



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 23-009
Date: May 30, 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

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1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
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16.	ADJOURNMENT	



**PLANNING COMMITTEE
MINUTES**

23-008

May 16, 2023

9:30 a.m.

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

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

Absent with regrets: Councillor J.P. Danko - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Application (PED23098) (City Wide) (Item 9.1)**

(Tadeson/Cassar)

That Report PED23098, respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Application, be received.

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

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

2. **Application for Zoning By-law Amendment for lands located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) (Item 10.1)**

(M. Wilson/Cassar)

(a) That Zoning By-law Amendment Application ZAC-23-007 by GSP Group c/o Sarah Knoll) on Behalf of 81 Chatham Street LP c/o Will Edwards, Owner, for a change in zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified, to permit a three storey (10.3 metres) multiple dwelling containing six dwelling units with six parking spaces located at the rear of the subject lands for the lands located at 81 Chatham Street, as shown on Appendix “A” attached to Report PED23103, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED23103, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

~~(ii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding a Holding Provision as follows:~~

~~**H148. Notwithstanding Section 15.2 of this By-law, within lands zoned Low Density Residential (R1a, 845) Zone on Map No. 950 on Schedule “A” – Zoning Maps, and described as 81 Chatham Street, Hamilton, no development shall be permitted until such time as:**~~

~~**(1) A revised Hydrogeological Brief and Geotechnical Report has been submitted and approved to the satisfaction of the Director of Growth Management and Chief Development Engineer;**~~

(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

(iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

Result: Motion, as Amended 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
 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

3. Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) (Item 10.2)

(McMeekin/Tadeson)

- (a) That Amended Zoning By-law Amendment Application ZAC-22-038, by 1000033959 Ontario Ltd. C/O Ian Ladd, for a change in zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7, H142) Zone for lands located at 4 Trinity Church Road, Hamilton, to add a Holding Provision related to the heritage resource, and from the Agricultural “AA” District to the Business Park Support (M4, 842, H142) Zone for lands located at 10 Trinity Church Road, Hamilton, to permit the adaptive reuse of a heritage resource as a restaurant use, as shown on Appendix “A” attached to Report PED23088, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED23088, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H142’ to the proposed Arterial Commercial (C7) Zone and Business Park Support (M4, 842) Zone;

For such time as the Holding Provision is in place, these lands shall only be used for permitted uses listed in the (C7) and (M4) Zone within the buildings and structures existing at the time of the passing of this By-law.

The Holding Provision ‘H142’ is to be removed conditional upon:

- (1) The Owner submit and receive approval of a Cultural Heritage Impact Assessment Addendum that includes detailed architectural and structural drawings for the

proposed changes, to the satisfaction of the Manager of Heritage and Design;

- (2) The Owner submit and receive approval of a Conservation Brief that includes structural drawings and masonry specifications for changes to the north elevation associated with the elevator addition, to the satisfaction of the Manager of Heritage and Design;
- (3) The Owner submit and receive approval of a Documentation and Salvage Brief scoped to the re-purposing of the Gothic window that will be removed from the north elevation, to the satisfaction of the Manager of Heritage and Design;
- (iii) 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.

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
 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

4. Amendments to City of Hamilton By-laws Respecting Protection of Woodlands (PED23115) (City Wide) (Item 11.1)

(Kroetsch/Cassar)

- (a) That the amending By-law (By-law No. 23-XXX), which amends By-law 14-212, being a By-law, To Promote the Conservation and Sustainable Use of Woodlands on Private Property within the Urban Boundary of the City of Hamilton, attached as Appendix “B” to Report PED23115, which has been prepared in a form satisfactory to the City Solicitor, be approved;

- (b) That the amending By-law (By-law No. 23-XXX), which amends By-law R00-054, being a By-law, To Restrict and Regulate the Destruction of Trees in the Regional Municipality of Hamilton-Wentworth, attached as Appendix "C" to Report PED23115 which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (c) That Licensing and By-law Services staff be directed to monitor the number of permit applications and public inquiries from property owners as a result of the by-law amendments, and report back through the 2024 Budget process with any recommended staffing or budget enhancements;
- (d) That, should the by-law amendments result in workload implications beyond the capacities of the current staff complement, that staff be authorized to secure any necessary short-term contractual resources to an upset limit of \$100,000 to support the enforcement and implementation of By-law 14-212 and By-law R00-054 to be funded from the Climate Change Reserve Account No. 108062.

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
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

5. Hamilton Municipal Heritage Committee Report 23-004 (Item 11.2)

(Cassar/Nann)

(a) Update on Melville Street Heritage Conservation District Study (PED23083) (Ward 13) (Item 9.2)

That Report PED23083, respecting an Update on Melville Street Heritage Conservation District Study, be received.

(b) Newly Proposed Provincial Planning Statement and its Cultural Heritage Resource Polices (PED23113) (City Wide) (Item 9.5)

That Report PED23113, respecting Newly Proposed Provincial Planning Statement and its Cultural Heritage Resource Polices, be received.

(c) Information Update Regarding Heritage Permit Extension HP2023-017 for 98 James Street South, Hamilton (PED23133) (Ward 2) (Item 9.6)

That Report PED23133, respecting Information Update Regarding Heritage Permit Extension HP2023-017 for 98 James Street South, Hamilton, be received.

(d) Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2023 (PED23101) (Ward 3 and 11) (Item 10.1)

That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED23101, in accordance with Section 27 of the *Ontario Heritage Act*.

- (i) 448 Barton Street East, Hamilton (Ward 3);
- (ii) 460 Barton Street East, Hamilton (Ward 3);
- (iii) 681 Main Street East, Hamilton (Ward 3);
- (iv) 7156 White Church Road, Glanbrook (Ward 11);
- (v) 7349 Airport Road, Glanbrook (Ward 11);
- (vi) 3487 Upper James Street, Glanbrook (Ward 11);
- (vii) 8064 White Church Road, Glanbrook (Ward 11).

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
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

6. Detached Secondary Dwelling Units (Item 12.1)

(M. Wilson/Cassar)

WHEREAS, in May 2021, amendments were made to the City of Hamilton's Zoning By-laws to expand permissions for Secondary Dwelling Units (SDUs);

WHEREAS, a Detached Secondary Dwelling Unit (SDU-D) is separate from the main dwelling on a lot, must be constructed in the rear and/or side yard of a lot or may be created from the conversion of an existing accessory building such as a detached garage;

WHEREAS, SDU-Ds can be relatively more affordable to rent than most single-family houses and provide new housing options in areas of our city where housing is generally unaffordable to many people;

WHEREAS, a wide range of households, particularly older adults looking to downsize, seniors with fixed incomes, homeowners with disabilities or other needs, and multigenerational families could benefit from the flexibility, stability, or supplemental income that a SDU-D provides to meet their evolving household needs;

WHEREAS, many residents remain unsure of the design, construction and permitting process involved in pursuing an SDU-D;

WHEREAS, other jurisdictions in North America have explored various strategies aimed at encouraging the construction of SDU-Ds; and,

WHEREAS, developing and implementing a promotion strategy to accelerate construction and expansion of Accessory Dwelling Units is one of the priority actions contained within the City's new Housing and Sustainability Investment Roadmap;

THEREFORE BE IT RESOLVED:

- (a) That to encourage more homeowners to pursue Detached Secondary Dwelling Units (SDU-D's), that staff report back *in Q1 of 2024* on a program to assist homeowners in the SDU-D design and permitting processes, including consideration of measures such as:
 - (i) Expediting the permitting and approvals process for SDU-Ds through a "one window" dedicated approvals team;
 - (ii) Providing access to a library of permit-ready design templates for SDU-Ds;
 - (iii) Developing a one-stop SDU-D website that provides a comprehensive inventory of SDU-D information, guidance, resources and summarizes SDU-D regulations and permitting steps;

- (iv) Facilitating connections among prospective SDU-D owners and residents and relevant experts in the design and construction community; and
- (v) Partnering with nonprofits, public agencies, and private organizations to develop models for affordable SDU-D construction, using best practices gleaned from other jurisdictions.

Result: Motion, as Amended 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
 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

7. Dickenson Road Water Connection (Item 12.2)

(Tadeson/Francis)

WHEREAS, the City of Hamilton will be extending the existing watermain in Dickenson Road from approximately Miles Road to French Road;

WHEREAS, the purpose of the watermain extension is to provide for system reliability, security of supply and water quality considerations;

WHEREAS, there are approximately 10 properties that front onto Dickenson Road from approximately Miles Road to French Road, that do not qualify for water connection as they are outside the Urban Area and are not on a boundary road separating the Urban Area from the Rural Area;

WHEREAS, a precedent has been set with Ecole Elementaire Michaele Jean and the former Wills Motors property, both of which are on Hwy 56, Oak Run Bakery, the Ancaster Fair Grounds and 418 Upper Centennial Parkway all of which are located outside the urban boundary and have been permitted to connect to municipal services at their cost; and,

WHEREAS, the planned municipal waterline will run across the frontage of the properties on Dickenson Road between Miles Road and French Road will have adequate capacity to accommodate residential use at these properties.

THEREFORE, BE IT RESOLVED:

That single family residential water connections at **8075, 8080, 8125, 8136, 8270, 8250 and 8362** Dickenson Road, be permitted to connect to City Municipal Water at the property owner's cost, in a manner acceptable to the City of Hamilton.

Result: Motion, as Amended 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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

8. Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East (LS23016/PED23102) (City Wide) (Item 15.1)

(Kroetsch/Francis)

- (a) That the directions to staff in closed session respecting Report LS23016/PED23102 respecting an Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East, be approved and released to the public, following approval by Council;
- (b) That the balance of Report LS23016/PED23102 respecting an Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East, remain confidential.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9. Appeal to the Ontario Land Tribunal (OLT-22-004759) for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) for Lands Located at 405 James Street North (LS23012(a)) (Ward 2) (Added Item 15.2)

(Kroetsch/Tadeson)

- (a) That report LS23012(a) respecting an Appeal to the Ontario Land Tribunal (OLT-22-004759) for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) for Lands Located at 405 James Street North (LS23012(a)) (Ward 2), be received and remain confidential.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 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:

10. PUBLIC MEETINGS

10.1 Application for Zoning By-law Amendment for lands located at 81 Chatham Street, Hamilton (PED23103) (Ward 1)

(a) Added Registered Delegations

(i) Thomas Leharne (in-person)

15. PRIVATE & CONFIDENTIAL

15.2 Appeal to the Ontario Land Tribunal (OLT-22-004759) for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) for Lands Located at 405 James Street North (LS23012(a)) (Ward 2)

(Kroetsch/Francis)

That the agenda for the May 16, 2023 Planning Committee meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) May 2, 2023 (Item 4.1)

(McMeekin/Tadeson)

That the Minutes of the May 2, 2023 meeting be approved, as presented.

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

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

(d) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair T. Hwang 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 T. Hwang 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) Application for Zoning By-law Amendment for lands located at 81 Chatham Street, Hamilton (PED23103) (Ward 1) (Item 10.1)

Jennifer Allen, Planner II provided the Committee with a presentation with the aid of a PowerPoint presentation and advised the Committee that recommendation (b) respecting Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, has been satisfied and therefore, should be removed.

(M. Wilson/Cassar)

That the staff presentation be received.

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
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
NOT PRESENT – 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
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

Sarah Knoll, GSP Group was in attendance, indicated support for the staff report and provided the Committee with a presentation with the aid of a PowerPoint presentation.

(M. Wilson/Nann)

That the presentation from Sarah Knoll, GSP Group, be received.

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
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
NOT PRESENT – 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
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

Registered Delegations (Added Item 10.1(a)):

- (i) Thomas Leharne addressed the Committee in regards to the impacts of construction on daily life (noise, trucks idling (air pollution) and damages to property from the construction process) and the process in place for addressing such complaints.

Chair Hwang called three times for additional public delegations and no further delegations came forward.

(M. Wilson/Tadeson)

- (a) That the following delegation, be received and considered by the Committee:
 - (i) Thomas Leharne
- (b) That the public meeting be closed.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

(ii) Application for a Zoning By-law Amendment for Lands Located at 4 and 10 Trinity Church Road, Hamilton (PED23088) (Ward 6) (Item 10.2)

Mark Michniak, Planner II provided the Committee with a presentation with the aid of a PowerPoint presentation.

(Tadeson/Pauls)

That the staff presentation 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
 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Katelyn Gillis, T. Johns Consulting, was in attendance and indicated support for the staff report and provided the Committee with conceptual drawings.

(Beattie/Francis)

That the delegation from Katelyn Gillis, T. Johns Consulting, 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
 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

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

(Tadeson/Pauls)

- (a) That there were no public submissions received regarding this matter; and
- (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
 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

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

(i) Outstanding Business List (Added Item 14.1)

(Nann/Francis)

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

(a) Items to be Added:

23H - Five-Year Review of the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan and Associated Financial Assistance Programs (PED23076) (City Wide) (Item 8.2). Item referred to the Planning Committee but the General Issues Committee on April 28, 2023.

23i - Renovictions Stakeholder Consultation (HSC23023) (City Wide) (Item 8.1). Item (b) referred to the Planning Committee by the Emergency and Community Services Committee on April 26, 2023.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(ii) General Manager's Update (Added Item 14.2)

(Francis/Tadeson)

That the General Manager's Update, be received.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(f) PRIVATE & CONFIDENTIAL (Item 15)

(i) (Kroetsch/Francis)

That the Committee move into Closed Session for Items 15.1 respecting the Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East (LS23016/PED23102) (City Wide) and 15.2 respecting Appeal to the Ontario Land Tribunal (OLT-22-004759) for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) for Lands Located at 405 James Street North (LS23012(a)) (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.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

- (ii) Update on Ontario Land Tribunal (OLT) Appeals for 41-61 Wilson Street and 97, 99 and 117 John Street North; and 474 Provident Way; and 16 Cannon Street East (LS23016/PED23102) (City Wide) (Item 15.1)**

For disposition of this matter, refer to Item 8.

- (iii) Appeal to the Ontario Land Tribunal (OLT-22-004759) for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) for Lands Located at 405 James Street North (LS23012(a)) (Ward 2) (Added Item 15.2)**

For disposition of this matter, refer to Item 9.

(g) ADJOURNMENT (Item 16)

(Tadeson/Francis)

That there being no further business, the Planning Committee be adjourned at 12:35 p.m.

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
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – 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
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Councillor T. Hwang, Acting Chair
Planning Committee

Janet Pilon
Manager, Legislative Services/
Deputy Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 30, 2023
SUBJECT/REPORT NO:	Municipal Reporting on Planning Matters – Proposed Minister’s Regulation Under the <i>Planning Act</i> (PED23082(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Rob Lalli (905) 546-2424 Ext. 4674
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

At its meeting on March 21, 2023, the Planning Committee approved that Appendix “A” to Report PED23082 be endorsed as the City of Hamilton’s response to the Municipal Reporting on Planning Matters - Proposed Minister’s Regulation under the *Planning Act*.

INFORMATION

In February 2023, a proposed Minister’s regulation under the *Planning Act* was put forward for consideration outlining quarterly, annual and one-time historical reporting requirements on planning matters for 29 of Ontario’s largest and fast-growing municipalities, including the City of Hamilton. In response, the City submitted feedback to the Ministry of Municipal Affairs and Housing outlining a series of administrative and process related concerns with the proposed reporting requirements (PED23082).

The Ministry has since decided to proceed with the implementation of *Ontario Regulation 73/23 Municipal Planning Data Reporting*. As a result of the feedback collected during the regulation review process, the following changes were made:

- Removal of the request for a one-time five-year historical data report;
- Removal of the request for annual water / wastewater geospatial data;

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SUBJECT: Municipal Reporting on Planning Matters – Proposed Minister’s Regulation Under the *Planning Act* (PED23082(a)) (City Wide) - Page 2 of 3

- Collection of residential units built as-of-right data through separate sources rather than through *Ontario Regulation 73/23*; and,
- Quarterly, not annual, reporting on community infrastructure and housing accelerator orders and Minister’s zoning orders.

Under *Ontario Regulation 73/23*, identified municipalities will now be required to report on planning-application information quarterly including:

- Official plan amendment;
- Zoning by-law amendment;
- Site plan;
- Minor variance;
- Land severance (consent);
- Plan of subdivision;
- Plan of condominium;
- Community infrastructure and housing accelerator orders; and,
- Minister’s zoning orders.

Reporting on other planning information is required annually for:

- Areas identified as a Strategic Growth Area with a minimum target;
- Employment areas;
- Employment area conversions;
- Major transit station area boundaries; and,
- Settlement area boundaries.

The submission of planning-application information for Q1/2023 is due to the Ministry on June 30, 2023. To meet the first reporting deadline, staff are working to identify, populate and validate existing data that is collected by the Planning Division into the Ministry-provided templates. Where possible, automation will be set up between Planning databases and software (AMANDA, ESRI) and Ministry templates to reduce the administrative burden of creating reports on a quarterly basis. Where automation is not possible, staff will identify improvements to data collection tools and business processes that are needed to achieve automation in the future. As these improvements will include technical updates to Planning databases and supporting training for staff, it is anticipated that a more manual data collection process will need to continue through 2023 with the goal of fully automated reporting processes by Q1/2024.

The immediate need to respond to reporting requirements under *Ontario Regulation 73/23*, will have an impact on current business priorities across the Planning and Economic Development Department (PED). Impacts on current projects and staff resources are described below:

SUBJECT: Municipal Reporting on Planning Matters – Proposed Minister’s Regulation Under the *Planning Act* (PED23082(a)) (City Wide) - Page 3 of 3

- Information Technology staff dedicated to supporting the AMANDA database will need to refocus their priorities on the updates needed for data collection related to *Ontario Regulation 73/23*. This will cause a further delay in onboarding new teams in PED to the AMANDA database in an effort to move away from manual business processes. The onboarding plan was previously put on hold to focus on process changes in Planning needed to support Bill 109. All current continuous improvement projects and small change requests for AMANDA would also be put on hold to prioritize updates related to *Ontario Regulation 73/23*.
- Work that is currently happening to advance department and divisional performance monitoring tools including the creation of electronic dashboards will be put on hold. Work to support further automation of corporate reporting processes including the Citizen Dashboard, Open Data and Municipal Benchmarking Network of Canada reporting will also be paused.
- The need to prioritize work for Planning staff in support of *Ontario Regulation 73/23*, may cause delays in existing priority projects including the launch of an online service portal for formal consultation and the development of updated onboarding tools for new staff. Planning staff will also have to consider and implement additional changes to business and data collection processes in response to *Ontario Regulation 73/23* on top of recent changes that have been made to address Bill 109. Training on any business or data collection process changes will be needed.

Previously, the Ministry estimated a direct compliance cost of adhering to the regulation at \$3,953 per municipality for the first year, and \$3,193 per municipality annually thereafter. Following municipal feedback received during the consultation process, the Ministry has updated the estimated compliance costs to \$7,186 per municipality for the first year, and \$3,193 per municipality annually moving forward.

Following each quarterly and annual submission to the Ministry, staff will make all data available that may be shared publicly in accordance with MFIPPA. This will be achieved through reports to the Planning Committee with the goal to transition reporting of this information through the City’s Open Data website.

APPENDICES AND SCHEDULES ATTACHED

None.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 30, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (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

That **Amended Zoning By-law Amendment Application ZAC-21-043 by MHBC Planning, on behalf of Valerie Homes, Owner**, for a change in zoning from “AA” (Agricultural) District to “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, and to add the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 (which was a proposed amendment from Staff) to a portion of the lands, to permit 101 townhouse units (five standard townhouses and multiple dwelling units in the form of 96 stacked townhouses) with a total of 124 on-site parking spaces, for the lands located at 300 Albright Road, Hamilton, as shown on Appendix “A” attached to Report PED23104, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (c) That the proposed changes in zoning comply with the Urban Hamilton Official Plan (UHOP).

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 2 of 19

EXECUTIVE SUMMARY

The Applicant MHBC Planning on behalf of Valerie Homes, Owner, has applied for a Zoning By-law Amendment to permit 101 residential units, five are townhouses and 96 multiple dwelling units in the form of stacked townhouses. A total of 124 parking spaces on the lands located at 300 Albright Road will be provided. The subject lands are located east of Red Hill Neighbourhood Park, on the north side of Albright Road and west of Mount Albion Road and were previously used as an elementary school. The elementary school has been demolished.

The purpose of the Zoning By-law Amendment is to change the zoning from “AA” (Agricultural) District to “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, in the Hamilton Zoning By-law No. 6593 and to add the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 to a portion of the lands because there is a Significant Woodland, Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA) and a watercourse within and adjacent to the subject lands.

The application as amended by Staff, 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 proposed development is compatible with existing land uses and complementary to the surrounding neighbourhood, provides a range of housing options within the residential neighbourhood, and can be supported by existing municipal services.

Alternatives for Consideration – See Page 18

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 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 3 of 19

HISTORICAL BACKGROUND

Application Details	
Owner:	Valerie Homes Inc.
Applicant/Agent:	MHBC Planning and Land Development c/o Stephanie Mirtitsch
Application Details	
File Number:	ZAC-21-043.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the development of five townhouses and 96 multiple dwelling units in the form of stacked townhouses. A total of 124 on-site parking spaces are provided.
Property Details	
Municipal Address:	300 Albright Road.
Lot Area:	1.43 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant Land (former elementary school).
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:	<p>“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” Schedule E-1 – Urban Land Use Designations.</p> <p>A portion of the property is identified as Significant Woodland and Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA).</p>
Zoning Existing:	“AA” (Agricultural) District (Hamilton Zoning By-law No. 6593).
Zoning Proposed:	<p>“RT-20/S-1829” (Townhouse-Maisonette) District, Modified (City of Hamilton Zoning By-law No. 6593).</p> <p>The application was amended by Staff to add the Conservation/Hazard Land (P5) Zone (Zoning By-law No. 05-200).</p>

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 4 of 19

Documents	
<p>Modifications Proposed:</p>	<p>The following modifications are being proposed by the applicants to Hamilton Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> • To add a multiple dwelling use whereas a multiple dwelling is not permitted; • To increase the maximum height to four storeys (15.5 metres) whereas a maximum of three storeys or 11 metres metres is permitted; • To decrease the minimum yard that abuts a street to 3.1 metres whereas a minimum of 6.0 metres is permitted; • To increase the minimum 3.5 metre setback for the easterly side yard whereas a minimum of 3.0 metres is required; • To decrease the minimum distance between buildings to 8.0 metres whereas a minimum of 9.0 metres where one of the two buildings have a window in a habitable room is required; • To decrease the minimum distance between buildings to 8.0 metres whereas a minimum of 15.0 metres where both buildings have a window in a habitable room is required; • To add a requirement for a privacy area to be maintained for each dwelling unit with the requirement that no privacy area is required on the lower level and includes a balcony with a depth of 1.2 metres whereas no requirements are identified for multiple dwellings; • To permit an encroachment no closer than 0.5 metres from the front lot line for a roofed-over or screened but otherwise unenclosed one-storey porch at the first level, including eaves and gutters, whereas 1.5 metres is required; • To reduce the minimum number of parking spaces to 1 space per unit for a multiple dwelling and townhouse whereas a minimum of 1.5 spaces are required per unit for a townhouse and 1.25 spaces per unit for a multiple dwelling; • To reduce the minimum number of visitor parking spaces to 0.16 spaces per unit for a multiple dwelling and townhouse whereas a minimum of 0.25 spaces per unit for a multiple dwelling and 0.30 spaces per unit for a townhouse dwelling are required; • To reduce the minimum number of loading spaces to 0 whereas two loading spaces are required; • To reduce the minimum parking space size to 2.8 metres x 5.8 metres whereas a minimum of 2.7 metres x 6.0 metres is required; and, • To allow a garage space to be obstructed by a parking space in the driveway whereas the by-law requires that every parking space is unobstructed, freely and readily accessible within the lot; and, • To modify the planting strip definition to permit a sidewalk.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 5 of 19

Documents	
Modifications Proposed (Continued):	<ul style="list-style-type: none"> To modify the visual barrier for parking and loading areas to permit a sidewalk and to increase the maximum height to 2.2 metres from 2.0 metres; and, To reduce the minimum width for an individual access driveway to 2.5 metres whereas the by-law requires a minimum width of 2.8 metres. <p>The following amendments are being recommended by Staff for Hamilton Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> To require a minimum setback of 3.0 metres for any structures or buildings from a Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200.
Processing Details	
Received:	September 10, 2021.
Deemed Complete:	September 30, 2021.
Notice of Complete Application:	Sent to 177 property owners within 120 metres of the subject property on October 8, 2021.
Public Notice Sign:	Posted October 18, 2021 and updated with public meeting date on May 3, 2023.
Notice of Public Meeting:	Sent to 110 property owners within 120 metres of the subject lands on May 12, 2023.
Public Comments:	One comment has been received, attached to Appendix "D" to Report PED23104.
Processing Time:	627 days from when the application was received.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Previously an Elementary School	"AA" (Agricultural) District.
Surrounding Lands:		
North	Single detached dwellings and Open Space	"AA/S-1247" (Agricultural) District, Modified, "AA" (Agricultural) District, "C/S-1822" (Urban Protected Residential, etc.) District, Modified, and "C/S-1309" (Urban Protected Residential, etc.) District, Modified.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 6 of 19

Surrounding Lands:

South	Saint Luke's Elementary School	Neighbourhood Institutional (I1) Zone.
East	Townhouse Dwellings	"RT-30/S-1755" (Street – Townhouse) District, Modified.
West	Neighbourhood Park and Open Space	Neighbourhood Park (P1) Zone and "AA" (Agricultural) District.

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 shall be consistent with the PPS (2020).

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 reviewed and discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Official Plan, it is Staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (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 and "Core Area", "Parks and General Open Space" and "Key Hydrologic Feature" for the north-west portion of the subject lands on Schedule B: Natural Heritage System. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 7 of 19

application is to be reviewed under the UHOP policies currently in effect, specifically as amended by OPA No. 167.

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 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) 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 areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential.

A Stage (1-2) archaeological report (P462-0074-2021) has been submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The letter from the Ministry was provided to Staff and Staff concur with the recommendations made in the report, and the archaeology condition for the subject lands has been met to the satisfaction of staff.

Noise

“3.6.3.7 A *noise feasibility study*, or *detailed noise study*, or both, shall be submitted as determined by the City prior to or at the time of application submission, for *development* of residential or other noise *sensitive land uses* on lands in the following locations:

- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification; and,

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 8 of 19

- 3.6.3.20 Where noise attenuation measures are required to address noise from stationary sources, noise barriers shall only be used where other attenuation methods are not feasible or sufficient. If noise barriers must be used, the barrier shall be designed to complement the streetscape and community design.”

The lands are within 400 metres of the Red Hill Valley Parkway which is identified as a Parkway on Schedule C – Functional Road Classification in the UHOP. Therefore, a Noise Study is required. Accordingly, an Environmental Noise Impact Study prepared by dBa Acoustical Consultants Inc. dated July 20, 2021 and revised on January 2022 and July 2022 was submitted. Staff have reviewed the Noise Study and determined that Mount Albion Road and Red Hill Valley Parkway were potential noise sources. The study identified that Noise Control Measures are not required for the development and identified a maximum night sound level at the Plane of Window (POW) to not exceed 50 dBA. Since the balconies are less than 4.0 metres in depth, they are not considered outdoor amenity areas as defined by the Ministry. Additional information is required to confirm if the school and church located to the south have HVAC units which impact the proposed development. The requested revisions and required mitigation measures will be addressed at the Site Plan Control stage.

Natural Heritage Feature – Core Area

- “C.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. *Core Areas* of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new *Core Areas* are identified.
- C.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all *Core Areas*.
- C.2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:
- a) There shall be no negative impacts on the *Core Area’s* natural features or their ecological functions.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 9 of 19

- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.”

Schedule B – Natural Heritage System of the UHOP identifies Core Areas within and adjacent to the subject property. These Core Areas have been identified as Significant Woodland, Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA) and a watercourse which is regulated by the Hamilton Conservation Authority.

An Environmental Impact Statement (EIS) prepared by Geoprocess Research Associates dated September 9, 2021, revised on August 10, 2022, and an update memo dated November 17, 2022 were submitted. The EIS was reviewed at the City’s Environmentally Significant Impact Evaluation Group (ESAIEG) meeting on November 17, 2022. As per Policy C.2.3.3, the City determined that the natural heritage features adjacent to and on this property should be protected. As per Policy C.2.5.8 there will be no negative impacts on the natural heritage features as a result of zoning the features and required vegetative protection zone as Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200. The proposed P5 zone limits the uses to conservation, flood and erosion control facilities and passive recreation.

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 Geoprocess Research Associates, dated January 2021 was reviewed. The proposed Tree Protection Plan identified 11 trees to be removed as part of the demolition of the existing building and four trees to remain along Albright Road. There is no anticipated impact on the trees within the woodlot on the north-west portion of the property as no machinery or disturbance is allowed within the 15 metre buffer zone and the property is zoned Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200. Hamilton Conservation Authority and Staff are satisfied with the Tree Protection Plan and will address any outstanding comments and requirements as part of a future Site Plan Control application.

Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 10 of 19

- E.3.2.6 Supporting uses such as local commercial, community facilities/services, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.”

The proposal includes a range of housing types including stacked townhouses and standard townhouses (E.3.2.1). The subject land is adjacent to the Red Hill Neighbourhood Park, to the north of Saint Luke’s Elementary School, and is in walking distance to Sir Wilfrid Laurier school and a commercial plaza. The proposed development is supported by a range of open spaces, institutional uses and commercial services (E.3.2.6).

The development proposes to locate surface parking in the centre of the site behind the proposed residential townhouses which reduces the view of parking spaces from the public street (E.3.2.7).

Residential Intensification

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

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 11 of 19

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

The proposed development will contribute to achieving a range of dwelling types and tenures as per policy B.2.4.1.4c). As part of the Zoning By-law Amendment application a Functional Servicing Report and Traffic Brief were submitted demonstrating that there is adequate infrastructure service capacity and transportation service capacity for the development as per policy B.2.4.1.4f). The proposed development is similar in scale and form to the surrounding low density uses and maintains appropriate setbacks to the existing residential uses. The development incorporates setbacks, landscape buffers, and other design features to integrate the development with the surrounding area and ensures that the development, while different from what exists in the immediate area, will be compatible in respect to scale, form and character as per policies B.2.4.1.4b) and B.2.4.1.4d).

“B.2.4.2.2 When considering an Application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 12 of 19

- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The proposed built form (stacked townhouse units and standard townhouse units) are a similar scale to the low density residential uses surrounding the lands and has been designed in a way to be compatible with the adjacent park (Red Hill Valley Park) as per policies B.2.4.2.2c), B.2.4.2.2d) and B.2.4.2.2h). As a result, Staff are of the opinion that the proposed development minimizes negative impacts from shadowing, overlook, noise, lighting, traffic, and other nuisance effects as per policy B.2.4.2.2b). The proposed lot pattern is compatible with the surrounding neighbourhood character and screens the parking from public view as per policy B.2.4.2.2e). The development includes some private amenity spaces in the form of balconies and rear yards for each individual unit in addition to being adjacent to the public park (Red Hill Valley Park) which meets policy B.2.4.2.2f).

Therefore, the proposal complies with the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “AA” (Agricultural) District in the City of Hamilton Zoning By-law No. 6593. The “AA” (Agricultural) District permits a range of uses, including but not limited to, single detached dwellings, including accessory structures and uses, and a private stable.

The applicant has proposed to rezone the subject lands to a site specific “RT-20” (Townhouse – Maisonette) District in the City of Hamilton Zoning By-law No. 6593 and staff have proposed that a portion of the lands be zoned Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 to permit five townhouses and 96 multiple dwelling units in the form of stacked townhouses. A total of 124 on-site parking spaces will be provided.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> • Alectra Utilities; • Planning and Economic Development Department, Economic Development Division, Commercial Districts and Small Business Section; and, • Public Works Department, Asset Management, Capital Budget Project Coordination. 	No Concerns and / or Comments

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 13 of 19

Departments and Agencies		
<ul style="list-style-type: none"> Public Works Department, Construction, Capital Budget Projects; and, Canada Post. 		No Concerns and / or Comments
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Development Engineering Approvals support this application.</p> <p>Updated domestic water usage and RFF calculations, based on the final design of the proposed buildings, will be required at the time of detailed design and site plan approval.</p> <p>At the time of detailed design and site plan approval, the proponent should also arrange for a two-hydrant flow test to be undertaken at the closest municipal hydrants by a licensed private contractor, in order to corroborate City Hydrant testing data.</p> <p>Due to limited capacity in the municipal sewer system, the applicant shall demonstrate that no long-term dewatering (due to groundwater) will be conveyed to municipal sewer infrastructure. Subsurface structures shall be designed/ waterproofed accordingly.</p> <p>Infrastructure Planning is satisfied with the Stormwater Management Design and will require additional information to address comments at the detailed design stage.</p>	The items will be addressed through a future Site Plan Control application.
Hamilton Conservation Authority (HCA)	As a result of recent changes to the <i>Conservation Authorities Act, effective January 1, 2023</i> , the planning application review services that Conservation Authorities may provide to their municipal partners has been limited to matters that relate to natural hazards.	The items will be addressed through a future Site Plan Control application.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 14 of 19

	Comment	Staff Response
Hamilton Conservation Authority (HCA) Continued	<p>Notwithstanding this, where there are application reviews in progress from prior to January 1, 2023 that HCA has been involved in, HCA may provide some further review comments on non-hazard related matters in order to allow for an efficient transition of review responsibilities to the City.</p> <p>The property is located within the headwaters of the Red Hill Creek Watershed. The City of Hamilton, in its Official Plan has identified Core Areas on the northern part of the site. A portion of the north corner of the site is regulated by HCA due to a tributary of Red Hill Creek and the confined valley slope associated with it.</p> <p>HCA policy generally requires a 6 metre erosion access allowance beyond the identified stable top of bank (clearly labelled on all site plans and grading plans). The grading and servicing drawings illustrate that the proposed development is outside of the slope stability hazard.</p>	
Transportation Planning, Planning and Economic Development	<p>Transportation Planning can support the Zoning By-law Amendment application as the vehicle trips expected to be generated by the proposed site can be accommodated on the existing surrounding network.</p> <p>Transportation Planning have reviewed the Traffic Brief prepared by NexTrans Consulting Engineers dated August, 2022. Upon review, Transportation Planning generally agrees with the findings of the Traffic Brief.</p>	These items will be addressed at the Site Plan Control stage.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 15 of 19

	Comment	Staff Response
Transportation Planning, Planning and Economic Development Continued	<p>However, any additional bicycle spaces being provided beyond the Zoning By-law requirement of five spaces does not need to be stipulated in a site-specific by-law.</p> <p>The applicant will be required to provide short-term bicycle parking spaces within the property limits as per the City of Hamilton Zoning By-law No. 05-200.</p> <p>The existing right-of-way along Albright Road at the subject property is about 20.0 metres. Therefore, right-of-way dedications are not required along Albright Road.</p> <p>For two-way operation onto a municipal road, the driveway access width(s) must be 7.5 metres at the ultimate property line and curve radii minimum 6.0 metres. 3.0 metres x 3.0 metres visibility triangles must be provided on both sides of the proposed driveway access. The dimensions have been included on the provided concept plan.</p> <p>A Turning Plan needs to be submitted to demonstrate waste collection and fire vehicles can enter the site in a forward manner, turn around, and exit in a forward manner.</p>	
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	Please note a PIN Abstract would be required with the submission of a future Draft Plan of Condominium application, if applicable. If the intent is to phase the condominium, Schedules "G" and "K" as per the <i>Condominium Act</i> , would be required for future phases. If condominium, it should also be confirmed if any proposed parking will be unitized.	The municipal addressing will be addressed through the Site Plan Control application.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 16 of 19

	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department Continued	The municipal addresses for this proposal will be determined after conditional Site Plan approval is granted.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry accepts the Tree Management Plan by Geoprocess Research Associates dated August 5, 2022. Once the applicant has paid the required fees, the Tree Management Plan will be approved. A Landscape Plan is required showing the location of Street trees as per City of Hamilton Guidelines.	These items will be addressed through a Site Plan Control application.
Landscape Architectural Services, Public Works Department	As a retaining wall is proposed along the western side of the property adjacent to the Red Hill Neighbourhood Park, the following items must be addressed: <ul style="list-style-type: none"> - All existing trees within the park on City property must be adequately protected, please consult with forestry staff; - Where there is no retaining wall along the west property line adjacent to the park, chain link fencing is required as per city standards. The chain link fence shall be 1.5 metres in height, black vinyl as per detail PK1010.03; - Please consider the exterior treatment of the retaining wall directly adjacent to the park as it will be highly visible to park users. Consider including a green wall or plant coverings; and, - Cash-in-lieu of Parkland Dedication Fee will be required. 	The items will be addressed through a Site Plan Control application.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 17 of 19

	Comment	Staff Response
Waste Management Division, Public Works Department	This application has been reviewed for municipal waste collection service. As currently designed the development is not serviceable. In order for the development to be serviceable the applicants would need to meet the applicable City of Hamilton Waste guidelines otherwise private collection will be required.	Warning Clauses will be added at the Site Plan Control Stage.
Parks and Cemeteries, Environmental Services, Public Works	A fence should be installed along the property line between the park and the proposed development so that potential for trespassing and encroachment issues are limited.	The comment will be addressed at the Site Plan Control Stage.

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 May 3, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on May 12, 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 has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is compatible with existing land uses and compatible with the existing surrounding neighbourhood, provides a range

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 18 of 19

of housing within the residential neighbourhood, makes efficient use of existing infrastructure within the urban boundary, encourages active transportation, and contributes to a complete community.

2. Zoning By-law Amendment

The application for Zoning By-law Amendment is to rezone the subject lands to “RT-20/S-1829” (Maisonette – Townhouse) District, Modified, in the City of Hamilton Zoning By-law No. 6593. Staff amended the application to add a portion of the subject lands to Zoning By-law No. 05-200 as Conservation / Hazard Land (P5) Zone in order to protect the natural heritage feature on and adjacent to the property, and provide a 15 metre dripline setback as part of the P5 Zone. The current design would not include any construction within the Conservation / Hazard Land (P5) Zone. The applicants are in agreement with the modification as proposed by the City of Hamilton.

The proposal complies with the policies of the UHOP.

The subject lands will provide zoning standards that are compatible with adjacent lands in terms of built form, massing, height, setbacks and building separation. The surrounding neighbourhood lands are comprised of modified residential “RT-30/S-1755”, “C/S-1309”, “C/S-1822” and “RT-20” Districts, which provide similar built forms, frontages, setbacks, lot areas, lot coverages and building heights.

The proposed development also protects the adjacent natural heritage features through the rezoning to the Conservation / Hazard Land (P5) Zone and by not proposing any development within the Core Area and within the Vegetative Protection Zone (VPZ).

Staff support the proposed changes in zoning.

