendment application.</p> <p>At the future Consent to Sever stage, the Owner shall pay their share for concrete sidewalks along the entire frontage of their property along Lover's Lane.</p>

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to property owners within 120 m of the subject property on July 15, 2022. A Public Notice Sign was

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 10 of 11**

posted on the property on July 21, 2022, and updated on January 18, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on January 27, 2023, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy with this application. As the application was minor, a neighbourhood meeting was not proposed. The strategy recommended that the prescribed public open house and notice requirements were an adequate amount of public consultation.

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) (PPS);
 - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) It conforms to the Niagara Escarpment Plan (2017, as amended);
 - (iv) It complies with the Urban Hamilton Official Plan; and,
 - (v) It is compatible with and complementary to the existing surrounding neighbourhood.

2. Zoning By-law Amendment

The subject lands are currently zoned Deferred Development "D" Zone in the Town of Ancaster Zoning By-law No. 87-57. The applicant had requested that the subject lands be rezoned to Residential "R2" Zone in the Town of Ancaster Zoning By-law No. 87-57. Staff are recommending that the subject lands are instead removed from the Town of Ancaster Zoning By-law No. 87-57 and rezoned to Low Density Residential (R1) Zone, in the City of Hamilton Zoning By-law No. 05-200, to facilitate the proposal. Single detached dwellings are permitted within the "Neighbourhoods" designation of the UHOP.

The subject lands will provide similar zoning as adjacent lands ("R1-212" Zone, Modified, "R2" Zone, "R3" Zone, and "R3-218" Zone, Modified). This will ensure compatibility in terms of built form, massing, height, setbacks from the street and building separation.

Therefore, staff support the proposed change in zoning.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 198
Lover's Lane, Ancaster (PED23041) (Ward 12) - Page 11 of 11**

3. A future Consent to Sever application will be required to create the new lot fronting Lover's Lane.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application not be approved, the lands remain under the Deferred Development "D" Zone which permits agricultural uses, urban farms, community gardens, and dwellings that existed at the time of the passing of the by-law.

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.

Our People and Performance

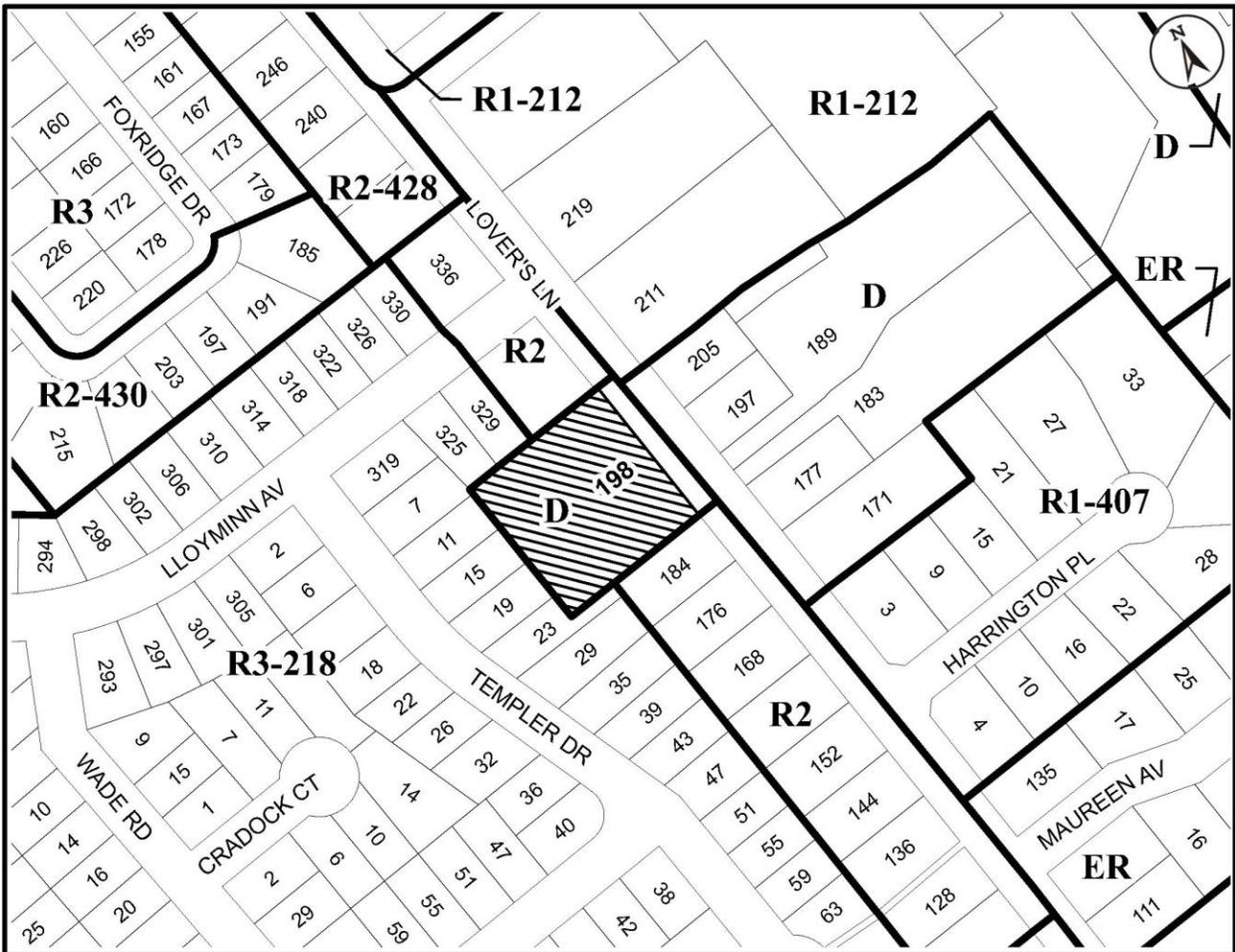
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

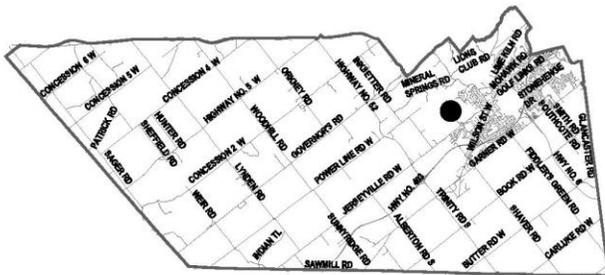
- Appendix "A" to Report PED23041 – Location Map
- Appendix "B" to Report PED23041 – Draft Zoning By-law
- Appendix "C" to Report PED23041 – Concept Plan
- Appendix "D" to Report PED23041 – Public Input

MM:sd

Appendix "A" to Report PED23041
Page 1 of 1



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-22-042

Date:
December 22, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MM/AL

Subject Property

198 Lover's Lane



Lands to be zoned Low Density Residential (R1) Zone

**Appendix “B” to Report PED23041
Page 1 of 2**

Authority: Item XX, Planning Committee
Report PED23041
CM:
Ward: 12

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 23-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 198 Lover’s
Lane, Ancaster**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on February 14, 2023;

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

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

1. That Map Nos. 1173 and 1174 of Schedule “A” – Zoning Maps are amended by adding the Low Density Residential (R1) Zone to the lands attached as Schedule “A” to this By-law.
2. 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*.

PASSED this _____ day of _____, 2023

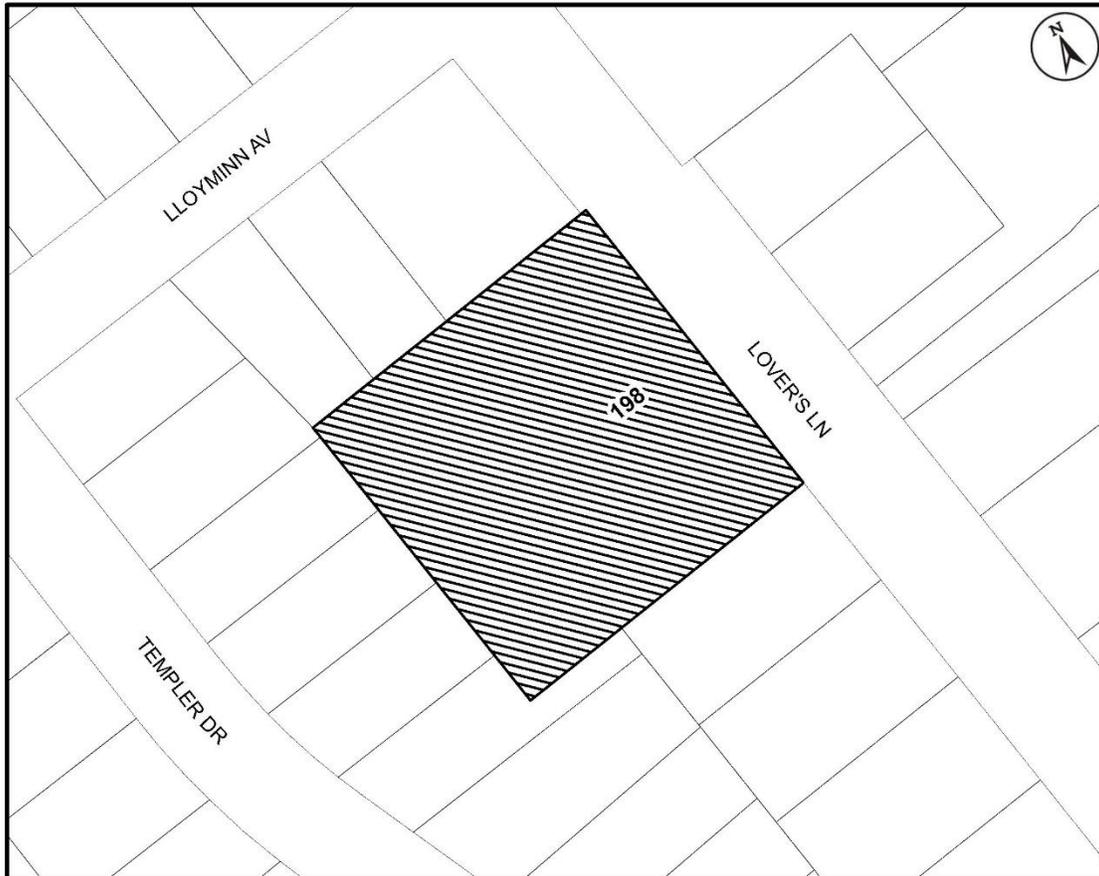
A. Horwath
Mayor

A. Holland
City Clerk

ZAC-22-042

Appendix "B" to Report PED23041
Page 2 of 2

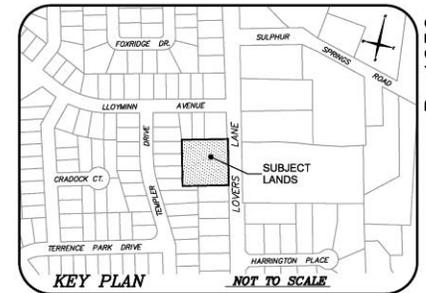
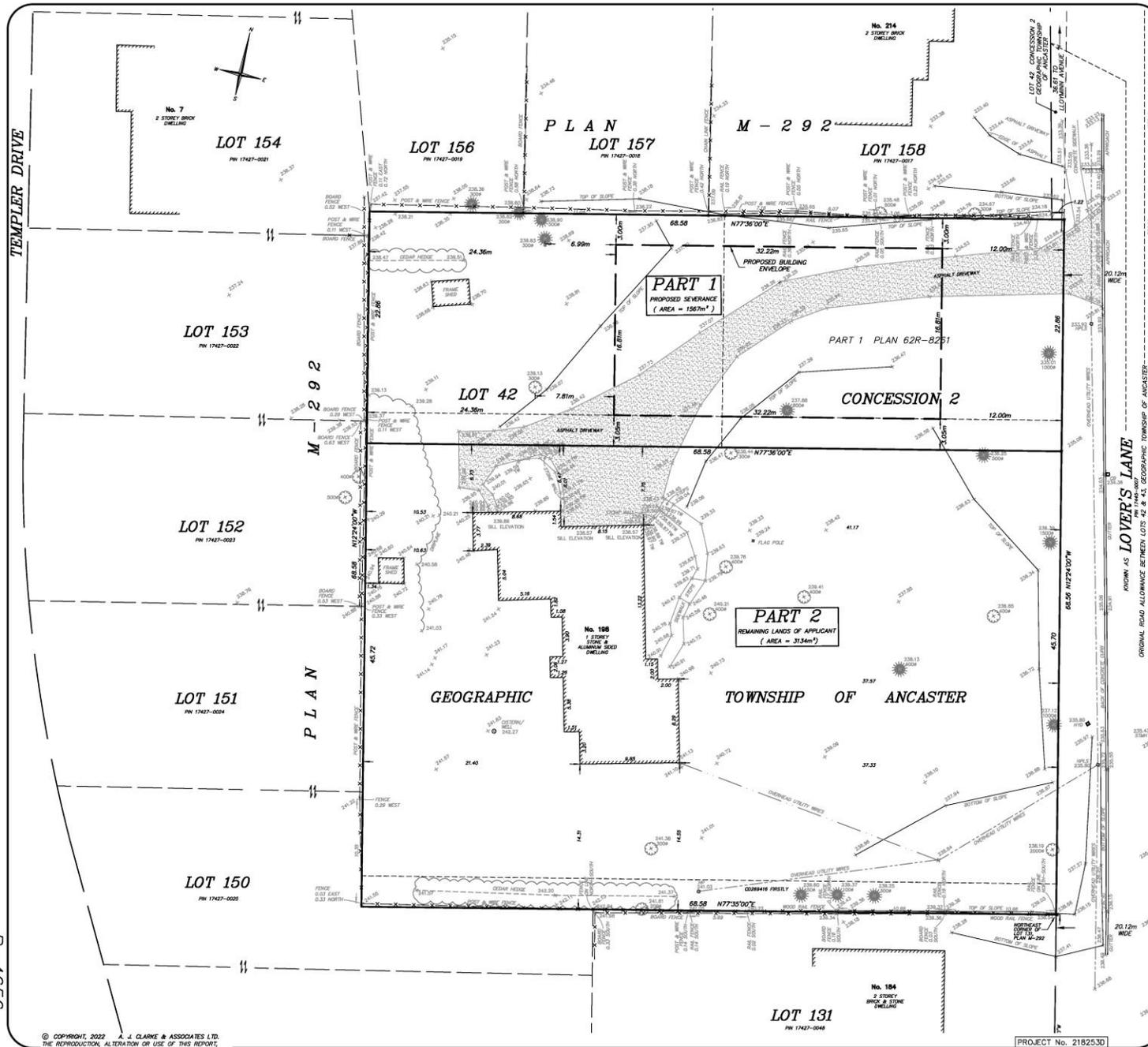
To amend Zoning By-law No. 05-200 with respect to lands located at 198 Lover's Lane, Ancaster



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Maps 1173 & 1174</p>	<p>Subject Property</p> <p>198 Lover's Lane</p> <p> Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1) Zone</p>
--	---

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-22-042</p>	
<p>Date: January 13, 2023</p>	<p>Planner/Technician: MM/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



SKETCH FOR CONSENT TO SEVER
 198 LOVERS LANE, ANCASTER
 IN THE
CITY OF HAMILTON
 SCALE 1:250
 0 5 10 15 metres

THE ABOVE NOTED LANDS ARE:
 PART OF LOT 42
 CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF ANCASTER

METRIC:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
 ARE BASED ON A FIELD SURVEY COMPLETED BY OUR OFFICE
 JANUARY 10, 2022.

THIS SKETCH IS NOT VALID UNLESS IT IS
 AN EMBOSSED ORIGINAL COPY OR CERTIFIED
 DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
 TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT
 OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.
CONSENT SCHEDULE:
 PART 1 (PROPOSED SEVERANCE) AREA=1567m²
 PART 2 (REMAINING LANDS OF APPLICANT) AREA=3134m²

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

JUNE 3, 2022
 DATE
 NICHOLAS P. NUTH
 ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-526-8761 FAX 905-528-2289
 email: a.j.c@ajclarke.com

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Appendix “D” to Report PED23041
Page 1 of 2

From: Dave Neath [REDACTED]
Sent: Monday, July 18, 2022 2:45 PM
To: Michniak, Mark
Subject: 198 Lovers Lane Ancaster

Hello

I received notice of a proposed amendment to a bylaw to build a single detached home at 198 Lovers Lane in Ancaster. My only concern is that if the amendment is approved will the owner be required to allow room for the continuation of the sidewalk on Lovers Lane? Currently, the sidewalk ends at either end of the property and pedestrians are forced on to the road.

Regards,

David Neath

Appendix "D" to Report PED23041
Page 2 of 2

From: FrankG [REDACTED]
Sent: Tuesday, July 19, 2022 12:02 PM
To: Michniak, Mark
Subject: Application Re: 198 Lover's Lane, Ancaster

Importance: High

REF: Zoning Ny-law Amendment (File No. ZAR-22-042)

Hi Mark,

I would like to raise an inquiry related to the proposed subject property amendment. But, not specifically to that of the actual privately owned property therein.....except to the City owned frontage area that it abuts where there is currently no sidewalk. I had once made a request a few years ago to have a continuation of the sidewalk that presently runs along that immediate location on Lover's Lane adjoined to that which already exists to both the south and north along that side of the street. Pedestrians are forced to walk on the road between the corner at Lloyminn Ave and 184 Lover's Lane which can be dangerous, particularly during the winter season after a snow plowing. I realize that this request, or, awareness does not appeal to the said file property amendment.....however, I feel that this would be a prudent time to consider the matter in advance of whatever the final outcome happens to be. Your comments, welcome.

Frank L. Gallo

[REDACTED]
[REDACTED]



WELCOME TO THE CITY OF HAMILTON

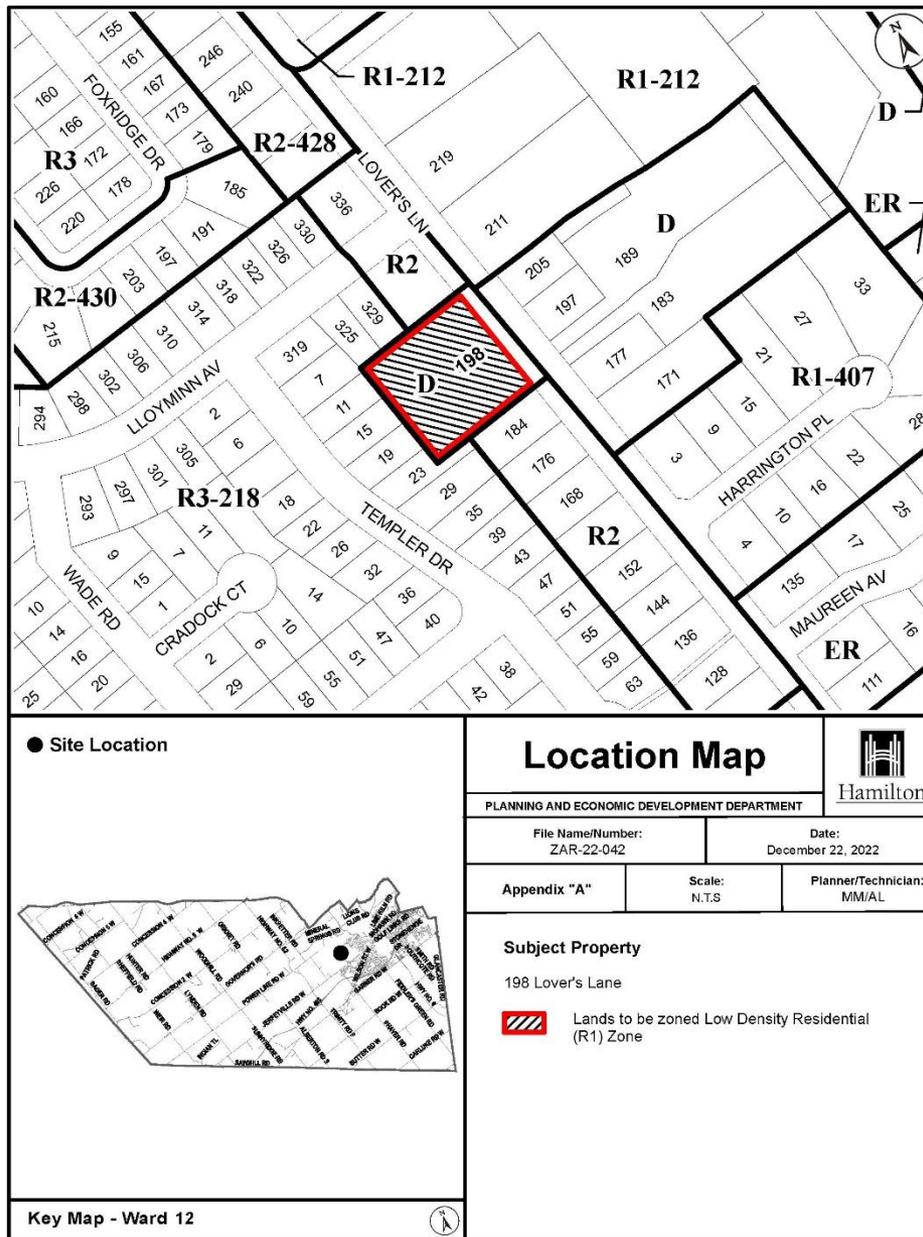
PLANNING COMMITTEE

February 14, 2023

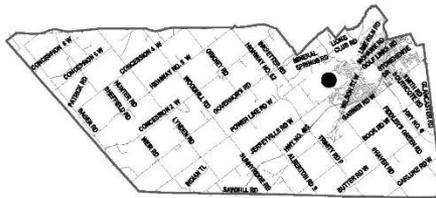
PED23041 – (ZAR-22-042)

Application for a Zoning By-law Amendment for Lands Located at
198 Lover's Lane, Ancaster.

Presented by: Mark Michniak



● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-22-042

Date:
December 22, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MM/AL

Subject Property

198 Lover's Lane

 Lands to be zoned Low Density Residential (R1) Zone

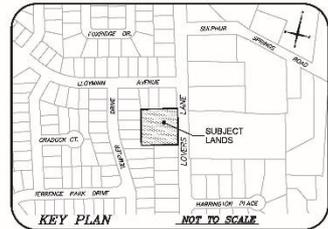
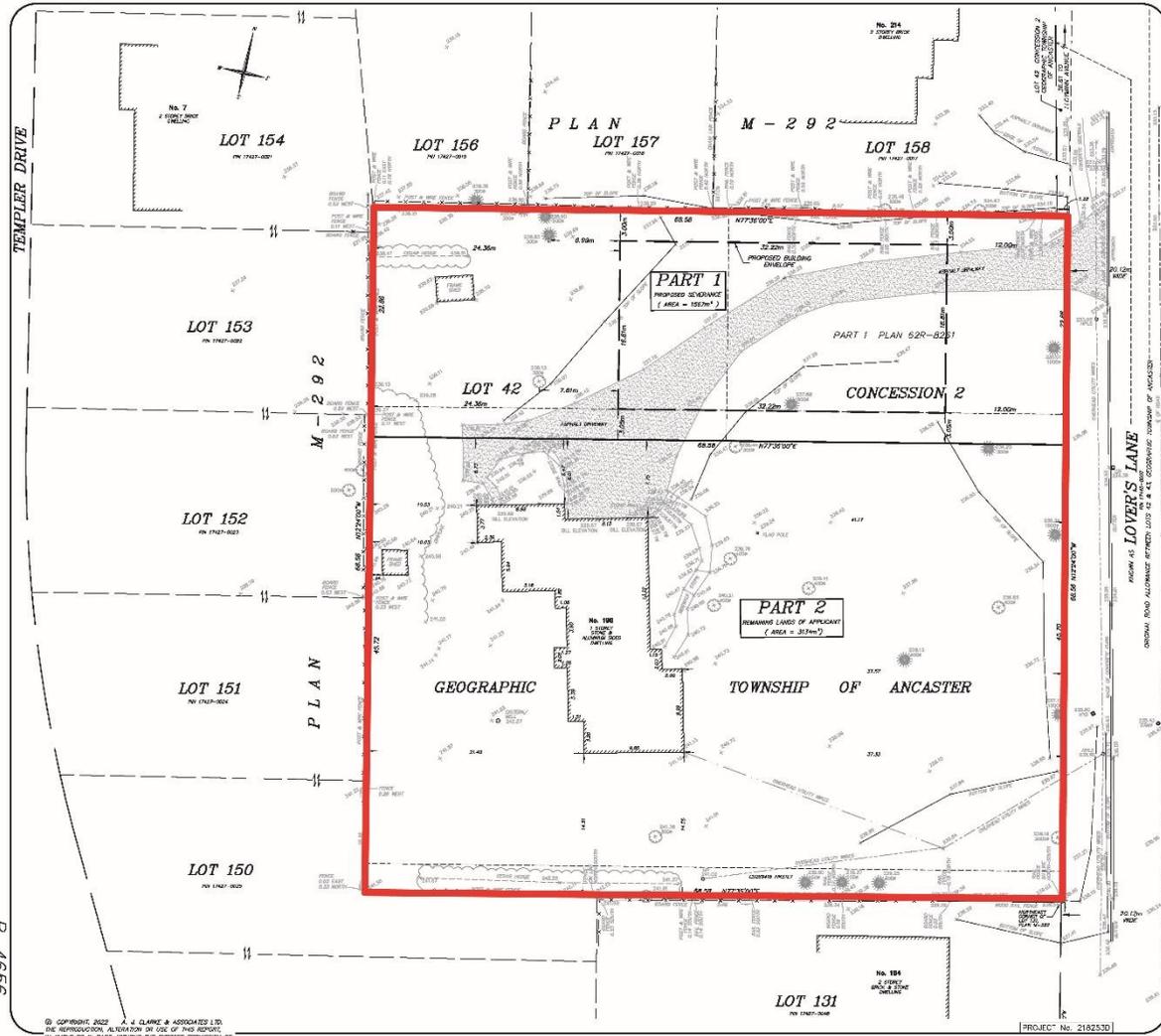


SUBJECT PROPERTY



198 Lover's Lane, Ancaster





SKETCH FOR CONSENT TO SEVER
 198 LOVERS LANE, ANCASTER
 IN THE
CITY OF HAMILTON
 SCALE 1:250
 0 5 10 metres

THE ABOVE NOTED LANDS ARE:
 PART OF LOT 42
 CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF ANCASTER

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CAUTION:
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 USED FOR TRANSFERRING OF MORTGAGED FUNDS.

JUNE 7, 2022
 DATE
 NICHOLAS P. MUTH
 ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO L8P 1H7
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Subject Lands



Subject Lands



Subject Lands



Lover's Lane looking north



Lover's Lane looking south



Properties on the opposite side of Lover's Lane



Adjacent properties to the north



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED23024) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-22-012 by A.J. Clarke and Associates on behalf of LJM Developments (Hamilton) Inc.-Owner**, to delete existing Site Specific Policy UHN-23, to permit the development of a 17 storey (52.5m) multiple dwelling, for the lands located at 2782 Barton Street East, as shown on Appendix “A” attached to Report PED23024, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23024, 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-22-023 by A.J. Clarke and Associates on behalf of LJM Developments (Hamilton) Inc.- Owner**, to change the zoning from “E-3/S-306c” (High Density Multiple Dwelling) District, Modified, to “E-3/S-306d” (High Density Multiple Dwelling) District, Modified, in order to permit a 17 storey (52.5 m) multiple dwelling with 313

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SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED23024) (Ward 5) - Page 2 of 16

residential units and 354 parking spaces, for lands located at 2782 Barton Street East, as shown on Appendix “A” attached to Report PED23024, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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 approval of Official Plan Amendment No. XXX.

EXECUTIVE SUMMARY

The applicant, LJM Developments (Hamilton) Inc., has applied for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to permit a 17 storey (52.5 m) multiple dwelling with 313 residential units and 354 parking spaces within three levels of underground parking, on the lands located at 2782 Barton Street East. The proposal is to delete the existing Site Specific Policy UHN-23 in the Urban Hamilton Official Plan and further modify the existing “E-3/S-306c” (High Density Multiple Dwelling) District, Modified zoning. With Council’s adoption and subsequent approval of OPA No.167 by the Ministry of Municipal Affairs and Housing which removed the maximum density provision within the “Neighbourhoods” designation, a maximum density still applies to the subject lands based on Site Specific Policy UHN-23. While the applicant originally applied to increase the density, staff recommend that the Official Plan Amendment should delete Site Specific Policy UHN-23. The applicant agrees with the amended approach provided by the City.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of the Official Plan Amendment. The proposed modifications can be supported as the application continues to provide for an appropriate level of intensification at this location that will support the provision of a mix of housing types in the neighbourhood.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED23024) (Ward 5) - Page 3 of 16

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	LJM Developments (Hamilton) Inc.
Applicant:	A.J. Clarke & Associates Ltd. (c/o Franz Kloibhofer)
File Numbers:	UHOPA-22-012 and ZAC-22-023
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	To permit a 17 storey (52.5 m) multiple dwelling with 313 residential units and 354 parking spaces and increasing the residential density to 552 units per hectare.
Property Details	
Municipal Address:	2782 Barton Street East, Hamilton
Lot Area:	0.56 ha (5,570 square metres).
Servicing:	Existing full municipal services.
Existing Use:	A multiple dwelling is currently being constructed on the subject lands as per the approved site plan.
Documents	
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” in Volume 1: Schedule “E” and “Neighbourhoods” on Volume 1: Schedule “E-1”. “UHN-23” within Volume 3, Chapter C – Hamilton Urban Site Specific Policies.

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Documents	
Official Plan Proposed:	Staff amended the application by recommending to delete Site Specific Policy “UHN-23” from Volume 3, Chapter C – Hamilton Urban Site Specific Policies whereas the submission requested modifying the existing site specific.
Zoning Existing:	“E-3/S-306c” (Multiple Dwellings) District, Modified.
Zoning Proposed:	Change in Zoning from “E-3/S-306c” (High Density Multiple Dwellings) District, Modified, to the “E-3/S-306d” (High Density Multiple Dwelling) District, Modified. Staff amended the application by recommending that the applicant only modify the regulations that are affected by the change in the proposal, instead of including current regulations that are proposed to stay the same.
Modifications Proposed:	<ul style="list-style-type: none"> • To increase the maximum height of the building from 50 metres to 52.5 metres; • To decrease the required setback of the building from the required daylight triangle from 1.5 metres to 0.16 metres; • To reduce the minimum size of the required loading space from 13.0 metres x 4.0 metres to 9.0 metres in length x 3.7 metres in width x 4.3 metres in height; • To increase the maximum Floor Ratio Index from 3.3 to 4.1; and, • To increase encroachment of balconies into the side yards from 1.0 metres to 1.8 metres.
Processing Details	
Received:	March 3, 2022
Deemed Complete:	March 25, 2022
Notice of Complete Application:	Sent to 141 property owners within 120 metres of the subject lands on April 8, 2022.
Public Notice Sign:	Posted on April 1, 2022 and updated with public meeting date on January 18, 2023.
Notice of Public Meeting:	Sent to property owners within 120 metres of the subject property on January 27, 2023.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED23024) (Ward 5) - Page 5 of 16

Processing Details	
Public Consultation	It was determined that a neighbourhood meeting was not required since there were two previously held meetings as part of Zoning By-law Amendment applications in 2018 and 2019 and there were two attendees in total.
Public Comments:	There have been no comments received to date.
Processing Time:	326 days from the date the application was deemed complete.

The subject lands have received previous planning approvals including:

- An Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (UHOPA-17-021 and ZAC-17-050) was approved on February 28, 2018, in order to permit a 13 storey multiple dwelling containing 211 dwelling units and 278 parking spaces;
- An Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (UHOPA-19-001 and ZAC-19-001) was approved on September 25, 2019 in order to permit a 13 storey mixed use building with 244 dwelling units with retail/commercial on the ground floor;
- A minor variance application was approved on October 07, 2020 to permit a building height of 50 m and 15 storeys, a maximum floor area ratio of 3.3, no visual barrier shall be provided along the southerly and westerly property lines, to permit one loading space, and permit a loading space size of 13 m x 4 m; and,
- A site plan control application (DA-20-026) was approved on October 28, 2021, and a building permit was issued to construct a 15 storey mixed use building, with 244 residential units, two levels of underground parking, surface parking and 765 sq. m of commercial space at grade.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	A Multiple Dwelling is currently being constructed.	"E-3/S-306c" (High Density Multiple Dwellings) District, Modified
Surrounding Land Uses:		
North	Industrial Buildings and Surface Parking	Prestige Business Park (M3) Zone

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South	Residential Townhouses	“DE/S-306” (Low Density Multiple Dwellings) District, Modified
East	Residential Townhouses	“DE/S-205” (Low Density Multiple Dwellings) District, Modified, “L-PN” (Planned) District, Modified
West	Multiple Dwelling	“E/S-306” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified

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 (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others apply to the proposal.

“1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.3 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.”

The proposed applications do not change the proposed use of a multiple dwelling (which was reviewed through previous approvals). The proposal seeks to increase the height and modify the applicable zoning regulations. Through previous zoning reviews and site plan approvals, staff confirmed that the proposal was appropriate and was considered to be consistent with the applicable provincial policy documents. Staff are of the opinion that the proposed changes are minor, and the proposal is consistent with the PPS.

Cultural Heritage and Archaeology

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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- 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.”

The subject lands meet two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. As part of the previous application (ZAC-17-050), a Stage 1, 2 (P255-0006-2017) archaeological report 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 January 17, 2018. The municipal interest in the archaeology of this portion of the site has been satisfied.

The subject lands are located adjacent to 2799 Barton Street, a circa 2004 place of worship included in the City’s Inventory of Heritage Buildings. Notwithstanding that the subject lands is adjacent to a property included in the City’s Inventory of Heritage Buildings; the heritage attributes of the heritage property will be conserved.

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.”

To address Ministry of the Environment, Conservation and Parks’ (MECP) noise guidelines, the applicant submitted an Environmental Noise Impact Study dated August 9, 2021 and prepared by GHB. The Study assessed the noise impact of road traffic on Barton Street East, Bell Manor Street and Gray Road, and stationary noise sources (industrial uses) to the north and east of the subject lands. To address traffic noise, the Study recommended the following noise control measures:

- Central air conditioning for units facing the north facade and provision for air conditioning for units facing the east and west facades;
- Upgraded window and exterior wall construction on the north facade (STC-31 for windows and STC-34 for exterior walls); and,
- Noise warning clauses for units facing the north, east and west facades (Type D for the north facade and Type C for the east and west facades).

No mitigation was required to address stationary noise as sound levels were found to be below Ministry Guidelines.

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An updated Noise Impact Study based on the final detailed design is required at the Site Plan Control stage and all required noise warning clauses and noise control measures will be required to be implemented as conditions of final site plan approval.

Based on the foregoing, the proposal is consistent with the PPS.

A Place to Grow: 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.

“2.2.1.4 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;”

The proposed applications do not change the proposed use of a multiple dwelling (which was reviewed through previous approvals). The proposal seeks to increase the height and modify the applicable zoning regulations. Through previous zoning reviews and site plan approvals, the proposal was appropriate and was considered to be consistent with the applicable provincial policy documents. Staff support the proposed changes and the proposal is consistent with the Place to Grow: Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1”: - Urban Land Use Designations of the UHOP and Site Specific Policy UHN-23 which permits a maximum density of 441 units per hectare on the subject lands. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is to be reviewed under the UHOP policies currently in effect and as amended by OPA No. 167.

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High Density Residential

- “E.3.6.7 *Development* within the high density residential category shall be evaluated on the basis of the following criteria:
- d) *Development* shall:
 - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures;
 - f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not:
 - i) Unduly overshadow or block light on adjacent sensitive land uses the public realm and outdoor private amenity areas; and,
 - ii) Or result in the loss of privacy of adjacent residential uses.”

The requested modifications are to permit an increase in height, increase the floor ratio index, decrease the setback to the daylight triangle only, reduce the size of the loading space and increase the balcony encroachment into the side yards.

As per policy E.3.6.7 f) i), a shadow study and wind study were required to support the requested increase in height. A wind study completed by RWDI dated June 17, 2021 confirmed there are no unsafe conditions and it recommended an updated study be submitted at the Site Plan Control stage to confirm any potential mitigation strategies for undesirable areas.

A shadow study prepared by RAW Design dated April 6, 2021 was submitted which provided the shadow for the as-of-right zoning and the shadow generated from the current proposal. Based on staff review the study demonstrated that the change in height from the as of right zoning will not create additional shadow impacts and is in accordance with City standards. A recommendation was provided to the applicant regarding the recessing of the mechanical penthouse so to lessen the visual impacts

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from street level, which will be further reviewed at Site Plan Control during the detailed design stage.

As per policy E.3.6.7 d) ii) and policy E.3.6.7 f) ii), the proposal provides a separation between the existing townhouse units to the south and east in the range of approximately 40 m and does not have an impact on the adjacent lands. As part of a previous approval, the proposed multiple dwelling encroached into the right-of-way angular plane by 12.85 m, and the requested proposal would further encroach into the angular plane by 2.5 m. Based on the analysis above, the additional encroachment within the angular plane will not impact the surrounding area. Overall, the proposed changes to the previously approved built form are minimal and the building will be similar in massing as the previously approved concept.

As per policy E.3.6.7 d) i), staff are supportive of the loading space reduction as site functionality will be maintained.

High Density Residential – Site Specific Policy

“UHN-23 – 2782 Barton Street East, City of Hamilton

1.0 Notwithstanding Policy E.3.6.6 b) of Volume 1, for the lands designated “Neighbourhoods” located at 2782 Barton Street East, the maximum net residential density shall be 441 units per hectare.”

The Official Plan Amendment application was to increase the density from 441 units per hectare to 561 units per hectare which is a result of changes to the unit sizes and an increase in height. Council’s adoption and subsequent approval of OPA No.167 by the Ministry of Municipal Affairs and Housing on November 4, 2022 removed the maximum density provision within the “Neighbourhoods” designation. Therefore, Staff have amended the application to delete UHN-23 to align with OPA No. 167 instead of increasing the density. The applicant is supportive of this change.

Infrastructure

“C.5.3.13 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system and that investments into the system will support the achievement of the intensification and density targets provided in Section E.2.0 – Urban Structure.

C.5.3.17 The City shall be satisfied that the adequate infrastructure services can be provided prior to any *development* or intensification proceeding and,

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where technically and economically possible, the City shall require such services to be located underground.”

In order to address policies C.5.3.11 and C.3.5.15, engineering and transportation studies and / or drawings were provided in support of the increased density. Development Engineering and Transportation Planning staff reviewed the information submitted and are in support of the proposed Official Plan Amendment and Zoning By-law Amendment applications. Transportation Planning Staff is supportive of the applications as the proposed number of residential units and parking supply can be accommodated by the existing surrounding transportation network. Development Engineering is satisfied that the submitted Functional Servicing Report, General Notes and Details Plan, Grading Plan, Servicing Plan, Erosion and Sediment Control Plan, Geotechnical Investigation, Survey Plan and Hydrogeological Assessment support the proposal.

Therefore, the proposal complies with the general intent of the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law No. 6593

To facilitate the proposed development, the applicant has applied to modify the existing “E-3/S-306c” (High Density Multiple Dwellings) District, Modified in City of Hamilton Zoning By-law No. 6593. The permitted uses include, but are not limited to, a three family dwelling and a multiple dwelling and permits a maximum height of 50 metres. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “D” attached to Report PED23024.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> • Staging of Development / Legislative Approvals Growth Planning, Planning and Economic Development Department; • Commercial Districts and Small Business Section, Planning and Economic Development; • Forestry and Horticulture Section, Environmental Services Division, Public Works Department; • Corporate Real Estate Perspective, Planning and Economic Development; and, • Landscape Architectural Services, Strategic Planning Division, Public Works Department. 	<p>No Comment or Concerns</p>

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Departments and Agencies		
	<ul style="list-style-type: none"> Asset Management Section, Engineering Services Division, Public Works Department; and, Construction Section, Engineering Services Division, Public Works Department. 	
	Comment	Staff Response
Transit Planning and Infrastructure, Transit Division, Public Works Department	Bell Manor Loop is a major node in the HSR system. Bus Access into the bus loop via Bell Manor Street and out of the loop onto both WB and EB Barton Street is to be maintained during all phases of construction.	Transit comments and Construction Management will be addressed at the Site Plan Control Stage.
Waste Management Operations Section, Environmental Services Division, Public Works Department	<p>This development is a multi-residential building which will require front-end bin service for collection of garbage, recyclable containers, recyclable papers, and organic waste.</p> <p>The waste design information that was provided for the previous site plan circulation through DA-20-026 was based on the “City of Hamilton Solid Waste Collection Design Guidelines for Developments” (2015 version). The waste design requirements outlined in this Memorandum is based on the “City of Hamilton Waste Requirements for Design of New Developments and Construction” (approved Nov. 2021). The current waste design document includes new waste collection services for multi-residential buildings which would improve the service level for this proposed development.</p>	Waste Collection comments have been addressed as part of the previously approved 2020 site plan (DA-20-026).
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The Development Engineering Approvals section has reviewed the submitted documentation and is able to support the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment application.	Development Engineering will require an updated Functional Servicing Report at the Site Plan Control Stage.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	The documentation verified that the municipal infrastructure can accommodate the development and an updated Functional Servicing Study will be required at the detailed design stage to confirm the total usage of the proposed development.	
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning is in support of the UHOPA and ZBA because the development projected can be accommodated by the surrounding transportation network.</p> <p>Transportation Planning reviewed and approved the following: Transportation Impact Study (TIS) prepared by Paradigm Transportation Solutions Limited dated August 2022.</p> <p>Transportation Planning notes that the applicant have demonstrated short-term and long-term bicycle parking spaces within property limits have been provided as per the City of Hamilton Zoning By-law No. 05-200.</p> <p>As part of a Site Plan Control application, it will need to be shown that long-term bicycle parking space requirements can be met.</p> <p>As part of a special condition of a future Site Plan Control application, the applicants will need to confirm the percentage grade of the ramp and if the grades are in excess of 10% then a letter certifying the design of the ramp will need to be provided and signed by a licenced Architect or Engineer.</p>	Transportation comments will be addressed 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

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sent to 141 property owners within 120 metres of the subject property on April 8, 2022. A Public Notice sign was posted on the property on April 1, 2022 and updated with the Public Meeting date on January 16, 2023. Finally, Notice of the Public Meeting was mailed on January 27, 2023 in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

It was determined that a neighbourhood meeting was not required since there were two previously held meetings as part of Zoning By-law Amendment applications in 2018 and 2019 and there were two attendees in total.

To date, no public submissions have been received by staff.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow Plan, 2019 as amended;
 - (ii) The applications comply with the policies of the Urban Hamilton Official Plan subject to the Urban Hamilton Official Plan Amendment; and,
 - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by providing for the development of a range of housing types, contributing to a complete community, making efficient use of existing infrastructure within the urban boundary, and supporting commercial businesses.

2. Official Plan Amendment

The proposed multiple dwelling use is permitted in the UHOP as the subject site and proposed development meet the criteria of the High Density Residential category of the “Neighbourhoods” designation. However, the existing Site Specific Policy UHN-23 caps the maximum net residential density at 441 units per hectare. The applicant submitted an Official Plan Amendment application to amend the existing site specific policy to increase the net residential density to 561 units per hectare.

Council’s adoption and subsequent approval of OPA No.167 by the Ministry of Municipal Affairs and Housing on November 4, 2022 removed the maximum density provision within the “Neighbourhoods” designation. Therefore, Staff have

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amended the application to delete Site Specific Policy UHN-23 to align with OPA No. 167 instead of increasing the density. Therefore, staff support the proposed Official Plan Amendment. The applicant agrees with the amended approach provided by the City.

In terms of the proposal, Staff are supportive for the following reasons:

- There are no unsafe wind conditions for pedestrians;
- There is no loss in privacy for the adjacent low density residential to the south and east;
- The proposed shadow will not create additional shadow impacts and is in accordance with City standards; and,
- The existing infrastructure and transportation network can support the increase.

Therefore, Staff support the Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned “E-3/S-306c” (High Density Multiple Dwellings) District, Modified, in Hamilton Zoning By-law No. 6593 which permits a range of residential and commercial uses. The applicant is requesting a further modification to the “E-3/S-306c” (High Density Multiple Dwelling) District, Modified, to permit a 17 storey (52.5 m) multiple dwelling with 313 residential units and 354 parking spaces. The site specific modifications are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” attached to Report PED23024.

The proposal can be supported as there are no additional shadow impacts on the surrounding areas, there are no unsafe wind conditions and it provides a range of housing opportunities in the neighbourhood. The proposal will continue to contribute to a complete community and the existing infrastructure and transportation network can support the development.

Therefore, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands can be used in accordance with the “E-3/S-306c” (High Density Multiple Dwellings) District, Modified in City of Hamilton Zoning By-law No. 6593 and final approved site plan application (DA-20-026). The “E-3/S-306c” (High Density Multiple Dwellings) District, Modified, permits a range of

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commercial, residential and institutional uses on the subject lands with a maximum height of 50.0 m.

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.

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 Report PED23024 – Location Map

Appendix “B” to Report PED23024 – Draft Official Plan Amendment

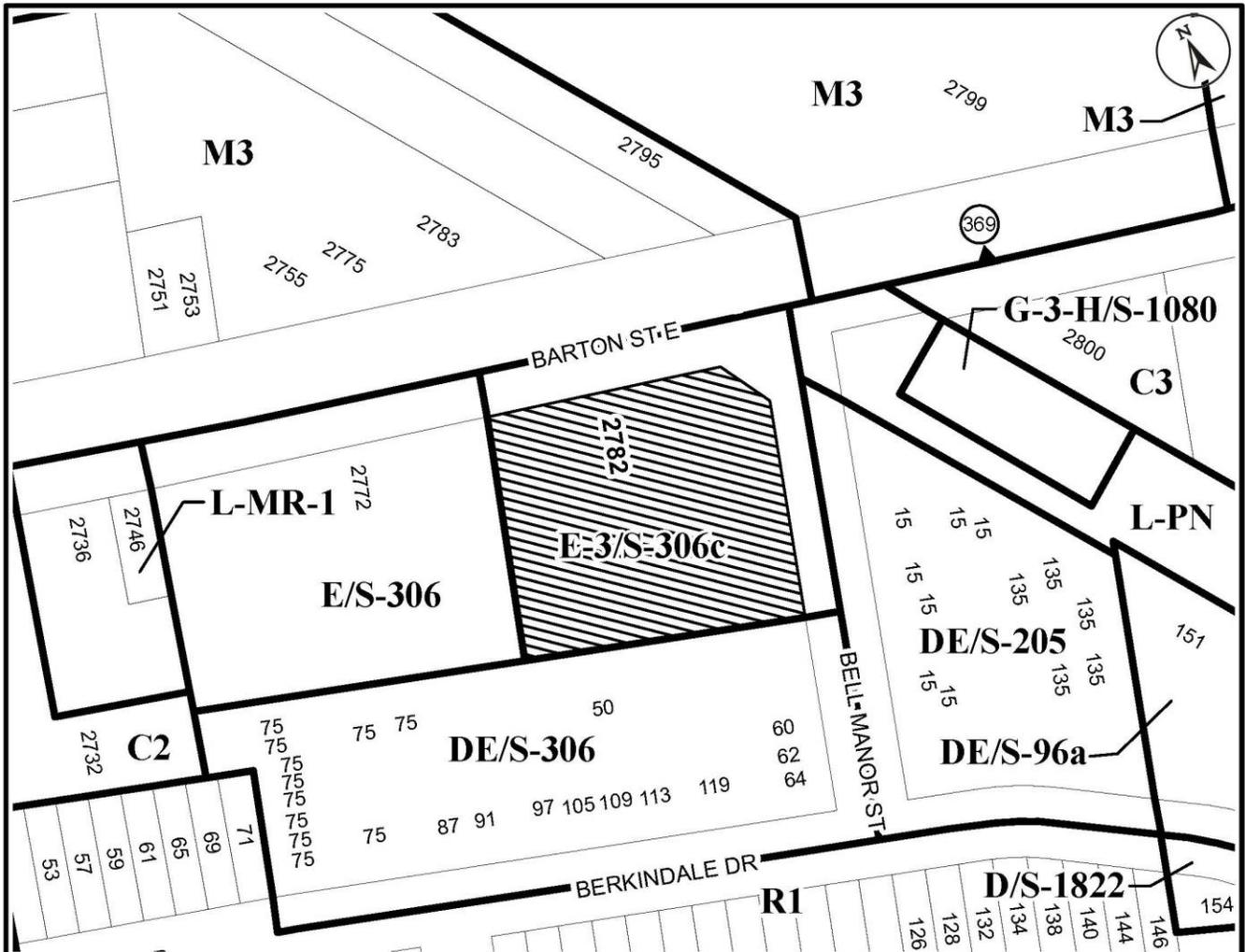
Appendix “C” to Report PED23024 – Draft Amendment to Zoning By-law No. 05-200

Appendix “D” to Report PED23024 – Zoning By-law Site Specific Modification Chart

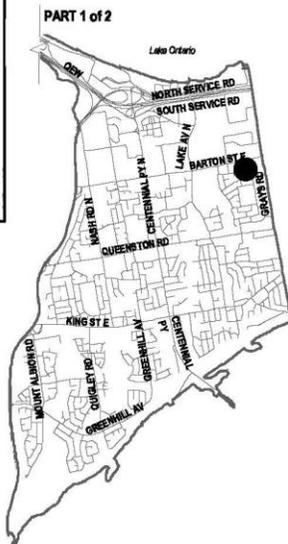
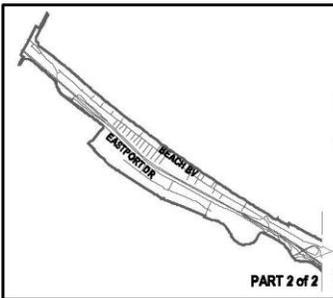
Appendix “E” to Report PED23024 – Revised Concept Plan and Elevations

AB:sd

Appendix "A" to Report PED23024
Page 1 of 1



● Site Location



Key Map - Ward 5

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-023 & UHOPA-22-012

Date:
January 26, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MK/AL

Subject Property

2782 Barton Street East



Change in Zoning from "E-3/S-306c"
(High Density Multiple Dwelling) District, Modified
to "E-3/S-306d" (High Density Multiple Dwelling)
District, Modified

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 and effect of this Amendment is to delete the existing Urban Site Specific Policy UHN-23 to facilitate the development of a 17 storey multiple dwelling on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 2782 Barton Street East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment implements recent policy changes to the High Density Residential areas of the "Neighbourhoods" designation of the Urban Hamilton Official Plan as a result of the City's Municipal Comprehensive Review Official Plan Amendment No. 167.
- The proposed development supports the residential intensification policies of the Urban Hamilton Official Plan through the creation of residential units within the urban area, adjacent to existing services, and in proximity to existing transit, community amenities, and shopping; 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 3 – SPAs, Area Specific & Site Specific

Text

4.1.1 Volume 3, Chapter C – Urban Site Specific Policies

- a. That Volume 3, Chapter C – Urban Site Specific Policies be amended by deleting Site Specific Policy UHN-23 in its entirety.

Maps and Appendices

4.1.2 Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by removing Site Specific Area UHN-23, as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

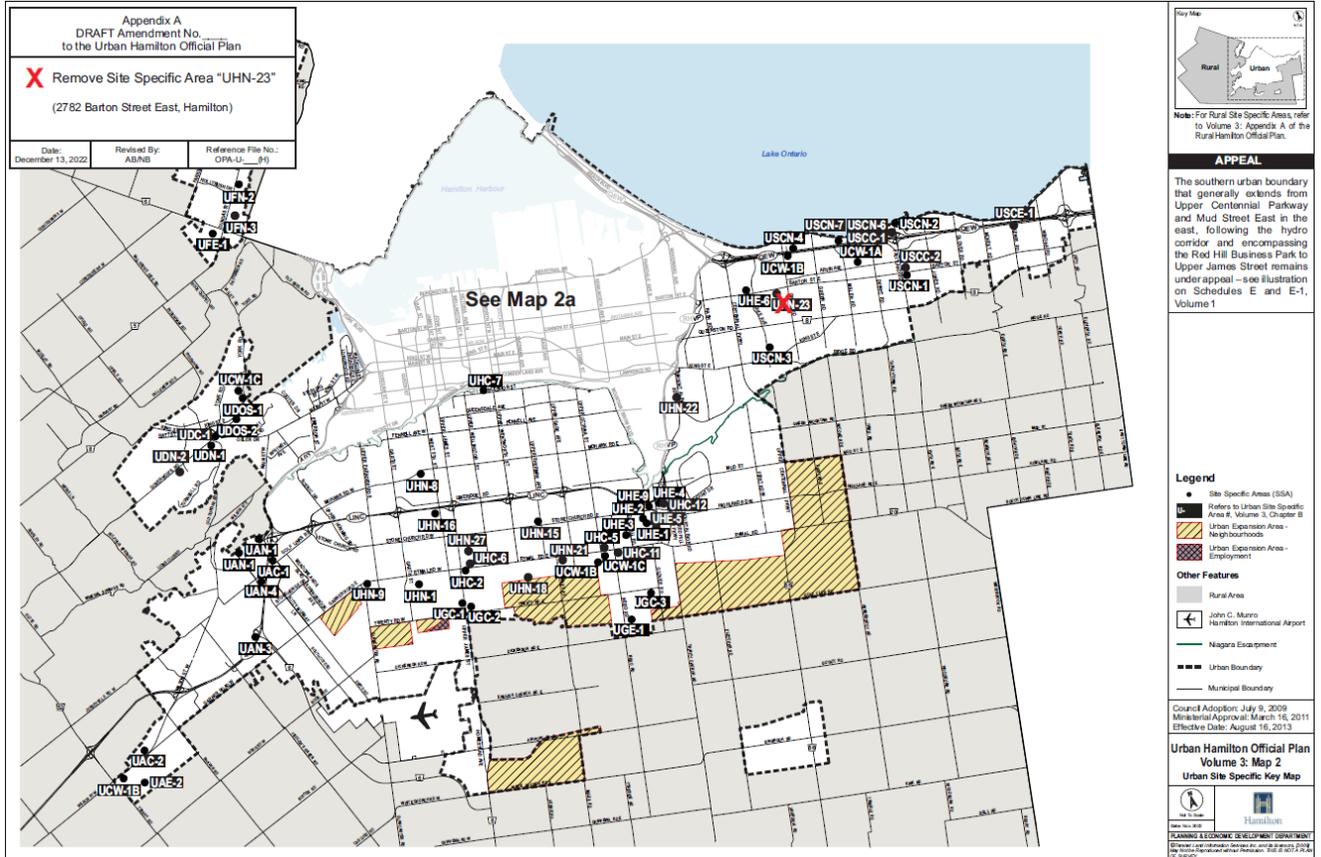
An implementing Zoning By-Law Amendment and Site Plan Amendment application will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of ___, 2023.

**The
City of Hamilton**

A. Horwath
MAYOR

A. Holland
CITY CLERK



Appendix “C” to Report PED23024**Page 1 of 3**

Authority: Item ,
 Report (PED23024)
 CM:
 Ward: 5

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

**To Amend Zoning By-law No. 6593,
 for lands municipally known as 2782 Barton Street East, Hamilton**

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 22-_____ of the Planning Committee, at its meeting held on the 14th day of February 2023, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of OPA No. XX;

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

1. That Sheet No. E123 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton) as amended, is further amended by changing the zoning from “E-3/S-306c” (Multiple Dwellings) District, Modified, to “E-3/S-306d” (High Density Multiple Dwellings) District, Modified, on the lands, the extent to which are shown on a plan hereto annexed as Schedule “A”:
 - a) Section 2 a) be deleted and replaced with, “That notwithstanding Section 11C(1a)(b), where a building or structure is distant not greater than 30.0 metres

**Appendix “C” to Report PED23024
Page 2 of 3**

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 2782 Barton Street East, Hamilton**

(98.43 feet) from a “DE”, “DE-2”, DE-3”, “RT-10”, “RT-20” or “RT-30” District, the height of a building or structure shall not exceed seventeen storeys or 52.7 metres (172.90 feet) in height.”

- b) Section 2 c) be deleted and replaced with, “That notwithstanding Section 11C(2)(b), an easterly side yard having a width not less than 2.1 metres (6.88 feet), except 0.16 metres (0.62 feet) to the hypotenuse of the daylight triangle, and a westerly side yard having a width not less than 2.7 metres (8.85 feet) shall be provided and maintained.”
 - c) Section 4 j) is deleted and replaced with, “That notwithstanding Section 18A(1)(c), one (1) loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 9.0 metres in length, 3.7 metres in width and 4.3 metres in height”.
2. That Section 3 of By-law No. 19-234 is amended by adding the following special requirements as j) and k):
- j) The notwithstanding Section 11C(4), a maximum floor area ratio of 4.1 shall be permitted.
 - k) That notwithstanding Section 18 (3) (vi) (cc), a balcony may encroach into any required yard not more than 1.8 metres.
3. That By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-306d.
4. That the clerk is hereby authorized and directed to proceed with the giving on notice of the passing of the By-law, in accordance with the *Planning Act*.

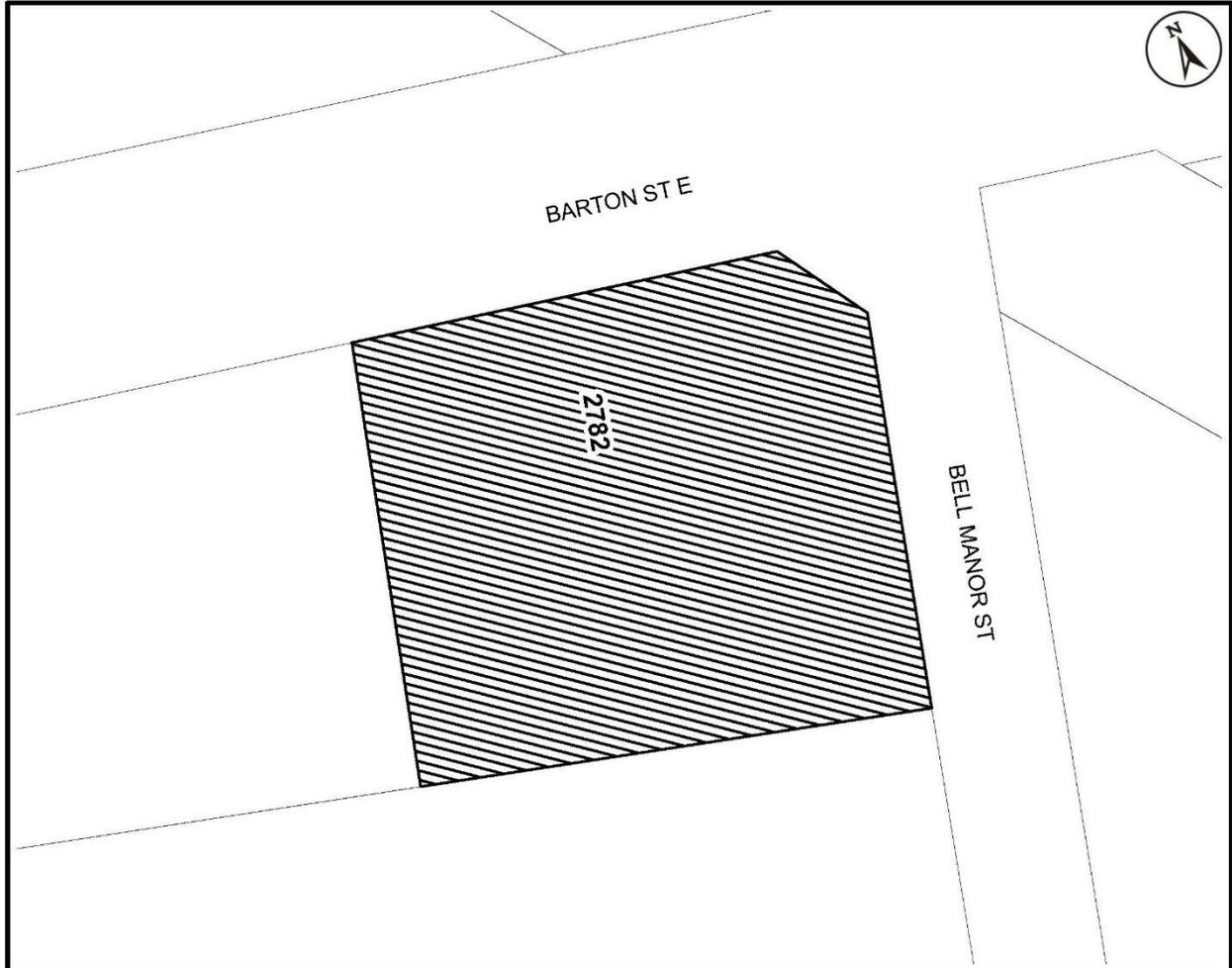
PASSED this _____, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "C" to Report PED23024
Page 3 of 3

To Amend Zoning By-law No. 6593,
Respecting Lands Located at 2782 Barton Street East, Hamilton



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>2782 Barton Street East</p> <p> Change in Zoning from "E-3/S-306c" (High Density Multiple Dwelling) District, Modified to "E-3/S-306d" (High Density Multiple Dwelling) District, Modified</p>
---	--

Site Specific Modifications to the Zone

Regulation	Required	Modification	Analysis
11C (b) Maximum Building Height	50 m or 15 stories when the structure is not greater than 30 m from a “DE”, “DE-2”, “DE-3”, “RT-10”, “RT-20” or “RT-30” (as per minor variance HM/A-19:462).	52.7 m or 17 storeys when the structure is not greater than 30 m from a “DE”, “DE-2”, “DE-3”, “RT-10”, “RT-20” or “RT-30”.	<p>The requested increase in height is minor and meets the intent of the Urban Hamilton Official Plan. In terms of the proposal Staff are supportive of the height of the building because it meets the intent of the Urban Hamilton Official Plan by:</p> <ul style="list-style-type: none"> • Confirming no unsafe wind conditions for pedestrians; • No loss in privacy for the adjacent low density residential to the south and east; • No additional shadow impacts and is in accordance with City standards; and, • The existing infrastructure and transportation network can support the increase. <p>Therefore, Staff are supportive of the modification.</p>
11C(2)(b) Side Yard Depth	Easterly side yard of a depth of not less than 2.0 metres except 1.5 metres to the hypotenuse of the daylight triangle, and a westerly side yard having a depth not less than 2.6 metres.	Easterly side yard of a depth of not less than 2.1 metres except 0.19 metres to the hypotenuse of the daylight triangle, and a westerly side yard having a depth not less than 2.7 metres.	<p>The requested amendment is to increase the required side yards and decrease the setback from the daylight triangle. As this reflects an increase for the side yards to represent the as built conditions the increase can be supported.</p> <p>A request is being made to reduce the minimum setback from the hypotenuse of the daylight triangle to 0.16 m. The requested setback only applies to the underground parking area and two units located on the ground floor, not the entire building. The proposed reduction still maintains appropriate separation distance between the ground floor units and the intersection. In addition, Development Engineering and Transportation Planning Staff have reviewed the supporting documentation and are satisfied the proposal can be supported while still providing opportunities for landscaping to buffer the ground floor units.</p> <p>Therefore, Staff can support this modification.</p>

Regulation	Required	Modification	Analysis
Section 18A (Table 3) Minimum Loading Space Size	One loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 13.0 metres by 4.0 metres (as per minor variance HM/A-19:462).	One loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 9.0 metres in length, 3.7 metres in width and 4.3 metres in height.	The purpose of the modification is to allow for a reduction in the size of the required loading space. The concept submitted showed that the reduced loading space can function within the proposed parking layout. Therefore, Staff are supportive of the modification.
Section 11(5) Maximum Floor Area Ratio	3.3 (as per minor variance HM/A-19:462).	4.1	The purpose of the modification is to increase the maximum floor area ratio. The proposed modification can be supported because it meets the intent of the Urban Hamilton Official Plan by: <ul style="list-style-type: none"> • Confirming no unsafe wind conditions for pedestrians; • No loss in privacy for the adjacent low density residential to the south and east; and, • No additional shadow impacts and is in accordance with City standards. Therefore, Staff are supportive of the modification.
Section (3) (vi) (cc) Encroachments into Yards	A balcony may encroach into the required side yard not more than 1.0 metres.	A balcony may encroach into the required side yard not more than 1.8 metres.	The purpose of the amendment is to increase the depth of the balconies to 1.8 metres. This results in the balconies facing the side yard to encroach an additional 0.8 metres than what is currently permitted. The intent of the balcony encroachments is to ensure that matters such as overlook, and adequate privacy are addressed while still providing opportunity for amenity space to residents. In this case, the proposed development abuts surface parking for a residential building to the west and Bell Manor Road the east. Therefore, the proposed balcony encroachments would not negatively impact the surrounding properties. Therefore, Staff approve the modification.



WELCOME TO THE CITY OF HAMILTON

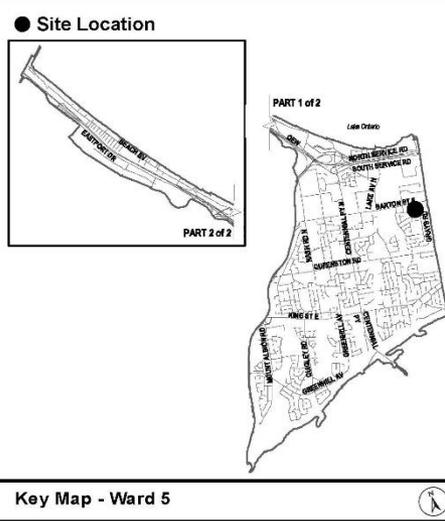
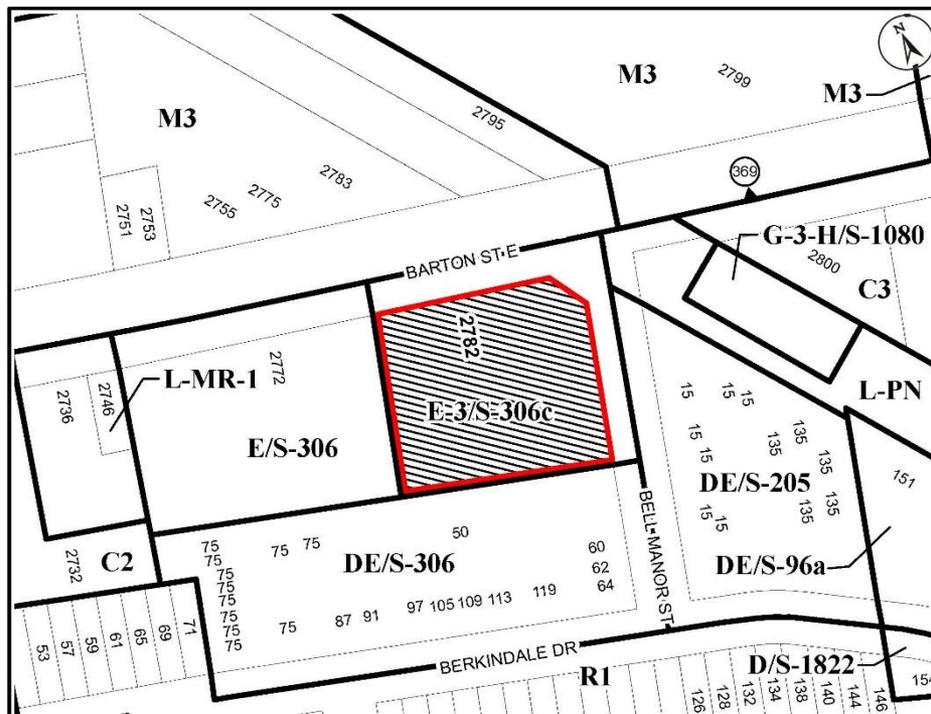
PLANNING COMMITTEE

February 14, 2023

PED23024 – (ZAC-22-023 & UHOPA-22-012)

Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton.

Presented by: Alaina Baldassarra



Location Map


Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-22-023 & UHOPA-22-012	Date: January 26, 2023
Appendix "A"	Scale: N.T.S.
Planner/Technician: MK/AL	

Subject Property

2782 Barton Street East

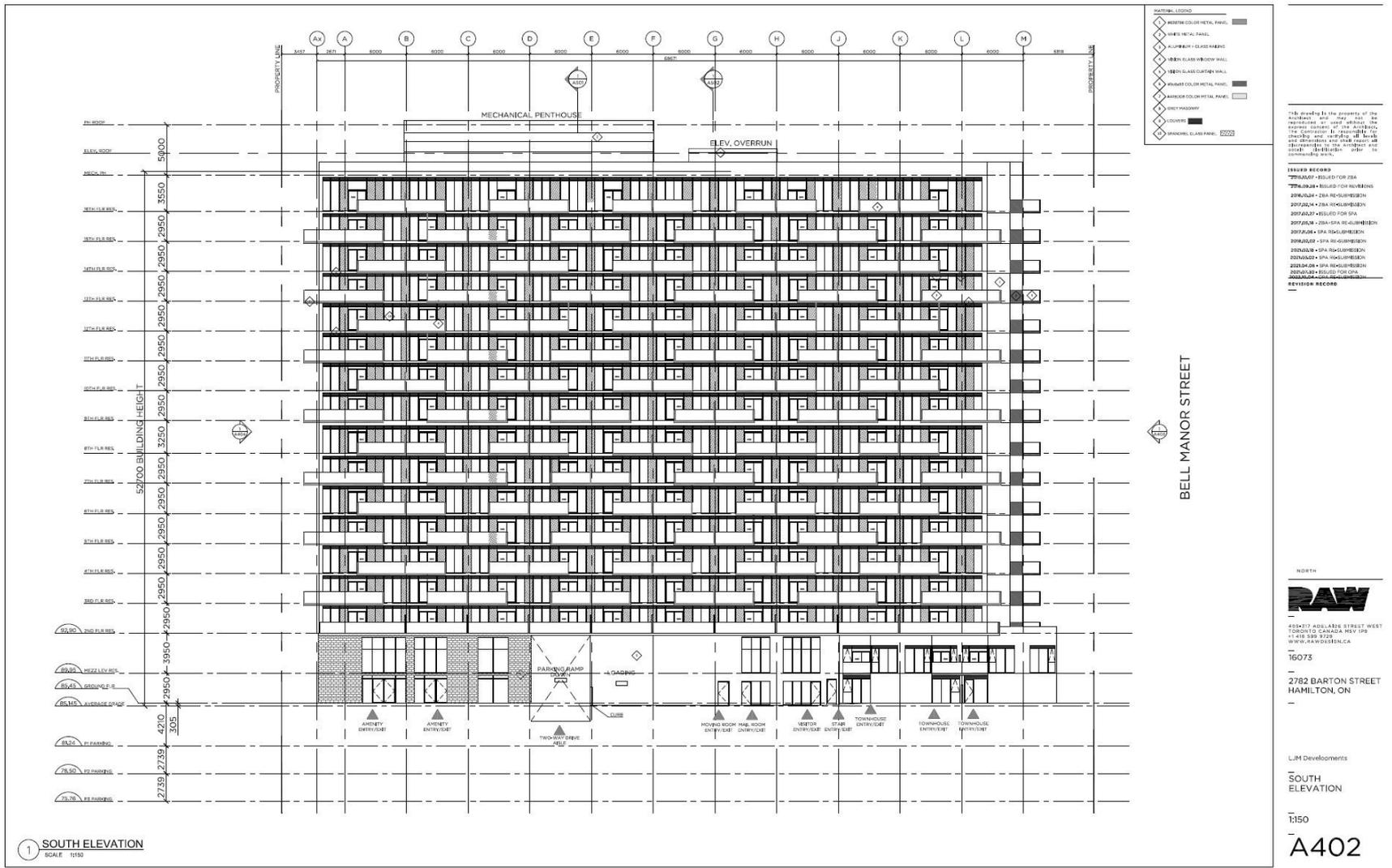
 Change in Zoning from "E-3/S-306c" (High Density Multiple Dwelling) District, Modified to "E-3/S-306d" (High Density Multiple Dwelling) District, Modified



Maxar, Microsoft, Hamilton Airphoto (2021)

SUBJECT PROPERTY  **2782 Barton Street East, Hamilton**





MATERIAL LISTING

- AMBER COLOUR METAL PANEL
- SILVER METAL PANEL
- ALUMINIUM + GLASS PANEL
- 100% GLASS WINDOW WALL
- AMBER GLASS CURTAIN WALL
- AMBER COLOUR METAL PANEL
- SILVER METAL PANEL
- BRICK MASONRY
- CONCRETE
- WINDOW GLASS PANEL

This drawing is the property of the Architect and may not be reproduced, copied, altered, or used in any way without the written consent of the Architect. The Contractor is responsible for checking and verifying all details and dimensions on the ground and to coordinate with the adjacent and existing structures prior to commencing work.

ISSUE RECORD

7/24/2024	ISSUED FOR ISA
7/24/2024	ISSUED FOR REVISIONS
2/26/2024	ISA RE-CLAMBERSON
2/27/2024	ISA RE-CLAMBERSON
2/28/2024	ISSUED FOR ISA
2/27/2024	ISA RE-CLAMBERSON
2/28/2024	ISSUED FOR ISA
2/28/2024	ISA RE-CLAMBERSON

REVISION RECORD

BELL MANOR STREET

NORTH

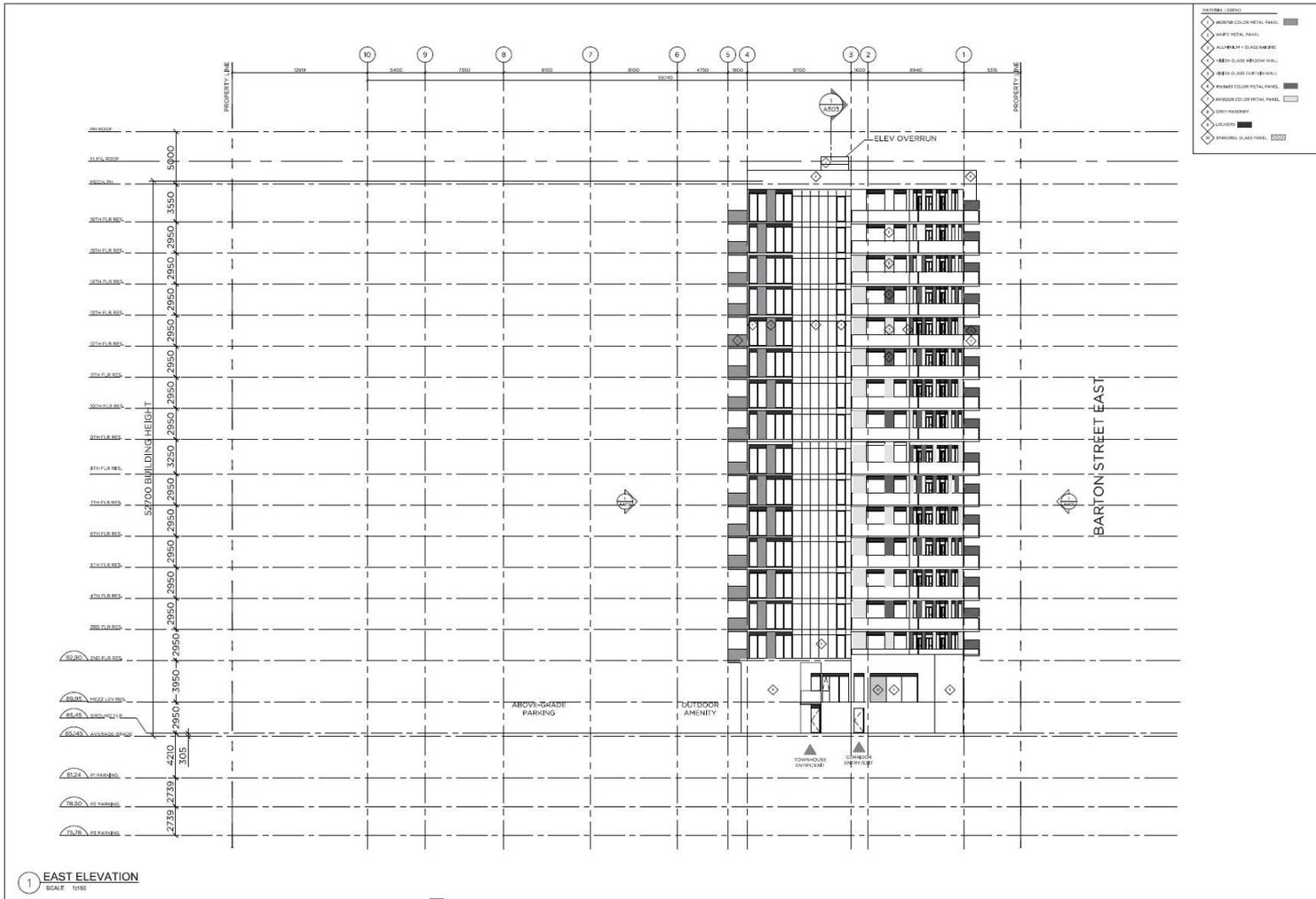
454-717 ADLAISE STREET WEST
 TORONTO CANADA M5V 1P9
 416 598 8228
 WWW.RAWDESIGN.CA

16073

2782 BARTON STREET
 HAMILTON, ON

1 SOUTH ELEVATION
 SCALE 1/150

LJM Developments
 SOUTH ELEVATION
 1/150
A402



Previously Approved Site Plan (obtained building permit and currently under construction)

- Construct a 15 storey mixed-use building with 244 residential units and 765 square metres of commercial at grade. The proposal includes 3 levels of underground parking and surface parking providing a total of 302 parking spaces provided.

Current Proposal (revised for Official Plan Amendment and Zoning By-law Amendment)

- Construct a 17 storey multiple dwelling with 313 residential units. The proposal includes 3 levels of underground parking and surface parking providing a total of 354 parking spaces.



Subject Lands



Residential uses on Berkindale Drive adjacent to the rear of the Subject Lands



North side of Barton Street East (across from the Subject Lands)



Residential to the east of the Subject Lands on Bell Manor Street



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Amended **Zoning By-law Amendment Application ZAR-22-033, by Urban in Mind (c/o Jacob Dickie), on behalf of Bill Wieske (Applicant) and Andrew Elgersma and Kayla Elgersma (Owners)**, for a change in zoning from the Existing Residential “ER” Zone to the Low Density Residential (R1, 835) Zone and from the Residential Holding “H-R3-144” Zone, Modified to the Low Density Residential (R1, 835) Zone to facilitate the development of a single detached dwelling for lands located at 91 and 95 Strathearne Place, Glanbrook, as shown on Appendix “A” attached to Report PED23036, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED23036, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019, as amended), and comply with the Urban Hamilton Official Plan and the Mount Hope Secondary Plan.

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

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

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 2 of 14

EXECUTIVE SUMMARY

The subject lands municipally known as 91 and 95 Strathearne Place are located south of Strathearne Place in the Mount Hope Community. The purpose of the Zoning By-law Amendment is for a change in zoning from the Existing Residential “ER” Zone and the Residential Holding “H-R3-144” Zone, Modified in the Township of Glanbrook Zoning By-law No. 464 to the Low Density Residential (R1, 835) Zone in the City of Hamilton Zoning By-law No. 05-200 to facilitate development of a single detached dwelling and to retain the existing single detached dwelling.

A consent application (File: GL/B-22:39) to create a new lot for the single detached dwelling was considered by the Committee of Adjustment on June 23, 2022 and approved with conditions. Condition 5 of the Consent approval, attached as Appendix “E” to Report PED23036, requires final approval of the Zoning By-law Amendment application, in addition to other conditions, before the consent can be finalized.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan and the Mount Hope Secondary Plan; and,
- It is compatible with and complementary to the existing surrounding neighbourhood.

Alternatives for Consideration – See Page 13

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 a Zoning By-law Amendment.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 3 of 14

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Bill Wieske/Andrew Elgersma and Kayla Elgersma
Agent:	Urban in Mind c/o Jacob Dickie
File Number:	ZAR-22-033
Type of Application:	Zoning By-law Amendment
Proposal:	To facilitate development of a single detached dwelling having frontage on Strathearne Place and to retain the existing single detached dwelling having frontage on Strathearne Place.
Property Details	
Municipal Address:	91 and 95 Strathearne Place.
Lot Area:	0.22 ha.
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling (to remain on lot to be retained).
Proposed Uses:	The existing single detached dwelling on Strathearne Place is proposed to remain and a new single detached dwelling (proposed on the lot to be severed and merged with lands to be known municipally as 95 Strathearne Place) is proposed with frontage on Strathearne Place.
Documents	
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.
Secondary Plan:	Map "B.5.4-1" – Land Use Plan: Low Density Residential 2 in the Mount Hope Secondary Plan.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 4 of 14

Documents	
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Existing Residential “ER” Zone and Residential Holding “H-R3-144” Zone, Modified (Township of Glanbrook Zoning By-law No. 464).
Zoning Proposed:	Low Density Residential (R1, 835) Zone (City of Hamilton Zoning By-law No. 05-200).
Modifications Proposed	Staff recommend removing the permission for street townhouse dwellings as the use is not permitted by the Mount Hope Secondary Plan.
Processing Details	
Received:	May 12, 2022
Deemed Complete:	May 26, 2022
Notice of Complete Application:	Sent to 76 property owners within 120 m of the subject property on June 3, 2022.
Public Notice Sign:	Posted June 8, 2022 and updated with Public Meeting date January 18, 2023.
Notice of Public Meeting:	Sent to 76 property owners within 120 m of the subject property on January 27, 2023.
Public Comments:	One email expressing concern (attached as Appendix “D” to Report PED23036).
Processing Time:	250 days from receipt of application.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling.	Existing Residential “ER” Zone and Residential Holding “H-R3-144” Zone, Modified.
Surrounding Lands:		
North	Single detached dwellings.	Existing Residential “ER” Zone.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 5 of 14

South	Single detached dwellings.	Residential “R4-209(B)” Zone, Modified, Residential “R3” Zone and Residential “R3-143” Zone, Modified.
East	Single detached dwellings.	Existing Residential “ER” Zone.
West	Single detached dwellings.	Residential “R3” Zone and Residential Holding “H-R3-144” Zone, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of Provincial interest (e.g. efficiency of land use) are discussed in the Official Plan analysis below.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan (UHOP) it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the UHOP. The subject lands are also designated “Low Density Residential 2” on

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 6 of 14

Map B.5.4-1, Mount Hope Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the subject application.

Archaeology

“B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. The applicant prepared an archaeological assessment which examined the archaeological potential of the site to the satisfaction of the Ministry. Staff received a copy of the letter from the Ministry dated June 21, 2022 confirming that archaeological matters have been addressed. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

Tree Management

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

A Tree Inventory and Preservation Plan Report has been prepared by Kuntz Forestry Consulting Inc. (Kaylee Harper; certified arborist) dated March 16, 2022. A total of three trees have been inventoried and all trees will be protected. Staff have reviewed the Tree Inventory and Preservation Plan and do not have any concerns.

Mount Hope Secondary Plan

The subject lands are designated “Low Density Residential 2” on Map B.5.4-1, Mount Hope Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the proposal.

“B.5.4.2.2 Low Density Residential

- a) Notwithstanding Sections E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2 on Map B.5.4-1 – Mount Hope – Land Use Plan:

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 7 of 14

- i) The permitted uses shall primarily consist of single detached dwellings, duplex, semi-detached and triplex dwellings; and,
- ii) The maximum density shall be 25 units per net hectare.”

The proposed use is permitted and complements the surrounding neighbourhood in that the surrounding land uses are single detached dwellings. The number of dwellings permitted on a property will not change as a result of this zoning amendment so the density will not change. As a result of the Consent application, the density of development on the subject lands will increase from 5 to 10 units per net hectare. This is within the permitted density. In their review of the associated consent application, the Committee of Adjustment found that the proposal for a new lot does not conflict with the intent of the UHOP (attached as Appendix “E” to Report PED23036).

Noise and Other Airport Impacts

“B.5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimised and the operations of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District are not compromised: (OPA 142)

- a) Sections B.3.6.3 – Noise, Vibration and Other Emissions and C.4.8 – Airport of Volume 1, shall apply to the Mount Hope Secondary Plan area;
- b) all new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines; and,
- c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.”

The proposed development is located within the vicinity of the John C. Munro International Airport. The subject lands are located between the 25 NEF and 28 NEF Contour lines within Appendix D – Noise Exposure Forecast Contours and Primary Zoning Regulations Area in the UHOP.

The Hamilton International Airport reviewed the application and did not have any objections to the proposed zoning changes. The comments noted that the property is

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 8 of 14

located within the Outer Surface of the Airport Zoning Regulations. The maximum allowable height for any building or object is 275 metres above sea level. The applicant will have to demonstrate compliance with the Airport Zoning Regulation through a Legal Land Survey. All development in the City of Hamilton shall comply with the Hamilton Airport Zoning Regulations as per Section 4.17 of Zoning By-law No. 05-200.

The proposed development is a single detached dwelling which is permitted as of right under the existing zoning, and it is similar to the surrounding land uses. The proposed use is anticipated to experience a similar level of noise as surrounding land uses.

A Noise Impact Study has been prepared by Pinchin (Weidong Li, Licensed Professional Engineer) dated December 19, 2022. The report concluded that the proposed residential dwelling may be constructed meeting the requirements in the Ontario Building Code and that the dwelling be designed to allow provision of central air conditioning at the occupant's discretion. Finally, a warning clause is also required. It is the applicant's responsibility to advise future residents of the warning clause in lease or rental agreements and/or agreements of purchase and sale. Staff have requested a modification to the conditions of the consent approval requiring that the owner include the warning clause in lease or rental agreements and/or agreements of purchase and sale.

Therefore, the proposal complies with the policies of the UHOP and the Mount Hope Secondary Plan.

Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Existing Residential "ER" Zone and Residential Holding "H-R3-144" Zone, Modified, in the Township of Glanbrook Zoning By-law No. 464, as shown on Appendix "A" attached to Report PED23036. The Existing Residential "ER" Zone permits single detached dwellings, including uses, buildings or structures accessory to the permitted use. The Residential Holding "H-R3-144" Zone, Modified, only permits agricultural uses and existing dwellings while the Holding Provision is applied. The Holding Provision was applied to require the proper resolution of the related ownership issue and the subsequent consolidation of these lands with adjacent lands.

The intent of the Holding Provision on lands designated "H-R3-144" is to ensure that land ownership is addressed. The Holding Provision was applied to the lands by Township of Glanbrook By-law No. 464-51-00 on April 3, 2000. The Holding Provision required the following:

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 9 of 14

“The removal of the holding symbol “H” by By-law for the lands zoned Residential Holding H-R3-144, as shown on the attached Schedule A, shall require proper resolution of the related ownership issue and their subsequent consolidation of these lands with the appropriate adjacent lands to the east and/or west. The establishment of these lands as a separate lot shall not be permitted.”

As such, the applicant had proposed a rezoning to the Residential “R3” Zone in Township of Glanbrook Zoning By-law No. 464 to facilitate the development. Subsequent to submission of the application, the Residential “R3” Zone, in the Township of Glanbrook Zoning By-law No. 464, has been replaced with the Low Density Residential (R1) Zone, in the City of Hamilton Zoning By-law No. 05-200. Therefore, Staff have amended the application to rezone the lands to the Low Density Residential (R1) Zone in Zoning By-law No. 05-200. The proposed zoning designation is consistent with the lands to the west of the property. This amendment will also remove the Holding Provision. The rationale for the Zoning By-law Amendment and removal of the Holding Provision are discussed in detail in the Analysis and Rationale for Recommendation section. The applicant is in agreement with placing the lands in Zoning By-law No. 05-200.

RELEVANT CONSULTATION

Department and Agencies	Response
<ul style="list-style-type: none"> • Planning and Economic Development Department, Transportation Planning and Parking Division, Transportation Planning Section; • Alectra Utilities; • Bell Canada; • Canada Post; and, • Niagara Peninsula Conservation Authority. 	No Comment

Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The impact of the development to the existing servicing capacity is negligible. A detailed review of the Grading Plans and Stormwater Management Brief will occur through the Consent Agreement.	The approval of Consent application GL/B-22:39 includes a condition for the owner to address issues regarding lot grading and drainage (refer to Appendix “E” attached to Report PED23036).

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 10 of 14

Department	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, 62M-1117 (25T-200527) and / or 62M-1276 (25T-201801) or 62M-992 (25T-9002), e.g. cost recoveries relating to the registered plan or any reserves to be lifted.	No concerns were raised through the proposed Zoning By-law Amendment application.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	There are no Municipal Tree Assets located on site; therefore, a Tree Management Plan will not be required. Forestry has no concerns.	Noted.
Waste Management Division, Public Works Department	The existing single detached dwelling is eligible for curbside municipal waste collection service. The new residential dwelling on the severed portion of the lot can set out their waste containers in front of their property at the municipal road.	Noted.
John C. Munro Hamilton International Airport	The Airport has no objections to the application. The maximum allowable height for any buildings or objects at these lands under the AZR is 275 metres above sea level (i.e. ground elevation and building height – including antennas, rooftop units etc.). It is the responsibility of the applicant to demonstrate compliance with the AZR through a Legal Land Survey attesting clearance of the surfaces as specified in Transport Canada Advisory Circular (AC) 602-003 with a copy provided to the undersigned.	Applicant to demonstrate compliance with AZR through the zoning review at the time of Building Permit submission.

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 a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 11 of 14

Department	Comment	Staff Response
Transport Canada	The submission is on the lands subjected to John C. Munro Hamilton Airport Zoning Regulations (AZR). The applicant must submit an Aeronautical Assessment Form (AAF) to Transport Canada 90 days prior to construction.	Applicant to demonstrate compliance with AZR through the zoning review at the time of Building Permit submission.
Enbridge	There is an existing gas main fronting 91 Strathearne Place. The developer may apply for a connection to receive service.	Noted.
Public Consultation		
Topic	Comment	Staff Response
Grading and Storm Water Management	Concerns that proposed development will result in grading changes that will impact drainage of the subject property.	The approval of consent application GL/B-22:39 includes a condition for the owner to address issues regarding lot grading and drainage (refer to Appendix "E" attached to Report PED23036).

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to property owners within 120 m of the subject property on June 3, 2022. A Public Notice Sign was posted on the property on June 8, 2022, and updated on January 18, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on January 27, 2023, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy with the supporting materials. As the application was minor, a neighbourhood meeting was not held. The applicant circulated a "Letter of Intent" to all residents of Strathearne Place west of Marion Street. No feedback was received from this circulation.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 12 of 14

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) (PPS);
 - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) It complies with the Urban Hamilton Official Plan and the Mount Hope Secondary Plan; and,
 - (iv) It is compatible with and complementary to the existing surrounding neighbourhood.

2. Zoning By-law Amendment

The subject lands are currently zoned Existing Residential “ER” Zone and Residential Holding “H-R3-144” Zone, Modified, in the Township of Glanbrook Zoning By-law No. 464. The applicant has requested that the subject lands be rezoned to the Residential “R3” Zone to facilitate the development of a single detached dwelling on a lot to be created through a consent application (File: GL/B-22:39) fronting Strathearne Place and the retention of the existing single detached dwelling fronting Strathearne Place. This zone has been replaced with the Low Density Residential (R1) Zone in Zoning By-law No. 05-200.

Single detached dwellings are permitted within the “Neighbourhoods” designation of the UHOP and within the “Low Density Residential 2” designation of the Mount Hope Secondary Plan. This designation does not permit street townhouse dwellings, therefore Staff propose prohibiting this use as these lands are located within the Phase 2 Low Density Study Area that is currently under review as part of the city wide zoning reform review. Staff are in support of this change of zoning as the proposal complies with the UHOP policies and the Mount Hope Secondary Plan.

The subject lands will provide similar zoning as adjacent lands (“R3” Zone, “R3-143” Zone, Modified, “R4-209 (B)” Zone, Modified and “ER” Zone). This will ensure compatibility in terms of built form, massing, height, setbacks from the street and building separation.

Staff support the proposed change in zoning.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 13 of 14

3. Holding Provision

The intent of the Holding Provision on lands designated “H-R3-144” is to ensure that land ownership is addressed. The Holding Provision was applied to the lands by Township of Glanbrook By-law No. 464-51-00 on April 3, 2000. The Holding Provision required the following:

“The removal of the holding symbol “H” by By-law for the lands zoned Residential Holding H-R3-144, as shown on the attached Schedule A, shall require proper resolution of the related ownership issue and their subsequent consolidation of these lands with the appropriate adjacent lands to the east and/or west. The establishment of these lands as a separate lot shall not be permitted.”

The Applicant submitted Parcel Register records for lands located at 91 Strathearne Place and 95 Strathearne Place (Block 182 of Plan 62M-992). The records indicate that the owners for the subject application are owners of both properties. In addition to the condition specified by the implementing by-law, staff are satisfied that the appropriate municipal services are available, and that public street access is available. As such, the H Provision has not been carried forward in the proposed zoning.

4. Consent application

A consent application (File: GL/B-22:39) to create a new lot for the single detached dwelling was considered by the Committee of Adjustment on June 23, 2022. The application was approved with conditions. Conditions include approval of this Zoning By-law Amendment, demonstrating compliance with zoning regulations, and to address issues with lot grading and drainage. The full list of conditions is located within Appendix “E” attached to Report PED23036.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application not be approved, the lands remain under the Existing Residential “ER” Zone and the Residential Holding “H-R3-144” Zone, Modified. The H-R3-144 Zone does not permit a single detached dwelling until the holding symbol is removed.

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) - Page 14 of 14

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

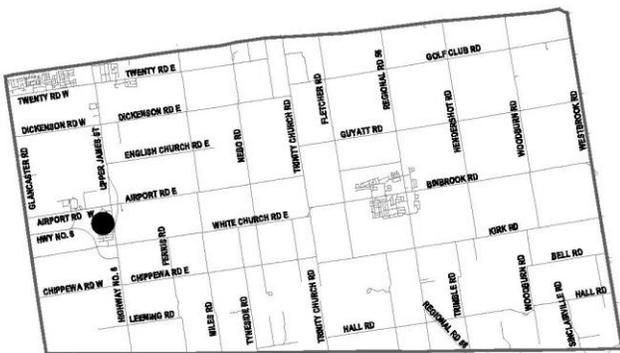
- Appendix "A" to Report PED23036 – Location Map
- Appendix "B" to Report PED23036 – Draft Zoning By-law
- Appendix "C" to Report PED23036 – Concept Plan
- Appendix "D" to Report PED23036 – Public Input
- Appendix "E" to Report PED23036 – Committee of Adjustment Decision (File No. GL/B:39)

MM:sd

Appendix "A" to Report PED23036
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-22-033

Date:
January 5, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MM/VS

Subject Property

91 & 95 Strathearne Place

-  Change in Zoning from Existing Residential "ER" Zone to Low Density Residential (R1, 835) Zone
-  Change in Zoning from Residential Holding "H-R3-144" Zone to Low Density Residential (R1, 835) Zone

**Appendix “B” to Report PED23036
Page 1 of 2**

Authority: Item XX, Planning Committee
Report PED23036
CM:
Ward: 11

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 23-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 91 and 95
Strathearne Place, Glanbrook**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on February 14, 2023;

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

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

1. That Map No. 1785 of Schedule “A” – Zoning Maps is amended by adding the Low Density Residential (R1) Zone to the lands attached as Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:

“835. Within the lands zoned Low Density Residential (R1) Zone, identified on Map 1785 of Schedule “A” – Zoning Maps and described as 91 and 95 Strathearne Place, the following special provisions shall apply:

 - a) Notwithstanding Section 15.1.1, a Street Townhouse Dwelling shall not be permitted.
3. 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*.

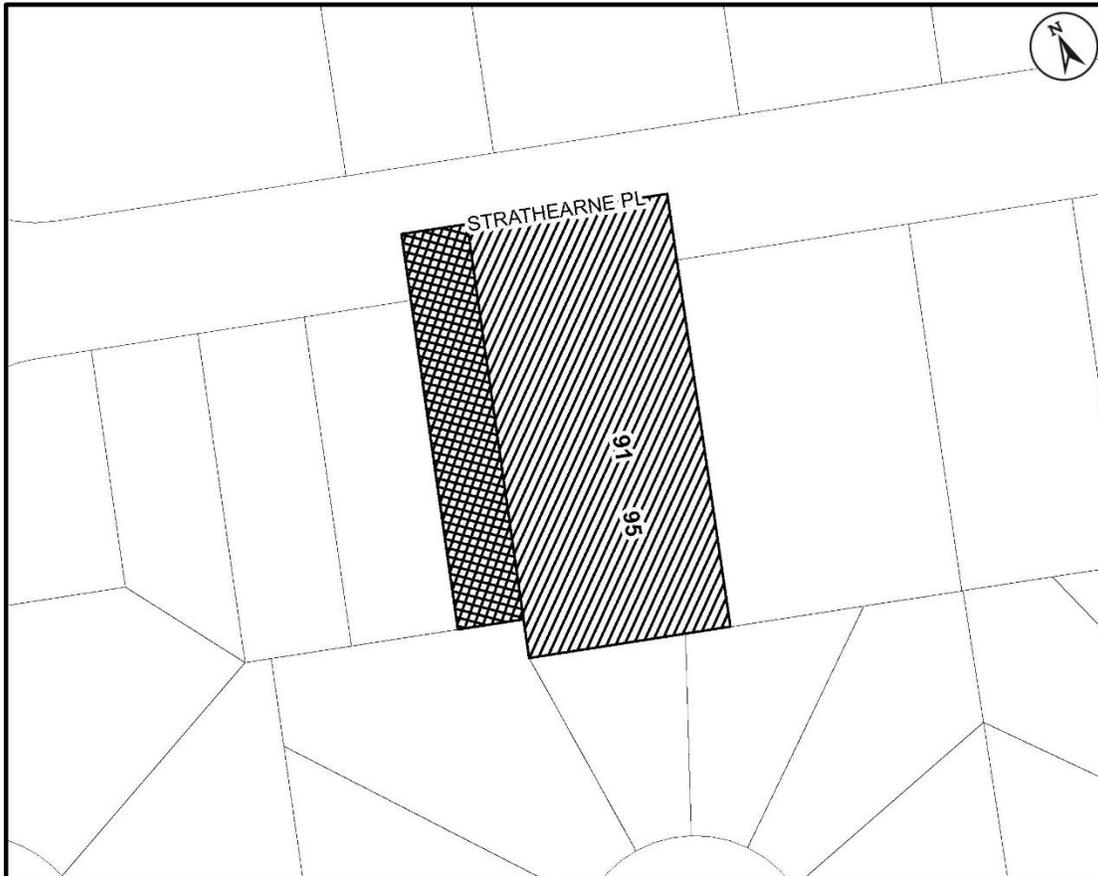
PASSED this ____ day of _____, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "B" to Report PED23036
Page 2 of 2

To amend Zoning By-law No. 05-200 with respect to lands located at 91 and 95 Strathearne Place,
 Glanbrook



This is Schedule "A" to By-law No. 23- Passed the day of, 2023	----- Mayor ----- Clerk
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<h2>Schedule "A"</h2> Map forming Part of By-law No. 23-_____ to Amend By-law No. 05-200 Map 1785	Subject Property 91 & 95 Strathearne Place <table style="width: 100%;"> <tr> <td style="width: 20px; text-align: center;"></td> <td>Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 835) Zone</td> </tr> <tr> <td style="width: 20px; text-align: center;"></td> <td>Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 835) Zone</td> </tr> </table>		Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 835) Zone		Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 835) Zone
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Scale: N.T.S.	File Name/Number: ZAR-22-033	
Date: January 13, 2023	Planner/Technician: MM/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix "D" to Report PED23036
Page 1 of 3

From: [REDACTED]
Sent: Tuesday, June 21, 2022 2:32 PM
To: Van Rooi, James
Subject: Zoning Amendment Application ZAR-22-033

Dear Mr James Vanrooi,

My name is Jennifer Douglas and I am the soul owner of [REDACTED]. My property backs directly onto the property that has applied for re-zoning and severence to sell and build. I have great concerns.

My property is lower than the property in question as my property starts at the bottom of a hill. The owners of the property that has applied have removed several very old trees (the original owner of the home told me that they had planted the trees over 50 years ago) and they also changed the grading of the property when they first took ownership. This has caused great flooding of my property in both spring and fall, and total ice in the winter. I do have a culvert installed, but the water run off from the property in question doesn't flow towards the culvert. This past winter with the freezing and thawing caused substantial damage to my property. The area around my culvert has eroded ememselly, and will be extremely expensive to fix for me, as I am a recent widow. The whole of my backyard was ice, 95% ice causing great stress as I could not let my dogs use the yard out of fear of injury to them. I have included pictures for backing up my statements.

I am extremely opposed to anymore changes to this property as I already have repairs that need to be completed that, as a new widow on disability cannot afford. My house was very very close to being flooded as you will see in the pictures from the grade changes that were already done (I am not sure if there was a permit issued as I was not approached by the city to inspect possible damage from water run off) and I am afraid that anymore changes will impact my home even more.

Please take my statement and photos into consideration when deciding whether the zoning changes will be allowed to take place.

Kindest regards,
Jennifer

I tried sending earlier, but the photos took up too much space, will send separately
Sent from my Galaxy





**Appendix “E” to Report PED23036
Page 1 of 3**



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

APPLICATION NO.:	GL/B-22:39	SUBJECT PROPERTY:	91 STRATHEARNE PLACE GLANBROOK
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APPLICANTS: KAYLA/ANDREW ELGERSMA

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	17.48 m [±]	50.04 m [±]	919.965 m ^{2±}
RETAINED LANDS:	22.86 m [±]	55.81 m [±]	1,276.448 m ^{2±}

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

**Appendix “E” to Report PED23036
Page 2 of 3****GL/B-22:39**

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. Final approval of the Zoning By-law Amendment shall be received (Planning Division – Zoning Examination Section).
6. The owner shall submit survey evidence that the lands to be severed, including the location of any existing structure(s), yard encroachments, lot coverage, parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), yard encroachments, lot coverage, parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), sidewalk, driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of Development Engineering Approvals. Cash payments mentioned above are subject to change.
9. That the owner provides cash payment to the City for any outstanding servicing cost associated with the existing 0.3m reserve, described as Block 179 on 62M-992, to the satisfaction of the Manager of Development Engineering Approvals.
10. That, the owner submits a cash payment to the City for the future urbanization of Strathearn Place based on the “New Roads Servicing Rates” and frontage of the severed portion of the property to the satisfaction of the Manager of Development Engineering Approvals.

Appendix “E” to Report PED23036
Page 3 of 3

GL/B-22:39

DATED AT HAMILTON, June 23, 2022.

D. Smith (Chairman)

B. Charters

M. Dudzic

M. Switzer

T. Lofchik

N. Mleczko

D. Serwatuk

M. Smith

The date of the giving of this Notice of Decision is **June 30, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 30, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **July 20, 2022**
2. **This decision is not final and binding unless otherwise noted.**

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 'B') will remain as 91 Strathearne Place (Glanbrook) and the lands to be conveyed (Lot 'A') will be assigned the address of 95 Strathearne Place (Glanbrook).



WELCOME TO THE CITY OF HAMILTON

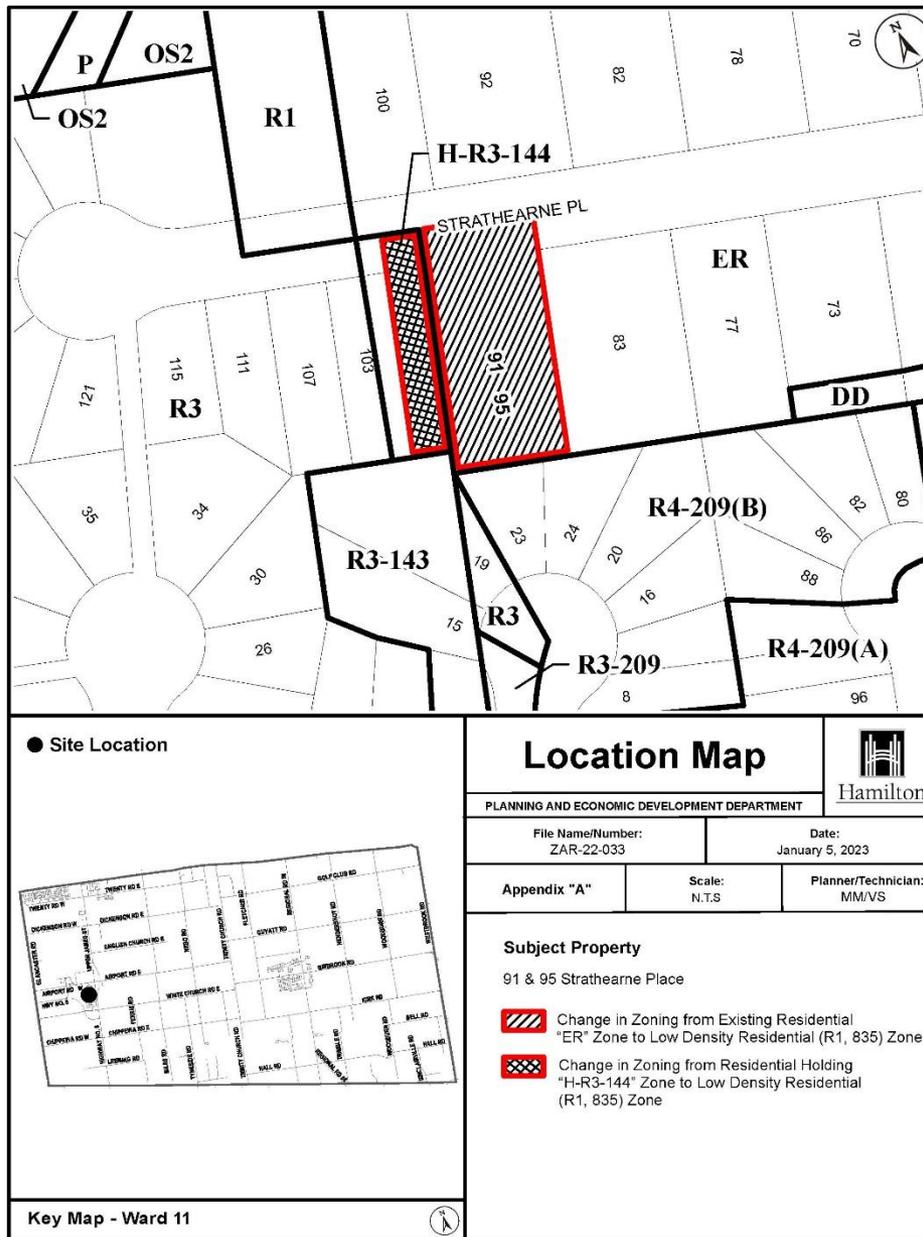
PLANNING COMMITTEE

February 14, 2023

PED23036 – (ZAR-22-033)

Application for a Zoning By-law Amendment for Lands Located at
91 and 95 Strathearne Place, Glanbrook.

Presented by: Mark Michniak



● Site Location



Key Map - Ward 11

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-22-033

Date:
January 5, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MM/VS

Subject Property

91 & 95 Strathearne Place

-  Change in Zoning from Existing Residential "ER" Zone to Low Density Residential (R1, 835) Zone
-  Change in Zoning from Residential Holding "H-R3-144" Zone to Low Density Residential (R1, 835) Zone



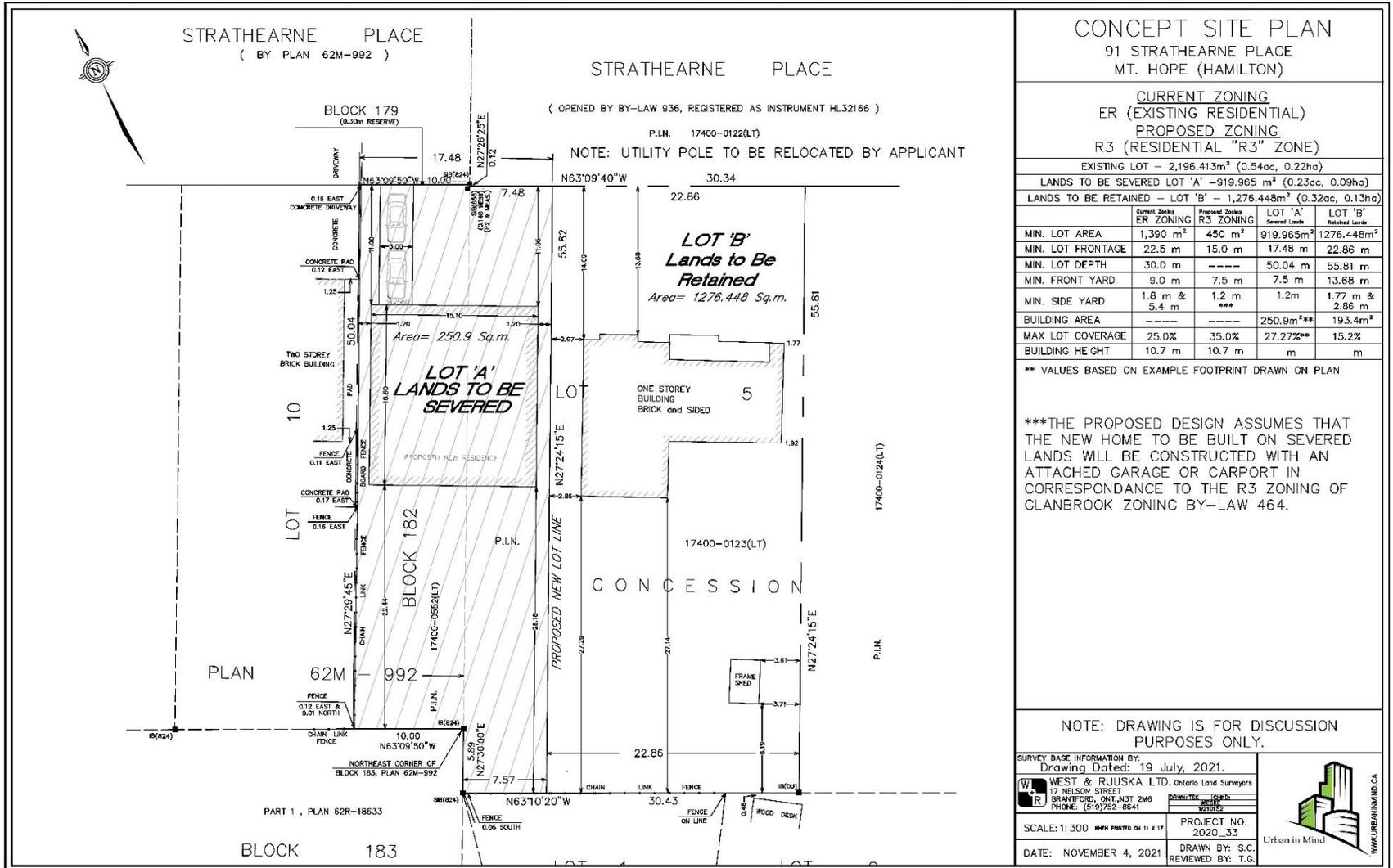
Hamilton A1photo (2021)

SUBJECT PROPERTY



91 & 95 Strathearne Place, Glanbrook







Subject Lands



Strathearne Place looking east



Strathearne Place looking west



Adjacent property to the west



Property on the opposite side of Strathearne Place



Property on the opposite side of Strathearne Place



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Implementation of Changes to Section 41 of the <i>Planning Act</i> - Site Plan Approval, in Response to Provincial Bill 23, <i>More Homes Built Faster Act, 2022</i> (PED23043) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Draft By-law, attached as Appendix “A” to Report PED23043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

On November 28, 2022, Bill 23, *More Homes Built Faster Act, 2022*, received Royal Assent, thereby becoming law. The Province’s stated purpose of the proposed legislative changes is to have 1.5 million homes built over the next 10 years by further streamlining approvals for housing and reducing barriers and costs to development so that communities can grow with a mix of housing types and tenures.