ALTERNATIVES FOR CONSIDERATION

Should the Zoning By-law Amendment application be denied, the subject lands would remain under the current “AA” (Agricultural) District which does not permit townhouse dwellings. If the Zoning By-law Amendment is denied, the permitted uses would include, but are not limited to, a single family dwelling, a foster home, a day nursery, a children’s residence and a public hospital.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5) - Page 19 of 19

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 PED23104 – Location Map

Appendix “B” to Report PED23104 – Draft Zoning By-law Amendment 6593

Appendix “C” to Report PED23104 – Draft Zoning By-law Amendment 05-200

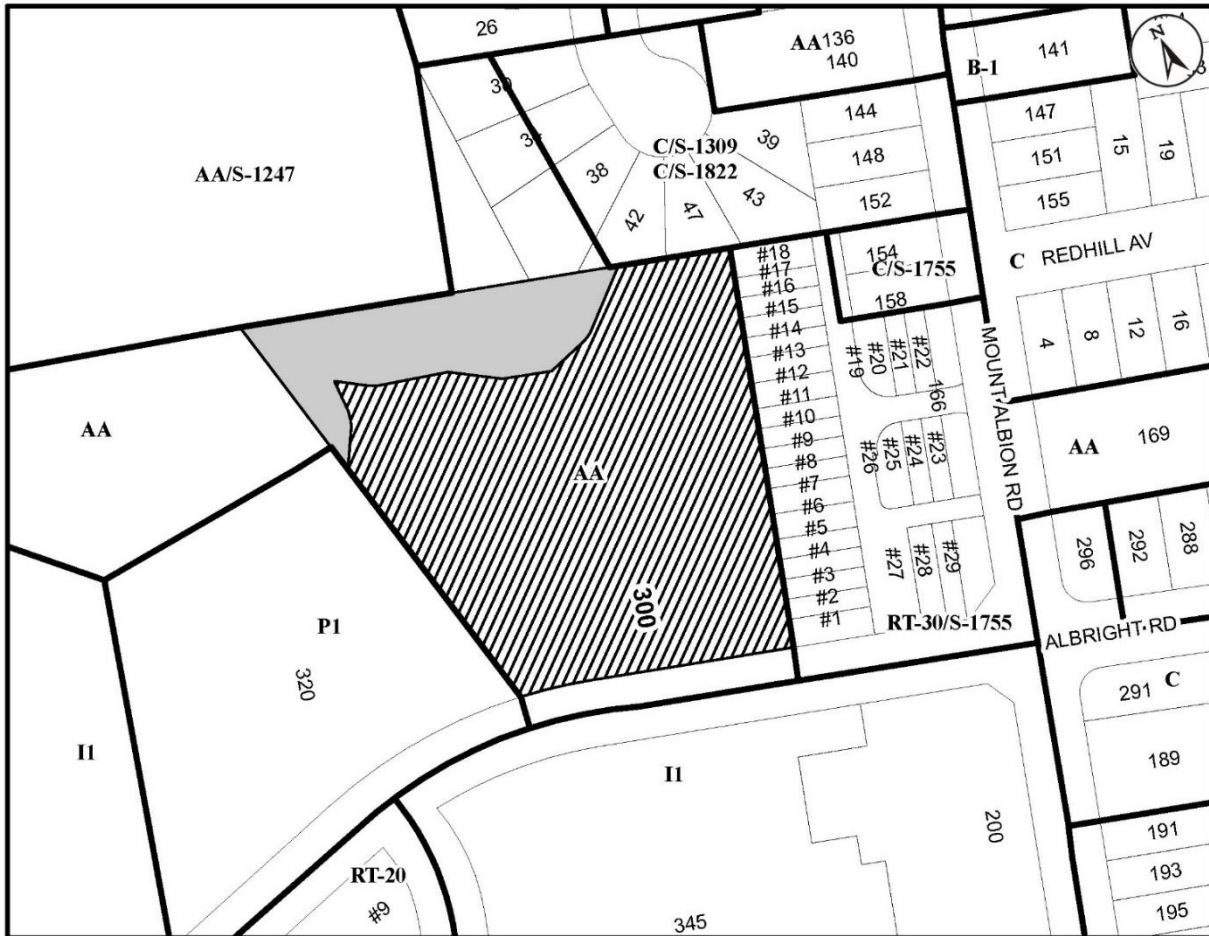
Appendix “D” to Report PED23104 – Modification Chart

Appendix “E” to Report PED23104 – Public Submissions

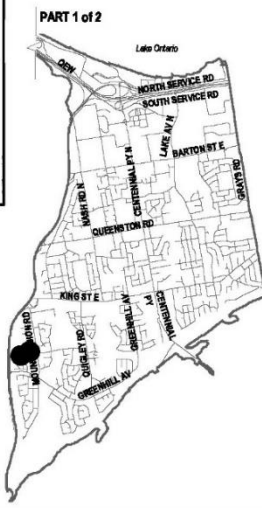
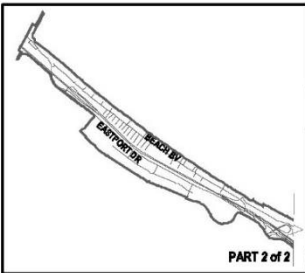
Appendix “F” to Report PED23104 – Concept Plan

AB:sd

Appendix "A" to Report PED23104



● Site Location



Key Map - Ward 5

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-043

Date:
March 31, 2023


Appendix "A"


Scale:
N.T.S.

Planner/Technician:
AB/NB

Subject Property

300 Albright Road, Hamilton (Ward 5)

 Block 1: Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1829" (Townhouse-Maisonette) District, Modified

 Block 2: Lands to be added as Conservation / Hazard Land (P5) Zone

Appendix “B” to Report PED23104

Page 1 of 5

Authority: Item ,
Report (PED23104)
CM:
Ward: 5

Bill No.

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

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 300 Albright Road, 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 23-_____ of the Planning Committee, at its meeting held on the 30th day of May 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;

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

1. That Sheet No. E87 of the District Maps appended to and forming part of the Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA” (Agricultural) District to the “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

Appendix “B” to Report PED23104**Page 2 of 5**

2. That the “RT-20” (Townhouse-Maisonette District) provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
- a) Notwithstanding Subsection 2.(2) H.(via) “Miscellaneous Use Definitions”, Planting Strip shall be defined as follows:

"Planting Strip" shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer and may include a 1.5m wide sidewalk for pedestrian access and a Visual Barrier.
 - b) In addition to Subsection 10E.(2)(a), a Multiple Dwelling shall also be permitted.
 - c) Notwithstanding Subsection 10E.(3), no building or structure within the district shall exceed four storeys and 15.5 metres in height.
 - d) Notwithstanding Subsection 10E.4(a), where a yard abuts a street, a depth of not less than 3.1 metres shall be provided and maintained.
 - e) In addition to Subsection 10E.(4)(b), an easterly side yard width of at least 3.5 metre shall be provided and maintained.
 - f) Notwithstanding Subsections 10E.5(b) and 5(c), where there is more than one building on a lot, not less than 8.0 metres shall be provided and maintained between two exterior walls each of which contains any windows to a habitable room.
 - g) In addition to Subsection 10E.(8), there shall be provided and maintained a privacy area for each dwelling unit within a Multiple Dwelling that may include a balcony with a minimum depth of 1.2 metres, except no privacy area shall be required for lower level dwelling units.
 - h) Notwithstanding Subsection 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed porch, including eaves, gutters and steps may project into a required front yard provided that the projection is no closer than 0.5 metres from the front lot line.
 - i) Notwithstanding Subsection 18A(1)(a) and 18A-Table 1, Subsections 1.(d) and 1.(g), Parking Ratios for the following residential uses shall apply:
 - a. Townhouse Dwelling: Minimum of 1 space per Class A dwelling unit
 - b. Multiple Dwelling: Minimum of 1 space per Class A dwelling unit
 - j) Notwithstanding Subsection 18A(1)(b) and 18A-Table 2, Subsections 3. And 5., a minimum of 0.16 visitor parking spaces per Class A dwelling unit shall be provided for a Townhouse Dwelling and Multiple Dwelling;

Appendix “B” to Report PED23104**Page 3 of 5**

- k) Notwithstanding Subsection 18A(1)(c) and 18A-Table 3, no loading spaces shall be required for a Multiple Dwelling.
 - l) Notwithstanding Subsection 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
 - m) Notwithstanding Subsections 18A.(10) and 18A.(22), the accessibility and manoeuvring space for the required parking space located within an attached garage of a townhouse dwelling may be obstructed by a required parking space located on an individual driveway.
 - n) Notwithstanding Subsection 18A.(12)(c), for every parking area and loading space referenced to in Subsection 18A.(11), there shall be provided and maintained a visual barrier along the boundary of the residential district not less than 1.2 metres in height and not greater than 2.2 metres in height, except no visual barrier shall be required where a 1.5 metre wide sidewalk for pedestrian access is provided to the westerly lot line.
 - o) Notwithstanding Subsection 18A.(24)(a), each individual access driveway for a Townhouse Dwelling shall have a minimum width of at least 2.5 metres.
 - p) In addition to Subsection 10E., a minimum setback of 3.0 metres shall be required from a Conservation / Hazard Land (P5) Zone (Zoning By-law No. 05-200) boundary line.
3. That 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 “RT-20/S-1829” (Townhouse-Maisonette) District, Modified subject to the special requirements referred to in Section 2.
 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1829;
 5. That Sheet No. E87 of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1829; and,
 6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

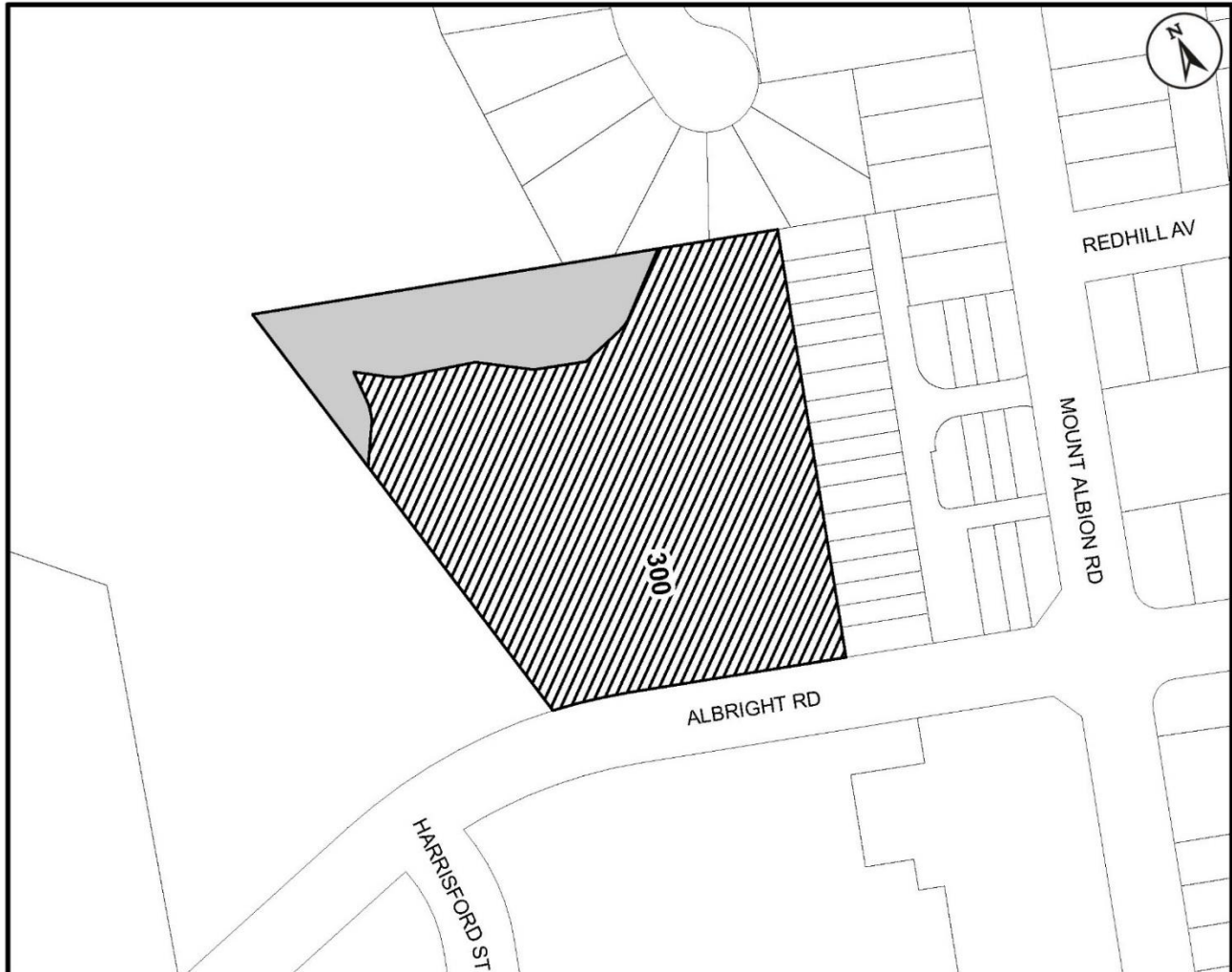
Appendix "B" to Report PED23104
Page 4 of 5

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
Acting City Clerk

Appendix "B" to Report PED23104
Page 5 of 5




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. 6593

Subject Property
300 Albright Road, Hamilton (Ward 5)

 Block 1: Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1829" (Townhouse-Maisonette) District, Modified

 Block 2: Refer to By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-21-043	 Hamilton
Date: March 28, 2023	Planner/Technician: AB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix “C” to Report PED23104

Page 1 of 2

Authority: Item ,
Report (PED23104)
CM:
Ward: 5

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at
300 Albright Road, Hamilton (Ward 05)**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on May 30, 2023;

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

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

1. That Map 1245 of Schedule “A” – Zoning Maps is amended by adding the Conservation / Hazard Land (P5) Zone to lands known as 300 Albright Road, Hamilton as shown on Schedule “A” attached to this By-law.
2. That 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 Conservation / Hazard Land (P5) Zone, subject to the special provisions referred to in Section 2 of this By-law.
3. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "C" to Report PED23104
Page 2 of 2




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 1245

Subject Property
 300 Albright Road, Hamilton (Ward 5)

 Block 1: Lands to be added as Conservation / Hazard Land (P5) Zone

 Block 2: Refer to By-law No. 6593

Scale:
 N.T.S

Date:
 March 28, 2023

File Name/Number:
 ZAC-21-043

Planner/Technician:
 AB/NB



Appendix “D” to Report PED23104
Page 1 of 5

Site Specific Modifications to the “RT-20” (Townhouse-Maisonette) District

Regulation	Required	Modification	Analysis
Section 10E.(2)(a) – Permitted Uses	N/A	To permit a Multiple Dwelling	<p>The request to permit a multiple dwelling (stacked townhouse dwelling) is similar in scale to adjacent developments. The proposed development can be supported as the use provides appropriate setbacks from the Red Hill Valley Park and the existing residential and is compatible with the surrounding area.</p> <p>Therefore, staff support the modification.</p>
Section 10E.(3) - Maximum Building Height	Three storeys or 11 metres	Four storeys or 15.5 metres	<p>The request to increase the maximum height is required in order to permit the stacked townhouse dwellings. There are no concerns with privacy / overlook with the increase in height and appropriate setbacks have been provided.</p> <p>Therefore, staff support the modification.</p>
Section 10E.(4)(a) - Minimum Yard Where a Property abuts a Street	6.0 metres	3.1 metres	<p>The request to reduce the front yard setback along the street line can be supported as it meets the intent of animating the street by providing buildings closer to the public right-of way while still maintaining appropriate setbacks for landscaping within the front yard.</p> <p>Therefore, staff support the modification.</p>
Section 10E.(4)(b) - Minimum Eastern Side Yard Setback	3.0 metres	3.5 metres	<p>The applicant has requested the modification to increase the eastern side yard setback required which exceeds the minimum.</p> <p>Therefore, Staff are supportive of the modification.</p>

Appendix “D” to Report PED23104
Page 2 of 5

Regulation	Required	Modification	Analysis
Section 10E.(5)(b) and 5(c) - Minimum Distance Between Buildings	<ul style="list-style-type: none"> - 9.0 metres between two buildings where one building contains at least one window to a habitable room, and; - 15.0 metres between two buildings where both buildings have at least one window to a habitable room. 	8.0 metres	<p>The applicant has requested a modification to decrease the building separation between habitable rooms. The purpose of the distance between habitable rooms is to provide sunlight and protect the privacy of the residential units. Staff are of the opinion that the proposed 8.0 metres achieves this purpose.</p> <p>Therefore, Staff support the modification.</p>
Section 10E.(8) - Privacy Area	<p>There shall be provided and maintained a privacy area for each single family dwelling unit that,</p> <ul style="list-style-type: none"> - Is screened on two sides by means of a screen that is not less than 1.2 metres (3.94 feet) and not more than 2.0 metres (6.56 feet) in height, and - Is not less than 2.5 metres (8.20 feet) in depth. 	There shall be a privacy area provided and maintained for each dwelling unit that includes a balcony with a minimum depth of 1.2 metres but shall not be required for lower level units.	<p>The applicant has requested that a requirement for an amenity area be included as the current regulation only requires screening for a single family dwelling. Staff are supportive of the additional regulation in order to require balconies to be provided for each unit. The proposed private amenity areas would be in addition to the subject lands being adjacent to a neighbourhood park.</p> <p>Therefore, staff support the modification.</p>
18(3)(vi)(d) - Front Steps and Unenclosed Entrances project into required Front Yard	A roofed-over or screened but otherwise un-enclosed one-storey porch at the first level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed	No closer than 0.5 metres from the Front Lot Line.	<p>The request to permit an encroachment of a roofed-over or screened or unenclosed porch at the first level to be closer to the front yard can be supported because it provides an opportunity to animate the street while still maintaining appropriate setbacks The proposed reduction maintains separation between the public realm and private realm.</p> <p>Therefore, Staff support the modification.</p>

Appendix “D” to Report PED23104
Page 3 of 5

Regulation	Required	Modification	Analysis
	enclosure for the purpose of this section.		
Section 18A(1)(a) and 18A-Table 1 - Minimum number of Parking Spaces	1.5 spaces per unit for a townhouse 1.25 spaces per unit for a multiple dwelling	1 space per unit for a multiple dwelling and townhouse.	The request for a reduction to the minimum parking space requirement will align with the multiple dwelling requirements in Zoning By-law No. 05-200. In addition, the reduction can be supported since the subject lands are serviced by transit and active transportation. The transit connects to King Street, which is proposed as the City’s future LRT corridor which will offer connections throughout the City. Therefore, Staff support the modification.
Section 18A(1)(b) and 18A-Table 2 - Minimum number of Visitor Parking Spaces	0.25 per unit for a multiple dwelling 0.30 unit for a Townhouse dwelling	0.16 spaces per unit for a multiple dwelling and townhouse.	The request for a reduction in the minimum number of visitor parking spaces can be supported because the subject land is serviced by transit and active transportation. The transit connects to King Street, which is proposed as the City’s future LRT corridor which will offer connections throughout the City. Therefore, Staff support the modification.
Section 18A(1)(c) and 18A-Table 3 - Loading Spaces	Two Loading Spaces	No Loading Spaces Required for a Multiple Dwelling.	The request for no loading spaces for the residential development aligns with the regulations of Zoning By-law No. 05-200. Therefore, Staff support the modification.
Section 18A.(7) - Parking Stall Size	2.7 metres x 6.0 metres	Minimum required parking space is 2.8 metres x 5.8 metres	The request for the modification to the required parking stall size aligns with the regulations of Zoning By-law No. 05-200. Therefore, Staff are supportive of the modification.

Appendix “D” to Report PED23104
Page 4 of 5

Regulation	Required	Modification	Analysis
Section 18A.(10) and 18A.(22) - Maneuvering Space For the required parking	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	The accessibility and manoeuvring space for the required parking space located within an attached garage of a townhouse dwelling may be obstructed by a required parking space located on an individual driveway.	The applicant has requested a modification to permit the maneuvering space to be obstructed by a required parking space whereas the by-law requires the maneuvering space to remain clear. The proposed modification can be supported because although a car is parked in the driveway, the parking spaces are tied to one dwelling unit. In addition, the modification aligns with regulations in Zoning By-law No. 05-200. Therefore, Staff support the modification.
Section 2.(2) H.(via) “Miscellaneous Use Definitions” - Definition of a Planting Strip	Means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climactic conditions of the area of land for the sole purpose of providing a visual barrier or buffer.	In addition to the definition, a sidewalk is permitted within a Planting Strip.	The modification to the planting strip is to permit a sidewalk for the units along the easterly side yard in order to access the entrance to the rear of the building. The modification can be supported since vegetation would still be required where a sidewalk is not located. Therefore, Staff support the modification.
18A.(12)(c) - Visual Barrier Section Section	For every parking area and loading space referred to in Subsection 11, there shall be provided and maintained; (c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height	For every parking area and loading space referenced, there shall be provided and maintained a visual barrier along the boundary of the residential district not less than 1.2 metres in height and not greater than 2.2 metres in height and may include a 1.5 metre wide sidewalk for pedestrian access without a visual barrier to the west property boundary.	The request for an increase to the visual barrier requirements for parking areas adjacent to residential districts from 2.0 metres to 2.2 metres can be supported since there are two small areas of parking where the condominium road ends and provides a hammerhead for the purposes of maneuvering from the surface parking spaces. The request is minor and does not impede the visibility of motorists. Therefore, Staff support the modification.

Appendix “D” to Report PED23104
Page 5 of 5

Regulation	Required	Modification	Analysis
Section 18A.(24)(a) - Individual Access Driveway Minimum Width	Every parking area for a use where there are less than five or less parking spaces shall have not less than one access driveway or one mutual driveway, having a width of at least 2.8 metres	Each individual access driveway for the townhouse units shall have a minimum width of at least 2.5 metres.	<p>The request for a reduction in the minimum driveway width is only for the area immediately adjacent to the garage. As a result, it does not represent a reduction in driveway width.</p> <p>Therefore, Staff are supportive of the modification.</p>
Section 10E. - Minimum required Setback from a Conservation / Hazard Land (P5) Zone	N/A	That all development and structures are required to be a minimum 3.0 metres from the Conservation / Hazard Land (P5) Zone.	<p>There is a natural heritage feature on the north-west corner of the subject lands. An Environmental Impact Statement and associated memos were submitted in support of the proposed development. Natural Heritage Staff and the Hamilton Conservation Authority reviewed the proposal and are satisfied that the appropriate mitigation measures have been provided to protect the Natural Heritage Features. Staff are further protecting the Natural Heritage features by zoning the area as Conservation / Hazard Land (P5) Zone which limits the permitted uses in the area to conservation, flood and erosion control facilities, and passive recreation uses.</p> <p>Therefore, staff support the modification.</p>

Appendix "E" to Report PED23104
Page 1 of 1**Baldassarra, Alaina**

From: [REDACTED]
Sent: October 20, 2021 12:09 PM
To: Baldassarra, Alaina
Subject: File#ZAC-21-043

Hello- We as residents of Mt.Albion Rd. and Albright are very concerned about this development, as that is far too many townhomes, condos for this area. The traffic and parking will be a nightmare for residents in this area , it's bad enough already with the other developments.. People now have 3-4 people with cars. Look at Albright rd. and Quigley development, the cars are parked on the street all the time.(which should be ticketed but are not yet).

There used to be deer's that came in this area for years, now they have not come for 2yrs. since the other townhomes started. We

need to keep the trees and open space for people's state of mind. Not all of us have a way to get out of area. That developer has already taken down and 100yr. old spruce and 2- 50-year-old maples with no regard, which I would have thought would have been protected, what happened to environmental concerns. These developers have no regard for the future generations, if someone does not stand up for this there will be no clean air or future.

Also, this developer has a very bad reputation.

Enough said we would like a email when this meeting is please.

Regards [REDACTED] and Neighbors.

Sent from [Outlook](#)

Concept Plan

300 Albright Rd
City of Hamilton

LEGEND



Subject Lands 14,297m² (1.43ha)

Proposed Zoning: Townhouse with Special Provisions (RT-20-xx)

Provision	Required (min.)	Provided
Lot area	14,297m ² (1.43ha)	14,297m ² (1.43ha)
Units	2 Storey Towns: 5 Stacked Towns: 6	2 Storey Towns: 5 Stacked Towns: 6
Lot Frontage	85.0m	85.0m
Density	70.5 u/ha	70.5 u/ha
Building Height	14.7m (max.)	14.7m (max.)
Area Requirements	Where a yard abuts a street: 0.0m Where a yard abuts another lot: 3.0m, except where a habitable room faces the yard, 6.0m Distance Between Buildings: 3.5m Distance of two exterior walls containing no windows: 4.1m Distance between two exterior walls containing at least one window to a habitable room: 9.3m Distance between two exterior walls containing at least one window to a habitable room: 15.0m	Stacked Towns: 14.7m Where a yard abuts a street: 0.0m Where a yard abuts another lot: 3.5m Distance Between Buildings: 4.1m Distance of two exterior walls containing no windows: 4.1m Distance between two exterior walls containing at least one window to a habitable room: 9.3m Distance between two exterior walls containing at least one window to a habitable room: 15.0m
Roof-to-terrain setbacks	1.5m (min.) 1.5m (min.) into front yard 1.5m (min.) into side yard 1.5m (min.) into rear yard	n/a
Bay, Balcony or Dome	Intensity of Use	n/a
Bay	15.0m	15.0m
Balcony	15.0m	15.0m
Dome	15.0m	15.0m
Width	23.0m	23.0m
Depth	23.0m	23.0m
Lot Coverage	27.5%	27.5%
Number of Attached Units	8 units (max.)	8 units (max.)
Loading Spaces	1	1
Parking	131 (1.3 spaces per unit)	131 (1.3 spaces per unit)

Notes:
- City of Hamilton Imagery, 2019
- For conceptual purposes only
- Special provision required

DATE: February 28, 2023

FILE: 20248B

SCALE: 1:750

DRAWN: GC



1:00000000 ALBRIGHT/CP/PLAN_2023.DWG

**PLANNING
URBAN DESIGN
& LANDSCAPE**
MHBC ARCHITECTURE
200-60 BINGHAM CENTER DR. KITCHENER, ON N0B 8X9
P: 519-576-5839 F: 519-576-0271 | WWW.MHBCPLAN.COM



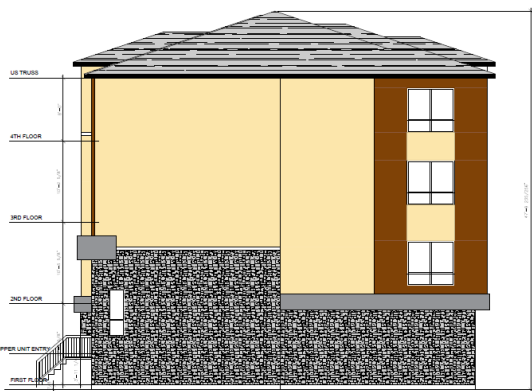
Appendix "F" to Report PED23104
Page 2 of 5



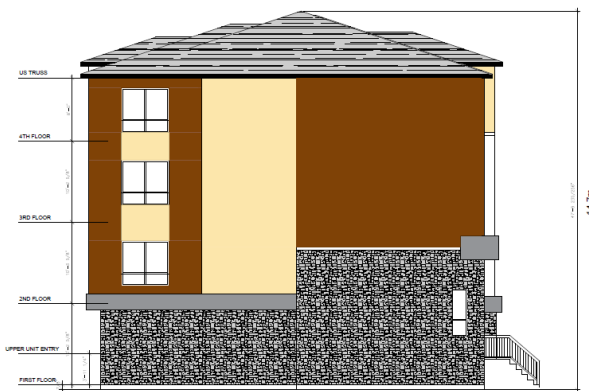
1 BLDG B, C, H, I, K - NORTH ELEVATION



2 BLDG B, C, H, I, K - FRONT ELEVATION



2 BLDGB, C, H, I, K - RIGHT SIDE ELEVATION



1 BLDG B, C, H, I, K - LEFT SIDE ELEVATION

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PRELIMINARY	1-18-2023	JK
PERMITS	1-18-2023	JK
CONSTRUCTION	1-18-2023	JK
AS BUILT	1-18-2023	JK

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7 563 6385
7 563 6324

www.knymh.com info@knymh.com

CONDO PROJECT
300 ALBRIGHT RD
HAMILTON, ONTARIO

FRONT & REAR
ELEVATIONS

DRAWING NO. 21542

PROJECT NO. 21542

DRAWN BY: [] CHECKED BY: []
DESIGNED BY: [] PROJECT MANAGER: []
DATE: []
PROJECT NO.: A2.01

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CONDO PROJECT
300 ALBRIGHT RD
HAMILTON, ONTARIO

RIGHT & LEFT SIDE
ELEVATIONS

DRAWING NO. 21542

PROJECT NO. 21542

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DESIGNED BY: [] PROJECT MANAGER: []
DATE: []
PROJECT NO.: A2.02

Appendix "F" to Report PED23104
Page 3 of 5



2 BLDG A - FRONT ELEVATION
3/20/2023



1 BLDG A - REAR ELEVATION
3/20/2023

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE AND ALL APPLICABLE REGULATIONS.
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HAMILTON, ONTARIO

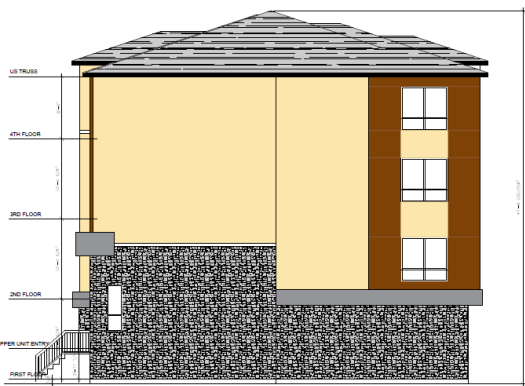
FRONT & REAR ELEVATIONS

21542

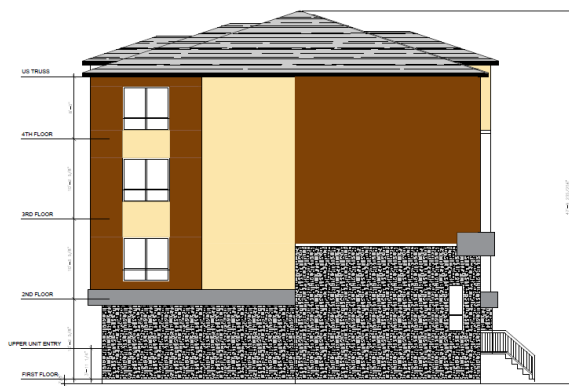
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2 BLDG A - RIGHT SIDE ELEVATION
3/20/2023



1 BLDG A - LEFT SIDE ELEVATION
3/20/2023

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CONDO PROJECT
300 ALBRIGHT RD
HAMILTON, ONTARIO

LEFT & RIGHT SIDE ELEVATIONS

21542

A2.02

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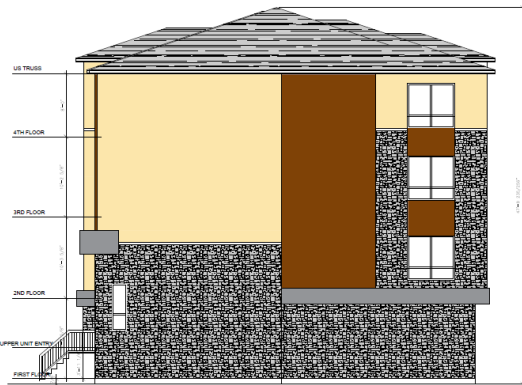
Appendix "F" to Report PED23104
Page 4 of 5



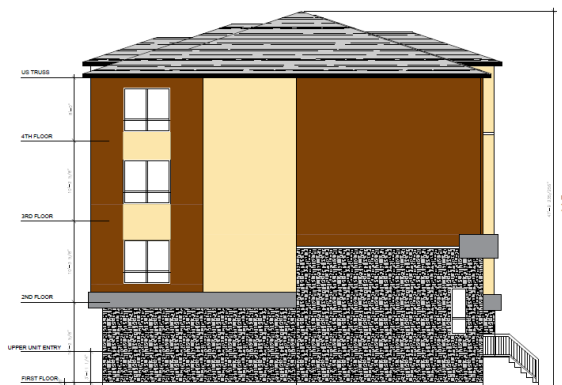
2 BLDG D.F.G.J - REAR ELEVATION
elevation



1 BLDG D.F.G.J - FRONT ELEVATION
elevation



2 BLDG D.F.G.J - RIGHT SIDE ELEVATION
elevation



1 BLDG D.F.G.J - LEFT SIDE ELEVATION
elevation

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CONDO PROJECT
300 ALBRIGHT RD
HAMILTON, ONTARIO

FRONT & REAR ELEVATIONS

PROJECT NO: 21542

DATE: 2023-12-08

PROJECT NAME: A2.01

DATE: 2023-12-08

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CONDO PROJECT
300 ALBRIGHT RD
HAMILTON, ONTARIO

LEFT & RIGHT SIDE ELEVATIONS

PROJECT NO: 21542

DATE: 2023-12-08

PROJECT NAME: A2.02

DATE: 2023-12-08

Appendix "F" to Report PED23104

2 BLDG E - REAR ELEVATION
1/8" = 1'-0"

1 BLDG E - FRONT ELEVATION
1/8" = 1'-0"

DATE PLOTTED: 01/18/2024	
DRAWING SHEET NAME: 21542	
NO.	DRAWING SHEET NUMBER
DRAWING SETS CLOSD	
DATE	BY
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CONDO PROJECT 300 ALBRIGHT RD HAMILTON, ONTARIO	
PROJECT NUMBER 21542	
DESIGNED BY	DATE
DRAWN BY	DATE
CHECK BY	DATE
PROJECT NUMBER 21542	
SCALE	A2.01

1 BLDG E - RIGHT SIDE ELEVATION
1/8" = 1'-0"

2 BLDG E - LEFT SIDE ELEVATION
1/8" = 1'-0"

DATE PLOTTED: 01/18/2024	
DRAWING SHEET NAME: 21542	
NO.	DRAWING SHEET NUMBER
DRAWING SETS CLOSD	
DATE	BY
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KNYMIH ARCHITECTURE • SOLUTIONS	
KEN YIM M.Sc. P. Eng. 1000 DUNDAS STREET WEST SUITE 1110 TORONTO, ONTARIO M5G 1L4 TEL: 416-593-8888 F: 416-593-0394 www.knyalih.com	
CONDO PROJECT 300 ALBRIGHT RD HAMILTON, ONTARIO	
PROJECT NUMBER 21542	
DESIGNED BY	DATE
DRAWN BY	DATE
CHECK BY	DATE
PROJECT NUMBER 21542	
SCALE	A2.02



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

May 30, 2023

PED23104– (ZAC-21-043)

Application for a Zoning By-law Amendment for Lands Located at
300 Albright Road, Hamilton.

Presented by: Alaina Baldassarra

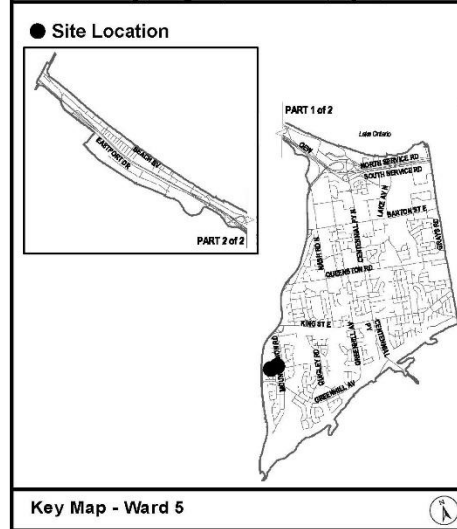
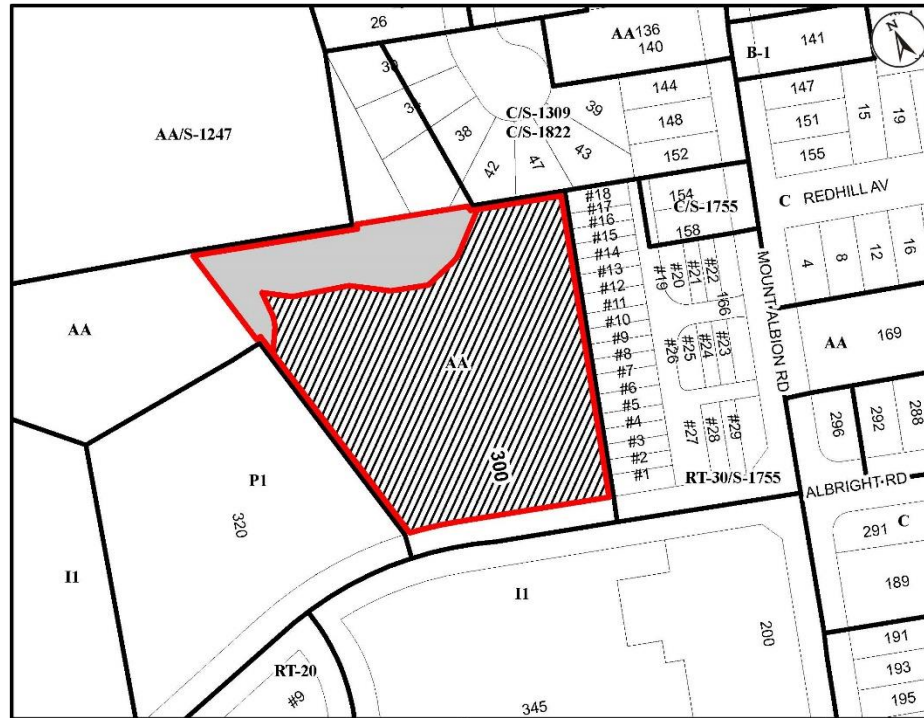


SUBJECT PROPERTY



9236 & 9322 Dickenson Road West, Glanbrook





Location Map

Hamilton
 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-21-043	Date: March 31, 2023
Appendix "A"	Scale: N.T.S.
Planner/Technician: AB/NB	

Subject Property

300 Albright Road, Hamilton (Ward 5)

- Block 1: Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1829" (Townhouse-Maisonette) District, Modified
- Block 2: Lands to be added as Conservation / Hazard Land (P5) Zone



Concept Plan

300 Albright Rd
 City of Hamilton

LEGEND
 Subject Lands 14,297m² (1.43ha)

Proposed Zoning: Townhouse with Special Provisions (RT-20-xx)		
Provision	Required (min.)	Provided
Lot area	-	14,297m ² (1.43ha)
Units	-	2 Storey Towns: 5 Stacked Towns: 95 Total: 100
Lot Frontage	-	85.0m
Density	-	70.8 units
Height		
Building height	14.7m (max.)	Towns: 6.0m Stacked Towns: 14.7m
Area Requirements		
Where a yard abuts a street	6.0m	7.5m
Yard abutting any other lot	3.0m, except where there are windows to a habitable room facing the yard, 6.0m	3.5m
Distance Between Buildings		
Distance of two exterior walls containing no windows	3.5m	4.1m
Distance of two exterior walls, one of which contains at least one window to a habitable room	9.0m	7.8m
Distance between two exterior walls each of which contains at least one window to a habitable room	10.0m	7.0m
Encroachments on Yards		
Roofed-over unenclosed one storey porch	2.5m Encroachment into required side yard is permitted	n/a
Canopy	1.5m Encroachment into front/rear yard is permitted	n/a
Bay, Balcony or Dormer	1.8m Encroachment into a required side yard is permitted	n/a
Intensity of Use		
Depth	30.0m	121.9m
Area	220m ²	14,297m ²
Width	23.0m	29.9m
Privacy Areas		
Privacy area for each unit that is screened on two sides	1.2m, and not more than 2m in height <small>*No Privacy area required for level level units **May include a balcony</small>	Balconies Provided for Upper Level units (1.8m x 1.2m)
Depth	2.5m	11.27m
Landscaped Area	40%	48.40%
Building Area	-	3,983m ²
Lot Coverage	-	27.90%
Number of Attached Units	2 units (max.)	Confirms
Loading Spaces	1	0
Parking	131 (1.3 spaces per unit)	122 (Includes 10 visitor parking spaces)

Notes:
 • City of Hamilton Imagery, 2019
 • For conceptual purposes only
 • Special provision required

DATE: February 28, 2023
 FILE: 20348B
 SCALE: 1:750
 DRAWN: GC

F:\20348B-02 ALBRIGHT\PCP_FE28_2023.DWG

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
MHBC
 200-60 INCEMANG CENTRE DR. KITCHENER, ON, N2B 3K7
 P: 519-576-3652 F: 519-276-0221 WWW.MHBC-PLAN.COM

1 BLDG B, C, H, I, K - NORTH ELEVATION
3/26/21

2 BLDG B, C, H, I, K - FRONT ELEVATION
3/26/21

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE PROJECT BEFORE COMMENCING WORK. ALL DIMENSIONS ARE SUBJECT TO CHANGE DUE TO OMISSIONS, ERRORS AND OMISSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ARE THE PROPERTY OF THE ARCHITECT AND NOT BE RESPONSIBLE FOR ANY CHANGES TO THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ARE THE PROPERTY OF THE ARCHITECT AND NOT BE RESPONSIBLE FOR ANY CHANGES TO THE DRAWINGS.