Bill 23 makes amendments to nine different statutes, including the *Planning Act*. A detailed summary of the changes precipitated by Bill 23, as well as the City of Hamilton response to the changes, was provided in Appendix “A” and “B” attached to Report PED22207.

With Bill 23 now in effect, staff are implementing the legislative changes. Report PED23043 addresses the changes to Section 41 of the *Planning Act* by amending the City’s Site Plan Control By-law.

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: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 2 of 9*

Site Plan Approval is a legislated process under the *Planning Act* required for many types development which implements a coordinated review process to address matters of site design including site layout, site access and parking, grading and drainage, landscaping, and building design. The entire City of Hamilton is designated as a site plan control area, with the Site Plan Control By-law regulating the type of development subject to Site Plan Approval and the requirements of the approval process.

As summarized in Appendix “A” attached to Report PED22207, Bill 23 has made significant changes to the Site Plan Control process. These include:

- Modifying the definition of “Development” to exclude residential development on a lot if the lot contains no more than ten residential units, thereby exempting all aspects of Site Plan Control for residential development of up to ten units on a lot;
- Excluding matters relating to exterior design from Site Plan Control, including character, scale, appearance and design features of buildings, as well as sustainable design; and,
- Including matters of the appearance of elements, facilities, and works on the land to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands. Bill 23 as passed, was amended after Second Reading to allow municipalities to implement “green” standards at site plan, provided said standards are not more restrictive than the Ontario Building Code.

The Draft By-law to amend the City of Hamilton Site Plan Control By-law No. 15-176, as Amended by By-law Nos. 18-104, 19-026, and 21-069, is appended as Appendix “A” attached to Report PED23043.

This change has resulted in the cancelation of forty in process Site Plan Control applications; ten for multi-unit developments and thirty for single detached dwellings. The majority of these proposals are located in the Ancaster Existing Residential “ER” Zone and the Hamilton Beach Strip.

As staff continue to respond to the Bill 23 changes, future reports to Council will address other policy and process changes and the financial impact and staffing implications of the legislation.

Alternatives for Consideration – Page 9

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022* (PED23043) (City Wide) - Page 3 of 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Alternative processes and program requirements may need to be implemented to address matters no longer captured by Site Plan Control. The financial implications of these changes will be discussed as part of a future report(s) to Council.

Staffing: Staffing changes resulting from a reduction in the number of applications due to Bill 23 will be offset by the additional staffing required for the Bill 109 process changes. These will be managed through delegated authority as outlined in Report PED22112(c).

Legal: Legal Services and the Planning Division will report back where necessary with recommendations for the implementation of Bill 23.

HISTORICAL BACKGROUND

On October 25, 2022, Bill 23, *More Homes Built Faster Act, 2022*, was introduced at the Ontario Legislature, with amendments proposed to nine different statutes. The Provincial Government has introduced the legislative changes with the intent to streamline approvals for housing and reduce barriers and costs to development. The legislation includes amendments to the *Conservation Authorities Act*, *Development Charges Act*, *Municipal Act*, 2001, the *Ontario Heritage Act*, the *Ontario Land Tribunal Act, 2021*, and the *Planning Act*.

On November 30, 2022, Council adopted the City's staff submission to the Province on Bill 23, which was formally submitted to the Province on November 24, 2022 in order to meet the comment deadline. Report PED22207 summarized staff's position on the legislative changes, conveying that while City staff support the Province's efforts to find ways to increase housing supply and streamline development approvals processes so that all residents have better access to homes that meet their needs, significant concern was expressed that the Bill 23 changes will compromise the quality of communities. Bill 23 received Royal Assent on November 28, 2022 and is being proclaimed into law in phases as noted in the letter from the Minister to City Council dated December 22, 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans and zoning by-laws. The *Planning Act*

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 4 of 9*

requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province.

Urban and Rural Hamilton Official Plans

The Urban and Rural Hamilton Official Plans identify the entire area within the City of Hamilton Planning Area as a proposed Site Plan Control Area, with the Site Plan Control By-law establishing criteria for the application of Site Plan Control in accordance with the *Planning Act*. The Official Plans also identify the planning objectives that are to be achieved through Site Plan Control, and in the Urban Hamilton Official Plan, the components of a development that shall be considered to achieve the planning objectives identified.

While the Urban and Rural Hamilton Official Plans provide policy direction on Site Plan Control scope, objectives, and matters for review, Section 41 of the *Planning Act* gives effect to the Site Plan Control By-law. While there are a number of amendments to be made to the Urban and Hamilton Official Plans as a result of the changes to Section 41 of the *Planning Act*, these amendments are not required to implement changes to the Site Plan Control By-law. As such, a future amendment to the Urban and Rural Officials Plans will be brought forward to comprehensively address Bill 23 changes, including changes to the Site Plan Control policies.

RELEVANT CONSULTATION

Staff from the Legal Services Division were consulted in the drafting of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Bill 23 has amended Section 41 of the *Planning Act* which legislates Site Plan Control. Changes have been made to Section 41 that directly impact the implementation of Site Plan Control. The definition of development has been modified which regulates the type of development subject to Site Plan Approval. Through Bill 23, residential development of up to ten units on a lot is now exempt from Site Plan Approval. Section 41 has also been modified to remove the following requirement as part of the submission of plans or drawings for approval:

“41(4) 2.(d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design...”

A further change has added the following regarding appearance:

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 5 of 9*

“41(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.”

Report PED22207 provided a detailed analysis of the implications of these changes. With Bill 23 now in effect, the City is required to amend the Site Plan Control By-law to implement these amendments.

Appendix “A” attached to Report PED23043 contains the Draft By-law to amend Site Plan Control By-law No. 15-176, as Amended by By-law Nos. 18-104, 19-026, and 21-069. The changes to the City of Hamilton Site Plan Control By-law can be summarized as follows:

Section 1.0: Definitions

Definitions for “Dwelling Unit” and “Lot” have been introduced to define new terms contained in new and amended regulations. These new terms are defined as per the existing definitions found in Zoning By-law No. 05-200 and accordingly, refer to that document.

Section 3.0: Submission Requirements for Plans and Drawings

Subsection 3.1.2 of the Site Plan Control By-law regulates the requirements of drawings that are to be submitted, showing plan, elevation and cross-section views for each building to be erected. As per the Bill 23 changes, Site Plan Control can no longer apply to matters relating to exterior building design and appearance unless impacting matters of health, safety, accessibility, sustainable design or the protection of adjoining lands. As such, Subsection 3.1.2.4 has been revised.

Section 8.0: Site Plan Control Exemptions

Section 8.0 identifies the types of development (building / use) that are exempt from Site Plan Control. With the modification of the definition of development to exclude residential development on a lot containing ten or less dwellings units, the following sections have been deleted as they are captured by the new exemption for residential development:

- “8.1 any single detached dwelling, duplex dwelling or semi-detached dwelling;
- 8.2 any building accessory to the uses described in paragraph 8.1 above”

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act - Site Plan Approval, in Response to Provincial Bill 23, More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 6 of 9*

Section 8.1 and 8.2 have been replaced by a new Section 8.1 which captures the new exemption as follows:

“8.1 any residential development of a lot which contains no more than ten dwelling units, and any buildings accessory thereto.”

The following existing exemptions still apply and are renumbered:

“8.2 any street townhouse development within a registered plan of subdivision for which the subdivision agreement is in full force and effect.

8.3 any agricultural building or structure.”

Section 9.0: Types of development, built form or areas of the City where Site Plan Approval is required (Notwithstands Section 8.0)

The Site Plan Control By-law is structured so as to apply to the entire City (Section 2.0), with Section 8.0 identifying the types of development (building / use) that are exempt from Site Plan Control. Section 9.0 then identifies a series of uses or circumstances where the exemptions of Section 8.0 do not apply.

The application of Section 9.0 has been modified through this amendment by notwithstanding Section 8.2 and 8.3 only. What this means is the Site Plan Control exemption for residential development on a lot containing ten or less dwelling units and any buildings accessory thereto is an exemption for which there are no exceptions. Therefore, this form of development is not subject to any of the regulations of Section 9.0, as amended.

The requirements of the amended Section 9.0 (which notwithstands Section 8.2 and 8.3), are as follows:

Section 9.1 requires Site Plan Approval for buildings or structures situated Adjacent to or within a Core Area(s). As defined, Core Areas are “key natural heritage features, key hydrologic features, local natural areas and their vegetation protection zones as indicated on Schedule "B" - Natural Heritage System of the Rural Hamilton Official Plan and Schedule "B" - Natural Heritage System of the Urban Hamilton Official Plan”.

Whereas the current Section 9.1 presently captures any building or structure situated Adjacent or within a Core Area(s), the regulation has been modified to remove any residential development of ten dwelling units or less on a lot from the requirement to undertake Site Plan Control as it applies to Core Areas. As part of the Zoning By-law No. 05-200 reform work, the majority of the City of Hamilton, including Core Areas, are

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 7 of 9*

now regulated by Zoning By-law No. 05-200. There is a general provision in the Zoning By-law that requires a minimum setback of 7.5 metres from the zoned limits of a Core Area and residential permissions have been removed from the zoning applied to Core Areas. Furthermore, the Conservation Authority permitting requirements will still apply.

Section 9.2 requires Site Plan Approval for single detached dwellings, duplex dwellings, and semi-detached dwellings, including accessory buildings and structures, for an area of the former City of Hamilton that forms part of a zero lot line development. Schedule “A” of the Site Plan Control By-law delineates these lands which are located northeast of the intersection of Mohawk Road East and Upper Wentworth Street.

As a result of Bill 23, single detached dwellings, duplex dwellings, and semi-detached dwellings constructed on the lands delineated on Schedule A” of the Site Plan Control By-law are no longer subject to Site Plan Control. If any other form of development occurs on these lands, it will be subject to the normal application of Site Plan Control. Therefore, this regulation and associated schedule are deleted in full.

Section 9.3 (i) requires Site Plan Approval for single detached dwellings, duplex dwellings, and semi-detached dwellings, including accessory buildings and structures, located to the east and west of Beach Boulevard, to address grading and drainage due to the unique conditions of the Beach Strip and the propensity for flooding to occur. Site Plan Control will no longer apply to the residential properties along Beach Boulevard that are located within the area identified on Schedules “B1” to “B3” of the Site Plan Control By-law. As such, this subsection and the accompanying schedules have been deleted from the Site Plan Control By-law. Any other form of development occurring on these lands will be subject to the normal application of the Site Plan Control By-law.

Section 9.3 (ii) requires Site Plan Approval for single detached dwellings, duplex dwellings, and semi-detached dwellings located on properties zoned the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57. Site Plan Control has been in place in the “ER” Zone of Ancaster since April of 2018 when it was implemented alongside amendments to the regulations of the “ER” Zone in the Ancaster Zoning By-law, to address matters related to grading and drainage, elevational changes of a property as it relates to grading, and tree preservation. In the “ER” Zone, Site Plan Control applies to new dwellings and substantial reconstructions or additions to existing dwellings, as well as accessory buildings and Detached Additional Dwelling Units (Secondary Dwelling Units) if they exceed 40 square metres in ground floor area. With the Bill 23 changes, Site Plan Control for these dwelling types can no longer be required. As such, Section 9.3 (ii) and Schedules “C1” to “C13” have been deleted from the Site Plan Control By-law. Any other form of development occurring on these lands will be subject to the normal application of the Site Plan Control By-law.

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SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 8 of 9*

Section 9.4 applies Site Plan Control to single detached, duplex, and semi-detached dwellings that form part of a linked housing or similar innovative house grouping of development. With this type of housing exempt from Site Plan Approval, the regulation has been deleted.

Section 9.12 applies Site Plan Control to any building or structure that requires the use of a septic tank and is located in Vulnerable Area 1 for Source Protection. The Rural Hamilton Official Plan contains policies for Source Protection Plans which provide policy direction to ensure activities and land uses do not pose significant threats to municipal drinking water sources. These Plans identify vulnerable areas where significant threats are possible. Vulnerable Area 1 is identified on Schedule “G” - Source Protection Vulnerable Areas, of the Rural Hamilton Official Plan. This requirement will remain and as with the other regulations of Section 9.0, is applied to the Site Plan Control exemptions of Section 8.2 and 8.3. With the deletions previously discussed, Subsection 9.12 is to be renumbered to Subsection 9.2.

The remaining requirements of Section 9.0 apply Site Plan Control to a series of mainly agricultural and agricultural-related uses. These requirements remain in place and are unchanged.

Bill 23 and Process Changes

To address the deficiencies resulting from the changes to the Site Plan Control process, City staff within Building, Growth Management, and Planning Divisions are actively evaluating alternative process and program requirements that could be implemented to respond to the gaps created by the Bill 23 changes. This includes but is not limited to:

- Site grading;
- Landscaping;
- Servicing connections;
- Right-of-Way works and land dedication; and,
- Access permits.

In addition to these measures, staff continue to assess the changes to Site Plan Control that have removed exterior design and sustainable design from the approval process, and options that may be available for the City to have influence on the important matters of quality built form, public spaces, and innovative and sustainable design solutions. Furthermore, matters such as street tree plantings, road widenings, and warning clauses that have historically been addressed up front at the site plan stage will now be addressed at the back end of the process where there is either a consent or condominium application.

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022 (PED23043) (City Wide) - Page 9 of 9*

ALTERNATIVES FOR CONSIDERATION

Council is required to prepare the necessary amendments to the Site Plan Control By-law to bring it into conformity with the amendments to Section 41 of the *Planning Act*.

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.

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 Report PED23043 - Draft By-law to Amend Site Plan Control By-law No. 15-176, as Amended by By-law Nos. 18-104, 19-026, and 21-069.

AF:sd

Appendix “A” to Report PED23043
Page 1 of 4

Authority: Item ,
Report
CM:
Ward: City-wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Site Plan Control By-law No. 15-176, as Amended by
By-law Nos. 18-104, 19-026, and 21-069
Respecting Amendments to Section 41 of the *Planning Act*

WHEREAS, under the provisions of Section 41 of the *Planning Act*, a Council of a Municipality may by by-law designate the whole or any part of the Municipality as a Site Plan Control Area;

AND WHEREAS the Urban Hamilton Official Plan establishes the entire area within the City of Hamilton Planning Area as a proposed Site Plan Control Area, and contains policies related to Site Plan Control;

AND WHEREAS the City of Hamilton passed Site Plan Control By-law No. 15-176, as amended by By-law Nos. 18-104, 19-026, and 21-069;

AND WHEREAS under the provisions of Subsections 41(1.2), (1.3), and 41(4.1) of the *Planning Act*, as amended by *Bill 23, More Homes Built Faster Act, 2022*, modified the definition of development subject to Site Plan Control, and matters excluded from Site Plan Control;

AND WHEREAS the purpose of this by-law is to amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, to implement Bill 23 changes;

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

1. That Section 1.0 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified by adding the following new definitions as new Subsections 1.21 and 1.22.

“1.21 “Dwelling Unit” as defined in Zoning By-law No. 05-200.

1.22 “Lot” as defined in Zoning By-law No. 05-200.”

Appendix “A” to Report PED23043
Page 2 of 4

**To Amend Site Plan Control By-law No. 15-176, as Amended by
By-law Nos. 18-104, 19-026, and 21-069
Respecting Amendments to Section 41 of the *Planning Act***

2. That Section 1.9 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
 - i) By deleting the words “by subsection ~~46(5)~~” that follows “three or more trailers as defined”, and replacing it with “in subsection”
 - ii) By deleting the words “in by subsection 46(1) of the Planning Act.” and replacing it with “in subsection 46(1) of the Planning Act.”
3. That Subsection 3.1.2 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
 - i) By deleting the words “including any residential building containing more than 2 dwelling units,” after “drawings showing plan, elevation and cross-section views for each building to be erected,”.
 - ii) By deleting Subsection 3.1.2.4 in its entirety and replacing it with the following:

“3.1.2.4 matters relating to the appearance of the elements, facilities, and works on the land to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands;”
4. That Section 8.0 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
 - i) By deleting Subsection 8.1 in its entirety and replacing it with the following:

“8.1 any residential development of a lot which contains no more than ten dwelling units, and any buildings accessory thereto;”
 - ii) By deleting Subsection 8.2 in its entirety.
 - iii) By renumbering Subsections 8.3 and 8.4 as Subsections 8.2 and 8.3 respectively.
5. That Section 9.0 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
 - i) By modifying Section 9.0 by deleting “Section 8.0 above,” and replacing it with “Section 8.2 and 8.3 above,”.

Appendix "A" to Report PED23043

Page 3 of 4

**To Amend Site Plan Control By-law No. 15-176, as Amended by
By-law Nos. 18-104, 19-026, and 21-069
Respecting Amendments to Section 41 of the *Planning Act***

- ii) By modifying Subsection 9.1 by deleting the words "single detached, duplex, semi-detached or street townhouse dwellings located" and replacing it with "a street townhouse development consisting of more than ten street townhouse dwellings on a lot within a plan of subdivision or plan of condo draft approved after January 1, 2013;"; so that it reads:

"9.1 any buildings or structures, including accessory buildings and structures, decks, and additions to existing buildings, situated Adjacent to or within a Core Area(s), except for a street townhouse development consisting of more than ten street townhouse dwellings on a lot within a plan of subdivision or plan of condominium draft approved after January 1, 2013;"
 - iii) By deleting Subsections 9.2, 9.3, and 9.4 in their entirety.
 - iv) By renumbering Subsection 9.12 as Subsection 9.2.
 - v) By renumbering Subsections 9.5 to 9.11 as Subsections 9.3 to 9.9 respectively.
6. That Section 11 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be deleted in its entirety.
7. That By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified by deleting Schedules "A", "B1" to "B3", and "C1" to "C13".

PASSED this ____ day of _____, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "A" to Report PED23043

**To Amend Site Plan Control By-law No. 15-176, as Amended by
By-law Nos. 18-104, 19-026, and 21-069
Respecting Amendments to Section 41 of the *Planning Act***

*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.: PED23023 Date: 02/14/2023

Ward: City-wide (MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: ext. 4771

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



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

February 14, 2023

PED23043 –

Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 23, *More Homes Built Faster Act, 2022*

Presented by: Alana Fulford

Bill 23 – More Homes Built Faster Act

- Bill 23 makes amendments to nine different statutes, including the **Planning Act**.
- Report PED22207 described the proposed legislative changes and staff's position, which were formally submitted to the Province on November 24, 2022 and subsequently adopted by Council on November 30, 2022.
- Bill 23 received Royal Assent on November 28, 2022 and is being proclaimed into law in phases.

Planning Act, Section 41

Site Plan Control

- **Site Plan Approval** is a legislated process under the Planning Act required for many types development which implements a coordinated review process to address matters of site design including site layout, site access and parking, grading and drainage, landscaping, and building design.
- The entire City of Hamilton is designated as a site plan control area, with the **Site Plan Control By-law** regulating the type of development subject to Site Plan Approval and the requirements of the approval process.

Summary of Site Plan Control Changes

Site Plan Control no longer applies to:

- Residential development of ten units or less on a lot.
- Matters related to exterior design, including character, scale, appearance and design features of a building.
- Bill 23 was amended before final reading to allow municipalities to implement green standards at site plan, provided the standards are not more restrictive than the Ontario Building Code.

Changes to the Site Plan Control By-law

Submission Requirements for Plans and Drawings

- Removed:
 - Matters relating to exterior design, including character, scale, appearance, and design features of a building.
- Replaced by:
 - Matters relating to the appearance of elements, facilities, and works on the land to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands.

Changes to the Site Plan Control By-law

- Area-based requirements for Site Plan Control have been modified to remove residential development of ten units or less on a lot.
 - Beach Boulevard & Ancaster Existing Residential “ER Zone
 - Building or structure situated adjacent to or within a Core Area(s).

Impact on In Process Applications

- 30 in process Site Plan Control applications for single detached dwellings have been canceled
- 10 in process Site plan Control applications for multi-unit developments with 3-10 units have been cancelled.
- These proposals can apply for Building Permit

Bill 23 and Process Changes

- Process changes are being enacted in response to the legislative changes to Site Plan Control to address items no longer subject to Site Plan Control for residential development of ten units or less on a lot.
 - Servicing connections for water and wastewater
 - Site grading and stormwater management
 - Extensions or upgrades to existing City infrastructure
 - Tree protection
 - Excavation, trees, road cuts, and driveway locations in the road ROW
 - Road ROW dedications
- Process changes are discussed in Report PED23045 to follow.



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Binu Korah (905) 546-2424 Ext.1322 Brian Hollingworth (905) 546-2424 Ext. 2953 Alan Shaw (905) 546-2424 Ext. 2574 Ashraf Hanna (905) 546-2424 Ext. 2123 Steve Robichaud (905) 546-2424 Ext. 4281
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That staff be directed to update and amend By-law 15-091 and any other applicable By-laws to include a Municipal Road Damage Deposit (MRDD) as a guarantee against damage to the curb, sidewalk, road, boulevard and other City infrastructure located within the municipal road allowance, as well as any clean-up of the adjoining streets;
- (b) That the Amending By-law to By-law 12-282 (Tariff of Fees), as amended, attached as Appendix "A" to Report PED23045, which has been prepared in a form satisfactory to the City Solicitor, be passed and the new proposed fees, including an exemption from the new proposed fees for charitable and not-for-profit organizations proposing affordable housing projects be implemented;
- (c) That the costs of waiving the Engineering Review Fees for charitable and not-for-profit organizations proposing affordable housing projects as set out in item 3 of the Amending By-law, attached as Appendix "A" to Report PED23045, be absorbed by the Planning and Economic Development Department, Growth

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SUBJECT: City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) – Page 2 of 11

Management Division, in 2023, and the permanent funding accommodated through adjustment to the 2024 Growth Management Division's Base Budget;

- (d) That staff be authorized and directed to prepare and implement the necessary application process and forms for an exemption from the Engineering Review Fees for charitable and not-for-profit organizations proposing affordable housing projects as proposed in this Report.

EXECUTIVE SUMMARY

On November 28, 2022, Royal Assent was given to Bill 23, More Homes Built Faster Act, 2022. One of the significant amendments to the *Planning Act*, as a result of Bill 23, is the exemption from Site Plan Control for residential developments up to 10 units. Municipalities have not been given the authority to phase-in or transition-in the new provisions, which means immediate changes to City review processes are required.

While the City's Site Plan Control By-law (By-law 15-176) currently exempts single and semi / duplex dwellings and some street townhouses from Site Plan Control, the Bill 23 revisions to the *Planning Act* will now go far beyond the City's existing exemptions such that any townhouse developments or multiple dwellings with 10 units or less are no longer subject to Site Plan Control.

It is important to note that, in the City of Hamilton, the Site Plan process is used to coordinate multiple permits and approvals that are required for a development to proceed, as a way to provide efficient and coordinated review for applicants.

With minimal time to adjust City processes to accommodate the new provincial changes, staff have investigated the process changes needed to follow the Bill 23 direction, and implement the required Site Plan Control exemptions, while minimizing risks to the City and continuing to provide efficient development review for applicants.

Report PED23045 provides a summary of the process changes being implemented as a result of Bill 23 and seeks Council approval for amendments to the Tariff of Fees By-law to implement the new process changes. This report also seeks Council's approval to carry forward the former Site Plan fee exemptions currently in place for charitable and not-for-profit organizations proposing affordable housing projects, to also exempt these organizations from the new fees.

Alternatives for Consideration – See Page 11

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SUBJECT: City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) – Page 3 of 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The proposed amendments to the Tariff of Fees By-law are intended to ensure that the development review process continues to be cost recovery. Staff have estimated the amount of staff time required to undertake the required reviews, and are recommending a fee of \$6,975 be approved to complete the engineering review to process these types of applications in addition to the sewer and water permit fees. This fee is based on a maximum of two submissions. Should an applicant require more than two submissions, it is recommended that an additional fee of \$1,500 is charged for each additional submission.

The proposed fee exemption for affordable housing developments would affect the amount of revenues collected, although staff anticipate these costs will be minor. The cost to review the affordable housing projects would be funded from the levy on an annual basis and for 2023 can be absorbed by the Growth Management Division Budget. The costs of this initiative will require an adjustment to the Growth Management Division's Base Budget as part of the 2024 Budget process.

Staffing: At this time, it is anticipated that the revised process can be implemented using existing staff complement in all affected Divisions. However, the City will be assessing the impacts once staff has a clear understanding of the volume of such applications and may modify staff complement under the existing delegated authorities if required.

Legal: N/A

HISTORICAL BACKGROUND

Site Plan Control is an application under the *Planning Act* whereby the site design, functionality and layout features of a development are reviewed, including: placement of proposed buildings, grading, site servicing (water, sanitary sewer and stormwater management), landscaping, building design, parking, loading and vehicular access, adequacy and availability of services (water, storm and sanitary sewer) within the City's ROW and third party utility impacts. Site Plan Control approval ensures that the City's requirements relating to these matters are met prior to the issuance of a building permit. Some of these matters also require separate permits and approvals under other City By-laws, and the Site Plan Control process has been utilized to coordinate these approvals in order to provide good customer service to development applicants.

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SUBJECT: City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) – Page 4 of 11

Prior to the enactment of Bill 23, all applications for the development of townhouses (excluding street townhouses in a registered plan of subdivision) and multiple dwellings, regardless of the number of units, were subject to Site Plan Control as outlined in the City's Site Plan Control By-law (By-law 15-176). The City's Site Plan Control By-law already exempts single, duplex and semi-detached dwellings and street townhouse dwellings within a registered plan of subdivision from the requirement for Site Plan Control.

For the developments that are subject to Site Plan Control, approval of a Site Plan Control Application must be received prior to the issuance of a building permit, as site plan control is applicable law for the purposes of the Ontario Building Code.

The City's current process for approval of a Site Plan Control application is as follows:

- Applicant submits a completed application for Site Plan Control, with supporting plans / studies and application fee, to the Planning Division;
- Planning Division reviews application for completeness and, upon deeming it complete, circulates the application for review to internal City Divisions and external agencies. The application is scheduled for review at the Development Review Team (DRT) meeting within approximately 4 weeks following the submission date.
- City Divisions circulated for review and comment include Growth Management (Development Engineering, Infrastructure Planning, Legislative Approvals), Planning (Zoning, Heritage and Urban Design); Transportation Planning, Hamilton Water, Forestry, Environmental Services (Waste Management), Landscape Architectural Services, Parks, Recreation and Transit amongst others.
- External agencies circulated for review and comments include Conservation Authorities, School Boards; Utility companies, Pipelines, Rail companies etc. amongst others.
- At the DRT meeting, City divisions and outside agencies that provided comments may attend the meeting to speak to the comments and identify required conditions of approval. The applicant / agent also attends the meeting. The applicant / agent is informed whether Site Plan approval can be granted (with related conditions).
- Following the DRT meeting, if the application is ready for conditional approval, the Planner will compile the conditional Site Plan approval letter. The letter provides the applicant with a list of conditions that must be satisfied prior to various phases of the development process (e.g. prior to submission for Building Permit review; prior to issuance of Building Permit; prior to occupancy, etc.).
- The City's Site Plan approval is valid for one year. If a Building Permit is not issued within one year, the approval lapses unless an extension is granted. The onus is on the applicant to submit plans and studies required for the clearance of conditions.

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- Following the clearance of all Site Plan approval conditions that were identified as required “prior to issuance of Building Permit”, the applicant may submit a Building Permit application. Standard conditions that are required to be cleared prior to the issuance of a Building Permit include an approved Site Plan and building elevations, approved grading plan and stormwater management design, approved servicing plan, wastewater and water service assessments, approved landscape and tree management plans, payment of required fees and submission of a letter of credit / securities.

On November 28, 2022, Royal Assent was given to Bill 23, *More Homes Built Faster Act, 2022*. Bill 23 included amendments to several provincial statutes, including the *Planning Act*. For the purposes of this Report PED23045, the most relevant amendment is the (now in force) change that Site Plan Control can no longer be applied for the construction, erection, or placing of a building or structure for residential purposes on a parcel of land if that parcel will contain a maximum of 10 residential units.

While the City’s Site Plan Control By-law had already exempted single and semi / duplex dwellings and some street townhouses from Site Plan Control, the Bill 23 revisions to the *Planning Act* will now go far beyond the City’s existing exemptions such that any townhouse developments or multiple dwellings with 10 units or less from are no longer subject to Site Plan Control.

Additional significant changes to the *Planning Act* made by Bill 23 include the removal of exterior design as a matter of Site Plan Control for all developments (not just 10 units or less); and reduction of the role of the Conservation Authorities (CAs) in the review of applications.

This change has resulted in the cancelation of forty in process Site Plan Control applications; ten for multi-unit developments and thirty for single detached dwellings. The majority of these proposals are located in the Ancaster Existing Residential “ER” Zone and the Hamilton Beach Boulevard area.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The process changes outlined in this report are designed to implement the required changes under Bill 23 within the City of Hamilton.

RELEVANT CONSULTATION

- Hamilton Water, Waste Management, Environmental Services, Transportation Operations & Maintenance and Engineering Services Divisions of the Public Works Department; Housing Services Division;
- Legal Services Division of the Corporate Services Department; and,

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- Notice of proposed changes to the Tariff of Fees By-law was advertised in The Hamilton Spectator on January 26, 2023.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

In the City of Hamilton, the Site Plan Control process is used to coordinate multiple permits and approvals that are required in order for a development to proceed, as a way to provide efficient and coordinated review for applicants and ensure good development. As a result of Bill 23, several matters that would typically be addressed through Site Plan Control can no longer be applied due to the exemption. Staff have reviewed these matters to determine the following:

- which matters still require other City approvals or permits, notwithstanding the exemption from Site Plan Control, and which therefore require a new process for obtaining those approvals or permits;
- which matters, if not addressed, could create risk to the City, to neighbours, to adjacent development, or to the community; and,
- which matters can be addressed through the Building Permit application process (while some matters are not subject to applicable law under the Building Code and cannot be required for issuance of a Building Permit, some remain enforceable under applicable City by-laws).

The following section summarizes the areas that staff have identified as the most important to address. In some cases, staff have identified new mechanisms for ensuring that requirements are met, while others will no longer be part of the development review process.

(a) Servicing Connections

The City's Waterworks By-law R84-026, as amended, and Sewers and Drain By-law 06-026, as amended, regulate the installation, connection and use of the municipal water and sewer services within City of Hamilton and require that all types of development must obtain a water and sewer permit and excavation permit from the City prior to connecting to municipal systems. Furthermore, the City's Zoning By-law 05-200 and other zoning by-laws pursuant to By-law 09-267, which are "applicable law" under the Building Code, require that all buildings must have adequate servicing in place, including connections to municipal water and sewer services or approved alternatives. The *Planning Act* explicitly permits municipal zoning by-laws to restrict development unless municipal services are available. As such, notwithstanding the Site Plan exemption for 10 units or less, consistent with the City's zoning by-laws, Building Permits may not be issued until the applicant has obtained a water and sewer permit to

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the satisfaction of Growth Management Division. Not being able to do this through the Site Plan process as a result of the exemption creates a potential challenge both for applicants and for the City.

For applications with one (1) to two (2) units, the applicant can obtain the water and sewer permit from the Building Division as part of the Building Permit process in accordance with the existing process. Growth Management will issue the excavation permit as per the current process. Proposals for one (1) to two (2) units within the Existing Residential (ER) Zone in Ancaster and on Beach Boulevard in Hamilton will be required to submit a Zoning Compliance Review application in advance of a Building Permit application.

For applications with three (3) to ten (10) units, the applicant will be required to submit a Zoning Compliance Review application to the Planning Division; and obtain a water and sewer permit from Growth Management Division prior to submitting the Building Permit application.

To ensure adequate servicing capacity is available to accommodate the proposed developments, applicants proposing developments with three (3) to ten (10) units must submit a Functional Servicing Report (FSR), which will also provide servicing, grading details and the condition assessment of existing infrastructure in front of the property. If there is sufficient capacity and there are no conflicts with utilities in the Right-of-Way (ROW), the water and sewer permit and the excavation permit can be issued, and the applicant must use a bonded contractor to complete the works.

In addition, if there is a conflict with an existing utility, the applicant must approach the utility companies and enter into an agreement for necessary relocation works for which the utility company must obtain a permit from Public Works. Upon receipt of all the documents from the applicant, Growth Management Division will proceed to issue the water and sewer permit. This procedure is also applicable to other City assets such as City trees and streetlights. The applicant shall enter into a development agreement to relocate any City assets within the ROW to accommodate the proposed developments.

(b) Extensions/Upgrades to Existing City Infrastructure

Pursuant to By-law 09-267, the City's zoning by-laws include language requiring adequacy of services, as described above.

For example, the language included in Zoning By-law 05-200 states that no buildings or structure may be erected, used or occupied (except model homes in draft plans of subdivision) unless:

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- (i) adequate watermains, storm and sanitary sewer systems are existing or have been provided for in a binding and secured development agreement and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate; or
- (ii) where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the use of land for buildings or structures are existing or have been provided for to the satisfaction of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate; and
- iii) the dedication of lands for parkland or payment of cash-in-lieu of parkland in accordance with the City of Hamilton Parkland Dedication and Cash-in-lieu of Parkland Policy has been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.

Consistent with the City's zoning by-laws requiring adequacy of services, Building Permit applicants must confirm that the City infrastructure has sufficient capacity to accommodate the proposed developments. To confirm the capacity in the system, a Functional Servicing Report (FSR) including Stormwater Management (SWM) Report, servicing drawings and grading plans are required. If the FSR recommends that there is no capacity in the system or there are no services in front of the proposed site in accordance with City standards, the applicant would have an option to enter into a development agreement to complete the works at their cost within the ROW. The development agreement will include the infrastructure works including restoration, driveway installation and utility relocation (if required) to facilitate the proposed development. Until such works are completed to the satisfaction of the Director, Growth Management and Chief Development Engineer or designate to meet the requirements of the City's zoning By-law, the applicant cannot submit a Building Permit application.

(c) Grading, Site Alteration and Servicing Within the Site

As per the Building Code and Building by-law, the Building Division will review all the grading and servicing drawings as part of the Building Permit application stage. However, if the site is proposing any stormwater management strategy to control the post development flows to pre-development levels using Low Impact Development techniques, storage tank and other stormwater management appurtenances, the applicant has to obtain the approval from Growth Management prior to issuance of the Building Permit.

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(d) Tree Protection

While tree protection considerations are not applicable law for the purpose of a Building Permit, applicants must still ensure that there are no impacts to City trees within the ROW in accordance with City of Hamilton By-law No. 15-125. As part of the water and sewer permit and driveway access permit review process, if the City identifies any impacts to the trees, the applicant must obtain approval from the Forestry Section prior to issuing permits.

(e) Road Cut Permit/Excavation Permit

As per the Water and Sewer permit process, applicants shall obtain an Excavation Permit. Further, under City of Hamilton By-law 15-091, for any works conducted within the ROW, the applicant or any utility companies must obtain a Permit in accordance with the ROW Utility Installation and Permit Manual from the City to make sure that all works are conducted in accordance with City standards.

(f) Driveway Access

For developments of less than 3 units, driveway access requests and permits are reviewed and issued by Hamilton Municipal Parking System under the authority of the Streets By-law 86-077. For developments of three (3) to ten (10) units, driveway access and access management was previously reviewed as part of the Site Plan process. Given the changes introduced by Bill 23, the City will need to review and update processes for driveway access reviews and permits to ensure access management principles are achieved. This will include expanding the permit process to include developments of up to ten (10) units, as well as utilizing the provisions of in Zoning By-law 05-200, subsection 5.1(a)(i) which states that, where applicable, required parking spaces for each dwelling must be provided on the same property. Subsection 5.2(c) of Zoning By-law 05-200 further requires that all required parking shall be provided with adequate means of ingress and egress, as well as other access requirements.

Further changes to development review user fees may result from the review and updating of the driveway access permit process.

(g) Right of Way (ROW) Dedication

Development applications may require ROW dedications consistent with the road classification system identified in the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) or the corridors identified in Schedule C-1 (RHOP) and Schedule C-2 (UHOP) that identify specific road widths. Approved Environmental Assessments may also be used in identifying ROW dedications. These ROW

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dedications may relate to future needs for ROW elements such as landscape strips, sidewalks, street trees, bike lanes and vehicle lanes.

Under the *Planning Act*, the City can require that ROW dedications be dedicated to the municipality as a condition of site plan, consent, or subdivision. However, for those developments which are now exempt from site plan control as a result of Bill 23, there is no clear means to compel and protect ROW dedication requirements. As a result, the protection of corridors for future streetscaping, transportation, and utilities needs may be at risk as the ROW dedications cannot be obtained through the Building Permit application process.

(h) Other Challenges

Items including but not limited to noise walls, sidewalk extensions or cash-in lieu for the sidewalk, waste management, landscaping and urban design, archaeology, low impact developments (LIDs), mail box location, ROW land dedication are typically addressed through the Site Plan Control process. As these items are not applicable law under the Building Code, they can no longer be compelled through the development process if the property is exempt from Site Plan Control and does not go through any other *Planning Act* process.

Staff is proposing to amend the By-law 15-091 or any other applicable By-laws to include a Municipal Road Damage Deposit (MRDD), which is a written and financial commitment from a property owner to submit a deposit with the City as a guarantee against damage to the curb, sidewalk, road, boulevard and other City services located in municipal road allowance, as well as any clean-up of the adjoining streets.

(j) Landscaping/Urban Design

Landscaping issues would only be considered through a zoning review in terms of planting strips or screening elements.

Properties in a Heritage Conservation District will require a Heritage Permit that may have requirements for urban design and landscaping.

Engineering Review User Fee

For those matters described in the previous section that will require an engineering review, a user fee of \$6,975 is proposed for the first two submissions, with an additional fee of \$1,500 for each subsequent submission. The user fee will be administered by the Growth Management Division.

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It is also proposed that the user fee be waived for charitable and not-for-profit organizations proposing affordable housing projects consistent with similar planning application fee exemptions granted for the same form of development. The application process to qualify for the fee exemption will be administered in accordance with the criteria set out in the Council-adopted staff report entitled *Tariff of Fees - Exempting Charitable Non-Profit Organizations from Planning Application Fees Relating to Affordable Housing (PED16098) (City Wide)*.

ALTERNATIVES FOR CONSIDERATION

Council may choose not to implement the changes proposed in this report. Not incorporating the requirements outlined in this report may increase the risk of non-compliance with City policies and bylaws as well as potential damages to City assets.

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.

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23045 – Amending By-law to By-law 12-282 Tariff of Fees

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Authority: Item,
Report
CM:

Bill No.

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

**To Amend By-law No. 12-282, as amended by By-laws 19-108 and 21-079,
Respecting Tariff of Fees**

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff or Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS Council deems it necessary to add more fees to cover the costs related to engineering development applications for 10 units or less;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That Schedule "A" to By-law 12-282 be amended by adding the following fees under "Growth Management Fees" subsection 3 (h):

(i) Engineering Review Fees (3 to 10 units)	\$6,975
(j) Engineering Resubmission Review Fees (3rd and subsequent)	\$1,500
3. That Schedule "A" to By-law 12-282 be further amended by adding the following note to the "Growth Management Fees" under subsection 3 (j):

"The following fee exemptions apply to charitable and not-for-profit organizations proposing affordable housing projects
Engineering Review Fees (3 to 10 units): *Fee Waived*
Engineering Resubmission Review Fees (3rd and subsequent): *Waived*"
4. That in all other respects, By-law 12-282, as amended, is confirmed; and
5. That the provisions of this By-law shall become effective on the date passed by Council.

PASSED this _____ day of _____, 20_____.

A. Horwath
Mayor

A. Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Municipal Housing Pledge (PED23056) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Christine Newbold (905) 546-2424 Ext. 1279 Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Appendix “B” attached to Report PED23056 be endorsed as Hamilton’s Housing Pledge and that:

- (a) The Mayor be authorized to sign the City of Hamilton’s Housing Pledge;
- (b) That the City Clerk be directed to forward a copy of the signed Pledge to the Minister of Municipal Affairs and Housing.

EXECUTIVE SUMMARY

On October 25, 2022, the Province of Ontario *introduced* Bill 23, *More Homes Built Faster Act, 2022* to ensure municipalities across Ontario grow and provide housing to meet the needs of all Ontarians. Bill 23 authorized the Minister of Municipal Affairs and Housing to assign to municipalities a non-statutory housing target. For the City of Hamilton, a near term housing target of 47,000 new housing units by 2031 has been assigned. The Province is expecting municipalities to do their part in providing housing for future population growth and to meet the Provincial goal of building 1.5 million new homes by 2031.

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SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 2 of 10

The City of Hamilton has been asked to demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge and taking necessary actions to facilitate the construction of 47,000 units, 11,400 more units than the City's current 2031 target assigned through A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The Minister of Municipal Affairs and Housing advised the City Clerk on October 25, 2022, that the City of Hamilton's Municipal Housing Target is 47,000 new homes before 2031 requires delivery of the Pledge to the Minister by March 1, 2023. The correspondence from Minister Clark is attached as Appendix "A" to Report PED23056.

The housing target does not replace the population and employment forecasts in A Place to Grow-Growth Plan for the Greater Golden Horseshoe, nor are municipalities requested to update their growth management strategies and/or official plans to reflect the pledge target.

The purpose of this staff report is to seek Council's endorsement of a draft Municipal Housing Pledge, attached as Appendix "B" to Report PED23056 which summarizes the actions Hamilton has taken and will continue to pursue towards achieving the 2031 Municipal Housing Target.

Within the existing built up area, there are substantial opportunities for intensification. It is expected that Hamilton's 2031 Municipal Housing Target will be achieved through intensification, redevelopment and greenfield development based on the pre-OPA 167 urban boundary.

Land use policy, zoning, infrastructure investments, housing initiatives on city-owned lands and other housing strategies and initiatives have been, and will continue to be, put in place to support the development of housing including affordable housing of both rental and ownership tenure. Process efficiencies and organizational changes to reduce barriers in the development approval processes have been put in place to facilitate housing starts.

Collaborative, continuous city-building activities and initiatives continue to maintain and further create a city attractive to industry and business, driving housing demand and support the City's goal as the best place to raise a child.

Alternatives for Consideration – See Page 9**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial N/A

Staffing: N/A

SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 3 of 10

Legal: The housing pledge is a non-statutory, non-binding document and land use decisions will continue to be based on the City's Official Plan and Zoning By-laws.

HISTORICAL BACKGROUND

On October 25, 2022, the Province launched *More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023*. More Homes Built Faster is the Province's plan to facilitate the construction of 1.5 million homes in the next 10 years. To implement the Province's Plan, *Bill 23 - More Homes Built Faster Act, 2022* was also proposed on October 25, 2022. The Bill proposed to amend several pieces of provincial legislation (such as the *Planning Act*) and associated regulations to remove barriers to building housing in Ontario. Bill 23 received Royal Assent on November 28, 2022.

Concurrent with the posting of Province's Housing Supply Action Plan and proposed changes through Bill 23, the Province, through ERO Posting 019-6171 posted a Bulletin, "2031 Municipal Housing Targets" which assigned housing targets to 29 lower- and single-tier municipalities in Southern Ontario, including Hamilton. The 2031 housing targets were based on current population and 2011 – 2021 housing trends in the largest and fastest-growing census areas of Ontario for those municipalities with a population of 100,000 or greater. The target for the City of Hamilton is 47,000 housing units by 2031.

The 2031 Municipal Housing Targets Bulletin and accompanying letter from the Minister of Municipal Affairs and Housing dated October 25, 2022 (attached as Appendix "A" to Report PED23056) asks the City of Hamilton to demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge and taking necessary steps to facilitate the construction of 47,000 units.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (as amended) identifies population and employment forecasts to 2051 to be used for planning and managing growth. These provincial forecasts are included in the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP).

Hamilton's population is expected to grow by 62,000 between 2021 and 2031 with the number of housing units (represented as the household forecast prepared as part of the City's Land Needs Assessment) to grow by 35,600 between 2021 and 2031. Land use policies within the UHOP establish the distribution of growth and land use permissions required to achieve the forecasted growth. The City of Hamilton Zoning By-laws implement the policies by establishing more detailed permissions and requirements for development and must comply with the policies of the Official Plans.

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SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 4 of 10

The City's Official plans and Zoning By-laws will remain in force and effect. Land s planning decisions will continue to be reviewed against the UHOP, RHOP and Zoning By-Laws.

RELEVANT CONSULTATION

Planning and Economic Development Department Staff in the Planning, Growth Management, and Economic Development Divisions, as well as Healthy & Safe Communities Department Staff in the Housing Division were consulted in preparing this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The 2031 Municipal Housing Targets Bulletin issued in November 2022 is not a legislative change. Municipalities are being asked to build additional housing, beyond the legislative levels found in the A Place to Grow and approved official plans, to meet the provincial goal of building 1.5 million homes.

The Province's "2031 Municipal Housing Targets" assign a target of 47,000 units by 2031 for the City of Hamilton which is 11,400 units more than the 35,600 target within the UHOP and RHOP for that time period. The target of 35,600 units was incorporated in the Council adopted OPA 167, and subsequently approved by the Minister "as-is". Meeting the target of 47,000 units requires moving from a yearly average of 3,560 to 4,700 units/year (over the 2021-31 time period) or 5,875 units/year (over the 2023-31 time period).

As the municipality does not actually build the majority of new housing units, achieving this additional housing will be a challenge. However, the City has been diligently planning for intensification, streamlining development approvals and reducing barriers to achieving development through intensification and it is expected that the additional 11,400 units can be achieved within the pre-OPA 167 Urban Area and associated planning framework. The Housing Pledge target of 47,000 dwelling units does not require development occurring in the Urban Boundary expansion lands imposed through the Ministry of Municipal Affairs modification of OPA No. 167 nor does it require the redevelopment of lands at a scale, mass or density that does not comply with the criteria contained in the UHOP for reviewing and assessing intensification proposals.

Intensification Opportunities

In 2021, analysis on residential intensification supply was completed as part of the GRIDS2/Municipal Comprehensive Review and indicated a potential supply of 72,000 units within the existing built up area of the city with 26,000 of those units estimated for the 2021 -2031 time period. The analysis looked at conditions in key areas that would indicate a likelihood of a property intensifying. Vacant lot supply, existing policy and pre-

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zoning conditions and development approvals in various stages were reviewed. There are, however, many more sites within the built up area that could intensify and were not part of this analysis so the potential intensification supply is vast. This analysis was done prior to the recent zoning amendments identified below.

Initiatives to Facilitate Intensification and Housing Growth

1. Policy Development for Intensification

In 2011, the original adoption of the UHOP put in place a policy framework centered on intensification in strategic areas of the city, namely nodes and corridors. Since 2011, Hamilton has undertaken secondary planning and amendments to secondary plans as well as specific zoning initiatives to pre-zone lands for intensification. Secondary Planning has been established or updated in the Downtown Hamilton Urban Growth Centre, the Centennial Sub-Regional Node, Waterdown and Ancaster Community Nodes as well as in secondary plans along the B-Line Corridor in Strachcona, West Harbour and Ainslie Wood-Westdale neighbourhoods to establish land use policies and pre-zoning to support intensification.

2. Zoning Initiatives

The City has prioritized intensification with all of the recent Comprehensive Zoning projects. Large amounts of the City's urban area has been pre-zoned to allow for greater intensification opportunities as of right. Specifically, the City's Downtown Zones, Transit Oriented Corridor and Commercial and Mixed Use Zones replaced out of date zoning and incorporated permissions for greater height and density in the City's nodes and corridors.

In the City's neighbourhood areas, the City has already undertaken a number of initiatives to support higher rates of infill and intensification that implement OPA 167. As a proactive measure to enabling the Urban Hamilton Official Plan policies, all the Community Zoning By-laws have been updated to remove exclusionary zoning in low density residential areas. The By-laws have been updated to allow for a full range of low density built forms including single detached, semi-detached, duplex, street townhouse and conversions allowing up to four units on a property.

These permissions have been coupled with recent amendments to allow for additional dwelling units (both internal and detached) within low density residential areas. The introduction of these provisions enables traditionally single use areas to be developed in a variety of ways accommodating a full range of housing types. With the enabling policies and as of right zoning the City has removed barriers to intensifying within existing residential areas. Additional work is being completed to allow for further permissions within low density residential areas to allow purpose built multi-plexes. This work will be completed through 2023.

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SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 6 of 10

Considerations are also being given to implementing parking reductions to allow for additional housing opportunities, and flexibility in permissions to accommodate appropriate intensification possibilities across the City.

3. Other Policy and Planning Initiatives

Other initiatives currently underway addressing intensification are focused on increasing densities around transit station areas and establishing clear policy and zoning requirements for provide a mix and range of housing, in terms of form, function, tenure, and affordability.

The City is undertaking planning for Major Transit Station areas, areas designed to accommodate increased density over time to support the LRT along the B-Line. As the project proceeds, additional changes to Official Plan designations and zoning along the corridor may be implemented to permit higher densities. The project also will identify Protected Major Transit Station Areas (PMTSAs) where an inclusionary zoning framework would apply, requiring new market rate residential development to include a certain percentage of new affordable housing units. Inclusionary Zoning can contribute to increase the supply of more affordable housing units in the City. Both projects are planned for completion in Q3, 2023.

The Family Friendly Housing initiative is establishing policy and zoning to ensure housing suitable for larger households and households with children is provided in developments. The project is planned for completion in Q4, 2023.

The Rental Housing Protection initiative is addressing conversions of primary rental housing to condominium tenure and demolitions of primary rental housing. Policy changes proposed are intended to establish appropriate limitations to manage change and ensure protection for existing affordable rental housing units. The use of a Municipal Act By-law is being considered to implement the policies. The project is planned for completion in Q4, 2023.

Graphic illustration of the initiatives identified above are shown on Appendices “C” and “D” attached to Report PED23056.

4. Other Municipal Initiatives to Facilitate Housing Growth

Housing Sustainability and Investment Roadmap

While the Provincial housing targets speak to growth, the target does not address or propose measures and solutions to address issues of housing affordability.

Hamilton is developing a Housing Sustainability and Investment Road Map to respond to new and growing pressures along the housing continuum. There is an urgent need

SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 7 of 10

for a prioritization framework to change how the city and community partners work together to deliver on shared affordable housing goals in order to deliver best possible affordable housing outcomes for Hamiltonians.

The roadmap focuses on policies and procedures of the City that impact maintaining current supply, new development of, and the acquisition of affordable housing as well as supports to keep people housed. A key objective is to remove barriers, improve responsiveness and timelines within city divisions related to affordable housing construction, acquisition and retention. The roadmap development and implementation of prioritized near-term action will continue through Q1 2023 and progress reported yearly thereafter.

Municipal Land Development Office and City Real Estate Initiatives

Through City-initiatives, partnerships, acquisitions, directed sales, and disposition strategies to raise funds to support other housing initiatives, the City is employing a wide range of tactics to increased opportunities for housing construction, including opportunities to increasing the supply affordable housing.

The Municipal Land Development Office leverages municipally-owned assets with the goal of achieving broad public-policy goals. Although each project is unique, actions to date have focused on intensifying uses on under-utilized former industrial brownfield sites, to create mixed-use, residential and commercial and mixed income developments.

The City continues to review its owned properties to identify opportunities that could facilitate a variety of needs on the housing continuum. To date a number of city-owned sites have been or are in the process of being disposed of for new affordable housing projects, and in conjunction with master planning exercises, sites are being examined for potential intensification of use with housing. The City is also reviewing future opportunities for housing along the B-Line LRT corridor and continuing to incentivize residential development through programs under Community Improvement Plans

Monitoring of Housing Targets

Monitoring is essential for tracking progress towards housing and growth targets. A monitoring framework is being prepared to guide the preparation of annual monitoring reports and will establish the baseline, metrics and data sources to be used going forward to monitor progress towards growth targets, affordability and housing goals including progress towards meeting the Municipal Housing Pledge. The framework will be presented in Q1, 2023 with the first Monitoring Report to follow.

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SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 8 of 10

5. Addressing Barriers to Development

The City has been working to reduce barriers to development through organizational shifts, process improvements, policy and zoning revisions, and commitments to upgrading infrastructure to support intensification. City Council has supported several initiatives through wise and consistent funding of operating and capital budgets, and delegated approval authority to staff.

Hamilton has re-engineering the planning approval process to remove uncertainty in the development approval process. Responding to Bill 109 – More Homes for Everyone Act, over the past year changes have been made to development review and approval process which have included reduced timelines for reviewing applications, providing clear expectations for development application submissions, and providing Terms of References for background studies for development to clarify expectations for studies.

6. Utilizing Funding to Accelerate Housing

The City is accessing funding through the Provincial Streamline Development Approval Fund to supporting Hamilton's projects that will update zoning, explore opportunities to accommodate new housing development as-of-right, provide policy and zoning clarity for development, and acquisition of data to enhance the 3D modelling program.

The City, through its role as a Service Manager, administers Federal and Provincial funding programs for affordable housing providers to facilitate the development of affordable housing. The City is accessing funding through the Ontario Priorities Housing Initiative (OPHI), Canada Ontario Community Housing Initiative (COCHI), and the Rapid Housing Initiative (RHI).

7. Risks and Barriers to Achieving the Municipal Housing Targets

Responsibility for achieving the Housing Pledge target does not rest completely with the City. While supportive policies and processes to support the achievement of the 2031 Housing Target are in place and will be continually improved, the market must ultimately respond to build housing. Market fluctuations and the state of the overall economy will have impacts on a developer's business case and influence both the type and scale of housing projects being proposed, and the rate to which projects advance from approvals to construction. The supply of skilled labour in the construction industry will also impact the rate at which housing is constructed.

Building housing is part of community building, a complex and collaborative effort between the City, other levels of government, property owners, the development industry, businesses, institutions, residents, stakeholders, and other government agencies. Together, these players play a role in creating a strong, vibrant, healthy, economically and socially diverse city. Healthy natural and built environments that are

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SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 9 of 10

resilient to the effects of climate change, supportive social, health care and educational institutions, unique, diverse and connected neighbourhoods all underpinned with the necessary hard and soft infrastructure, support a strong economy and job growth.

Hamilton's continued success in achieving city-building outcomes will play a large role in creating the desirable place where people want to live and driving the demand for housing to which the market will respond. Achievement of the 2031 Housing Target may be at risk should the community fall short in these city-building activities.

ALTERNATIVES FOR CONSIDERATION

1. Council could choose to not endorse the Municipal Housing Pledge. This alternative is not recommended as the ultimate goal of building more homes is shared by the Province and the City of Hamilton. The Municipal Housing Pledge outlines actions within the City's control to facilitate the municipal target of 47,000 units provided to the City by the Province of Ontario.
2. Council could add additional items to implement the Municipal Housing Pledge. While this option is available, staff will be reporting back to Council through the Annual Housing Monitoring Report described above and additional items and mechanisms that support intensification can be added at any time.

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.

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 PED23056 - Letter from Minister of Municipal Affairs and Housing regarding 2031 Municipal Housing Pledge
Appendix "B" to Report PED23056 - DRAFT - Hamilton's Municipal Housing Pledge

SUBJECT: Municipal Housing Pledge (PED23056) (City Wide) - Page 10 of 10

Appendix "C" to Report PED23056 - Housing Initiatives Infographic

Appendix "D" to Report PED23056 - Zoning Initiatives Map

CN/SM:sd

Ministry of
Municipal Affairs
and Housing

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

Ministère des
Affaires municipales
et du Logement

Bureau du ministre

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Ontario

5.4

234-2022-4625

October 25, 2022

**City Clerk
City of Hamilton
71 Main Street West
Hamilton Ontario L8P 4Y5**

**Subject: Municipal Housing Targets and Municipal Housing Pledges
City of Hamilton: 47,000**

Dear Andrea Holland,

Our government is taking bold and transformative action to get 1.5 million homes built over the next 10 years.

To help fulfill this commitment, we have announced and are implementing More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23. This plan includes a suite of legislative and non-legislative changes across government that will help unlock more housing, streamline development approvals, remove barriers, accelerate planning, and further protect homebuyers and owners.

To support the new action plan, we have introduced the **More Homes Built Faster Act, 2022**, which, if passed, would ensure that cities, towns, and rural communities grow with a mix of ownership and rental housing types that meet the needs of all Ontarians.

To achieve the goal of building 1.5 million homes, large and fast-growing municipalities, including yours, are being assigned a **Municipal Housing Target**. While municipalities have taken significant steps in increasing their housing supply, Ontario needs an unprecedented amount of housing to meet current demand and that of generations to come. Our government requires a commitment from our municipal partners to do their part in providing housing for future population growth.

To implement the 1.5 million homes target I am asking the City of Hamilton to demonstrate its commitment to accelerating housing supply by developing a **Municipal Housing Pledge** and take the necessary steps to facilitate the construction of 47,000 new homes in your community by 2031. I ask that you bring this letter to the attention of your Head of Council so that your municipality is positioned to deliver its pledge to me, the Minister of Municipal Affairs and Housing, by the March 1, 2023, deadline. See the info sheet attached to this letter for information and considerations in developing a Municipal Housing Pledge.

Pledges will provide important information that showcase the strategies and actions that municipalities choose to adopt in order to prioritize and accelerate housing. Our government intends to use your pledges to monitor and track progress so we can continue to play a role in supporting municipalities and removing barriers to housing development.

Our government recognizes the key role that municipalities will play in implementing Municipal Housing Targets through their Municipal Housing Pledges and know that you share the desire to bring more housing to the people of Ontario. We are committed to addressing the policy and implementation barriers you may encounter as you develop your pledges and I encourage you to reach out to Wendy Ren, Executive Lead, Municipal Policy/Program Collaboration, at Wendy.Ren@ontario.ca or 437-995-7094, if you have any questions, comments, or suggestions.

I look forward to working together to increase housing supply for all Ontarians.

Sincerely,



Steve Clark
Minister

Encl.

c: The Honourable Michael Parsa, Associate Minister of Housing
Kate Manson-Smith, Deputy Minister
Ryan Amato, Chief of Staff, Minister's Office
Joshua Paul, Assistant Deputy Minister, Housing Division

Info Sheet: Considerations in Developing Municipal Housing Pledge

The pledge is not intended to be a land-use planning document, and its development should not require external technical expertise. The format and language used in the pledge should be accessible to the general public. The pledge is intended to be approved by municipal councils and should help codify Council's commitment to meeting their municipal housing target.

Municipalities can leverage new and existing policy tools as they develop housing pledges and work towards their housing targets.

Below is a non-exhaustive list of potential strategies and actions that municipalities may include in developing their housing pledges. There may be additional opportunities based on local circumstances and the Province is interested in hearing about those ideas and creative solutions.

- Strategies to encourage and promote gentle intensification to enable and expedite additional residential units in existing residential areas
- Outline ways in which funding under provincial programs, such as the Streamline Development Approval Fund (SDAF) or Municipal Modernization Program (MMP), has been used to streamline existing municipal development approval processes
- Information on municipal development approval timelines and whether municipalities are being appealed for non-decisions
- Identify potential measures where current lack of infrastructure capacity (e.g., water/wastewater servicing) may limit future housing development
- Strategies to use municipal surplus lands
- Commitment to plan for, fund, and approve (where applicable) specific critical municipal infrastructure to support growth and new housing (e.g., water, wastewater, transit etc.), which may include expanded capacity as well as fully new facilities/assets
- Priorities for strategic and site-specific planning decisions to expedite housing in priority areas (e.g., around transit stations and in transit-serviced areas)
- Update zoning by-laws to permit a greater range of housing to be built without the need for costly and lengthy rezoning applications
- Municipalities may also consider existing tools such as the Community Infrastructure and Housing Accelerator, [Community Planning Permit System](#), Major Transit Station Areas, and Protected Major Transit Station Areas.

Below are some of the potential components of a municipal housing pledge. Municipalities are free to choose, alter, or add any new components that seem reasonable. Pledges can be represented in the form of plain text, tables, charts, maps, or a combination of them.

- Municipal Housing Target

- Planned and proposed Municipal Initiatives
- Initiative Owner and Additional Stakeholders
- Context and Description of How Initiative Accelerates Housing
- Number of units per initiative and housing type
- Considerations (Barriers, Implementation, Risks, etc.)
- Potential Mitigation Strategies and Proposal to Accelerate Housing
- Potential Reporting and Monitoring Measures

The deadline for municipalities to submit housing pledges to the Minister of Municipal Affairs and Housing is March 1, 2023.

Municipal housing pledges are intended to be public documents and it's anticipated that municipalities will post them online.

Municipalities can contact Ministry staff with any questions and for clarification.



-- DRAFT --

HAMILTON'S MUNICIPAL HOUSING PLEDGE

The City of Hamilton is committed to building a range and mix of housing types and tenures, including affordable housing, to meet the needs of the current and growing population. The City of Hamilton accepts the challenge of building 47,000 housing units by 2031 and continuing Council's direction for growth through intensification.

Hamilton will meet the challenge through municipal policy and process initiatives, collaborations and partnerships, continual improvement and monitoring measures, with the awareness that there will be events and situations that may impact achievement of this Pledge that are beyond the City of Hamilton's control.

1. Initiatives to be led by the City of Hamilton to Implement the Municipal Housing Pledge

Urban Hamilton Official Plan: Reviewing and updating policies within the Urban Hamilton Official Plan and secondary plans will be completed to identify additional areas to support intensification through increased height and built form permissions, in accordance with policies already approved through Phase 1 of the Municipal Comprehensive Review.

Major Transit Station Area Planning: The delineation of Major Transit Station Areas (MTSAs) and identification of densities to support the B-Line LRT will be completed and included in the Official Plan. Designation of Protected Major Transit Station Areas will support an Inclusionary Zoning framework as one tool to address affordable housing.

Zoning By-law Amendments: In conjunction with policy reviews noted above, Hamilton's Zoning By-law will be amended to facilitate higher rates of infill and intensification through as-of-right zoning and will facilitate a future Inclusionary Zoning frameworks. Continued review of the Zoning By-law will address other areas that could create barriers for intensification such a parking standards.

Other Planning Policy Initiatives: Through the Family Friendly Housing and Rental Housing Protection initiatives, policy and guidelines will be established to support the achievement of a range and mix of unit sizes within higher density development and provide clear expectations for the conversions of rental housing and ensure protection for existing affordable rental housing units.

Evaluation of City Owned Lands: The City will continue to review it's portfolio of city-owned lands to identify opportunities for building a variety of housing types or, for sale with proceeds to support affordable housing development.

Appendix “B” to Report PED23056
Page 2 of 2

Continuous Infrastructure Improvements: The City will continue to plan for and build the necessary infrastructure to support intensification. Review of capital budgets and completion of master plans will ensure that infrastructure is aligned with planned intensification.

2. Collaboration & Partnerships to support the Municipal Housing Pledge

Housing Sustainability and Investment Road Map (HSIR): Hamilton will continue the development of the HSIR to define a framework to change how the city and community partners work together to deliver on shared affordable housing goals.

Municipal Land Development Office (MDLO): The MDLO will continue collaborate and work with community partners to leverage municipally-owned lands or surplus lands for the development of housing.

Engaging the Development Industry Partners: The City will continue to work collaboratively with the development industry to bring housing to Hamilton. The City will maintain a strong dialog with all participants in the development industry to continue to share knowledge, identify barriers, and collaborate on new or improved approaches to building housing in Hamilton.

Engaging Federal and Provincial Levels of Government: The City will continue to engage and work with Federal and Provincial partners towards the shared goal of building housing and creating housing opportunities in Hamilton through funding programs and other housing initiatives or pilot projects as well as for infrastructure and transit. The City is currently participating in the Province’s Streamlining Development Approvals Fund to advance policy and process improvements.

3. Continual Improvement and Monitoring Measures

Monitoring of Progress towards achieving the Housing Pledge: The City will establish a framework for tracking progress towards achieving this Housing Pledge and other municipal housing targets including affordability targets. Annual reporting will update City Council and provide opportunities to consider other initiatives to accelerate housing development to meet the Pledge if necessary.

The City of Hamilton pledges to facilitate the construction of 47,000 housing units by 2031.

City’s commitment to this Pledge comes with the recognition that that there are factors outside the City’s control which will influence progress towards the target. The rate at which housing can be brought to market will be influenced by economic factors, labour markets and changes in the legislative landscape and these factors have the potential to influence both private and municipal housing and supporting projects.

Andrea Horwath
Mayor
City of Hamilton
March 1, 2023



PLANNING INITIATIVES SUPPORTING HOUSING

Multiple projects within the Planning Division are part of the City's broader work to provide for the full continuum of housing needs, including affordable housing.



Other Initiatives Linked to Planning Division Projects:

Rental Housing Licensing Pilot Program

Proposed Short Term Rental Licensing

Housing and Homelessness Action Plan 2020 Update

Municipal Comprehensive Review
(Official Plan Policies)

New Comprehensive Zoning By-law
(By-law 05-200)

Rental Housing Protection Policy Review

Planning Strategy for Child-Friendly Housing
(Family Friendly Housing)

Inclusionary Zoning and Major Transit Station Area Planning

Expanding Permissions in Low Density Residential Zones

Secondary Dwelling Unit Zoning Permissions



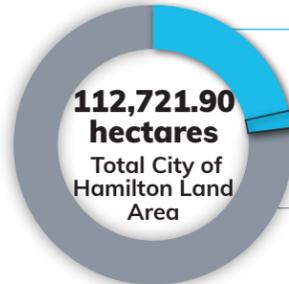
Increased Housing Opportunities in Hamilton Through Zoning Reform

Increasing Housing Opportunities



120,380
Number of properties with a **Low Density Residential Zone** in the City of Hamilton (Urban Area)

82,810 - 69%
Number of properties where the zoning has changed to allow for a greater range of housing options



112,721.90 hectares
Total City of Hamilton Land Area

26,267.20ha - 23.3%
Urban Area

2,240.90ha - 8.53%
Urban Expansion Areas

86,454.70ha - 76.70%
Rural Area

Current Housing Opportunities in Neighbourhoods, the Downtown, and Zones Permitting Mixed-Use Development

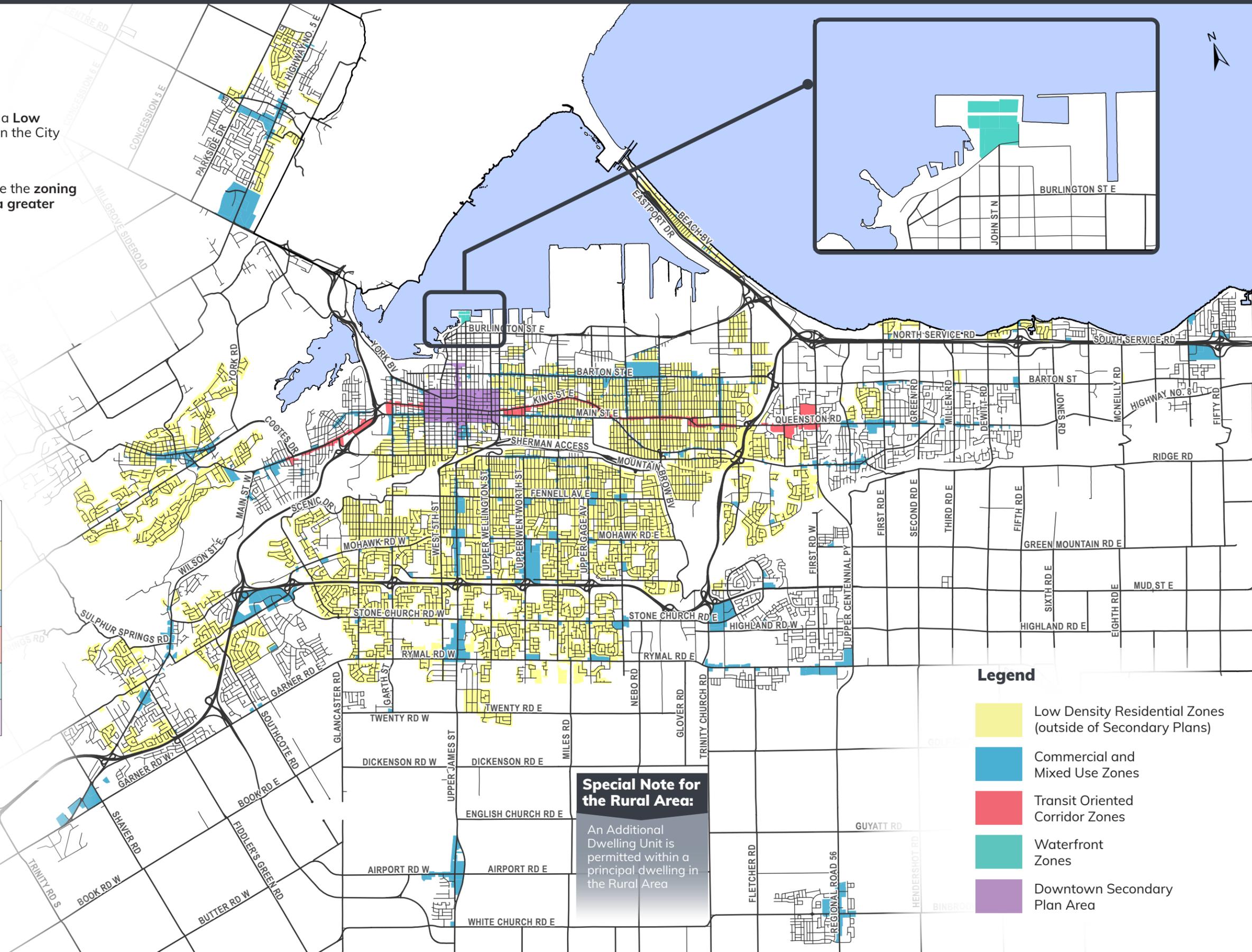
Of the Total Urban Area	Hectares	%	Number of properties
Low Density Residential Zones (outside of Secondary Plans)	5,550.00	21.13	82,810
Commercial and Mixed Use Zones	1,092.60	4.16	3,838
Transit Oriented Corridor Zones	150.90	0.57	934
Waterfront Zones	6.90	0.03	6
Downtown Hamilton Secondary Plan Area	177.2	0.67	1,494

Future Housing Opportunities Planned for:

Secondary Plans¹ **8,031.81ha - 30.57%** (of the total urban area)

Urban Expansion Areas **2,240.90ha - 8.53%** (of the total urban area)

¹ Does not include lands within the West Harbour (Setting Sail) Secondary Plan or the Downtown Hamilton Secondary Plan.



Special Note for the Rural Area:
An Additional Dwelling Unit is permitted within a principal dwelling in the Rural Area

- Legend**
- Low Density Residential Zones (outside of Secondary Plans)
 - Commercial and Mixed Use Zones
 - Transit Oriented Corridor Zones
 - Waterfront Zones
 - Downtown Secondary Plan Area



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Inclusionary Zoning - Housing Needs Assessment (PED23044(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tiffany Singh (905) 546-2424 Ext. 1221
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Draft Housing Needs Assessment Report, prepared by SHS Consulting, dated December 2022, attached as Appendix "A" to Report PED23044(a), be received;
- (b) That the Housing Needs Assessment addendum letter, prepared by SHS Consulting, dated January 2023, attached as Appendix "B" to Report PED23044(a), be received;
- (c) That staff be directed and authorized to undertake public and stakeholder consultation on the Housing Needs Assessment report and addendum letter.

EXECUTIVE SUMMARY

The lack of sufficient affordable housing is an issue in Hamilton, across the Province, and more broadly across Canada. Many factors have led to Ontario's current housing affordability crisis. Some factors relate to prolonged low interest rates, accumulated home equity creating buying power, speculative demand, labour shortages, cost of materials, and inadequate supply to meet the growing population demands combined with the low rate of growth of personal and household incomes. The current housing

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**SUBJECT: Inclusionary Zoning - Housing Needs Assessment (PED23044(a))
(City Wide) - Page 2 of 13**

environment has created many challenges and affordable housing is now critically needed more than ever.

The City of Hamilton is exploring the feasibility of adopting Inclusionary Zoning (IZ) to help increase the supply of affordable housing. Increasing the supply of safe, suitable, and affordable housing for all Hamiltonians is the primary objective of the City's Housing and Homelessness Action Plan (2020). Affordable housing generally means that the cost of rental or ownership housing is low enough relative to household income to allow a person to meet other basic needs. Affordable housing is a broad term that encompasses a spectrum that extends from "deeply affordable" units for households with low incomes, to attainable housing closer to the average market rent or price for middle income households. To achieve the primary objective of the City's Housing and Homelessness Action Plan, the City must explore all opportunities to generate affordable rental and ownership options to meet the needs of households as the city continues to grow. Inclusionary Zoning is one tool that can be used to meet the City's objective.

The *Planning Act* and Ontario Regulation 232/18 defines Inclusionary Zoning as a land-use planning tool that a local municipality may use to require affordable housing units (IZ units) to be included in private market-rate residential developments of 10 units or more within a designated Protected Major Transit Station Area (PMTSA). Prior to adopting Inclusionary Zoning policies, the Province requires a comprehensive study (municipal assessment report) to be undertaken to justify the need for affordable housing and to ensure that the inclusion of affordable housing is economically feasible for market-rate housing development that would be subject to an IZ regime.

The City is undertaking the required municipal assessment report in accordance with Ontario Regulation 232/18 and has approached the requirement through two components, a Housing Needs Assessment and a Market Feasibility Study. The draft Housing Needs Assessment is attached as Appendix "A" to Report PED23044(a). The City retained SHS Consulting to complete the Assessment, which includes an analysis of existing and projected housing supply and affordability, demographic trends, and resulting housing needs across the City. The second component, the Market Feasibility Study, will be brought forward through a future report to Planning Committee at such time as a detailed peer review of the study is completed, in accordance with Provincial requirements. A report containing the Market Feasibility Study, a peer review report, proposed draft policy framework, and consultation program will be brought forward in March, 2023 or April, 2023.

**SUBJECT: Inclusionary Zoning - Housing Needs Assessment (PED23044(a))
(City Wide) - Page 3 of 13**

The Housing Needs Assessment Draft Report identifies three key housing gaps that summarize the current and emerging need for housing that is adequate, suitable, and affordable in Hamilton:

1. There is a need to continue to diversify the housing stock, particularly to include more smaller dwelling types, as well as family sized dwellings, to allow seniors (aged 65+ years) to age in appropriate homes and to encourage couples with children to settle in Hamilton;
2. There is a need to increase the stock of purpose-built rental housing in the primary rental market in Hamilton; and,
3. There is a need to develop ownership options that are affordable to households with moderate incomes and that are appropriate for larger households.

The Housing Needs Assessment Draft Report also presents an analysis of and recommendations for definitions for “affordable ownership” based on an income-based approach, and “affordable rental” using a market-based approach consistent with the definition of “affordable housing” in the Provincial Policy Statement and the City’s Official Plans. The Housing Needs Assessment Draft Report recommends the following income thresholds for defining an affordable housing unit based on data from 2022:

- Affordable Ownership (income-based approach) should be priced at a maximum of \$505,455 for the lowest 60% of the income distribution; and,
- Affordable Rental (market-based 100% AMR approach) should be priced at the following maximums for the lowest 60% of the income distribution based on unit type:
 - \$920 – Bachelor Units;
 - \$1,142 – One-Bedroom Units;
 - \$1,335 – Two-Bedroom Units;
 - \$1,450 – Three-Bedrooms or More; and,
 - \$1,242 – All Unit Types.

An addendum to the Housing Needs Assessment Draft Report, attached as Appendix “B” to Report PED23044(a) was also completed by SHS Consulting to assess the impact of potential future regulations proposed by the Province. The addendum is based on changes communicated in a posting on the Environmental Registry of Ontario (ERO) on (October 25, 2022 – December 9, 2022). As of the time of the writing of this report, these changes have not been implemented by the Province. The addendum indicates that if using the proposed provincial calculation for affordable housing, set at 80% of the average resale purchase price of ownership units or 80% of the average

**SUBJECT: Inclusionary Zoning - Housing Needs Assessment (PED23044(a))
(City Wide) - Page 4 of 13**

market rent (AMR) for rental units, the following maximum prices or rent would constitute an affordable housing unit:

- Affordable Ownership should be priced at a maximum of \$739,242 for the lowest 60% of the income distribution; and,
- Affordable Rental should be priced at the following maximums for the lowest 60% of the income distribution based on unit type:
 - \$736 – Bachelor Units;
 - \$914 – One-Bedroom Units;
 - \$1,068 – Two-Bedroom Units;
 - \$1,160 – Three-Bedrooms or More; and,
 - \$994 – All Unit Types.

In summary, the proposed affordable housing definition from the province would result in a much higher affordable ownership threshold and conversely lower affordable rental prices.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Inclusionary Zoning is a land use planning tool that has the potential to deliver affordable units within market-rate developments over the long term. The tool was first introduced in the 1970's and was used throughout the United States to secure affordable housing units. The application of this policy tool is much newer to Canada. As part of the *Promoting Affordable Housing Act, 2016*, the Province of Ontario introduced a framework to allow municipalities to include Inclusionary Zoning into Official Plan policies and Zoning By-law regulations. In April 2018, the Province released further details and limitations on the use of this policy tool through Ontario Regulation 232/18.

**SUBJECT: Inclusionary Zoning - Housing Needs Assessment (PED23044(a))
(City Wide) - Page 5 of 13**

On October 25, 2022, the province released proposed changes to the regulations for Inclusionary Zoning which were posted on the ERO. Although the consultation postings closed on December 9, 2022, amendments to the regulations have not yet been made.

Inclusionary Zoning requires new market rate residential development to include a certain percentage of new affordable housing units. In Ontario, Inclusionary Zoning can only be implemented within a Protected Major Transit Station Area (PMTSA), which is a subtype of Major Transit Station Area (MTSA), where inclusionary zoning may be applied. A MTSA includes the area around any existing or planned higher order transit station or stop or the area around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk. Municipalities may determine which MTSAs it identifies as PMTSAs pursuant to the *Planning Act*, but PMTSAs require Ministry of Municipal Affairs and Housing approval.

A key benefit of Inclusionary Zoning is that it can facilitate the construction of affordable units in locations that are most ideal for affordable housing (e.g. areas in close proximity to services, amenities and higher order transit), but that are often too expensive for affordable housing providers to build without reliance on government subsidies.

Inclusionary Zoning programs can reduce revenues for market-rate housing developers as a result of lower rents and sale prices for the affordable units. As such, Ontario Regulation 232/18 requires the City to undertake a municipal assessment report before implementing any inclusionary zoning policies, to ensure that market-rate residential development continues to be financially viable for private housing developers.

The municipal assessment report includes two key components. The first component is an analysis of existing and projected housing supply and affordability, demographic trends, and resulting housing needs across the City. The City has retained SHS Consulting to complete this analysis through a Housing Needs Assessment towards fulfilling the necessary IZ legislative requirements.

The second component of the municipal assessment report is an analysis of the market and financial viability of development and redevelopment from the enactment of an inclusionary zoning policy framework. The City has retained urbanMetrics inc. to complete a Market Feasibility Study. Through the approval of Report PED2304, on February 8, 2023, Council authorized N. Barry Lyons Consulting Limited to conduct a written peer review as legislatively required.

Key Inclusionary Zoning policy considerations that affect the financial viability of development include:

- Set-aside rate (percentage of units required to be affordable);

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- Degree of affordability (targeted income decile);
- Duration of affordability (length of time the unit is kept at an affordable price); and,
- Tenure of affordable units (ownership vs. rental).

Where the economics of site development cannot support inclusionary zoning on its own, programs can include measures to offset the financial impact so that the development projects become financially viable (e.g. without requiring reduced parking standards or waiving parkland dedication requirements). They can also be used to deepen the degree of affordability to serve a broader range of household incomes. Measures could include the phasing in of the program, increased height or density permissions, or financial incentives.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS) and other Provincial policy plans. It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province. Bill 7, *Promoting Affordable Housing Act*, 2016 introduced Section 35.2 to the *Planning Act* containing permission for municipalities to implement inclusionary zoning provisions. Ontario Regulations 232/18 came into effect on April 11, 2018, setting the framework for municipalities looking to explore implementing an inclusionary zoning by-law.

The analysis regarding feasibility of an Inclusionary Zoning policy is the most critical component of the regulation requirements. There are several key Inclusionary Zoning policy development elements that must be explored further in order to shape the most appropriate Inclusionary Zoning program for the current and future needs of Hamiltonians. The following is a summary of some of those parameters and considerations:

- **Set-Aside Rate**
 - What is an appropriate set-aside rate that will maintain the viability of market-rate development?
 - Should there be different rates for different station areas?
 - Should there be a different rate for different market tenures?
- **Degree of Affordability**
 - Should Inclusionary Zoning be affordable for low-income households or moderate-income households?

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- Duration of Affordability
 - What is an appropriate duration of affordability and how should it be maintained over time?
 - How is the unit managed if the tenant or owner chooses to move/sell or becomes deceased?
- Tenure of Affordable Units
 - What tenures would best serve the City's needs?
 - Should there be specific tenure requirements in certain station areas?
- Size and Location of Affordable Units
 - What size of units would best serve the City's needs?
 - Should the required IZ units be located within a specific area of a multi-residential building?
- Offsite Units
 - Should offsite units (required by *Planning Act* to be within same station area) be permitted, and under what conditions?
 - How does the City ensure the timely construction of offsite units?
- Opting Out Clause
 - Are there situations or sites that should be excluded from an Inclusionary Zoning policy because they are more suitable for the achievement of other municipal objectives?
- Phase-in and Transition
 - How should program elements be phased-in to minimize market disruption (e.g. starting with a very low set-aside rate and rising to a predetermined maximum)?
 - How should the program address stronger markets vs weaker less viable markets?
- Program Administration and Implementation
 - For rental units, who would manage the affordable units, fill vacancies with appropriate tenants, and ensure they continue to remain affordable?
 - For ownership units, how would those units be allocated?
 - What are the staff resource implications to the City under various implementation models?
- Program Monitoring, Reporting and Updating
 - How often should Inclusionary Zoning policies and by-law be updated?

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- What additional resources will the City need to allocate to monitoring and updating the policy (reporting every two years and updating every five years)?

RELEVANT CONSULTATION

Staff within the Planning Division, Economic Development Division, Corporate Real Estate Office, Housing Services, Financial Services, and Legal Services were consulted in the internal review of the Housing Needs Assessment Draft Report.

Further consultation will be held with the development industry and the public to solicit feedback on the report. The following methods of engagement will be utilized immediately after receipt of Report PED23044(a):

- The Housing Needs Assessment Draft Report and addendum letter will be posted publicly for commenting through the City’s online engagement platform – Engage HQ (<https://engage.hamilton.ca/>); and,
- The Housing Needs Assessment and addendum letter information will be presented to the Development Industry Liaison Group (DILG) at an upcoming meeting in March 2023.

Future Consultation

Once the Market Feasibility Study and peer review have been completed, additional details of a broader public and stakeholder engagement program will be presented to Planning Committee for consideration. Consultation on all study components is anticipated to be conducted during the months of April and May 2023.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Housing Needs Assessment Draft Report completed by SHS Consulting (Appendix “A” attached to Report PED23044(a)) and the Addendum Letter (Appendix “B” attached to Report PED23044(a)) had the following key findings:

Defining Affordable for Hamilton

The Housing Needs Assessment Draft Report presents an analysis of the various definitions of affordable housing that are currently being used in different contexts in Hamilton. These definitions provided the foundation for a recommended definition for affordable ownership based on an income-approach, and a recommended definition for affordable rental using a market-based approach.

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The Addendum to the Housing Needs Assessment Draft Report, assessed the impact of potential future regulations proposed by the Province. The Addendum is based on proposed changes communicated in a posting on the Environmental Registry of Ontario (ERO) on (October 25, 2022 – December 9, 2022).

The proposed changes are draft, and as of the time of the writing of this report, have not been implemented yet by the Province. The following summarizes SHS Consulting's recommended affordable housing definitions approach calculating the threshold for the lowest 60% of the income distribution in Hamilton, versus the potential future regulation proposed by the Province using 2022 data:

	<i>SHS Recommendation</i>	<i>Draft Provincial Regulation</i>
Affordable Ownership	<i>Income-Based Approach</i>	<i>Proposed Market-Based 80% of the average purchase price</i>
	\$505,455	\$739,242
Affordable Rental	<i>Market-Based Approach (100% AMR)</i>	<i>Proposed Market-Based Approach (80% AMR)</i>
Bachelor Units	\$920	\$736
1 - Bedroom	\$1,142	\$914
2 - Bedroom	\$1,335	\$1,068
3 - Bedroom +	\$1,450	\$1,160
All Unit Types	\$1,242	\$994

Key Housing Gaps

The Housing Needs Assessment analysis identified three key housing gaps that summarize current and emerging needs for housing in Hamilton.

1. There is a need to continue to diversify the housing stock, particularly to include more smaller dwelling types, as well as family sized dwellings, to allow seniors (aged 65+ years) to age in appropriate homes and to encourage couples with children to settle in Hamilton.

The majority of dwellings in Hamilton were single-detached dwellings in 2021 (56.2%). However, the demographics of households in Hamilton are changing and their needs might not be met by single-detached dwellings in the future.

Smaller households with one or two persons are the predominant household size (59.9%) in Hamilton in 2021. In addition, the population is aging. From 2016 to 2021, households with primary maintainers (the person or one of the people in the household responsible for major household payments such as the rent or mortgage) aged 45 to 64 years in Hamilton decreased (-1.9%), indicating these

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households are likely having challenges to find affordable and suitable housing in Hamilton and are moving to different municipalities in Ontario. In contrast, the number of households led by seniors (aged 65+ years) was the fastest growing age group over that same time period (11.1%). Single-detached dwellings are not always the most suitable dwelling type for seniors and older adults to age in place. In addition, these dwelling types are also the most expensive dwellings and are only affordable to households in the 9th income decile (average income of \$222,207) or higher.

When looking at housing starts and completions, the data show the housing stock is changing and more diverse dwelling types are being built or proposed. It is important to continue to support these trends through policy incentives such as inclusionary zoning and ensure the housing stock will also meet the needs of residents in Hamilton in the future. Although the structural types seem to be diversifying in Hamilton, the majority of the newly constructed and proposed dwellings remain in the homeownership market. There is therefore a need to continue to diversify the housing stock with smaller sized rental dwellings and affordable ownership options in Hamilton.

2. There is a need to increase the stock of purpose-built rental housing in the primary rental market in Hamilton.

Average household incomes in Hamilton were lower compared to Ontario as a whole. From 2020 to 2022, the average household income in Hamilton grew by approximately 11.3%. In contrast, the average price of a home grew by 19.7% over that time period indicating homeownership has become rapidly unaffordable to a significant proportion of households.

The previous gap showed that in 2021 the majority of newly completed dwellings were ownership dwellings (69.9%) and very few were rental housing in the primary market (30.1%). This could explain the higher proportions of renter households who are facing housing affordability issues or who are in core housing need in Hamilton and demonstrates a strong need for more rental housing options that are affordable to households with low and moderate incomes. This is also supported by the large number of households on the centralized wait list for community housing, which indicates the existing stock of affordable and subsidized rental housing in Hamilton is not sufficient to meet the need in the community.

From 2016 to 2021, the supply of units in the primary rental market increased by 5.5% while the number of renters increased at a significantly faster pace (11.7%). The number of renters also increased at a faster pace than households overall (11.7% versus 5.3%). This data demonstrates a need to increase the supply of

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purpose-built rental units. While home ownership may be ideal for some households, rental housing provides more flexibility, requires less maintenance, and is generally more affordable for households with low and moderate incomes. Rental housing may be the better option for young adults just starting their careers, people living alone or with roommates, and seniors who wish to downsize. It is particularly important to encourage the development of primary rental units as these are much more stable and generally more affordable compared to rental units in the secondary rental market through policies such as inclusionary zoning. Furthermore, adding to the supply in the primary rental market through an inclusionary zoning policy may encourage some households to move to newer rental units which would then free up some of the more affordable units that currently exist.

3. There is a need to develop ownership options that are affordable to households with moderate incomes and that are appropriate for larger households.

In 2022, the average condominium price would not be affordable to the majority of households with moderate incomes. While smaller condominium dwellings might be appropriate for some households, couples with children might require larger dwellings. From 2016 to 2021, however, couples with children decreased over that period. These households could be migrating to other municipalities for reasons such as a lack of housing options, to seek employment, or to attain a different lifestyle than what is offered in Hamilton. There is potentially a lack of housing that meets the desires and needs of this group of households in Hamilton currently.

As such, it would be important to work with the development industry and other partners through an inclusionary zoning policy to focus efforts on encouraging the development of ownership options that are affordable to larger households, including families with children or families planning to have children. While the data suggest smaller households are still the dominant household type, larger households are growing at a faster rate in Hamilton.

The Housing Needs Assessment Draft Report does not specifically examine the merits of utilizing Inclusionary Zoning as a land use policy tool to increase housing affordability, instead it confirms the need for more deeply affordable rental housing, and more moderately affordable rental and ownership housing of all unit sizes. The Draft Report confirms a need for exploring the use of policy tools such as Inclusionary Zoning to help increase the supply of affordable housing units to meet the current and future needs of Hamiltonians.

Inclusionary Zoning is a promising tool that leverages private sector development to help increase the amount of affordable housing near transit, but it is unlikely to yield

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enough units to address all of the City's current and future affordable housing needs. Trade-offs or incentives may be required in the Inclusionary Zoning program to increase effectiveness, and the tool will likely not create affordable housing that is suitable for all household types and income ranges. Additional tools will be required to achieve an adequate supply and range of needed affordable housing. The Draft Report recommends the City continue to work towards completing the ongoing Housing Sustainability and Investment Road Map (HSIR) to developing a more robust and up-to-date housing strategy to meet the diverse needs of households into the future.

ALTERNATIVES FOR CONSIDERATION

Council could direct staff not to post the Housing Needs Assessment Draft Report on Engage Hamilton or meet with DILG until both the Market Feasibility Study is complete and available for broad public consultation together with a draft inclusionary zoning policy framework. This alternative is not recommended because there may be valuable insight from the community to help inform the gaps identified and the recommendations that may influence the development the draft policies.

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.

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 PED23044(a) – Housing Needs Assessment Draft Report, by SHS Consulting

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Appendix "B" to Report PED23044(a) – Housing Needs Assessment Draft Report –
Addendum Letter – Potential IZ Regulation
Changes and Impacts, by SHS Consulting

TS:sd

City of Hamilton | Housing Needs Assessment



December 12th, 2022

Acknowledgement

The City of Hamilton Housing Needs Assessment was undertaken on behalf of the City of Hamilton. This report is the result of a collaborative process and would not have been possible without the active involvement of City of Hamilton staff, as well as a number of key housing stakeholders and residents. We would like to especially thank Tiffany Singh from the City of Hamilton for her continued support and feedback during the process of creating this report.

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Executive Summary

The Housing Needs Assessment was developed through a collaborative approach and is a detailed analysis of current and projected key housing gaps in the City of Hamilton across the broader housing continuum. The Housing Needs Assessment will inform the City's approach to a future inclusionary zoning By-law in accordance with the requirements of the Planning Act and may inform future work on a housing strategy for the City of Hamilton.

The Housing Needs Assessment should fulfill the Provincial requirements for an "Assessment Report" as required by the Planning Act (O. Reg 232/18) prior to adopting an inclusionary zoning By-law. This includes the following analyses:

- Analysis of demographics and population
- Analysis of household incomes
- Analysis of housing supply characteristics
- Analysis of housing types and sizes
- Analysis of current average market prices

To conduct these analyses, data and information was gathered from Statistics Canada, Canada Mortgage and Housing Corporation (CMHC) and the City of Hamilton.

Definition of Affordability

The recommended thresholds for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton¹ should be in line with the definitions presented in the Provincial Policy Statement² (PPS). The definitions from the PPS are also in line with the definitions presented in A Place to Grow: Growth Plan for the Greater Golden Horseshoe³ and the City's Urban Hamilton Official Plan.

¹ A full analysis of the various definitions of affordable housing that are currently being used in different contexts in Hamilton is presented in Appendix A. These definitions provide the foundation for the recommended definitions for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton presented here.

² Province of Ontario, 2020. Provincial Policy Statement. Accessed from: <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

³ Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

In the case of **ownership housing**, the PPS defines affordability as the least expensive of:

- a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households
- b) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the City of Hamilton;

In the case of **rental housing**, affordability is defined as the least expensive of:

- a) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households
- b) a unit for which the rent is at or below the average market rent of a unit in the City of Hamilton.

For the purposes of this definition, “low and moderate income households” means households with incomes in the lowest 60% of the income distribution for the City of Hamilton.

In 2022, based on Hamilton household income deciles, **affordable ownership housing** should be priced through the income-based approach at a maximum of **\$505,455** for the lowest 60% of the income distribution

In 2021, **affordable rental housing** should be priced through the market-based approach at a maximum rent of **\$1,190** on average for all unit types, **\$915** for bachelor units, **\$1,095** for one-bedroom units, **\$1,271** for two-bedroom units, and **\$1,479** for units with three bedrooms or more in 2021.

Key Housing Gaps

The key housing gaps were determined by comparing trends and forecasts of demographics, household characteristics and household incomes in Hamilton with the existing and planned housing supply, as well as trends in housing affordability.

This analysis led to three key housing gaps that summarize the current and emerging need for housing that is adequate, suitable and affordable in Hamilton.

Key Housing Gap 1

There is a need to continue to diversify the housing stock, particularly to include more smaller dwelling types, as well as family sized dwellings, to allow seniors (aged 65+ years) to age in appropriate homes and to encourage couples with children to settle in Hamilton.

The majority of dwellings in Hamilton were single-detached dwellings in 2021 (56.2%). However, the demographics of households in Hamilton are changing and their needs might not be met by single-detached dwellings in the future.

Smaller households with one or two persons are the predominant household size (59.9%) in Hamilton in 2021. In addition, the population is aging. From 2016 to 2021, households with primary maintainers aged 45 to 64 years in Hamilton decreased (-1.9%), indicating these households are likely having challenges to find affordable and suitable housing in Hamilton and are moving to different municipalities in Ontario. In contrast, the number of households led by seniors (aged 65+ years) was the fastest growing age group over that same time period (11.1%). Single-detached dwellings are not always the most suitable dwelling type for seniors and older adults to age in place. In addition, these dwelling types are also the most expensive dwellings and are only affordable to households in the 9th income decile or higher.

When looking at housing starts and completions, the data show the housing stock is changing and more diverse dwelling types are being built or proposed. It would be important to continue to support these trends through policy incentives such as inclusionary zoning and ensure the housing stock will also meet the needs of residents in Hamilton in the future. Although the structural types seem to be diversifying in Hamilton, the majority of the new dwellings being completed, and the proposed dwellings remain in the homeownership market. There is therefore a need to continue to diversify the housing stock with dwellings that include smaller sized rental and affordable ownership options in Hamilton.

Key Housing Gap 2

There is a need to increase the stock of purpose-built rental housing in the primary rental market in Hamilton.

Average household incomes in Hamilton were lower compared to Ontario as a whole. From 2020 to 2022, the average household income in Hamilton grew by approximately 11.3%. In contrast, the average price of a home grew by 19.7% over that time period indicating homeownership has become rapidly unaffordable to households.

The previous gap showed that in 2021 the majority of newly completed dwellings were ownership dwellings (69.9%) and very few were rental housing in the primary market (30.1%). This could explain the higher proportions of renter households who are facing housing

affordability issues or who are in core housing need in Hamilton and demonstrate a strong need for more rental housing options that are affordable to households with low and moderate incomes. This is also supported by the large number of households on the centralized wait list for community housing, which indicates the existing stock of affordable and subsidized rental housing in Hamilton is not sufficient to meet the need in the community.

From 2016 to 2021, the supply of units in the primary rental market increased by 5.5% while the number of renters increased at a significantly faster pace (11.7%). The number of renters also increased at a faster pace than households overall (11.7% versus 5.3%). These data demonstrate a need for increasing the supply of purpose-built rental units. While home ownership may be ideal for some households, rental housing provides more flexibility, requires less maintenance, and is generally more affordable for households with low and moderate incomes. This could explain why renter households were more likely to be in core housing need compared to owner households. Rental housing may be the better option for young adults just starting their careers, people living alone or with roommates, and seniors who wish to downsize. It is particularly important to encourage the development of primary rental units as these are much more stable and generally more affordable compared to rental units in the secondary rental market through policies such as inclusionary zoning. Furthermore, adding to the supply in the primary rental market through an inclusionary zoning policy may encourage some households to move to newer rental units which would then free up some of the more affordable units that currently exist.

Key Housing Gap 3

There is a need to develop ownership options that are affordable to households with moderate incomes and that are appropriate for larger households.

In Hamilton in 2022, even the average condominium price would not be affordable to the majority of households with moderate incomes. While smaller condominium dwellings might be appropriate for some households, couples with children might require larger dwellings. From 2016 to 2021, however, their share decreased over that period. These households could be migrating to other municipalities for reasons such as a lack of housing options, to seek employment, or to attain a different lifestyle than what is offered in Hamilton. There is potentially a lack of housing that meets the desires and needs of this group of households in Hamilton currently.

As such, it would be important to work with the development industry and other partners through an inclusionary zoning policy to focus efforts on encouraging the development of ownership options that are affordable to larger households, including families with children or families planning to have children. While the data suggest smaller households are still the dominant household type, larger households are growing at a fast rate in Hamilton.

Recommendations for an Inclusionary Zoning Policy

Based on the analysis in this Housing Needs Assessment report, an inclusionary zoning policy in Hamilton should be developed with the following considerations in mind:

- Exploring opportunities to generate affordable rental and ownership options to meet the needs of households with moderate incomes that grow as the city grows.
- Facilitating a steady flow of purpose-built rental housing units to accommodate the growing number of renter households in Hamilton.
- Focusing on smaller households while also creating some opportunities for larger affordable units suitable to families with children.
- There is an opportunity for inclusionary zoning to provide rental units affordable to households with low incomes if combined with financial incentives or rent supplements. A list of other affordable housing funding programs and grants is presented in Appendix B.
- Ensuring a portion of the affordable rental units created through an inclusionary zoning policy are suitable to individuals with support needs. These units could be created through partnerships with the not-for-profit, cooperative housing, and supportive housing sectors who could own or operate some of these units on a developer's behalf.

While inclusionary zoning is one tool available to the City of Hamilton to provide a range of new housing opportunities, especially as it relates to housing affordability for low- and moderate-income households, the City should consider developing a more robust housing strategy to meet the diverse needs of households into the future.

Introduction

The Housing Needs Assessment was developed through a collaborative approach and is a detailed analysis of current and projected housing needs in the City of Hamilton across the broader housing continuum. The Housing Needs Assessment will inform the City's approach to a future inclusionary zoning By-law in accordance with the requirements of the Planning Act and may inform future work on a housing strategy for the City of Hamilton.

The Housing Needs Assessment should fulfill the Provincial requirements for an "Assessment Report" as required by the Planning Act (O. Reg 232/18) prior to adopting an inclusionary zoning By-law.

Background

The provision of affordable housing is a growing concern across the country, province, and region. Recent actions from the federal and provincial governments to address this concern include:

- In November of 2017, the Federal Government announced its National Housing Strategy – "A Place to Call Home" pledging \$40 billion in a ten-year plan. The \$40 billion includes both grants and loans, and amounts for provincial and territorial cost matching for investments in new and existing social and affordable housing.
- The 2019 Provincial budget indicated that Ontario and the federal government will provide approximately \$4 billion in federal and Provincial funding for the Ontario housing sector over the next nine years.
- In April of 2018, the Province brought into effect provisions of the Planning Act that would permit municipalities to adopt inclusionary zoning By-laws (which are not subject to appeal to the Ontario Land Tribunal), and the Province amended the Planning Act to require local Official Plans to specifically provide practicable policies and measures to ensure the adequate provision of affordable housing.
- On April 17, 2019, the Province launched the Community Housing Renewal Strategy that includes funding for the upkeep and development of community housing across Ontario.
- On May 2, 2019, the Province released the More Homes, More Choice: Ontario's Housing Supply Action Plan, which included Bill 108 – an omnibus bill that limits the applicability of inclusionary zoning to Protected Major Transit Station Areas (PMTSAs). These PMTSAs must be identified in the Official Plan through adoption by Council and approval by the Minister of Municipal Affairs and Housing.

- On October 25, 2022, the Province released the Ontario Government introduced More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022 – 2023 (Bill 23). This Plan sets out several initiatives and commitments the government intends to take to support the creation of 1.5 million homes over the next 10 years. This will be achieved through several changes to nine (9) pieces of legislation, including but not limited to the Planning Act, the City of Toronto Act, and the Conservation Authorities Act.

Accordingly, there are several new and changing programs and tools to facilitate the development of affordable and rental housing to meet the needs of the residents of the City of Hamilton. Inclusionary zoning is one of those tools.

Inclusionary zoning is a land-use planning tool that the City of Hamilton may consider as a means of supporting the provision of affordable housing stock, consistent with the objectives of Hamilton's Housing and Homelessness Action Plan (HHAP), 2020 and ongoing efforts towards fulfilling the City of Hamilton's vision "to be the best place in Canada to raise a child and age successfully".

In general, inclusionary zoning refers to zoning regulations that would require new development or redevelopment to dedicate or maintain a portion of new residential units as affordable housing. Inclusionary zoning would also require the affordable units to be maintained as affordable for a period of time. The Municipality can also set other guidelines to require the affordable units developed through inclusionary zoning to reflect a specified unit size mix. Inclusionary zoning also can be applied to both rental and ownership housing tenures.

Inclusionary zoning is not meant to replace publicly provided CityHousing Hamilton units, nor is it a municipal incentive program with financial supports. It is a separate tool that is intended to complement those other efforts to tackle local affordable housing issues.

Section 35.2 of the Planning Act contains permission for municipalities to implement Inclusionary zoning provisions. As a prerequisite to any implementation of inclusionary zoning policies, the City must first conduct a Housing Needs Assessment report, which then needs to be updated every five years to determine whether amendments to the inclusionary zoning policies / by-law are required. Bill 23, More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022 – 2023 introduced a proposed amendment to O. Reg 232/18: Inclusionary Zoning which is summarized in the Policy Context section of this report.

Inclusionary Zoning Work Program – City of Hamilton

Concurrent with the preparation of the Housing Needs Assessment, the City is also undertaking additional background work to inform the development of a future inclusionary zoning Policy and By-law, including completion of:

- a Market Feasibility Study to satisfy the requirements of the Planning Act O. Reg 232/18;

- a peer review of the Market Feasibility Study;
- delineation of the City's Major Transit Station Areas (MTSAs) and completion of planning work related to planned density and land uses within the MTSAs. This work will inform identification of the MTSAs as Protected Major Transit Station Areas (PMTSAs) within the City's Urban Hamilton Official Plan.

Approach to the Assessment

The focus of the City's Housing Needs Assessment is to identify the need for affordable housing in Hamilton based on an analysis of existing and projected demographic trends, existing and projected housing unit supply by type and size, household incomes as related to affordability thresholds, average market prices and rents, and overall demand for affordable housing.

The key aspects to Assessment include:

1. Complete a Housing Needs Assessment which will fulfill the requirements of the Planning Act to inform a future inclusionary zoning By-law.
2. Facilitate consultation discussions on the Housing Needs Assessment with staff in other departments, senior level management, Councillors, partners, indigenous community groups, and other stakeholder groups, in conjunction with the City's broader engagement on the creation of an inclusionary zoning by-law.

This Assessment will be undertaken in three phases:

- **Phase One:** Research and Preparation of the Housing Needs Assessment for Hamilton
- **Phase Two:** Consultation with internal and external stakeholders
- **Phase Three:** Completion of Addendum to the Housing Needs Assessment Report

Report Format

Ontario regulation 232/18 on inclusionary zoning states that to implement inclusionary zoning official plan policies⁴, municipalities are required to complete an assessment report which must include the following analyses:

⁴ The Government of Ontario 2018. Regulation 232/18: Inclusionary Zoning. Accessed from: <https://www.ontario.ca/laws/regulation/r18232>

- Analysis of demographics and population;
- Analysis of household incomes;
- Analysis of housing supply characteristics;
- Analysis of housing types and sizes;
- Analysis of current average market prices; and
- An analysis of the financial impact of inclusionary zoning and potential impact of inclusionary zoning on the housing market considering:
 - i. Value of land
 - ii. Cost of construction
 - iii. Market price
 - iv. Market rent
 - v. Housing demand and supply

The Housing Needs Assessment addresses the first five requirements of the Ontario regulation 232/18 on inclusionary zoning listed above. Specifically, these are addressed in the following sections of this report:

Regulatory Requirement	Document Section
An analysis of demographics and population	Analysis starts on page 14
An analysis of household incomes	Analysis starts on page 30
An analysis of housing supply characteristics	Analysis starts on page 34
An analysis of housing types and sizes	Analysis starts on page 37
An analysis of current average market prices	Analysis starts on page 55

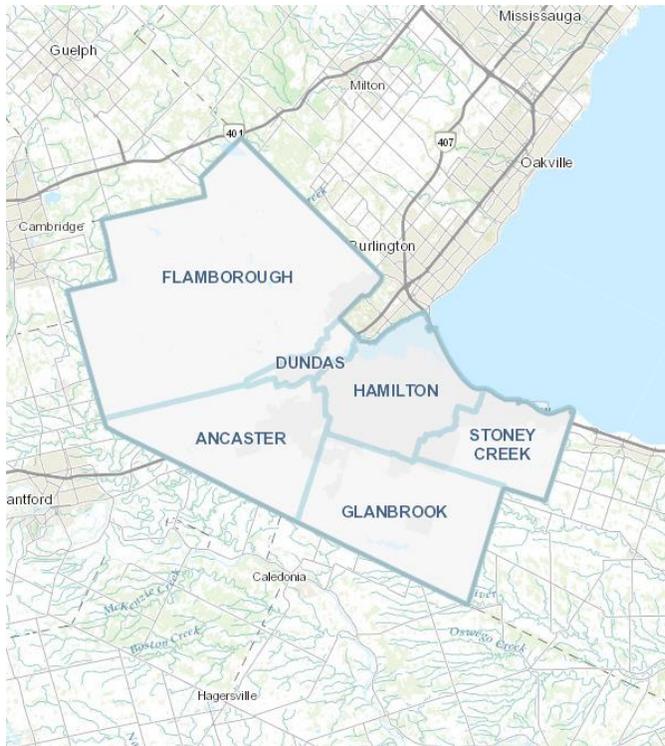
Data Sources

This study uses data and information from a range of different sources, including readily available census profiles from Statistics Canada. Other sources include Canada Mortgage and Housing Corporation reports and readily available data from its Housing Information Portal. In addition, information was obtained from the City of Hamilton.

Study Area

The study area for this background report is the City of Hamilton⁵. The analysis has focused on the city level with comparisons to the province of Ontario as a whole.

Figure 1: Map of the Study Area



Source: City of Hamilton, 2022

⁵ Throughout this report, unless otherwise stated, "Hamilton" refers to the census subdivision (CSD) of Hamilton.

Housing Continuum

The Canada Mortgage and Housing Corporation (CMHC) defines the housing market as a continuum or system where housing supply responds to a range of housing need⁶.

Due to demographic, social, economic, and geographic factors which impact housing need and demand, the private housing market does not always meet the full range of housing need in a community. This is particularly true for individuals and families with low and moderate incomes or for persons with unique housing and support needs.

It should be noted that while the housing continuum looks linear, it is not. People can move back and forth along the continuum through different stages of their lifetime. For example, a young couple may start in affordable rental housing when they settle in the geographical community, move to ownership housing as they expand their family, then downsize into a market rental unit during retirement, and move into supportive housing in their old age. As such, it is important for each geographical community to have an adequate supply of housing options within the housing system.