REV TO BTH/LOCATION		NO.	DETAIL NUMBER	DATE

DRAWING SETS ISSUED		NO.	DATE	BY

REVISIONS TO DRAWINGS		NO.	DATE	BY

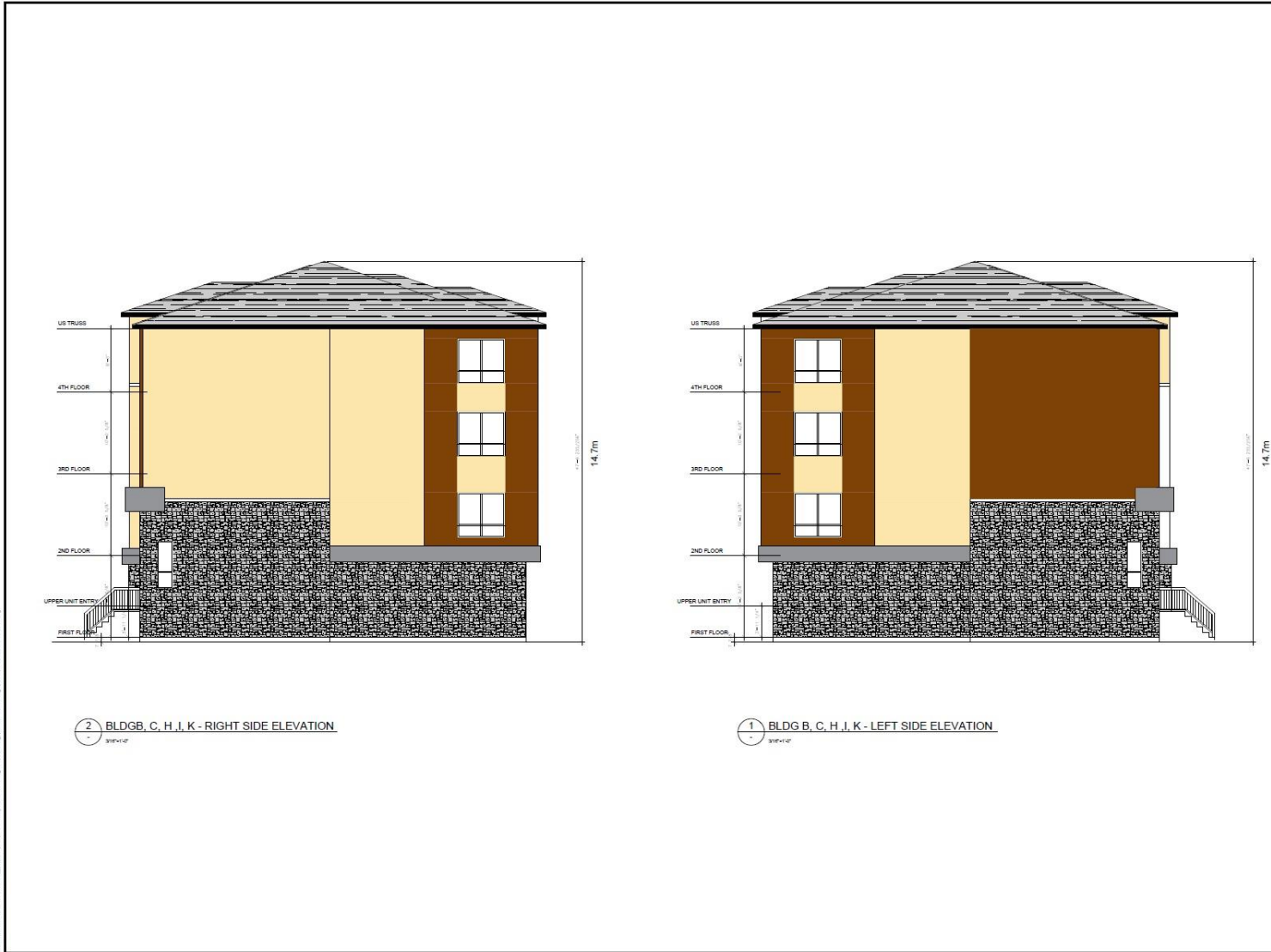
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 1006 SPADINA DRIVE - SUITE 101
 BURLINGTON, ONTARIO L7R 6A4
 T 905 639 6996
 F 905 639 6251
 www.knymh.com info@knymh.com

CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

DRAWING SHEET TITLE:
 FRONT & REAR ELEVATIONS

DRAWING SCALE:	PROJECT NUMBER: 21542
DRAWING DATE:	DRAWING SHEET NUMBER: A2.01
PLOTT DATE: November 10, 2022	



2 BLDGB. C, H, I, K - RIGHT SIDE ELEVATION

1 BLDG B, C, H, I, K - LEFT SIDE ELEVATION

CONTRACTOR CHECK AND INITIAL DRAWINGS AND JOB COORDINATION PRIOR TO CONSTRUCTION.

ALL DRAWINGS ARE SUBJECT TO CHANGE DUE TO COMMENTS RECEIVED FROM THE CONTRACTOR AND THE ARCHITECT. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE RETURNED TO THE ARCHITECT UPON COMPLETION OF THE PROJECT.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM THE LOCAL GOVERNMENT.

BY TO OTHER LOCATION

No. _____
 No. _____
 DRAWING SHEET NUMBER

DRAWING SHEET NO.	DATE	BY
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100	12-08-2011	JM

ALL DIMENSIONS OF THIS DRAWING ARE UNLESS OTHERWISE SPECIFIED.

RETURN TO DRAWING NO. _____ DATE _____ BY _____

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 www.knymh.com info@knymh.com

CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

PROJECT NUMBER
 21542

DRAWING SCALE: _____ DRAWING SHEET NUMBER: _____

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DRAWING DATE: _____ DRAWING SHEET NUMBER: _____

PLAUT DATE: November 15, 2012

A2.02



2 BLDG A - FRONT ELEVATION
31671-01

1 BLDG A - REAR ELEVATION
31671-02

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONSTRUCTION PROCEDURES.

ALL DIMENSIONS ARE SUBJECT TO FIELD SURVEYING AND FIELD ADJUSTMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND PROCEDURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND PROCEDURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND PROCEDURES.

KEY TO DETAIL LOCATION

No.	DETAIL NUMBER	DRAWING SHEET NUMBER

DATE	NO.	DESCRIPTION	BY
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15.06.2023	3	ISSUED FOR PERMIT	
15.06.2023	4	ISSUED FOR PERMIT	
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ALL PREVIOUS EDITIONS OF THIS DRAWING ARE SUPERSEDED

DATE	NO.	DESCRIPTION	BY

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www.knymh.com info@knymh.com

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CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

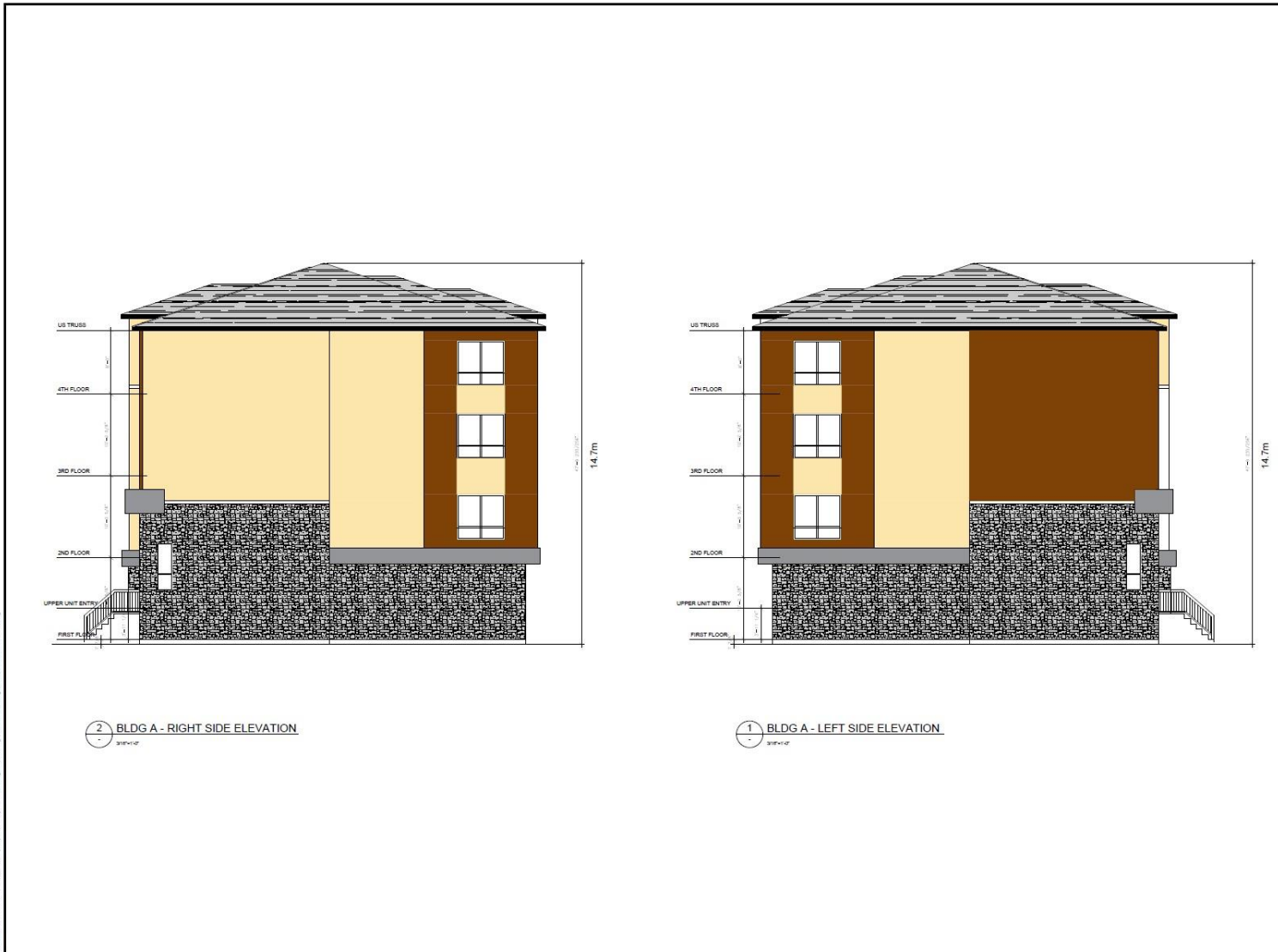
FRONT & REAR ELEVATIONS

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 PROJECT NUMBER:
21542

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 PROJECT NUMBER:
21542

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 PROJECT NUMBER:
21542

PLAT DATE:
 PROJECT NUMBER:
21542



2 BLDG A - RIGHT SIDE ELEVATION
 SHEET 02

1 BLDG A - LEFT SIDE ELEVATION
 SHEET 01

CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK. ALL DIMENSIONS AND FINISHES ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.

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ARCHITECT FIRM NUMBER

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CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

LEFT & RIGHT SIDE ELEVATIONS

PROJECT SCALE	PROJECT NUMBER
	21542
DRAWN BY	DATE
CHKD BY	
DRAWING LOCATION	PROJECT NUMBER
	21542
PLUT DATE	DATE
November 18, 2022	



2 BLDG D,F,G,J - REAR ELEVATION
3/24/18



1 BLDG D,F,G,J - FRONT ELEVATION
3/24/18

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 No. DRAWING SHEET NUMBER

DRAWING DATE ISSUED	No.	DATE	BY
CONTRACT	1	11/08/2017	JKS
CONTRACT	2	11/08/2017	JKS
CONTRACT	3	11/08/2017	JKS
CONTRACT	4	11/08/2017	JKS
CONTRACT	5	11/08/2017	JKS
CONTRACT	6	11/08/2017	JKS
CONTRACT	7	11/08/2017	JKS
CONTRACT	8	11/08/2017	JKS
CONTRACT	9	11/08/2017	JKS
CONTRACT	10	11/08/2017	JKS

ALL PAGES OF THIS DRAWING ARE SUPPLEMENTED

REVISION TO DRAWING	No.	DATE	BY

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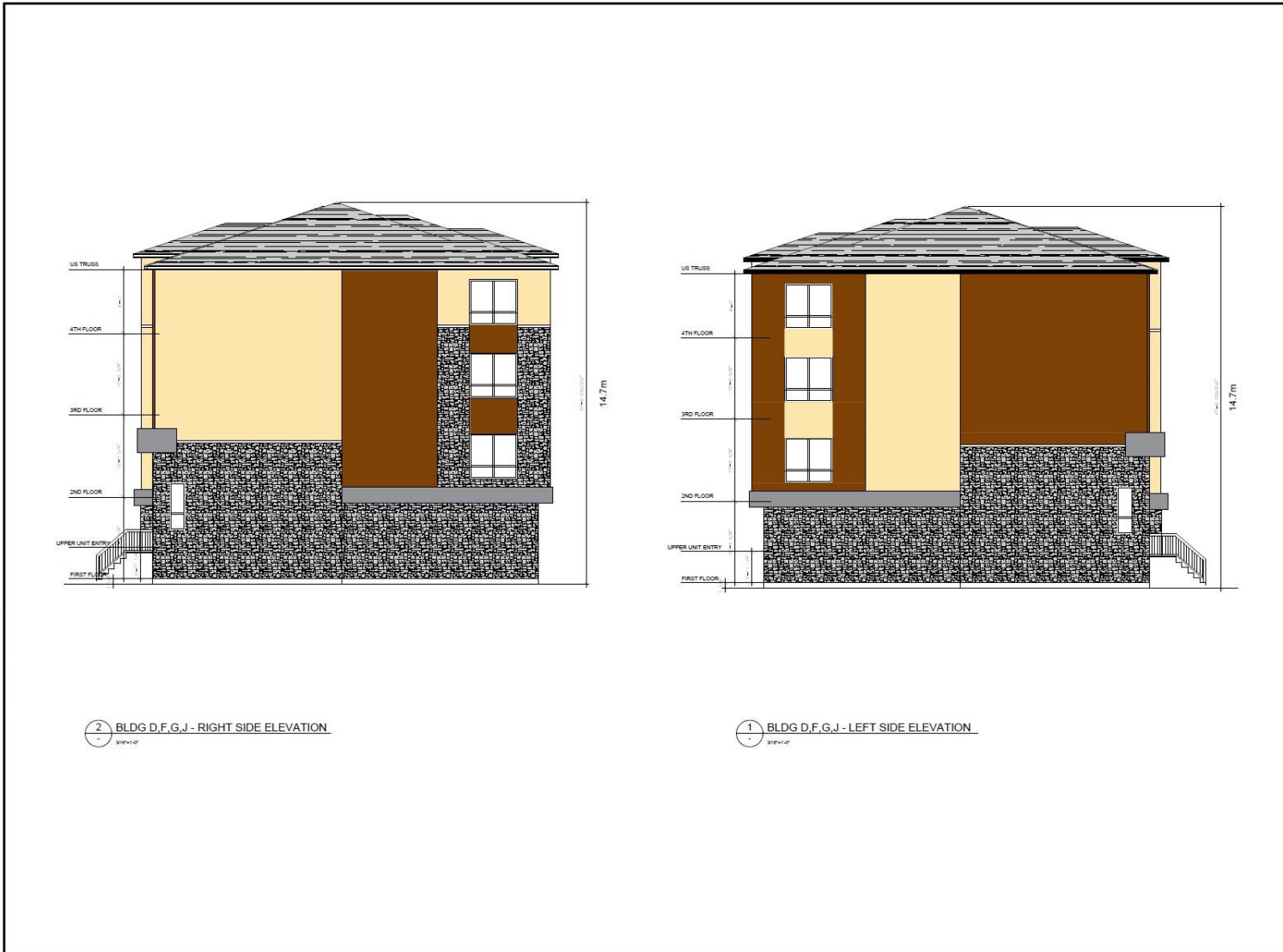
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CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

DRAWING SHEET TITLE
 FRONT & REAR
 ELEVATIONS

DRAWING NO. PROJECT NUMBER
 21542

DRAWN BY CHECKED BY PROJECT NUMBER
 DRAWING VERSION: PROJECT NUMBER
 PLOT DATE: 11/08/17 10:00:00
 A2.01



2 BLDG D,F,G,J - RIGHT SIDE ELEVATION
 SHEET 2

1 BLDG D,F,G,J - LEFT SIDE ELEVATION
 SHEET 1

CONTRACTOR SHALL OBTAIN ALL PERMITS AND ALL NECESSARY APPROVALS FROM THE MUNICIPAL SUPERVISOR BEFORE COMMENCING WORK.

ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE SPECIFIED AND SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE SPECIFIED AND SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MUNICIPAL SUPERVISOR BEFORE COMMENCING WORK.

SEE TO DETAIL LOCATION

NO.	DETAIL NUMBER	DRAWING SHEET NUMBER
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DESCRIPTION	NO.	DATE	BY
DESIGN SET TO ISSUE	1	11-08-2021	JM
CLIENT REVIEW	2	11-08-2021	JM
CLIENT REVIEW	3	18-03-2022	JM
CLIENT REVIEW	4	18-03-2022	JM
CLIENT REVIEW	5	18-03-2022	JM
ISSUE	6	17-08-2022	JM
REVISION	7	11-11-2022	JM

ALL DIMENSIONS SHOWN UNLESS OTHERWISE SPECIFIED ARE TO FACE UNLESS OTHERWISE SPECIFIED.

REVISION TO DRAWING	NO.	DATE	BY

ISSUE PERMIT TABS
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CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

DRAWING SHEET TITLE:
 LEFT & RIGHT SIDE ELEVATIONS

DRAWING SHEET NO.	21542
DRAWING NO.	21542
DRAWING NO.	21542
PLAT DATE:	November 18, 2022

A2.02



2 BLDG E - REAR ELEVATION
 3/8" = 1'-0"



1 BLDG E - FRONT ELEVATION
 3/8" = 1'-0"

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND ALL CONSTRUCTION PROCEDURES WITH PERMIT.
 ALL DIMENSIONS ARE SUBJECT TO CHANGE OR TO CORRECTED. PER MUNICIPAL DEPARTMENT AND OTHER AGENCIES WITH AUTHORITY.
 ALL DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE RETURNED TO THE ARCHITECT AT THE COMPLETION OF THE WORK.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION STANDARDS FROM THE APPROPRIATE AGENCIES.

KEY TO DETAIL LOCATION

Key	DETAIL NUMBER
No.	CHANGING SHEET NUMBER

DRAWING SETS ISSUED	NO.	DATE (DD MM YY)	BY
CONTRACT	1	11-08-2024	UN
CONTRACT	2	11-08-2024	UN
CONTRACT	3	26-03-2025	UN
CONTRACT	4	26-03-2025	UN
CONTRACT	5	21-08-2025	UN
CONTRACT	6	11-11-2025	UN

ALL REVISIONS ISSUED OF THIS DRAWING ARE SUPPLEMENTED

REVISIONS TO DRAWING	NO.	DATE (DD MM YY)	BY
NOT FOR CONSTRUCTION			

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 P.905.639.6394
 www.kny-mi-h.com info@kny-mi-h.com



CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

DRAWING DESCRIPTION:
 FRONT & REAR ELEVATIONS

DRAWING SCALE:	PROJECT NUMBER: 21542
DRAWING DATE:	DRAWING PROJECT:
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PLAT DATE: November 18, 2022	PROJECT NUMBER: A2.01



1 BLDG E - RIGHT SIDE ELEVATION
 3/8" = 1'-0"



2 BLDG E - LEFT SIDE ELEVATION
 3/8" = 1'-0"

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ALL CONSTRUCTION PROCEDURES WITH THE
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11-02-2022	3				JM
09-22-2022	4				JM
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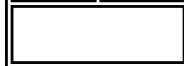
ALL REVISIONS SHALL BE MADE TO THE ORIGINAL SET OF DRAWINGS

DATE	NO.	DD	MM	YY	BY

NOT FOR CONSTRUCTION WITHOUT PERMIT

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 F 905.639.6394
 www.knyymi.com info@knyymi.com



CONDO PROJECT
 300 ALBRIGHT RD
 HAMILTON, ONTARIO

LEFT & RIGHT
 SIDE ELEVATIONS

PROJECT NUMBER
 21542

PROJECT NUMBER
 A2.02



Subject Lands



South side of Albright Road



East side of the Subject Lands



West side of the Subject Lands



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:	May 30, 2023
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook (PED23111) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202002, by WEBB Planning Consultants Inc. (c/o James Webb), on behalf of GreyCan 11 Properties Limited Partnership by its General Partner GreyCan 11 Properties Inc., and North Hamilton Airport Lands Limited Partnership by its General Partner 11693387 Canada Inc., Owners**, on lands located at 9236 and 9322 Dickenson Road West (Glanbrook), as shown on Appendix “A” attached to Report PED23111, be **APPROVED**, subject to the following:

- (a) That this approval apply to the Draft Plan of Subdivision application 25T-202002 certified by Odan-Detech Consulting Engineers dated April 14, 2023, consisting of one block for industrial development (Block 1), one block for future development (Block 2), a Vegetation Protection Zone block (Block 3), a block for a right-of-way dedication (Block 4), a block for a temporary cul-de-sac (Block 5), and a public road (Street “A”) attached as Appendix “B” to Report PED23111;
- (b) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions attached as Appendix “C” to Report PED23111;

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 Approval of a Draft Plan of Subdivision for Lands
Located at 9236 and 9322 Dickenson Road West, Glanbrook
(PED23111) (Ward 11) - Page 2 of 27**

- (c) 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 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;
- (d) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of development.

EXECUTIVE SUMMARY

The Applicant has submitted a Draft Plan of Subdivision application in order to create one block for industrial development, one block for future development, a Vegetation Protection Zone (VPZ) block, one block for a road right of way dedication (Dickenson Road West) and one block for a temporary cul-de-sac. A new municipal road (Street 'A') is proposed that is planned to provide access to the industrial block from Dickenson Road West.

The subject property is approximately 37.3 hectares and is located west of Upper James Street and north of the John C. Munro Hamilton International Airport (see Appendix "A" attached to Report PED23111). The site is proposed to be developed as an eco-industrial park as part of the Airport Employment Growth District (AEGD).

The proposal is intended to be developed in accordance with the existing Airport Light Industrial (M10, H37) Zone and Airport Prestige Business (M11, H37) Zone in Hamilton Zoning By-law No. 05-200. Holding Provision H37 applies to the subject property and only allows for site alterations on the subject lands and prohibits any building or structure to be built until time that the lands have access to adequate municipal servicing and transportation infrastructure in accordance with the master plans for the Airport Employment Growth District, to the satisfaction of the City. The Holding Provision must be lifted prior to issuance of a Building Permit.

The proposal has merit and can be supported as it is consistent with the PPS (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent of the Urban Hamilton Official Plan (UHOP) and the AEGD Secondary Plan.

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Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Bill 23 amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision. However, notice of the non-statutory Public Meeting was given to all property owners within 120 metres of the subject lands.

HISTORICAL BACKGROUND

Application Details	
Owners:	GreyCan 11 Properties Limited Partnership by its General Partner GreyCan 11 Properties Inc.; and, North Hamilton Airport Lands Limited Partnership by its General Partner 11693387 Canada Inc.
Applicant/Agent:	WEBB Planning Consultants Inc. (c/o James Webb)
File Number:	25T-202002
Type of Application:	Draft Plan of Subdivision
Proposal:	<p>The Draft Plan of Subdivision proposes to create:</p> <ul style="list-style-type: none"> • One block for industrial development (Block 1); • One block for future development (Block 2) • A Vegetation Protection Zone block (Block 3); • One block for a road right-of-way dedication (Block 4); • One block for temporary cul-de-sac (Block 5); and, • A public roadway (Street “A”) <p>as shown on the Draft Plan of Subdivision attached as Appendix “B” to Report PED23111.</p>
Property Details	
Municipal Address:	9236 and 9322 Dickenson Road West
Lot Area:	±37.3 ha
Servicing:	Municipal services are required to be extended for the proposed development.

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Property Details	
Existing Use:	Single detached dwelling, agriculture, woodlot, Provincially Significant Wetland (Upper Twenty Mile Creek) and watercourses.
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:	“Employment Areas” on Schedule E – Urban Structure and “Airport Employment Growth District” and “Open Space” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Airport Light Industrial”, “Airport Prestige Business”, and “Natural Open Space” Designations in the Airport Employment Growth District Secondary Plan.
Zoning Existing:	Airport Light Industrial (M10, H37) Zone; and, Airport Prestige Business (M11, H37) Zone
Processing Details	
Received:	March 13, 2020
Deemed Complete:	April 9, 2020
Notice of Complete Application:	Sent to 14 property owners within 120 m of the subject lands on April 24, 2020.
Public Notice Sign:	Posted May 1, 2020 and updated with Public Meeting date May 3, 2023.
Notice of Public Meeting:	Sent to 14 property owners within 120 m of the subject lands on May 12, 2023.
Public Comments:	Three emails from the public requesting to be notified of all Public Meetings and decision notices.
Revised Submissions Received:	<ul style="list-style-type: none"> • August 3, 2021; • December 24, 2021; • September 30, 2022; • November 15, 2022; and, • December 13, 2022.
Processing Time:	1,173 days from receipt of initial application and, 168 days from receipt of final revised submission.

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Site Plan Control Application DA-21-083

Site Plan Control application DA-21-083 received conditional approval on February 9, 2023 for the development of an industrial warehouse building containing 40,419 square metres of Gross Floor Area inclusive of 2,050 square metres of office space. The conditionally approved Site Plan is required to satisfy all conditions applicable to Block 1 (Phase 1) of Draft Plan of Subdivision 25T-202002 to the satisfaction of the City's Director of Development Engineering Approvals.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling, Agriculture, Woodlot and Provincially Significant Wetland (Upper Twenty Mile Creek)	Airport Light Industrial (M10, H37) Zone, Airport Prestige Business (M11, H37) Zone, and Conservation / Hazard Land (P5) Zone

Surrounding Land Uses:

North	Agriculture and Woodlot	Airport Light Industrial (M10, H37) Zone and Conservation / Hazard Land (P5) Zone
South	Hamilton International Airport, Agriculture and Single Detached Dwelling	Airport (U1) Zone and Airside Industrial (M7, H37) Zone
East	Agriculture, Public Transportation Depot, Industrial (Landscape Contractor), Woodlot, Provincially Significant Wetland (Upper Twenty Mile Creek), and Single Detached Dwelling	Airport Light Industrial (M10, H37) Zone, Airport Prestige Business (M11, H37) Zone and Conservation / Hazard Land (P5) Zone.
West	Agriculture and Regulated Watercourse	Airport Light Industrial (M10, H37) Zone and Airport Prestige Business (M11, H37) Zone

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

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 shall be consistent with the PPS (2020).

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 reviewed and discussed in the Official Plan analysis that follows.

As the application for a Draft Plan of Subdivision complies with the Official Plan, it is staff's opinion that the application is:

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

Urban Hamilton Official Plan (UHOP) and Airport Employment Growth District Secondary Plan

The subject lands are identified as "Employment Areas" on Schedule E – Urban Structure and designated "Airport Employment Growth District" and "Open Space" on Schedule E-1 – Urban Land Use Designations. The subject lands are further designated as "Airport Prestige Business", "Airport Light Industrial" and "Natural Open Space" on Land Use Plan Map B.8-1 of the Airport Employment Growth District Secondary Plan.

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

Cultural Heritage

"Volume 1

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

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- 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.

Volume 2

- B.8.13.4 Prior to approval of development applications, a Stage 2 archaeological assessment shall be completed to the satisfaction of the City.
- B.8.13.5 Until such time as the Stage 2 archaeological assessment and any subsequent required archaeological assessment, has been cleared by the City, no grading or other disturbance shall take place on any site within the Airport Employment Growth District.”

The subject property meets four 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) Local knowledge associated areas with historic events/activities/occupations;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Stage 1 and 2 Archaeological Assessments (P344-0295-2019) for the subject property were submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the reports for compliance with licensing requirements in a letter dated July 30, 2019. Staff are of the opinion that municipal interest in archaeology are satisfied for the subject lands.

A Documentation and Salvage Report was completed by Megan Hobson dated March 27, 2020. This report identified salvageable building materials (i.e. exterior wood cladding, wood plank doors, framing timbers, etc.) in the remaining farmhouse located at 9263 Dickenson Road West. 9263 Dickenson Road West is an inventoried property in the City’s Inventory of Heritage Properties. Condition No. 43 of Appendix “C” attached to Report PED23111 requires that the Owner provide documentation of any salvaged materials and reuse, where feasible.

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Natural Heritage System

- “C.2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas.
- C.2.5.4 New development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.
- C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:
- a) Has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the Core Area and/or its ecological functions; and,
 - b) Is established to achieve and be maintained as natural self-sustaining vegetation.
- C.2.5.10 Where vegetation protection zone widths have not been specified by watershed and sub-watershed plans, secondary, Environmental assessments and other studies, the following vegetation protection zone widths shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have different vegetation protection zone requirements.
- a) Provincially Significant Wetlands – 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources;
 - b) Unevaluated wetlands – Unevaluated wetlands and locally significant wetlands require a 15 metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources, unless an

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Environmental Impact Statement recommends a more appropriate vegetation protection zone;

- c) Woodlands – 10-metre vegetation protection zone, measured from the edge (drip line) of the woodland; and,
- d) Significant woodlands – 15-metre vegetation protection zone, measured from the edge (drip line) of the significant woodland.

C.2.5.11 Vegetation protection zone widths greater or less than those specified in a) to i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the vegetation protection zone, and the physiography of the site.

C.2.7.2 The boundaries of *Core Areas* and *Linkages*, shown on Schedule B - Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of *Core Areas* and *Linkages* identified on Schedule B - Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan.

C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.

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.”

Schedule B – Natural Heritage System of the UHOP identifies Linkages, Key Hydrologic Features and Core Areas within the subject lands. Detailed features are identified in Schedules B-4 – Detailed Natural Heritage Features Key Natural Heritage Feature and Key Hydrologic Feature Wetlands and B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams and are further refined on Map B.8-2 of the Airport Employment Growth District Secondary Plan.

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It is the intent of the UHOP that Core Areas and Linkages are protected, preserved, and enhanced in accordance with UHOP policies C.2.3 and C.2.7. The AEGD Secondary Plan also supports a “design with nature” approach with respect to protecting streams, mature trees, wetlands, significant habitat, and integrating topography into the grading plans and servicing plans.

A revised Environment Impact Study (EIS) prepared by Dougan and Associates dated December 12, 2022 was submitted in support of this Draft Plan of Subdivision. The revised EIS applied a comprehensive approach that inventoried all Core Areas within 9236 and 9322 Dickenson Road West in their entirety. Staff note that the intent is to implement mitigation measure for Core Areas within Block 1, Street “A” and right-of-way Block 4, as shown Appendix “B” attached to Report PED23111 but includes the balance of the subject lands (Block 2). As the specific development details of Block 2 in terms of building location, location of parking areas or outdoor storage, etc, are not known at this time, a separate EIS and/or an addendum will be required for any future development proposed within Block 2. (i.e. at site plan stage)

Natural Heritage staff and Niagara Peninsula Conservation Authority (NPCA) staff are satisfied with the revised EIS for Block 1 subject to implementation of several mitigation measures on the identified Core Areas such as the Provincially Significance Wetland (Upper Twenty Mile Creek Wetland), watercourses, significant woodlands, cultural woodlands and wildlife habitats. Mitigation measures have been recommended under the revised EIS for Block 1 that include, but not limited to, a Tree Protection Plan, Native Species Transplant Plan, Invasive Species Management Plan, Habitat Enhancement Restoration Plan and Monitoring Plan required through Conditions Nos. 35 to 42 as shown on Appendix “C” attached to Report PED23111. A separate EIS and/or an addendum will be required for any future development within Block 2, and at that time additional mitigation measures to Core Areas will be required.

The revised EIS states the existing linkage features will not be impacted by the proposed development of Block 1, which comprises of a linear hedgerow along the north property limits and a 1.39 hectare deciduous forest located at the south westerly portion of the subject lands. Staff are satisfied the intent of the UHOP is met.

The proposal intends to incorporate appropriate development setbacks into the site design through the use of a 30 metre wide Vegetation Protection Zone (VPZ) from the Provincially Significant Wetlands to protect features and their functions from the impacts of the proposed change and associated with pre-construction and post-construction activities. In accordance with UHOP policy B.2.5.10, Block 2 is planned to contain a variable VPZ of 10 to 15 metres wide from the limits of the Significant Woodlands and will be addressed in further detail under the scope of a future development application for Block 2.

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The proposal plans to implement a 0.06 hectare VPZ, shown as Block 3 on Appendix “B” attached to Report PED23111. The balance of the Provincially Significant Wetlands within the subject lands will be protected with a 30 metre wide VPZ in addition to the provision of the Conservation/Hazard Land (P5) Zone. Condition Nos. 38 and 39 of Appendix “B” attached to Report PED23111 requires that any grade changes must be accommodated outside of the VPZ and implementation of a Vegetation Protection Zone Planting Plan prior to the subdivision registration.

The proposal will result in the removal of a primarily young 0.35 hectare hedgerow located along the east portion of the subject lands. A Tree Transplant Plan is required to identify native plant species suitable to be transplanted to nearby woodland areas on the subject lands to enhance the ecological value of the natural landscape. Condition No. 37 of Appendix “C” attached to Report PED23111 requires a Native Species Transplant Plan for Block 1 prior to preliminary grading or servicing of the subject lands.

A Tree Protection Plan has been included in the EIS, which proposes to remove 236 trees of the total 1,289 trees within Block 1 of the Draft of Subdivision, as shown on Appendix “B” attached to Report PED23111. Condition Nos. 35 and 36 of Appendix “C” attached to Report PED23111 requires a Tree Protection Plan, prior to preliminary grading or servicing occurring on the subject lands, which shall include notations relating to breeding birds and bat roosting habitats in accordance with the *Migratory Birds Convention Act* and the *Endangered Species Act*. To date, staff have not approved the submitted Tree Protection Plan as technical requirements must be addressed in order to meet standards outlined in the Council adopted Tree Protection Guidelines (revised October 2010).

As per UHOP policy C.2.5.13, all plantings within Vegetation Protection Zones shall use only non-invasive plant species that are native to Hamilton. Condition Nos. 39, 40 and 41 require an Invasive Species Management Plan and Habitat Enhancement Restoration Plan in addition to associated monitoring prior to subdivision registration.

Right-of-Way Dedications

“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 unless otherwise specifically

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described in Schedule C-2 – Future Right-of-Way Dedications.

- e) Collector roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C2 – Future Right-of-Way Dedications.

C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.”

The existing right-of-way along Dickenson Road West is approximately 20.0 metres. As per UHOP Schedule C-2 - Future Right-of-Way Dedications, approximately ± 8.5 metres was initially planned to be dedicated to the right-of-way on Dickenson Road West from Nebo Road to Trinity Church Road. The City is currently undertaking a review and update of the 2011 Airport Employment Growth District (AEGD) Transportation Master Plan (TMP).

Map B.8-3 – Road Classification of the AEDG Secondary Plan identifies a 26 metre wide Minor Collector Road connection through the subject lands. A new municipal road (Street “A”) is proposed to provide a north-south road connection from Dickenson Road West through the subject lands and ultimately the surrounding properties to the north. The requirement for a right-of-way dedication and a 12.19 metre by 12.19 metre daylight triangle for Street ‘A’ has been included as Condition Nos. 32 and 33 of Appendix “C” attached to Report PED23111.

The AEGD Transportation Master Plan update requires an additional 4 metres of right-of-way dedication along Dickenson Road West to incorporate Low Impact Development (LID) features in the cross sectional design. Approximately ± 12.5 metres is to be dedicated to the right-of-way on Dickenson Road West to achieve an ultimate right-of-way of 45 metres shown as Block 4 in Appendix “B” attached to Report PED23111. The requirement for a right-of-way widening along Dickenson Road West has been included

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as Condition No. 31 of Appendix “C” attached to Report PED23111 and a condition of Site Plan Control application DA-21-083.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

There is no sanitary sewer infrastructure fronting the subject lands. The long-term servicing strategy for the AEGD lands are set out in the Water and Wastewater Master Plans, which requires a future Sanitary Sewer Trunk Main on Dickenson Road. Wastewater servicing from the subject lands are planned to be directed to the existing sanitary pumping station at Twenty Road West through an interim sanitary sewer connection.

Servicing capacity at the Twenty Road Wastewater Pumping Station is limited until such time that the Sanitary Sewer Trunk Main extension is completed to facilitate full servicing for the build-out of the AEGD lands. In the interim, the Owner is required to construct a sanitary sewer from the existing service on Upper James Street until such time that the ultimate design and infrastructure budget has been approved by the City. Condition No. 16 of Appendix “C” attached to Report PED23111 requires the installation of a sanitary sewer along Dickenson Road West from Upper James Street to the intersection of the proposed arterial road located to the west of the subject lands (9511 Twenty Road West, subdivision file 25T-201807).

Dickenson Road is currently a two lane rural cross section with an approximate right-of-way width of 20 metres. The Owner is required to compensate the City for the future urbanization of Dickenson Road West. Any road improvements (i.e. pavement widening sidewalk traffic signals, etc.) within Dickenson Road West adjacent to the subject lands are considered temporary works at full cost to the Owner. The above-mentioned road improvements required under Condition Nos. 26, 27 and 29 of Appendix “C” attached to Report PED23111 may be considered temporary works due to the future urbanization of Dickenson Road West.

Future urbanization of Dickenson Road West has been addressed through the Class Environmental Assessment (EA) study undertaken by the City that is scheduled to be completed in 2023.

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The proposed Draft Plan of Subdivision applies to Block 1, Street “A”, a Vegetation Protection Zones and the road widening block (Block 4), where Block 2 and the connecting roadways shall be established through a separate application and development phasing. Block 2 shall remain in a Holding Zone until the Class EA study for the east west collector road (Street “B”) is approved. In the event that the City decides to proceed with the construction of the future collector road (Street “B”) and extension of Street “A”, the Owner shall compensate the City to complete the road infrastructure works.

To ensure orderly and comprehensive development of the subject lands, and in accordance with the Master Servicing Strategy for the AEGD Secondary Plan, the Owner shall coordinate the installation of a sanitary trunk sewer on Dickenson Road West with the adjacent Owners property at 9511 Twenty Road West (file 25T-202002). The infrastructure and servicing requirements are further discussed in the Relevant Consultation Table below.

- “B.3.6.6 Development within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.
- C.4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 – Noise, Vibration and Other Emissions.
- C.4.8.10 Any permitted development, redevelopment or infill development at or above 25 NEF or within the Airport Influence Area shall be required to submit a detailed noise study, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements.”

The proposal is considered a stationary noise source that has the potential to create conflicts between the adjacent residential properties to the east. The subject lands are also located between the 35-40 Noise Exposure Forecast (NEF) on Appendix D – Noise Exposure Forecast Contours in the Urban Hamilton Official Plan. A Noise Impact Study is required prior to subdivision registration as per Condition No. 34 of Appendix “C” attached to Report PED23111.

Airport

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- “C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) there shall be no negative impact on the long-term operations of the Airport;
 - b) the opportunities for expansion of airport operations shall not be limited;
 - c) there are no land uses in the vicinity which may cause a potential aviation hazard; and,
 - d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.”

The subject lands are located within the Primary Airport Zoning Regulation Area and located between the 35-40 Noise Exposure Forecast (NEF) on Appendix D – Noise Exposure Forecast Contours in the Urban Hamilton Official Plan. The Hamilton International Airport advised that the proposal falls within the Approach Surface Runway 06-24. Therefore, the proposed building location and building height (including any antennas/towers) cannot exceed the Airport Zoning Regulations (AZR) elevations. Section 4.17 of Zoning By-law No. 05-200 requires that all development must comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada and no projections shall be permitted beyond the maximum limits.

The conditionally approved Site Plan Control application DA-21-083 has imposed a special condition to require compliance with the Hamilton Airport Zoning Regulations (AZR) SOR/2017-200, which shall include, but not be limited to execution of a Crane Operating Procedures Agreement between the proponent and the Hamilton International Airport.

The proposal intends to be developed in a manner that is compatible with the John C. Munro Hamilton International Airport to ensure aviation safety and continued operation of existing and future airport facilities. Detailed building design and compliance with the AZR will be addressed under Site Plan Control application DA-21-083.

Airport Employment Growth District

“Volume 1

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E.5.5.6 The Airport Employment Growth District shall be developed in a coordinated and comprehensive manner. Wherever possible, development shall have regard to reducing the number of access points to the major boundary and major internal roadways, and to providing efficient internal traffic circulation, adequate off-street parking and loading facilities, adequate restrictions and screening of outside storage, and adequate landscaping and buffering requirements.”

To establish a coordinated and comprehensive development of the lands, the proposal will implement road and infrastructure improvements in order to provide efficient internal traffic circulation of various transport modes that includes, but not limited to, a temporary cul-de-sac to allow adequate manoeuvring space for municipal waste collection vehicles, snow removal areas, loading facilities and emergency vehicle routes integrated within the public road and internal private road system.

“Volume 2

B.8.3.4 All development applications within the Airport Employment Growth District shall be subject to review to ensure a high quality of development in accordance with this Secondary Plan and the Airport Employment Growth District Eco-Industrial Design Guidelines and Urban Design Guidelines.

B.8.3.5 All development within the Secondary Plan Area shall be planned on a comprehensive basis, avoid where possible impacts on natural features, and effectively integrate with adjacent development and future development. The implementing zoning by-law shall incorporate provisions relating to the height, density and design of development based on the provisions of this Secondary Plan and the Airport Employment Growth District Eco-Industrial Design Guidelines and Urban Design Guidelines.”

The City of Hamilton’s Eco-Industrial Design Guidelines, 2010 (EIG) sets out sustainable design principles to inform the evaluation of planning applications by staff to be used in conjunction with the Airport Employment Growth District Urban Design Guidelines (2010).

An Urban Design, Energy, and Environmental Assessment was prepared by JRI Architects dated March 5, 2020, in support of the Draft Plan of Subdivision. The Assessment identifies opportunities for energy conservation, efficient and green building materials, low impact development (LID) stormwater management and protection of natural features that may be implemented in the site design.

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The proposal plans to implement Low Impact Development (LID) measures to enhance stormwater quality such as, permeable pavers, enhanced swales and infiltration galleries that are intended to improve water runoff collection from the industrial building rooftops for conveyance into stormwater management facilities. Condition Nos. 2 (b), 2 (c) and 6 of Appendix "C" attached to Report PED23111 outline requirements for maintenance and monitoring of the planned LID systems prior to preliminary grading and prior to servicing the subject lands.

The Airport Employment Growth District is intended to be developed into a high quality eco-industrial area planned to attract a range of airport related businesses. The proposed development integrates and protects significant natural areas and provides a landscape buffer between the existing residence (9206 Dickenson Road) and promotes a comprehensively planned eco-industrial development through the integrated road network, screened loading facilities and building orientation.

The Draft Plan of Subdivision has been phased to facilitate orderly development of the subject lands. The detailed design of Block 1 (industrial development) as shown on Appendix "B" attached to Report PED23111 has been reviewed by staff through Site Plan Control application DA-21-083.