The different elements of the housing system are described below⁷:

Figure 2: Elements of the Housing Continuum



⁶ Canada Mortgage and Housing Corporation (2018). About Affordable Housing in Canada. Accessed from: <https://www.cmhc-schl.gc.ca/en/developing-and-renovating/develop-new-affordable-housing/programs-and-information/about-affordable-housing-in-canada>

⁷ National Housing Strategy Infographic and Glossary of Terms. Accessed from: <https://www.placetocallhome.ca/pdfs/Canada-National-Housing-Strategy-Infographic.pdf> and <https://eppdscrmssa01.blob.core.windows.net/cmhcprodcontainer/files/pdf/glossary/nhs-glossary-en.pdf?sv=2017-07-29&ss=b&srt=sco&sp=r&se=2019-05-09T06:10:51Z&st=2018-03-11T22:10:51Z&spr=https,http&sig=0Ketq0sPGtnokWOe66BpquDljVgBRH9wLOCg8HfE3w=>

Source: Canada Mortgage and Housing Corporation 2019⁸

Emergency Shelters

This is short-term accommodation (usually 30 days or less) for people experiencing homelessness or those in crisis.

Transitional Housing

Housing that is intended to offer a supportive living environment for its residents. It is considered an intermediate step between emergency shelter and supportive or permanent housing and has limits on how long an individual or family can stay. Stays are typically between three months and three years.

Supportive Living

This is housing that provides a physical environment that is specifically designed to be safe, secure, enabling and home-like, with support services such as social services, provision of meals, housekeeping and social and recreational activities, in order to maximize residents' independence, privacy and dignity.

Community Housing

This refers to either housing that is owned and operated by non-profit housing societies and housing co-operatives, or housing owned by provincial or municipal governments.

Affordable Rental and Ownership Housing

Affordable housing is housing that can be owned or rented by a household with shelter costs (rent or mortgage, utilities, etc.) that are less than 30% of its gross income. In the City of Hamilton, which is the local Service Manager for housing, this refers to housing which is affordable to households with low and moderate incomes (i.e. the lowest 60% of the income distribution respectively).

Market Rental Housing

These are rental units in the private rental market and include purpose-built rental units as well as units in the secondary rental market, such as secondary suites, rented single detached dwellings, etc.

⁸ This figure was adapted from the Wheelhouse Model developed by the City of Kelowna in 2017

Market Ownership Housing

This refers to ownership units priced at market values and purchased with or without a mortgage but without any government assistance⁹.

⁹ This does not include any mortgage insurance a household might have purchased through CMHC to access lower down payment requirements.

Housing Demand

The aim of this section is to identify the demographic and socio-economic characteristics of the people living in Hamilton. Population and household characteristics are determinants of the housing need in a community. These key determinants include age of the population, household size, household tenure, labour force activity, and household income.

Analysis of Demographics and Population

The information in this section addresses the requirements of subsection 2(1)1 of O. Reg. 232/18 for an analysis of demographics and population in Hamilton.

Population Trends and Projections

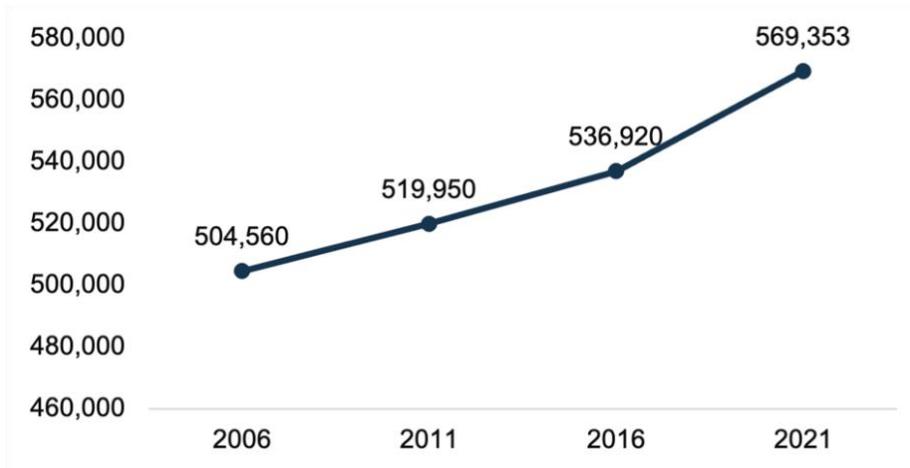
According to the Statistics Canada Census, there were 569,353 people living in Hamilton in 2021; up by 6.0% from 536,920 in 2016. This rate of population growth is consistent with the population growth in Ontario overall where the population increased by 5.8% from 2016 to 2021.

These population estimates from the Census likely are lower than the actual estimates of the population in Hamilton. The objective of the Census is to provide detailed information on the population at a single point in time. In this respect, one of its goals is to enumerate the entire population. Inevitably, however, some people are not counted, either because their household did not receive a Census questionnaire (for example, if a structurally separated dwelling is not easily identifiable) or because they were not included in the questionnaire completed for the household (for example, the omission of a boarder or a lodger). Some people may also be missed because they have no usual residence and did not spend Census night in any dwelling. In contrast, a small number of people may also be counted more than once (for example, students living away from home may have been enumerated by their parents and by themselves at their student address)¹⁰.

¹⁰ Statistics Canada. Differences between Statistics Canada's Census Counts and Population Estimates. 2022. Accessed from: <https://www.statcan.gc.ca/en/hp/estima>

According to population estimates published in the City of Hamilton Land Needs Assessment to 2051¹¹, the total population (with undercount) in Hamilton in 2021 was 584,000, rather than 569,353 as reported by the Census. Those individuals who were not counted by the Census also require housing and contribute to the demand for housing in Hamilton.

Figure 3: Population Trends: The City of Hamilton; 2006-2021



Source: Statistics Canada Community Profiles; 2006-2021

According to estimates of future population growth published in the City of Hamilton Land Needs Assessment to 2051¹², the total population (with undercount) of Hamilton is forecasted to reach 820,000 by 2051; an increase of 40.4% from 2021, or an approximate increase of 7,867 people each year. This forecast is for a significant amount of growth relative to the past: twice as much over the next 20 years than the last 20 years, and beyond to 2051. The reason for this is that, from a regional planning perspective, the Growth Plan for the Greater Golden Horseshoe: A Place to Grow¹³ anticipates an expanded economic and demographic role for the City of Hamilton over time, along with other priority centres in the western Greater Golden Horseshoe.

As described in the updated Growth Plan forecast report, the long-term growth outlook remains positive notwithstanding the impacts of the COVID-19 pandemic. In general, both the Greater Toronto and Hamilton Area and Outer Ring are anticipated to experience rates of long-term economic growth sufficient to absorb the expanding labour force created through migration.

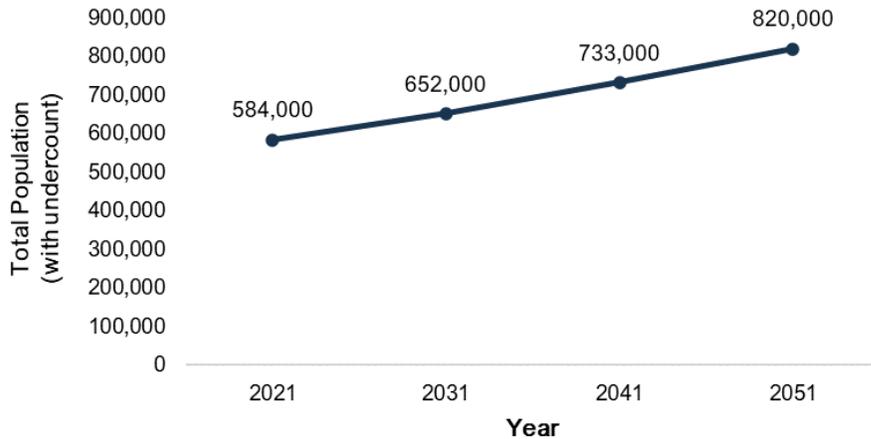
¹¹ City of Hamilton Land Needs Assessment to 2051. Technical Working Paper – Summary of Results. March 2021. Accessed from: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=270921>

¹² City of Hamilton Land Needs Assessment to 2051. Technical Working Paper – Summary of Results. March 2021. Accessed from: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=270921>

¹³ Province of Ontario. Growth Plan for the Greater Golden Horseshoe: A Place to Grow. Office Consolidation 2020. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

This expectation is consistent with the Ministry of Finance’s Ontario’s Long-Term Report on the Economy¹⁴ which remains a sound economic outlook.

Figure 4: Population Forecast: The City of Hamilton; 2021-2051



Source: Statistics Canada Census Profile; 2021, City of Hamilton Land Needs Assessment to 2051; Lorus and Associates

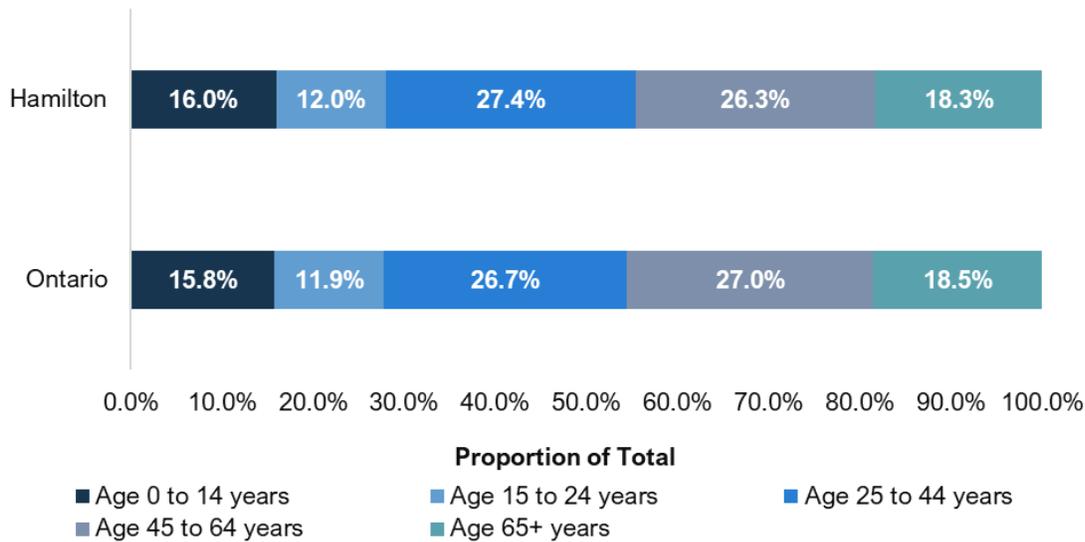
Population by Age

Individuals aged 24 or younger made up the largest share of people in Hamilton in 2021; comprising 28.0% of the entire population. In comparison, individuals aged 25 to 44 years made up 27.4%, followed by individuals aged 45 to 64 years who represented 26.3% of Hamilton’s population in 2021. Individuals over the age of 65 years accounted for the smallest share of the population (18.3%).

This distribution of Hamilton’s population by age is slightly different to that of Ontario as a whole, where people aged 24 or younger made up the largest cohort (27.8%), followed by the group of people aged 45 to 64 years (27.0%), then those who were 25 to 44 years (26.7%), and finally the share of people 65 years and older (18.5%) in Ontario in 2021.

¹⁴ Province of Ontario. Ontario’s Long-Term Report on the Economy. June 2020.
<https://www.ontario.ca/page/ontarios-long-term-report-economy>

Figure 5: Population by Age Groups: The City of Hamilton and Ontario; 2021



Source: Statistics Canada Community Profiles, 2021

Although the total population in Hamilton increased by 6.0% from 2016 to 2021, these gains were not distributed equally among the different population age groups. From 2016 to 2021, the share as well as the overall number of people aged 45 to 64 years living in Hamilton decreased by 1.7% from 152,460 people to 149,795 people. The decrease in the population aged 45 to 64 years in Hamilton indicates that people in this age group might be choosing to leave the city suggesting there could be barriers for these individuals to establish themselves, potentially due to a lack of suitable and affordable housing options for this age cohort.

In comparison, surrounding communities in Ontario experienced increases in their populations within this age group from 2016 to 2021. In Ontario, the population aged 45 to 64 years increased by 0.3%. This further supports the argument that individuals in this age group could be migrating to other communities in the province or beyond due to a variety of reasons such as to cash out while the housing market is hot, a lack of housing options, to seek employment, or to attain a different lifestyle.

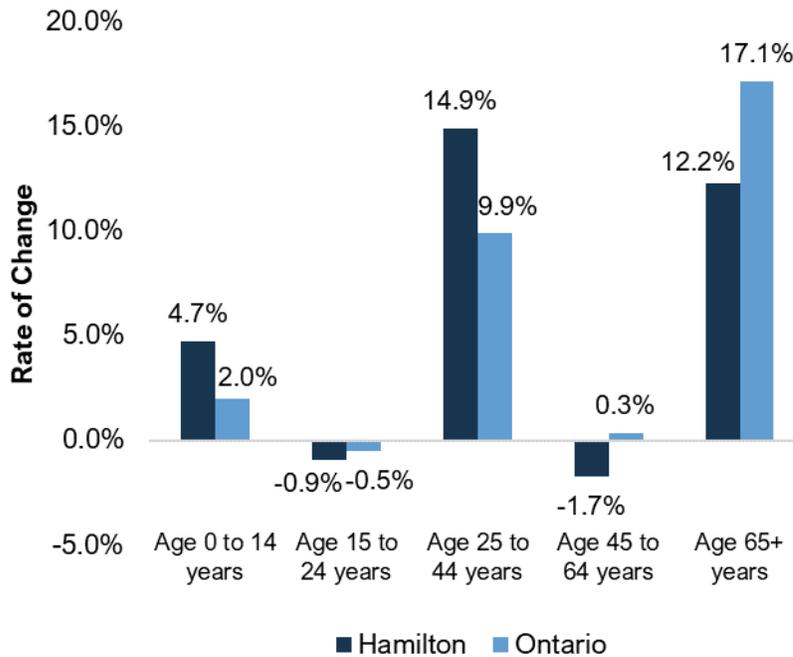
In contrast, the population aged 65 years and older in Hamilton increased by 12.2% from 92,910 in 2016 to 104,290 in 2021. This was the highest rate of growth within any age group in the population of Hamilton and this indicates that the city is aging. Individuals 65 years or more in Ontario also saw the highest rate of increase within this age group as a share of the total population (by 17.1%.)

The group with the second largest increase in its population was among people aged 25 to 44 years which increased by 14.9% from 135,600 to 155,820. Individuals in this period of their life can likely be expected to be completing their education, are in the process of building a career,

or have likely reached an age where they have left their parental home and entered the rental or homeownership markets. This suggests that these individuals are choosing to establish themselves in Hamilton.

Finally, the population of individuals aged 24 or younger had the smallest rate of increase over the period from 2016 to 2021. This group increased by only 3.8% overall, which is lower than the rate of growth of the population of Hamilton overall which grew at 6.0%.

Figure 6: Rate of Change: Population by Age Groups: The City of Hamilton; 2016-2021



Source: Statistics Canada Community Profiles; 2016-2021

The demand for residential dwellings by different age groups in the population reflects the specific housing needs of these individuals. In Hamilton, the demand for housing by seniors aged 65 years and older will continue to grow at a faster pace than that of other age groups. This will increase the need for housing options suitable for seniors to age in place (e.g., accessible units). This includes options for seniors to downsize when their adult children have moved out of the home.

In addition, the growing senior population indicates the demand for support services and home care services that will help seniors remain independent in the community is expected to grow as well.

The decrease in the population aged 45 to 64 years from 2016 to 2021 in Hamilton indicates that these individuals could be migrating to other municipalities for reasons such as a lack of housing options, to seek employment, or to attain a different lifestyle than what is offered in Hamilton. Individuals aged 45 to 64 are typically in the prime of their working careers which means they should have access to higher incomes than other population groups. These adults typically have more options available to them for where they would like to settle because of their higher incomes.

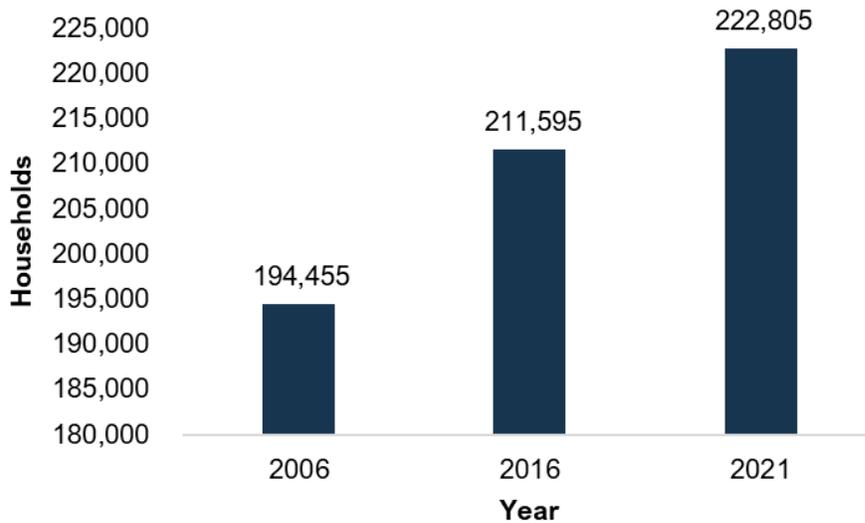
To better understand why the population aged 45 to 64 decreased from 2016 to 2021 it is useful to look at the population trends of individuals aged 45 to 54 separately from those aged 55 to 64. From 2016 to 2021, individuals aged 45 to 54 decreased by 9.6% (from 78,300 to 70,820 people). Conversely, the cohort of individuals aged 55 to 64 increased by 6.5% from 74,160 to 78,975 people. This demonstrates that all of the decrease in the population aged 45 to 64 years is associated with a decrease in the population aged 45 to 54 more specifically. This population cohort typically are in their child rearing years and likely require larger homes than younger and older generations. These data demonstrate that there is potentially a lack of housing that meets the desires and needs of this population group in Hamilton.

Household Trends and Projections

While population trends and characteristics are important indicators of housing need, household characteristics are more directly related to housing need as each household requires a housing unit. As such, it is important to understand the trends in the number, size, type, and tenure of households in a community.

In 2021, there were 222,805 households in Hamilton; up by 5.3% from 211,595 in 2016. In comparison, the number of households in Ontario increased by 6.2% during the same time period. These trends demonstrate that the growth in households in Hamilton is quite similar to the trends in the province overall.

Figure 7: Household Trends: The City Hamilton; 2016-2021



Source: Statistics Canada Community Profiles, 2016-2021

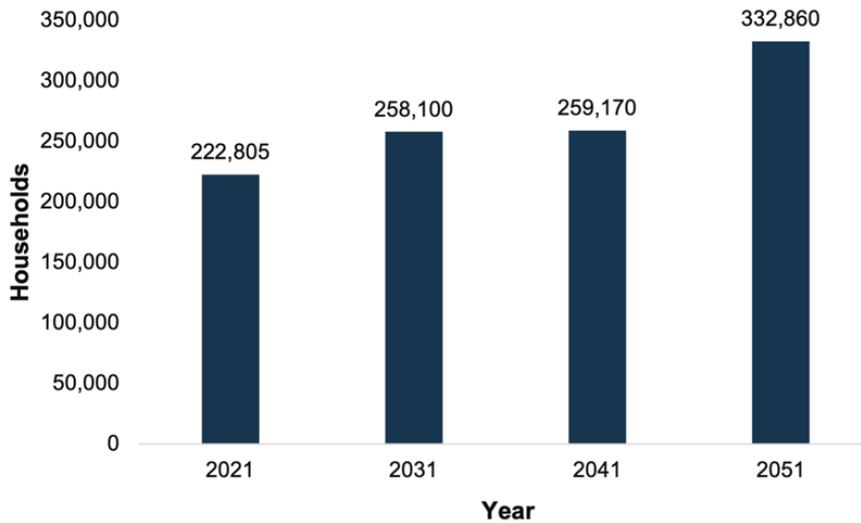
The population forecast from the Growth Plan translates into significant demand for new housing units in Hamilton into the future. In accordance with the mandated method, the housing forecast from the Growth Plan is based on applying household formation rates to the forecast of population growth by age cohorts as well as age-specific propensities to occupy different housing unit types. As such, the number of households in Hamilton is expected to increase by approximately 110,055 households from 222,805 in 2021 to 332,860 in 2051. This change in households represents a 49.4% increase over the 30-year period. Similar to the population forecast, this housing forecast is a significant amount of growth relative to the past.

This household forecast translates into the need for more than twice the number of new dwelling units over the next 20 years than were completed in the last 20 years, and beyond to 2051, to accommodate the growth that is expected. This outlook reflects Growth Plan expectations for an expanded economic and demographic role for the City of Hamilton over the planning horizon.

The Growth Plan forecasts are structured as the share of the Greater Golden Horseshoe housing market taking into account land supply, especially in southern Halton and Peel Regions where rapid growth continues. Over time, as the supply of available development lands in these locations becomes increasingly constrained, Hamilton will be effectively drawn ‘closer’ to these established communities in the Greater Toronto Area-west and demand for housing will increase considerably.

The number of households is therefore forecasted to increase in the future and an increase in the demand for housing will accompany this growth.

Figure 8: Household Forecasts: The City of Hamilton; 2021-2051



Source: Statistics Canada Census Profiles; 2021, City of Hamilton Land Needs Assessment to 2051, Lorus and Associates

Impacts on an Inclusionary Zoning Policy

Population and Household Trends and Projections

As the population and number of households in Hamilton are projected to increase in the future, there will be an increased need for housing to accommodate this growth.

An inclusionary zoning policy is an additional tool available to the City to provide a range of new housing opportunities that meet the diverse needs of households into the future, especially as it relates to housing affordability for low- and moderate-income households.

Households by Age of Primary Maintainer

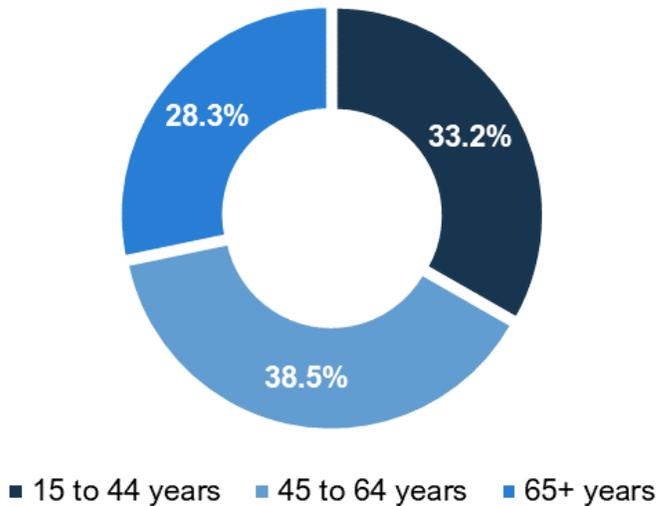
Households with a primary maintainer¹⁵ aged 45 to 64 years made up the largest share of households in Hamilton in 2021 (38.5% of all households). The second largest cohort of households in 2021 was those with a maintainer aged 15 to 44 years; its share of all households

¹⁵ Statistics Canada defines a primary household maintainer as: the first person in the household who pays the rent, or the mortgage, or the taxes, or the electricity services/utility of the dwelling.

was 33.2%. Households with a maintainer who was 65 years or older represented the next greatest share of the households in Hamilton (28.3% of households).

The distribution of households across the household maintainer age cohorts was very similar in Ontario more generally as that in Hamilton. In Ontario in 2021, households with a primary maintainer aged 45 to 64 years also made up the largest share of households in Ontario with 39.4% of all households. The second largest cohort of households in 2021 was those with a maintainer aged 15 to 44 years; its share of all households was 32.5%. Finally, households with a maintainer who was 65 years or older represented the next greatest share of the households in Ontario (28.1% of households).

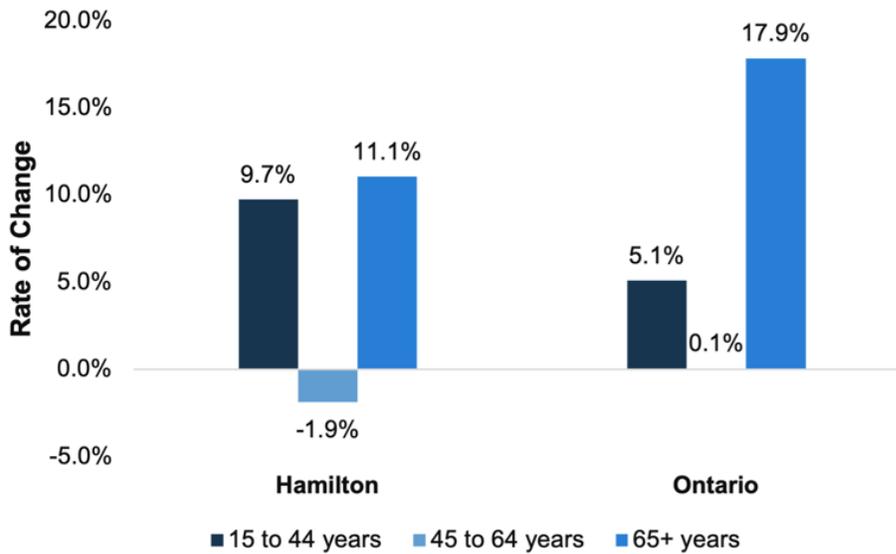
Figure 9: Household by Age of Household Maintainer, The City of Hamilton; 2021



Source: Statistics Canada Community Profiles; 2021

From 2016 to 2021, households led by an individual who was 65 years or more saw the greatest increase (11.1% increase) from 56,710 households to 62,990 households. From 2016 to 2021, households with a maintainer who was 15 to 44 years of age increased more moderately (9.7% increase) from 67,500 households to 74,080 households. In contrast, households led by an individual aged 45 to 64 years decreased by 1.9% from 2016 to 2021 (from 87,395 households to 85,745 households). This is consistent with the shrinkage of the population within the 45 to 64 years age group noted previously.

Figure 10: Growth of Households by Age of Primary Households Maintainer: City of Hamilton, 2016-2021



Source: Statistics Canada Community Profiles; 2016 – 2021

The increasing number of households led by an individual 65 years and over in Hamilton will result in increased demand for housing options which are suitable to older residents, including units which meet physical mobility needs which allow these households to age in place as well as for housing with supports such as, units in retirement homes or access to home care services. Seniors typically live in smaller households so these individuals likely require options to downsize.

Households with a maintainer aged 15 to 44 years were more likely to separate from their parents to form their own households in recent years due to improved employment conditions after the pandemic. While unemployment rates for each age group remained above pre-pandemic levels, they were significantly lower than in 2020. These rates were supported mainly by sizeable employment gains in service industries, including ones that tend to generate rental demand, such as retail and accommodation and food services. These economic conditions could explain why households led by a maintainer aged 15 to 44 years saw these larger increases. Younger households typically enter the housing market as renter households and therefore require options which are affordable to them in the rental market.

The decrease in the number of households led by an individual aged 25 to 44 years from 2006 to 2016, highlights that the demand for residential dwellings by these households is not being met in Hamilton. In Ontario, households led by a maintainer in this age group saw a slight increase (0.1%), so it is likely that households are choosing to settle in other communities outside of Hamilton. These households are more so than ever in competition with older households in the labour market as the participation rates of Canadians aged 55 years and over

have increased by a significant margin over the past two decades¹⁶. There is also increased competition in the housing market as aging-in-place becomes more common for the aging population.

These data indicate many adults aged 45 to 64 years may be choosing to migrate to other municipalities due to a lack of suitable employment opportunities and/or affordable housing options in Hamilton. This suggests that there is a greater need for housing for households led by individuals aged 45 to 64 years.

Impacts on an Inclusionary Zoning Policy

Households by Age of Primary Maintainer

The proportion of seniors households is growing rapidly in Hamilton. In contrast, households with a maintainer aged 45 to 64 years saw the lowest growth rates - this group actually declined in recent years, indicating these households are finding it difficult or undesirable to settle in Hamilton.

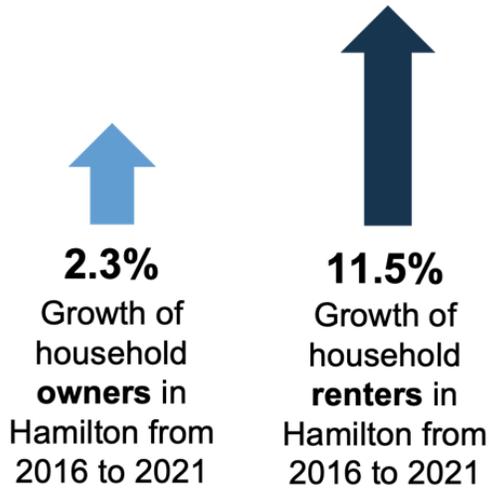
An inclusionary zoning policy should help address some of these challenges by creating smaller accessible housing options affordable to seniors. It should also provide options that are both affordable to and suitable to individuals aged 45 to 64 years who are currently decreasing in Hamilton. An individual aged 45 to 64 years might need a larger unit suitable for a family.

Household Tenure

In 2021, 65.7% of all households in Hamilton owned their home and 34.3% rented. This demonstrates that ownership is currently the dominant housing tenure in Hamilton. However, since 2016, the number of owners in Hamilton expanded at a much slower rate than the number of renters. Owner households increased by an increment of 2.3% and renter households increased by 11.5%. Although homeownership was still the dominant tenure in Hamilton in 2021, trends are demonstrating a shift towards increased demand for rental housing.

¹⁶ Statistics Canada, Working Seniors in Canada. Accessed from: <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016027/98-200-x2016027-eng.cfm>

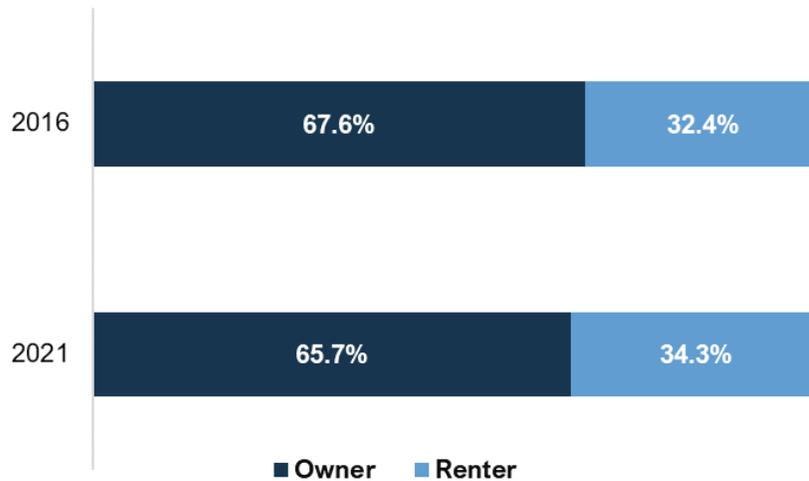
Figure 11: Growth of Household Owners and Renter: City of Hamilton, 2016-2021



Source: Statistics Canada Community Profiles; 2016 – 2021

In Ontario, the share of owner households made up 68.4% of households and the share of renters was 31.5% in 2021. These data demonstrate that the distribution of households by tenure in Hamilton is quite like that across Ontario as a whole.

Figure 12: Household by Tenure: The City of Hamilton; 2016-2021



Source: Statistics Canada Community Profiles, 2016-2021

While homeownership is the ideal for many households, a more balanced share of owners and renters is an indicator of a more inclusive community. In Hamilton, the increase of renters which occurred from 2016 to 2021 implies that households are looking for more diversity across

tenure types. More households in Hamilton may be renting because homeownership costs have become unaffordable.

Impacts on an Inclusionary Zoning Policy

Household Tenure

An inclusionary zoning policy for Hamilton should explore opportunities to generate affordable rental units in addition to affordable ownership units. The increased demand for rental housing between 2016 to 2021 highlights the desire for more diversity of tenure among households in Hamilton.

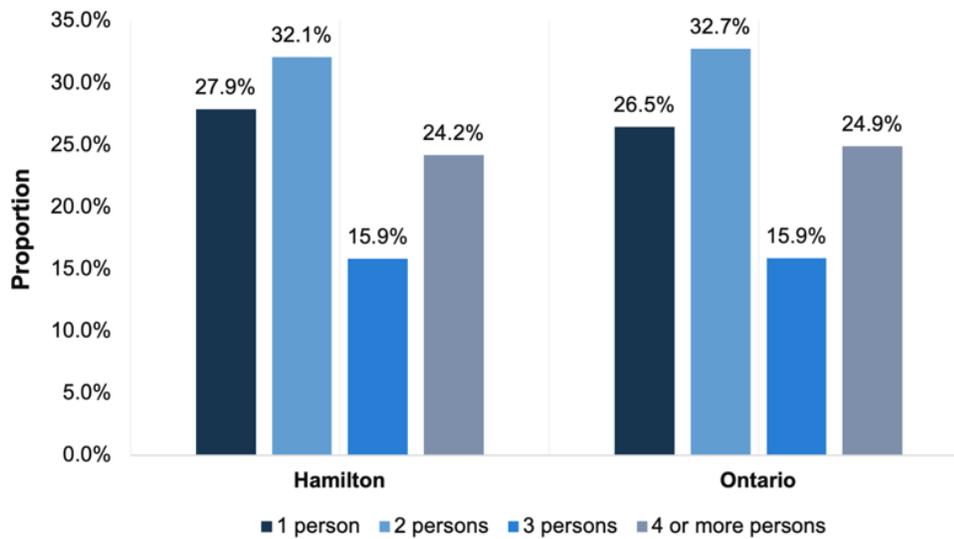
Household Sizes

Households with two-persons represented the largest share (32.1%) of all households in Hamilton in 2021, followed by households with one person (i.e., people living alone) (27.9%), households with four or more persons (24.2%), and finally, households with three persons (15.9%).

Households with four or more persons increased most significantly from 2016 to 2021; increasing by 7.2%. This was the only group that increased more rapidly than total households overall though, which increased by 5.3% from 2016 to 2021.

From 2016 to 2021, two-person households increased second most rapidly (5.0%). Households with three persons increased by 4.8%. One person households gained 4.3% only and was the slowest growing group.

Figure 13: Households by Household Size: The City of Hamilton and Ontario; 2021

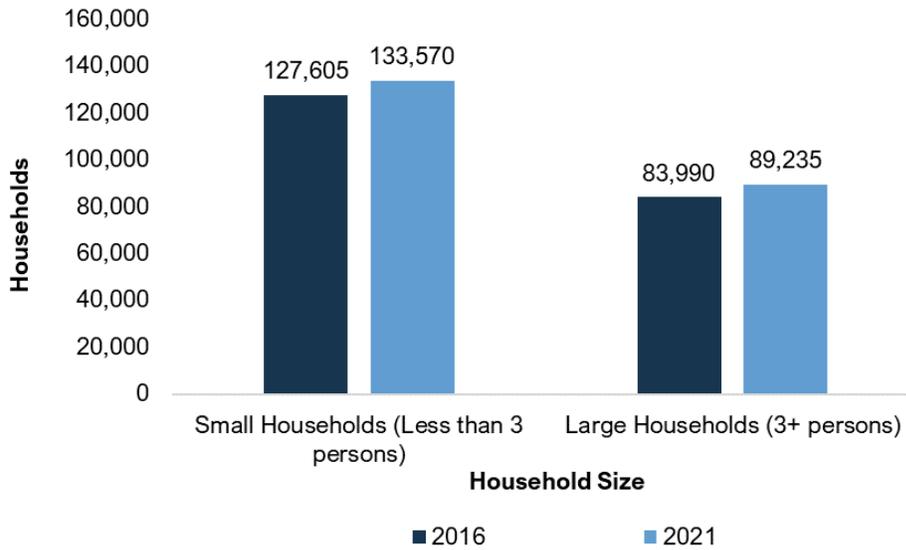


Source: Statistics Canada Community Profiles, 2021

When taken together, smaller households (i.e., one- and two- person households) made up 59.9% of all households in Hamilton; however, this share decreased from 60.3% in 2016. Larger households (i.e., with three or more persons) on the other hand made up only 40.1% of all households in 2021, but this share is greater than what it was in 2016 (39.7%).

In comparison, smaller households made up 59.2% of all households in Ontario and larger households represented 40.8% of all households in 2021. These shares are very similar to those in Hamilton.

Figure 14: Households by Size: The City of Hamilton; 2016-2021



Source: Statistics Canada Community Profiles; 2016 – 2021

The greatest demand for housing in Hamilton is from households which are smaller (less than three persons), however the proportion of larger households (three or more persons) in Hamilton is increasing in comparison with smaller households. The housing supply in Hamilton should therefore offer options to households of different sizes.

Impacts on an Inclusionary Zoning Policy

Household Sizes

An inclusionary zoning policy should focus on generating more smaller units which could be suitable for seniors or younger people, while also creating some opportunities for larger units suitable to couples with children.

Household Types

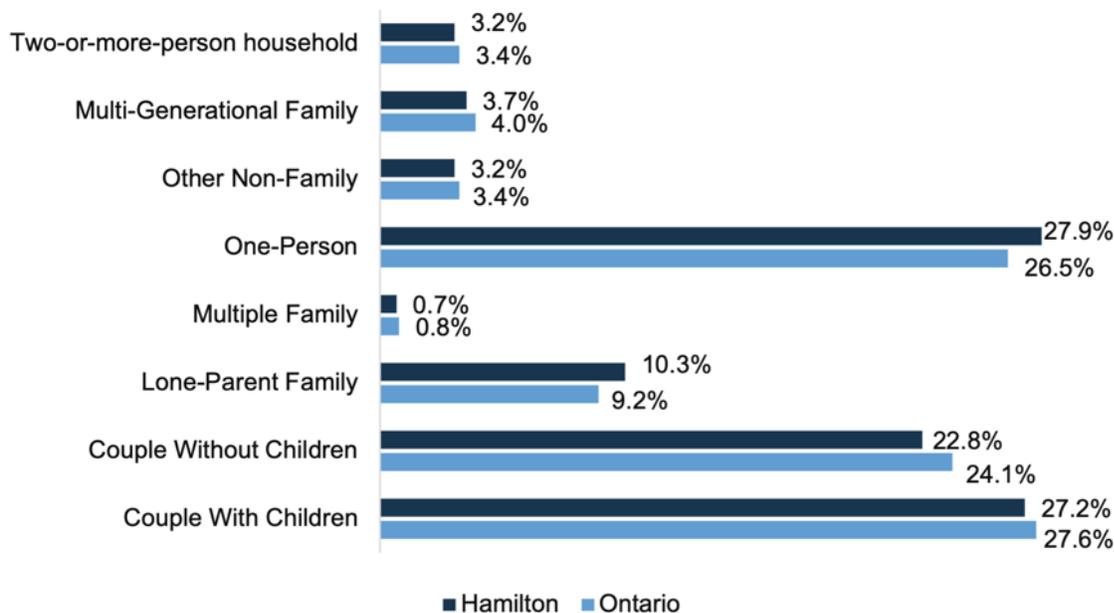
One-person households made up 27.9% of all households in Hamilton in 2021 – the largest share among different household types. The following most common household type was couples with children (27.2%). This indicates that Hamilton is currently a desirable place for both

individuals living on their own and families with children to reside. In Ontario, the most common household type was couples with children (27.6%), followed by one-person households (26.5%).

From 2016 to 2021, one-person households increased by 4.3% (from 59,575 to 62,110 households) while couples with children decreased by 3.9% (from 62,960 to 60,520 households). The share of couples without children in households in Hamilton decreased by 0.6% from 2016 to 2021 (from 51,215 to 50,885 households), and the share of other non-family households decreased by 8.0% (from 7,645 to 7,030 households). The share of lone parent households decreased by 10.5%, from 25,710 households in 2016 to 23,015 households in 2021. Finally, multiple family households decreased most significantly; decreasing by 67.0% from 2016 to 2021, although this household type made up only 0.7% (1,570 households) of all households in Hamilton in 2021, the smallest proportion of all household types.

The multi-generational family household type and the two- or more-person household type are new household types included in the Statistics Canada 2021 Census. Due to the introduction of these new household types, it is not possible to identify the rate of growth for these categories from 2016 to 2021. This change also results in a data limitation in terms of being able to identify which household types grew most rapidly from 2016 to 2021. These types of households represent a very small portion of overall households.

Figure 15: Households by Type: The City of Hamilton and Ontario; 2021



Source: Statistics Canada Community Profiles; 2021

Persons living alone represented the largest share among different household types in Hamilton and also were the group that grew most rapidly between 2016 and 2021. There is therefore a growing need for smaller housing types to accommodate these households. As noted

previously, seniors typically are in smaller households so these units should be accessible as well.

Couples with children represent a large share among different household types in Hamilton in 2021, however, their share seems to be decreasing in recent years. This decrease could highlight some barriers for couples with children to settle in Hamilton.

Analysis of Household Incomes

The financial capacity of a household is an important element in determining housing need. As such, this section looks at the income of households in Hamilton. Household income has been calculated for 2022 using the growth rate in the consumer price index (CPI) for Ontario for 2020 to 2022 of 11.3% as reported by Statistics Canada.

In response to the COVID-19 pandemic, governments around the world, including in Canada, adopted public health measures to slow the spread of the virus. As a result, many businesses closed, and many workers lost their jobs or worked reduced hours. To mitigate the impacts of the pandemic on Canadians and businesses, governments implemented relief programs. The 2021 Census includes data on the income Canadians received from pandemic relief benefits in 2020, and highlights how these benefits impacted the income landscape in Canada during the first year of the pandemic. Although many households lost employment income during the COVID-19 pandemic, government transfers, including from pandemic relief programs, helped offset the lost employment income¹⁷.

The information in this section addresses the requirements of subsection 2(1)2 of O. Reg 232/18 for an analysis of household income in Hamilton.

Average and Median Household Income

The estimated average household income in Hamilton in 2022 was \$121,031 while the median household income was \$95,756. In comparison, the estimated average household income in Ontario in 2022 was \$129,159, while the estimated median household income was \$101,323. This demonstrates that the average and median household income in Hamilton are slightly lower than in Ontario more broadly.

¹⁷ Statistics Canada. The Contribution of Pandemic Relief Benefits to the Incomes of Canadians in 2020. August 2022. Accessed from: <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/98-200-X/2021005/98-200-X2021005-eng.cfm>

The average household income in Hamilton increased by 37.9% from \$87,775 in 2015 to \$121,031 in 2022 compared to an increase of 32.0% in Ontario overall. Additionally, average income growth in Hamilton was higher than the rate of inflation from 2015 to 2022 (21.0%). This indicates that the current dollar value for today’s household is higher than the dollar value for a household in 2015, which expands the current households’ ability to buy or rent housing.

Figure 16: Average Household Income: The City of Hamilton and Ontario; 2022



Source: Statistics Canada Community Profiles; 2022 and SHS Consulting estimates based on growth rate of CPI for Ontario for 2020-2022

The financial capacity of a household is a key determinant of their housing need. Households in Hamilton had a slightly lower average income than households in other parts of Ontario in 2022. This demonstrates that these households likely require homes with prices that are marginally less high than in other communities. However, average household income in Hamilton increased at a faster rate than that of Ontario and of inflation from 2015 to 2022. The increase in incomes could demonstrate that households with higher incomes from other communities are choosing to move into Hamilton. This higher standard of living could lead to increases in housing costs due to competition in the market.

These findings from this section demonstrate that households in Hamilton can afford a somewhat lower standard of living than the average household in Ontario since their incomes are lower. However, current households in Hamilton have a higher purchasing power compared to households in 2015 when considering the rates of increase of inflation.

Household Income Deciles

While the average household income and median household income provide a general sense of a household’s economic capacity, looking at the distribution of income within the local context

provides greater detail of the economic capacity of households in Hamilton and their ability to afford housing.

Household income deciles divide the total universe of households into ten equally portioned income groups. This means that there is one tenth (or 10%) of all households in each income decile. These income deciles are used throughout the following sections and in the affordability analysis to provide a more detailed picture of the economic profile of Hamilton’s households.

Similar to the previous section, household incomes for 2022 were estimated based on the growth rate of Ontario’s CPI from 2020 to 2022. Please note that where dollar amounts are presented, these represent the upper range of each income decile, except for in the case of the tenth household income decile as the upper range has been suppressed based on Statistics Canada’s confidentiality rules. The tenth income decile represents all household incomes which are one dollar or more than the upper range of the ninth income decile. The top range of each of the household income deciles in Hamilton as well as the household income deciles in Ontario can be found below. As noted previously, household incomes in Ontario as a whole are slightly higher than those in Hamilton.

For the purposes of this study, **households with low incomes** refers to households with incomes in the **first to the third income deciles** earning \$61,738 or less in 2022; **households with moderate incomes** refers to households with incomes in the **fourth to sixth income deciles** (from \$61,739 to \$115,350 in 2022); and **households with high incomes** refers to households with incomes in the **seventh to tenth income deciles** in 2022 (\$115,351 and above).

Figure 17: Average Income by Household Income Deciles: City of Hamilton and Ontario; 2022

		Hamilton	Ontario
Low Income	Decile 1	\$30,150	\$31,575
	Decile 2	\$46,388	\$49,291
	Decile 3	\$61,738	\$65,878
Moderate Income	Decile 4	\$77,710	\$82,822
	Decile 5	\$95,295	\$100,922
	Decile 6	\$115,350	\$122,207
High Income	Decile 7	\$138,536	\$146,927
	Decile 8	\$170,365	\$183,353
	Decile 9	\$222,207	\$222,687
	Decile 10	\$222,208	\$222,689

Source: Statistics Canada, Census 2022 and SHS Consulting estimates based on the growth rate of the CPI for Ontario for 2020-2022. Note: The amounts presented are the upper limits of the income ranges for each household income decile.

Labour Force: Participation and Unemployment

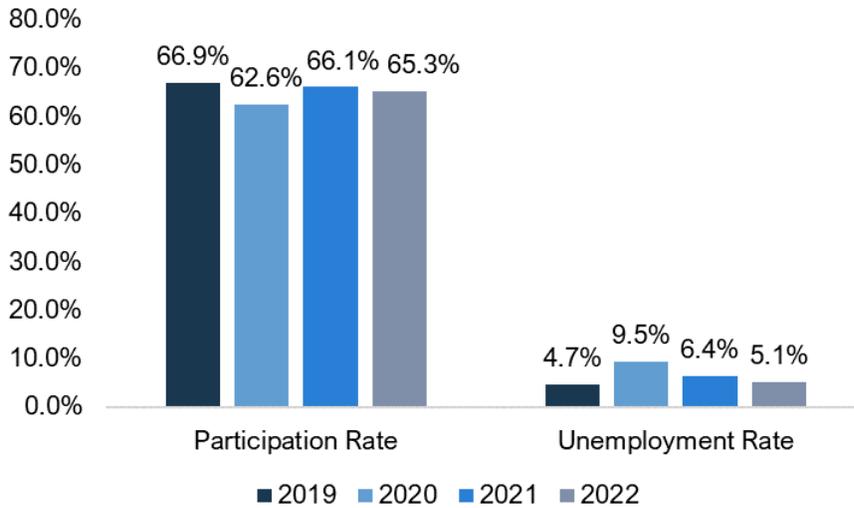
Changing economic conditions impact the demand for housing in a community in ways which include how many housing units are required, the type and tenure of housing units, as well as the ability of households to afford housing.

In October of 2022, 65.3% of the population 15 years and older in Hamilton¹⁸ were in the labour market, either as employees or as people looking for jobs. Comparatively, the participation rate in Ontario was 64.5% in 2022 which is slightly lower than that in Hamilton. The unemployment rate in Hamilton was slightly lower in 2022 compared with that of Ontario (5.1% versus 5.2%, respectively). Employment has a significant impact on a household's ability to earn income and afford housing. Households experiencing insufficient employment are likely also facing challenges in affording housing costs as a result.

In 2019, the participation rate in Hamilton was 66.9% however it dropped to 62.6% during the COVID-19 pandemic (October 2020). Since the low in 2020, the participation rate has steadily increased over time and is approaching pre-pandemic levels. With regards to the unemployment rate, it was 4.7% in 2019 and then soared to 9.5% during the pandemic in 2020 in Hamilton. The unemployment rate therefore seems to be lowering to be more in-line with pre-pandemic rates as well.

¹⁸ These data are for the Census Metropolitan Area (CMA) of Hamilton rather than the Census Subdivision (CSD).

Figure 18: Labour Participation Rate and Unemployment Rate: The City of Hamilton; 2019-2022



Source: Statistics Canada Labour Force Survey, 2022.

These findings point to improved employment conditions for households in recent years post-pandemic. Due to improved employment conditions, people aged 15 to 44 were more likely to separate from their parents to form their own households. While unemployment rates for each age group remained above pre-pandemic levels, they were significantly lower than in 2020. These rates were supported mainly by sizeable employment gains in service industries, including ones that tend to generate rental demand, such as retail and accommodation and food services.

While less unemployment can be regarded as a positive trade, as it signals that individuals who would like to work can find employment, fewer job seekers also results in the current challenge that employers across Canada are facing with respect to attracting and retaining a labour force.

Key Findings: Housing Demand

There is a Need to Create New Housing Opportunities

- The population and number of households in Hamilton are projected to grow indicating there is a need to continue to create new housing opportunities in Hamilton.
- The household forecasts to the year 2051 translate into the need for more than twice the number of new dwelling units to be created over the next 20 years than were completed in the last 20 years. This outlook reflects the Growth Plan expectations for an expanded economic and demographic role for the City of Hamilton into the future.

There is a Need for Housing Options for Seniors to Age-in-Place and for Support Services

- The proportion of households led by an individual aged 65 years or more is growing rapidly, indicating there is a need for additional dwellings that are appropriate for seniors to age in the right place (e.g., accessible units). Seniors should have access to housing options that provide them with the ability to live in the same community safely, independently, and comfortably, as they age.
- The growing seniors population indicates the demand for support services and home care services as well as units in retirement homes that will help seniors remain independent in the community is expected to grow as well.

There is a Growing Need for Options Suitable for Smaller Households

- The greatest demand for housing in Hamilton is from households which are smaller (less than three persons) in 2021. Furthermore, persons living alone represented the largest share among different household types in Hamilton and were the group that grew most rapidly between 2016 and 2021. There is therefore a need for smaller housing types to accommodate these households.
- Seniors typically are in smaller households so these units should be accessible as well.

There is a Growing Need for Rental Dwellings

- Although homeownership was still the dominant tenure in Hamilton in 2021, trends are demonstrating a shift towards increased demand for rental housing. The increase of renters which occurred from 2016 to 2021 implies that households are looking for more diversity across tenure types. More households in Hamilton may be renting because homeownership costs have become unaffordable.

There Could be Barriers for Couples with Children Households to Settle in Hamilton

- Couples with children represent a large share among different household types in Hamilton in 2021, however, their share has decreased in recent years. These households could be migrating to other municipalities for reasons such as a lack of housing options, to seek employment, or to attain a different lifestyle than what is offered in Hamilton. There is potentially a lack of housing that meets the desires and needs of this group of households in Hamilton currently.

There is a Growing Need for Affordable Options for Households with Moderate and Low Incomes

- The rise in inflation increased the price of housing from 2015 to 2022, effectively decreasing the value of the dollar and worsening the affordability of housing for households with moderate and low income.
- During the COVID-19 pandemic, the government of Canada adopted public health measures to slow the spread of the virus. As a result, many businesses closed, and many workers lost their jobs or worked reduced hours. Many households lost their employment income sources during that time; however, to mitigate the impacts of the pandemic on Canadians and businesses, governments implemented relief programs.
- Households in Hamilton had a slightly lower average income than households in other parts of Ontario in 2022. This demonstrates that households in Hamilton can afford a somewhat lower standard of living than the average household in Ontario.

Housing Supply

Housing supply is measured by the available housing options in a community. An important aspect of assessing housing supply is to examine recent construction activity, the tenure and condition of current dwellings, and the supply of housing for residents with unique needs or affordability challenges. This allows for an analysis of the extent to which housing supply matches housing need. It also helps to identify gaps in the current housing supply and where inclusionary zoning could play a role in filling these gaps.

Analysis of Housing Supply Characteristics

The information in this section addresses the requirements of subsection 2(1)3 of O. Reg 232/18 for an analysis of housing supply by housing type currently in Hamilton and planned for in the official plan. This section also addresses the requirements of subsection 2(1)4 of O. Reg 232/18 for an analysis of housing types and units that may be needed to meet anticipated demand for affordable housing.

Housing Supply by Structural Type

In 2021, there were a total of 222,810 occupied private dwellings in Hamilton. Of these dwellings, the greatest proportion consisted of single-detached dwellings, which accounted for over half of the housing supply (56.2%). In comparison, 53.6% of dwellings in Ontario were single-detached which is quite similar to the Hamilton context.

Hamilton had a larger share of row or townhouses than Ontario (12.3% versus 9.2%, respectively). However, the share of all other dwelling types was smaller in Hamilton than in Ontario in 2021. The share of apartments with more than five storeys in Hamilton was 16.4% in 2021 while it was 17.9% in Ontario. The share of dwellings in apartments with fewer than five storeys was 11.9% in Hamilton and 13.3% in Ontario, the share of semi-detached dwellings in Hamilton was also less prominent compared to Ontario (3.0% versus 5.5%), and the proportion of other dwellings was slightly lower in Hamilton than in Ontario (0.3% versus 0.5%).

From 2016 to 2021, all dwelling types saw higher rates of increase compared to the number of single-detached homes in Hamilton. Row or townhouses increased the most between 2016 and 2021 (11.1%). Dwellings in apartments with more than five storeys increased by 8.6% from 2016 to 2021, dwellings in apartments with fewer than five storeys increased by 6.6%, and semi-detached dwellings increased by 4.3%. In comparison, single-detached dwellings increased by only 3.2%.

While there is generally a need for more diversity among the dwelling structures in Hamilton, the data show that since 2016 the housing stock in Hamilton has become more diverse.