Based on the above analysis, staff are of the opinion that the proposed development complies with the policies of the UHOP and the Airport Employment Growth District Secondary Plan.

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;

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook (PED23111) (Ward 11) - Page 18 of 27

- 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,
- g) The plan of subdivision meets all requirements of the Planning Act, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and the Airport Employment Growth District Secondary Plan and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions. This proposal will not adversely impact the natural environment or transportation system and will be integrated with the adjacent lands and roads and does not impact municipal finances. Based on the above, the proposed Draft Plan of Subdivision complies with the UHOP.

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

The subject property is zoned Airport Prestige Business (M11, H37) Zone and Airport Light Industrial (M10, H37) Zone, which permit a range of airport-related, business industrial and warehouse uses. The proposed Draft Plan of Subdivision intends to be developed in accordance with the range of permitted uses under the current zoning.

Holding Provision ‘H37’ only permits limited types of site alterations to legal non-conforming residential dwellings, until such time that the subject lands have access to adequate municipal servicing and transportation infrastructure. The lifting of Holding Provision H37 is required to facilitate development of the subject lands and is addressed as a special condition of Site Plan Control application DA-21-083.

RELEVANT CONSULTATION

Departments and Agencies		
Recreation, Healthy and Safe Communities		No Comment.
	Comment	Staff Response
Bell Canada	Requires the Owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 53 of Appendix “C” attached to Report PED23111.
Canada Post	Identified that the site will be serviced by a centralized mailbox. The	The requirements have been included as Condition Nos. 51

**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
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	Applicant will need to locate the mailbox on site per Canada Post standard requirements.	and 52 of Appendix "C" attached to Report PED23111.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Servicing Infrastructure</p> <ul style="list-style-type: none"> • There is an existing 300mm watermain on Dickenson Road West adjacent to the eastern frontage of the subject lands which the Owner will be required to extend the existing 300mm watermain along Dickenson Road West to the west limit of the subject lands; • The subject lands are located within the catchment area to be serviced by the existing sanitary pumping station on Twenty Road West on an interim basis until the future sanitary trunk sewer on Dickenson Road East is completed. A geo-technical assessment is required for the sanitary sewer design. <p>Stormwater Management</p> <ul style="list-style-type: none"> • The stormwater management design for Block 1 shall control post-development flows lesser of the pre-development flow or unitary flow rates for all ranges of storm events including a 100-year storm through an appropriate stormwater management system for each outlet on the subject lands; and, • Block 1 shall achieve a level 1 water quality control in accordance with the AEGD Sub-watershed Master Plan in order to mitigate any potential downstream erosion. 	<p>Future municipal servicing connections will be addressed at the Site Plan Control stage. The conditionally approved Site Plan DA-21-083 imposed a special condition to require an External Works Agreement to address the trunk sanitary sewer extension for Block 1 on Dickenson Road West.</p> <p>The design and costing of the future sanitary trunk sewer installation has been addressed through Condition Nos. 16 and 23 of Appendix "C" to Report PED23111.</p> <p>Stormwater management requirements have been addressed through Condition Nos. 2 a), 2 b), 4, 5 and 10 of Appendix "C" attached to Report PED23111.</p>

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> Map B.8-4 of the Airport Employment and Growth District Secondary Plan identifies a dry pond location planned on the north central portion of the subject lands. A centralized stormwater management facility (dry pond) will be required on Block 2 to accommodate flood control for development of the remainder of the subject lands; and, Stormwater infiltration/retention on site should meet water quality targets outlined in the AEGD sub-watershed study Master Plan. Revisions to the Functional Servicing Report is required. <p>Grading and Drainage</p> <ul style="list-style-type: none"> The functional grading design indicates that there are proposed grading encroachments onto lands not owned by the Developer. The Owner shall notify the downstream owners and demonstrate riparian rights to drain through private lands and the airport lands south of Dickenson Road. <p>Roadways</p> <ul style="list-style-type: none"> The Owner is responsible for future urbanization of Dickenson Road West, and construction of Street 'A' to City guidelines and standards that includes, but not limited to, road dedication traffic improvement works, sidewalks/bike lanes, traffic signals, utility relocates, etc. 	<p>Staff have advised on requirement for the centralized stormwater management facility (dry pond) through Note No. 2 of Appendix "C" attached to Report PED23111.</p> <p>The requirement for an updated Functional Servicing Report has been addressed through Condition No. 1 of Appendix "C" attached to Report PED23111</p> <p>Site grading and drainage requirements have been addressed through Condition Nos. 3, 4, and 13 of Appendix "C" to Report PED23111.</p> <p>Road infrastructure requirements and improvements have been addressed through Condition Nos. 7, 8, 9, 11, 14, 17, 19, 20, 22, 31, 32 and 33 of Appendix "C" to Report PED23111.</p>

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<p>Maintenance</p> <ul style="list-style-type: none"> The Owner shall provide and fund a watermain flushing program and implement a monitoring plan for Low Impact Development (LID) within Street "A" for a minimum of 5 years. The City will require a \$50,000 security from the Owner for the operation and maintenance of the LID systems. <p>Fencing</p> <ul style="list-style-type: none"> The Owner is required to install heavy duty chain link fencing along the north limit and east limit of Block 1. <p>Development Phasing</p> <ul style="list-style-type: none"> The Applicant is required to receive approval of comprehensive engineering reports in accordance with the Airport Employment Growth District sub-watershed Master Plan recommendations. Block 2 of the Draft Plan of Subdivision 25T-202002 shall remain under Holding Provision H37 until such time that a Class Environmental Assessment (EA) Study is approved by the City. 	<p>Maintenance requirements have been addressed through Condition Nos. 2 (b), 2 (c), 6 and 20 of Appendix "C" to Report PED23111.</p> <p>Fencing has been addressed under Condition No. 15 of Appendix "C" to Report PED23111.</p> <p>Future development of Block 2 shall proceed as outlined in Note No. 2 of Appendix "C" attached to PED23111.</p> <p>The Applicant is required to receive a final and binding Zoning By-law Amendment (Holding Removal) for Block 1 that demonstrates adequate municipal servicing in order to permit site alterations on the subject lands. Staff note the City has undertaken a Class EA study for the urbanization of Dickenson Road West, which is scheduled to be completed in 2023.</p>

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
Located at 9236 and 9322 Dickenson Road West, Glanbrook
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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<p>Water Servicing</p> <ul style="list-style-type: none"> The 400 mm watermain proposed along Street 'A' from Dickenson Road West to the north limit of the proposed temporary cul-de-sac circle is acceptable to staff subject to a Watermain Hydraulic Analysis acceptable to the City. Staff's review of the Hydrogeological Report prepared by Terraprobe dated March 27, 2020 determined that the risk of groundwater level interference due to dewatering is low, however staff require additional information on the risks of potential impacts to nearby private well as a result of construction activities. <p>Construction Management</p> <ul style="list-style-type: none"> Details heavy truck routes, stockpiling locations, timing of sidewalk/lane closures, dust control/street cleaning and construction activity planned to encroach into the municipal road allowance shall be described in a Construction Management Plan. 	<p>The conditionally approved Site Plan DA-21-083 imposed a special condition to require a Watermain Hydraulic Analysis to demonstrate acceptable system pressure modelling and water demand scenarios, and therefore not a condition of this recommendation for Draft Plan of Subdivision approval.</p> <p>The requirement for a local well water survey and Hydrogeological Study have been addressed through Condition Nos. 18 and 24 of Appendix "C" attached to Report PED23111. The requirement for a Construction Management Plan has been addressed through Condition Nos. 21 and 25 of Appendix "C" attached to Report PED23111 and through a condition of Site Plan Control application DA-21-083.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	The City is not incurring any existing tree assets as all trees within the proposed right of way widening on Dickenson Road West are proposed to be removed. Street trees will be required along Street "A".	The allocation of street trees shall be addressed through Site Plan Control application DA-21-083. Street tree allocation for subsequent development phases will be addressed under separate Site Plan Control applications.

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
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	Comment	Staff Response
Hamilton International Airport	Development in proximity to airport facilities shall comply with the John C. Munro Hamilton International Airport Zoning Regulations (AZR) SOR/2017-200 height restrictions.	The airport height restrictions shall be addressed through a special condition under Site Plan Control application DA-21-083.
Legislative Approvals / Staging of Development Section, Growth Management Division, Planning and Economic Development, Department	<p>The Owner is required to coordinate the finalization of municipal addressing for the proposed lots and blocks.</p> <p>Requested that a note be included in the draft plan conditions indicating that draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.</p>	<p>Condition No. 44 of Appendix "C" to Report PED23111 addresses the requirement for coordinating the finalization of municipal addressing of the lots and blocks.</p> <p>Note No. 1 in the conditions of Draft Plan of Subdivision approval (see Appendix "C" attached to Report PED23111) addresses the requirement for a note with respect to lapsing within three years.</p>
Niagara Peninsula Conservation Authority	<p>All post development peak stormwater flows must be attenuated to pre-development levels for up to and including the 100-year storm event.</p> <p>No grading shall occur beyond the 30 metre wide Vegetation Protection Zone for the Provincially Significant Upper Twenty Mile Creek Wetland Complex. Limited encroachment is allowed to facilitate construction of stormwater management outfalls.</p> <p>An Enhancement/Restoration Plan is required to provide enhancements to the wetland buffer areas, including any disturbed wetland areas.</p>	These requirements have been addressed under Condition Nos. 45 through 50 and Note #4 of Appendix "C" attached to Report PED23111.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning have reviewed the submitted Transportation Impact Study document, which was approved on September 27, 2021.</p> <p>A temporary cul-de-sac is required at the terminus of Street 'A', in addition to a 3.0 metre wide multi-use trail along one side of Street 'A'. Other road improvements include a temporary westbound right-turn lane at the intersection of Dickenson Road West and Street 'A' as an interim traffic improvement until such time the future road widening is complete to expand to Dickenson Road West to a four laned arterial road.</p> <p>A 12.5 metre wide right-of-way dedication (Block 4) is required along Dickenson Road West frontage of the subject property to facilitate an ultimate 45 metre right-of-way width along Dickenson Road West. Further, a 12 metre by 12 metre daylighting triangle is required at the proposed intersection of Street "A".</p> <p>Transportation Planning staff advise that road improvements to the intersection of Dickenson Road West/Dickenson Road East and Upper James Street are not feasible at this time due to ongoing drainage concerns on the east leg, among other preclusions. Transportation Planning recommends that future improvements to the intersection are implemented through a cost sharing agreement by the Applicant/Owner.</p>	<p>Road improvements for Street 'A' and Dickenson Road West and have been addressed through Condition Nos. 26 to 33 of Appendix "C" attached to Report PED23111.</p> <p>Staff advise that the ultimate road intersection improvement shall be reviewed following completion of the ongoing Dickenson Road Environmental Assessment (EA) Class study. Future improvements to the road intersections are to be implemented through a Cost Sharing Agreement by the Applicant/Owner.</p> <p>Road ROW dedications and daylighting triangles have been addressed through Condition Nos 32 and 33 of Appendix "C" attached to Report PED23111.</p>

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	Comment	Staff Response
Waste Management Division, Public Works Department	The proposed industrial development is ineligible for municipal waste collection. The Owner must arrange for a private waste hauler.	This advisement is addressed in the conditions of Draft Plan of Subdivision approval as Note No. 3 of Appendix "C" attached to Report PED23111.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was sent to residents within 120 metres of the subject lands on April 24, 2020. A Public Notice sign was posted on the property on May 23, 2020 and updated with the Public Meeting date on May 23, 2023. A Notice of a non-statutory Public Meeting was sent to property owners within 120 metres of the subject lands on May 23, 2023, including the residents who requested to be notified of the non-statutory Public Meeting.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, and as part of the Planning Justification Report, the Applicant offered to contact members of the public to address and concerns related to the application if notified. No feedback was received from the public on this application.

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 the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan and the Airport Employment Growth District Secondary Plan; and,
 - (iii) It provides for industrial uses in an area where full municipal services are available subject to the proposed conditions of draft plan approval, making efficient use of the land and infrastructure.

2. The proposed Draft Plan of Subdivision will consist of one block for industrial development (Block 1), one block for future development (Block 2), a Vegetation Protection Zone block (Block 3), a block for road right-of-way dedication (Block 4), a block for a temporary cul-de-sac (Block 5), and a public road (Street "A").

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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), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Airport Employment Growth District Secondary Plan;
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (c) It complies with the applicable policies of the Urban Hamilton Official Plan and the Airport Employment Growth District Secondary Plan;
 - (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;
 - (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding area;
 - (f) The proposed subdivision can be adequately serviced by the current road network;
 - (g) The dimensions and shapes of the proposed industrial block is sufficient to accommodate the proposed industrial development;
 - (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
 - (i) Adequate utilities and municipal services will be available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
 - (j) The application will not have any negative impact on the City's finances.
3. Development of Block 1 of the Draft Plan of Subdivision will be implemented through the conditionally approved Site Plan Control application DA-21-083. However, conditions of draft approval have been included should the Site Plan Control application not proceed. Subsequent development phases will be implemented through separate Site Plan Control applications for the future

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development lands (Block 2) and additional technical studies will be required to support the future applications. Both Block 1 and 2 are subject to the Hamilton Airport Zoning (Height/Restrictions established by Transport Canada. Hamilton International Airport has advised that the proposed building violates the Airport Zoning Regulation by approximately 2.98m to 8.43m. As such, the proposed building on Block 1 must be redesigned from the proposed height of 14.3m to a building varying in height from approximately 5.8m to 11.3m to ensure safe aircraft movements. Based on the above, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Draft Plan of Subdivision not be approved the lands could not be developed with the proposed subdivision of a block for industrial development fronting into a collector road. The lands could be developed in accordance with the Airport Prestige Business (M11, H37) Zone and Airport Light Industrial (M10, H37) Zone, which permits a variety of airport-related commercial uses, warehousing and business industrial uses.

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.

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

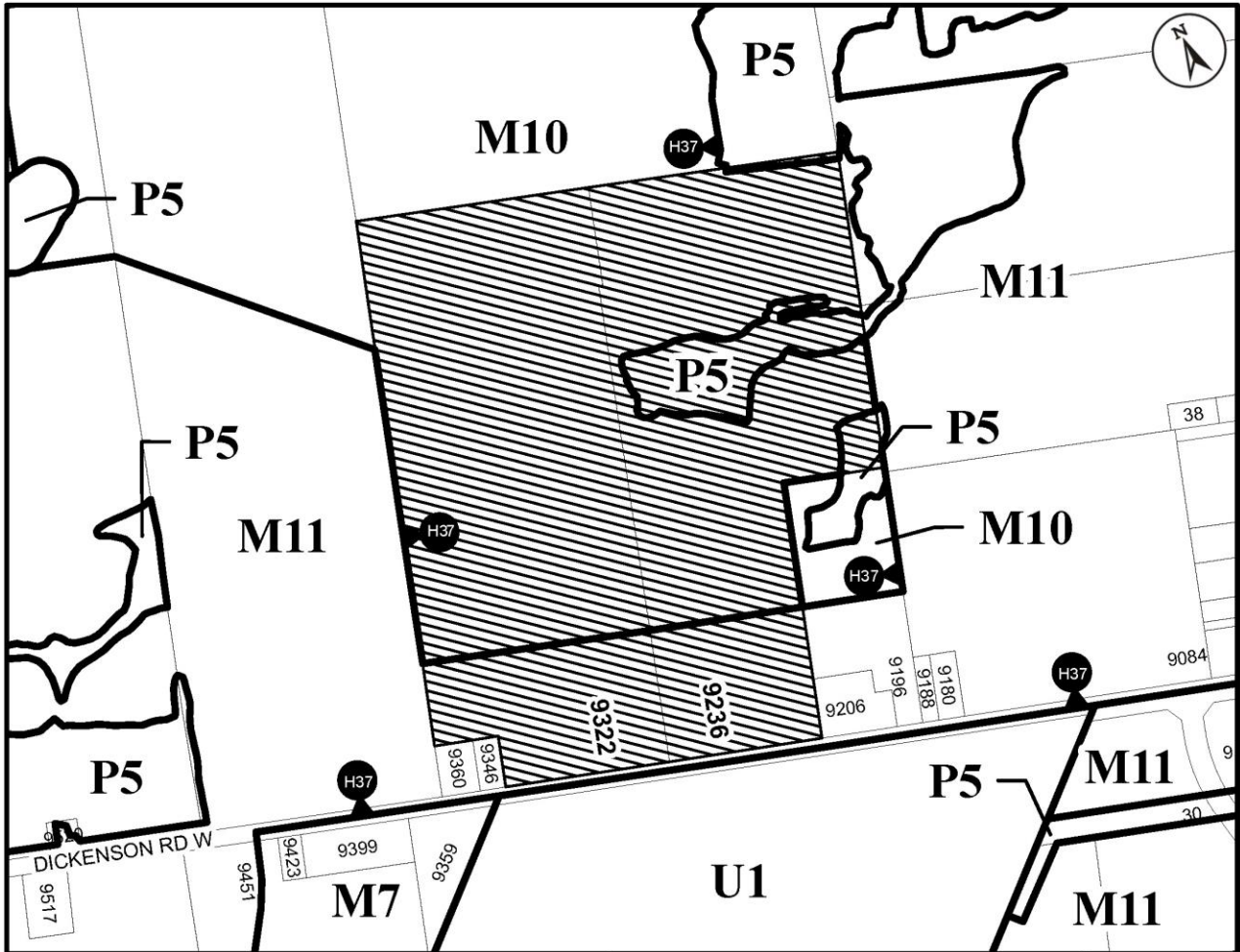
Appendix “A” to Report PED23111 – Location Map

Appendix “B” to Report PED23111 – Draft Plan of Subdivision

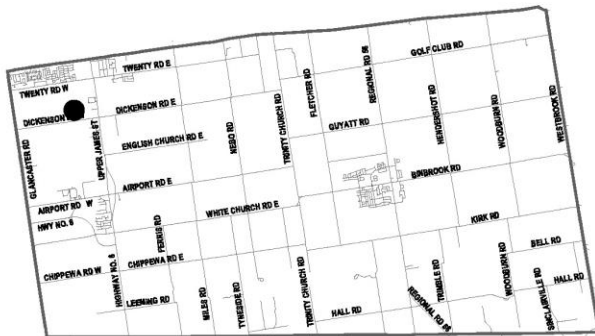
Appendix “C” to Report PED23111 – Special Conditions of Draft Plan of Subdivision

Appendix “D” to Report PED23111 – Public Submissions

AB:sd



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25T-202002


Date:
March 23, 2023

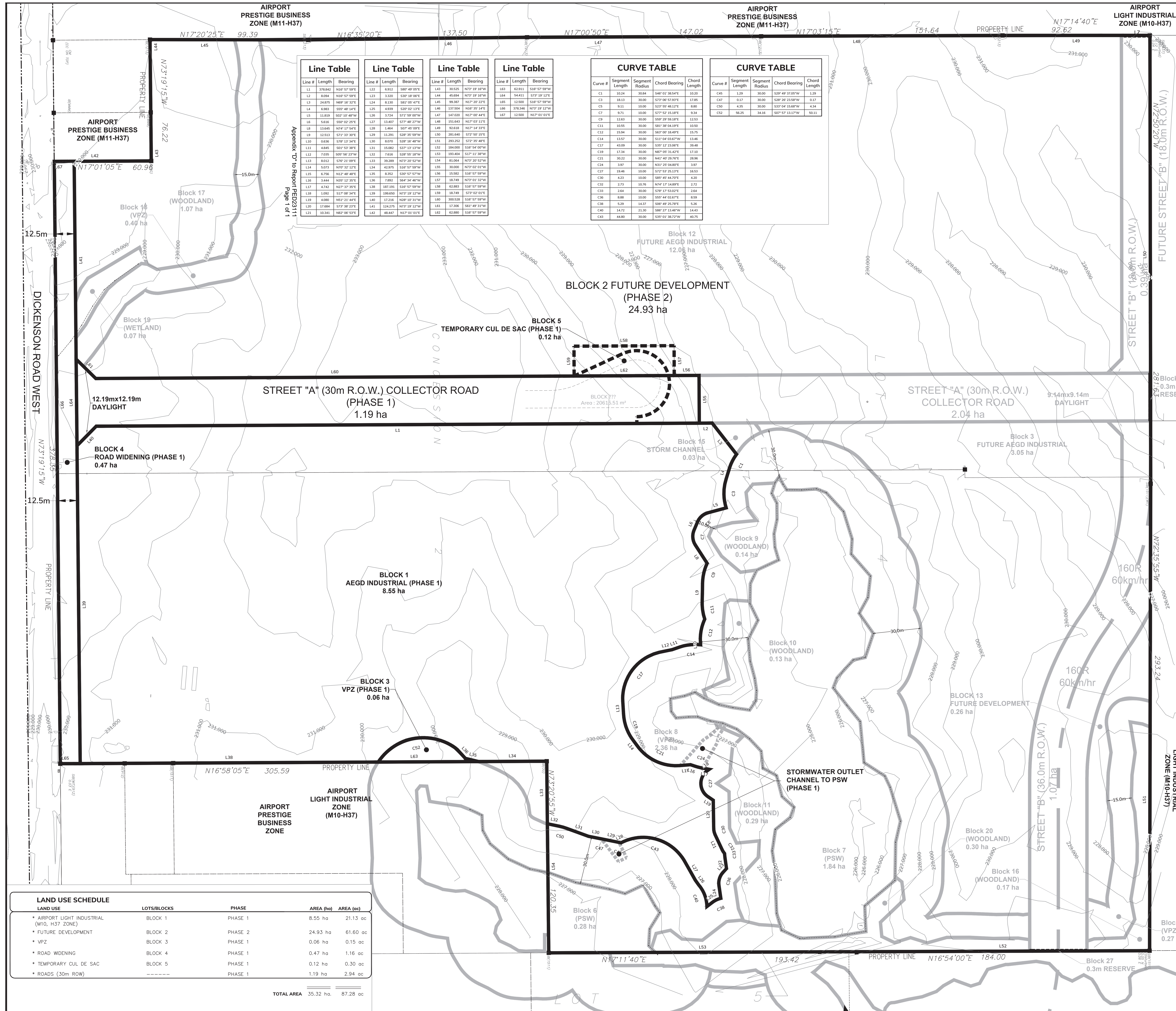
Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/NB

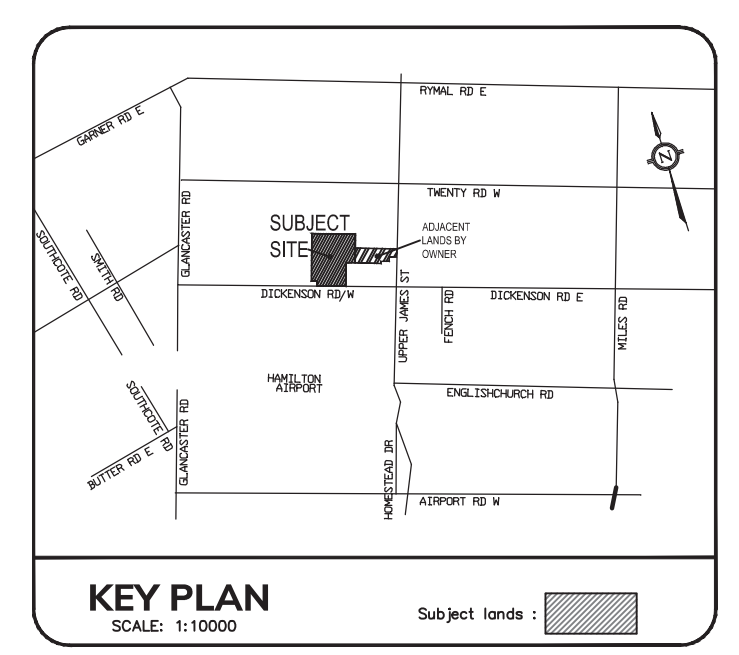
Subject Property

 9236 & 9322 Dickenson Road West, Glanbrook (Ward 11)



Line Table			Line Table			Line Table			Line Table		
Line #	Length	Bearing	Line #	Length	Bearing	Line #	Length	Bearing	Line #	Length	Bearing
L1	378.82	N10°57'59"E	L22	6.92	S89°49'09"E	L43	30.25	N77°19'14"W	L63	62.911	S10°57'59"W
L2	8.094	N10°57'59"E	L23	3.320	S70°18'00"E	L44	45.694	N77°19'14"W	L64	54.411	S77°19'14"E
L3	24.975	N69°19'27"E	L24	8.330	S81°09'47"E	L45	99.387	N10°57'59"W	L65	22.500	S10°57'59"W
L4	6.983	S50°48'14"E	L25	4.939	S29°02'13"E	L46	137.504	N10°57'59"W	L66	378.346	N77°19'12"W
L5	11.819	S02°10'49"W	L26	3.724	S71°09'59"W	L47	147.000	N10°57'59"W	L67	12.900	N17°01'01"E
L6	5.616	S50°02'20"E	L27	13.407	S77°48'27"W	L48	151.643	N17°01'01"E			
L7	13.645	N74°17'54"E	L28	1.464	S07°49'09"E	L49	92.618	N17°14'37"E			
L8	12.013	S71°19'29"E	L29	11.031	S29°35'59"W	L50	281.640	S70°18'00"E			
L9	6.856	S29°12'34"E	L30	8.070	S29°12'48"W	L51	293.292	S29°35'48"W			
L10	4.845	S01°53'38"E	L31	15.082	S37°13'13"W	L52	184.000	S19°54'00"W			
L11	7.035	S09°56'23"W	L32	7.616	S29°55'18"W	L53	181.404	S17°11'38"W			
L12	8.012	S77°21'09"E	L33	39.289	N77°20'52"W	L54	81.064	N77°20'52"W			
L13	5.075	N02°22'27"E	L34	42.975	S10°57'59"W	L55	36.000	N70°02'01"W			
L14	6.796	N12°48'48"E	L35	8.352	S29°57'57"W	L56	15.982	S19°57'59"W			
L15	3.444	N20°12'30"E	L36	7.892	S64°34'40"W	L57	18.749	N77°01'32"W			
L16	4.742	N27°37'30"E	L37	187.191	S10°57'59"W	L58	62.883	S19°57'59"W			
L17	1.092	S17°09'34"E	L38	199.650	N77°19'12"W	L59	18.749	S77°02'01"E			
L18	4.486	N01°21'44"E	L39	17.016	N09°10'11"W	L60	300.528	S10°57'59"W			
L19	17.684	S29°38'23"E	L40	124.278	N77°19'12"W	L61	17.306	S60°49'31"W			
L20	10.341	N82°06'53"E	L41	48.447	N17°01'01"E	L62	62.880	S19°57'59"W			

CURVE TABLE					CURVE TABLE				
Curve #	Segment Length	Segment Radius	Chord Bearing	Chord Length	Curve #	Segment Length	Segment Radius	Chord Bearing	Chord Length
C1	10.24	30.00	S40°01'38.54"E	10.20	C46	1.26	30.00	S37°49'37.04"W	1.26
C2	18.13	30.00	S77°09'57.93"E	17.85	C47	0.17	30.00	S37°26'23.58"W	0.17
C3	9.11	10.00	S27°09'48.12"E	8.80	C48	4.35	30.00	S37°04'15.68"W	4.34
C4	9.71	10.00	S77°52'15.18"E	9.34	C49	16.25	34.16	S07°57'13.17"W	16.11
C5	12.63	30.00	S09°29'59.19"E	12.53					
C6	10.95	30.00	S19°38'04.19"E	10.90					
C7	15.94	30.00	S67°00'18.49"E	15.75					
C8	11.57	30.00	S11°04'03.87"W	11.48					
C9	43.09	30.00	S33°12'23.08"E	38.48					
C10	17.34	30.00	S89°09'31.42"E	17.50					
C11	30.22	30.00	S44°00'28.78"E	26.86					
C12	3.97	30.00	N11°50'04.88"E	3.97					
C13	19.46	10.00	S72°57'25.13"E	16.53					
C14	4.23	10.00	S88°40'44.70"E	4.20					
C15	2.73	10.76	N74°17'14.89"E	2.72					
C16	3.44	30.00	S19°17'53.02"E	3.44					
C17	8.88	10.00	S09°44'02.67"E	8.59					
C18	5.29	14.37	S06°49'25.78"E	5.26					
C19	14.72	21.30	S88°27'13.86"W	14.41					
C20	44.80	30.00	S39°01'38.72"W	40.75					

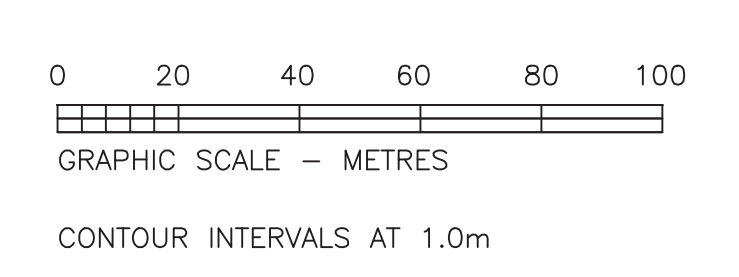


DRAFT PLAN OF GREYCAN 11 PROPERTIES LIMITED PARTNERSHIP AND NORTH HAMILTON AIRPORT LANDS LIMITED PARTNERSHIP INDUSTRIAL SUBDIVISION FOR A PROPOSED SUBDIVISION OF PART OF LOT 4 CONCESSION 2 CITY OF HAMILTON

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

A) AS SHOWN ON THE DRAFT PLAN
 B) AS SHOWN ON THE DRAFT PLAN
 C) AS SHOWN ON THE DRAFT PLAN
 D) REFER TO LAND USE SCHEDULE
 E) AS SHOWN ON THE DRAFT PLAN
 F) AS SHOWN ON THE DRAFT PLAN
 G) AS SHOWN ON THE DRAFT PLAN
 H) MUNICIPAL PIPE WATER SUPPLY
 I) SILT, CLAYEY SILT TO SANDY SILT (SOIL TYPE)
 J) AS SHOWN ON THE DRAFT PLAN
 K) SANITARY, STORM, MUNICIPAL WATER, HYDRO, GAS
 L) AS SHOWN ON THE DRAFT PLAN

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



Scale : 1:750

FILE:

NO.	REVISION DESCRIPTION	DATE
1	REVISED FOR DPA	SEP 30/22
2	REVISED FOR DPA	NOV 10/22
3	REVISED FOR DPA	NOV 18/22
4	REVISED FOR DPA	APR 13/23

OWNER'S CERTIFICATE
 WE, GREYCAN 11 PROPERTIES LIMITED PARTNERSHIP, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS, HEREBY AUTHORIZE THE ODAN/DETECH GROUP INC. TO PREPARE AND SUBMIT A DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATED April 14, 2023

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATED 14 April 2023

LAND USE SCHEDULE	LOTS/BLOCKS	PHASE	AREA (ha)	AREA (ac)
* AIRPORT LIGHT INDUSTRIAL (M10-H37 ZONE)	BLOCK 1	PHASE 1	8.55 ha	21.13 ac
* FUTURE DEVELOPMENT	BLOCK 2	PHASE 2	24.93 ha	61.60 ac
* VPZ	BLOCK 3	PHASE 1	0.06 ha	0.15 ac
* ROAD WIDENING	BLOCK 4	PHASE 1	0.47 ha	1.16 ac
* TEMPORARY CUL DE SAC	BLOCK 5	PHASE 1	0.12 ha	0.30 ac
* ROADS (30m R.O.W.)	-----	PHASE 1	1.19 ha	2.94 ac
TOTAL AREA			35.32 ha	87.28 ac

Special Conditions for Draft Plan of Subdivision Approval for 25T-202002

That this approval for the Draft Plan of Subdivision, 25T-202002, certified by Odan-Detech Consulting Engineers, dated April 14, 2023, consisting of one block for industrial development (Block 1), one block for future development (Block 2), a Vegetation Protection Zone block (Block 3), a block for a road widening (Blocks 4), a block for a temporary cul-de-sac (Block 5), and a public road (Street "A"), be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to preliminary grading**, the Owner shall submit a revised Functional Servicing Report, signed and sealed by a qualified, licensed professional engineer, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
2. That, **prior to preliminary grading**, the Owner acknowledges that a detailed stand-alone stormwater management report will be required for the Site Plan application for Block 1 prepared by a professional engineer, to the satisfaction of the Director, Growth Management & Chief Development Engineer. The SWM design shall include the following:
 - a. Demonstrate how the post development flow will be controlled to lesser of pre-development flows or unitary flow rates identified in the AEGD Sub-watershed Masterplan for all ranges of storm events including the 100-year event through an appropriate SWM system for each outlet on the subject lands;
 - b. The SWM design shall consider a filter media-landscaped based LID on Block 1 shown on the draft plan to achieve level 1 water quality control in accordance with AEGD Sub-watershed Master Plan. In addition, the water balance and erosion controls shall also be considered to mitigate any potential erosion downstream; and,
 - c. The proposed storm outlets shall be located within the Block 1 property limits. The owner shall obtain an ECA from MECP for the proposed SWM works including LID's on Block 1. The owner will be responsible to maintain, develop and implement a compliance and performance monitoring plan for all LID systems proposed within Block 1 for a minimum of 5 years.
3. That, **prior to preliminary grading**, the Owner agrees to monitor drainage across lands located at 2240 Upper James Street and lands located at 2200 Upper James Street and the airport lands located south of Dickenson Road West from the proposed storm outlet a minimum distance of 250 m east and 250 m south of the subject lands to ensure that the above mentioned existing lands are

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not negatively impacted by the subject development. The development impact monitoring plan shall develop baseline conditions of the downstream systems on lands located at 2240 and 2200 Upper James Street and airport lands south of Dickenson Road West, and the monitoring shall occur throughout the construction of the subdivision and for a period of not less than 2 years after all lot/blocks within the approved draft plan are fully developed. In the event a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at their cost. The engineering design and cost estimate schedules for the outlet works shall include a minimum of \$100,000.00 cash security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of the draft approved plan, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

4. That, **prior to preliminary grading**, the Owner shall demonstrate that the subject development has riparian rights to drain through private lands located at 2240 and 2200 Upper James Street and the airport lands south of Dickenson Road West downstream. The Owner shall notify the downstream land owner(s) whose properties are traversed by the Twenty Mile Creek Tributaries from the SWM facility outlet to 250 m east and 250 m south of the subject lands, of a proposed SWM outfall, and impending SWM facility construction, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
5. That, **prior to servicing**, the Owner shall include in the design and cost estimate schedules provision to install an adequate culvert on Dickenson Road to convey 100 year controlled flows from the subject site including the 100 year uncontrolled flows from the external drainage areas west of street "A", to the satisfaction of the Director, Growth Management & Chief Development Engineer.
6. That, **prior to servicing**, the Owner agrees to take responsibility to maintain, develop and implement a compliance and performance monitoring plan for all LID systems proposed within the Street "A" right-of-way limit, for a minimum of 5 years and shall provide a \$50,000 security for its operation and maintenance, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
7. That, **prior to registration of the final plan of subdivision**, the Owner shall pay a proportionate share for the future urbanization of Dickenson Road West based on the City's "New Road Servicing Rate" in effect at the time of payment in accordance with the City's financial policies, along the frontage of Block 1 and Block 2, adjacent to Dickenson Road West to the satisfaction of the Director, Growth Management & Chief Development Engineer.

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8. That, **prior to registration of the final plan of subdivision**, the Owner agrees to convey sufficient lands within the area identified as "Block 2" on the draft approved plan to the City for the future collector roadway (east-west corridor) purposes, at no cost and free of encumbrance with the exception of compensation to be paid by the City for any road width beyond 26 metres in accordance with Council's approved financial policies. Furthermore, the determination of the road alignment will be in accordance with the approved East-West Road Corridor Class Environmental Assessment (Schedule C) and such road conveyance shall occur within 30 days following receipt from the City of Hamilton of a Notice of Completion application for a draft plan of subdivision on the lands within which the future collector roadway is located, or at a later date as advised in writing by the City's General Manger, Planning and Economic Development, following completion of the Class Environmental Assessment for the East-West Road (Schedule C) and issuance of the Notice of Completion application, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
9. That, **prior to registration of the final plan of subdivision**, the Owner agrees that in the event that the City decides to proceed with the construction of the Street "A" extension and east-west collector, the Owner agrees to provide the City with a proportionate share in accordance with the City's Financial Policies to complete the works, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules the provision to upgrade the existing Orlick Storm Water Management Pond located at the south west corner of Upper James and Dickenson Road West at 100% their cost. All works related to the upgrading of the pond shall be completed prior to the commencement of any pre-grading works on the subject site, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
11. That, **prior to servicing**, the Owner shall include in the design and cost estimate schedules provision for a "right in-right out" access to Dickenson Road West for Block 1, if required. The Owner further agrees to include the installation of any required road improvements including turning lanes to facilitate this access. All cost related to the entrance and lanes will be 100% Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
12. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all existing septic beds, wells, and or any structures will be at the sole cost of the Owner to the satisfaction of the Director, Growth Management & Chief Development Engineer.
13. That, **prior to preliminary grading**, the Owner shall obtain permission to perform grading works on lands adjacent to the east limit of Block 1, if required. The City will not permit any pre-grading works until such time as the Owner

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provides verification of permission including a letter from the adjacent Owners of lands located at 9196 and 9206 Dickenson Road West (including a drawing signed and stamped by the adjacent Owner agreeing to the proposed works on their property). If the Owner cannot obtain permission for grading on these adjacent lands the City will require grading design alternatives to meet the grades along the east property limit, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

14. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Dickenson Road West, along the subject frontage, entirely at the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
15. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of a 1.5 m black vinyl coated heavy-duty chain link fence along the east limit of Block 1, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
16. That, **prior to servicing**, the Owner shall include in the design and cost estimate schedules provision to install a sanitary sewer along Dickenson Road West from Upper James Street to the intersection of the proposed arterial road located within the lands located at 9511 Twenty Road West (City File 25T-201807), in accordance with the City's Financial Policies and in accordance with the AEGD master plan, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
17. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of sidewalks/bike lanes on both sides of Street "A", to the satisfaction of the Director, Growth Management & Chief Development Engineer.
18. That, **prior to preliminary grading**, the Owner agrees to complete and submit to the City a local door-to-door water well survey within the expected radius of influence or within 500 m of the property (whichever is greater) and shall post an adequate security deposit to be used to address any negative impact on the existing water wells due to construction, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
19. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the future removal of the temporary turning circles at the north limit of Street "A" at the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
20. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provision for a flushing and monitoring program to address interim water quality maintenance for the watermain along Street "A" until such time as the watermain is extended and looped within the AEGD lands. The

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Owner further agrees to reimburse the City of Hamilton for actual costs including administrative costs associated with the flushing, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

21. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. 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 contractor/agent contact information so that the City can direct the work to be completed as necessary, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
22. That, **prior to servicing**, the Owner agrees to include in the design and engineering cost schedules provision for any temporary works including but not limited to traffic improvement works, pavement widening, turning lanes, sidewalk, street lighting, traffic signals etc., along Dickenson Road West adjacent to Block 1 and Block 2 at 100% the Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
23. That, **prior to servicing**, the Owner shall submit a geotechnical report prepared by a qualified professional engineer including:
 - a. The provision for LID standards in accordance with City standards; and,
 - b. An evaluation to address the soil conditions for the sanitary sewer installation on Dickenson Road West in accordance with the City's Development Guidelines and MECP Guidelines;

All to the satisfaction of the Director of Development Engineering, Growth Management Division.

24. That, **prior to servicing**, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
 - a. An aquifer is breached during excavation;
 - b. Groundwater is encountered during any construction within the subdivision, including but not limited to house construction;

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- c. Sump pumps are found to be continuously running; and,
- d. Water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted;

All to the satisfaction of the Director, Growth Management & Chief Development Engineer.

25. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management Plan that provides:
- a. Details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes, etc.;
 - b. Location and maximum dimensions of stockpiling;
 - c. Identification of any required sidewalk and/or lane closures and the estimated length of time for such closures;
 - d. Details on heavy truck routing; and,
 - e. Alternate arrangements of any City or school bus routing and stop locations that may be impacted;

All to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Transportation Planning

26. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of all required works within the intersection of Dickenson Road West & Street 'A', including lighting, signage, and pavement markings and further that:
- i. The design shall include the ultimate cross-section of Street 'A' which includes the provision of an exclusive southbound left-turn lane with 60 metres of storage and an exclusive westbound right-turn lane with 60 metres of storage; and,
 - ii. All costs associated with these works, including but not limited to design and construction, will be at the expense of the Owner;

All to the satisfaction and approval of the Manager, Transportation Planning and Manager, Transportation Operations & Maintenance.

27. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of all required works within

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the intersection of Dickenson Road West and the eastern private driveway access, including street lighting, signage, and pavement markings and further that:

- i. The driveway design includes a right-in/right-out raised concrete diverter island (pork chop) to Dickenson Road West;
- ii. The driveway access shall be designed with a westbound right-turn deceleration lane with 60 metres of storage;
- iii. The design shall restrict all inbound and outbound left turns and be able to accommodate heavy vehicles (large radii required);
- iv. A turning plan shall be required to clearly indicate the turning movements of a TAC WB-20 design vehicle entering and exiting the driveway without encroachments, conflicts or limitations; and,
- v. All costs associated with these works, including but not limited to design and construction, will be at the expense of the Owner;

All to the satisfaction and approval of the Manager, Transportation Planning and Manager, Transportation Operations & Maintenance.

28. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of all required works associated with a 3.0 metre wide multi-use trail along one side of Street ‘A’ (Collector 6E), including signage, and pavement markings and further that:
 - i. All costs associated with these works, including but not limited to design and construction, will be at the expense of the Owner to the satisfaction and approval of the Manager, Transportation Planning.
29. That, **prior to servicing**, the Owner shall provide a pavement marking and signage plan for the overall subdivision to be completed to the satisfaction and approval of the Manager, Transportation Planning and Manager, Transportation Operations & Maintenance.
30. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of 1.8 metre sidewalks along one side of Street ‘A’ and the south side of Street ‘B’, at the applicant/owner’s expense and to the satisfaction and approval of the Manager, Transportation Planning.
31. That, **prior to registration**, the final plan of subdivision shall include a block showing sufficient land to be dedicated to the City of Hamilton as public right-of-way by the Owner’s certificate on the plan, to establish the ultimate limit of

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Dickenson Road West at 45 metres, to the satisfaction of the Manager of Transportation Planning.

32. That, **prior to registration**, Street 'A' shall be dedicated to the City of Hamilton as public right-of-way by the Owner's certificate on the plan, to establish a road allowance of 30.0 metres, to the satisfaction of the Manager of Transportation Planning.
33. That, **prior to registration**, the Owner shall establish a 12.19 metre x 12.19 metre daylight triangle at the road intersection of Street 'A' and Dickenson Road West, to the satisfaction of the Manager of Transportation Planning.

Development Planning

34. That **prior to registration**, the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MOECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
35. That, **prior to preliminary grading or servicing**, the Owner shall submit a Tree Protection Plan (TPP) for Block 1 prepared by a tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) showing the location of drip lines, edges or existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner.
36. That, **prior to preliminary grading or servicing**, the Owner is to be aware of the Migratory Birds Convention Act, 1994 and the Endangered Species Act, 2007 and agrees in writing that removal of any vegetation on the subject lands is to occur during October 1 to March 31 by placing notations relating to breeding birds and bat roosting habitats on the Tree Protection Plan.
 - a. Birds: In the event that vegetation removal is proposed during the restricted breeding period, the Owner/Developer shall have a qualified biologist conduct a nest search of the vegetated area with City Natural heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity of the removal area, to the satisfaction of the Director of Planning and Chief Planner.

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- b. Bats: In the event that vegetation removal is proposed during the restricted bat roosting period, the Owner shall contact the Ministry of Environment, Conservation, and Parks (MECP) to determine permitting requirements.
37. That, **prior to preliminary grading or servicing**, the Owner shall prepare and implement a Native Species Transplant Plan for Block 1, to the satisfaction of the Director of Planning and Chief Planner. This Plan will focus on seedlings/saplings within Hedgerow 2 and Mineral Cultural Savannah (as outlined within the Dougan and Associates Environmental Impact Statement, dated Dec. 12, 2022). This Plan is to be prepared by an ecologist and is to include (but not be limited to):
- Transplant Plan: This will outline the following:
 - Methodology;
 - Timing of re-location;
 - GPS co-ordinates and mapping of individuals in current location;
 - GPS co-ordinates and mapping of “donor” areas; and,
 - Photographic records of both the current location and “donor” sites.
 - Written Confirmation: Once the species have been transplanted, a written letter from a qualified botanist is to be submitted to the City of Hamilton.
 - Monitoring: Monitoring of the health of the species is to occur for a period of two years. Two monitoring reports would be required to be submitted (1st report after first full year of monitoring; 2nd report after second full year of monitoring).
 - Securities: The Owner shall deposit sufficient securities with the City of Hamilton for the costs to replace and plant species that do not survive 1 year after transplanting.
38. That, **prior to preliminary grading or servicing**, the Owner agrees that should it be determined through detailed design that grade changes are required, any grade changes must be accommodated outside of the Vegetation Protection Zone (VPZ) of Blocks 2 and 3. Any changes to grading are to be to the satisfaction of the Director of Planning and Chief Planner.
39. That, **prior to registration**, the Owner shall prepare and implement a Vegetation Protection Zone (VPZ) Planting Plan for Block 3, to the satisfaction of the Director of Planning and Chief Planner. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist and will identify the location and species to be planted within the VPZ. All plantings within the VPZ shall use only non-invasive plant species native to Hamilton.
40. That, **prior to registration**, the Owner shall prepare and implement an Invasive Species Management Plan, to the satisfaction of the Director of Planning and

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Chief Planner. This Plan will be prepared by an ecologist and will focus on priority species of Common Buckthorn, exotic Willows, Oriental Bittersweet, and Reed Canary Grass.

41. That, **prior to registration**, the Owner shall prepare and implement a Habitat Enhancement Restoration Plan for Blocks 1 and 3, to the satisfaction of the Director of Planning and Chief Planner. This Plan is to be prepared by an ecologist and is to include snake basking and hibernacula areas, turtle nesting habitat, and enhancement of the stormwater management swale.
42. That, **prior to registration**, the Owner shall prepare and implement a Monitoring Plan for Blocks 1 and 3, to the satisfaction of the Director of Planning and Chief Planner. This Plan is to be prepared by an ecologist and include effectiveness monitoring related to Invasive Species Management, Habitat Enhancement Restoration Plan as well as monitoring of the Provincially Significant Wetland.
43. That, **prior to preliminary grading or servicing**, the Owner agrees that any historic fabric to be removed, including those materials identified in the Documentation and Salvage report prepared by Megan Hobson dated March 27, 2020, be salvaged for re-use, where feasible. Documentation regarding the salvage of these features shall be submitted to the satisfaction and approval of the Director of Heritage and Urban Design.

Legislative Approvals/Staging of Development

44. That, **prior to registration**, the Owner and Agent should work with Legislative Approvals / Staging of Development Staff to finalize street naming and municipal addressing for the individual Lots and / or Blocks, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Niagara Peninsula Conservation Authority

45. That the Owner submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans for Block 1 and Block 3.
46. That limit of work fencing be shown on the grading plan for Block 1 and Block 3 along all portions of the 30 metre wetland buffer and that no grading occur beyond this point, to the satisfaction of the Niagara Peninsula Conservation Authority. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
47. That the Owner submit a Buffer Enhancement/Restoration Plan for Block 1 and Block 3 which provides enhancements to the wetland buffer areas (including any

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disturbed wetland area) and to the restored watercourse buffer areas to the satisfaction of the NPCA.

- a. The NPCA has recently developed a Landscape Plan Guideline which can be found as Appendix K of the NPCA’s Procedural Manual (https://npca.ca/images/uploads/common/NPCA_Planning_and_Permitting_Procedural_Manual_-_Nov_21_2022%28Compressed%29.pdf), please utilize this guidance document to inform the detailed design of the Enhancement and Restoration Plan.
48. That the Owner obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to the proposed wetland and watercourse buffer enhancement work for Block 1 and Block 3. In support of the Work Permit application, the following information will be required:
- a. A planting plan providing details about species, planting densities and locations; and,
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
49. That the Owner obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to the removal or disturbance of any wetland areas and recreation of the wetlands in Block 1 and Block 3. In support of the Work Permit application, the following information will be required:
- a. A detailed compensation plan that indicates the design of the proposed wetland, construction methodology, material details, etc. (the Developer is to scope this requirement with NPCA staff prior to submitting a Work Permit application);
 - b. A detailed monitoring plan; and,
 - c. Any other information as may be determined at the time a Work Permit application is submitted to the NPCA.
50. That the Owner obtain Work Permits from the NPCA for all other works located within NPCA’s regulated areas and buffers within Block 1 and Block 3 (including but not limited to any stormwater outfalls, swales or other works proposed within the regulated features and associated buffers).

All to the satisfaction of the Niagara Peninsula Conservation Authority.

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Canada Post

51. That, **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
- a. That the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
52. That, **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
- a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be proximately displaced in the sales office(s) showing specific Centralized Mail Facility locations; and,
 - e. Provide a centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Bell Canada

53. That, **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell

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Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

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.
2. The Owner acknowledges that an amendment of the current draft plan will be required for the development of the remaining lands owned by the Applicant including Block 2 by preparing and submitting a comprehensive SWM, grading and servicing report to the City and Niagara Peninsula Conservation Authority. The stormwater management, grading, servicing report shall consider the following in accordance with the Airport Employment and Growth District sub-watershed Master Plan recommendations to the satisfaction of the Director, Growth Management & Chief Development Engineer:
 - a. Establish a centralized dry pond on Block 2 to accommodate flood control for the subject development including the external drainage areas to the west as per a comprehensive grading and AEGD Sub-watershed Master Plan;
 - b. Consider an appropriate filter media/landscaped based LID to achieve level 1 water quality control in accordance with the Eco-Industrial Design guideline for the AEGD lands;
 - c. Establish an open channel through Block 2 to convey all external drainage areas from the west limit of the subject lands to the provincially significant wetlands (PSW) located to the east; and,
 - d. A comprehensive grading plan shall be developed to accommodate drainage areas from the future Garth Street Extension and the east west collector on the abutting land to the west, in accordance with AEGD, TMP and the AEGD Sub-watershed Master Plan.

Recycling and Waste Disposal:

3. This industrial development is ineligible for municipal waste collection as per the requirements under the Waste Management System By-law No. 20-221.
4. The Owner acknowledges that there shall be no development or disturbance to the existing grades or vegetation within the 30 metre wide Vegetation Protection Zone adjacent to the Provincially Significant Wetland other than what has been

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approved through this subdivision, to the satisfaction of the Niagara Peninsula Conservation Authority.

Meneray, Elyse

From: [REDACTED]
Sent: March 13, 2022 11:55 AM
To: Vrooman, Tim; Travis, Heather; Van Rooi, James; Meneray, Elyse
Subject: Re: #7 FW: EIS, EA and Archaeological Assessment for Development Applications

Hello,

Could you please add me to the mailing list to be notified about developments concerning the applications listed in the email below dated Mar 2, 2022.

Thank you and take care,

[REDACTED]

On Mar 3, 2022, at 9:37 AM, Vrooman, Tim <Tim.Vrooman@hamilton.ca> wrote:

[REDACTED]

Please see the following link to access the files per below: <https://cityshare.hamilton.ca/s/qxPaW339zGLDdRB>. I understand James Van Rooi has previously provided you with copies of the materials for 25T-202102 (370, 378, 412, 436 Garner Rd E) and 25T-202105 (700 Garner Rd E), so materials in the link are for the following:

- 25T-201806 – 140 Garner Rd E *
- 25T-201807 / UHOPA-18-016 / ZAC-18-040 – 9511 Twenty Rd W
- 25T-202002 – 9236 and 9322 Dickenson Rd
- UHOPA-20-018 / RHOPA-20-022; UHOPA-20-019 / RHOPA-20-023; UHOPA-20-020 / RHOPA-20-024 – 9285, 9445, 9511, 9625, and 9751 Twenty Road West and 555 Glancaster Road

*Be advised that Draft Plan of Subdivision Application at 140 Garner Road East, File No. 25T-201608, is under appeal to the Ontario Land Tribunal for non-decision.

Please note that the above noted link is set to expire on March 17, 2022.

If you require anything further with respect to the above noted files coloured blue, please do not hesitate to contact me; or, for more information on the UHOPA/RHOPA Urban Boundary Expansion applications coloured green, please contact Heather Travis at Heather.Travis@hamilton.ca or ext. 4168.

Take care,

E. Tim Vrooman BES RPP MCIP

Senior Planner, Development Planning – Suburban
Planning and Economic Development
Planning, City of Hamilton
(905) 546-2424 Ext.5277
<image001.png>

Meneray, Elyse

From: [REDACTED]
Sent: March 12, 2022 1:03 PM
To: Meneray, Elyse
Subject: developments concerning application 25T-202002

Hello Ms. Meneray,

Please add me to the list of persons to be notified about developments concerning application 25T-202002 at 9236 and 9322 Dickenson Rd West, Hamilton.

Thank you,

[REDACTED]



May 11, 2020

Yvette Rybensky, BES, MCIP, RPP
Senior Project Manager
Development Planning, Heritage and Design – Suburban Team
The Corporation of the City of Hamilton
71 Main Street North
Hamilton, Ontario
L8P 4Y5

And

Amanda Holland
Office of the City Clerk

BY EMAIL ONLY

RE: NOTICE OF COMPLETE APPLICATION FOR 9236 AND 9322 DICKENSON ROAD FOR DRAFT PLAN OF SUBDIVISION, FILE NO. 25T-202002.

Dear Yvette,

We are in receipt of the Notice of Complete Application for the subject lands municipally located at 9236 and 9322 Dickenson Road West for the Draft Plan of Industrial Subdivision.

As per the *Planning Act*, we request to be notified of all public meetings and decision notices with respect to this matter. We are an interested party in this application as the proposed development is located adjacently to our own active Draft Plan of Industrial Subdivision application (file no. 25T-201807).

Respectfully submitted,

[Redacted signature]

[Redacted contact information]



WELCOME TO THE CITY OF HAMILTON

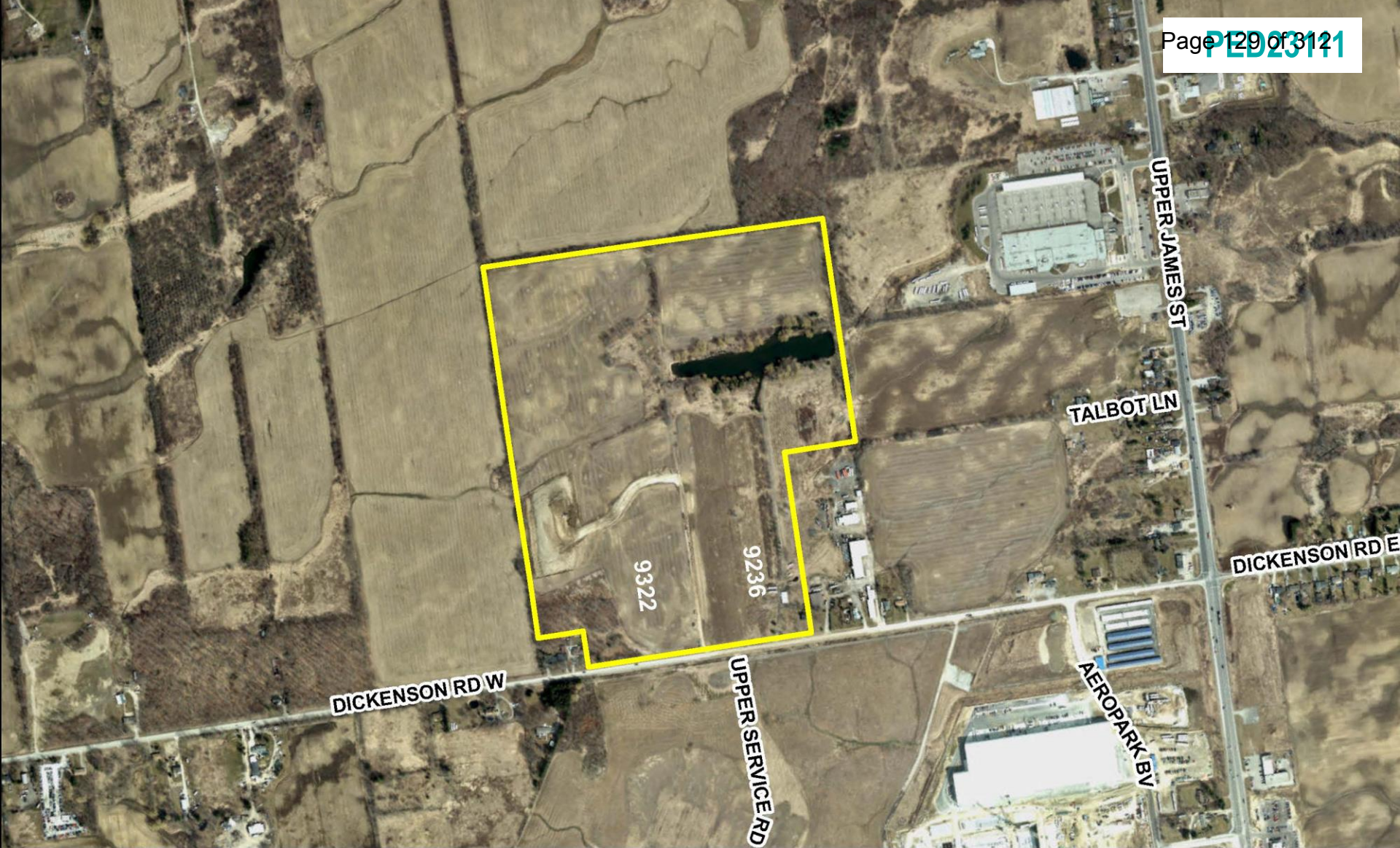
PLANNING COMMITTEE

May 30, 2023

PED23111– (25T-202002)

Application for Approval of a Draft Plan of Subdivision for Lands Located at 9236 and 9322 Dickenson Road West, Glanbrook.

Presented by: Aminu Bello

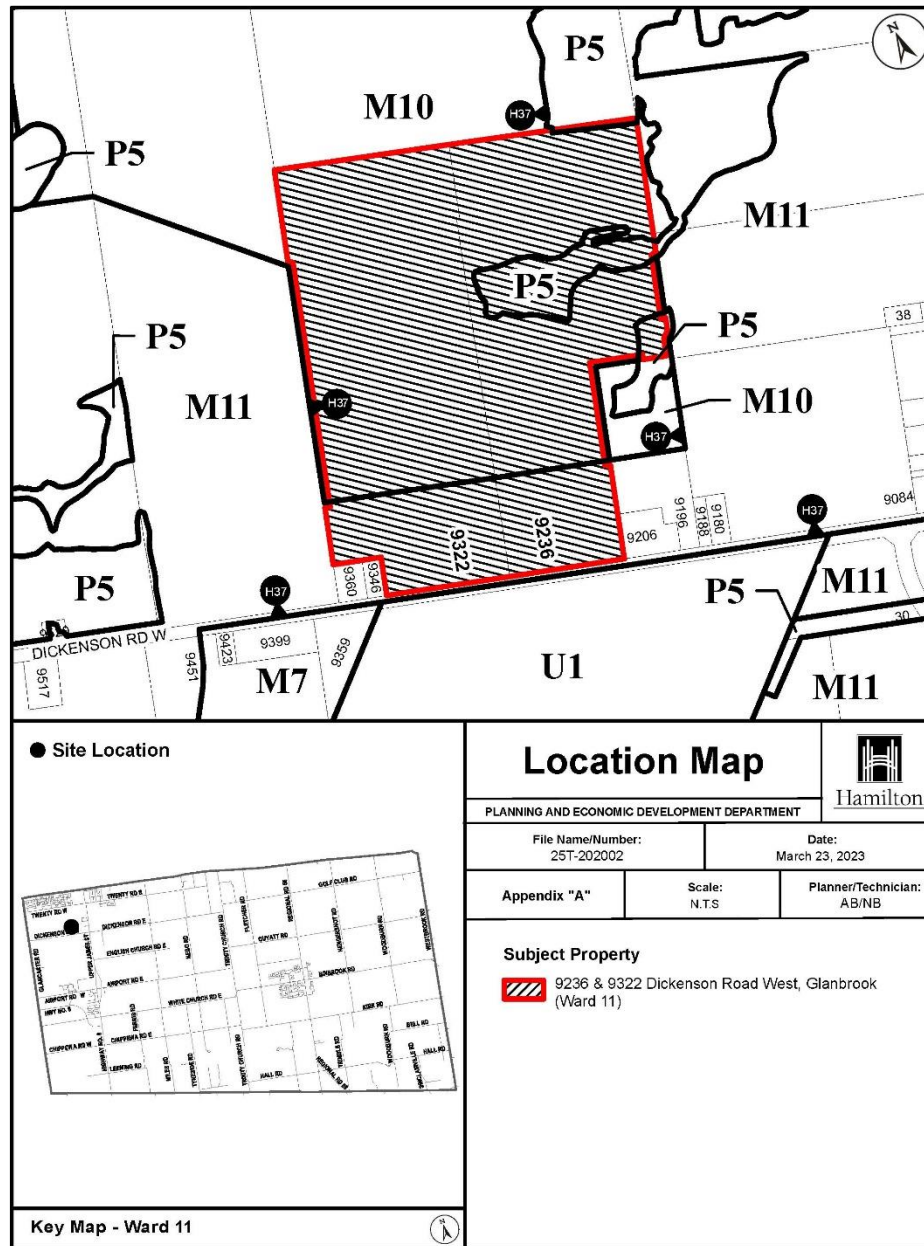


SUBJECT PROPERTY



9236 & 9322 Dickenson Road West, Glanbrook





● Site Location



Key Map - Ward 11

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25T-202002


Date:
March 23, 2023

Appendix "A"

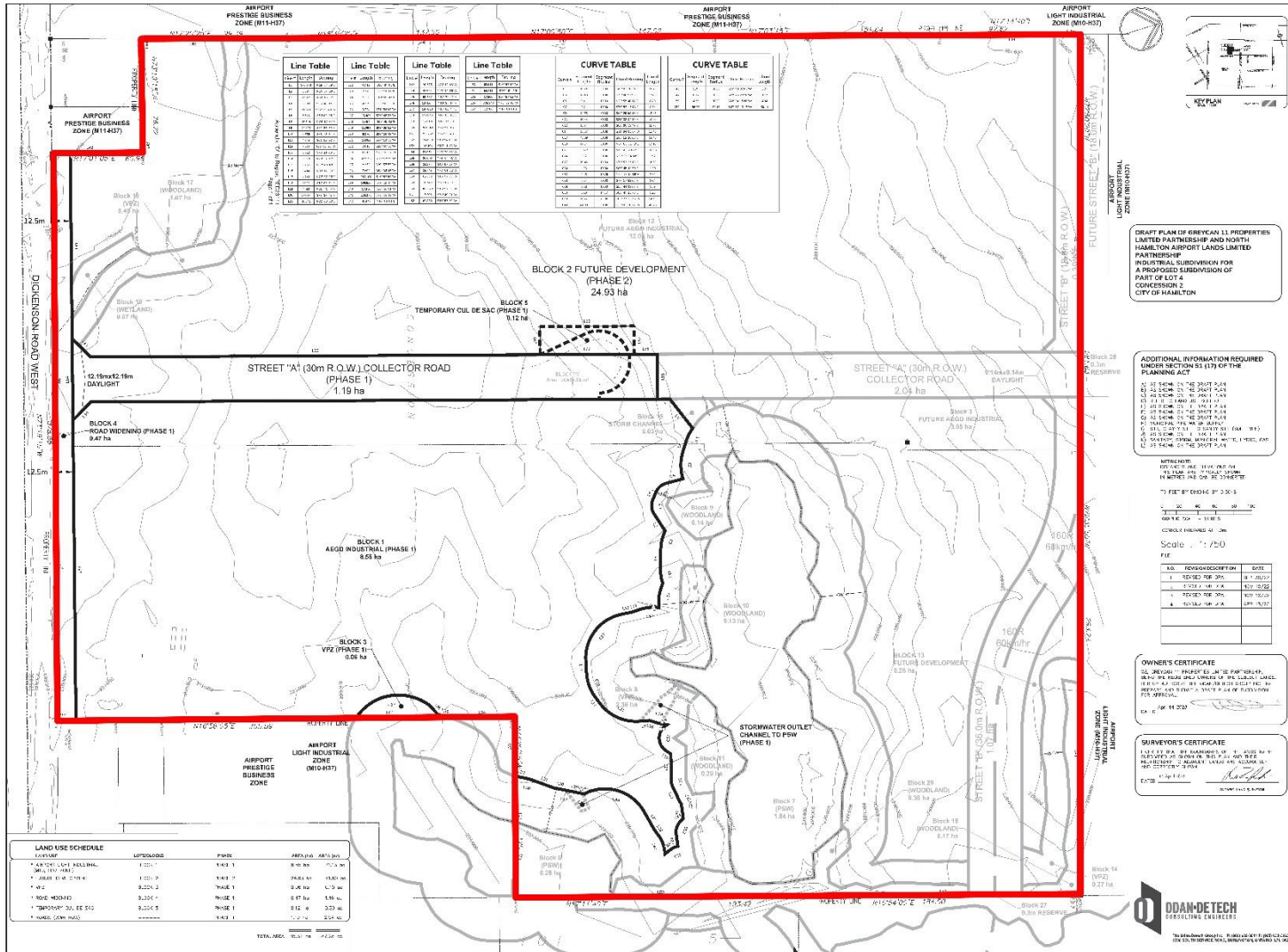
Scale:
N.T.S.

Planner/Technician:
AB/NB

Subject Property

 9236 & 9322 Dickenson Road West, Glanbrook (Ward 11)

Appendix "C" to Report PE2017-11
 Page 1 of 1





View from Dickenson Road West looking east



View from Dickenson Road West looking west



Subject Lands – 9236 Dickenson Road West



Subject Lands – 9322 Dickenson Road West



Adjacent properties looking northeast of the Subject Lands from Dickenson Road West



Adjacent properties looking south from Dickenson Road West



Adjacent property looking east of the Subject Lands

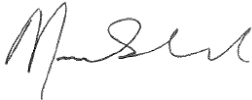


THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 30, 2023
SUBJECT/REPORT NO:	Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Phil Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Environmental Remediation and Site Enhancement Community Improvement Project Area (2023) draft By-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "A" to Report PED23076(a), be enacted;
- (b) That the Environmental Remediation and Site Enhancement Community Improvement Plan (2023), attached as Appendix "B" to Report PED23076(a) and implementing financial assistance program descriptions, be approved and the Environmental Remediation and Site Enhancement Community Improvement Plan (2023) draft By-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "C" to Report PED23076(a), be enacted;
- (c) That existing By-law No. 05-086 "Environmental Remediation and Site Enhancement (ERASE) (April 2005) Community Improvement Project Area", as amended, be repealed on such day that the By-law enacting the new Environmental Remediation and Site Enhancement Community Improvement

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SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 2 of 24

Plan (2023) comes into effect in accordance with Subsection 28(4) of the *Planning Act*,

- (d) That existing By-law No. 05-087 “Environmental Remediation and Site Enhancement (ERASE) (April 2005) Community Improvement Plan”, as amended, be repealed on such day that Environmental Remediation and Site Enhancement Community Improvement Plan (2023) comes into effect;
- (f) That the following implementing financial assistance program descriptions be approved and appended to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023):
 - (i) The ERASE Study Grant Program Description attached as Appendix “D” to Report PED23076(a);
 - (ii) The ERASE Redevelopment Grant Program Description attached as Appendix “E” to Report PED23076(a);
 - (iii) The ERASE Tax Assistance Program Description attached as Appendix “F” to Report PED23076(a);
 - (iv) The ERASE Commercial Districts Remediation Loan Program Description attached as Appendix “G” to Report PED23076(a);
 - (v) The ERASE Affordable Housing Grant Program Description attached as Appendix “H” to Report PED23076(a);
- (g) That the draft By-law to Delegate Authority to the Planning and Economic Development Department to Issue Approvals for Loans/Grants Under Certain ERASE Financial Assistance Programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix “I” to Report PED23076(a), be enacted and come into force on such day that the Environmental Remediation and Site Enhancement Community Improvement Plan (2023) comes into effect.

EXECUTIVE SUMMARY

The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) and the Brownfield Office of the Economic Development Division were first established in 2001 as part of a long-standing commitment by the City to prioritize brownfield investigation, remediation and redevelopment, by providing one-on-one support/guidance to property owners and developers and to administer the

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SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 3 of 24

City Council approved ERASE Financial Assistance Programs. Together, these supports help to 'level the playing field' such that contaminated properties can be considered by property owners and developers for redevelopment on an equal footing, financial and otherwise, as non-contaminated properties and further the achievement of City goals and policies.

At the April 19, 2023 General Issues Committee, the outcome and proposals arising from staff's most recent five-year review of the ERASE CIP and associated Financial Assistance Programs were presented and discussed via Report PED23076.

Key outcomes of staff's review confirmed the significant positive impact the ERASE CIP and Programs have had to-date generating new assessment and municipal tax growth from under-utilized and vacant brownfields and supports the programs have provided respecting key City goals for housing, population and employment growth and providing new economic development opportunities in existing urban areas. Specifically, since 2001, the ERASE Programs have leveraged approximately \$18 in private sector investment for every \$1 provided in financial assistance towards site remediation and resulted in the creation of over 3,300 new residential units and over 1,900,000 sq. ft (176,000 sq. m.) of industrial/commercial/institutional floor area on brownfield sites. In addition, new property assessment realized through ERASE assisted developments will generate over \$11,000,000 annually in new municipal property tax revenue and growing.

In addition, staff proposed changes which are intended to further support remediation and redevelopment opportunities in the City, align with changes in provincial legislation and City policies, respond to public and internal/external stakeholder feedback and ensure programs are responsive to additional community and City Council priorities. Proposed changes included:

- The creation of a new ERASE Affordable Housing Grant (EAHG) Program to provide grants towards site remediation for not-for-profit housing developments on brownfields;
- Increasing the maximum grant amount provided for environmental studies on sites being investigated for potential not-for-profit housing developments;
- Expansion of the ERASE Community Improvement Project Area (CIPA) to allow certain ERASE Program's to be available in Rural Settlement Areas;

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 4 of 24

- Modifying the grant amounts provided under the ERASE Redevelopment Grant (ERG) Program to leverage the achievement of additional community/City Council priorities respecting housing affordability and/or environmental sustainability and climate change goals in brownfield developments;
- A reduction in the eligibility of ‘dig and dump’ remediation costs towards ERG grants in order to incentivize the use of remediation practices and methods which reduce or eliminate the need for disposal of contaminated soil at landfills;
- Expansion of the existing Remediation Loan Program to support remediation in additional strategic urban commercial districts and corridors; and,
- Various technical refinements and updates to improve clarity, consistency and administration of all programs.

The recommendations of Report PED23076, approved by City Council on April 26, 2023, included that staff bring forward the implementing of the ERASE CIP and CIPA By-laws and final program descriptions reflecting staff’s proposed changes to Planning Committee for a statutory public meeting in accordance with the *Planning Act*. The recommendations and appendices to this Report PED23076(a) implement Council’s direction from Report PED23076.

In addition, and in response to discussion at the April 19 General Issues Committee respecting potential unintended environmental consequences from encouraging non-dig and dump remediation methods, staff have incorporated changes to the program terms contained in Appendices “E” to Report PED23076(a) through Appendix “H” to Report PED23076(a) of this Report, the effect of which are to provide City Council greater discretion to not provide financial support for remediation methods which, in the opinion of City Council, will have an overall negative environmental impact on a site/area. These changes are discussed in greater detail on Page 22 of this Report PED23076(a).

Alternatives for Consideration – See Page 23

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: At the outset of this review, staff established a first principle that any program changes arising from this review not require any increase in the current Capital or Operating budgets allocated to the Economic Development Division for the provision and administration of the ERASE financial assistance programs. As such, no additional funding is required to implement any of the recommendations of this Report.

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 5 of 24

Through Council's approval of the recommendations contained in Report PED23076 on April 26, 2023, staff will execute a one-time transfer of \$1,000,000, as required, to the existing Brownfield Pilot Project ID 3621755102 to provide a consistent level of base funding to provide grants from over the foreseeable future for the new EAHG Program. This program is intended to assist with remediation costs on sites being developed for not-for-profit housing. These funds are being reallocated from existing, non-affordable housing focused incentive programs provided under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP) as a result of lower than average applications under these programs between 2020 and 2022.

With respect to the ERG Program, recommended changes will result in future program applicants potentially receiving grants either less than or greater than that provided under the existing Program depending on whether the project meets enhanced criteria respecting environmental sustainability or housing affordability priorities. The corresponding increase/decrease in grants does not require a budget allocation to the Economic Development Division as:

- Grants are provided directly from the increase in municipal tax revenue generated as a result of the remediation and redevelopment of the site; and,
- Annual grant payments will not exceed the increase in municipal taxes generated by the development in any given year.

Staff further note that in no case will a grant be provided that is more than the eligible remediation costs required with the City realizing the full benefit of the tax increment generated for the life of the development after the term of the grant has concluded.

Existing block funding allocated to the Economic Development Division for the provision of incentive programs will continue to fund the ERASE Study Grant (ESG) and ERASE Commercial Districts Remediation Loan (ECDRL) Programs.

Staffing: The ERASE CIP and associated Programs are administered by staff from the Commercial Districts and Small Business (CDSB) Section of the Economic Development Division and supported by staff from various City departments

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 6 of 24

including Building, Taxation/Finance, Legal Services, Housing Services and Planning Divisions.

There are no new staffing requirements as a result of the recommendations of this Report.

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

Municipal authorization for the establishment of a CIP are contained in Chapter F, Section 1.15 of the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) and are further referenced in Section 3.2 of Appendices “B” to Report PED23076(a) and Appendix “C” to Report PED23076(a).

The adoption of a CIP by a municipality must be conducted in accordance with the applicable policies under Sections 17 and 28 of the *Planning Act* as well as the City’s Public Participation and Notification Policies contained in Chapter F, Section 1.17 of the UHOP and RHOP. These policies include requirements for stakeholder engagement, public notice and a statutory public meeting.

In accordance with the above, public notice of the statutory public meeting at which the ERASE CIP and CIPA is being considered by Planning Committee was published in The Hamilton Spectator on May 12, 2023.

HISTORICAL BACKGROUND

Brownfields, being vacant, derelict or under-utilized environmentally contaminated properties, have, and continue to be, a challenge for the City as Hamilton’s long history as an industrial and commercial hub have left a legacy of environmental contamination on many properties in the city’s historically developed areas.

Contamination of properties is a real and significant barrier to the redevelopment and intensification of historically developed areas of the city as the presence of contamination requires property owners/developers to remediate the site to meet applicable Provincial site condition standards where a change to a more sensitive land

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SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 7 of 24

use is proposed (such as commercial to residential/parkland/institutional). A site must also comply with various other environmental regulations contained under Ontario Regulation 153/04 including that the owner successfully file a Record of Site Condition (RSC) with the Province confirming the site's condition post-remediation prior to, or in conjunction with, a site's redevelopment.

While these requirements are important to ensuring risks associated with contamination are mitigated in the community and do not pose a future health hazard, they none-the-less also add significant costs, time and risk to those attempting to redevelop such sites. These challenges, left unaddressed and unmitigated, can lead to properties being overlooked for easier development prospects in undeveloped and agricultural greenfield areas which do not face the same challenges. This can exacerbate urban sprawl, reduce investment/tax generation within historically developed areas of the city and, over-time, result in the deterioration and exodus of residents and jobs from areas which were once the centre of Hamilton's economic and community prosperity.

The ERASE CIP and the Brownfield Office of the Economic Development Division were first established in 2001 as part of a long-standing commitment by the City to prioritize brownfield investigation, remediation and redevelopment, by providing one-on-one support/guidance to property owners and developers and to administer the City Council approved ERASE financial assistance programs. Together, these supports help to 'level the playing field' such that contaminated properties can be considered by property owners and developers for redevelopment on an equal footing, financial and otherwise, as non-contaminated properties and further the achievement of City goals and policies.

Since 2001, the ERASE CIP and CIPA and its programs have been the subject of comprehensive reviews and updates in 2005, 2010, 2014 and 2018 in keeping with City practice to comprehensively review and update CIPs every five years. Details of specific updates and amendments undertaken during these past reviews are described in Section 4.1 of the recommended ERASE CIP contained in Appendices "B" to Report PED23076(a) and Appendix "C" to Report PED23076(a)), of this Report.

At the April 19, 2023 General Issues Committee, the outcome and proposals arising from staff's most recent five-year review of the ERASE CIP and associated financial assistance program were presented and discussed via Report PED23076.

Recommendations of Report PED23076 approved by City Council on April 26, 2023, included that staff bring forward the implementing ERASE CIP and CIPA By-laws and final program descriptions reflecting staff's proposed changes to Planning Committee for a statutory public meeting in accordance with the *Planning Act*.

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 8 of 24

An overview of staff's findings from the review and recommended changes are discussed in the "Analysis and Rational for Recommendations" section of this Report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The ERASE CIPA implementing By-law, as contained in Appendix "A" to Report PED23076(a) of this Report, establishes the geographic areas within which the ERASE CIP applies, and within which associated financial assistance programs may be provided.

The ERASE CIP and its associated draft implementing By-law, contained in Appendices "B" to Report PED23076(a) and Appendix "C" to Report PED23076(a) of this Report respectively, establishes the supporting policy framework under which the City may provide financial assistance that will support the investigation, remediation and redevelopment of environmentally contaminated brownfields in historically developed areas of the City.

Together, the draft By-laws contained in Appendices "A" to Report PED23076(a) and Appendix "C" to Report PED23076(a) of this Report, fulfil legislated requirements under Section 28 of the *Planning Act* for the purposes of providing grants/loans to registered owner(s), assessed owner(s) or tenant(s) (or their respective assignees, where permitted).

The purpose and goals of the ERASE CIP are supported by Provincial and City Planning Policies and strategies including applicable sections of the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Urban and Rural Hamilton Official Plans, applicable Secondary Plans, the 2021-2025 Economic Development Action Plan and the Bayfront Industrial Strategy, among others. These supporting Plans and Policies are further detailed in Section 5.0 "Supporting Policy Framework" of the ERASE CIP contained in Appendices "B" to Report PED23076(a) and Appendix "C" to Report PED23076(a) of this Report.

Appendices "D" to Report PED23076(a) through Appendix "H" to Report PED23076(a) of this Report contain individual program descriptions providing the detailed program terms, eligibility criteria and administrative processes which will be implemented via Council resolution as appendices to the ERASE CIP.

The ERASE CIP and CIPA By-laws and associated implementing program descriptions will come into effect in accordance with subsection 28(4) of the *Planning Act* after the conclusion of the applicable appeal period. Any existing program applications which have not yet been approved by Council, or its designate, by the date the ERASE CIP

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 9 of 24

By-law comes into effect will become subject to the new ERASE CIP and updated/new program descriptions.

Appendix “I” to Report PED23076(a) of this Report contains a recommended delegated approval authority By-law intended to provide the Planning and Economic Development Department with the ability to issue approvals for loans/grants under certain lower-dollar value ERASE financial assistance programs. Specifically, the draft By-law authorizes delegated approval authority to:

- The Manager of Commercial Districts and Small Business, Economic Development Division, for grants to a maximum of \$40,000 under the ESG Program; and,
- The General Manager (GM) of Planning and Economic Development for grants or loans to a maximum of \$200,000 under the ECDRL and EAHG Program.

Staff presently operate the ESG program under delegated authority with the maximum approval amount which correlates to the maximum potential grant that can be provided under this Program in accordance with the recommended program description contained in Appendix “D” to Report PED23076(a) of this Report.

The delegated authority to the GM respecting the ECDRL and EAHG Programs is a new authority being recommended by staff. This added authority is consistent with that provided to the GM under other financial grant/loan programs provided by the Economic Development Division and would further expedite approvals in support of environmental remediation under certain programs where efficient and timely approval are key to program success. With respect to the ECDRL, while the GM would have delegated authority to approve loans up to \$200,000, the program’s maximum potential loan for remediation costs is \$400,000. As such any loan application under the ECDRL in excess of \$200,000 would continue to require City Council approval.

RELEVANT CONSULTATION

As part of the ERASE CIP review, staff undertook extensive public and stakeholder engagement that met and exceeded the City’s Consultation Policies under the UHOP and RHOP. Engagement activities primarily occurred between September and December 2022 and included the following:

- A virtual public workshop held on November 22, 2022 which was open to the general public and attended by representatives from local and regional developers, property owners and environmental consultants;

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 10 of 24

- A presentation and discussion with the City's Brownfield Subcommittee on November 21, 2022 made up of representatives from the development and environmental consulting industries;
- Creation of a project page on Engage Hamilton which included information about the review, background materials, engagement summaries and also an opportunity to submit a public survey and a forum where questions and ideas could be submitted to staff;
- Inclusion of information about the review and engagement opportunities in economic development division newsletters;
- Notices on the Invest in Hamilton and City webpages advising of the review and how to learn more; and,
- Social media posts providing information about the review and upcoming engagement opportunities on both the Invest in Hamilton and City of Hamilton social media channels including Twitter, Instagram and LinkedIn.

In addition, staff engaged with various City Departments and Divisions, including staff from Building, Taxation/Finance, Legal Services and Planning Divisions, to discuss the review and seek feedback.

Staff also undertook additional engagement with subject matter experts as the review progressed. This included seeking feedback during the development of proposals contained in this Report from Housing Services staff with respect to housing affordability matters and the Office of Climate Change Initiatives with respect to environmental sustainability and climate change matters.

Through Report PED23076, staff provided a public presentation to the General Issues Committee on April 19, 2023 regarding the outcomes and proposals arising from staff's review. There was one delegation to the item by the West End Home Builders Association in support of the ERASE CIP and programs.