Figure 19: Proportion of Dwellings by Structural Type: The City of Hamilton and Ontario; 2021

		Hamilton	Ontario
	Single-Detached	56.2%	53.6%
	Apartment (>5 Storeys)	16.4%	17.9%
	Row House	12.3%	9.2%
	Apartment (<5 Storeys)	11.9%	13.3%
	Semi-Detached	3.0%	5.5%
	Other	0.3%	0.5%

Source: Statistics Canada Community Profiles; 2021

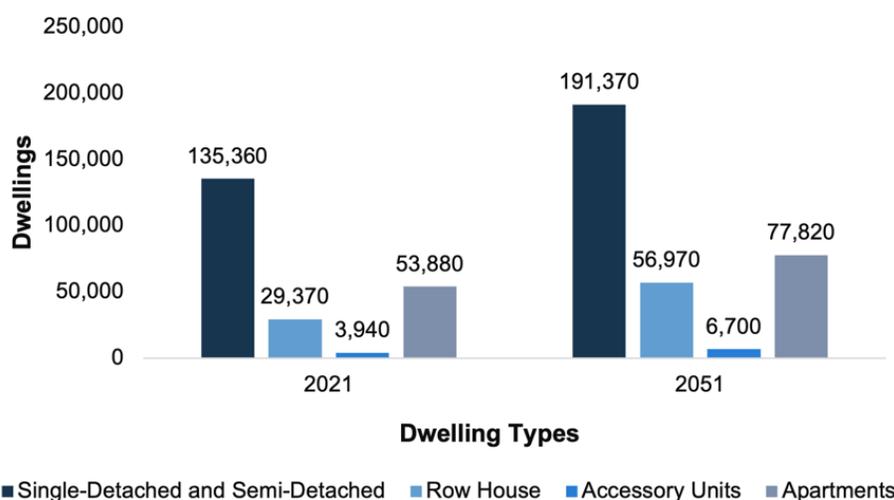
According to estimates of future housing supply published in the City of Hamilton Land Needs Assessment to 2051¹⁹, in 2051, the predominant structural type of housing will continue to be single- and semi-detached dwellings (57.5%), followed by dwellings in apartments (20.1%), row and townhouses (17.1%), and then accessory units (2.0%).

¹⁹ City of Hamilton Land Needs Assessment to 2051. Technical Working Paper – Summary of Results. March 2021. Accessed from: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=270921>

The Growth Plan population forecast translates into demand for approximately 110,320 new housing units over the 2021-2051 period. From 2021 to 2051, the growth in the supply of row and townhouses will ultimately outpace all other dwelling types, increasing by 94.0%. The number of accessory units is expected to increase by 70.1%. Dwellings in apartments are expected to increase by 44.4%. Finally, the number of single- and semi-detached dwellings in the market is expected to increase by 41.4% from 2021 to 2051.

These forecasts point to an increased diversity in the housing supply into the future, moving away from single-detached dwellings.

Figure 20: Projection of Dwelling Units by Structural Type: City of Hamilton; 2021-2051



Source: City of Hamilton Land Needs Assessment to 2051, Lorus and Associates, 2021, 2051

The section on housing demand indicated there is a growing need for more diversity in tenure and type among dwelling structures in Hamilton to meet the increased demand for housing caused by current and anticipated trends in the number, size, composition and income of households.

Projections of future housing supply indicate that the anticipated new housing supply in Hamilton will be denser and more diverse, moving away from single-detached family-sized dwellings. These denser housing forms are often more accessible and efficient at providing homes in the community with a diversity of tenures and affordability.

Impacts on an Inclusionary Zoning Policy

Future Housing Supply by Structural Type

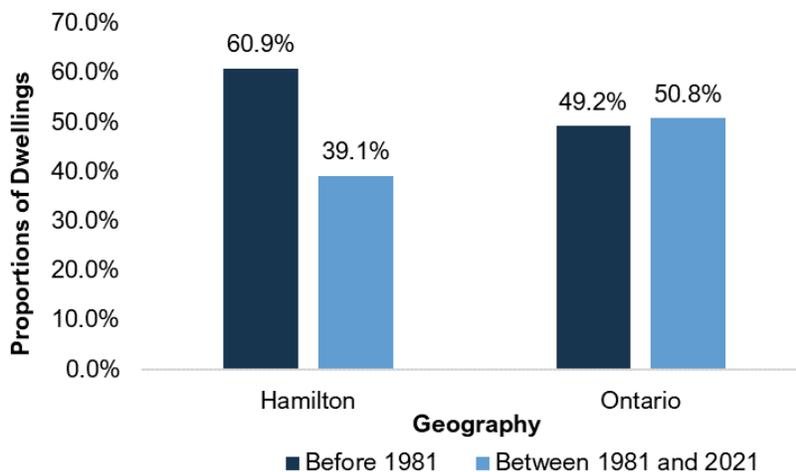
The comparatively high forecasted increase in row and townhouses, accessory dwellings and dwellings in apartments in Hamilton from 2021 to 2051 demonstrates that an inclusionary zoning policy could be successful in Hamilton as such a policy is generally most effective in higher density built forms.

Age and Condition of Dwellings

Age of Dwellings

The largest share of dwellings in Hamilton (60.9%) were built before 1981, while only 39.1% were built between 1981 and 2021. In contrast, 49.2% of dwellings in Ontario were built before 1981, and 50.8% were built between 1981 and 2021. These trends illustrate that Hamilton’s housing stock is older than that in other areas of Ontario since a majority of dwellings were constructed prior to the 1980s.

Figure 21: Proportion of Dwellings by Construction Age: The City of Hamilton and Ontario, 2021



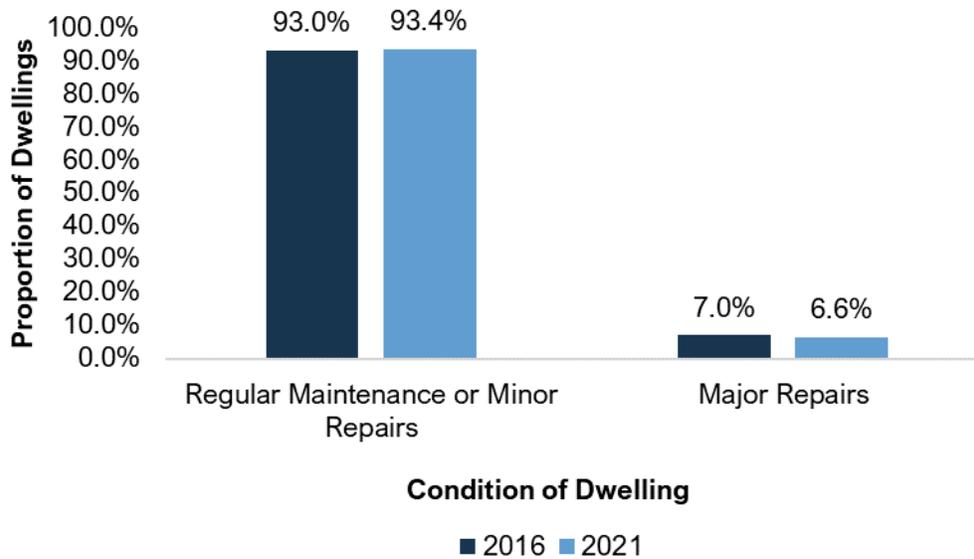
Source: Statistics Canada Community Profiles, 2021

Condition of Dwellings

In 2021, 93.4% of all dwellings in Hamilton required only regular maintenance or minor repairs, while the remaining 6.6% of dwellings required major repairs. This demonstrates that the majority of dwellings in Hamilton were in a good state of repair in 2021. In Ontario, the proportion of dwellings requiring regular maintenance and minor repairs accounted for 94.3% of dwellings and 5.7% needed major repairs. As such, there is a slightly higher share of dwellings which required major repairs in Hamilton compared with Ontario.

The number of dwellings requiring major repairs decreased by 0.8% while total dwellings increased by 5.3% from 2016 to 2021 in Hamilton. In comparison, in Ontario there was a decrease of 1.2% of dwellings which needed major repairs from 2016 to 2021. These data suggest that the need for major repairs among dwellings in Hamilton is quite low generally and has been decreasing over recent years.

Figure 22: Proportion of Dwellings by Dwelling Condition: The City of Hamilton; 2016-2021



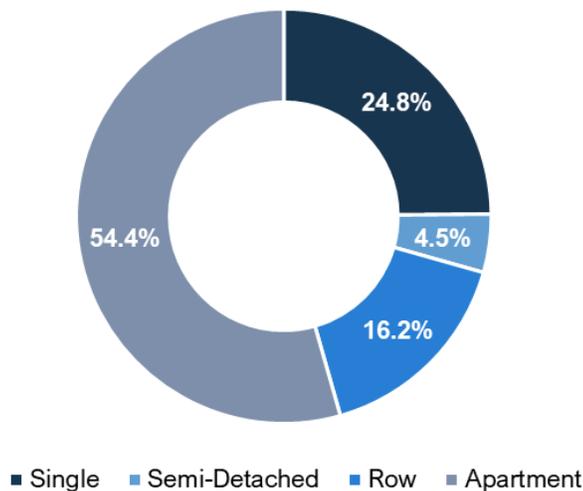
Source: Statistics Canada Community Profiles; 2016-2021

New Dwellings

Housing Completions

In 2021, 2,070 new housing units were completed in Hamilton. Of these new housing completions, apartment completions made up the largest share in Hamilton in 2021 at 54.4% (1,126 housing completions). Completions of single-detached dwellings made up 24.8% (514 housing completions). Row or townhouse completions represented 16.2% of all completions in 2021 (336 housing completions). This demonstrates there is an interest among developers in Hamilton to develop higher density dwelling types such as apartments.

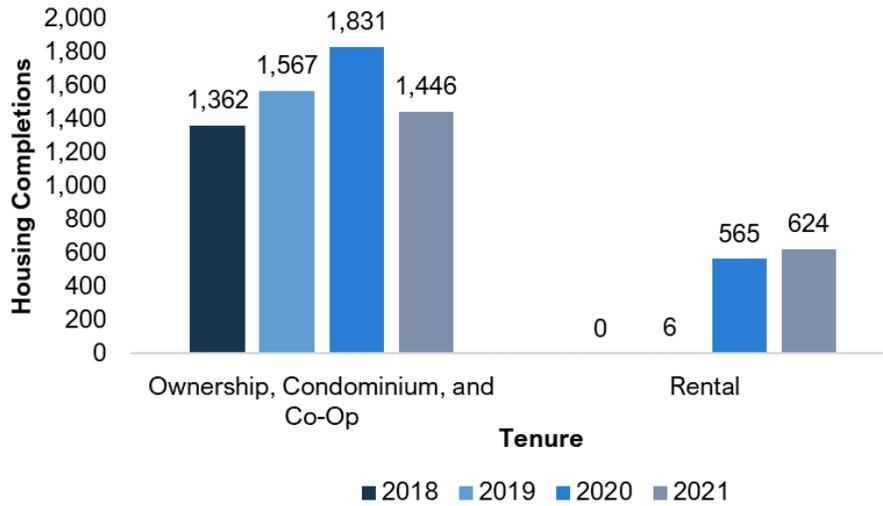
Figure 23: Proportion of Housing Completions by Structural Type: The City of Hamilton, 2021



Source: CMHC Information Portal; 2021

While the housing supply in Hamilton is becoming more diverse and shifting away from single-detached dwellings, the focus of dwelling completions remains in the ownership and condominium market resulting in a lack of purpose-built rental housing options for households. Although there were 624 rental dwelling completions in 2021 there were 1,446 homeownership and condominium units completed. Regardless of the small number of completions of new purpose-built rental dwellings in Hamilton, the number of households who were renters increased since 2016. These additional renter households are presumably being served through the secondary rental market.

Figure 24: Housing Completions by Tenure: The City of Hamilton, 2018-2021

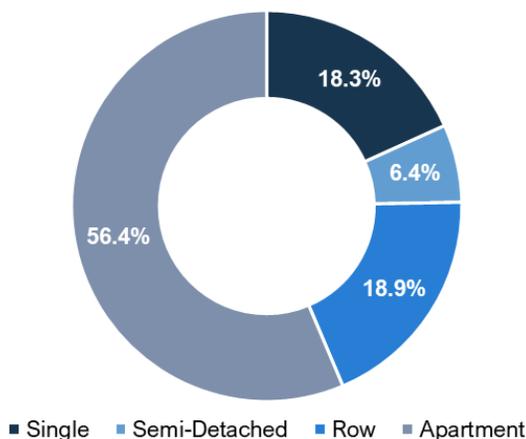


Source: CMHC Information Portal; 2018-2021

Housing Starts

CMHC also provides information on housing starts which also helps to understand what the future housing stock in Hamilton might look like. In 2021, there were 3,604 housing starts in Hamilton. The data show that apartment unit starts made up 56.4% of all housing starts in Hamilton in 2021, compared to 18.9% for row or townhouse dwellings, 18.3% for single-detached dwellings, and 3.3% for semi-detached dwellings.

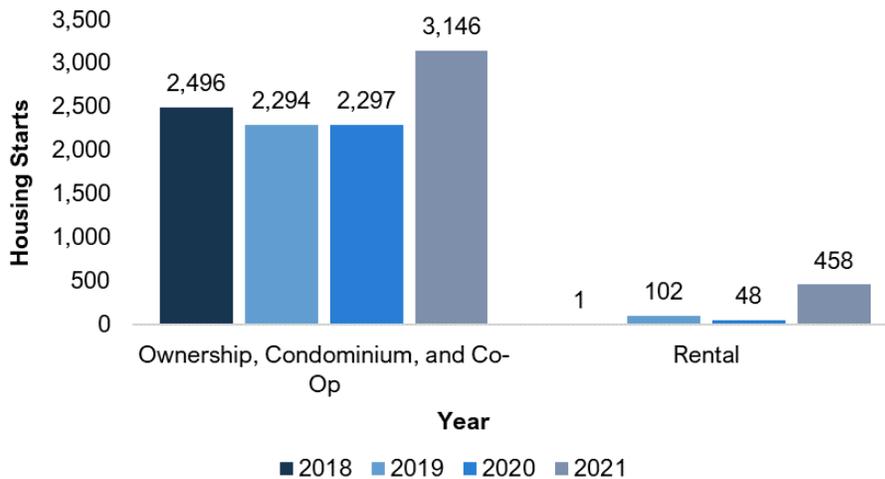
Figure 25: Proportion of Housing Starts by Structural Type: The City of Hamilton; 2021



Source: CMHC Information Portal; 2021

Of the new housing starts in 2021, 3,146 were ownership or condominium tenure units and only 458 were for purpose-built rental units. These data demonstrate that although rental housing is becoming more prominent in Hamilton, the demand for this tenure type might not be being met by adding a sufficient amount of new purpose-built rental supply.

Figure 26: Housing Starts by Tenure: City of Hamilton, 2018-2021



Source: CMHC Information Portal; 2018-2021

Based on the analysis above, it can be determined that the housing supply in Hamilton is becoming more diverse and denser, according to recent data on housing starts and completions. However, the focus of dwelling starts and completions remains in the ownership and condominium market, resulting in a lack of purpose-built rental housing. More purpose-built rental housing is needed to meet the increased demand for rental housing in Hamilton.

Building Permit Applications

Development application data was provided by the City of Hamilton for 2018 to 2022. Of the building permit applications submitted for 2022, 71.6% were for single family dwellings, 17.7% were for row or townhouses, and 8.6% were for semi-detached dwellings.

Of the building permit applications for 2022, 2.1% were for apartment buildings. Although it is not possible to identify the exact number of units which will be created in these proposed apartment developments, the presence of the apartment building permits suggests there is a demand for higher density housing which will persist into the future.

These data provide further proof that the housing stock is becoming more diverse and denser as new developments for row and townhouses, semi-detached dwellings, and apartment units come online in the future.

Impacts on an Inclusionary Zoning Policy

Future Housing Supply by Tenure

A tool like inclusionary zoning which is uniquely suited to increase the supply of rental units is not incidental but rather is designed to create a stable supply of rental units that come online in the Hamilton market areas where it is implemented. Through the implementation of an inclusionary zoning policy, the City will have a new tool to provide more rental housing, and so help accommodate the growing number of renter households in Hamilton.

Non-Market Housing Supply

Non-market housing is made up of emergency accommodation and permanent housing where monthly rent rates are geared-to-income or set at below-market rates. The City of Hamilton, as the Service Manager, is responsible for funding, administration, and ensuring legislative compliance for local non-profit, co-operative, federal, and urban native housing programs including the local housing corporation, City Housing Hamilton.

Community Housing

Community housing (sometimes referred to as social housing) is government-assisted housing that provides rent-geared-to-income (RGI) and affordable rental units to households with low to moderate incomes. Community housing includes private non-profit corporations, municipally owned non-profit corporations and non-profit co-operative housing corporations. A subsidy is provided so that households only spend 30% of their income on rent. For some people with low income, a rent subsidy is provided to live in a unit in a private market rental building. This subsidy is referred to as a rent supplement (RGI) or housing allowance (flat rate reduction of rent).

Affordable housing refers to housing that costs 30% or less of gross household income for households with low to moderate incomes. All community housing is affordable, but not all affordable housing is community housing. The terms affordable housing and community housing are often used interchangeably. While all community housing is affordable, the term “community housing” refers more specifically to housing that has government subsidy.

As of September 2022, there were 13,065 rent-geared-to-income (RGI) and market units in Hamilton’s community housing stock. There are approximately 510 accessible units which include units that are partially or fully modified. All units within the housing stock are with 40 housing providers that operate community housing across the city and who have agreements with the City for subsidized units. This includes rent supplement units with community housing providers but does not include rent supplement units with private landlords.

Since 2001, there has been a reduction of approximately 1,900 units due to the end of Federal operating agreements and the approved sale of single and semi-detached units.

Approximately 35.5% of the community housing units in Hamilton were mandated for seniors, 9.3% were mandated for families, 1.8% of units for families with special needs, 1.4% for “other” household types, 0.9% of units for seniors with special needs, 0.7% were alternative housing units, and 0.7% were specifically mandated for households with special needs. Only 0.2% of units were mandated for non-elderly singles and 0.2% were alternative housing units for non-elderly singles.

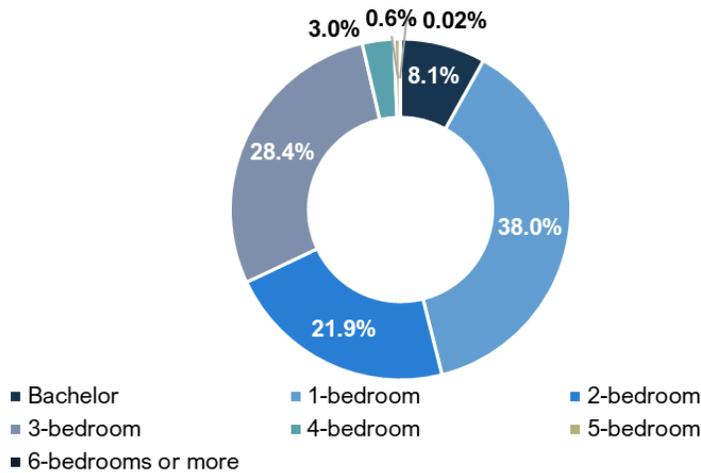
Figure 27: Community Housing Units by Mandate: City of Hamilton; 2022

Building Mandate	Proportion of Units by Mandate
Seniors	35.5%
Families	9.3%
Families, Special Needs	1.8%
Other	1.4%
Seniors, Special Needs	0.9%
Alternative Housing	0.7%
Special Needs	0.7%
Non-elderly Singles	0.2%
Alternative Housing, Non-elderly Singles	0.2%
Not applicable	49.3%
Total Units	100.0%

Source: City of Hamilton, 2022.

The majority of community housing in Hamilton is in the form of one-bedroom units (38.0%), followed by three-bedroom units (28.4%), two-bedroom units (21.9%), four-bedroom units (3.0%), five-bedroom units (0.6%), and six-bedroom units (0.02%). In 2022, only 3.7% of the community housing supply had four-bedrooms which would be suitable for larger households and families.

Figure 28: Proportion of the Community Housing Units by Unit Size: City of Hamilton; 2022



Source: City of Hamilton, 2022.

Rental rates for those in receipt of RGI assistance within community housing are typically set according to the household’s income, with households paying no more than 30 per cent of their income towards rent. Ontario Works (OW) and Ontario Disability Support Program (ODSP) households’ RGI is calculated using a rent scale which is outlined in the Housing Services Act, 2011.

Additionally, there were 1,416 households in receipt of a housing allowance or rent supplement in Hamilton in 2021. Of these, 362 were receiving housing allowances and 1,054 rent supplements.

Portable housing benefits provide direct financial assistance to households, and unlike community housing, the benefit is tied to a household instead of a housing unit. Portable benefits help to bridge the housing affordability gap by helping households keep housing costs at or below 30% of their income. While the goal is to bring a household’s rent to within 30% of their income, the housing benefit is a flat rate so does not always meet this target. A monthly payment to a private landlord or co-op/non-profit housing provider covers the difference between an agreed-upon market rent and the tenant’s RGI portion of rent. There are several municipally funded housing allowance programs in Hamilton, including Municipal Housing Allowance (MHA), Hamilton Housing Benefit (HHB), and COVID Relief Housing Allowance (CRHA). All of these municipally funded housing allowance programs are only portable within the boundaries of Hamilton.

Each of the subsidies are entirely funded by the municipal levy and are portable within Hamilton. They are also time-limited of five or eight years depending on the program. Households receiving housing allowance stay on the Access to Housing (ATH) waitlist and are eligible for the housing allowance until they accept an offer of RGI, become ineligible for the waitlist or housing allowance, or meet the maximum program period.

Some housing allowances are also provided through the Social Infrastructure Fund (SIF) – Housing Allowance program, however this program will end March 31st, 2022.

The Canada-Ontario Housing Benefit (COHB) is a Provincially-funded housing allowance subsidy program. The COHB program is designed to increase the affordability of rental housing by providing an income-tested, portable housing benefit that is paid directly to eligible households. It is portable anywhere in Ontario. However, households do not have to move to receive the COHB. They can use it to pay rent in-situ. COHB is an alternative to RGI housing. Unlike the municipally-funded programs, households in receipt of a COHB agree to be taken off the ATH waitlist, as per the requirements of the program. Currently, all households with COHB subsidies are included within the ATH ‘housed’ data.

On the other hand, rent supplements are subsidies paid to community housing providers and private landlords to bridge the gap between what a household can afford to pay and the actual cost of housing. In Hamilton, rent supplements are attached to a specific program. Rent supplements are a form of RGI housing subsidy that help households with low or moderate incomes with rent affordability. A monthly payment to a private landlord or co-op/non-profit housing provider covers the difference between an agreed-upon market rent and the tenant’s RGI portion of rent. A household’s eligibility to remain in a rent supplement unit is reviewed annually.

Figure 29: Rent Supplement and Housing Allowance Units: The City of Hamilton; 2021

	2021
Number of households in receipt of local Housing Allowance	362
Number of households in receipt of a Rent Supplement	1,054
Total	1,416

Source: City of Hamilton, 2022.

Demand for Community Housing

The demand for community housing is much greater than the supply. Eligible households for community housing are placed on a centralized waitlist through Access to Housing (ATH) to wait for an RGI unit within Hamilton’s community housing portfolio.

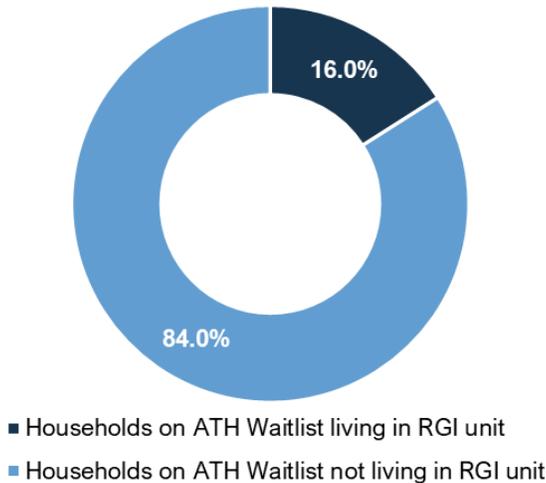
For a household to move into RGI housing, other households must move out or new stock must be made available.

ATH waitlist includes:

- Family, senior, single and couple households that wish to secure RGI housing or are living in RGI housing and request/require a transfer to another housing provider. These are households that:
 - Know about subsidized housing
 - Have chosen to apply
 - Kept their application current
 - May or may not have a priority designation

As of 2021, there were 5,716 households on the waitlist for community housing in Hamilton. The number of Applicant Households living in an RGI unit represents households currently living with a community housing provider who wish to “transfer” to another community housing provider. This includes over-housed households who are required to apply for a smaller unit, people with safety or other concerns in their existing unit and those in receipt of RGI subsidy living in another municipality. In 2021, 16.0% of applicant households on the community housing waitlist were already living in an RGI unit. In contrast, 84.0% of applicant households on the waitlist did not currently live in an RGI unit.

Figure 30: Proportion of Households on the Community Housing Wait List: The City of Hamilton; 2021



Source: City of Hamilton, 2022.

Whether households are waiting for community housing or already live in community housing and looking to transfer, the number of households on the waiting list for community housing reflects households whose housing needs are not being met. The number of active applicant households was reduced to 5,716 in 2021 from 6,647 in 2020, but this does not represent a downward trend in the need for community housing. Two main factors influenced the decrease: a backlog of applicants yet to be assigned and a data clean-up exercise was conducted before implementing the new waitlist administration system in 2021. The number of applicant

households for 2022 thus far has already increased from year-end 2021. It is anticipated that over time, 2021 will be viewed as an anomaly year.

The percentage of households on the community housing waitlist annually housed is a performance measure established by the Municipal Benchmarking Network of Canada (MBNC). MBNC uses 10% as the benchmark for waitlist placements which has been adopted by the City of Hamilton. Since 2016, the City of Hamilton has consistently met or has been close to meeting the 10% “housed” target. Despite the target, it still equates to a small percentage of applicants who secure RGI housing. Fewer vacancies due to low-turnover or units off-line means fewer units can be rented to applicants or RGI tenants who need to transfer to another unit. Although the small turnover rate in RGI units provides for more stable tenancies and community housing communities, it means fewer units can be rented to waitlist applicants or RGI tenants who need to transfer to another unit.

Figure 31: Percentage of Households Housed from the Community Housing Wait List: The City of Hamilton; 2016 – 2021

	2016	2017	2018	2019	2020	2021
Number of households on ATH Waitlist	5,964	6,258	6,704	6,231	6,647	5,716
Number of households housed from ATH Waitlist	662	672	508	595	662	541
% of households housed from ATH Waitlist	10%	10%	7%	9%	9%	9%

Source: City of Hamilton, 2022.

The average wait time for all households housed in an RGI unit from the ATH waitlist has increased over the last five years. Depending on the applicant’s circumstances, unit requirements, selections, and availability, wait times range from several months to upwards of 10 years.

The length of time people wait for community housing depends on several factors including:

- Number and location of buildings an applicant has selected
- Size and type of unit required
- The rate at which people move out and units become available
- Priority status
- Limited stock – demand exceeds supply
- Changes in application status – e.g., applicants can be in deferred status for an unlimited time and reactivated with original application date thus making the time between application date and housed date longer.

Impacts on an Inclusionary Zoning Policy

Non-Market Housing Supply

If an inclusionary zoning policy is implemented in Hamilton, some of the units might be purchased or transferred to the not-for-profit or co-operative housing providers in Hamilton through partnership agreements with for-profit developers. This could be an effective way to increase the stock of community housing in Hamilton and subsequently reduce waitlists and wait times for these units. Such a partnership could increase the capacity of the not-for-profit sector in Hamilton, although it may also require additional support from the City through subsidies or incentives to be financially viable.

Supportive Housing

The Residential Care Facilities (RCF) Subsidy Program prevents homelessness by providing funding for the operation of safe and affordable supported housing in a communal setting, i.e., in a Residential Care Facility (RCF) for people who require assistance with the daily activities of life.

The City of Hamilton recognizes the RCF Subsidy Program as an important part of the housing continuum. The program offers choices of housing with support options for people who would otherwise be homeless, inappropriately housed in institutions and/or shelters or inadequately supported in other settings.

The goal is for residents to achieve housing stability with the greatest community participation and quality of life possible.

To qualify for the RCF Subsidy Program an individual must:

- Be 18 years of age or over
- Meet established asset and income criteria
- Be able to maintain personal mobility at the time of admission
- Require assistance with identified activities of daily life

Individuals have unique requirements and remain housed through this program as long as the individual requires the level of service, chooses to live in a subsidized facility because it meets their identified goals, or an individual's needs do not exceed the level of service provided by the program.

In 2021, there were 48 Residential Care Facilities offering 811 beds to individuals with support needs. A waitlist is not kept for these units.

Figure 32: Residential Care Facilities: The City of Hamilton; 2021

	2021
Number of Residential Care Facilities	48 subsidized homes
Number of Beds at Residential Care Facilities	811 beds

Source: City of Hamilton, 2022.

Impacts on an Inclusionary Zoning Policy

Supportive Housing Supply

An inclusionary zoning policy in Hamilton might be a unique opportunity to bring supportive housing providers and for-profit developers together to increase the number of supportive housing units in Hamilton. In recent years, supportive housing providers across Ontario have started to enter into partnership agreements with for-profit developers to operate a number of units with supports in market housing apartment buildings. Through an inclusionary zoning policy, these types of partnerships could become more formalized and coordinated to help meet the increased need for accessible and supportive housing options for households with a disability or mental health issue in Hamilton.

Long-Term Care Housing

A long-term care home is a form of permanent accommodation for people who need 24-hour nursing and personal care with on-site supervision or monitoring to ensure their safety, and who have care needs that cannot be safely met in the community through community-based services and/or in-home supports²⁰. People who need long-term care are currently placed through the Home and Community Care Support Services (formerly LHINs Home and Community Care). Data obtained from the Home and Community Care Support Services – Hamilton Niagara Haldimand Brant indicate there are a total of 8,601 long-term care beds in 70 long-term care homes in Hamilton.

²⁰ Paying for Long-Term Care (2022). Province of Ontario. Accessed from: <https://www.ontario.ca/page/find-long-term-care-home#section-3>.

Figure 33: Long-Term Care Housing: The City of Hamilton; 2022

	Beds
Albright Gardens	231
Alexander Place Long Term Care	128
Anson Place Care Centre	61
Arbour Creek Long Term Care Centre	128
Baywoods Place	128
Billings Court Manor	160
Blackadar Continuing Care Centre	80
Brierwood Gardens	79
Burloak Long Term Care Centre	144
CAMA Woodlands Long-Term Care Home	128
Cedarwood Village	90
Chartwell Brant Centre Long Term Care Residence	175
Chartwell Willowgrove Long Term Care Residence	169
Chippawa Creek at Bella Care Residence	160
Clarion Nursing Home	100
Creek Way Village Long-Term Care Home	144
Crescent Park Lodge	68
D H Rapelje Lodge	120
Deer Park Villa	39
Delhi Long Term Care Centre	60
Dover Cliffs	70
Dundurn Place Care Centre	201
Edgewater Gardens	64
Extendicare - Hamilton	160
Extendicare - St Catharines	153
Fox Ridge Care Community	122
Foyer Richelieu Welland	65
Garden City Manor	200
Gilmore Lodge	80
Grace Villa Long Term Care Home	184
Grandview Lodge	128
Hamilton Continuing Care	64
Hampton Terrace Care Centre for Seniors	101
Hardy Terrace Long-Term Care Home	101
Heidehof Long Term Care Home	106
Henley House (The)	160
Heritage Green Nursing Home	167
Idlewyld Manor	192
Iroquois Lodge Nursing Home	50
John Noble Home	156
Kilean Lodge	50
Linhaven	248
Macassa Lodge	270
Maple Park Lodge	96
Maple Villa Long Term Care Centre	93

	Beds
Meadows Long-Term Care Centre	128
Meadows of Dorchester	121
Millennium Trail Manor	160
Mount Nemo Christian Nursing Home	60
Niagara Health - Welland Site - Extended Care Unit	115
Niagara Ina Grafton Gage Village	40
Niagara Long Term Care Residence	124
Norfolk Hospital Nursing Home	80
Northland Pointe	151
Norview Lodge	179
Oakwood Park Lodge	153
Orchard Terrace Care Centre	45
Park Lane Terrace	132
Gardenview Long Term Care Home	64
Parkview Nursing Centre	126
Pine Villa Nursing Home	41
Pleasant Manor Retirement Village	41
Queen's Garden Long Term Care Residence	128
R H Lawson Eventide Home	101
Caessant Care - Courtland	54
Woodlands of Sunset (The)	121
Westhills Care Centre	160
West Park Health Centre	93
Wentworth Lodge	160
Wellington Park Care Centre	132
Wellington (The)	102
Village of Wentworth Heights (The)	120
Village of Tansley Woods (The)	144
Victoria Gardens Long Term Care	76
Valley Park Lodge	65
Upper Canada Lodge	80
United Mennonite Home	128
Telfer Place	45
Tabor Manor	128
St Peter's Residence at Chedoke	210
St Joseph's Villa Dundas	425
St Joseph's Lifecare Centre	205
Long Term Care	127
Shalom Manor Long Term Care	144
Royal Rose Place	96
Ridgeview Long Term Care Centre	120
Regina Gardens Long Term Care Residence	128
TOTAL	8,601

Source: Home and Community Care Support Services – Hamilton Niagara Haldimand Brant, 2022.

Accommodation rates for long term care range from \$1,938.46 per month for basic accommodation to about \$2,769.14 for private accommodation. The Province provides a subsidy if a person does not have enough income to pay for the basic rate²¹.

Support Services

In addition to the housing with supports which is available to residents of Hamilton, there are also a number of community agencies in Hamilton that provide support services to individuals and families who need assistance. Support services offered by these agencies may include assistance with searching for housing, eviction prevention, legal assistance, referrals to housing and other support services, food banks, clothing and furniture banks, life skills training, employment supports, and counselling.

Analysis of Current Market Rents and Prices

The majority of housing units in a community are private market housing units and include both rental and ownership units. This section of the report addresses the requirements of subsection 2(1)5 of O. Reg 232/18 for an analysis of the current market price and the current average market rent for each housing type, taking into account location in Hamilton.

Private Rental Market

Rental housing fulfills a number of important roles in the housing market in a community. It offers a flexible form of accommodation, provides relief from day-to-day maintenance, and often provides more modest-sized units. In addition, rental housing is generally more affordable compared to ownership housing. In most cases, rented dwellings tend to have lower monthly costs and only require the first and last months' rent as a deposit. The flexibility and affordability of rental housing is ideal for some households, such as seniors wishing to downsize or who are on a fixed income, young adults starting their careers, or people living alone.

²¹ Paying for Long-Term Care (2022). Province of Ontario. Accessed from: <https://www.ontario.ca/page/find-long-term-care-home#section-3>.

Until the mid-1970's, rental housing as a tenure was more prevalent than it is today, particularly in urban areas. It was common to rent even among high-income earners²². However, a reform of the Canadian tax code in 1972 shifted the balance in the housing market to an ownership-based model which provided tax incentives for homeowners while removing tax incentives for the construction of purpose-built rental apartments. Implications of this policy decision can be observed in Hamilton where today, ownership is the predominant housing tenure. The introduction of the National Housing Strategy in 2018, which includes some programs intended to encourage the development of purpose-built rental housing, suggests the federal government is starting to put some measures in place to re-balance the housing market to some extent.

The private rental market in a community is generally made up of the primary or purpose-built rental market and the secondary rental market. The primary rental market includes all self-contained rental units where the primary purpose of the structure is to house tenants. The primary rental market includes purpose-built rental apartments and rowhouses. The secondary rental market represents self-contained units which were not built specifically as rental housing but are currently being rented out. These units include rented single-detached, semi-detached, row/townhouses, duplex apartments (i.e., separate dwelling units located within the structure of another dwelling), rented condominium units, and one or two apartments which are part of a commercial or other type of structure.

There were a total of 76,400 rented dwellings in Hamilton in 2021, making up 34.3% of all dwellings. The number of rented dwellings increased by 11.5% since 2016 compared to an increase in all dwellings of 5.3% from 2016 to 2021.

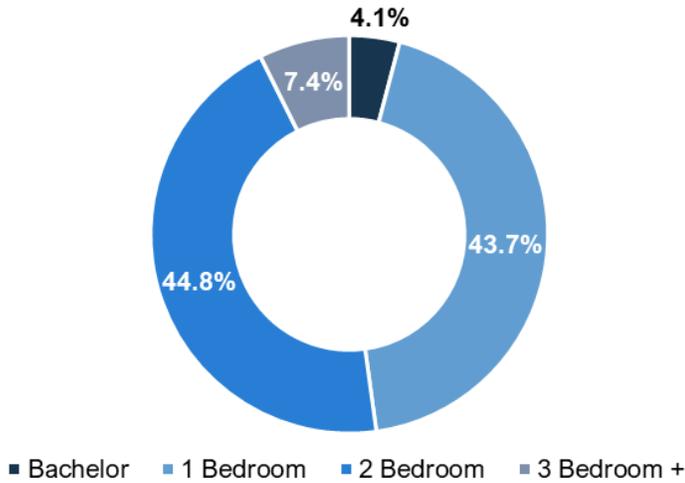
Primary Rental Market

According to CMHC, there were 37,120 purpose-built rental units in Hamilton in 2021. Of these units, 44.8% had two-bedrooms, 43.7% had one-bedroom, and the share that were bachelor units made up 4.1%. These units would all be suitable for smaller household sizes. In comparison with the data on household size in Hamilton, 27.9% of households had only one person and 32.1% of households were two-person households.

Units with three or more bedrooms accounted for only 7.4% of all units in the primary rental market in 2021. Households with three or more persons made up 40.0% of all households (15.9% three person households, and 24.2% four or more person households) in 2021. This indicates that the current composition of the purpose-built rental market does not reflect the current need for larger units based on household sizes in Hamilton and there could be a lack of supply of larger dwellings in the primary rental market.

²² Suttor G. 2015. Rental Paths from Post-war to Present: Canada Compared. Retrieved from: <http://www.urbancentre.utoronto.ca/redirects/rp218.html>

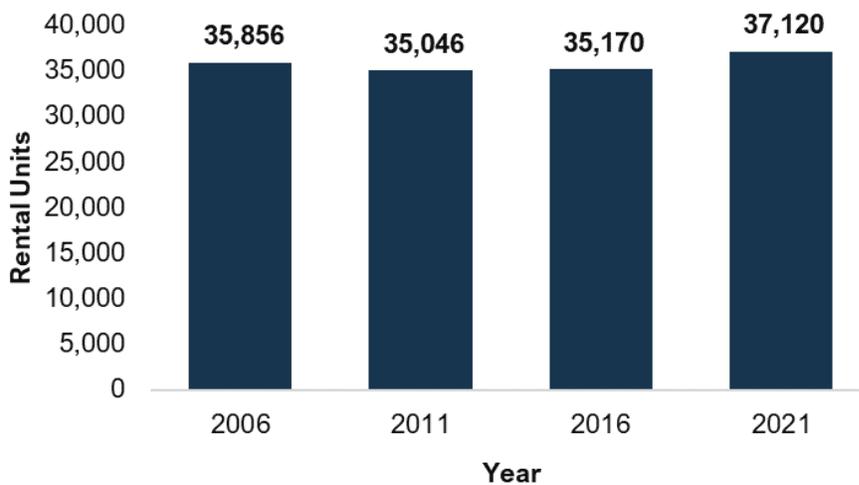
Figure 34: Primary Rental Market Units by Unit Size: The City of Hamilton; 2021



Source: CMHC Information Portal, 2021.

Since 2016, there has been an increase in the number of purpose-built rental units from 35,170 units to 37,120 units in 2021, which represents a 5.5% increase in the number of units. As previously mentioned, the number of households who are renters increased from 2016 to 2021 by a rate of 11.5%. This suggests that although the supply of rental housing in the primary market is increasing, some new renter households are most likely finding housing through the secondary rental market rather than the primary market.

Figure 35: Primary Rental Market Units: The City of Hamilton; 2006, 2011, 2016 & 2021



Source: CMHC Information Portal; 2006, 2011, 2016 & 2021

Vacancy Rates in the Primary Rental Market

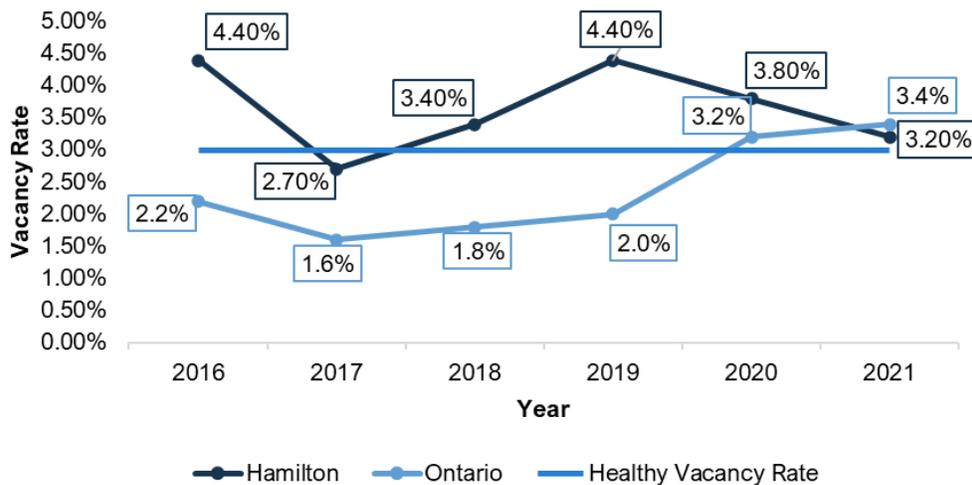
A vacancy rate of 3.0% is generally accepted as a ‘healthy’ vacancy rate, indicating a balance between the supply of rental housing and the need for rental housing. In 2021, the vacancy rate for units in the primary rental market in Hamilton was 3.2%; down from 4.4% in 2016. While the vacancy rate in 2021 is lower than it was in 2016, it is approaching what is generally considered to be the ‘healthy’ vacancy rate (3%). In comparison, the vacancy rate in Ontario was 3.4% in 2021 – which is higher than the vacancy rate in Hamilton (3.2%).

Although the vacancy rate of rental housing in the primary market in Hamilton seems to be at a healthy place, there is strong demand for rental housing in the city. From 2016 to 2021, additional supply was added to the primary rental market in Hamilton, but these trends highlight that even with this additional supply, the vacancy rate declined over that period.

Stronger rental demand likely occurred in Hamilton due to fewer renters transitioning into homeownership. New mortgage regulations which came into effect in January 2018 impacted the housing market by introducing stricter qualifying criteria (also known as a “stress test”) that would determine whether a homebuyer could be able to afford their principal and interest payments should interest rates increase.

In addition, there was an increase in students attending McMaster University in 2021 as courses offered in the fall 2021 semester had the option for in-person learning. Furthermore, many new permanent residents who were newcomers to Canada settled in Hamilton in recent years. For these reasons, demand for rental housing remains high in Hamilton.

Figure 36: Primary Rental Market Vacancy Rates: The City of Hamilton and Ontario; 2016-2021



Source: CMHC Rental Market Survey, 2016-2021

Rents in the Primary Rental Market

The average market rent (AMR) of units in the primary rental market was \$1,190 in 2021; up by 32.1% since 2016 in Hamilton. This increase is much greater than the rate of inflation (10.4%) and of average household income growth (23.8%) during that same time period.

The average market rent for bachelor apartments saw the highest rate of increase; increasing by 39.7% from \$655 in 2016 to \$915 in 2021. Units with one-bedroom had an AMR of \$1,095 in 2021 (an increase of 34.9% from 2016 rents), two-bedrooms had an AMR of \$1,271 in 2021 (an increase of 31.6% from 2016 rents), while the AMR for units with three or more bedrooms was \$1,479 in 2021; having increased by 34.9% since 2016. Although the rents in Hamilton increased significantly from 2016 to 2021, this growth likely was tempered by the 2021 Ontario rent freeze which was applied to up to 85% of all rented units during the COVID-19 pandemic.

Compared with rents in Hamilton, Ontario had a higher average rent (\$1,395) for units in the primary rental market. Although rents in Hamilton are generally lower than they are in other areas of the province, the average rent in Hamilton increased more rapidly from 2016 to 2021 compared to Ontario, which increased by 27.4% (the average rent in Hamilton increased by 32.1%). This signals that there is increased demand for rental housing in Hamilton in recent years and that this supply is becoming more unaffordable. Households from other communities in Ontario could be moving to Hamilton to capitalize on lower average rent prices, increasing competition for rental housing and driving up rents over time.

Figure 37: Primary Rental Market Average Rents by Unit Size: The City of Hamilton; 2006, 2016, 2021

	Bachelor	One-Bedroom	Two-Bedrooms	Three+ Bedrooms	Total
2006	\$482	\$613	\$751	\$897	\$690
2016	\$655	\$812	\$966	\$1,096	\$901
2021	\$915	\$1,095	\$1,271	\$1,479	\$1,190
△ 2016 - 2021	39.7%	34.9%	31.6%	34.9%	32.1%
Inflation (△ 2016-2021)	10.4%				

Source: CMHC Information Portal, 2006, 2016, 2021

The increased demand for rental housing in Hamilton between 2016 and 2021 is likely resulting in higher average market rents for primary units. From 2016 to 2021, the average rents in the primary rental market increased at a faster rate than inflation and average household income. These findings demonstrate there is a strong need for additional purpose-built rental housing in Hamilton.

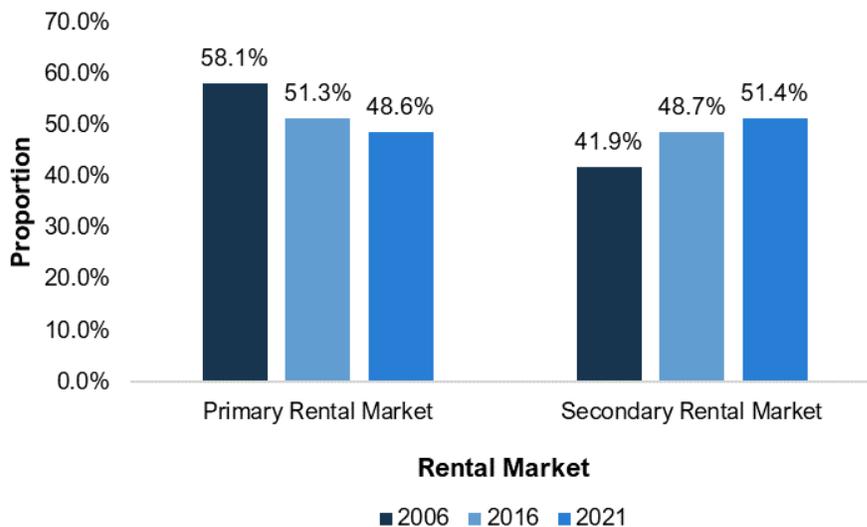
Secondary Rental Market

While the number of households who were renters increased by 11.5% from 2016 to 2021, the previous section revealed that this growth did not occur solely in the primary rental market. From 2016 to 2021, the secondary market increased by 17.7% (5,905 units).

Since 2006, there has been a shift in the proportion of the rental market that is accounted for by the primary rental market versus the secondary rental market. In 2006, 58.1% of units in the rental market in Hamilton were in the primary rental market and only 41.9% of units were in the secondary rental market. However, in 2021, units in the primary rental market only accounted for 48.6% of the rental market and the majority of units were in the secondary rental market (51.4%).

The supply of rental housing in Hamilton has therefore shifted to be disproportionately provided through the secondary rental market.

Figure 38: Rental Market Proportions: The City of Hamilton; 2006, 2016, 2021



Source: CMHC Information Portal, 2006, 2016, 2021

The secondary rental market is a good source of rental units. It generally offers a more diverse supply as these units include single and semi-detached homes as well as secondary suites compared to predominantly apartment and townhouse units in the primary rental market. However, units in the secondary rental market are generally more expensive (with the exception of secondary suites) while offering a tenure that is not as stable as units in the primary rental market. For example, landlords could sell or convert a unit back to ownership or move into the unit.

Rents in the Secondary Rental Market

The current average market rent of rental apartments in the secondary rental market in Hamilton was \$2,215²³ according to MLS. This shows rents in the secondary rental market are significantly higher than those in the primary rental market (\$1,190 in 2021) in Hamilton. The average rent for a one-bedroom unit in the secondary market was \$1,914, two-bedroom units had average rents of \$2,308, while units with three bedrooms or more had average rents of \$2,594 as of October 2022.

Figure 39: Secondary Rental Market Average Rents by Unit Size: The City of Hamilton; 2021

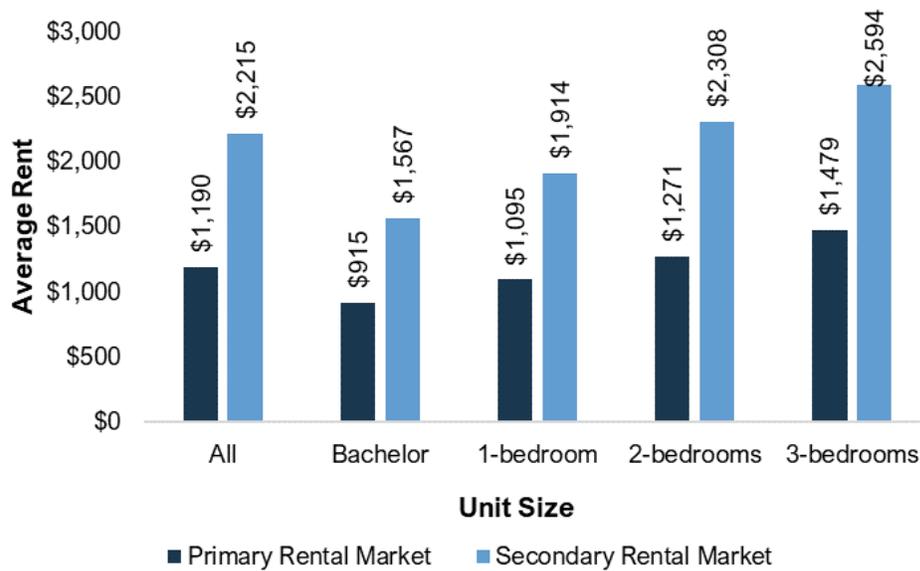
	All	Bachelor	1- bedroom	2- bedrooms	3- bedrooms
Average Rent	\$2,215	\$1,567	\$1,914	\$2,308	\$2,594
Median Rent	\$2,150	\$1,700	\$1,900	\$2,350	\$2,500
Average Rent/SF	\$2.92	\$3.61	\$3.08	\$2.64	\$2.29
Median Rent/SF	\$2.99	\$4.17	\$3.13	\$2.64	\$2.15

Source: MLS, 2022.

The difference between the data reported for the average market rents in the primary and secondary rental markets is below. These data support the analysis that units rented in the secondary rental market are more costly than those in the primary market in Hamilton.

²³ This statistic represents the average market rent from all apartment leases that transacted between October 2021 and October 2022.

Figure 40: Average Rents by Unit Size by Rental Market: The City of Hamilton; 2021/2022



Source: CMHC Information Portal; 2021. MLS; 2022.

While the secondary rental market provides necessary housing supply which is more flexible, diverse, and generally more affordable than homeownership, average market rents in this sector are more expensive than those found in the primary market. This can create barriers to households with lower incomes who have no other choice but to rent in the secondary market. This suggests there is a need for rental housing options in Hamilton that are affordable to households with moderate and low incomes.

Impacts on an Inclusionary Zoning Policy

Current Market Rents

The City of Hamilton should consider implementing an inclusionary zoning policy which requires rents be provided at prices at or below the average market rent as reported by CMHC. This would ensure that renters with moderate incomes could afford the units developed through a potential inclusionary zoning policy in Hamilton.

Ownership Housing

Homeownership is a valuable form of personal investment and is often viewed as the most important way to build personal assets. For many households, homeownership is the ideal form of housing and can offer a form of investment, security of tenure, and quality in accommodation.

In 2021, there were a total of 146,410 owned dwellings in Hamilton. Owned dwellings accounted for 65.7% of all dwellings in Hamilton in 2021. This is consistent with Ontario as a whole, where 68.4% of all dwellings were owner occupied.

Current Homeownership Prices

The average house price in Hamilton in 2022 was \$792,767. Of the different types of dwellings in Hamilton, detached houses were sold for the highest price on average in 2022 at \$876,899, followed by row and townhouses (\$696,873), and then semi-detached houses (\$591,700). These high prices support the argument that demand is highly concentrated in ground-related housing in Hamilton as prices are highest for these types of homes.

Condominium apartments had the least expensive prices on average (\$465,064) of all dwelling types in Hamilton in 2022. Since 2019, the average house price of all homes in Hamilton increased by 44.4%. The average price for condominium apartments increased most significantly over that time period; increasing by 32.0%.

Figure 41: Average House Prices by Dwelling Type: The City of Hamilton; August 2022

		2019	2022	Δ 2019-2022
Single Family Market Activity	Detached	\$592,544	\$876,899	23.9%
	Semi-detached		\$591,700	
Townhouse		\$582,677	\$696,873	19.6%
Apartment-Style		\$352,242	\$465,064	32.0%
All		\$548,848	\$792,767	44.4%

Source: Canadian Real Estate Association, Residential Market Activity Report; August 2022.

Since 2019, the average house price of all homes in Hamilton increased by 44.4%. From 2019 to 2022, the rate of inflation was 12.1% in contrast. This illustrates how significantly house prices in

Hamilton have been increasing over recent years. Homeownership is becoming less affordable for all households in Hamilton.

Figure 42: Rate of Change of Average House Prices & Rate of Inflation: The City of Hamilton; 2019-2022

	Average House Price
2019	\$548,848
2022	\$792,767
Δ 2019-2022	44.4%
Rate of Inflation (Δ 2019-2022)	12.1%

Source: Canadian Real Estate Association, Residential Market Activity Report; August 2022. Statistics Canada CPI for Ontario for 2019-2022.

Increases to the average house price in Hamilton since 2019 were influenced by several policies introduced by government during that period of time. Prior to January 2022, mortgage interest rates were very low, including the Bank of Canada’s benchmark five-year rate used by Canada’s largest banks to qualify applicants under the mortgage stress test. This helped to improve homebuyer access to home purchase financing.

Additionally, in October 2019, the Federal Government introduced the First-Time Home Buyer Incentive. The First-Time Home Buyer Incentive program is a shared equity mortgage which allows households to borrow 5% or 10% of the purchase price of a home to put towards a down payment which will later be paid back at the time when the home is sold or within 25 years. This program creates an incentive for households who have never purchased a home before to enter the market. This has resulted in increased competition among buyers and has provided the environment for prices to increase since 2019.

In 2022 however, there have been significant increases in lending rates which have impacted affordability and concern regarding a housing correction has dampened consumer confidence. This has contributed to a decline in sales in Hamilton in 2022. Yet, despite the adjustments, prices still remain well above levels reported prior to the COVID-19 pandemic²⁴.

While previous findings in the supply section indicated the housing stock is diversifying, when combined with the trends described in the housing demand section these data suggest there is insufficient diversity in the housing stock when looking at tenure and structure type.

While single-detached dwellings may be the ideal for larger families with children, they may not be the most appropriate dwelling for other household types, such as young adults purchasing

²⁴ REALTORS® Association of Hamilton-Burlington (RAHB)

their first home, singles, seniors looking to downsize, or people with accessibility challenges such as persons with disabilities. Single-detached dwellings are generally less accessible due to the presence of stairs and it may be harder to adapt them for accessibility compared to an apartment. In addition, they require more maintenance.

Single-detached dwellings in general are also less affordable compared to other dwelling types, such as condominium apartments or row houses. As such, having a housing supply which is predominantly single-detached homes limits the options for certain households.