Subsequent to the General Issues Committee discussion, staff presented the proposed program changes and anticipated timing for implementation at the April 24, 2023 Development Industry Liaison Group (DILG). No questions or comments arose from the DILG presentation.

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 11 of 24

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As discussed in greater detail through Report PED23076, staff's review found that the City's ERASE CIP and financial assistance programs remain well positioned and competitive when compared to comparable municipalities and continue to be an important and successful tool in terms of leveraging significant financial benefits to the City and supporting key City policy objectives including:

- Improving environmental conditions within our communities and reducing future health risks;
- Increasing new assessment and municipal property taxes in support of in support of broader tax reliant services and initiatives;
- Directing population and employment growth to existing urban areas through the intensification of vacant and under-utilized properties thereby reducing the need for greenfield/agricultural lands to accommodate growth;
- More efficiently utilizing existing infrastructure and reducing related costs;
- Supporting the achievement of Provincial/City residential unit/jobs density targets, where applicable;
- Increasing the supply of new housing in existing urban areas;
- Further supporting population and employment concentrations that support existing transit and generate new demand supporting future opportunities for higher-order forms of transit;
- Enabling new economic development opportunities; and;
- Improving the aesthetics of derelict and vacant private properties to create an attractive public realm in support of broader revitalization of existing urban areas.

Specifically, since 2001 the ERASE programs have had a significant impact on assessment and municipal tax growth in the city and have proven to be a major contributor to facilitating industrial and commercial economic development opportunities and achieving key City goals respecting housing and population growth in existing urban areas. Specifically, since 2001, the ERASE programs have collectively:

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 12 of 24

- Leveraged approximately \$18 in private sector investment for every \$1 provided in financial assistance towards site remediation;
- Supported the environmental remediation of over 206 acres (83 hectares) of contaminated land;
- Resulted in the creation of over 3,300 new residential units and over 1,900,000 sq. ft (176,000 sq. m.) of Industrial/Commercial/Institutional floor area on brownfield sites within existing urban areas; and,
- Assisted with facilitating redevelopment that has/will generate over \$1,000,000,000 in new property assessment and collectively will result in over \$11,000,000 annually in new municipal property tax revenue and growing.

In addition, staff further note that the ERASE CIP and programs directly align with, and support, the City Council approved Hamilton's Climate Action Strategy (HCAS) with the target to achieve net-zero greenhouse gas (GHG) emissions by 2050. Specifically, the programs support the achievement of "Low-Carbon Transformation #5: Growing Green", through the remediation and redevelopment/reuse of sites in a manner that reduces urban sprawl.

Notwithstanding the above, staff identified changes to the existing ERASE CIP, CIPA and suite of financial assistance programs which are intended to further support remediation and redevelopment opportunities in the City, align with changes in provincial legislation and City policies, respond to public and internal/external stakeholder feedback and ensure programs are responsive to additional community and City Council priorities including better supporting environmentally sustainable developments, not-for-profit housing developments on brownfields and the incorporation of affordable housing in private sector market developments.

Key amendments which were proposed by staff through Report PED23076 and which have been incorporated into the recommended ERASE CIPA, CIP and program descriptions contained in Appendices "A" to Report PED23076(a) through Appendix "I" to Report PED23076(a) of this Report include the following:

ERASE CIPA (2023) (Appendix "A" to Report PED23076(a))

- Introducing an expansion of the existing ERASE CIPA in which ERASE programs may be provided to include Rural Settlement Areas as geographically defined under the RHOP's Schedule D – Rural Land Use Designation. This recommended expansion is in response to internal stakeholder feedback which

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 13 of 24

noted the potential for contamination on historic commercial/industrial properties in rural areas of Hamilton which have never previously been eligible under the ERASE programs. Staff's review identified the Rural Settlement Areas as being focus areas for ERASE program expansion as these areas had the greatest historical concentration of past commercial and industrial activities in the rural area;

- Renumbering of sub-areas which are delineated for the purposes of providing additional programs and/or varying eligible costs required to address area specific development challenges and needs; and,
- Replacing the existing "Area 3 - West Harbour" and "Area 4 - Downtown Hamilton" sub-areas into a new modified and expanded "Sub-Area 2 - Strategic Commercial Districts and Corridors" for the purposes of facilitating an expanded area of eligibility for the existing Downtown and West Harbour Remediations Loan Program discussed later in this section.

In addition to the above noted amendments to the ERASE CIPA, staff further note that since 2005, the ERASE CIPA has aligned with the City's urban boundary as established through the Urban Hamilton Official Plan. In light of recent directions from the Province respecting the inclusion of additional lands into the City's urban boundary, staff have undertaken a preliminary assessment of these additional lands with respect to their appropriateness for inclusion in the ERASE CIPA. Given the purpose and goals of the ERASE CIP are to support the remediation of contamination arising from previous development and uses, staff's findings are that the subject lands are primarily undeveloped and of an agricultural land use. As such, staff are of the opinion that these lands do not align with the purpose and goals of the ERASE CIP and are therefore not recommended by staff to be included in the ERASE CIPA.

ERASE CIP (2023) (Appendices "B" to Report PED23076(a) and "C" to Report PED2076(a))

- Updated references to Provincial and City Plans and Policies that the ERASE CIP and its programs/strategies support including those contained in the Provincial Policy Statement, A Place to Grow, the UHOP, RHOP and applicable Secondary Plans, the 2021-2025 Economic Development Action Plan and Bayfront Industrial Strategy, among others;
- Updated language regarding the applicability of programs to legally non-conforming uses. Language adds additional transparency by identifying the tests presently used by staff to determine if a legally non-conforming use may be eligible under a program;

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 14 of 24

- Modifications respecting ERASE DC Deferrals to identify this as strategy of the City wholly contained and implemented via the Development Charge (DC) By-law as opposed to its current representation as an independent ‘Program’ of the ERASE CIP; and,
- Refined language to clarify that properties not located within a defined ERASE CIPA but forming part of a comprehensive development that encompasses properties within the ERASE CIPA may be considered as forming part of the ERASE CIPA for the purposes of providing assistance in respect of the proposed brownfield development.

ERASE Study Grant (ESG) Program (Appendix “D” to Report PED23076(a))

- Increasing the maximum grant amount provided for environmental studies being undertaken for sites being investigated for potential not-for-profit housing developments. For such sites, grants would increase from the current 50% of study cost to 100% with a corresponding increase to the maximum grant amount from \$20,000 to \$40,000 for a single environmental study and from \$35,000 to \$70,000 for two studies;
- Expanding eligibility of grants for Designated Substances and Hazardous Materials (DSHM) Surveys to include any site being investigated for the purposes of a not-for-profit housing development; and,
- Deletion of the existing static provision prohibiting reapplication to the ESG program for sites which had been provided two grants for environmental studies prior to July 1, 2011 and replaced with a rolling five-year prohibition such that reapplications to the ESG program are prohibited in the preceding five years since the last ESG application approval was provided. This amendment is intended to reflect the fact that if remediation and redevelopment has not occurred in the preceding five years, the project has likely stalled and the environmental studies which had been previously supported will have become stale-dated and no longer usable to facilitate the sites redevelopment.

ERASE Redevelopment Grant (ERG) Program (Appendix “E” to Report PED23076(a))

- A reduction in the eligibility of ‘dig and dump’ remediation costs; a common remediation method whereby contaminated soil is excavated and transported potentially long-distances to licensed landfills located elsewhere in the Province or United States. This form of remediation, while efficient for property

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owners/developers, can itself have broader negative environmental impacts as a result of the emissions from long-haul transporting of soil, use of landfill capacity and impacts over-time on municipal and Provincial infrastructure, such as streets and highways. As such, staff are proposing that the transportation and disposal of contaminated soil which will be disposed of at a licensed landfill be reduced from the current 100% of costs to 80% in order to incentivize the use of remediation practices and methods, such as Risk Assessments and associated risk mitigation measures, and in-situ remediation methods where contamination is managed in place and underground through means such as bioremediation, which could reduce or eliminate the need for disposal of contaminated soil at landfills. Where soil is planned to be transported to a facility where soil will undergo treatment enabling its potential future reuse, such costs would continue to be eligible at 100% in recognition of the important environmental benefit of soil reuse;

- The removal of industrial manufacturing and transportation relocation/removal costs as eligible towards a grant due to limited utilization of such eligibility by applicants to-date and feedback from internal stakeholders that eligibility of such costs could run counter to the potential desire to retain industrial attributes for the purposes of placemaking goals promoted through the City Council approved Bayfront Industrial Area Strategy;
- Clarification that the eligibility of on-site infrastructure removal and upgrade costs for water, sanitary and stormwater services undertaken in conjunction with site remediation within the Older Industrial Areas is limited to industrial/commercial developments and not intended to apply to any residential development which may occur within this area; and,
- Introduction of changes to program structure, grant parameters and eligible costs in order to collectively better incentivize and enable environmentally sustainable developments and remediation practices and/or support the inclusion of affordable housing units within otherwise market-based developments occurring on brownfields.

The leveraging of existing City incentive/assistance programs to achieve additional community priorities has been an on-going focus for Economic Development Division staff through comprehensive CIP reviews commencing with the 2021 review of the RHCD CIP and associated incentive programs for the City's strategic commercial districts and corridors. Through that review, City Council approved key staff recommendations which altered the structure and value of grants provided under the Revitalizing Hamilton Tax Increment Grant Program (RHTIG) which included introducing

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an 'Enhanced Revitalization Project' stream whereby projects that achieved environmental sustainability certification, district energy readiness or incorporated affordable housing would receive increased tax grants, while projects that did not achieve any of these priorities would receive reduced grants.

In keeping with this focus, staff's review has identified opportunities for similar amendments to the ERG program. Specifically, staff are proposing that the ERG program be modified so as to provide two streams of grants each with differing parameters, in terms of grant value and duration, based on a projects ability to meet specific achievements supporting environmental sustainability and/or affordable housing priorities of the City.

Projects would be identified as either a 'Brownfield Development' or an 'Enhanced Brownfield Development' with enhanced developments receiving higher potential grant amounts and/or longer grant payment periods relative to non-enhanced developments. For the purposes of the ERG program, an 'Enhanced Brownfield Development' would mean achieving at least one of the following:

- The development has been approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City program for the purposes of creating and incorporating residential rental housing that addresses housing affordability in the city;
- In keeping with a similar requirement in the RHTIG Program, the level of affordability to be achieved would not be established by the ERG program but would rather be set through the requirements and conditions of the prerequisite government funding support required for consideration as an Enhanced Brownfield Project. In this same respect, enforcement of affordability provisions would be undertaken by the provider of the prerequisite funding program with ERG grants being cancellable where affordability terms/requirements of the prerequisite funding support are not met;
- The affordable housing achievement as described above was developed in consultation with the Housing Services division; and,
- The development achieves one of the following high-performance buildings standards:
 - Achieving certification under any one of the following: Canadian Home Builders Association (CHBA) Net Zero Home Labelling where Net Zero or Net Zero Ready levels of efficiency are achieved; Passive House Canada;

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Natural Resources Canada (NRCAN) R2000; Built Green to a Gold or higher standard in the Energy and Envelope category; or Leadership in Energy and Environmental Design (LEED) to a Gold or higher standard or Canada Green Building Council (CaGBC) Zero Carbon Building Standards; or,

- Incorporates building elements required to achieve district energy readiness required to allow for immediate or future connection to a district energy system, where deemed feasible by the City, and consisting of the following: providing space for the sole purpose of future equipment/thermal piping; securing an easement between the mechanical room and the property line to allow for thermal piping; and including two-way pipes in the building to carry the thermal energy from the district energy network to the section in the building where the future energy transfer station will be located.

The specific enhanced building and district energy readiness requirements to be met as described above have been vetted through the Office of Climate Change Initiatives and support the City Council approved HCAS specifically within the CEEP which comprises the climate mitigation portion of the HCAS, which details “Low-Carbon Transformation #2: Transforming Our Buildings that includes targets to significantly improve energy efficiency in all new buildings across Hamilton. In addition, Low-Carbon Transformation #4: Revolutionizing Renewables provides direction to expand the existing district energy network due to its improved energy efficiency per square foot over traditional space heating and cooling options.

The eligible high-performance building standard certifications and district energy readiness requirements were also previously developed in consultation with the Bay Area Climate Change Council (BACCC) in 2021 as part of the previous RHCD CIP and RHTIG review and update.

Projects which do not achieve an identified priority and thus not considered an ‘Enhanced Brownfield Development’ would receive a reduced grant relative to the current program while projects that do could potentially receive a grant greater than that provided under the current program. Recommended grant amounts as a percentage of the incremental municipal property taxes generated from the development are provided in Table 1.

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**Table 1 – Prescribed Grant Parameters:
Brownfield Developments and Enhanced Brownfield Developments**

Grant Parameter		Current Program (all developments)	Recommended Program	
			Brownfield Development	Enhanced Brownfield Development
Maximum Eligible Costs Permitted For:	The transportation and disposal of contaminated soil at a licensed landfill facility	100%	80%	80%
	In-situ or Risk Assessment remediation methods or the transportation and treatment of contaminated soil so as to enable reuse	100%	100%	100%
	All other eligible costs unless otherwise specified in the Council adopted Program Description	100%	80%	100%
Maximum Potential Annual Grant Payments		10**	10**	13**
Maximum Annual Grant as a Percentage of Actual Tax Increment Realized		80%***	80%***	100%

* Eligible remediation methods will demonstrate a reduced overall environmental impact versus dig and dump remediation with such determination being at the sole discretion of the City.

** Or until eligible remediation costs have been recovered, whichever comes first.

*** The remaining 20% increase in the annual municipal tax increment not provided to the Applicant under the Brownfield Development stream is directed to a City fund for use in the provision of grants and other initiatives under the existing ERASE Municipal Acquisition and Partnership (EMAP) Program and/or recommended ERASE Affordable Housing Grant (EAHG) Program (discussed later in this section) for the duration of the Applicant's Grant term up to a maximum of 20% of the value of the total Grant to be provided.

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 19 of 24

The recommended decrease in the total grant for projects that do not meet the aforementioned priorities is considered by staff to be modest relative to that provided currently and not likely to serve as a deterrent to those applicants seeking to utilize the program in support of brownfield remediation, which in of itself continues to support key City goals. However, the recommended increase to the maximum grant for projects that do address the identified priorities is considered by staff to be more significant and impactful. The recommended increased grant amount is intended to both provide an increase meaningful enough for a property owner/developer to explore meeting the identified achievements, help to off-set increased costs to the property owner/developer required to achieve an identified enhancement as well as provide an avenue for a property owner/developer to recoup all eligible remediation costs where not otherwise possible under the grant parameters being recommended for the non-Enhanced Brownfield Development stream.

Even though staff's proposal could result in some projects receiving a larger grant than that provided currently, this would not require any new budget allocation to the Economic Development Division. Grants under this program are provided directly from the increase in municipal taxes generated as a result of the property being remediated and redeveloped. This is revenue that would not exist if not for the site being remediated and redeveloped and which the City fully realizes the benefit after the grant period has concluded, and can use towards tax-supported services and initiatives going forward, for the remaining life of the development

ERASE Tax Assistance (ETA) Program (Appendix "F" to Report PED23076(a))

- Updates to the duration of tax cancellation assistance permitted and associated program terms to align with changes introduced by the Province of Ontario to the related Brownfield Financial Tax Incentive Program (BFTIP) in November 2021 which extended the maximum period of tax cancellation assistance from three years to six-years for commercial developments and 10 years for residential developments; and,
- Added clarity that the ETA program is only available where the site and applicant have been the subject of an approval under the Province's BFTIP and that where no such approval under the Province's BFTIP will be sought, that the applicant be directed to apply to the ERG Program.

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 20 of 24

ERASE Commercial Districts Remediation Loan (ECDRL) Program (Appendix “G” to Report PED27076(a))

- Expanding the purpose and availability of the existing Downtown and West Harbour Remediation Loan Program to support remediation and redevelopment of potentially contaminated commercial properties in strategic, historically developed commercial districts and corridors in the existing urban area which have a greater likelihood of having been the location of historic higher-risk commercial uses for contamination including gas/fuel stations, auto mechanic/repair and dry cleaning facilities, among others. This shift in program focus is intended to work in concert with broader efforts to support the revitalization of strategic commercial districts and corridors, including those programs and initiatives established under the RHCD CIP. As a result, the expansion of the ECDRL program will further support redevelopment and revitalization efforts in additional urban commercial districts and corridors including the Ancaster, Barton Village, Binbrook, Concession Street, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale commercial districts, the Mount Hope/Airport Gateway, the Barton Street and Kenilworth Avenue North commercial corridors and other strategic commercial corridors located throughout the city;
- A new program name, the ERASE Commercial Districts Remediation Loan Program, is introduced to reflect the updated purpose and expanded eligibility of the program; and,
- The introduction of delegated authority to approve loan applications of \$200,000 or less to the GM of Planning and Economic Development. This recommended delegated approval authority is discussed in the “Policy Implications and Legislated Requirements” section of this Report and is to be implemented via the draft delegated approval authority by-law contained in Appendix “I” to Report PED23076(a) of this Report.

ERASE Affordable Housing Grant (EAHG) Program (Appendix “H” to Report PED23076(a))

- The EAHG Program is a new program intended to address an existing gap in support whereby affordable, not-for-profit housing developments are not currently able to utilize either the ERG or ETA programs for financial assistance towards remediation of on-site contamination as the not-for-profit nature of such developments would not result in new municipal taxes being generated; a necessary prerequisite for eligibility under the ERG/ETA programs as the

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increase in municipal taxes generated by the redevelopment is in itself the funding source for the grants or tax cancellation to be provided;

- The recommended EAHG program would provide grants towards 100% of eligible remediation costs for not-for-profit housing developments up to a maximum of \$200,000 per project. Application approval and grant disbursement are recommended to be delegated to the GM Planning and Economic Development to ensure funds can be provided as expeditiously as possible. Program funding and delegated authority approval are discussed further in the “Financial Implications” and “Policy Implications and Legislated Requirements” sections of this Report, respectively;
- Grants under this Program would be provided upon completion of on-site remediation in accordance with the recommended program description contained in Appendix “H” to Report PED23076(a) of this Report and upon completion of a staff-led audit of invoices to confirm actual and final eligible remediation costs; and,
- The provision of grants under this Program have been confirmed by staff as being eligible for consideration as a ‘municipal contribution’ when required as a condition of government affordable housing funding supports.

Recommended Amendments Applicable to Multiple Programs

- That sites where environmental remediation is being undertaken for the purposes of a self-storage facility shall be not be eligible for consideration under the ERG, ETA or ECDRL programs. This proposal is intended to be a reflection of the limited opportunities for employment growth self-storage facilities represent and their under-utilization of industrial/commercial lands in terms of economic development potential and potential permanent job growth; and,
- Updated and refined program terms, eligibility criteria and administrative processes across all program descriptions contained in Appendices “D” to Report PED23076(a) through Appendix “H” to Report PED23076(a) of this Report improve consistency of language/terminology and program structure undertaken in collaboration with staff from Legal Services and other City Departments/Divisions, where applicable.

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Modifications Arising After Council Approval of PED23076 on April 26, 2023:

In response to discussion at the General Issues Committee respecting potential unintended environmental consequences from encouraging non-dig and dump remediation methods resulting from recommended changes to the ERG Program, staff have taken additional steps to provide added discretion to City Council, or its delegate, respecting the remediation methods which may be supported through the ERG Program as well as all other ERASE programs where costs for physical site remediation could be the subject of a City grant or loan.

Specifically, staff have added the following, developed in consultation with Legal Services staff, to the program descriptions for the ERG, ETA, ECDRL and EAHG programs contained in Appendices “E” to Report PED23076(a) through Appendix “H” to Report PED23076(a) of this Report:

“The City reserves the right to reject any application under this Program that proposes a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. In addition, the City reserves the right to approve an application that excludes costs otherwise eligible that are associated with a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. Furthermore, if after application approval, a remediation practise/method utilized is deemed by City Council, or its delegate, in their sole and unfettered discretion, to be causing, or have caused, a negative overall environmental impact to a site, area or person, the City may reduce or cancel all or a portion of previously eligible program costs prior to or during the grant payment term.”

While the appropriate means of remediation to be undertaken on a site is a matter for the property owner and their Qualified Person to determine, and subject to acceptance by the Ministry of Environment, Conservation and Parks (MECP), this added discretion within the applicable ERASE programs may provide City Council, or its delegate, the ability to limit or not provide financial supports for remediation methods that, in the opinion of City Council, may have an overall negative environmental impact on a given site or area.

As part of staff’s standard practice, recommendation reports to City Council for ERASE grant/loan program applications identify the planned remediation method and estimated costs which are the subject of the ERASE Program Application. This will provide City

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Council, or its delegate, with an opportunity to assess the planned remediation method prior to application approval.

ALTERNATIVES FOR CONSIDERATION

The ERASE CIP and associated programs and strategies are provided at City Council's discretion. Alternative to staff's recommendations, City Council may direct that the ERASE CIP and programs continue without any change, be suspended or be modified in a manner as City Council deems appropriate. These alternative directions are not recommended by staff as the ERASE CIP and its programs have continually proven to be an important and successful tool in terms of leveraging significant financial benefits and supporting key policy objectives of the City. Furthermore, staff's recommended changes further ensure that the ERASE programs will be modified so as to better incentivize and support developments which will achieve additional community/Council priorities including environmental sustainability and affordable housing on brownfield lands.

Should City Council elect to explore alternatives to staff's recommendations, Council may refer this Report and provide direction to staff to investigate any such alternative direction including any legal, financial and economic impacts from such direction.

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.

Our People and Performance

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

SUBJECT: Implementation of Changes to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, Community Improvement Project Area and Associated Financial Assistance Programs (PED23076(a)) (City Wide) - Page 24 of 24

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23076(a) – ERASE CIPA Draft By-Law

Appendix "B" to Report PED23076(a) – ERASE CIP

Appendix "C" to Report PED23076(a) – ERASE CIP Draft By-Law

Appendix "D" to Report PED23076(a) – ERASE Study Grant Program

Appendix "E" to Report PED23076(a) – ERASE Redevelopment Grant Program

Appendix "F" to Report PED23076(a) – ERASE Tax Assistance Program

Appendix "G" to Report PED23076(a) – ERASE Commercial Districts Remediation Loan Program

Appendix "H" to Report PED23076(a) – ERASE Affordable Housing Grant Program

Appendix "I" to Report PED23076(a) – ERASE Delegated Authority Draft By-law

PC/rb

Appendix “A” to Report PED23076(a)
Page 1 of 4

Authority: Item ,
 Report (PED23076(a))
 CM:
 Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-___

**To Designate
 The Environmental Remediation and Site Enhancement (ERASE)
 Community Improvement Project Area (2023)**

WHEREAS Section 28 of the *Planning Act* entitled “Community Improvement” provides in subsection (2) that “Where there is an official plan in effect in a local municipality or in a prescribed upper-tier municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

WHEREAS under Section 28(1) of the *Planning Act*, a “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”;

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contain provisions relating to community improvement; and,

WHEREAS the Council of the City of Hamilton deems it appropriate to identify the Historically Developed Areas of the City of Hamilton, including Sub-Area 1 – Older Industrial Areas and Sub-Area 2 – Strategic Commercial Districts and Corridors, attached hereto and forming part of this By-law as Schedule ‘A’, dated March 2023 and titled ‘ERASE Community Improvement Project Area’.

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

1. In this By-law:
 - (a) “ERASE CIPA (2023)” means The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023); and
 - (b) “ERASE CIP (2023)” means The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023).
2. By-law No. 05-086, as amended, is repealed on such day that ERASE CIP (2023) comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

Appendix "A" to Report PED23076(a)

Page 2 of 4

3. The geographic areas of the City of Hamilton, as defined in Schedule "A" and forming part of this By-law, are hereby designated as the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)'; and,
4. A property that is not otherwise included in the ERASE CIPA (2023) as described in Section 2 above, may, at the City's discretion, be designated as part of the ERASE CIPA (2023), provided the property is:
 - (a) adjacent to an eligible ERASE CIPA property; and
 - (b) is forming part of a comprehensive development with an adjacent ERASE CIPA property with the determination of whether the property forms part of a comprehensive development being at the discretion of the City and will include consideration of physical elements which are required for the satisfactory functionality of both properties.
5. A property that is only partially included in the ERASE CIPA as described in Section 2 above, may be designated wholly, partially or not at all as part of the ERASE CIPA (2023) at the discretion of the City based on considerations that may include, but may not be limited to:
 - (a) the relative proportion of the property located within the ERASE CIPA (2023) boundary versus that located outside the ERASE CIPA (2023) boundary;
 - (b) the presence of any existing/planned buildings/structures and their planned use on the portion of the property within the ERASE CIPA (2023) boundary; and,
 - (c) the overall planned use/development of the property and its conformity with the purpose and goals of the ERASE CIP (2023).

PASSED this ____ day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 23-___

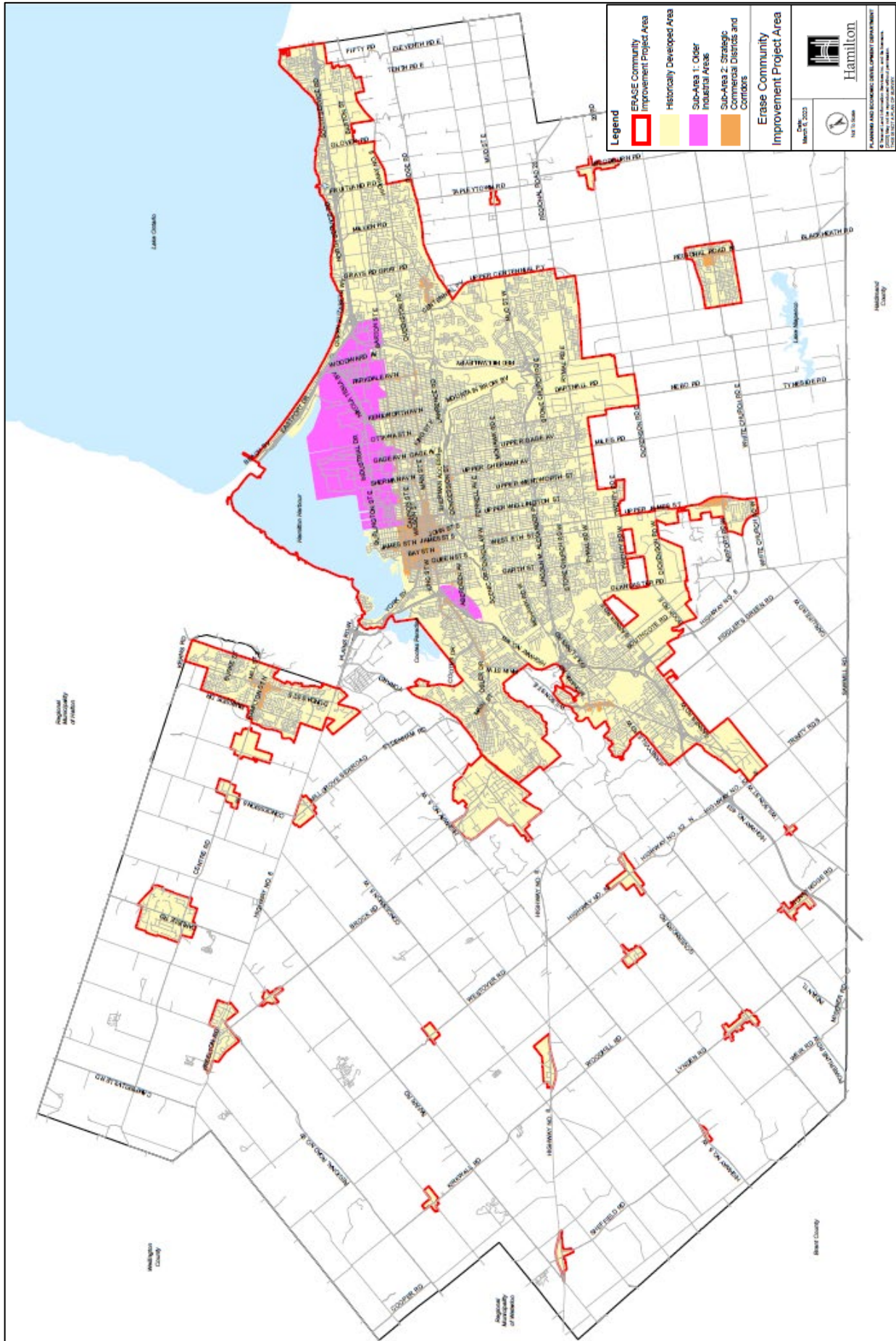
CITY OF HAMILTON

**ENVIRONMENTAL REMEDIATION
AND SITE ENHANCEMENT (ERASE)
COMMUNITY IMPROVEMENT
PROJECT AREA (2023)**

**Planning and Economic Development Department
Economic Development Division**

June 2023

Appendix "A" to Report PED23076(a)
Page 4 of 4



Hamilton’s Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

ECONOMIC DEVELOPMENT DIVISION

JUNE 2023



Hamilton



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1.0 INTRODUCTION

Hamilton has a long history as a major commercial and industrial centre which has served as the foundation of much of Hamilton’s growth and prosperity. However, much of this growth came during a time when the potential impacts of past activities and uses on people’s health and the environment were not as well understood as they are today. This has left a legacy of historic environmental impacts in the soil, groundwater and buildings in these historically developed areas of Hamilton and other similar communities across Ontario and Canada.

While redevelopment can provide an opportunity to rectify these environmental impacts, the need to remediate historic environmental impacts as part of a site’s redevelopment can be a significant financial barrier and lead to properties being overlooked for easier development prospects in suburban greenfield areas which do not face the same challenges. Left unaddressed, these environmentally contaminated properties, known as brownfields, become derelict, vacant and under-utilized leading to increased urban sprawl, reduced investment/tax generation and, over-time, result in the exodus of residents and jobs from areas which once were the centre of Hamilton’s economic and community prosperity.

This Plan, and the programs and initiatives it supports, is a continuation of Hamilton’s long-standing commitment to address legacy environmental impacts and support new investment in Hamilton’s historically developed areas.



2.0 PURPOSE OF THIS PLAN

The Environmental Remediation and Site Enhancement Community Improvement Plan (the Plan) is intended to provide a framework for the provision of financial assistance programs and other strategies that will help overcome the physical and financial barriers associated with the remediation and redevelopment of brownfields.

For the purposes of this Plan, ‘brownfields’ are considered to be undeveloped or previously developed properties that may be contaminated, and which are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

The expected outcome of this Plan is to provide strategic municipal support to address legacy environmental impacts on properties to the benefit of Hamilton’s environment, community health and economy by supporting redevelopment that will contribute to the revitalization of Hamilton’s historically developed areas, by improving environmental conditions, provide new economic development opportunities and increase the City’s assessment and municipal tax base.

As an implementation tool, this Plan builds upon past City community improvement efforts in support of brownfield remediation and redevelopment in Hamilton and is intended to complement and support the vision, goals and policies of related plans and strategies including Provincial planning policies, the City of Hamilton’s 2016-2025 Strategic Plan, the 2021-2025 Economic Development Action Plan and the Urban and Rural Hamilton Official Plans, among others.

Plans and strategies directly supported by this Plan are reviewed in Section 5.0 with the Plan’s goals and objectives described in Section 6.0 and Section 7.0 respectively.

Monitoring of this Plan’s implementation is outlined through reporting as noted in Section 9.0.

This Plan may be amended from time to time in accordance with Section 10.0.

3.0 LEGISLATIVE AUTHORITY

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

3.1 Provincial Legislation

Pursuant to Section 28 of the Planning Act, if a municipality has an Official Plan in effect that contains provisions relating to community improvement, it may, by by-law, designate the whole or any part of an area covered by such an Official Plan as a Community Improvement Project Area (CIPA). A CIPA is a geographic area in which a council of a municipality is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. The ERASE CIPA was established by By-law No. 01-110 in April 2001 and in April 2005 expanded to encompass the full limits of the urban area existing at this time via By-law No. 05-086. The 2005 CIPA By-law was subsequently amended by By-law No. 10-049 in March 2010 to identify a new Sub-area 4 for Downtown Hamilton.

When a by-law has been passed identifying a CIPA a municipal council may by by-law adopt a community improvement plan (CIP) for the purposes of facilitating the community improvement through various means including the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the Municipal Act. For the purpose of carrying out the CIP, once it is in effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP;
- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole, or any part of the, eligible costs of the CIP; and

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- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

The total of the grants and loans made in respect of particular lands and the tax assistance that is provided in respect of the lands and buildings cannot exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

3.2 Municipal Authorization

Community improvement policies authorizing the use of Community Improvement Plans in the City’s urban and rural areas are contained in Chapter F, Section 1.15 of both the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) (as amended). Specifically, policies contained in Section 1.15 state:

- Council’s intent, through community improvement, is to promote and maintain a high-quality living and working environment throughout the City accomplished through:
 - the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services; and
 - the establishment of policies and programs to address identified economic, land development and housing supply issues or needs; and
- That community improvement shall be carried out through the designation, by Council, of CIPAs and through the preparation and implementation of CIPs pursuant to the Planning Act, R.S.O., 1990 c. P.13;
- It is the intent of Council that the entire urban/rural areas, or any part of the urban/rural areas as defined by the UHOP or RHOP, as amended, may, by by-law, be designated as a CIPA;
- That one or more of the following characteristics may be present when designating a CIPA:
 - building stock or property in need of rehabilitation;
 - buildings and structures of heritage or architectural significance;
 - encroachment of incompatible land uses or activities;

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- deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
 - deteriorated or insufficient community services such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
 - inadequate mix of housing types (UHOP only);
 - inadequate affordable housing (UHOP only);
 - known or perceived environmental contamination;
 - deteriorated or insufficient parking facilities;
 - poor overall visual amenity of the area;
 - existing Business Improvement Areas (BIA) or potential for inclusion in a BIA designation;
 - inappropriate road access and traffic circulation;
 - shortage of land to accommodate building expansion and/or parking and loading facilities;
 - other barriers to the improvement or redevelopment of under-utilized land or buildings; or
 - any other environmental, social or community economic development reasons for designation; and
- That a CIP provide direction regarding the application of one or more of the following:
 - allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land/buildings;
 - municipal acquisition of land or buildings and subsequent clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
 - encouragement of infill and rehabilitation where feasible;
 - promotion of historic preservation through the appropriate local, provincial and federal legislation;



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- promotion of the viability of commercial areas through the establishment and support of BIAs; and
- other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development; and
- That all developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in the respective Official Plan and comply with all municipal codes and regulations of the City and Province;
- That Council shall determine the priorities and sequences in which designated Community Improvement Project Areas shall have individual CIPs prepared.
- That any CIP shall endeavour to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services; and
- That Council shall be satisfied that community improvements are within the financial capability of the City.



4.0 PREVIOUS PLANS, PROGRAMS AND ON-GOING INITIATIVES

4.1 Brownfield Community Improvement Plans and Programs

4.1.1 ERASE Community Improvement Plan (2001) and Project Area

In April 2001, the ERASE CIP, was established through By-law No. 01-111. It was the City’s first important step in the delivery of programs and initiatives that would promote environmental remediation, community rehabilitation and redevelopment of contaminated vacant, derelict or under-utilized sites. Also in April 2001, the ERASE CIPA was adopted by City Council via By-law No. 01-110. The 2001 ERASE CIPA was initially focused on providing remediation and redevelopment assistance programs within older current and former industrial areas of Hamilton including the Bayfront Industrial Area, the West Hamilton Innovation District as well as the West Harbour community located north of Downtown Hamilton.

Under the 2001 Plan five assistance programs were created:

- ERASE Redevelopment Grant Program – providing tax increment-based grants to reimburse for remediation costs directly funded from the increase in municipal property taxes generated as a result of the site’s remediation and redevelopment;
- ERASE Study Grant Program – a cost-sharing program for environmental studies to investigate the environmental condition of properties and/or support the filing of a Record of Site Condition with the Ministry of Environment;
- ERASE Planning and Development Fees Program – to provide rebates for specific planning application and development fees to incentivize redevelopment of brownfield sites;
- ERASE Redevelopment Opportunities Marketing and Database Program – to identify, describe and market high priority redevelopment opportunities to the development and real estate industry; and
- ERASE Municipal Property Acquisition, Investment and Partnership Program – to acquire and redevelop strategic properties by the City or to engage in or support public/private sector remediation and redevelopment initiatives funded through any portion of the increase in municipal taxes not provided to property owner through the ERASE Redevelopment Grant Program.

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4.1.2 ERASE Community Improvement Plan (2005), Project Area and Amendments

In April 2005, new CIPA and CIP By-laws were introduced (No. 05-086 and No. 05-087 respectively) and marked a significant broadening of the Plan’s focus to support remediation and redevelopment of not just current and former industrial properties, but any property potentially contaminated from past development within the urban area existing at this time. In conjunction with the expanded area of eligibility, the previously eligible areas including the Older Industrial Areas and West Harbour community under the 2001 Plan were maintained and identified as distinct sub-areas through which the range of eligible costs and programs were expanded to meet the specific remediation, redevelopment and revitalization needs of these areas.

Subsequent to the establishment of the 2005 ERASE CIP and CIPA, various amendments were made to the Plan and are summarized below:

- In 2010 the following key amendments were introduced:
 - the ERASE CIPA was amended to establish a new sub-area for Downtown Hamilton replicating the existing Downtown Hamilton CIPA boundary already established for the for the purposes of administering Downtown specific revitalization programs and initiatives under the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan (now titled the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan);
 - a new low-interest financial loan program was created, the Downtown and West Harbour Remediation Loan Program which would apply specifically in the West Harbour (Area 3) and Downtown Hamilton (Area 4) areas to lend discounted financing to developers and property owners specifically for remediation costs to support redevelopment of properties; and
 - the introduction of additional eligible costs under the ERASE Redevelopment Grant program for environmental certification under Leadership in Energy and Environmental Design (LEED).
- In 2014 administrative amendments were introduced to the ERASE Redevelopment Grant (ERG) Program, Tax Assistance Program (TAP) and Downtown / West Harbour Remediation Loan Program (RLP) programs to add greater flexibility to the programs by permitting



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peer-reviewed risk assessments in place of a Record of Site Condition for program eligibility where an RSC is not otherwise required by the Province for the development.

- In 2018 the following key amendments were introduced:
 - the ERASE Study Grant (ESG) and ERG Programs were amended to include the study, removal and abatement of Designated Substances and Hazardous Material (DSHM) from buildings located within the Older Industrial Area (Area 2), current/closed institutional buildings and heritage buildings designated under Part IV or V of the *Ontario Heritage Act*; and
 - The RLP interest rate was reduced from 1% to 0% and loan repayment period reduced from 10 to 5 years.

4.2 Development Charge Deferrals for Brownfields

Development of a brownfield property that has been approved under the ERG Program may be provided an option to defer the payment of Development Charges (DC) up to the maximum estimated grant or the maximum grant anticipated to be provided under the ERG Program. Once ERG payments commence, these payments go directly towards fulfilling the outstanding DC deferral.

As the ERG Program requires developers/property owners to pay for site remediation works up front and wait until the development is completed and reassessed by the Municipal Property Assessment Corporation (MPAC) to begin recouping costs through ERG grant payments, the ability to offset DCs with future ERG payments aids property owners with the financial costs of site remediation incurred during the early stages of the development and assists with managing cash flow.

4.3 Policy on the Treatment of Potentially Contaminated Properties that Fail Municipal Tax Sale (2003)

As a result of changes to the *Environmental Protection Act* and the *Municipal Tax Sales Act* introduced by the *Brownfields Statute Law Amendment Act*, municipalities in Ontario were provided enhanced powers to respecting municipal tax sales on properties that are in significant tax arrears (over 3 years). These powers allowed municipalities to take ownership of sites within one year and investigate environmental conditions of a property after a failed tax sale. In addition, where a municipality has taken ownership, the municipality is provided a period of five years within which to remediate the property or find a potential buyer to remediate and redevelop the property.

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In response to these legislative changes, the City became one of the first municipalities to proactively adopt a standardized policy on potentially contaminated properties that fail a municipal tax sale to take advantage of these new powers in a consistent and transparent manner.

4.4 Contaminated Site Management Program (2004)

The City adopted the Contaminated Site Management Program with the purpose of providing procedures and training for City staff to identify and manage risks where there is the possibility for contamination in the soil/groundwater on sites subject to capital works projects and property transactions.

4.5 Historic Land Use Inventory (2008)

In late 2007, the City retained MMM Group Limited to complete a Historic Land Use Inventory (HLUI). The identified the need for a comprehensive GIS-based inventory of potential historically environmentally-impaired properties that was to become a resource to the efficient and consistent implementation of the City’s brownfield redevelopment programs. The key goals of the HLUI was to:

- Provide key information to the City’s property management database concerning historical environmental conditions that had not been previously available at a central location;
- Serve as a fundamental tool for use by City staff in planning and conducting the everyday aspects of managing properties within the City in a thoughtful and conscientious manner; and
- Ensure that management staff have the information necessary for knowledgeable decisions concerning brownfield redevelopment planning.

The actual project consisted of reviewing numerous sources of historical environmental information with the intent to identify properties of interest and potential contaminants associated with them. While some data came from primary sources that confirm impairment or remediation of a property (e.g. Phase II Environmental Site Assessment reports or Record of Site Conditions), much of the required data needed to be interpreted came from secondary sources (e.g. fire insurance plans, land use designations etc.) combined with the user of industry-specific environmental databases to infer the potential contaminants that may be associated with historical on-site activities

Once the required data was documented, it was transposed into a Historical Environmental Database (HED). In total, the study area encompassed approximately 131,000 individual properties comprising the entire urban area. In total, 91 properties

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were identified as vacant brownfield sites consisting of a total of 152 ha. (377 ac.) scattered throughout the urban area of which over 50% were located outside of the designated employment areas and 20 ha. were found to be within the Bayfront Industrial Area. One thousand three hundred and eighty-six (1386) properties were identified as having a potential for some contamination based on the historical use of the property in Downtown Hamilton and the remaining urban area.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site’s status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such a past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.6 Potentially Contaminated Commercial Properties Database Report (2022)

In 2022, the City retained ERIS to develop a database report that would identify sites within Hamilton’s existing urban areas that have a higher potential for contamination as a result of current/historic commercial activities. This search was informed by the compilation and filtering of property information identified through multiple historical and proprietary environmental records which would typically be associated with higher risk commercial uses such as current/historical gas station, auto mechanic and dry cleaner uses, among others. Databases searched as part of this report included:

- Automobile Wrecking and Supplies
- Dry Cleaning Facilities
- Commercial Fuel Oil Tanks
- Delisted Fuel Tanks
- Current/Historic Private, Retail Fuel Storage Tanks

The development of this database report was intended to support the City’s 2022 ERASE CIP Review by identifying potential concentrations of environmental contamination in the existing urban areas and, specifically, provide insight as to the potential for additional financial impediments to redevelopment and revitalization in specific commercial districts and corridors that are currently the focus of City revitalization efforts through the Revitalizing Hamilton’s Commercial Districts CIP (RHCD CIP). The database would further support the goals and objectives of the RHCD CIP and this Plan by:

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- Informing the exploration, and potential development of, new/updated financial assistance program(s) under this Plan to overcome financial impediments related to contamination in the RHCD CIP commercial districts and corridors; and
- Support potential outreach/engagement efforts by the Economic Development Division to property owners in support redevelopment/revitalization efforts in these areas.

In total, the database report identified approximately 800 sites with identified records within the existing urban areas, of which, 183 properties were located within the areas commercial districts and corridors subject to revitalization efforts under the RHCD CIP.

The result of this database report has informed the development of updated financial assistance programs authorized through this Program, specifically, the ERASE Commercial Districts Remediation Loan Program further described in Section 8.4.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site’s status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such a past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.7 Brownfields Sub-Committee

In 2008 the Business Development Committee of the Hamilton Chamber of Commerce struck a sub-committee to advise and report on issues pertaining to brownfield redevelopment in the City of Hamilton. Staff sat on this committee and used it as a sounding board when contemplating changes to policy, including revisions to this Plan. This group, disbanded as a sub-committee of the Chamber in 2012, still meets on an ad-hoc basis from time-to-time to discuss brownfield related issues and continue t provide input as part of periodic review of this Plan.

Overall, this Plan maintains the intent of 2001 and 2005 ERASE CIPs and past City actions and initiatives and provides for updated programs and strategies in support of current environmental remediation and redevelopment challenges in the city’s historically developed areas and current Provincial and City policy direction as discussed in Section 5.o.

5.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose, goals and objectives of this Plan as outlined in Sections 2.0 and 7.0 respectively as well as the associated assistance program(s) described in Section 8.0. The key supporting policies from applicable policy documents are outlined below.

5.1 Provincial Policy Statement (2020)

The Province of Ontario’s Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments.

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

- Support land use patterns which efficiently use land and resources, efficiently use infrastructure and public services, minimize negative impacts to air quality and climate change, support active transportation and are transit-supportive (PPS, Subsection 1.1.3.2)
- 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 (PPS, Subsection 1.1.3.3)
- Healthy, integrated and viable rural areas supported by...promoting regeneration, including the redevelopment of brownfield sites (PPS, Subsection 1.1.4.1 b))
- Coordinate economic, environmental and social planning considerations to support efficient and resilient communities (PPS, Subsection 1.2.3); and
- Long-term economic prosperity supported by...promoting the redevelopment of brownfield sites (PPS, Subsection 1.7.1 f)).

5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for planning and managing growth and development within the Greater Golden Horseshoe (GGH), including Hamilton, in a way that supports complete communities, economic prosperity, protects the environment and helps communities achieve a high quality of life (Growth Plan, Section 1.2).

This Plan conforms with the Growth Plan, its guiding principles, and specifically, the following policies as identified within the Growth Plan:

- Support the achievement of complete communities that...Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes (Growth Plan, Subsection 2.2.1 (4. b));
- Support the achievement of complete communities that...provide for a more compact built form and a vibrant public realm, including public open spaces (Growth Plan, Subsection 2.2.1 (4. e));
- Promote economic development and competitiveness by...Integrating land use planning and economic development goals and strategies to retain and attract investment and employment (Growth Plan, Subsection 2.2.5 (1. d));

5.3 City of Hamilton 2016-2025 Strategic Plan (2016)

The City of Hamilton’s 2016-2025 Strategic Plan (Strategic Plan) establishes a 10-year vision for the City that provides the context within which City services are provided in order to achieve the Plan’s stated mission “to provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”. To achieve this, the Strategic Plan establishes seven priorities which were identified through community engagement and resident conversations including those that occurred through the Our Future Hamilton: Communities in Conversation initiative. These priorities are:

- Community Engagement and Participation
- Economic Prosperity and Growth
- Healthy and Safe Communities
- Clean and Green
- Building Environment and Infrastructure

- Culture and Diversity
- Our People and Performance

This Plan contributes towards the achievement of the Strategic Plan’s vision for Hamilton as further outlined in Section 9.0 Monitoring, whereby performance measures and monitoring of this Plan and its associated programs are established and linked to the achievement of the Strategic Plan’s vision.

5.4 2021-2025 Economic Development Action Plan (2021)

The 2021-2025 Economic Development Action Plan (EDAP) is a Council approved, city-wide, action-oriented document that identifies areas of focus and key industry sectors that the City will concentrate resources and identify actions for in support of the City’s economy. The EDAP identifies six key priority areas that are intended to build a stronger and more equitable economy for Hamilton’s future. Of these, this Plan most directly supports the “Revitalizing Priority Areas and Placemaking” and “Building Transformation Projects” priorities which, among other actions, are supported by incentivizing investment in the remediation of brownfield lands to encourage their transition to a cleaner and more productive uses that act as a catalyst for further economic improvement.

The EDAP further identifies as a specific action (#61) to “review and update the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan” to support the goals and objectives of the EDAP within the plan’s time horizon.

5.5 Urban and Rural Hamilton Official Plans (2013)

The Urban and Rural Hamilton Official Plans (UHOP/RHOP) establish the City’s long-term policy framework outlining the City’s vision for the future in terms of managing growth, land use change and the physical development of the city including related environmental, social and economic factors. The UHOP/RHOP includes land use policy that establishes the land use structure of the respective urban and rural areas of the city accompanied by overlaying land use designations that guide the development and redevelopment of the city. The UHOP/RHOP also contains the necessary policies to enable the creation of this Plan, in accordance with the *Planning Act*, through Chapter F, Section 1.15 of the UHOP and further discussed in Section 3.2 “Municipal Authorization” of this Plan.

5.5.1 Contaminated (Brownfield) Site Policies

The UHOP/RHOP contains specific policies respecting contaminated (brownfield) sites, contained in Chapter B – Communities, which include the following key policies as they relate to this Plan:

- ...The City, in addition to other economic development objectives, shall pursue the redevelopment of brownfield sites and promote opportunities for employment and residential intensification by:
 - a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;
 - b) undertaking studies to identify priority brownfield sites for redevelopment;
 - c) providing the necessary financial assistance to developers and landowners to make the redevelopment of brownfield sites a viable option; and,
 - d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.
(UHOP, Chapter B, Subsection 3.1.6)
- Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City. (UHOP/RHOP, Chapter B, Subsection 3.6.1.1 and 3.6.1.2 respectively).

These policies highlight the health and public safety considerations, community development and economic development objectives of the UHOP/RHOP respecting these sites and provide the direction to support City initiatives and actions to address these objectives. This Plan, and the financial assistance programs authorized herein, are but one of these actions and directly addresses the financial barriers and risk associated with contaminated sites that presents a real and systemic barrier to the achievement of the UHOP/RHOPs objectives.

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5.5.2 Legal Non-Conforming/Complying Uses or Properties

The UHOP/RHOP are policies respecting existing, non-complying and non-conforming uses. Specifically, the UHOP/RHOP states the following:

- It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavouring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or conform to the Zoning By-law and are incompatible with surrounding land uses (UHOP/RHOP, Chapter F, Subsection 1.12).
- All developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in this Plan and shall comply with all municipal codes and regulations of the City (UHOP/RHOP, Chapter F, Subsection 1.15.4).

As such, all existing and proposed developments participating in programs and initiatives contained within this Plan shall conform with the policies in the Official Plan and comply with all municipal by-laws and regulation, including applicable Zoning By-laws.

Notwithstanding the above, legally non-complying or non-conforming uses and/or properties located within the ERASE CIPA may be eligible for participation in an applicable program under this Plan, at the sole and absolute discretion of the City, where the City is satisfied that the use/building meets the following tests:

1. The proposed development must implement the intent and vision of the Urban Hamilton Official Plan (2013);
2. The Building Division records must validate the last recognized use as per a Zoning Verification stating the proposed use; and
3. Issuance of a Building Permit for the Legal Non-Conforming Use(s) must be qualified by the Building Division.

5.6 Secondary Plans

Within specific communities of the city, the UHOP/RHOP may be supplemented by detailed, area specific policies responding to the unique needs and considerations for how a specific area/community will develop over time. The following Secondary Plans and policies have been identified as being within the ERASE CIPA within which the programs of this Plan may apply and containing policies that directly relate and support the purpose and goals of this Plan:

Ainslie Woods Westdale Secondary Plan

The Ainslie Woods Westdale Secondary Plan (AWWSP) includes the area bounded by the former municipal boundaries between the former City of Hamilton and former Town of Dundas on the west, Cootes Paradise on the northwest, and Highway 403 on the east and the southeast.

The AWWSP contains the following policies:

- The establishment and extension of programs and funding for the rehabilitation and reuse of employment lands shall be encouraged to include lands in the Ainslie Wood Westdale area. An example would include any possible expansion of the brownfields funding program, to facilitate the rehabilitation of these lands (UHOP Volume 2, Chapter B, 6.2.9.1 g))

West Hamilton Innovation District Secondary Plan

The West Hamilton Innovation District Secondary Plan (WHIDSP) area is generally bounded by Aberdeen Avenue to the south, the railway line and Dundurn Street South to the east, Main Street West to the North and Highway 403 to the west.

The WHIDSP contains the following policies:

- Encourage the redevelopment of brownfield lands to a prestige research district comprised mainly of uses related to research, science and technology which are remediated to a high standard to ensure public health and safety (UHOP Volume 2, Chapter B, 6.4.2.1 a))
- The City shall prepare an enhancement to the ERASE (Environmental Remediation and Site Enhancement) Community Improvement Plan (CIP) and the development of an Implementation Strategy specifically for the West Hamilton Innovation District that shall encourage the redevelopment of this area. Additional financial incentives for initiatives such as LEED (Leadership in Energy and Environmental Design) certification shall complement the existing incentives for brownfield remediation and serve as a catalyst for the transformation of the

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West Hamilton Innovation District to an economic hub of research and development activity (UHOP Volume 2, Chapter B, 6.4.9.3)

West Harbour (Setting Sail) Secondary Plan (Non-Decision No. 113)

The West Harbour Secondary Plan (WHSP) area is bounded by Hamilton Harbour to the north, York Boulevard and Cannon Street West to the west and south and Wellington Street North to the east.

The WHSP contains the following policies:

- West Harbour is designated a CIPA and the ERASE CIP applies, and shall continue to apply, to a large portion of West Harbour. The City may revise the ERASE Plan from time to time and may prepare additional Community Improvement Plans for West Harbour. Such plans should identify, rank and coordinate the public improvements set out in this Secondary Plan and others that may arise. Community Improvement Plans should also identify the programs and measures intended to promote development and the rehabilitation of existing buildings and properties. The City shall consult with the local community in preparing the Community Improvement Plan (UHOP Volume 2, Chapter B, 6.5.12.6)
- Permit additional residential density where the City determines there is a need to increase densities of development in Barton-Tiffany and Ferguson-Wellington corridor, to assist economically with the clean up of brownfield areas and soil contamination. The density increase shall be subject to the City of Hamilton’s ERASE program (UHOP Volume 2, Chapter B, 6.5.14.9)

5.7 Bayfront Industrial Area Strategy (2022)

The Bayfront Industrial Area (the Bayfront) is Hamilton’s oldest industrial area comprising over 1,600 hectares of land on the shores of Hamilton Harbour, and the immediate area.

In September 2022, City Council approved The Bayfront Industrial Area Strategy (BIAS) as a comprehensive strategy, identifying short, medium and long-term actions, that together would help address barriers to redevelopment and support continued industrial productivity and investment in the Bayfront.

A significant barrier to redevelopment in the Bayfront continues to be potential contamination of properties; an issue that was central to the creation of the original 2001 ERASE CIP and the availability of its financial assistance programs in the Bayfront. In this respect, the BIAS speaks to the continued importance of this Plan to support its strategies and redevelopment goals in the Bayfront, specifically stating the following:

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- The expectation is that a certain degree of remediation and or risk management will be required as land is redeveloped over time. The City recently updated its Environmental Remediation and Site Enhance (ERASE) Community Improvement Plan incentives which are intended to help offset some of the front-end costs for remediation. There is a need to regularly monitor and track the success of various brownfield programs to ensure that they are well aligned with market needs and reasonably capture the range of redevelopment challenges in The Bayfront (BIAS, 3.14)



6.0 COMMUNITY IMPROVEMENT PROJECT AREA

This Plan is intended to apply to eligible properties within Historically Developed Areas (HDA) which have been geographically delineated within the companion ERASE CIPA By-law based on past and current detailed city-wide analysis of current and historical land uses, potential for environmental contamination, physical site characteristics, potential for redevelopment, UHOP/RHOP/Secondary Plan land use designations and policies, applicable zoning and visual site inspections, where required.

In addition to the HDA, the Plan is intended to provide programs which may also address unique or area specific environmental and associated development challenges. To this end, this Plan and the companion ERASE CIPA By-law define additional sub-areas within the HDA where additional programs and/or program parameters may be permitted within the program descriptions contained in Section 11.0 Appendices to this Plan. These sub-areas include:

- Sub-Area 1 - Older Industrial Areas - encompassing the Bayfront Industrial Area and West Hamilton Innovation District which have historically been the location of significant industrial activities that have left a legacy of unique redevelopment and investment challenges including the potential for historic contamination and outdated buildings and structures; and
- Sub-Area 2 - Strategic Commercial Districts and Corridors - encompassing properties located within various older strategic commercial districts and corridors which have been a focus of City revitalization efforts to stimulate new private sector investment in the development of under-utilized properties and/or improve the appearance, functionality, marketability, usability and/or safety of existing buildings and where there may exist a potential for historic contamination from past commercial land uses including, but not limited to, fuel/gas stations, auto mechanics, and dry cleaners.

For the purposes of this Plan, Sub-Area 2 is defined as comprising properties located within the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law (By-law 21-163 as amended over time) and which includes Downtown Hamilton, the Community Downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas, the Mount Hope/Airport Gateway and various other strategic commercial corridors.

Notwithstanding the above descriptions and the geographic boundaries delineated within the companion ERASE CIPA By-law, the following shall also apply with respect to properties eligible to participate in the programs of this Plan:

- Properties containing buildings designated under Part IV or Part V of the *Ontario Heritage Act* and located within the City of Hamilton municipal boundary, may be eligible for one

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or more programs established under this Plan where it is identified that a program may apply to such properties in Section 8.o of this Plan.

- A property which is partially located within the ERASE CIPA boundary, shall be deemed to be either wholly, partially or not at all located within the ERASE CIPA at the sole discretion of the City based on considerations that may include, but may not be limited to, the relative proportion of the property located within the ERASE CIPA boundary versus that located outside the CIPA boundary, the location of environmental contamination on the property and/or the planned use of existing/planned buildings as well as the ability to meet the purpose and goals of this Plan and any potentially applicable programs.



7.0 GOALS AND OBJECTIVES

With consideration to the purpose of this Plan as outlined in Section 2.0, and the cited Provincial and City plans, policies and strategies detailed in Section 5.0, the goals of this Plan are to support the investigation, remediation and redevelopment of brownfields in historically developed areas in order to:

- Improve environmental conditions within our communities and reduce future risk;
- Increase assessment and property tax generation;
- Reduce the need for greenfield or agricultural lands to accommodate future population and employment related growth;
- Efficiently utilize existing infrastructure and reduce related costs;
- Support the achievement of Provincial/City residential unit/jobs density targets, where applicable;
- Maintain and grow resident populations to support existing businesses and services;
- Further support population and employment concentrations that will better utilize existing transit and support new demand and investment in higher-order forms of transit;
- Enable new economic development opportunities;
- Improve the aesthetics of private properties to create an attractive public realm; and
- Make feasible opportunities for new housing, with a focus on affordability and tenure, that will help meet the needs of current and future residents and support a strong and diverse local workforce.

To help realize those goals, the following objectives respecting brownfields have been identified and will be supported by this Plan where appropriate:

- Obtain new information respecting the environmental condition of properties to support potential investment and redevelopment;
- Provide programs that reduce financial barriers and risk to property owners, developers and not-for-profit housing providers as a result of historic contamination;
- Engage and work with other municipalities to share knowledge and best practices to support remediation and redevelopment of brownfields;
- Engage with the Provincial and Federal governments and related agencies to prioritize brownfields as an area of focus and investment;

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- Explore means to further identify sites with the potential for contamination and to develop strategies and programs to address as required; and
- Consistently monitor for new and emerging regulatory or economic barriers respecting brownfield remediation and redevelopment.



8.0 FINANCIAL ASSISTANCE PROGRAMS AND OTHER INITIATIVES

This section identifies the primary purpose and parameters of financial assistance programs and other initiatives the City may employ to achieve this Plan's goals within areas identified in the companion ERASE CIPA By-law. Additional detailed descriptions outlining the terms, eligibility criteria and administrative processes for each program/initiative described in this section, as adopted by City Council resolution, are contained in Section 11.0 Appendices of this Plan for reference.

The applicable program descriptions shall be those that were approved by City Council and in effect on the date an application under any program in this section was approved by City Council or their delegate.

Notwithstanding any program descriptions approved by City Council, applications under any program authorized under this Plan can be rejected by City Council for any reason. Such a decision can take into account matters not set forth in the applicable program descriptions and are within City Council's sole, absolute and unfettered discretion.

Decisions and reasons for the City's accepting or rejecting an application shall not act as a precedent for any other application.

8.1 ERASE Study Grant (ESG) Program

The ERASE Study Grant (ESG) Program is intended to support the undertaking of environmental studies on known or suspected brownfield sites to confirm and describe potential on-site contamination or develop a plan to remove, treat, or otherwise manage the contamination in support of site redevelopment/reuse. Additional studies may also be considered under this Program which investigate other forms of potential environmental impacts or which further facilitate the potential redevelopment/reuse of eligible sites.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible studies/costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix A.

8.2 ERASE Redevelopment Grant (ERG) Program

The ERASE Redevelopment Grant (ERG) Program is intended to provide tax increment-based grants towards costs required to remediate historical environmental

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contamination on brownfield sites in support of their redevelopment/reuse. By providing Grants to mitigate these financial impediments, the Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new municipal property tax revenue through increased property assessments.

As a tax increment-based program, the ERG Program provides grants relative to the actual increase in municipal property taxes that are generated as a result of a site being remediated and redeveloped. Grants are provided after development completion over a maximum term as described in Table 1 herein or until eligible Program costs have been recovered, whichever comes first.

Grants under the Program may be provided through one of two streams based on consideration of the project as a Brownfield Development or an Enhanced Brownfield Development. For the purposes of this Program, a Brownfield Development is one that remediates the environmental condition of a site and increases the municipal property taxes generated as a result of remediation and redevelopment. An Enhanced Brownfield Development is the same as a Brownfield Development, but which also achieve one of the following additional priorities:

- Successfully obtains a certification for the achievement of environmental sustainability standards from an eligible organization/program;
- Will connect to (or be designed to allow for future connection to) a district energy system where a current or future connection is deemed feasible by the City;
- Is approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City program for the purposes of incorporating new residential rental housing that supports housing affordability within the city.

The prescribed grant terms under the Brownfield Development and Enhanced Brownfield Development streams are described in Table 1 below:



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**Table 1 – Prescribed Grant Parameters:
 Brownfield Developments and Enhanced Brownfield Developments**

		Brownfield Development	Enhanced Brownfield Development
Maximum Eligible Costs Permitted For:	the transportation and disposal of contaminated soil at a licensed landfill facility	80%	80%
	*in-situ or Risk Assessment remediation methods or the transportation and treatment of contaminated soil so as to enable reuse	100%	100%
	all other eligible costs unless otherwise specified in the Council adopted Program Description contained in Appendix B to this Plan	80%	100%
Maximum Potential Annual Grant Payments		10**	13**
Maximum Annual Grant as a Percentage of Actual Tax Increment Realized		80%***	100%

** Eligible remediation methods will demonstrate a reduced overall environmental impact versus dig and dump remediation with such determination being at the sole discretion of the City.*

*** Or until eligible remediation costs have been recovered, whichever comes first.*

****The remaining 20% increase in the annual municipal tax increment not provided to the Applicant under the Brownfield Development stream shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant’s Grant term up to a maximum of 20% of the value of the total Grant to be provided.*

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix B.

8.3 ERASE Tax Assistance (ETA) Program

The ERASE Tax Assistance (ETA) Program is intended to reduce the tax increase resulting from the remediation and redevelopment of a brownfield site in order to mitigate costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. The tax cancellation provided

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under this Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new property tax revenue through increased property assessments.

An approval under this Program shall not be granted until City Council has approved the Application and has passed a by-law pursuant to s.365.1 of the *Municipal Act, 2001*, as amended and the Minister of Finance of the Province of Ontario has approved the by-law.

An approval granted under this Program shall be conditional on the Applicant receiving approval from the Minister of Finance for an application under the Province of Ontario's Brownfield Financial Tax Incentive Program (BFTIP) respecting the cancellation of the education portion of property taxes. Approval for the cancellation of the education portion of the property tax increment may be provided by the Minister of Finance on a case-by-case basis. Where an application and approval under the Province's BFTIP will not be sought, the applicant shall be directed to make application under the ERASE Redevelopment Grant (ERG) Program.

Under the ETA, 80% of the increase in the municipal portion of property taxes (the tax increment) that results from remediation and redevelopment of a site, or such lesser amount as set out below will be cancelled annually until the expiration of the earlier of the following:

- Six (6) years for a business development (commercial and industrial) or 10 years for a residential development (including mixed use residential); or
- A value that equals accepted eligible Program costs.

The remaining 20% increase in the annual municipal tax increment not subject to cancellation shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant's term for tax cancellation up to a maximum of 20% of the value of the total tax cancellation to be provided. The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.



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Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, tax cancellation criteria, tax cancellation maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix C.

8.4 ERASE Commercial Districts Remediation Loan (ECDRL) Program

The ERASE Commercial Districts Remediation Loan (ECDRL) Program provides low-interest Loans which are intended to overcome barriers owners may face obtaining traditional financing for costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. Specifically, this Program is intended to work in concert with broader efforts to support the revitalization of strategic commercial districts and corridors, including those programs and initiatives established under the RHCD CIP.

A Loan under this Program is intended to serve as a ‘bridge’ until such time as grant payments commence under either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs. As such, eligibility under this Program is contingent on, among other requirements contained herein, that the site has been the subject of an approved application under either the ERG or RHTIG Programs.

This Program will apply within Sub-Area 2 – Strategic Commercial Districts and Corridors of the Historically Developed Area as defined in the ERASE CIPA By-law and which generally consists of the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale commercial districts, the Mount Hope/Airport Gateway, the Barton Street and Kenilworth Avenue North commercial corridors and other strategic commercial corridors located throughout the city.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, loan criteria, loan maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix D.

8.5 ERASE Affordable Housing Grant (EAHG) Program

The ERASE Affordable Housing Grant (EAHG) Program is intended to provide Grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse for affordable housing by not-for-profit housing providers not otherwise able to participate in the ERG program. By

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providing Grants to mitigate these financial impediments, the Program better enables brownfield sites to be viable candidates for the creation of new affordable housing.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix E.

8.6 ERASE Municipal Acquisition and Partnership (EMAP) Program

The ERASE Municipal Acquisition and Partnership (EMPA) Program is intended to further support the investigation, remediation and redevelopment of brownfields in the city by enabling the City of Hamilton to:

- Acquire, hold, clear, grade or otherwise prepare brownfields for the purposes of achieving community improvement that supports this Plan’s goals and objectives;
- Construct, repair, rehabilitate or improve buildings on brownfields acquired or held by the City in support of this Plan’s goals and objectives;
- Sell, lease, or otherwise dispose of any brownfields acquired or held by it in support of this Plan’s goals and objectives; or
- Participate financially or otherwise with private sector entities to further the goals and objectives of this Plan.

The EMAP is not an application-based program and is to be utilized and funded at the discretion of City Council in conformity with this Plan and the *Planning Act*.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

8.7 Other Strategies

The following programs and initiatives are not subject to this Plan but are intended to be acted upon in tandem with the financial incentive programs contained in this Plan in order to meet the City’s goals and objectives for the Plan’s Community Improvement Project Areas.

Appendix “B” to Report PED23076(a)
Page 34 of 38**8.7.1 ERASE Development Charge (DC) Deferrals**

The payment of Development Charges (DCs) as a condition of development can be a significant factor in determining the feasibility of remediating and redeveloping brownfields as DCs are often required to be paid early in the development process at the same time as costs are being incurred to remediate site contamination in preparation for site development.

As a strategy to further support the feasibility and added cash flow pressures required for brownfield redevelopment, approved applicants under the ERG Program may be provided the option to utilize an ERASE specific deferral of DCs at low/no interest in an amount up to the lesser of:

- The maximum estimated Grant approved by City Council; or
- The maximum Grant estimated to be achieved within the parameters of the Program, as determined by the City, based on the estimated eligible costs and estimated post-development assessment and municipal property tax uplift.

Where an approved ERG applicant elects and been approved by the General Manager of Finance and Corporate Services to utilize the ERASE DC Deferral Option, grant payments under ERG program will be directed towards fulfilling the ERASE DC deferral until the deferred DCs have been fully paid.

All Applicants utilizing the ERASE DC Deferral Option will be required to enter into an ERASE DC Deferral Agreement with the City. This Agreement shall contain provisions including, but not limited to, the terms and conditions set out herein and such additional conditions as required by City Council, the City Solicitor or General Manager of Finance and Corporate Services in their sole discretion. Such agreement may also include the provision of securities that include, but may not be limited to, Letters of Credit, mortgages registered on title and/or personal guarantees as deemed required by the City.

ERASE DC Deferral Agreements will be subject to the applicable, in effect DC By-law and any additional requirements, conditions and agreements as deemed appropriate to affect the Agreement at the discretion of City Council or the General Manager of Finance and Corporate Services.

8.7.2 Historic Land Use Inventories

From time-to-time, the City may undertake historic land use inventories to identify properties and/or areas of the City with a potential for environmental contamination. Such inventories will be used to guide the development and

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refinement of financial assistance programs and authorized under this Plan and inform strategies and actions by the City to better support and enable remediation and redevelopment of these properties/areas.

8.7.3 Marketing and Promotion

In accordance with the Economic Development Division’s Marketing Plan, the City of Hamilton may promote and advertise or contribute to the promotion or advertisement of programs, initiatives and events respecting the brownfields for the purpose of achieving the goals and objectives of this Plan.

9.0 MONITORING

Monitoring the Plan’s implementation is undertaken through the City’s performance measurement reporting and annual reports prepared by the Economic Development Division.

Performance measures will be based on the objectives and desired outcomes as identified in this Plan, key activities set out in the Department’s business plan and the City’s 2016-2025 Strategic Plan. Performance measures which may be evaluated include, but may not be limited to:

- Total area of land investigated, remediated and redeveloped;
- Increase in assessment and property tax generation on brownfields;
- New affordable housing units created on brownfields;
- New resident population and jobs created on brownfields within the Historically Developed Area in support of Provincial/City residential unit/jobs density and growth targets; and
- Private sector investment leveraged on brownfields relative to City grants/loan or other assistance provided.

10.0 AMENDMENTS AND TRANSITIONAL MATTERS

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

10.1 Formal Amendments

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

- To introduce new financial assistance programs;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan except where the maximum amount of assistance is not referenced in Section 8.0 or the conditions under which increased assistance under a program may be provided is already established within this same section; or
- To add, extend, remove or otherwise change the Community Improvement Project Area’s which are the subject of this Plan.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City’s Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the UHOP and RHOP. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City’s web site and direct or electronic mail outs and surveys.

10.2 Other Amendments

Detailed program descriptions providing for the efficient administration of each program authorized through this Plan will be adopted, through resolution, by City Council. The program descriptions shall include, but not be limited to, program terms, eligibility criteria, maximum grant amounts, grant calculations, assignability, maximum loan amounts, repayment requirements and detailed administrative procedures terms and will form appendices to this Plan. Changes to the appendices will be adopted by City Council through resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for updates or amendments to program descriptions attached to this Plan as appendices. Minor

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administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes shall not require a formal amendment.

10.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted but not yet approved will be subject to and processed under the revised terms. Application already approved at the time revised program terms are in effect will continue to be subject to the program terms in effect at the time the application was approved.



11.0 APPENDICES

The following appendices are provided under separate cover and adopted by Council resolution:

Appendix A – ERASE Study Grant (ESG) Program Description

Appendix B – ERASE Redevelopment Grant (ERG) Program Description

Appendix C – ERASE Tax Assistance (ETA) Program Description

Appendix D – ERASE Commercial Districts Remediation Loan (ECDRL) Program Description

Appendix E – ERASE Affordable Housing Grant (EAHG) Program Description



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Authority: Item ,
Report (PED23076(a))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-__

To Adopt

**The Environmental Remediation and Site Enhancement (ERASE)
Community Improvement Plan (2023)**

WHEREAS By-law No. 23-__ passed on the __ day of June 2023, designated the ‘Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)’;

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

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

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contains provisions relating to community improvement;

WHEREAS Council, by its Planning Committee, held a public meeting on May 30, 2023 to discuss and receive public input regarding adoption of the Environmental Remediation and Site Enhancement Community Improvement Plan (2023), and has taken other required steps, prior to the enactment of this By-law, to adopt a community improvement plan for the Environmental Remediation and Site Enhancement Community Improvement Project Area (2023), as required by the *Planning Act* and Chapter F – Implementation, Section 1.17 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan; and,

WHEREAS the City has prepared a plan entitled “The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)” attached hereto as Schedule “A” and forming part of this By-law.

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

1. By-law No. 05-087, as amended, is repealed on the date that the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023) comes into effect; and
2. The ‘Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)’ attached hereto as Schedule ‘A’ and forming part of this By-law, is hereby adopted as the community improvement plan for the ‘Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)’ designated by By-law No. 23-____.

PASSED this ____ day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No. 23-___

CITY OF HAMILTON

**ENVIRONMENTAL REMEDIATION
AND SITE ENHANCEMENT (ERASE)
COMMUNITY IMPROVEMENT PLAN
(2023)**

**Planning and Economic Development Department
Economic Development Division**

June 2023

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This Plan repeals and replaces the Environmental Remediation and Site Enhancement Community Improvement Plan, originally adopted and approved by Hamilton City Council on April 13, 2005 (By-law 05-087), as amended.

1.0 INTRODUCTION

Hamilton has a long history as a major commercial and industrial centre which has served as the foundation of much of Hamilton’s growth and prosperity. However, much of this growth came during a time when the potential impacts of past activities and uses on people’s health and the environment were not as well understood as they are today. This has left a legacy of historic environmental impacts in the soil, groundwater and buildings in these historically developed areas of Hamilton and other similar communities across Ontario and Canada.

While redevelopment can provide an opportunity to rectify these environmental impacts, the need to remediate historic environmental impacts as part of a site’s redevelopment can be a significant financial barrier and lead to properties being overlooked for easier development prospects in suburban greenfield areas which do not face the same challenges. Left unaddressed, these environmentally contaminated properties, known as brownfields, become derelict, vacant and under-utilized leading to increased urban sprawl, reduced investment/tax generation and, over-time, result in the exodus of residents and jobs from areas which once were the centre of Hamilton’s economic and community prosperity.

This Plan, and the programs and initiatives it supports, is a continuation of Hamilton’s long-standing commitment to address legacy environmental impacts and support new investment in Hamilton’s historically developed areas.

2.0 PURPOSE OF THIS PLAN

The Environmental Remediation and Site Enhancement Community Improvement Plan (the Plan) is intended to provide a framework for the provision of financial assistance programs and other strategies that will help overcome the physical and financial barriers associated with the remediation and redevelopment of brownfields.

For the purposes of this Plan, ‘brownfields’ are considered to be undeveloped or previously developed properties that may be contaminated, and which are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

The expected outcome of this Plan is to provide strategic municipal support to address legacy environmental impacts on properties to the benefit of Hamilton’s environment, community health and economy by supporting redevelopment that will contribute to the revitalization of Hamilton’s historically developed areas, by improving environmental conditions, provide new economic development opportunities and increase the City’s assessment and municipal tax base.

As an implementation tool, this Plan builds upon past City community improvement efforts in support of brownfield remediation and redevelopment in Hamilton and is intended to complement and support the vision, goals and policies of related plans and strategies including Provincial planning policies, the City of Hamilton’s 2016-2025

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Strategic Plan, the 2021-2025 Economic Development Action Plan and the Urban and Rural Hamilton Official Plans, among others.

Plans and strategies directly supported by this Plan are reviewed in Section 5.0 with the Plan’s goals and objectives described in Section 6.0 and Section 7.0 respectively.

Monitoring of this Plan’s implementation is outlined through reporting as noted in Section 9.0.

This Plan may be amended from time to time in accordance with Section 10.0.

3.0 LEGISLATIVE AUTHORITY

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

3.1 Provincial Legislation

Pursuant to Section 28 of the Planning Act, if a municipality has an Official Plan in effect that contains provisions relating to community improvement, it may, by by-law, designate the whole or any part of an area covered by such an Official Plan as a Community Improvement Project Area (CIPA). A CIPA is a geographic area in which a council of a municipality is of the opinion it is desirable to improve because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. The ERASE CIPA was established by By-law No. 01-110 in April 2001 and in April 2005 expanded to encompass the full limits of the urban area existing at this time via By-law No. 05-086. The 2005 CIPA By-law was subsequently amended by By-law No. 10-049 in March 2010 to identify a new Sub-area 4 for Downtown Hamilton.

When a by-law has been passed identifying a CIPA a municipal council may by by-law adopt a community improvement plan (CIP) for the purposes of facilitating the community improvement through various means including the provision of financial incentives or actions which would otherwise be prohibited under Sub-section 106(2) of the Municipal Act. For the purpose of carrying out the CIP, once it is in effect, a municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIPA in conformity with the CIP, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- Sell, lease or otherwise dispose of any land acquired or held by it in the CIPA to any person or governmental authority for use in conformity with the CIP;

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- Provide grants and/or loans in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings within the CIPA, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole, or any part of the, eligible costs of the CIP; and
- Provide grants and/or loans for eligible costs identified within the CIP which may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of land and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

The total of the grants and loans made in respect of particular lands and the tax assistance that is provided in respect of the lands and buildings cannot exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

3.2 Municipal Authorization

Community improvement policies authorizing the use of Community Improvement Plans in the City’s urban and rural areas are contained in Chapter F, Section 1.15 of both the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) (as amended). Specifically, policies contained in Section 1.15 state:

- Council’s intent, through community improvement, is to promote and maintain a high-quality living and working environment throughout the City accomplished through:
 - the upgrading and ongoing maintenance of communities or areas as characterized by obsolete buildings, and/or conflicting land uses and/or inadequate physical infrastructure and community services; and
 - the establishment of policies and programs to address identified economic, land development and housing supply issues or needs; and
- That community improvement shall be carried out through the designation, by Council, of CIPAs and through the preparation and implementation of CIPs pursuant to the Planning Act, R.S.O., 1990 c. P.13;
- It is the intent of Council that the entire urban/rural areas, or any part of the urban/rural areas as defined by the UHOP or RHOP, as amended, may, by by-law, be designated as a CIPA;
- That one or more of the following characteristics may be present when designating a CIPA:

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- building stock or property in need of rehabilitation;
 - buildings and structures of heritage or architectural significance;
 - encroachment of incompatible land uses or activities;
 - deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
 - deteriorated or insufficient community services such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
 - inadequate mix of housing types (UHOP only);
 - inadequate affordable housing (UHOP only);
 - known or perceived environmental contamination;
 - deteriorated or insufficient parking facilities;
 - poor overall visual amenity of the area;
 - existing Business Improvement Areas (BIA) or potential for inclusion in a BIA designation;
 - inappropriate road access and traffic circulation;
 - shortage of land to accommodate building expansion and/or parking and loading facilities;
 - other barriers to the improvement or redevelopment of under-utilized land or buildings; or
 - any other environmental, social or community economic development reasons for designation; and
- That a CIP provide direction regarding the application of one or more of the following:
 - allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land/buildings;
 - municipal acquisition of land or buildings and subsequent clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
 - encouragement of infill and rehabilitation where feasible;
 - promotion of historic preservation through the appropriate local, provincial and federal legislation;

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- promotion of the viability of commercial areas through the establishment and support of BIAs; and
- other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development; and
- That all developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in the respective Official Plan and comply with all municipal codes and regulations of the City and Province;
- That Council shall determine the priorities and sequences in which designated Community Improvement Project Areas shall have individual CIPs prepared.
- That any CIP shall endeavour to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services; and
- That Council shall be satisfied that community improvements are within the financial capability of the City.

4.0 PREVIOUS PLANS, PROGRAMS AND ON-GOING INITIATIVES

4.1 Brownfield Community Improvement Plans and Programs

4.1.1 ERASE Community Improvement Plan (2001) and Project Area

In April 2001, the ERASE CIP, was established through By-law No. 01-111. It was the City’s first important step in the delivery of programs and initiatives that would promote environmental remediation, community rehabilitation and redevelopment of contaminated vacant, derelict or under-utilized sites. Also in April 2001, the ERASE CIPA was adopted by City Council via By-law No. 01-110. The 2001 ERASE CIPA was initially focused on providing remediation and redevelopment assistance programs within older current and former industrial areas of Hamilton including the Bayfront Industrial Area, the West Hamilton Innovation District as well as the West Harbour community located north of Downtown Hamilton.

Under the 2001 Plan five assistance programs were created:

- ERASE Redevelopment Grant Program – providing tax increment-based grants to reimburse for remediation costs directly funded from the increase in municipal property taxes generated as a result of the site’s remediation and redevelopment;

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- ERASE Study Grant Program – a cost-sharing program for environmental studies to investigate the environmental condition of properties and/or support the filing of a Record of Site Condition with the Ministry of Environment;
- ERASE Planning and Development Fees Program – to provide rebates for specific planning application and development fees to incentivize redevelopment of brownfield sites;
- ERASE Redevelopment Opportunities Marketing and Database Program – to identify, describe and market high priority redevelopment opportunities to the development and real estate industry; and
- ERASE Municipal Property Acquisition, Investment and Partnership Program – to acquire and redevelop strategic properties by the City or to engage in or support public/private sector remediation and redevelopment initiatives funded through any portion of the increase in municipal taxes not provided to property owner through the ERASE Redevelopment Grant Program.

4.1.2 ERASE Community Improvement Plan (2005), Project Area and Amendments

In April 2005, new CIPA and CIP By-laws were introduced (No. 05-086 and No. 05-087 respectively) and marked a significant broadening of the Plan’s focus to support remediation and redevelopment of not just current and former industrial properties, but any property potentially contaminated from past development within the urban area existing at this time. In conjunction with the expanded area of eligibility, the previously eligible areas including the Older Industrial Areas and West Harbour community under the 2001 Plan were maintained and identified as distinct sub-areas through which the range of eligible costs and programs were expanded to meet the specific remediation, redevelopment and revitalization needs of these areas.