In addition, the increase in price in the housing market might have caused aspiring homeowners to start renting as they cannot yet afford to purchase a home in Hamilton. Furthermore, households with a maintainer aged 45 to 64 years may be deterred from settling in Hamilton due to the high costs. More homeownership options which are affordable to households, primarily with moderate incomes, are needed in Hamilton.

Impacts on an Inclusionary Zoning Policy

Current Ownership Prices

The strong need for affordable ownership units suggests that an inclusionary zoning policy that includes affordable ownership housing would address community needs.

Key Findings: Housing Supply

There is a Need for Continued Diversification of the Housing Stock

- Single-detached dwellings are the predominant housing type in Hamilton in 2021, but recent trends (e.g., housing starts and housing completions) point to a diversification of the housing stock which is expected to continue into the future. Single-detached dwellings may not be the most appropriate housing type for some households who require housing which is accessible in order to live independently. The increase in these household types (smaller households, senior households, etc.) described in the demand section, indicates there is a need to continue to support the diversification of the housing stock in Hamilton moving forward.

There is a Need for New Purpose-Built Rental Dwellings to Accommodate the Growing Number of Renters

- The majority of housing starts and completions were in the ownership and condominium market, even though the number of renter households increased at a significantly faster rate compared to the number of owner households. To provide adequate supply to the growing number of renters there is a need to increase the rental housing supply in Hamilton.
- The supply of rental housing in Hamilton has shifted away from the primary rental market towards the secondary rental market since 2006 where rents are higher and tenures less secure. This can create barriers to households with moderate and low incomes who are not able to afford ownership to access suitable and affordable housing, further confirming the need for additional purpose-built rental housing units.
- Although purpose-built rental housing is being developed in Hamilton, the larger increase in the number of households who are renters from 2016 to 2021 suggests that the demand exceeds the supply provided through this market. Although vacancy rates for purpose-built rental housing seem to be at healthy levels, if the supply does not keep up with the demand, these rates will continue to drop over time and households seeking rental tenure will likely reside in other municipalities or be accommodated in the secondary rental market.

There is a need for Affordable Ownership Options

- House prices in Hamilton increased at a significantly faster rate compared to inflation in recent years, indicating home ownership is becoming less affordable, in particular to households with moderate incomes. High home ownership costs might be causing aspiring homeowners to start renting as they cannot yet afford to purchase a home in Hamilton. This could explain why households aged 45 to 64 years may be moving to other municipalities or are delaying household formation in Hamilton and suggests there is a strong need for more affordable ownership options to households with moderate incomes.

There is a Need to Ensure There are Sufficient Community and Affordable Rental Options

- There are a number of community housing options in Hamilton, but the large waiting list for these units indicates there is a strong need to attract additional subsidized units.

Housing Affordability

The cost of housing is one of the largest monthly expenditures for many households in Canada. According to Statistics Canada's Survey of Household Spending, a household's spending on shelter, which includes rent or mortgage payments, repairs and maintenance, property taxes, insurance, and utilities, made up, on average, 21.6% of all expenditures in 2019²⁵.

The availability of affordable, adequate and suitable housing is a pressing concern for many individuals and families. While households with low incomes are the most likely to experience housing affordability challenges, increasing house prices and rents throughout Hamilton have also made the cost of shelter an issue for many households with moderate incomes.

This section looks at the proportion of income households in Hamilton are spending on shelter as well as what households can afford and how this compares to trends in house prices and rents.

Defining Affordable Housing in Hamilton

This section presents the recommended thresholds for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton²⁶. These definitions are in line with the definitions presented in the Provincial Policy Statement²⁷ (PPS).

These definitions are based on household income deciles²⁸ as well as corresponding affordable prices and rents for ownership and renter households. The income²⁹ deciles for all households

²⁵ Statistics Canada (2019). Table 203-0021: Survey of household spending (SHS), household spending, Canada, regions and provinces, annual (dollars), CANSIM.

²⁶ A full analysis of the various definitions of affordable housing that are currently being used in different contexts in Hamilton is presented in Appendix A. These definitions provide the foundation for the recommended definitions for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton presented here.

²⁷ Province of Ontario, 2020. Provincial Policy Statement. Accessed from: <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

²⁸ Household income deciles divide the total universe of households into ten equally portioned income groups. This means that there is one tenth (or 10%) of all households in each income decile.

²⁹ Household incomes for 2021 and 2022 were estimated based on the growth rate of Ontario's CPI from 2020 to 2021 and 2022, respectively.

and for renter households in Hamilton which will be used throughout this section, are presented here:

Figure 43: Household Income Deciles for All Households & Renter Households: Hamilton; 2021 & 2022

		All Households		Renter Households	
		2021	2022	2021	2022
Low Income	Decile 1	\$28,018	\$30,150	\$9,582	\$10,311
	Decile 2	\$43,107	\$46,388	\$19,163	\$20,622
	Decile 3	\$57,371	\$61,738	\$27,247	\$29,320
Moderate Income	Decile 4	\$72,213	\$77,710	\$34,537	\$37,166
	Decile 5	\$88,554	\$95,295	\$41,827	\$45,011
	Decile 6	\$107,191	\$115,350	\$51,146	\$55,039
High Income	Decile 7	\$128,737	\$138,536	\$61,993	\$66,712
	Decile 8	\$158,315	\$170,365	\$77,149	\$83,022
	Decile 9	\$206,490	\$222,207	\$101,995	\$109,759

Source: Statistics Canada, Census 2021, CMHC Housing Portal 2016, and SHS estimations

In the case of **ownership housing**, the PPS defines affordability as the least expensive of:

- c) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households
- d) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the City of Hamilton;

In the case of **rental housing**, affordability is defined as the least expensive of:

- c) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households
- d) a unit for which the rent is at or below the average market rent of a unit in the City of Hamilton.

For the purposes of this definition, “low and moderate income households” means households with incomes in the lowest 60% of the income distribution for the City of Hamilton.

The definitions from the PPS are also in line with the definitions presented in A Place to Grow: Growth Plan for the Greater Golden Horseshoe³⁰ and the City’s Urban Hamilton Official Plan.

Definition of Ownership Housing Affordability

In 2022, based on Hamilton household income deciles, **affordable ownership housing** should be priced through the income-based approach at a maximum of **\$505,455** for the lowest 60% of the income distribution. This is because the income-based approach produces a less expensive affordable house price than the market-based approach (\$505,455 compared with \$831,647, respectively). This is in-line with the methodology prescribed by the PPS as well as A Place to Grow: Growth Plan for the Greater Golden Horseshoe³¹ and the City’s Urban Hamilton Official Plan for determining the definition of ownership housing affordability.

To update the definition of affordable ownership housing annually based on this methodology, household incomes would need to be projected from values reported in the most recent year of the Census to future year estimates based on the growth rate of Ontario’s CPI.

Figure 44: Affordable House Prices based on Household Income Deciles: Hamilton; 2022

All Households			
Percentile	Income	Affordable Ownership	
100 th			
90 th			
80 th			
70 th	Hamilton	\$115,350	\$505,455
60 th			
50 th			
40 th			
30 th			
20 th	Housing that costs less than 30% of household income for the lowest 60% of household income levels		
10 th			

Source: Statistics Canada Census; 2021. SHS Calculations for Ownership Affordability based on spending 30% of income on housing costs, 5% down payment, 25-year mortgage, and 5.86% interest rate

³⁰ Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

³¹ Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

Definition of Rental Housing Affordability

In 2021, **affordable rental housing** should be priced through the market-based approach at a maximum of **\$1,190** based on average market rents in Hamilton. This is because the market-based approach produces a less expensive affordable rent price than the income-based approach (\$1,190 compared with \$1,279, respectively). This is in-line with the methodology prescribed by the PPS as well as A Place to Grow: Growth Plan for the Greater Golden Horseshoe³² and the City’s Urban Hamilton Official Plan for determining the definition of rental housing affordability³³.

To update the definition of affordable rental housing based on this methodology, average market rent prices would need to be retrieved from CMHC annually.

Figure 45: Affordable Rents based on Average Market Rent: Hamilton; 2021

All Households		Affordable	
Percentile	Income	Rental	
		100% AMR	
100 th			
90 th			
80 th			
70 th	Hamilton	\$45,503	\$1,190
60 th			
50 th			
40 th			
30 th			
20 th			
10 th			

Rent that is at or below the average market rent

Source: Statistics Canada Census; 2021. CMHC Housing Information Portal; 2021.

The market-based approach can also provide definitions for rental housing affordability by unit type which results in greater specificity which is desirable. Based on average market rents in Hamilton, it is recommended that the rental housing affordability threshold be set at the rent of

³² Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

³³ Please note that where affordable housing definitions or calculations from funding programs offered by upper levels of government differ, their applicable definition will prevail for the purposes of funding.

\$1,190 on average for all unit types, \$915 for bachelor units, \$1,095 for one-bedroom units, \$1,271 for two-bedroom units, and \$1,479 for units with three bedrooms or more in 2021.

Figure 46: Affordable Rents by Unit Size based on Average Market Rent: Hamilton; 2021

	All unit types	Bachelor	One-Bedroom	Two-Bedroom	Three + Bedrooms
Market-Based Approach Affordable Rent (100% AMR)	\$1,190	\$915	\$1,095	\$1,271	\$1,479

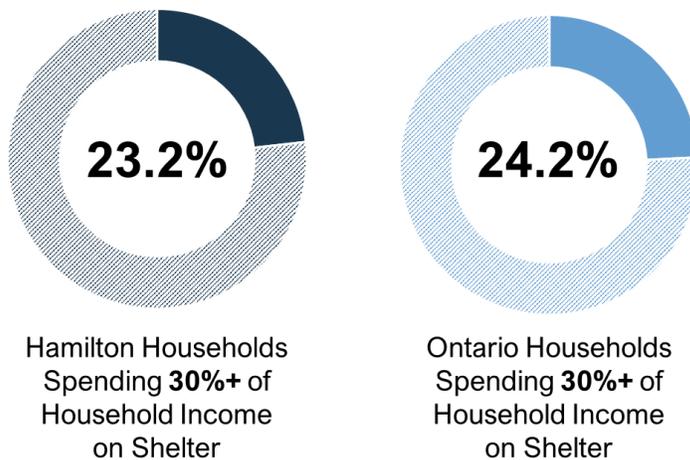
Source: CMHC Housing Information Portal; 2021.

Analysis of Need for Affordable Housing

Household Income Spent on Shelter

In 2020, 23.2% of households (51,305 households) in Hamilton were facing housing affordability challenges as they spent 30% or more of their gross household income on shelter. In Ontario, the proportion of households facing affordability issues was 24.2%, which is quite similar to the proportion in Hamilton in 2020.

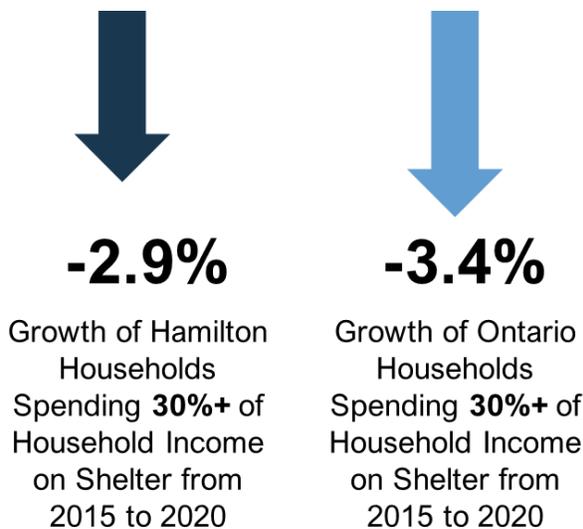
Figure 47: Proportion of Households Facing Housing Affordability Issues: The City of Hamilton; 2020



Source: Statistics Canada Community Profiles; 2021

The proportion of households facing housing affordability issues decreased by 2.9% from 2015; from 26.1% of households (55,055 households) in 2015 to 23.2% of households (51,305 households) in 2020. Over the same period, household growth as a whole in Hamilton was 5.3% so this indicates that there was a decrease in the number of households facing affordability issues in Hamilton over that period. A similar trend was observed across Ontario where the proportion of households facing housing affordability issues decreased by 3.4% from 2015 to 2020.

Figure 48: Growth of Households Facing Housing Affordability Issues: The City of Hamilton and Ontario; 2015 - 2020



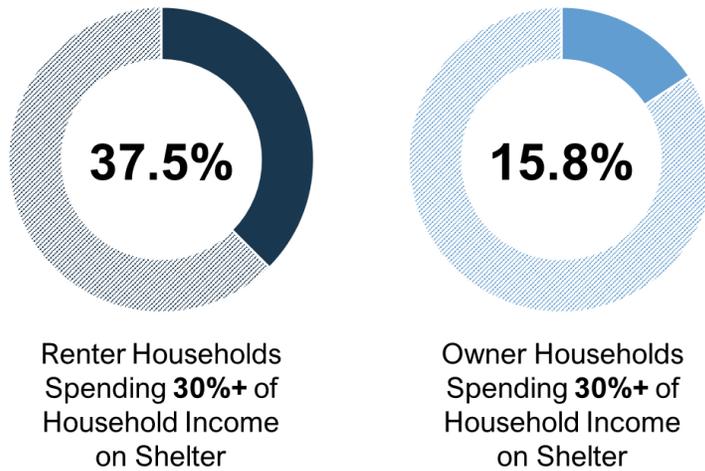
Source: Statistics Canada Community Profiles; 2021

Household Income Spent on Shelter by Household Tenure

Renter households in Hamilton were significantly more likely to face housing affordability issues compared to owner households. In 2020, 37.5% of all renter households in Hamilton spent 30% or more of their household income on shelter. In comparison, among owners only 15.8% were facing affordability issues and spending 30% or more of their household income on shelter in 2020.

This indicates the need for affordable housing in Hamilton is stronger among renters. The large share of renter households facing affordability issues suggests there is a need for more purpose-built rental housing units that are affordable to renter households in Hamilton.

Figure 49: Growth of Households Facing Housing Affordability Issues by Tenure: The City of Hamilton; 2015 - 2020



Source: Statistics Canada Community Profiles; 2021

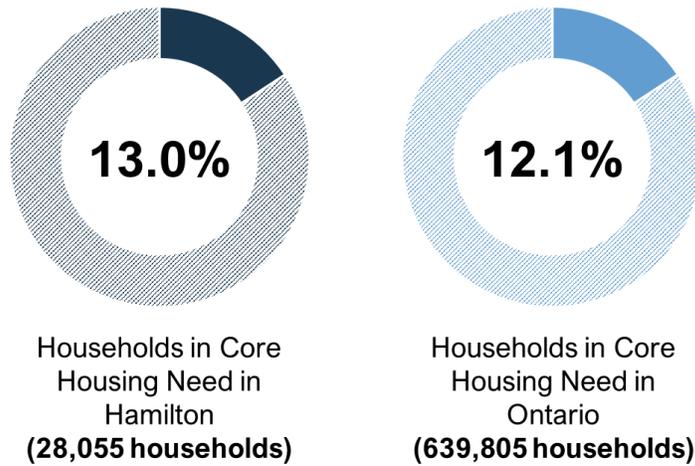
Households in Core Housing Need

Another indicator of the need for affordable housing is CMHC’s core housing need statistic. A household is considered to be in core housing need if the dwelling they occupy falls below the adequacy, suitability, or affordability standard³⁴ and if the household would be required to spend more than 30% of its before-tax household income to pay the median rent for alternative housing which meets all three standards in the area.

In 2020, 13.0% of households (28,055 households) in Hamilton were in core housing need. In comparison with Ontario, the proportion of households in core need in Hamilton is slightly higher (12.1% versus 13.0%, respectively.) This suggests that households in Hamilton are somewhat more likely to be in housing situations that do not meet their needs, compared with households in the province more broadly.

³⁴ According to CMHC, **adequate housing** is housing that does not require any major repairs. **Suitable housing** is housing with enough bedrooms for the size and make-up of the household. **Affordable housing** is housing which costs no more than 30% of a household’s income.

Figure 50: Households in Core Need: The City of Hamilton and Ontario; 2020



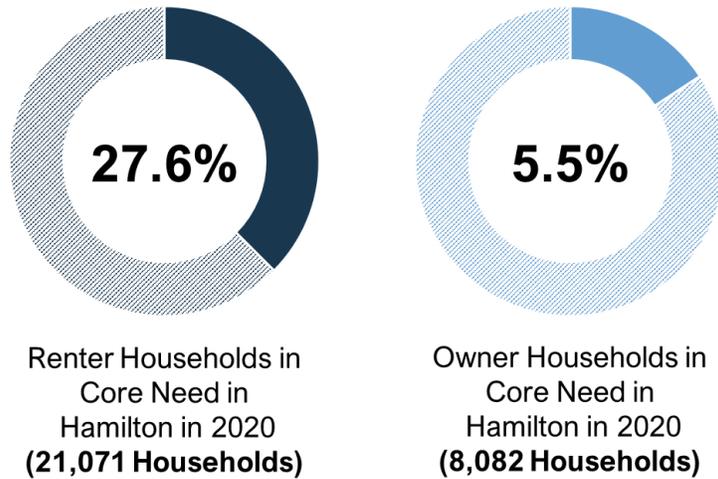
Source: Statistics Canada Community Profiles; 2021

Core Housing Need by Household Tenure

Renters were significantly more likely to experience core housing need in Hamilton compared to owners in 2020 (27.6% compared to 5.5%, respectively). In Ontario as a whole, 24.9% of renters and 6.4% of owners were in core need.

Renters are typically households with low or moderate incomes. These households likely have less housing options available to them which meet their budgetary needs. There is therefore a need for more rental housing in Hamilton which is affordable to households with low and moderate incomes.

Figure 51: Households in Core Housing Need by Tenure: Hamilton and Ontario; 2021



Source: Statistics Canada Community Profiles; 2021

Rental Housing Affordability

The tables in this section demonstrate the maximum monthly rent that is affordable for each renter income decile. The affordable rents are then compared to average market rents as reported by CMHC and for condominium apartments in the secondary market in Hamilton.

Primary Rental Market Affordability

As the following table shows, the total average market rent is not affordable to renter households with incomes from the 1st to the 5th renter income deciles. Only renters with incomes falling within the 6th household income decile or higher can afford the average market rent without spending 30% or more of their income on housing costs.

While renter households with incomes in the 5th income decile can afford the average rent for a bachelor unit, renter households would have to have high incomes to afford a three-bedroom unit. This demonstrates that all renter households with low incomes and some renters with moderate incomes would require assistance to avoid spending too much of their income on housing, especially if they needed a unit with one bedroom or more.

Figure 52: Average Market Rents in the Primary Rental Market Compared to Affordable Rents based on Renter Household Income Deciles: The City of Hamilton; 2021

Rental Affordability		Hamilton Primary Rental Market (2021) - Average Market Rent				
	Max Affordable Rent	Bachelor	One-Bedroom	Two-Bedroom	Three or More Bedrooms	All
		\$915	\$1,095	\$1,271	\$1,479	\$1,190
Low Income Deciles 1-3 (Less than \$27,247)	\$200	NO	NO	NO	NO	NO
	\$479	NO	NO	NO	NO	NO
	\$681	NO	NO	NO	NO	NO
Moderate Income Deciles 4-6 (From \$27,248 to \$51,145)	\$863	NO	NO	NO	NO	NO
	\$1,046	YES	NO	NO	NO	NO
	\$1,279	YES	YES	YES	NO	YES
High Income Deciles 7-9 (Greater than \$51,146)	\$1,550	YES	YES	YES	YES	YES
	\$1,929	YES	YES	YES	YES	YES
	\$2,550	YES	YES	YES	YES	YES

Source: Statistics Canada Community Profiles; 2021, CMHC Housing Information Portal; and SHS Calculations based on spending 30% or more of household income on housing costs

Secondary Rental Market Affordability

When looking at the average market rents for rented condominium apartments in Hamilton, the data show a more dire picture pertaining to rental housing affordability. The data show that units in the secondary rental market, which comprise 51.4% of all market rental units in Hamilton, are significantly less affordable to renter households with low, moderate and even high incomes.

As the following table demonstrates, renter households would have to earn high incomes (i.e., in the 9th renter household income decile) to be able to afford the average market rent in this market segment. Furthermore, renters would have to earn high incomes in the 7th income decile or above to afford a bachelor unit or a high income in the 8th income decile or above to afford a one-bedroom apartment.

Renters who require a three-bedroom unit would need an income within the 9th renter household income decile if they were to spend no more than 30% or more of their income on housing costs.

The lack of affordable rental units for renters with moderate and low incomes can explain why renters in Hamilton are significantly more likely to face housing affordability issues compared to owners.

Furthermore, the primary rental market, where rents are more affordable and tenures more secure, comprises less than half (48.7%) of all rental units in Hamilton. This suggests there is a strong need for additional purpose-built rental units for renter households with low and moderate incomes and these units should include family-sized units.

Figure 53: Average Market Rents in the Secondary Rental Market Compared to Affordable Rents based on Renter Household Income Deciles: The City of Hamilton 2022

Rental Affordability		Hamilton Secondary Rental Market (2022) - Average Market Rent				
	Max Affordable Rent	Bachelor	One-Bedroom	Two-Bedroom	Three or More Bedrooms	All
		\$1,567	\$1,914	\$2,308	\$2,594	\$2,215
Low Income Deciles 1-3 (Less than \$29,321)	\$215	NO	NO	NO	NO	NO
	\$516	NO	NO	NO	NO	NO
	\$733	NO	NO	NO	NO	NO
Moderate Income Deciles 4-6 (From \$29,322 to \$55,038)	\$929	NO	NO	NO	NO	NO
	\$1,125	NO	NO	NO	NO	NO
	\$1,376	NO	NO	NO	NO	NO
High Income Deciles 7-9 (Greater than \$55,039)	\$1,668	YES	NO	NO	NO	NO
	\$2,076	YES	YES	NO	NO	NO
	\$2,744	YES	YES	YES	YES	YES

Source: Statistics Canada Community Profiles, 2021; MLS, 2022; and SHS Calculations based on spending 30% or more of household income on housing costs.

Ownership Affordability

The following table shows the top range of each income decile (based on all households) estimated for 2022 as well as the maximum affordable house price that each decile can afford, assuming they only spend 30% of their income on housing costs and have a 5% down payment.

The results in the table demonstrate that only a proportion of households with incomes in the 9th income decile can afford the total average house price in Hamilton for homes as well as the average price for a single detached dwelling.

Semi-detached dwellings are affordable to households in the 7th income decile and above. In contrast, row and townhouses are affordable to households in the 8th income decile and above. The average price of condominium apartments is affordable to households in the 6th income decile and higher but not to other households with moderate incomes unless they have a down payment which is greater than 5% of the purchase price.

On average homes are not affordable to households with moderate incomes or below in Hamilton.

Figure 54: Average House Prices in Hamilton Compared to Affordable House Prices based on Household Income Deciles: The City of Hamilton; 2022

Ownership Affordability		Hamilton Ownership Market (2022)				
	Max Affordable Price	Single-Detached	Semi-Detached	Row House / Townhouse	Apartments	Total Average Price
		\$876,899	\$591,700	\$696,873	\$465,064	\$792,767
Low Income Deciles 1-3 (Less than \$61,739)	\$132,048	NO	NO	NO	NO	NO
	\$203,164	NO	NO	NO	NO	NO
	\$270,394	NO	NO	NO	NO	NO
Moderate Income Deciles 4-6 (From \$61,740 to \$115,350)	\$340,345	NO	NO	NO	NO	NO
	\$417,361	NO	NO	NO	NO	NO
	\$505,455	NO	NO	NO	YES	NO
High Income Deciles 7-9 (Greater than \$115,351)	\$612,524	NO	YES	NO	YES	NO
	\$759,470	NO	YES	YES	YES	NO
	\$998,819	YES	YES	YES	YES	YES

Sources: Statistics Canada Community Profiles, 2021; Canadian Real Estate Association, Residential Market Activity Report; August 2022; and SHS calculations based on spending 30% of income on housing costs, 5% down payment, 25-year mortgage, and 5.86% interest rate.

Figure 55: Affordable Rents based on Renter Household Income Deciles Compared to Affordable House Prices based on Household Income Deciles: The City of Hamilton; 2022

Rental Affordability		Ownership Affordability	
Renter Household Income Deciles	Max Affordable Rent	Household Income Deciles	Max Affordable Price
Low Income Deciles 1-3 (Less than \$29,321)	\$215	Low Income Deciles 1-3 (Less than \$61,739)	\$132,048
	\$516		\$203,164
	\$733		\$270,394
Moderate Income Deciles 4-6 (From \$29,322 to \$55,038)	\$929	Moderate Income Deciles 4-6 (From \$61,740 to \$115,350)	\$340,345
	\$1,125		\$417,361
	\$1,376		\$505,455
High Income Deciles 7-9 (Greater than \$55,039)	\$1,668	High Income Deciles 7-9 (Greater than \$115,351)	\$612,524
	\$2,076		\$759,470
	\$2,744		\$998,819

Source: Statistics Canada Community Profile, 2021; SHS Calculations based on spending 30% or more of household income on housing costs; and SHS calculations based on spending 30% of income on housing costs, 5% down payment, 25-year mortgage, and 5.86% interest rate.

Key Findings: Housing Affordability

There is a Need to Increase the Number of Affordable Options in Hamilton

- Approximately a quarter (23.2%) of households in Hamilton were spending 30% or more of their household income on housing in 2020. These households have a significant and increasing need for affordable housing options in Hamilton.
- In addition, 12.6% of households were in core housing need meaning the dwelling they occupied fell below the adequacy, suitability, or affordability standard³⁵ and the household would be required to spend more than 30% of its before-tax household income to pay the median rent for alternative housing which meets all three standards in the area. The proportion of households in core need is higher in Hamilton (12.6%) than it is in Ontario as a whole (11.7%) which demonstrates that households require more affordable options.

There is a Need for Purpose-Built and Affordable Ownership Options for Households with Moderate Incomes

- In Hamilton in 2020, renters were more likely than owners to face housing affordability issues as well as be in core housing need. This indicates a need for additional purpose-built rental and affordable ownership units.
- Average market rents in the primary rental market are only affordable to renter households in the sixth income decile and above while average market rents in the secondary market are only affordable to renter households in the ninth income decile and above, confirming the identified need for purpose-built rental housing units in Hamilton.
- The average house price in Hamilton is only affordable to a proportion of households in the ninth income decile and households need to have incomes in the sixth income decile or above to afford the average price for a condominium, indicating the strong need for affordable ownership units.

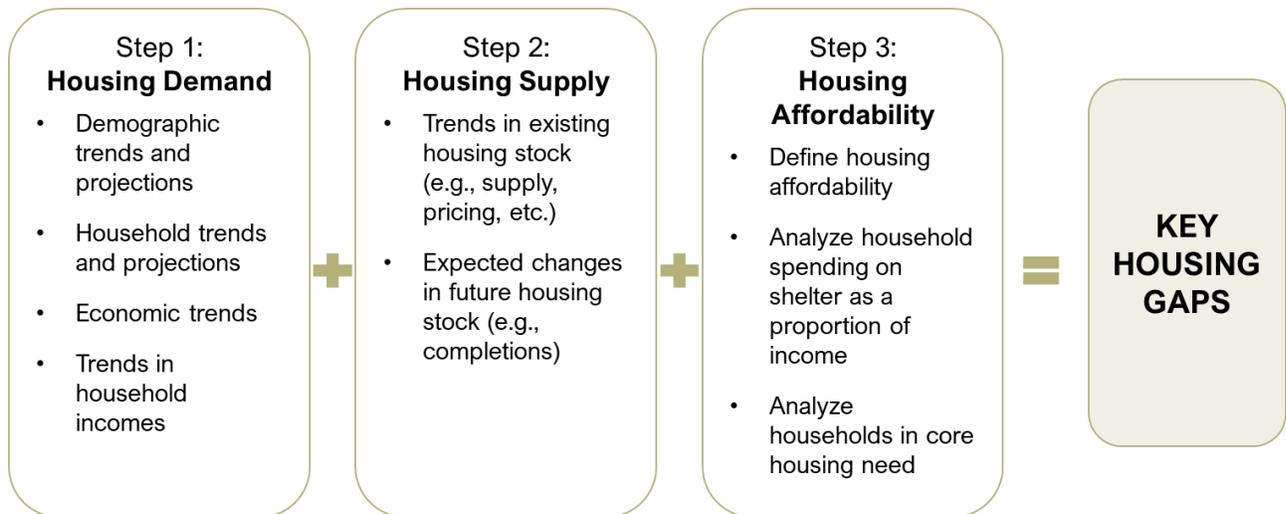
³⁵ According to CMHC, **adequate housing** is housing that does not require any major repairs. **Suitable housing** is housing with enough bedrooms for the size and make-up of the household. **Affordable housing** is housing which costs no more than 30% of a household's income.

Housing Gaps in Hamilton

This section summarizes the key housing gaps identified in the previous sections of this report. The key housing gaps were determined by comparing trends and forecasts of demographics, household characteristics and household incomes in Hamilton with the existing and planned housing supply, as well as trends in housing affordability.

This analysis led to three key housing gaps that summarize the current and emerging need for housing that is adequate, suitable and affordable in Hamilton.

Figure 56: Methodology to Determine Key Housing Gaps



Key Housing Gaps

The key housing gaps in Hamilton are as follows.

Key Housing Gap 1

There is a need to continue to diversify the housing stock, particularly to include more smaller dwelling types, as well as family sized dwellings, to allow seniors (aged 65+ years) to age in appropriate homes and alternatively to encourage couples with children to settle in Hamilton.

The majority of dwellings in Hamilton were single-detached dwellings in 2021 (56.2%). However, the demographics of households in Hamilton are changing and their needs might not be met by single-detached dwellings in the future.

Smaller households with one or two persons are the predominant household size (59.9%) in Hamilton in 2021. In addition, the population is aging. From 2016 to 2021, households with primary maintainers aged 45 to 64 years in Hamilton decreased (-1.9%), indicating these households are likely having challenges to find affordable and suitable housing in Hamilton and are moving to different municipalities in Ontario. In contrast, the number of households led by seniors (aged 65+ years) was the fastest growing age group over that same time period (11.1%). Single-detached dwellings are not always the most suitable dwelling type for seniors and older adults to age in place. In addition, these dwelling types are also the most expensive dwellings and are only affordable to households in the 9th income decile or higher.

When looking at housing starts and completions, the data show the housing stock is changing and more diverse dwelling types are being built or proposed. It would be important to continue to support these trends through policy incentives such as inclusionary zoning and ensure the housing stock will also meet the needs of residents in Hamilton in the future. Although the structural types seem to be diversifying in Hamilton, the majority of the new dwellings being completed, and the proposed dwellings remain in the homeownership market. There is therefore a need to continue to diversify the housing stock with dwellings that include smaller sized rental and affordable ownership options in Hamilton.

Key Housing Gap 2

There is a need to increase the stock of purpose-built rental housing in the primary rental market in Hamilton.

Average household incomes in Hamilton were lower compared to Ontario as a whole. From 2020 to 2022, the average household income in Hamilton grew by approximately 11.3%. In contrast, the average price of a home grew by 19.7% over that time period indicating homeownership has become rapidly unaffordable to households.

The previous gap showed that in 2021 the majority of newly completed dwellings were ownership dwellings (69.9%) and very few were rental housing in the primary market (30.1%). This could explain the higher proportions of renter households who are facing housing affordability issues or who are in core housing need in Hamilton and demonstrate a strong need for more rental housing options that are affordable to households with low and moderate incomes. This is also supported by the large number of households on the centralized wait list for community housing, which indicates the existing stock of affordable and subsidized rental housing in Hamilton is not sufficient to meet the need in the community.

From 2016 to 2021, the supply of units in the primary rental market increased by 5.5% while the number of renters increased at a significantly faster pace (11.7%). The number of renters also increased at a faster pace than households overall (11.7% versus 5.3%). These data demonstrate a need for increasing the supply of purpose-built rental units. While home ownership may be ideal for some households, rental housing provides more flexibility, requires less maintenance, and is generally more affordable for households with low and moderate incomes. This could explain why renter households were more likely to be in core housing need compared to owner households. Rental housing may be the better option for young adults just starting their careers, people living alone or with roommates, and seniors who wish to downsize. It is particularly important to encourage the development of primary rental units as these are much more stable and generally more affordable compared to rental units in the secondary rental market through policies such as inclusionary zoning. Furthermore, adding to the supply in the primary rental market through an inclusionary zoning policy may encourage some households to move to newer rental units which would then free up some of the more affordable units that currently exist.

Key Housing Gap 3

There is a need to develop ownership options that are affordable to households with moderate incomes and that are appropriate for larger households.

In Hamilton in 2022, even the average condominium price would not be affordable to the majority of households with moderate incomes. While smaller condominium dwellings might be appropriate for some households, couples with children might require larger dwellings. From 2016 to 2021, however, their share decreased over that period. These households could be migrating to other municipalities for reasons such as a lack of housing options, to seek employment, or to attain a different lifestyle than what is offered in Hamilton. There is potentially a lack of housing that meets the desires and needs of this group of households in Hamilton currently.

As such, it would be important to work with the development industry and other partners through an inclusionary zoning policy to focus efforts on encouraging the development of ownership options that are affordable to larger households, including families with children or families planning to have children. While the data suggest smaller households are still the dominant household type, larger households are growing at a fast rate in Hamilton.

Housing Policy Context

This section provides an overview of the policies and strategic documents that impact the development of an inclusionary zoning policy in Hamilton as well as policies which support and encourage the development of a broad range of housing options.

Federal Policies and Initiatives

National Housing Strategy

The National Housing Strategy³⁶ is a 10-year federal strategy introduced in 2017. It sets out a vision for housing in Canada which is “Canadians have housing that meets their needs, and they can afford. Affordable housing is a cornerstone of sustainable, inclusive communities and a Canadian economy where we can prosper and thrive.”

The National Housing Strategy identified the following targets.

1. 530,000 households removed from housing need
2. 385,000 community housing units protected and another 50,000 created through an expansion of community housing
3. 300,000 existing housing units repaired and renewed
4. 50% reduction in estimated number of chronically homeless shelter users
5. 100,000 new housing units created
6. 300,000 households provided with affordability through the Canada Housing Benefit

These targets are intended to be met through a \$70+ billion joint investment between the federal and provincial governments in partnership with the private sector provided through the following programs and initiatives.

1. Federal Community Housing Initiative

³⁶ The Government of Canada 2017. National Housing Strategy – A Place to Call Home. Accessed from: <https://www.placetocallhome.ca/>

2. Canada Community Housing Initiative
3. Homelessness programming
4. Improving homeownership options for Canadians
5. National Housing Co-Investment Fund
6. Federal lands for affordable housing
7. Rental Construction Financing
8. The Rapid Housing Initiative
9. Federal-Provincial/Territorial Housing Partnership
10. Distinctions-based Indigenous Strategies
11. Canada Housing Benefit
12. Evidence-based housing: research, data and demonstrations

This funding is administered by CMHC and provided through several initiatives such as:

13. the National Housing Co-Investment Fund, which provides low-cost loans and/or financial contributions to support and develop new mixed-income, mixed-tenure, mixed-use affordable housing
14. the Rental Housing Construction Financing Program, which provides low cost loans to encourage the development of new purpose-built rental housing
15. the Affordable Housing Innovation Fund, which provides funding for unique and innovative building techniques that revolutionize the affordable housing sector
16. the Rapid Housing Initiative, which is a \$1 billion program designed to help address urgent housing needs for vulnerable Canadians and will aim to develop 3,000 new units by March 31st 2021, and
17. the Federal Lands Initiative, which provides surplus federal lands and buildings for the creation of affordable housing

In addition, CMHC has increased the maximum amount available through the Seed Funding Program, which provides interest-free loans and grants to help with the costs related to pre-development activities for new affordable and rental housing construction projects.

The National Housing Strategy takes a human rights-based approach to housing as part of Canada's commitment to realize the right to adequate housing as part of an adequate standard of living for all its citizens. As part of this approach, the Strategy prioritizes those in need while covering the whole spectrum of housing needs.

Federal Underused Housing Tax (UHT)

As part of Budget 2021, the federal government announced its intention to implement a national, annual 1% tax on the value of non-resident, non-Canadian owned residential real estate that is considered to be vacant or underused. The UHT received Royal Assent on June 9, 2022.

This tax would apply to residential property which is defined as detached homes, duplexes, triplexes, semi-detached homes, row houses, residential condominium units, and any other similar premises that is, or is intended to be, a separate parcel or other division of real property owned³⁷. To be exempted, the property has to be occupied continuously for at least 180 days in a calendar year by a tenant, the owner's spouse or common law partner who is in Canada under a work permit, a spouse, common law partner, parent, or child who is a citizen or permanent resident, or a prescribed individual³⁸.

Fall Economic Statement 2022

The 2022 Fall Economic Statement³⁹ outlines the government of Canada's plan to continue to help Canadians with the cost of living and build a Canada where nobody gets left behind. As part of this Statement, the government set forward a package of measures with the goal to build more homes and make housing more affordable across the country.

In September 2022, the government introduced a top-up to the Canada Housing Benefit, which upon Parliamentary approval, will deliver a tax-free payment of \$500 directly to 1.8 million low-income renters who are struggling with the cost of housing.

The federal benefit will be available to applicants with an adjusted net income below \$35,000 for families, or below \$20,000 for single Canadians, who pay at least 30 per cent of their income towards rent.

In addition, the package of measures offered in the 2022 Fall Economic Statement includes help for young Canadians to afford a down payment faster with a new Tax-Free First Home Savings Account, which will allow prospective first-time home buyers to save up to \$40,000 tax-free toward their first home. Like an RRSP, contributions would be tax-deductible, and withdrawals to purchase a first home—including investment income—would be non-taxable, like a TFSA. Tax-

³⁷ Government of Canada (2021). Consultation on the Underused Housing Tax. Accessed from: <https://www.canada.ca/en/department-finance/programs/consultations/2021/tax-unproductive-use-housing-non-resident-non-canadian-owners/underused-housing-tax.html>

³⁸ Parliament of Canada (2022). Bill C-8. Accessed from: <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-8/royal-assent>

³⁹ The Government of Canada, 2022. 2022 Fall Economic Statement. Accessed from: <https://www.canada.ca/en/department-finance/news/2022/11/making-housing-more-affordable.html>

free in; tax-free out. The government expects that Canadians will be able to open and begin contributing to an account in mid-2023.

Provincial Policies and Initiatives

Provincial Policy Statement⁴⁰

The Provincial Policy Statement (PPS) (2020) outlines the Province's policies on land use planning and is issued under Section 3 of the Planning Act. It provides policy direction on land use planning to promote strong, healthy communities and all local decisions affecting land use planning matters "shall be consistent with" the PPS.

The Provincial Policy Statement, 2020 (PPS, 2020) came into effect on May 1, 2020, replacing the previous PPS, 2014. The PPS provides direction on key Provincial interests related to land use planning and development in Ontario. The Municipality's Official Plan and subsequent land use planning decisions are required to be "consistent with" the PPS. The PPS, 2020 retains the structure of the PPS, 2014 and provides policy direction related to three key themes:

Building Strong Healthy Communities (Section 1.0), to promote efficient land use and development patterns; promote strong, liveable, healthy, and resilient communities; and ensure appropriate opportunities for employment and residential development.

The Wise Use and Management of Resources (Section 2.0), to protect natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Protecting Public Health and Safety (Section 3.0), to reduce the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Many of the key changes introduced in the updated PPS 2020 fall under the auspices of the government's broader "More Homes, More Choice: Ontario's Housing Supply Action Plan", the Province's overarching framework for a series of legislative and policy changes aimed at streamlining the land use planning process and cutting red tape to make housing more affordable.

Section 1.4 of the PPS includes housing-related policies. Some important changes from the 2014 PPS include the following.

⁴⁰ The Province of Ontario, Provincial Policy Statement. Accessed from: <https://www.ontario.ca/page/provincial-policy-statement-2020>

The PPS 2020 increases the requirement for municipalities to maintain the ability to accommodate residential growth for a minimum of 15 years (from 10 years) through residential intensification and redevelopment (1.4.1.a). The new PPS also provides upper-tier and single-tier municipalities the choice of maintaining land with servicing capacity to provide at least a five-year supply of residential units (1.4.1.b).

The PPS 2020 also clarified the requirement for planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by (1.4.3): (a) establishing and implementing minimum affordable housing targets which align with applicable housing and homelessness plans; and (b) permitting and facilitating all housing options required to meet the social, health, economic and wellbeing requirements and needs arising from demographic changes and employment opportunities and all types of residential intensification, including additional residential units. Revised language throughout creates greater flexibility, for example, by stating that municipalities “should” rather than “shall,” require new development to have a compact form, mix of uses and densities and establish and implement phasing policies.

The definition of affordable housing remains the same in the PPS 2020. However, the PPS 2020 added a new definition for “Housing Options”, clarifying the range of housing forms and tenures to be accounted for:

A range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings and uses such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.

Municipal Act, 2001

The Municipal Act, 2001 sets out the rules for all municipalities in Ontario (except for the City of Toronto) and gives municipalities broad powers to pass by-laws on matters such as health, safety and wellbeing, and to protect persons and property within their jurisdiction. The Act provides direction for land use planning purposes, but it does not directly legislate Official Plans or Zoning By-laws as these are legislated through the Ontario Planning Act.

Section 163 of the Act sets out the definition and requirements for group homes within municipalities in Ontario. The Act defines group homes as:

A group home is a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing.

The Act allows municipalities to enact a business licensing by-law for group homes only if the municipality permits the establishment and use of group homes under section 34 of the Planning Act. A business licensing by-law for group homes can restrict the establishment of group homes to only those with a license and may be required to pay license fees.

Planning Act

The Planning Act, R.S.O. 1990, as amended, is the primary legislation that establishes how municipalities in Ontario may plan, manage, and regulate land use. It also outlines matters of provincial interest and enables the Province to issue Policy Statements to provide direction to municipalities on these matters.

The Planning Act enables municipal Councils to pass a variety of tools to plan and regulate the use of land and the placement of buildings and structures on a lot. Under Section 16 of the Act, most municipalities, are required to prepare and adopt Official Plans in accordance with the requirements of the Act. Official Plans contain a vision, objectives and policies to guide decision making on land use planning matters. Municipal decisions, by-laws and public works are required to conform to the policies of the Official Plan (Section 24(1)).

Section 34 of the Planning Act enables Councils to pass Zoning By-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking and loading requirements, and lot requirements.

In accordance with Section 24(1), Zoning By-laws must conform to the Official Plan and be consistent with the Provincial Policy Statement. Zoning By-laws are viewed as one of the primary tools to implement the policies of the Official Plan

Changes to the Planning Act

The changes to the Planning Act include shorter timelines for making planning decisions; requiring inclusionary zoning (IZ) to be focused on areas known as Protected Major Transit Station Areas (PMTSA) that are generally high-growth and are near higher order transit; allowing a total of three residential units on one property (which would include a primary dwelling and two additional residential units); introducing the community benefits charge which replaces the density bonusing provision (Section 37), development charges for soft costs, and parkland dedication requirements; limiting third party appeals of plans of subdivisions; and allowing the Minister to require that a municipality to implement a community planning permit system in a specified area.

Changes to the Development Charges Act

Currently, development charges – the fees collected by municipalities on new developments – are used to fund “hard services” such as roads and servicing infrastructure, as well as “soft services” such as parks, community centres, libraries, and other community facilities. Under Bill

108, soft services were removed from development charges and financed through a new “community benefits charge” (CBC) based on land value. Further, municipalities are now required to prepare a community benefits charge strategy, including consultation requirements, prior to adopting a new Community Benefits Charge By-law. The new CBC replaced the existing density bonusing provisions under Section 37 of the Planning Act, as well as existing requirements and municipal by-laws for parkland dedication. The Province explained this provides greater certainty regarding upfront costs rather than making these matters subject to negotiation on an ad hoc basis.

Further amendments to the Development Charges Act include a change to when development charges are paid for five types of developments: rental housing, institutional developments, industrial developments, and commercial developments. Instead of paying the development charge upon the issuance of a building permit, these developments will be allowed to pay the development charges over six installments, beginning at the issuance of an occupancy permit or when the building is first occupied (whichever is earlier) and every year for the next five years. In addition, non-profit housing developments will be allowed to pay development charges over 21 installments, beginning at the issuance of an occupancy permit or when the building is first occupied and every year for the next 20 years.

Furthermore, development charges will now be determined on the day an application for an approval of development in a site plan control area was made or the day an application for an amendment to a by-law was made.

The More Homes, More Choice Act also exempts second dwelling units in new or existing dwellings or structures from development charges.

Local Planning Decisions and Timelines

Bill 108 introduced an amendment to the Planning Act to expedite local planning decisions by establishing:

- A 120-day timeline for decisions on Official Plan Amendments (instead of 180 days);
- 90 days for Zoning By-law Amendments (instead of 150 days); and
- 120 days for Plans of Subdivisions (instead of 210 days).

Bill 197 - The COVID-19 Economic Recovery Act

On July 21, 2020, the Government passed Bill 197, an omnibus bill that introduced more key changes to the Planning Act. One such change was finalizing the community benefits charges-related provisions of the Act, including a reversal of a Bill 108 change that would have also included parkland dedication within the charges.

The most significant change was the expansion and enhancement of the power of the Minister of Municipal Affairs and Housing to undertake Minister’s Zoning Orders (MZOs) under Section 47 of the Planning Act. Though rarely used by previous governments, the MZO allows the Minister to establish zoning permissions for any land (outside the Greenbelt) irrespective of

locally adopted zoning by-laws or official plan policies. Under Bill 197, the Minister may now also make an order with regards to site plan control and inclusionary zoning, including the power to require the provision of affordable housing units in a development. An MZO does not require any prior public notice or consultation and is not subject to appeal to the LPAT.

The government has made the use of MZOs a key part of its housing and economic development efforts. A total of 33 new MZOs have been issued and in 2020 alone, 14 were issued for residential/ mixed commercial residential projects. Though these represent a range of developments, affordable and seniors housing projects account for a significant percentage, and the Province has indicated a clear interest in expediting such projects through use of the MZO, particularly where municipal councils have indicated their support.

Bill 23: More Homes, Built Faster Act

On October 25th, 2022, the Ontario Government introduced More Homes, Built Faster: Ontario’s Housing Supply Action Plan 2022 – 2023⁴¹ which has now received Royal Assent. This Plan sets out several initiatives and commitments the government intends to take to support the creation of 1.5 million homes over the next 10 years. This will be achieved through several changes to nine (9) pieces of legislation, including but not limited to the Planning Act, the City of Toronto Act, and the Conservation Authorities Act.

Bill 23 will be subject to committee review and further readings by the legislature and may be amended through that process. However, many of these proposed legislative changes are highly consequential, and will be of great interest to the development community, municipalities and landowners.

Some of the key changes from Bill 23 for the City of Hamilton are discussed below:

Issue	Proposed Amendment/Change
Parkland	<ul style="list-style-type: none"> • Maximum dedication rate changed from 1 hectare/300 units to 1/600 units • Applies only to net residential units <ul style="list-style-type: none"> ○ Excluding affordable and attainable units ○ Excluding non-profit housing development ○ Excluding additional dwelling units • 60% of monies collected by municipality must be spent in one year
Additional Dwelling Units	<ul style="list-style-type: none"> • As of right for three units per lot • No minimum unit sizes • Exempt from Development Charges, parkland dedication and Community Benefits Charges. • No more than one additional parking spot required • Cannot be appealed
Development Charges	<ul style="list-style-type: none"> • Exemptions introduced for:

⁴¹ The Province of Ontario, 2022. More Homes, Built Faster Act, 2022. Accessed from: <https://news.ontario.ca/en/backgrounder/1002422/more-homes-built-faster-act-2022>

	<ul style="list-style-type: none"> ○ Second and third units in existing or new detached houses, semi-detached houses or rowhouses ○ Affordable housing (rental and sold) ○ Attainable housing ○ Non-profit housing ○ Inclusionary zoning units ● Reductions introduced for residential rental development as follows: <ul style="list-style-type: none"> ○ Reduction of 25% for a rented residential premises with 3 or more bedrooms ○ Reduction of 20% for a rented residential premises with 2 or more bedrooms ○ Reduction of 15% for other rented residential premises ● Cap on municipal interest rates (prime + 1%) ● Municipalities would be required to spend 60% of their reserve fund each year ● Development charge by-laws would need to be reviewed every 10 years (currently set at 5 years)
Community Benefits Charges	<ul style="list-style-type: none"> ● Only applicable to new development ● Discounted by ratio of existing building by total building of proposed development ● Discounted for affordable units
Appeals	<ul style="list-style-type: none"> ● No one other than the applicant, the municipality, certain public bodies, and the Minister will be allowed to appeal municipal decisions to the Tribunal.
Heritage Designation	<ul style="list-style-type: none"> ● Heritage registers to be reviewed and a decision made whether listed properties are to be designated, and if not, removed from the register
Ontario Land Tribunal powers	<ul style="list-style-type: none"> ● Additional grounds for the Tribunal to dismiss a proceeding: <ul style="list-style-type: none"> ○ If the Tribunal is of the opinion that the party who brought the proceeding had contributed to undue delay ○ If the Tribunal is of the opinion that a party failed to comply with an order of the Tribunal in the proceeding ● The Tribunal has the power to order an unsuccessful party to pay a successful party's costs.
Site Plan Control	<ul style="list-style-type: none"> ● Developments of up to 10 residential units will be exempted from site plan control (unless it's a land lease community home) ● Architectural details and landscape design will be removed (other than safety, accessibility, etc). ● Matters related to exterior access to a building that contains affordable housing units can still be reviewed
Rental Replacement	<ul style="list-style-type: none"> ● Minister would be given authority to make regulations imposing limits and controls on the powers of municipalities to prohibit and regulate demolition and conversion of existing

	residential rental properties (see below – government has committed to consulting on potential standardization of municipal by-laws)
Conservation Authorities	<ul style="list-style-type: none"> Proposed amendments would remove pollution and land conservation from and add control of unstable soil or bedrock to the list of factors that must be considered by CAs when making decisions related to a development project Proposed amendment would shorten the window to appeal a non-decision of the CA to the OLT from 120 to 90 days after the application for permit is made

A Place to Grow: Growth Plan for the Greater Golden Horseshoe⁴²

Effective May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) replaced the 2017 Growth Plan for the Greater Golden Horseshoe. In August 2020, Amendment 1 to the 2019 Growth Plan came into effect and a revised land needs assessment methodology was released.

The Growth Plan is a long-term plan for the Greater Golden Horseshoe (GGH) designed to promote economic prosperity, environmental protection, and a high quality of life for people of all ages. The Growth Plan seeks to foster complete communities by directing growth to designated settlement areas and urban growth centres. The Growth Plan also establishes intensification and density targets, directing municipalities to prioritize intensification and higher densities in identified strategic growth and settlement areas to make efficient use of land and infrastructure. Strategic growth areas are inclusive of urban growth centres, MTSAs and other major opportunities including areas with existing or planned frequent transit service/higher order transit corridors.

Key themes and changes introduced through the 2019 Growth Plan and Amendment 1 include but are not limited to:

- Schedule 3 is updated to reflect a newly developed reference growth forecast and requiring municipalities to plan to the year 2051;
- Updated agricultural land base mapping and associated implementation procedures within the GGH;

⁴² The Province of Ontario, A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

- Revised minimum intensification requirements that are calibrated based on the degree of urbanization of a municipality;
- A series of new and revised definitions; and
- The introduction of greater flexibility for development in MTSAs within Provincially Significant Employment Zones.

In addition to the above, the Province also undertook an exercise that culminated in 2017 to ensure consistency between the various Provincial land use plans, including the Growth Plan and the Greenbelt Plan. This updated Provincial land use planning policy framework will need to be evaluated against the City’s current Official Plan through the policy assessment process to ensure conformity.

Community Housing Renewal Strategy

The Provincial government recently announced a new Community Housing Renewal Strategy⁴³ with \$1 billion in 2019 – 2020 to help sustain, repair and build community housing and end homelessness. The Community Housing Renewal Strategy is focused on affordable housing for low-income households and the non-profit, co-operative and municipal housing sector.

The solutions set out in the Community Housing Renewal Strategy, which are on the Province’s website, focus on:

- repairing and increasing the supply and mix of well-maintained housing that meets people’s needs
- providing opportunity for people to live in housing that meets their needs and supporting them to participate in the economy and their community
- increasing efficiency in the system by removing red-tape, improving coordination and helping providers offer sustainable housing

Regulations⁴⁴ introduced in the Community Housing Renewal Strategy to make the community housing system work better for tenants and housing providers include:

- Removing existing penalties for tenants who work more hours or who are going to college or university
- Simplifying rent calculations

⁴³ The Government of Ontario 2019. Community Housing Renewal Strategy. Accessed from: <https://www.ontario.ca/page/community-housing-renewal-strategy>

⁴⁴ The Government of Ontario 2019. Community Housing Renewal Strategy. Accessed from: <https://news.ontario.ca/en/backgrounder/53853/ontarios-community-housing-renewal-strategy-putting-people-first>

- Freeing up the waitlist by having tenants prioritize their first choice and accept the first unit they are offered
- Ensuring rent calculations do not include child support payments
- Requiring an asset test
- Making housing safer by empowering housing providers to turn away tenants who have been evicted for criminal activity

The Province also launched two new programs in 2019 – 2020. These are:

Canada-Ontario Community Housing Initiative (COCHI) – provides funding to Service Managers to replace the federal Social Housing Agreement funding which expires each year beginning in April 2019.

Ontario Priorities Housing Initiative (OPHI) – provides flexible funding to all Service Managers and the two Indigenous Program Administrators to address local priorities in the areas of housing supply and affordability, including new affordable rental construction, community housing repair, rental assistance, tenant supports, and affordable ownership. Housing providers can dedicate a percentage of spending for supports that will keep people housed and prevent homelessness.

In addition, the Province has completed negotiations with CMHC to finalize the program design and amend the bilateral agreement for the Canada-Ontario Housing Benefit and Housing Benefits which have started flowing to Ontario households since April 2020.

Non-Resident Speculation Tax

On April 21, 2017 the Non Resident-Speculation Tax⁴⁵ (NRST), a 15% tax on the purchase or acquisition of an interest in residential property located in the Greater Golden Horseshoe Region by individuals who are not citizens or permanent residents of Canada or by foreign corporations (foreign entities) and taxable trustees, took effect.

The NRST applies to the transfer of land which contains at least one and not more than six single family residences. Examples of land containing one single family residence include land containing a detached house, a semi-detached house, a townhouse or a condominium unit. In a situation involving the purchase of multiple condominium units, each unit would be considered land containing one single family residence.

The NRST applies on the whole value of the consideration for the residential property if any one of the transferees is a foreign entity or taxable trustee. If the land transferred includes both

⁴⁵ The Government of Ontario 2020. Non-Resident Speculation Tax. Accessed from: <https://www.fin.gov.on.ca/en/bulletins/nrst/#covid>

residential property and another type of property, the NRST applies on the portion of the value of the consideration attributable to the residential property.

The NRST was imposed by the government of Ontario as a response to concerns about the housing market and the rapidly rising house prices in the Greater Golden Horseshoe Region. The purpose of the NRST is to deter speculation by foreign buyers in the housing market in the Region.

In 2022⁴⁶, the government Canada also introduced several measures to reduce non-resident speculation, including:

- A two-year ban on foreign purchases of Canadian houses, effective January 1, 2023, to ensure that houses are used as homes for Canadians to live in—and not used as financial assets for foreign investors. The government recently consulted on regulations that will be brought forward prior to January 1, 2023, to implement the final details of the ban.
- A 1 per cent annual vacant home tax on foreign-owned underused housing, to help free up homes for Canadians to live in, make the housing market more affordable for Canadians, and to ensure that foreign, non-resident owners of Canadian housing pay their fair share of Canadian tax.
- A crack down on speculation that contributes to higher home prices by applying the Goods and Services Tax/Harmonized Sales Tax (GST/HST) to all assignment sales of newly constructed or substantially renovated residential housing, effective May 7, 2022. An assignment sale is when a house is resold before it has even been constructed or lived in.

Bill 184: Protecting Tenants and Strengthening Community Housing Act

On March 12, 2020, the Ontario Government introduced Bill 184: Protecting Tenants and Strengthening Community Housing Act, 2020⁴⁷. The Bill aims to modernize the community housing sector, in addition to creating more accountability for tenants and landlords in the rental housing sector.

On July 21, 2020, Bill 184 officially passed and received royal assent in the Ontario Legislature. The new legislation amends the Residential Tenancies Act, 2006, the Housing Services Act,

⁴⁶ The Government of Canada, 2022. 2022 Fall Economic Statement. Accessed from:

<https://www.canada.ca/en/department-finance/news/2022/11/making-housing-more-affordable.html>

⁴⁷The Government of Ontario 2020. Bill 184: Protecting Tenants and Strengthening Community Housing Act.

Accessed from: <https://news.ontario.ca/en/release/57701/ontario-strengthens-protections-for-tenants>

2011, the Building Code Act, 1992 and repeals the Ontario Mortgage and Housing Corporation Act. The intent of the legislation is generally to:

- Encourage repayment agreements for COVID-19
- Prevent unlawful evictions
- Compensate tenants for “no fault” evictions
- Increase maximum fines
- Increase tenant compensation for “bad faith” evictions
- Streamline Landlord and Tenant Board processes
- Reduce unnecessary and duplicative information
- Allow more tools for better enforcement of Residential Tenancy Act offences
- Allow landlords to recover costs without resorting to eviction
- Update land lease and mobile home rules
- Allow greater flexibility for employers to provide employee housing
- Create a sustainable community housing system

Bill 184 bolsters accountability by providing a number of new avenues for landlords to both evict and collect unpaid rent from current and past tenants. The amendments would also apply retroactively to when the Province first declared a state of emergency over the COVID-19 pandemic.

O. Reg 232/18: Inclusionary Zoning

On October 25th, 2022, the government introduced a proposed amendment to O. Reg 232/18: Inclusionary Zoning which will be open for public comment from October 25th, 2022 to December 9th, 2022.

The stated intent of the amendment is to “provide more certainty/clarity and make inclusionary zoning rules more consistent across the province.”

The proposed amendments include:

Issue	Proposed Amendment/Change
Number of units	<ul style="list-style-type: none"> • Proposed changes would establish an upper limit on the number of units that would be required to be set aside as affordable (5% of total number of units, or 5% of total gross floor area of total residential units)
Affordability period	<ul style="list-style-type: none"> • Proposed changes would set maximum affordability period of 25 years

<p>Standardizing approach to determining price/rent of affordable units</p>	<ul style="list-style-type: none"> Proposed changes would prescribe the approach to determining the lowest price/rent that could be required set at 80% of the average resale purchase price of owned units and 80% AMR for rental units.
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City Policies and Initiatives

Rural Hamilton Official Plan

The City of Hamilton’s current Rural Hamilton Official Plan (RHOP) was adopted by City Council in July 2009 and was approved by the Ontario Municipal Board and came into effect on March 7, 2012.

The RHOP applies to the lands in the rural area of the City. Communities in the rural area of the City of Hamilton can be defined in multiple ways. Land use definitions of communities include:

- The urban boundary which delineates the urban area from the rural area. Policies pertaining to the urban boundary are not included in this Plan; and
- Rural settlement area boundaries which set the limits for residential, non-farm, and non-resource-based growth. Rural settlement area boundaries shall not be expanded.

Section 3.2 of the RHOP contains housing policies. The RHOP states that housing is fundamental to the economic, social and physical well-being of Hamilton’s residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities.

The RHOP also states that while the housing needs of the farm community and rural residents are important, rural land is primarily a working landscape for agriculture and nonrenewable resources, with strong protections for our vital natural resources. Rural settlement areas are the focus of rural non-agricultural and non-resource uses to protect the rural land base for its primary resource purposes.

The RHOP includes policies related to **affordable housing** in Section 3.2.1. The RHOP acknowledges that many households in Hamilton cannot obtain housing that is affordable or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic or personal circumstances where a level of support is required to live independently. The City recognizes the importance of affordable housing and housing with supports in meeting the housing needs of those without the resources to participate in the private housing market.

There are also unique housing needs in the rural area, with special challenges in meeting those housing needs. The overlying planning principles are the protection and availability of the agricultural land base and natural resources, and protection of natural heritage resources. Protection of the land base and the ability to farm that land or extract natural resources necessitates restricting future residential development to existing permissions and Rural Settlement Areas.

Further, water and sewage servicing constraints, the need for a certain land area to accommodate safe water supply and sewage disposal limits housing forms. For these reasons the potential for additional housing in the rural area is limited.

The policies related to **affordable housing** in the RHOP are as follows:

- The RHOP states that the City shall endeavour to provide a facilitative land use planning process for development applications for affordable housing and housing with supports. (3.2.1.1)
- Where appropriate, assistance shall be provided, either by the City and/or by senior governments, to encourage the development of affordable housing, with priority given to projects in areas of the City that are lacking in affordable housing. City assistance may include selling or leasing of surplus City land or financial assistance. (3.2.1.2)
- In accordance with the City’s ‘Housing First’ policy, all City-owned land that is surplus to the City’s needs and appropriate for residential development shall be given priority for sale or lease for the development of affordable housing by CityHousing Hamilton Corporation, or coordinated by CityHousing Hamilton Corporation or the City of Hamilton Housing Services for development by other housing stakeholders. (3.2.1.3)
- The City shall identify, promote and, where appropriate, participate in affordable housing opportunities funded by senior levels of government. (3.2.1.4)
- The City shall encourage senior levels of government to adopt a ‘Housing First’ policy whereby affordable housing uses are, where appropriate, given priority in the disposition of surplus government owned land. (3.2.1.5)
- Investment in new affordable housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives. (3.2.1.6)

In Section 3.2.2. of the RHOP, the **general policies for rural housing** are included. These policies are as follows:

- Small scale housing with supports, including residential care facilities, shall be permitted as a stand alone use in the form of a single detached dwelling in accordance with Policies C.3.1.2 c), C.5.1, and Volume 2, A.1.3.1. (3.2.2.1)
- The existing stock of housing in the rural areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Property Standards by-law and incentive programs financed by the City or by senior levels of government. (OPA 26) (3.2.2.2)

- Where dwellings are demolished without being replaced on the same site or are demolished and moved to another part of an agricultural parcel, the proponent shall be required to rehabilitate the land to the same average soil quality as any adjacent agricultural lands. (3.2.2.3)

Urban Hamilton Official Plan

The City of Hamilton's current Urban Hamilton Official Plan (UHOP) was adopted by City Council in September 2006 and was approved by the Ontario Municipal Board and came into effect on August 16, 2013.

The Urban Hamilton Official Plan (UHOP) applies to the lands in the urban area of the City.

The urban boundary defines the area where all urban development occurs. Lands within the urban boundary are already serviced or planned to be serviced with major roads, transit and full municipal services. The land within the urban boundary includes both the area within the built-up area and greenfield area. Lands within the urban boundary represent a 20-year supply of designated urban land and are intended to accommodate the majority of the City's protected growth.

Section 3.2 of the UHOP contains housing policies. The RHOP states that housing is fundamental to the economic, social and physical well-being of Hamilton's residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities. Housing needs to change and evolve as social, demographic, and economic conditions change. The long-term sustainability of communities is based on building a diverse, flexible housing stock today to meet changing needs at both household and community levels. To ensure that housing is available for all residents with a wide variety of needs, there must be a sufficient supply of housing with a range of housing types, forms, tenures, densities, affordability levels, and housing with support services.

The following Urban Housing Goals are identified in the UHOP and shall apply in the urban area:

- Provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents. (3.2.1.1)
- Provide housing within complete communities. (3.2.1.2)
- Increase Hamilton's stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing. (3.2.1.3)
- Increase Hamilton's stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options. (3.2.1.4)
- Maintain a balance of primary rental and ownership housing stock as outlined in the Affordable Housing Strategy. (3.2.1.5)

- Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City. (3.2.1.6)

Housing targets are presented in section 3.2.2 of the UHOP.

The UHOP acknowledges that many households in Hamilton cannot obtain housing that is affordable or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic and/or personal circumstances where a level of support is required to live independently. Hamilton’s aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of affordable housing and housing with supports in meeting the housing needs of those without the resources to participate in the private housing market.

The policies related to **affordable housing** in the UHOP are as follows:

- The City shall endeavour to provide a facilitative land use planning process for development applications for affordable housing and housing with supports. (3.2.3.1)
- Where appropriate, assistance shall be provided, either by the City and/or by senior governments, to encourage the development of affordable housing, with priority given to projects in areas of the City that are lacking in affordable housing. City assistance may include selling or leasing of surplus City land or financial assistance. (3.2.3.2)
- In accordance with the City’s ‘Housing First’ policy, all City-owned land that is surplus to the City’s needs and appropriate for residential development shall be given priority for sale or lease for the development of affordable housing by CityHousing Hamilton Corporation, or coordinated by CityHousing Hamilton Corporation or the City of Hamilton Housing Division for development by other housing stakeholders. (3.2.3.3)
- The City shall identify, promote and, where appropriate, participate in affordable housing opportunities funded by senior levels of government. (3.2.3.4)
- The City shall encourage senior levels of government to adopt a ‘Housing First’ policy whereby affordable housing uses are given priority in the disposition of surplus government owned land. (3.2.3.5)
- Investment in new affordable housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives. (3.2.3.6)

In Section 3.2.4. of the UHOP, the **general policies for urban housing** are included. These policies are as follows:

- The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities. (3.2.4.1)

- The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City. Where there are documented unmet needs for housing tenure, affordability levels or support services, priority shall be given to development applications that help meet those needs. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and primary rental housing with a full range of affordability, social housing, rent-geared-to- income housing, lodging houses, shared and/or congregate-living housing arrangements, housing with supports, emergency and transitional housing, and housing that meets all needs. (3.2.4.2)
- Housing with supports, including residential care facilities, shall be permitted in the Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations where applicable. (3.2.4.3)
- A secondary dwelling unit shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 142) (3.2.4.4)
- The existing stock of housing shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Demolition Control bylaw, Property Standards by-law, and incentive programs financed by the City or by senior levels of government. (OPA 142) (3.2.4.5)

The UHOP also includes policies related to **Rental Housing Protection** in Section 3.2.5. The UHOP states that it is important to maintain a balance of primary rental and ownership housing stock. Primary rental housing stock lost to condominium conversion or demolition is not being replaced through the building of new units, but condominium conversion and redevelopment can meet other City goals such as affordable home ownership, neighbourhood revitalization, replacement of aging housing stock and residential intensification. The intent of the policies in Section 3.2.5 is to minimize the loss of primary rental housing, particularly affordable rental housing, while permitting opportunities for neighbourhood revitalization, residential intensification, and affordable home ownership when the rental housing market is strong.

The City has recently undertaken a review of its rental housing protection policies in the UHOP and is proposing changes to its policy and planning process framework surrounding conversions of primary rental housing to condominium tenure and demolitions of primary rental housing. Policy changes proposed are intended to establish appropriate limitations to manage change and ensure protection for existing affordable rental housing units.

The City is also proposing to establish a permit process for conversions and demolitions by passing a by-law under the Municipal Act. This is intended to be used as a tool to implement the Official Plan directions. The permit process has been identified as a key part of the City’s strategy that could strengthen protections for rental housing and provide a consistent process for applications to convert or demolish rental housing. It would also permit the City to attach conditions to a permit, such as requiring legal agreements for replacement units in a new development, providing tenant assistance, and other conditions.

City of Hamilton Housing and Homelessness Action Plan (2019)

The City of Hamilton Housing and Homelessness Action Plan (HHAP) was originally created in 2013 to provide a road map to create more affordable housing, housing with supports, and to fulfill the City Vision of being the best place in Canada to raise a child and age successfully. It also guides the work of the Housing Services Division and our community partners as they work to end chronic homelessness in Hamilton and increase the supply of safe, suitable, and affordable housing for all Hamiltonians.

Implementing the HHAP strategies to fulfill this vision required a review of the progress of implementation of the plan and review of the strategies and targets that are the milestones of success. The outcome of this work is the 2020 HHAP. Revision of the HHAP placed increased emphasis on addressing homelessness, the needs of Indigenous peoples, and other areas as directed by the Province. The revised HHAP excludes strategies regarding advocacy; is limited in scope to housing and homelessness; and emphasizes City of Hamilton actions to ensure the City is setting direction and is accountable for implementation of the HHAP.

Being a living document that can grow and adapt as the needs and solutions evolve helps to ensure programs and funding continue to align with the strategic directions, and ensure one off approaches won't be needed to address changing challenges.

The HHAP is built upon the following shared core values:

1. Rights-based and anti-discrimination
2. Person-centered supports
3. Risk and protective factors
4. Evidence based, measurable and impact-driven
5. Efficient and effective use of community resources
6. Integrated and comprehensive community planning
7. Place and neighbourhoods

The HHAP also includes five (5) desired Outcomes as well as several Strategies for achieving each. These five Outcomes and respective Strategies are:

Outcomes	Strategies
<p>1. There is more affordable rental and ownership housing in Hamilton to meet the need and demand</p>	<ul style="list-style-type: none"> • Retain the existing stock of community housing; affordable housing; and land dedicated to affordable housing. • Use innovative approaches to create more affordable and market rental housing. • Increase the capacity for development within the affordable housing sector. • Develop a strategy and implementation plan to increase the supply of secondary rental units. • Develop and implement a sustainable municipal funding source for social housing renewal. • Develop and implement innovative approaches to create more affordable ownership units.
<p>2. People have more housing affordability and choice</p>	<ul style="list-style-type: none"> • Increase the integration of housing programs and service delivery within and between the Housing Services Division, the City of Hamilton, and the community to increase client choice for accessing services. • Increase the diversity of housing forms, types, tenures, and affordability in all urban areas of the city. • Increase the number and effectiveness of housing allowances and rent supplements. • Increase the use of innovative and non-traditional housing models such as home sharing, rent-to-own, co-housing, co-operative housing, etc.
<p>3. People have the individualised supports they need to obtain and maintain housing</p>	<ul style="list-style-type: none"> • Improve coordination of access between homelessness programs and housing support services. • Increase housing supports that help tenants remain housed. • Increase the integration and coordination of support, social service, and health care programs and services to increase client

	<p>access to program and services and better serve all people in need.</p> <ul style="list-style-type: none"> • Develop new person-centred and innovative supportive housing models based on the identified needs of people with living experience.
<p>4. People live in housing that is good quality and safe</p>	<ul style="list-style-type: none"> • Ensure pest control in subsidized, non-profit and private sector rental housing is improved by increasing the number of housing providers adhering to a current integrated pest management strategy. • Ensure outstanding and scheduled life cycle repairs and improvements to community housing stock are completed. • Ensure safety within and around community housing buildings and complexes is improved. • Encourage and enable community housing providers to improve the environmental sustainability and climate adaptability of their portfolios. • Ensure that innovative initiatives to improve the quality of private sector rental housing are implemented in both purpose-built multi-residential buildings and secondary units.
<p>5. All people experience equity in housing and housing-related services</p>	<ul style="list-style-type: none"> • Implement an equity, diversity, and inclusion framework for decision making within and delivery of services by the Housing Services Division, building on the City-wide Equity, Diversity, and Inclusion Framework under development. • Ensure Indigenous peoples engaging with housing and homelessness services are served in a culturally appropriate manner. • Dedicate, in a manner that respects Indigenous autonomy and self-determination, a certain portion of housing and homelessness funding envelopes to Indigenous organizations delivering housing and homelessness services primarily to the Indigenous community.

	<ul style="list-style-type: none">• Ensure that clients, participants, and tenants are meaningfully engaged in planning and decision making in the areas that impact their lives.• Improve information and knowledge sharing within the housing sector.
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Recommendations for an Inclusionary Zoning Policy

Based on the analysis in this Housing Needs Assessment report, an inclusionary zoning policy in Hamilton should be developed with the following considerations in mind:

- Exploring opportunities to generate affordable rental and ownership options to meet the needs of households with moderate incomes that grow as the city grows.
- Facilitating a steady flow of purpose-built rental housing units to accommodate the growing number of renter households in Hamilton.
- Focusing on smaller households while also creating some opportunities for larger affordable units suitable to families with children.
- There is an opportunity for inclusionary zoning to provide rental units affordable to households with low incomes if combined with financial incentives or rent supplements. A list of other affordable housing funding programs and grants is presented in Appendix B.
- Ensuring a portion of the affordable rental units created through an inclusionary zoning policy are suitable to individuals with support needs. These units could be created through partnerships with the not-for-profit, cooperative housing, and supportive housing sectors who could own or operate some of these units on a developer's behalf.

While inclusionary zoning is one tool available to the City of Hamilton to provide a range of new housing opportunities, especially as it relates to housing affordability for low- and moderate-income households, the City should consider developing a more robust housing strategy to meet the diverse needs of households into the future.

Appendices

Appendix A: Defining Affordable Housing in Hamilton

This Appendix section presents an analysis of the various definitions of affordable housing that are currently being used in different contexts in Hamilton⁴⁸. These definitions provide the foundation for the recommended definitions for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton.

The definitions of affordable housing that are analyzed in this report include:

1. Land use planning definitions
2. Hamilton’s 10-Year Housing and Homelessness Action Plan definitions
3. Federal and Provincial funding program definitions

Many of the affordable housing definitions below take into consideration household income deciles⁴⁹ as well as corresponding affordable prices and rents for ownership and renter households. The income⁵⁰ deciles for all households and for renter households in Hamilton which will be used throughout this section, are presented here:

Figure 57: Household Income Deciles for All Households & Renter Households: Hamilton; 2021 & 2022

		All Households		Renter Households	
		2021	2022	2021	2022
Low Income	Decile 1	\$28,018	\$30,150	\$9,582	\$10,311
	Decile 2	\$43,107	\$46,388	\$19,163	\$20,622
	Decile 3	\$57,371	\$61,738	\$27,247	\$29,320

⁴⁸ Throughout this report, “Hamilton” refers to the census subdivision (CSD) of Hamilton.

⁴⁹ Household income deciles divide the total universe of households into ten equally portioned income groups. This means that there is one tenth (or 10%) of all households in each income decile.

⁵⁰ Household incomes for 2021 and 2022 were estimated based on the growth rate of Ontario’s CPI from 2020 to 2021 and 2022, respectively.

		All Households		Renter Households	
		2021	2022	2021	2022
Moderate Income	Decile 4	\$72,213	\$77,710	\$34,537	\$37,166
	Decile 5	\$88,554	\$95,295	\$41,827	\$45,011
	Decile 6	\$107,191	\$115,350	\$51,146	\$55,039
High Income	Decile 7	\$128,737	\$138,536	\$61,993	\$66,712
	Decile 8	\$158,315	\$170,365	\$77,149	\$83,022
	Decile 9	\$206,490	\$222,207	\$101,995	\$109,759

Source: Statistics Canada, Census 2021, CMHC Housing Portal 2016, and SHS estimations

Land Use Planning Definitions

Province of Ontario and City of Hamilton land use planning documents contain definitions for affordable housing. The definitions for affordable housing presented in the Provincial Policy Statement⁵¹ (PPS) are outlined below:

In the case of **ownership housing**, the PPS defines affordability as the least expensive of:

- e) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households
- f) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the City of Hamilton;

In the case of **rental housing**, affordability is defined as the least expensive of:

- e) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households
- f) a unit for which the rent is at or below the average market rent of a unit in the City of Hamilton.

For the purposes of this definition, “low and moderate income households” means households with incomes in the lowest 60% of the income distribution for the City of Hamilton.

⁵¹ Province of Ontario, 2020. Provincial Policy Statement. Accessed from: <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

The definitions from the PPS are also in line with the definitions presented in A Place to Grow: Growth Plan for the Greater Golden Horseshoe⁵² and the City’s Urban Hamilton Official Plan.

Land Use Planning Definition of Ownership Housing Affordability

Income-Based Approach

For ownership housing, the **income-based approach** defines affordable housing as housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households, as mentioned above.

In 2022, based on Hamilton income deciles, affordable ownership housing should be priced at a maximum of **\$505,455** for the lowest 60% of the income distribution.

Figure 58: Affordable House Prices based on Household Income Deciles: Hamilton; 2022

All Households				
Percentile	Income	Affordable Ownership		
100 th				
90 th				
80 th				
70 th	Hamilton	\$115,350	\$505,455	
60 th				
50 th				
40 th				
30 th				
20 th	Housing that costs less than 30% of household income for the lowest 60% of household income levels			
10 th				

Source: SHS Calculations for Ownership Affordability based on spending 30% of income on housing costs, 5% down payment, 25-year mortgage, and 5.86% interest rate

⁵² Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

Market-Based Approach

For ownership housing, the **market-based approach** defines affordable housing as housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area (i.e., Hamilton), as mentioned above.

In 2022⁵³, based on average purchase prices of resale units in Hamilton, affordable ownership housing should be priced at a maximum of **\$831,647** which is 10 per cent below the average purchase price of a resale unit in Hamilton in 2022 (i.e., 10 percent below \$924,052.)

Figure 59: Affordable House Prices based on Average Resale House Prices: Hamilton; 2022

All Households				
Percentile	Income	Affordable Ownership		
100 th				
90 th				
80 th				
70 th	Hamilton	\$115,350	\$831,647	
60 th				
50 th				
40 th				
30 th				
20 th				
10 th				

Housing that costs **at least 10% below the average purchase price** of a resale unit

Source: Statistics Canada, Census 2021 and Canadian Real Estate Association, Residential Market Activity Report (August 2022)

Therefore, in 2022, based on Hamilton household income deciles, **affordable ownership housing** should be priced through the income-based approach at a maximum of **\$505,455** for the lowest 60% of the income distribution. This is because the income-based approach produces a less expensive affordable house price than the market-based approach (\$505,455 compared with \$831,647, respectively). This is consistent with the methodology prescribed by the PPS for determining the definition of ownership housing affordability.

To update the definition of affordable ownership housing annually based on this methodology, household incomes would need to be projected from values reported in the most recent year of the Census to future year estimates based on the growth rate of Ontario's CPI.

⁵³ Canadian Real Estate Association, Residential Market Activity Report (August 2022).

Land Use Planning Definition of Rental Housing Affordability

Income-Based Approach

For rental housing, the **income-based approach** defines affordable housing as a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households, as mentioned above.

In 2021, based on Hamilton renter household income deciles, affordable rental housing should be priced at a maximum of **\$1,279** for the lowest 60% of the income distribution.

Figure 60: Affordable Rents based on Renter Household Income Deciles: Hamilton; 2021

All Households			
Percentile	Income	Affordable Rental	
100 th			
90 th			
80 th			
70 th	Hamilton	\$45,503	\$1,279
60 th			
50 th			
40 th			
30 th			
20 th	Rent that does not exceed 30% of gross annual household income for the lowest 60% of household income levels		
10 th			

Source: Statistics Canada Census 2021, CMHC Housing Portal 2016, and SHS Calculations for Rental Affordability

Market-Based Approach

For rental housing, the **market-based approach** defines affordable housing as a unit for which the rent is at or below the average market rent of a unit in the regional market area (i.e., Hamilton), as mentioned above.

In 2021, based on the average market rent for units in Hamilton, affordable rental housing should be priced at a maximum of **\$1,190**.

Figure 61: Affordable Rents based on Average Market Rent: Hamilton; 2021

All Households			
Percentile	Income	Affordable Rental	
		100% AMR	
100 th			
90 th			
80 th			
70 th	Hamilton	\$45,503	\$1,190
60 th			
50 th			
40 th			
30 th			
20 th			
10 th			

Rent that is at or below the average market rent

Source: Statistics Canada Census 2021, CMHC Housing Information Portal 2021

Therefore, in 2021, **affordable rental housing** should be priced through the market-based approach at a maximum of **\$1,190** based on average market rents in Hamilton. This is because the market-based approach produces a less expensive affordable rent price than the income-based approach (\$1,190 compared with \$1,279, respectively). This is consistent with the methodology prescribed by the PPS for determining the definition of rental housing affordability.

To update the definition of affordable rental housing based on this methodology, average market rent prices would need to be retrieved from CMHC annually.

City of Hamilton 10-Year Housing and Homelessness Action Plan Definitions

The City of Hamilton’s 10-Year Housing and Homelessness Action Plan⁵⁴ (HHAP) also includes definitions for affordable housing. The HHAP states that the affordability of rental housing can be defined based on a proportion of a person or household’s income or based on a percentage of the average or median market rent, for a defined area. Often, the definition includes a threshold in the position of households on the income spectrum, the most universal with low and moderate income households being at or below the 60th income percentile for renters living in a defined area. Different documents define affordable housing slightly differently.

⁵⁴ City of Hamilton, 2020. Housing and Homelessness Action Plan. Accessed from: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=232005>

For the purposes of the HHAP “affordable housing” means:

1. Housing that costs 30% or less of gross household income for households with a low to moderate income. Low to moderate income for renters is defined as income at or below the 60th income percentile for renters in the City of Hamilton, and for owners the 60th income percentile for all Hamiltonians; and/or,
2. Housing that is less than 125% of the CMHC average market rent for the same unit type and size, in the local housing market zone, or city-wide.

HHAP Definition of Ownership Housing Affordability

The HHAP defines affordable ownership housing as housing that costs 30% or less of gross household income for all households with a low to moderate income in Hamilton. This definition is consistent with the land use planning definition for ownership housing affordability using the income-based approach.

Therefore, in 2022, based on Hamilton income deciles, affordable ownership housing should be priced at a maximum of **\$505,455** for the lowest 60% of the income distribution.

To update the definition of affordable ownership housing annually based on this methodology, household incomes would need to be projected based on the growth rate of Ontario’s CPI.

HHAP Definition of Rental Housing Affordability

Income-Based Approach

For rental housing, the **income-based approach** in the HHAP defines affordable housing as a unit for which the rent costs 30% or less of gross household income for renter households with a low to moderate income in Hamilton. This definition is consistent with the land use planning definition for rental housing affordability using the income-based approach.

Therefore, in 2021, based on Hamilton renter household income deciles, affordable rental housing should be priced at a maximum of **\$1,279** for the lowest 60% of the income distribution.

Market-Based Approach

For rental housing, the **market-based approach** defines affordable housing as a unit for which the rent is less than 125% of the CMHC average market rent for the same unit type and size, in the local housing market zone, or city-wide.

In 2021, based on the average market rent for units in Hamilton, affordable rental housing should be priced at a maximum of **\$1,488** on average for all unit types, **\$1,144** for bachelor units, **\$1,369** for one-bedroom units, **\$1,589** for two-bedroom units, and **\$1,849** for units with three bedrooms or more.

Figure 62: Affordable Rents based on 125% of Average Market Rent by Unit Type: Hamilton; 2021

	Bachelor	One-Bedroom	Two-Bedroom	Three + Bedrooms	All
100% of AMR	\$915	\$1,095	\$1,271	\$1,479	\$1,190
125% of AMR	\$1,144	\$1,369	\$1,589	\$1,849	\$1,488

Source: CMHC Housing Information Portal 2021

Therefore, in 2021, the income-based approach to defining affordable rental housing produces a less expensive affordable rent price than the market-based approach on average (\$1,279 compared with \$1,488, respectively).

However, the market-based approach provides definitions for rental housing affordability by unit type which result in greater specificity than the income-based approach. For this reason, the City of Hamilton might consider utilizing the market-based approach definitions rather than the income-based approach definition.

Furthermore, the average market rent is based on CMHC’s annual survey, which includes all purpose-built rental with three units or more. This purpose-built rental housing supply is predominantly comprised of older rental units that have been under rent control according to the Ontario Residential Rent Guideline. These older rental units have rents that are substantially lower than rents for new residential rental units with newer construction and better amenities. Hence, it might be more appropriate to raise the rental affordability threshold to 125% of the average market rent.

These thresholds are higher than the prices established through other methodologies in this report and therefore might not be appropriate for use in an inclusionary zoning policy in Hamilton. For funding reasons however, using this methodology may be more appropriate in certain circumstances.

To update the definition of affordable rental housing based on the market-based approach, average market rent prices would need to be retrieved from CMHC annually.

Federal and Provincial Funding Program Definitions

Within the various Federal and Province of Ontario funding programs that currently exist, there are project criteria established which focus funding towards meeting the needs of specific targeted populations and income levels. In the context of program funding, the new development of affordable housing is generally defined in the form of “eligibility criteria” by which an applicant can receive funding for a project. In CMHC administered funding programs,

definitions for “affordable housing” which are relevant to the Hamilton context described in this report include the following:

- Housing which costs no more than 30% of a household’s net income
- “Low-end of market rental” provides housing affordable to households with incomes at the 60th income percentile or lower with rents at 80% of the Median Market Rent (MMR) according to CMHC

Funding Program Definition of Ownership Housing Affordability

CMHC defines affordable ownership housing in its funding programs as housing that costs no more than 30% of a household’s net income in Hamilton. This definition is consistent with the land use planning definition and the HHAP definition for ownership housing affordability using the income-based approach.

Therefore, in 2022, based on Hamilton income deciles, affordable ownership housing should be priced at a maximum of **\$505,455** for the lowest 60% of the income distribution.

To update the definition of affordable ownership housing annually based on this methodology, household incomes would need to be projected based on the growth rate of Ontario’s CPI.

Funding Program Definition of Rental Housing Affordability

Income-Based Approach

For rental housing, the **income-based approach** for defining affordable rental housing outlined by the eligibility criteria of CMHC’s funding programs states that affordable housing is a unit for which the rent costs no more than 30% of a household’s income for renter households in Hamilton. This definition is consistent with the land use planning definition and the HHAP definition for rental housing affordability using the income-based approach.

Therefore, in 2021, based on Hamilton renter household income deciles, affordable rental housing should be priced at a maximum of **\$1,279** for the lowest 60% of the income distribution.

Market-Based Approach

For rental housing, the **market-based approach** defines affordable housing as a unit for which the rent is 80% of the CMHC median market rent for the same unit type and size in Hamilton.

In 2021, based on the median market rent for units in Hamilton, affordable rental housing should be priced at a maximum of **\$928** on average for all unit types, **\$772** for bachelor units, **\$870** for one-bedroom units, **\$987** for two-bedroom units, and **\$1,166** for units with three bedrooms or more.

Figure 63: Affordable Rents based on 80% of Median Market Rent by Unit Type: Hamilton; 2021

	Bachelor	One-Bedroom	Two-Bedroom	Three + Bedrooms	All
100% of MMR	\$965	\$1,088	\$1,234	\$1,458	\$1,160
80% of MMR	\$772	\$870	\$987	\$1,166	\$928

Source: CMHC Housing Information Portal 2021

Therefore, in 2021, the market-based approach to defining affordable rental housing produces a less expensive affordable rent price than the income-based approach on average (\$928 compared with \$1,279, respectively). Additionally, the market-based approach provides definitions for rental housing affordability by unit type which result in greater specificity than the income-based approach. For this reason, the City of Hamilton should consider utilizing the market-based approach definitions rather than the income-based approach definition.

To update the definition of affordable rental housing based on the market-based approach, average market rent prices would need to be retrieved from CMHC annually.

Recommended Definition for Affordable Housing for an Inclusionary Zoning Policy for Hamilton

Recommended Definition of Ownership Housing Affordability for Hamilton

Based on the analysis in the previous sections, it is recommended that the ownership housing affordability threshold be set at the price of **\$505,455** in 2022. This is consistent with the land use planning income-based approach definition for affordable ownership housing, the definition of affordable ownership housing in the HHAP, and the definition of affordable ownership housing outlined by the Federal and Provincial funding program eligibility criteria.

The other option assessed (i.e., land use planning market-based approach) relies on resale prices for homes in Hamilton which are much higher and would be unaffordable to households with moderate and low incomes in Hamilton.

To update the definition of affordable ownership housing annually based on this methodology, household incomes would need to be projected based on the growth rate of Ontario's CPI.

Figure 64: Ownership Housing Affordability Definition Summary Table; 2022

	All unit types
Land Use Planning Definition Income-Based Approach	\$505,455
Land Use Planning Definition Market-Based Approach	\$831,647
HHAP Definition	\$505,455
Federal and Provincial Funding Program Definition	\$505,455

Recommended Definition of Rental Housing Affordability for Hamilton

Based on the analysis in the previous sections, it is recommended that the rental housing affordability threshold be set at the rent of **\$1,190** on average for all unit types, **\$915** for bachelor units, **\$1,095** for one-bedroom units, **\$1,271** for two-bedroom units, and **\$1,479** for units with three bedrooms or more in 2021. This is consistent with the definition of affordable rental housing through the market-based approach in the land use planning documents such as the PPS and A Place to Grow: Growth Plan for the Greater Golden Horseshoe⁵⁵ and the City’s Urban Hamilton Official Plan⁵⁶.

The market-based approach in the land use planning documents provides definitions for rental housing affordability by unit type which result in greater specificity than other approaches which is desirable.

To update the definition of affordable rental housing based on the market-based approach, average market rent prices would need to be retrieved from CMHC annually.

Figure 65: Rental Housing Affordability Definition Summary Table; 2021

	All unit types	Bachelor	One-Bedroom	Two-Bedroom	Three + Bedrooms
Land Use Planning Definition Income-Based Approach	\$1,279				
Land Use Planning Definition Market-Based Approach (100% AMR)	\$1,190	\$915	\$1,095	\$1,271	\$1,479
HHAP Definition Income-Based Approach	\$1,279				

⁵⁵ Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

⁵⁶ Please note that where affordable housing definitions or calculations from funding programs offered by upper levels of government differ, their applicable definition will prevail for the purposes of funding.

HHAP Definition Market-Based Approach (125% AMR)	\$1,488	\$1,144	\$1,369	\$1,589	\$1,849
Federal and Provincial Funding Program Definition Income-Based Approach	\$1,279				
Federal and Provincial Funding Program Definition Market-Based Approach (80% MMR)	\$928	\$772	\$870	\$987	\$1,166

Appendix B: Other Affordable Housing Funding Programs and Grants

There has been a lot of interest in creating affordable housing by all orders of government in recent years. As a result, several funding programs have been introduced to aid the development of affordable housing across Canada and increase supply for households in need.

In the table below, the widely available funding programs that developers interested in building affordable housing could access funding through to improve viability of their project and increase affordability of new housing supply are presented. Information regarding the type of funding, the funding envelope, as well as the criteria for eligibility to access funding through these programs are provided.

Funding programs offered by all levels of government are available to be used in conjunction with one another, so long as the project meets the eligibility criteria of the programs. The federal programs are provided through the National Housing Strategy, which will run to 2028. It should be noted that the Rental Construction Financing Initiative cannot be accessed if the project is receiving funding through the National Housing Co-Investment Fund (New Construction) program.

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
Pre-Design Phase						
Seed Funding	Grant & Interest Free Loans	Primarily Rental	Grant: Up to \$150,000 Loan: Up to \$350,000	1. Project types: Indigenous, community and affordable housing, mixed-use market/affordable rental, shelters, transitional, and supportive, conversion of non-residential buildings to affordable multi-resident, renovation of existing affordable units at risk of abandonment or demolition 2. Must be primarily residential 3. Must have a minimum of 5 affordable units/beds 4. Must be considered affordable as determined by the Municipality, province or Territory, or as accepted under other CMHC programs.	To support costs for completing pre-development activities related to the construction of new affordable housing supply or renovation of existing affordable housing supply.	CMHC

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
Federal Lands Initiative	Low or No Cost Land or Building	Any	<p>Currently, there are no properties available.</p> <ul style="list-style-type: none"> The funding envelope is equivalent to the land value. 	<ol style="list-style-type: none"> At least 30% of units must be less than 80% of local Median Market Rent, for a minimum of 25 years. At least 20% of units must meet accessibility standards and projects must be barrier-free or demonstrate full universal design. Achieve 25% decrease in energy consumption and GHG. OR 15% decrease relative to the 2017 National Energy Code for Building Evidence of community needs. Meet the minimum debt coverage ration= of 1.10. 	Utilize surplus Federal lands to be made available for use as affordable, sustainable, accessible and socially inclusive housing	CMHC
Shared Equity Mortgage⁵⁷ Providers Fund	Loan	Ownership	Up to \$4 million for the overall development.	<p>Project viability assessment by CMHC:</p> <ol style="list-style-type: none"> Capacity to fulfil the loan repayment obligation Financially sound with the requisite authority, experience, capability and resources to administer a shared equity mortgage program. 	Assist developers with the cost of eligible preconstruction activities, for units that will all participate in Shared Equity Mortgages.	CMHC

⁵⁷ Shared Equity Mortgage: Now branded as First-Time Home Buyer Incentive. This program is a shared equity mortgage. This means that the government shares in the upside and downside of the property value. It allows you to borrow 5 or 10% of the purchase price of a home. You pay back the same percentage of the value of your home when you sell it or within a 25-year window.

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
Pre-Construction Phase						
Home Depot: Community Impact Grant	Grant	Rental	\$10,000 maximum	Registered Charity	Homelessness Prevention Funding for renovations, and improvements to buildings and landscaping	Home Depot
Green Municipal Fund: Planning	Grant	Rental	Up to \$25,000 or 80% of eligible costs for the overall project	1. Municipality, Non-Profit, or in a partnership with one 2. Must meet net-zero or net-zero ready standards 3. 30% of the units be less than 80% of the local median market rent. 4. Retrofits must achieve a 25% reduction in energy consumption Stackable with National Housing Strategy programs.	Provide planning grants to assist housing providers in early stages of sustainable affordable housing development. Encourage pursuing ambitious reductions in energy consumption	Federation of Canadian Municipalities (FCM)
Green Municipal Fund: Retrofit of sustainable affordable housing	Grants and Loans	Rental	Grants of 25%-50% of costs (proportional to energy use reduction). Grants up to \$500,000 to cover up to 80% of eligible costs.	Same as Green Municipal Fund: Planning	Same as Green Municipal Fund: Planning	Federation of Canadian Municipalities (FCM)
Green Municipal Fund: New Construction	Grants and Loans	Rental	Up to 20% of costs, or \$10 million, and 50% Grant, 50% Loan	Same as Green Municipal Fund: Planning	Same as Green Municipal Fund: Planning	Federation of Canadian Municipalities (FCM)
Construction Phase						
National Housing Co-Investment Fund (New Construction)	Repayable Loan & Forgivable Loan	Primarily Rental	Repayable Loan: Non-Profits and Indigenous organizations up to 95% of project costs; Private Sector up to 75%	1. A minimum of 5 units/beds 2. Primary use as residential 3. Meet minimum requirements for financial viability, affordability, energy efficiency and accessibility	Develop energy efficient, accessible and socially inclusive housing for mixed-income, mixed-tenure and	CMHC under the National Housing Strategy

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
			Forgivable Loan: Non-profits and Indigenous organizations up to 30%; Private Sector up to 10%	4. Partnership requirements	mixed-use affordable housing uses	
National Housing Co-Investment Fund (Revitalization)	Repayable Loan & Forgivable Loan	Primarily Rental	Repayable Loan: Non-Profits and Indigenous: up to 95% of project costs; Private Sector up to 75%. Forgivable Loan: Non-profits and Indigenous: up to 30%; Private Sector up to 10%	<ol style="list-style-type: none"> 1. A minimum of 5 units/beds 2. Existing building with residential use 3. Meet minimum requirements for financial viability, affordability, energy efficiency and accessibility 4. Partnership requirements 5. 25% reduction in energy use and Greenhouse Gas (GHG) emissions 	Renovate or renew existing buildings to develop energy efficient, accessible and socially inclusive housing for mixed-income, mixed-tenure and mixed-use affordable housing uses	CMHC under the National Housing Strategy
Rental Construction Financing Initiative	Low-Cost Construction Financing	Rental	Up to 100% loan to cost	<ol style="list-style-type: none"> 1. A minimum of 5 rental units 2. Minimum loan of \$1 million 3. Have zoning in place, a site plan in process with municipality and a building permit available 4. Minimum of 20% of units must have rents below 30% of the median total income, and total residential income must be at least 10% below potential market income 5. Energy and accessibility requirements 	Create new purpose built rental for middle income Canadians	CMHC under the National Housing Strategy
Downtown & Barton/Kenilworth Housing Opportunities (DBKHO) Program	Low-Interest Loan	Rental	Maximum Loan lesser of \$4M or 25% of the Cost to Construct Budget.	<ol style="list-style-type: none"> 1. The creation of at least 10 new dwelling units through the development of multiple dwellings on vacant land, surface parking areas, or redevelopment of existing buildings 2. Building addition containing at least 10 new dwelling units and/or 3. The conversion of existing non-residential space into housing consisting of at least 10 new dwelling units. 	Promote the development of multiple dwelling units that will create new housing opportunities and support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services	Invest in Hamilton: City of Hamilton

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
				<p>4. Must meet the goals of the Revitalization Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP)</p> <p>This program will apply within the Barton Village and Downtown Hamilton Commercial District CIPAs, the Barton East Strategic Commercial Corridor CIPA, and the Kenilworth Avenue North Strategic Commercial Corridor CIPA.</p>		
Commercial District Housing Opportunities (CDHO) Program	Low-Interest Loan & Grant	Rental	<p>Maximum Loan amount of \$20,000 per dwelling unit to a maximum of \$600,000 per property</p> <p>This Program has a Grant portion of \$5,000 per application allocated to professional fees and City of Hamilton Fees only.</p>	<ol style="list-style-type: none"> 1. Converting existing non-residential spaces into dwelling units where permitted under applicable City zoning by-law 2. Undertaking renovations to existing dwelling units' 3. Creation of new dwelling units, including accessory dwelling units, via building additions or new detached accessory buildings, including laneway housing; and/or 4. Creation of new dwelling units through development of vacant land, surface parking lots or redevelopment of existing buildings 5. This program will apply within the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale Commercial District CIPAs, the Strategic Commercial Corridor CIPAs and those properties within the municipal boundary designated under Part IV or Part V of the <i>Ontario Heritage Act</i>. 	To promote the improvement or development of dwelling units that will create new/improved housing opportunities, support robust local commercial district populations that add vibrancy and support demand for local commercial businesses/services	Invest in Hamilton: City of Hamilton

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
Canada-Ontario Community Housing Initiative (COCHI)		Rental	Very limited funding available. Project dependent, at the discretion of the Service Manager	1. Be a community Housing Provider or in partnership with one. <i>Contact Hamilton's Housing Services Department for more information.</i>	Repair, regenerate and expand community housing, and protect affordability support for tenants	City of Hamilton: <i>Housing Services Department</i> (905) 523 8496
Ontario Priorities Housing Initiative (OPHI)		Rental	All current funds have been allocated to end of 2022. Up to 75% of capital costs of the affordable rental units.	1. Must be a non-profit, municipal, or co-operative development 2. Rents, on average, at or below 80% of AMR, for at least 20 years 3. Start construction within 120 days of signing the agreement 4. Exceed the current National Energy Code and Ontario Building Code 5. Income verification requirements 6. Minimum and average unit sizes ⁵⁸	Address local priorities in the areas of housing supply and affordability including affordable rental construction, community housing repair, rental assistance, tenant supports, and affordable homeownership	City of Hamilton: <i>Housing Services Department</i> (905) 523 8496
Research and Development						
Affordable Housing Innovation Fund	Grant	Any	Currently on hold due to oversubscription. Amount and type of funding will vary based on proposals received and may require security	Will prioritize projects that: <ul style="list-style-type: none"> exceed minimum requirements bring more partners and additional investment to the table Minimum Criteria <ol style="list-style-type: none"> At least 5 new units 	Encourage innovative approaches to creating new, renewing or renovating affordable housing	CMHC under the National Housing Strategy

⁵⁸ Minimum and average unit sizes for OPHI Programs:

(m ²)	Studio	1 Bed	2 Bed	3 Bed	4 Bed
Minimum	40.0	48.7	60.4	83.6	102.2
Average	41.8	55.0	67.4	92.9	109.2

Program Name	Type of Funding	Project Tenure	Funding Envelope	Eligibility Criteria	Program Objectives	Program Administered By
			depending on the proposal. Innovative funding arrangements will be considered.	2. Must use innovative solutions for affordable housing, may include novel financing models 3. Unit affordability at least 10 years 4. A minimum 10% decrease in energy intensity and greenhouse gas (GHG) emissions 5. At least 10% accessible 6. Plans for viability and sustainability without long-term government subsidies: 1. Other factors: Projects with replicable designs, easy access to transit or have a focus on social inclusion		

Please Note: Information in this table is as of September 2022 and are subject to update. Please review the program websites for the most up-to-date information.

City of Hamilton | Housing Needs Assessment

ADDENDUM TO THE DRAFT REPORT



February 2023

Introduction

The *Housing Needs Assessment Draft Report* was developed through a collaborative approach and is a detailed analysis of current and projected housing needs in the City of Hamilton across the broader housing continuum. It will inform the City's approach to a future inclusionary zoning By-law in accordance with the requirements of the Planning Act and may inform future work on a housing strategy for the City of Hamilton.

The *Housing Needs Assessment Draft Report* should fulfill the Provincial requirements for an "Assessment Report" as required by the Planning Act (O. Reg 232/18) prior to adopting an inclusionary zoning By-law.

The purpose of this *Addendum to the Draft Report* is to address the proposed amendments to O. Reg 232/18: Inclusionary Zoning¹ by the government of Ontario on October 25th, 2022, specifically as they relate to the definition of affordability which can be used in an inclusionary zoning policy.

O. Reg 232/18: Inclusionary Zoning

On October 25th, 2022, the government of Ontario proposed an amendment to O. Reg 232/18: Inclusionary Zoning which will be open for public comment from October 25th, 2022 to December 9th, 2022. The stated intent of the amendment is to "provide more certainty/clarity and make inclusionary zoning rules more consistent across the province."

There are several changes proposed by this amendment. One of the changes proposed relates to the definition of affordability for an inclusionary zoning policy. The method to define affordability proposed here is described below:

- In the case of **ownership housing**, it defines affordability as housing for which the purchase price is 80 per cent of the average resale purchase price of owned units, or lower.
- In the case of **rental housing**, it defines affordability as a unit for which the rent is at or below 80 per cent of the average market rent of a unit.

As such, an inclusionary zoning policy for the City of Hamilton likely will be required to use this definition of affordability in the future.

¹ For more information on Bill 23, More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022 – 2023 which introduced a proposed amendment to O. Reg 232/18: Inclusionary Zoning, please see the Policy Context section of the *Housing Needs Assessment Draft Report*.

Recommended Definition for Affordable Housing for an Inclusionary Zoning Policy for Hamilton

The *Housing Needs Assessment Draft Report* presented an analysis of the various definitions of affordable housing that are currently being used in different contexts in Hamilton. These definitions provided the foundation for a recommended definition for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton.

The definitions of affordable housing that were analyzed in that Report included:

1. Land use planning definitions
2. Hamilton's 10-Year Housing and Homelessness Action Plan definitions
3. Federal and Provincial funding program definitions

However, the recommended thresholds for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton² should be in line with the definitions presented in the proposed amendment to O. Reg 232/18: Inclusionary Zoning.

An analysis of the thresholds for affordable ownership and affordable rental housing according to the definition proposed by the amendment to O. Reg 232/18 is presented in the sections below.

O. Reg 232/18 Definition of Ownership Housing Affordability

As mentioned previously, the proposed amendments to O. Reg 232/18: Inclusionary Zoning suggest that in the case of **ownership housing**, affordability is defined as housing for which the purchase price is 80 per cent of the average resale purchase price of owned units or less.

² A full analysis of the various definitions of affordable housing that are currently being used in different contexts in Hamilton is presented in Appendix A of the *Housing Needs Assessment Draft Report*. These definitions provide the foundation for the recommended definitions for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton presented here.

In 2022³, based on average purchase prices of resale units in Hamilton, affordable ownership housing should be priced at a maximum of **\$739,242** which is 80 per cent of the average purchase price of a resale unit in Hamilton in 2022 (i.e., 80 per cent of \$924,052) according to the definition proposed by O. Reg 232/18.

Figure 1: Affordable Ownership based on 80% of Average Purchase Price of a Resale Unit: Hamilton; 2022

	All
100% of Average Purchase Price of a Resale Unit	\$924,052
80% of Average Purchase Price of a Resale Unit	\$739,242

Source: Canadian Real Estate Association, Residential Market Activity Report, August 2022

This definition of affordable ownership housing is slightly higher than the land use planning income-based approach definition for affordable ownership housing, the definition of affordable ownership housing in the HHAP, and the definition of affordable ownership housing outlined by the Federal and Provincial funding program eligibility criteria (\$729,242 versus \$505,455.)

However, it is lower than the definition of affordable ownership housing based on the land use planning market-based approach which also relies on resale prices for homes in Hamilton (\$729,242 versus \$831,647.)

Figure 2: Ownership Housing Affordability Definition Summary Table; 2022

	All unit types
Land Use Planning Definition Income-Based Approach	\$505,455
Land Use Planning Definition Market-Based Approach	\$831,647
HHAP Definition	\$505,455
Federal and Provincial Funding Program Definition	\$505,455
O. Reg 232/18: Inclusionary Zoning Definition	\$739,242

³ Canadian Real Estate Association, Residential Market Activity Report (August 2022).

O. Reg 232/18 Definition of Rental Housing Affordability

As mentioned previously, the proposed amendments to O. Reg 232/18: Inclusionary Zoning suggest that in the case of **rental housing**, affordability is defined as a unit for which the rent is at or below 80 per cent of the average market rent of a unit.

In 2022, based on the average market rent for units in Hamilton, affordable rental housing should be priced at a maximum of **\$994** on average for all unit types, **\$736** for bachelor units, **\$914** for one-bedroom units, **\$1,068** for two-bedroom units, and **\$1,160** for units with three bedrooms or more according to the definition proposed by O. Reg 232/18.

Figure 3: Affordable Rents based on 80% of Average Market Rent by Unit Type: Hamilton; 2022

	Bachelor	One-Bedroom	Two-Bedroom	Three + Bedrooms	All
100% of AMR	\$920	\$1,142	\$1,335	\$1,450	\$1,242
80% of AMR	\$736	\$914	\$1,068	\$1,160	\$994

Source: CMHC Housing Information Portal, 2022

This definition of affordable rental housing is comparable with the definition of affordable rental housing through the market-based approach in the land use planning documents such as the PPS and A Place to Grow: Growth Plan for the Greater Golden Horseshoe⁴ and the City’s Urban Hamilton Official Plan⁵, the definition of affordable rental housing in the HHAP, and the definition of affordable rental housing outlined by the Federal and Provincial funding program eligibility criteria.

The approach proposed by O. Reg 232/18 provides definitions for rental housing affordability by unit type which result in greater specificity than other some of the other approaches which is desirable.

Figure 4: Rental Housing Affordability Definition Summary Table; 2022

	All unit types	Bachelor	One-Bedroom	Two-Bedroom	Three + Bedrooms
Land Use Planning Definition	\$1,376				

⁴ Province of Ontario, 2020. A Place to Grow: Growth plan for the Grater Golden Horseshoe. Accessed from: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

⁵ Please note that where affordable housing definitions or calculations from funding programs offered by upper levels of government differ, their applicable definition will prevail for the purposes of funding.

Income-Based Approach					
Land Use Planning Definition Market-Based Approach (100% AMR)	\$1,242	\$920	\$1,142	\$1,335	\$1,450
HHAP Definition Income-Based Approach	\$1,376				
HHAP Definition Market-Based Approach (125% AMR)	\$1,553	\$1,150	\$1,428	\$1,669	\$1,813
Federal and Provincial Funding Program Definition Income-Based Approach	\$1,376				
Federal and Provincial Funding Program Definition Market-Based Approach (80% MMR)	\$951	\$808	\$887	\$980	\$1,106
O. Reg 232/18: Inclusionary Zoning Definition (80% AMR)	\$994	\$736	\$914	\$1,068	\$1,160

Conclusion

Based on the analysis above, the recommended thresholds for affordable ownership and affordable rental housing which can be used in an inclusionary zoning policy for the City of Hamilton should be in line with the definitions presented in the proposed amendment to O. Reg 232/18: Inclusionary Zoning.

In 2022, based on average purchase prices of resale units in Hamilton, affordable ownership housing should be priced at a maximum of **\$739,242** which is 80 per cent of the average purchase price of a resale unit in Hamilton in 2022 (i.e., 80 per cent of \$924,052) according to the definition proposed by O. Reg 232/18.

In 2022, based on the average market rent for units in Hamilton, affordable rental housing should be priced at a maximum of **\$994** on average for all unit types, **\$736** for bachelor units, **\$914** for one-bedroom units, **\$1,068** for two-bedroom units, and **\$1,160** for units with three bedrooms or more according to the definition proposed by O. Reg 232/18.

CITY OF HAMILTON M O T I O N

Planning Committee: February 14, 2023

MOVED BY COUNCILLOR T. HWANG.....

SECONDED BY COUNCILLOR

Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners

WHEREAS, section 128 of the *Municipal Act, 2001* authorizes the City to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could be public nuisances;

WHEREAS, certain kinds of noise are or could become public nuisances;

WHEREAS, section 8, 9 and 10 of the *Municipal Act, 2001* authorizes the City to pass by-laws necessary or desirable for municipal purposes, including by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of the persons;

WHEREAS, Council deems it desirable to establish standards for the maintenance and occupancy of certain properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties;

WHEREAS, Council receives numerous complaints from residents about the air and noise pollution coming from some of the industrial and commercial industries; and,

WHEREAS, Council considers it in the public interest to enforce these by-laws, amend the by-laws or draft new by-laws.

THEREFORE BE IT RESOLVED:

- (a) That Licensing and By-law Services staff be directed to report back to the Planning Committee by Q4 2023, in advance of the 2024 Budget deliberations, on the scope, budget and resourcing for a 2024 pilot project that would review existing and potential new by-laws related to the impacts of commercial and industrial operations in industrial and commercial areas of Hamilton and establish a proactive by-law team.