Subsequent to the establishment of the 2005 ERASE CIP and CIPA, various amendments were made to the Plan and are summarized below:

- In 2010 the following key amendments were introduced:
 - the ERASE CIPA was amended to establish a new sub-area for Downtown Hamilton replicating the existing Downtown Hamilton CIPA boundary already established for the for the purposes of administering Downtown specific revitalization programs and initiatives under the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan (now titled the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan);

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- a new low-interest financial loan program was created, the Downtown and West Harbour Remediation Loan Program which would apply specifically in the West Harbour (Area 3) and Downtown Hamilton (Area 4) areas to lend discounted financing to developers and property owners specifically for remediation costs to support redevelopment of properties; and
- the introduction of additional eligible costs under the ERASE Redevelopment Grant program for environmental certification under Leadership in Energy and Environmental Design (LEED).
- In 2014 administrative amendments were introduced to the ERASE Redevelopment Grant (ERG) Program, Tax Assistance Program (TAP) and Downtown / West Harbour Remediation Loan Program (RLP) programs to add greater flexibility to the programs by permitting peer-reviewed risk assessments in place of a Record of Site Condition for program eligibility where an RSC is not otherwise required by the Province for the development.
- In 2018 the following key amendments were introduced:
 - the ERASE Study Grant (ESG) and ERG Programs were amended to include the study, removal and abatement of Designated Substances and Hazardous Material (DSHM) from buildings located within the Older Industrial Area (Area 2), current/closed institutional buildings and heritage buildings designated under Part IV or V of the *Ontario Heritage Act*; and
 - The RLP interest rate was reduced from 1% to 0% and loan repayment period reduced from 10 to 5 years.

4.2 Development Charge Deferrals for Brownfields

Development of a brownfield property that has been approved under the ERG Program may be provided an option to defer the payment of Development Charges (DC) up to the maximum estimated grant or the maximum grant anticipated to be provided under the ERG Program. Once ERG payments commence, these payments go directly towards fulfilling the outstanding DC deferral.

As the ERG Program requires developers/property owners to pay for site remediation works up front and wait until the development is completed and reassessed by the Municipal Property Assessment Corporation (MPAC) to begin recouping costs through ERG grant payments, the ability to offset DCs with future ERG payments aids property owners with the financial costs of site

remediation incurred during the early stages of the development and assists with managing cash flow.

4.3 Policy on the Treatment of Potentially Contaminated Properties that Fail Municipal Tax Sale (2003)

As a result of changes to the *Environmental Protection Act* and the *Municipal Tax Sales Act* introduced by the *Brownfields Statute Law Amendment Act*, municipalities in Ontario were provided enhanced powers to respecting municipal tax sales on properties that are in significant tax arrears (over 3 years). These powers allowed municipalities to take ownership of sites within one year and investigate environmental conditions of a property after a failed tax sale. In addition, where a municipality has taken ownership, the municipality is provided a period of five years within which to remediate the property or find a potential buyer to remediate and redevelop the property.

In response to these legislative changes, the City became one of the first municipalities to proactively adopt a standardized policy on potentially contaminated properties that fail a municipal tax sale to take advantage of these new powers in a consistent and transparent manner.

4.4 Contaminated Site Management Program (2004)

The City adopted the Contaminated Site Management Program with the purpose of providing procedures and training for City staff to identify and manage risks where there is the possibility for contamination in the soil/groundwater on sites subject to capital works projects and property transactions.

4.5 Historic Land Use Inventory (2008)

In late 2007, the City retained MMM Group Limited to complete a Historic Land Use Inventory (HLUI). The identified the need for a comprehensive GIS-based inventory of potential historically environmentally-impaired properties that was to become a resource to the efficient and consistent implementation of the City's brownfield redevelopment programs. The key goals of the HLUI was to:

- Provide key information to the City's property management database concerning historical environmental conditions that had not been previously available at a central location;
- Serve as a fundamental tool for use by City staff in planning and conducting the everyday aspects of managing properties within the City in a thoughtful and conscientious manner; and
- Ensure that management staff have the information necessary for knowledgeable decisions concerning brownfield redevelopment planning.

The actual project consisted of reviewing numerous sources of historical environmental information with the intent to identify properties of interest and potential contaminants associated with them. While some data came from primary sources that confirm impairment or remediation of a property (e.g. Phase

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II Environmental Site Assessment reports or Record of Site Conditions), much of the required data needed to be interpreted came from secondary sources (e.g. fire insurance plans, land use designations etc.) combined with the user of industry-specific environmental databases to infer the potential contaminants that may be associated with historical on-site activities

Once the required data was documented, it was transposed into a Historical Environmental Database (HED). In total, the study area encompassed approximately 131,000 individual properties comprising the entire urban area. In total, 91 properties were identified as vacant brownfield sites consisting of a total of 152 ha. (377 ac.) scattered throughout the urban area of which over 50% were located outside of the designated employment areas and 20 ha. were found to be within the Bayfront Industrial Area. One thousand three hundred and eighty-six (1386) properties were identified as having a potential for some contamination based on the historical use of the property in Downtown Hamilton and the remaining urban area.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site’s status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such a past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.6 Potentially Contaminated Commercial Properties Database Report (2022)

In 2022, the City retained ERIS to develop a database report that would identify sites within Hamilton’s existing urban areas that have a higher potential for contamination as a result of current/historic commercial activities. This search was informed by the compilation and filtering of property information identified through multiple historical and proprietary environmental records which would typically be associated with higher risk commercial uses such as current/historical gas station, auto mechanic and dry cleaner uses, among others. Databases searched as part of this report included:

- Automobile Wrecking and Supplies
- Dry Cleaning Facilities
- Commercial Fuel Oil Tanks
- Delisted Fuel Tanks
- Current/Historic Private, Retail Fuel Storage Tanks

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The development of this database report was intended to support the City’s 2022 ERASE CIP Review by identifying potential concentrations of environmental contamination in the existing urban areas and, specifically, provide insight as to the potential for additional financial impediments to redevelopment and revitalization in specific commercial districts and corridors that are currently the focus of City revitalization efforts through the Revitalizing Hamilton’s Commercial Districts CIP (RHCD CIP). The database would further support the goals and objectives of the RHCD CIP and this Plan by:

- Informing the exploration, and potential development of, new/updated financial assistance program(s) under this Plan to overcome financial impediments related to contamination in the RHCD CIP commercial districts and corridors; and
- Support potential outreach/engagement efforts by the Economic Development Division to property owners in support redevelopment/revitalization efforts in these areas.

In total, the database report identified approximately 800 sites with identified records within the existing urban areas, of which, 183 properties were located within the areas commercial districts and corridors subject to revitalization efforts under the RHCD CIP.

The result of this database report has informed the development of updated financial assistance programs authorized through this Program, specifically, the ERASE Commercial Districts Remediation Loan Program further described in Section 8.4.

Notwithstanding the above findings, as most brownfields are privately owned, there are limitations in obtaining information that would confirm or identify, with certainty, that a site is contaminated either because an owner would not want to provide that information or no formal investigative studies have been undertaken to confirm a site’s status. As such, inventories are often based on a *potential* for contamination based on certain characteristics, such a past land uses that are generally known to have a higher risk for contamination like certain industrial activities, gas/fuel stations, auto mechanics and dry cleaners, among others. As such, inventories do not preclude the discovery or identification of brownfields in the city.

4.7 Brownfields Sub-Committee

In 2008 the Business Development Committee of the Hamilton Chamber of Commerce struck a sub-committee to advise and report on issues pertaining to brownfield redevelopment in the City of Hamilton. Staff sat on this committee and used it as a sounding board when contemplating changes to policy, including revisions to this Plan. This group, disbanded as a sub-committee of the Chamber in 2012, still meets on an ad-hoc basis from time-to-time to discuss brownfield related issues and continue t provide input as part of periodic review of this Plan.

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Overall, this Plan maintains the intent of 2001 and 2005 ERASE CIPs and past City actions and initiatives and provides for updated programs and strategies in support of current environmental remediation and redevelopment challenges in the city’s historically developed areas and current Provincial and City policy direction as discussed in Section 5.0.

5.0 SUPPORTING POLICY FRAMEWORK

Existing Provincial and City policy frameworks contain policies that support the purpose, goals and objectives of this Plan as outlined in Sections 2.0 and 7.0 respectively as well as the associated assistance program(s) described in Section 8.0. The key supporting policies from applicable policy documents are outlined below.

5.1 Provincial Policy Statement (2020)

The Province of Ontario’s Provincial Policy Statement (PPS) provides policy direction for land use planning and development matters which are of Provincial interest including protecting resources, supporting public health and safety and creating high-quality natural and built environments.

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

- Support land use patterns which efficiently use land and resources, efficiently use infrastructure and public services, minimize negative impacts to air quality and climate change, support active transportation and are transit-supportive (PPS, Subsection 1.1.3.2)
- 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 (PPS, Subsection 1.1.3.3)
- Healthy, integrated and viable rural areas supported by...promoting regeneration, including the redevelopment of brownfield sites (PPS, Subsection 1.1.4.1 b))
- Coordinate economic, environmental and social planning considerations to support efficient and resilient communities (PPS, Subsection 1.2.3); and
- Long-term economic prosperity supported by...promoting the redevelopment of brownfield sites (PPS, Subsection 1.7.1 f)).

5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a policy framework for implementing the Province’s vision for planning and managing growth and development within the Greater Golden Horseshoe (GGH), including Hamilton, in a way that supports complete communities, economic prosperity, protects the environment and helps communities achieve a high quality of life (Growth Plan, Section 1.2).

This Plan conforms with the Growth Plan, its guiding principles, and specifically, the following policies as identified within the Growth Plan:

- Support the achievement of complete communities that...Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes (Growth Plan, Subsection 2.2.1 (4. b));
- Support the achievement of complete communities that...provide for a more compact built form and a vibrant public realm, including public open spaces (Growth Plan, Subsection 2.2.1 (4. e));
- Promote economic development and competitiveness by...Integrating land use planning and economic development goals and strategies to retain and attract investment and employment (Growth Plan, Subsection 2.2.5 (1. d));

5.3 City of Hamilton 2016-2025 Strategic Plan (2016)

The City of Hamilton’s 2016-2025 Strategic Plan (Strategic Plan) establishes a 10-year vision for the City that provides the context within which City services are provided in order to achieve the Plan’s stated mission “to provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”. To achieve this, the Strategic Plan establishes seven priorities which were identified through community engagement and resident conversations including those that occurred through the Our Future Hamilton: Communities in Conversation initiative. These priorities are:

- Community Engagement and Participation
- Economic Prosperity and Growth
- Healthy and Safe Communities
- Clean and Green
- Building Environment and Infrastructure
- Culture and Diversity
- Our People and Performance

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This Plan contributes towards the achievement of the Strategic Plan’s vision for Hamilton as further outlined in Section 9.0 Monitoring, whereby performance measures and monitoring of this Plan and its associated programs are established and linked to the achievement of the Strategic Plan’s vision.

5.4 2021-2025 Economic Development Action Plan (2021)

The 2021-2025 Economic Development Action Plan (EDAP) is a Council approved, city-wide, action-oriented document that identifies areas of focus and key industry sectors that the City will concentrate resources and identify actions for in support of the City’s economy. The EDAP identifies six key priority areas that are intended to build a stronger and more equitable economy for Hamilton’s future. Of these, this Plan most directly supports the “Revitalizing Priority Areas and Placemaking” and “Building Transformation Projects” priorities which, among other actions, are supported by incentivizing investment in the remediation of brownfield lands to encourage their transition to a cleaner and more productive uses that act as a catalyst for further economic improvement.

The EDAP further identifies as a specific action (#61) to “review and update the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan” to support the goals and objectives of the EDAP within the plan’s time horizon.

5.5 Urban and Rural Hamilton Official Plans (2013)

The Urban and Rural Hamilton Official Plans (UHOP/RHOP) establish the City’s long-term policy framework outlining the City’s vision for the future in terms of managing growth, land use change and the physical development of the city including related environmental, social and economic factors. The UHOP/RHOP includes land use policy that establishes the land use structure of the respective urban and rural areas of the city accompanied by overlaying land use designations that guide the development and redevelopment of the city. The UHOP/RHOP also contains the necessary policies to enable the creation of this Plan, in accordance with the *Planning Act*, through Chapter F, Section 1.15 of the UHOP and further discussed in Section 3.2 “Municipal Authorization” of this Plan.

5.5.1 Contaminated (Brownfield) Site Policies

The UHOP/RHOP contains specific policies respecting contaminated (brownfield) sites, contained in Chapter B – Communities, which include the following key policies as they relate to this Plan:

- ...The City, in addition to other economic development objectives, shall pursue the redevelopment of brownfield sites and promote opportunities for employment and residential intensification by:
 - a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;

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- b) undertaking studies to identify priority brownfield sites for redevelopment;
 - c) providing the necessary financial assistance to developers and landowners to make the redevelopment of brownfield sites a viable option; and,
 - d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.
(UHOP, Chapter B, Subsection 3.1.6)
- Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
(UHOP/RHOP, Chapter B, Subsection 3.6.1.1 and 3.6.1.2 respectively).

These policies highlight the health and public safety considerations, community development and economic development objectives of the UHOP/RHOP respecting these sites and provide the direction to support City initiatives and actions to address these objectives. This Plan, and the financial assistance programs authorized herein, are but one of these actions and directly addresses the financial barriers and risk associated with contaminated sites that presents a real and systemic barrier to the achievement of the UHOP/RHOPs objectives.

5.5.2 Legal Non-Conforming/Complying Uses or Properties

The UHOP/RHOP are policies respecting existing, non-complying and non-conforming uses. Specifically, the UHOP/RHOP states the following:

- It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavoring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or conform to the Zoning By-law and are incompatible with surrounding land uses (UHOP/RHOP, Chapter F, Subsection 1.12).

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- All developments participating in programs and initiatives contained within Community Improvement Plans shall conform to the policies contained in this Plan and shall comply with all municipal codes and regulations of the City (UHOP/RHOP, Chapter F, Subsection 1.15.4).

As such, all existing and proposed developments participating in programs and initiatives contained within this Plan shall conform with the policies in the Official Plan and comply with all municipal by-laws and regulation, including applicable Zoning By-laws.

Notwithstanding the above, legally non-complying or non-conforming uses and/or properties located within the ERASE CIPA may be eligible for participation in an applicable program under this Plan, at the sole and absolute discretion of the City, where the City is satisfied that the use/building meets the following tests:

1. The proposed development must implement the intent and vision of the Urban Hamilton Official Plan (2013);
2. The Building Division records must validate the last recognized use as per a Zoning Verification stating the proposed use; and
3. Issuance of a Building Permit for the Legal Non-Conforming Use(s) must be qualified by the Building Division.

5.6 Secondary Plans

Within specific communities of the city, the UHOP/RHOP may be supplemented by detailed, area specific policies responding to the unique needs and considerations for how a specific area/community will develop over time. The following Secondary Plans and policies have been identified as being within the ERASE CIPA within which the programs of this Plan may apply and containing policies that directly relate and support the purpose and goals of this Plan:

Ainslie Woods Westdale Secondary Plan

The Ainslie Woods Westdale Secondary Plan (AWWSP) includes the area bounded by the former municipal boundaries between the former City of Hamilton and former Town of Dundas on the west, Cootes Paradise on the northwest, and Highway 403 on the east and the southeast.

The AWWSP contains the following policies:

- The establishment and extension of programs and funding for the rehabilitation and reuse of employment lands shall be encouraged to include lands in the Ainslie Wood Westdale area. An example would include any possible expansion of the brownfields funding program, to facilitate the rehabilitation of these lands (UHOP Volume 2, Chapter B, 6.2.9.1 g))

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West Hamilton Innovation District Secondary Plan

The West Hamilton Innovation District Secondary Plan (WHIDSP) area is generally bounded by Aberdeen Avenue to the south, the railway line and Dundurn Street South to the east, Main Street West to the North and Highway 403 to the west.

The WHIDSP contains the following policies:

- Encourage the redevelopment of brownfield lands to a prestige research district comprised mainly of uses related to research, science and technology which are remediated to a high standard to ensure public health and safety (UHOP Volume 2, Chapter B, 6.4.2.1 a))
- The City shall prepare an enhancement to the ERASE (Environmental Remediation and Site Enhancement) Community Improvement Plan (CIP) and the development of an Implementation Strategy specifically for the West Hamilton Innovation District that shall encourage the redevelopment of this area. Additional financial incentives for initiatives such as LEED (Leadership in Energy and Environmental Design) certification shall complement the existing incentives for brownfield remediation and serve as a catalyst for the transformation of the West Hamilton Innovation District to an economic hub of research and development activity (UHOP Volume 2, Chapter B, 6.4.9.3)

West Harbour (Setting Sail) Secondary Plan (Non-Decision No. 113)

The West Harbour Secondary Plan (WHSP) area is bounded by Hamilton Harbour to the north, York Boulevard and Cannon Street West to the west and south and Wellington Street North to the east.

The WHSP contains the following policies:

- West Harbour is designated a CIPA and the ERASE CIP applies, and shall continue to apply, to a large portion of West Harbour. The City may revise the ERASE Plan from time to time and may prepare additional Community Improvement Plans for West Harbour. Such plans should identify, rank and coordinate the public improvements set out in this Secondary Plan and others that may arise. Community Improvement Plans should also identify the programs and measures intended to promote development and the rehabilitation of existing buildings and properties. The City shall consult with the local community in preparing the Community Improvement Plan (UHOP Volume 2, Chapter B, 6.5.12.6)
- Permit additional residential density where the City determines there is a need to increase densities of development in Barton-Tiffany and Ferguson-Wellington corridor, to assist economically with the clean up of brownfield areas and soil contamination. The density increase shall be subject to the City of Hamilton’s ERASE program (UHOP Volume 2, Chapter B, 6.5.14.9)

5.7 Bayfront Industrial Area Strategy (2022)

The Bayfront Industrial Area (the Bayfront) is Hamilton’s oldest industrial area comprising over 1,600 hectares of land on the shores of Hamilton Harbour, and the immediate area.

In September 2022, City Council approved The Bayfront Industrial Area Strategy (BIAS) as a comprehensive strategy, identifying short, medium and long-term actions, that together would help address barriers to redevelopment and support continued industrial productivity and investment in the Bayfront.

A significant barrier to redevelopment in the Bayfront continues to be potential contamination of properties; an issue that was central to the creation of the original 2001 ERASE CIP and the availability of its financial assistance programs in the Bayfront. In this respect, the BIAS speaks to the continued importance of this Plan to support its strategies and redevelopment goals in the Bayfront, specifically stating the following:

- The expectation is that a certain degree of remediation and or risk management will be required as land is redeveloped over time. The City recently updated its Environmental Remediation and Site Enhance (ERASE) Community Improvement Plan incentives which are intended to help offset some of the front-end costs for remediation. There is a need to regularly monitor and track the success of various brownfield programs to ensure that they are well aligned with market needs and reasonably capture the range of redevelopment challenges in The Bayfront (BIAS, 3.14)

6.0 COMMUNITY IMPROVEMENT PROJECT AREA

This Plan is intended to apply to eligible properties within Historically Developed Areas (HDA) which have been geographically delineated within the companion ERASE CIPA By-law based on past and current detailed city-wide analysis of current and historical land uses, potential for environmental contamination, physical site characteristics, potential for redevelopment, UHOP/RHOP/Secondary Plan land use designations and policies, applicable zoning and visual site inspections, where required.

In addition to the HDA, the Plan is intended to provide programs which may also address unique or area specific environmental and associated development challenges. To this end, this Plan and the companion ERASE CIPA By-law define additional sub-areas within the HDA where additional programs and/or program parameters may be permitted within the program descriptions contained in Section 11.0 Appendices to this Plan. These sub-areas include:

- Sub-Area 1 - Older Industrial Areas - encompassing the Bayfront Industrial Area and West Hamilton Innovation District which have historically been the location of significant industrial activities that have left a legacy of unique redevelopment and investment challenges including the potential for historic contamination and outdated buildings and structures; and

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- Sub-Area 2 - Strategic Commercial Districts and Corridors - encompassing properties located within various older strategic commercial districts and corridors which have been a focus of City revitalization efforts to stimulate new private sector investment in the development of under-utilized properties and/or improve the appearance, functionality, marketability, usability and/or safety of existing buildings and where there may exist a potential for historic contamination from past commercial land uses including, but not limited to, fuel/gas stations, auto mechanics, and dry cleaners.

For the purposes of this Plan, Sub-Area 2 is defined as comprising properties located within the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law (By-law 21-163 as amended over time) and which includes Downtown Hamilton, the Community Downtowns of Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas, the Mount Hope/Airport Gateway and various other strategic commercial corridors.

Notwithstanding the above descriptions and the geographic boundaries delineated within the companion ERASE CIPA By-law, the following shall also apply with respect to properties eligible to participate in the programs of this Plan:

- Properties containing buildings designated under Part IV or Part V of the *Ontario Heritage Act* and located within the City of Hamilton municipal boundary, may be eligible for one or more programs established under this Plan where it is identified that a program may apply to such properties in Section 8.0 of this Plan.
- A property which is partially located within the ERASE CIPA boundary, shall be deemed to be either wholly, partially or not at all located within the ERASE CIPA at the sole discretion of the City based on considerations that may include, but may not be limited to, the relative proportion of the property located within the ERASE CIPA boundary versus that located outside the CIPA boundary, the location of environmental contamination on the property and/or the planned use of existing/planned buildings as well as the ability to meet the purpose and goals of this Plan and any potentially applicable programs.

7.0 GOALS AND OBJECTIVES

With consideration to the purpose of this Plan as outlined in Section 2.0, and the cited Provincial and City plans, policies and strategies detailed in Section 5.0, the goals of this Plan are to support the investigation, remediation and redevelopment of brownfields in historically developed areas in order to:

- Improve environmental conditions within our communities and reduce future risk;
- Increase assessment and property tax generation;
- Reduce the need for greenfield or agricultural lands to accommodate future population and employment related growth;
- Efficiently utilize existing infrastructure and reduce related costs;

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- Support the achievement of Provincial/City residential unit/jobs density targets, where applicable;
- Maintain and grow resident populations to support existing businesses and services;
- Further support population and employment concentrations that will better utilize existing transit and support new demand and investment in higher-order forms of transit;
- Enable new economic development opportunities;
- Improve the aesthetics of private properties to create an attractive public realm; and
- Make feasible opportunities for new housing, with a focus on affordability and tenure, that will help meet the needs of current and future residents and support a strong and diverse local workforce.

To help realize those goals, the following objectives respecting brownfields have been identified and will be supported by this Plan where appropriate:

- Obtain new information respecting the environmental condition of properties to support potential investment and redevelopment;
- Provide programs that reduce financial barriers and risk to property owners, developers and not-for-profit housing providers as a result of historic contamination;
- Engage and work with other municipalities to share knowledge and best practices to support remediation and redevelopment of brownfields;
- Engage with the Provincial and Federal governments and related agencies to prioritize brownfields as an area of focus and investment;
- Explore means to further identify sites with the potential for contamination and to develop strategies and programs to address as required; and
- Consistently monitor for new and emerging regulatory or economic barriers respecting brownfield remediation and redevelopment.

8.0 FINANCIAL ASSISTANCE PROGRAMS AND OTHER INITIATIVES

This section identifies the primary purpose and parameters of financial assistance programs and other initiatives the City may employ to achieve this Plans goals within areas identified in the companion ERASE CIPA By-law. Additional detailed descriptions outlining the terms, eligibility criteria and administrative processes for each program/initiative described in this section, as adopted by City Council resolution, are contained in Section 11.0 Appendices of this Plan for reference.

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The applicable program descriptions shall be those that were approved by City Council and in effect on the date an application under any program in this section was approved by City Council or their delegate.

Notwithstanding any program descriptions approved by City Council, applications under any program authorized under this Plan can be rejected by City Council for any reason. Such a decision can take into account matters not set forth in the applicable program descriptions and are within City Council’s sole, absolute and unfettered discretion. Decisions and reasons for the City’s accepting or rejecting an application shall not act as a precedent for any other application.

8.1 ERASE Study Grant (ESG) Program

The ERASE Study Grant (ESG) Program is intended to support the undertaking of environmental studies on known or suspected brownfield sites to confirm and describe potential on-site contamination or develop a plan to remove, treat, or otherwise manage the contamination in support of site redevelopment/reuse. Additional studies may also be considered under this Program which investigate other forms of potential environmental impacts or which further facilitate the potential redevelopment/reuse of eligible sites.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible studies/costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix A.

8.2 ERASE Redevelopment Grant (ERG) Program

The ERASE Redevelopment Grant (ERG) Program is intended to provide tax increment-based grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. By providing Grants to mitigate these financial impediments, the Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new municipal property tax revenue through increased property assessments.

As a tax increment-based program, the ERG Program provides grants relative to the actual increase in municipal property taxes that are generated as a result of a site being remediated and redeveloped. Grants are provided after development completion over a maximum term as described in Table 1 herein or until eligible Program costs have been recovered, whichever comes first.

Grants under the Program may be provided through one of two streams based on consideration of the project as a Brownfield Development or an Enhanced

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Brownfield Development. For the purposes of this Program, a Brownfield Development is one that remediates the environmental condition of a site and increases the municipal property taxes generated as a result of remediation and redevelopment. An Enhanced Brownfield Development is the same as a Brownfield Development, but which also achieve one of the following additional priorities:

- Successfully obtains a certification for the achievement of environmental sustainability standards from an eligible organization/program;
- Will connect to (or be designed to allow for future connection to) a district energy system where a current or future connection is deemed feasible by the City;
- Is approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City program for the purposes of incorporating new residential rental housing that supports housing affordability within the city.

The prescribed grant terms under the Brownfield Development and Enhanced Brownfield Development streams are described in Table 1 below:

**Table 1 – Prescribed Grant Parameters:
Brownfield Developments and Enhanced Brownfield Developments**

		Brownfield Development	Enhanced Brownfield Development
Maximum Eligible Costs Permitted For:	the transportation and disposal of contaminated soil at a licensed landfill facility	80%	80%
	*in-situ or Risk Assessment remediation methods or the transportation and treatment of contaminated soil so as to enable reuse	100%	100%
	all other eligible costs unless otherwise specified in the Council adopted Program Description	80%	100%
Maximum Potential Annual Grant Payments		10**	13**
Maximum Annual Grant as a Percentage of Actual Tax Increment Realized		80%***	100%

* *Eligible remediation methods will demonstrate a reduced overall environmental impact versus dig and dump remediation with such determination being at the sole discretion of the City.*

** *Or until eligible remediation costs have been recovered, whichever comes first.*

****The remaining 20% increase in the annual municipal tax increment not provided to the Applicant under the Brownfield Development stream shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal*

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Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant’s Grant term up to a maximum of 20% of the value of the total Grant to be provided.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix B.

8.3 ERASE Tax Assistance (ETA) Program

The ERASE Tax Assistance (ETA) Program is intended to reduce the tax increase resulting from the remediation and redevelopment of a brownfield site in order to mitigate costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. The tax cancellation provided under this Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new property tax revenue through increased property assessments.

An approval under this Program shall not be granted until City Council has approved the Application and has passed a by-law pursuant to s.365.1 of the *Municipal Act, 2001*, as amended and the Minister of Finance of the Province of Ontario has approved the by-law.

An approval granted under this Program shall be conditional on the Applicant receiving approval from the Minister of Finance for an application under the Province of Ontario’s Brownfield Financial Tax Incentive Program (BFTIP) respecting the cancellation of the education portion of property taxes. Approval for the cancellation of the education portion of the property tax increment may be provided by the Minister of Finance on a case-by-case basis. Where an application and approval under the Province’s BFTIP will not be sought, the applicant shall be directed to make application under the ERASE Redevelopment Grant (ERG) Program.

Under the ETA, 80% of the increase in the municipal portion of property taxes (the tax increment) that results from remediation and redevelopment of a site, or such lesser amount as set out below will be cancelled annually until the expiration of the earlier of the following:

- Six (6) years for a business development (commercial and industrial) or 10 years for a residential development (including mixed use residential); or
- A value that equals accepted eligible Program costs.

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The remaining 20% increase in the annual municipal tax increment not subject to cancellation shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant’s term for tax cancellation up to a maximum of 20% of the value of the total tax cancellation to be provided. The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, tax cancellation criteria, tax cancellation maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix C.

8.4 ERASE Commercial Districts Remediation Loan (ECDRL) Program

The ERASE Commercial Districts Remediation Loan (ECDRL) Program provides low-interest Loans which are intended to overcome barriers owners may face obtaining traditional financing for costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. Specifically, this Program is intended to work in concert with broader efforts to support the revitalization of strategic commercial districts and corridors, including those programs and initiatives established under the RHCD CIP.

A Loan under this Program is intended to serve as a ‘bridge’ until such time as grant payments commence under either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs. As such, eligibility under this Program is contingent on, among other requirements contained herein, that the site has been the subject of an approved application under either the ERG or RHTIG Programs.

This Program will apply within Sub-Area 2 – Strategic Commercial Districts and Corridors of the Historically Developed Area as defined in the ERASE CIPA By-law and which generally consists of the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale commercial districts, the Mount Hope/Airport Gateway, the Barton Street and Kenilworth Avenue North commercial corridors and other strategic commercial corridors located throughout the city.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, loan criteria, loan maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix D.

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8.5 ERASE Affordable Housing Grant (EAHG) Program

The ERASE Affordable Housing Grant (EAHG) Program is intended to provide Grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse for affordable housing by not-for-profit housing providers not otherwise able to participate in the ERG program. By providing Grants to mitigate these financial impediments, the Program better enables brownfield sites to be viable candidates for the creation of new affordable housing.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

Detailed Program terms including, but not limited to, definitions, eligibility criteria, eligible costs, grant criteria, grant maximums and calculations, application criteria and administrative procedures, as adopted by City Council resolution, are contained in Appendix E.

8.6 ERASE Municipal Acquisition and Partnership (EMAP) Program

The ERASE Municipal Acquisition and Partnership (EMPA) Program is intended to further support the investigation, remediation and redevelopment of brownfields in the city by enabling the City of Hamilton to:

- Acquire, hold, clear, grade or otherwise prepare brownfields for the purposes of achieving community improvement that supports this Plan’s goals and objectives;
- Construct, repair, rehabilitate or improve buildings on brownfields acquired or held by the City in support of this Plan’s goals and objectives;
- Sell, lease, or otherwise dispose of any brownfields acquired or held by it in support of this Plan’s goals and objectives; or
- Participate financially or otherwise with private sector entities to further the goals and objectives of this Plan.

The EMAP is not an application-based program and is to be utilized and funded at the discretion of City Council in conformity with this Plan and the *Planning Act*.

This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

8.7 Other Strategies

The following programs and initiatives are not subject to this Plan but are intended to be acted upon in tandem with the financial incentive programs contained in this Plan in order to meet the City’s goals and objectives for the Plan’s Community Improvement Project Areas.

8.7.1 ERASE Development Charge (DC) Deferrals

The payment of Development Charges (DCs) as a condition of development can be a significant factor in determining the feasibility of remediating and redeveloping brownfields as DCs are often required to be paid early in the development process at the same time as costs are being incurred to remediate site contamination in preparation for site development.

As a strategy to further support the feasibility and added cash flow pressures required for brownfield redevelopment, approved applicants under the ERG Program may be provided the option to utilize an ERASE specific deferral of DCs at low/no interest in an amount up to the lesser of:

- The maximum estimated Grant approved by City Council; or
- The maximum Grant estimated to be achieved within the parameters of the Program, as determined by the City, based on the estimated eligible costs and estimated post-development assessment and municipal property tax uplift.

Where an approved ERG applicant elects and been approved by the General Manager of Finance and Corporate Services to utilize the ERASE DC Deferral Option, grant payments under ERG program will be directed towards fulfilling the ERASE DC deferral until the deferred DCs have been fully paid.

All Applicants utilizing the ERASE DC Deferral Option will be required to enter into an ERASE DC Deferral Agreement with the City. This Agreement shall contain provisions including, but not limited to, the terms and conditions set out herein and such additional conditions as required by City Council, the City Solicitor or General Manager of Finance and Corporate Services in their sole discretion. Such agreement may also include the provision of securities that include, but may not be limited to, Letters of Credit, mortgages registered on title and/or personal guarantees as deemed required by the City.

ERASE DC Deferral Agreements will be subject to the applicable, in effect DC By-law and any additional requirements, conditions and agreements as deemed appropriate to affect the Agreement at the discretion of City Council or the General Manager of Finance and Corporate Services.

8.7.2 Historic Land Use Inventories

From time-to-time, the City may undertake historic land use inventories to identify properties and/or areas of the City with a potential for environmental contamination. Such inventories will be used to guide the development and refinement of financial assistance programs and authorized under this Plan and inform strategies and actions by the City to better support and enable remediation and redevelopment of these properties/areas.

8.7.3 Marketing and Promotion

In accordance with the Economic Development Division’s Marketing Plan, the City of Hamilton may promote and advertise or contribute to the promotion or advertisement of programs, initiatives and events respecting the brownfields for the purpose of achieving the goals and objectives of this Plan.

9.0 MONITORING

Monitoring the Plan’s implementation is undertaken through the City’s performance measurement reporting and annual reports prepared by the Economic Development Division.

Performance measures will be based on the objectives and desired outcomes as identified in this Plan, key activities set out in the Department’s business plan and the City’s 2016-2025 Strategic Plan. Performance measures which may be evaluated include, but may not be limited to:

- Total area of land investigated, remediated and redeveloped;
- Increase in assessment and property tax generation on brownfields;
- New affordable housing units created on brownfields;
- New resident population and jobs created on brownfields within the Historically Developed Area in support of Provincial/City residential unit/jobs density and growth targets; and
- Private sector investment leveraged on brownfields relative to City grants/loan or other assistance provided.

10.0 AMENDMENTS AND TRANSITIONAL MATTERS

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

10.1 Formal Amendments

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

- To introduce new financial assistance programs;
- To increase the amount of financial assistance that may be provided to registered owners, assessed owners, tenants and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan except where the maximum amount of assistance is not referenced in Section 8.0 or the conditions under which increased assistance under a

program may be provided is already established within this same section;
or

- To add, extend, remove or otherwise change the Community Improvement Project Area’s which are the subject of this Plan.

Formal amendments will require approval by City Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City’s Public Participation and Notification Policies contained in Chapter F – Implementation, Section 1.17.2 of the UHOP and RHOP. In addition, the City may undertake other communication methods to provide information and seek input, such as public information open houses, workshops, public meetings, the City’s web site and direct or electronic mail outs and surveys.

10.2 Other Amendments

Detailed program descriptions providing for the efficient administration of each program authorized through this Plan will be adopted, through resolution, by City Council. The program descriptions shall include, but not be limited to, program terms, eligibility criteria, maximum grant amounts, grant calculations, assignability, maximum loan amounts, repayment requirements and detailed administrative procedures terms and will form appendices to this Plan. Changes to the appendices will be adopted by City Council through resolution. In addition, City Council may discontinue any of the programs contained in this Plan, without amendment to this Plan. Formal amendments, including public meetings under the *Planning Act*, shall not be required for updates or amendments to program descriptions attached to this Plan as appendices. Minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes shall not require a formal amendment.

10.3 Transitional Matters

Program applications will be processed under the terms of the program in effect at the time the application was submitted. When program terms are revised, applications submitted but not yet approved will be subject to and processed under the revised terms. Application already approved at the time revised program terms are in effect will continue to be subject to the program terms in effect at the time the application was approved.

11.0 APPENDICES

The following appendices are provided under separate cover and adopted by Council resolution:

Appendix A – ERASE Study Grant (ESG) Program Description

Appendix B – ERASE Redevelopment Grant (ERG) Program Description

Appendix C – ERASE Tax Assistance (ETA) Program Description

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Appendix D – ERASE Commercial Districts Remediation Loan (ECDRL) Program
Description

Appendix E – ERASE Affordable Housing Grant (EAHG) Program Description

ERASE STUDY GRANT (ESG) PROGRAM



A. PROGRAM

DESCRIPTION

The ERASE Study Grant (ESG) Program (the Program) is intended to support the undertaking of environmental studies on known or suspected brownfield sites to confirm and describe potential on-site contamination or develop a plan to remove, treat, or otherwise manage the contamination in support of site redevelopment/reuse. Additional studies may also be considered under this Program, in accordance with Section B, which investigate other forms of potential environmental impacts or which further facilitate the potential redevelopment/reuse of eligible sites.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Grants under this Program are subject to approval at the absolute discretion of the Manager of Commercial Districts and Small Business, Economic Development Division and subject to the availability of funding.

Grants under this Program shall be provided to the Applicant who is the registered owner of the site, or those provided with written consent of the registered owner to apply to this Program, and who incur the cost of the subject study, but shall not include the consultant hired to undertake the subject study.

The City retains the right to assess the reasonableness of costs via audit as well as the determination of cost eligibility under the terms of this Program.

For the purposes of this Program:

- A 'site' shall mean all properties forming part of the planned study and development area;
- A 'Qualified Person' shall have the same meaning as defined under Ontario Regulation 153/04, as amended; and

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- A ‘not-for-profit housing development’ shall mean the development of a building or structure intended for use as a residential rental premise or a residential premise for the homeless to be owned and developed by:
 - a corporation to which the *Not-for-Profit Corporations Act*, 2010 applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, 2022, c. 21, Sched. 3, s. 4; or
 - CityHousing Hamilton Corporation.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE CIP).
2. This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.
3. Notwithstanding paragraph two (2), this Program shall not apply to a site where a designated heritage building has been demolished or on agricultural lands which have been the subject of normal farm practices.
4. A maximum of two (2) Applications may be submitted per site for eligible studies under this Program. Notwithstanding this maximum, sites which have been the subject of applications under this Program for which Grants were provided, may again be eligible to reapply where the subject site has not been remediated or redeveloped in the five (5) years since the last application approval was issued under this Program.
5. The maximum Grant under this Program per site shall be 50% of the cost of an eligible study (excluding HST) to a maximum of:
 - a. \$20,000 for the first study; and
 - b. A combined maximum of \$35,000 for two studies.

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6. Notwithstanding paragraph five (5), for sites being investigated for use as a not-for-profit housing development, the maximum Grant provided under this Program per site shall be 100% of the study cost (excluding HST) to a maximum of:
 - a. \$40,000 for the first study; and
 - b. A combined maximum of \$70,000 for two studies.
7. Eligible Program Applicants include the registered owner or those provided with written consent of the registered owner to apply to this Program, but shall not include the consultant hired to undertake the subject study, with grants only payable to the successful Program Applicant and cannot be assigned or directed to any other payee unless otherwise provided for in the Program Administration section herein.
8. To be eligible, Applicants must demonstrate an intent to redevelop the site. Studies undertaken solely for the purposes of purchase/sale due diligence shall not be eligible. Determination of this intent shall be at the sole discretion of the Manager of Commercial Districts and Small Business.
9. Two (2) separate quotes and associated proposed work plans for the subject study shall be required. Grants will be calculated based upon the lowest cost estimate however the Applicant will not be required to use the lowest quoted consultant. A single quote may be accepted in extenuating circumstances at the discretion of the Manager of Commercial Districts and Small Business.
10. Prior to any application approval and/or Grant being provided:
 - a. Any outstanding Building Code, Fire Code or property standards orders or any other order applicable to the site by any judicial, governmental or regulatory authority shall be rectified; and
 - b. Any tax arrears on the subject site shall be paid.
11. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance under any other available municipal program.
12. A Grant may be reduced or cancelled if the study is not completed, not completed as approved, not completed within two (2) years of the City’s application approval or if the consultant conducting the study is not paid in full.

A one (1) year extension may be granted due to extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time period and considered at the discretion of the Manager of Commercial Districts and Small Business.

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13. If the study is an eligible Phase II ESA, Remedial Action Plan or Risk Assessment it shall be completed/reviewed by a Qualified Person and completed in accordance with Ontario Regulation 153/04, as amended
14. Completed studies will be reviewed and approved by the City’s Manager of Commercial Districts and Small Business for consistency with the quote and work plan submitted in support of the application and for compliance under the Program terms contained herein. If the study is found to be insufficient by the City’s Manager of Commercial Districts and Small Business, in their sole, absolute and unfettered discretion, the Grant may be reduced or cancelled unless it is resubmitted in a form and content satisfactory to the City’s Manager of Commercial Districts and Small Business, in their sole, absolute and unfettered discretion.
15. The Applicant shall be required to submit, to the satisfaction of the City, one digital copy of the completed study, invoices for the subject study and proof that the study consultants have been paid in full.
16. The City reserves the right to audit the cost of the study prior to advancing the Grant.
17. The City reserves the right to notify any subsequent project proponents or owners of the existence of an environmental study or studies for which the City has provided financial assistance towards under this Program.
18. The City reserves the right to share studies received under this Program within the City of Hamilton as required, but said studies and information contained therein shall not be shared publicly.
19. Grants shall only be payable to the approved Program applicant.
20. Grants under this Program are subject to approval at the absolute discretion of the Manager of Commercial Districts and Small Business and subject to the availability of funding.
21. Without limiting the discretion as set out in paragraph 20 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, or its delegate, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.

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22. Without limiting the discretion as set out in paragraph 20 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the subject site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject site or any other judicial, regulatory or governmental order in respect of the subject site.
23. Without limiting the discretion as set out in paragraph 20, herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 23, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 23 shall apply jointly and severally to each of them.

C. ELIGIBLE/INELIGIBLE STUDIES

Studies eligible under this Program consist of the following based on geographic locations as defined in the ERASE CIPA:

1. Within the Historically Developed Area (HDA):
 - a. Phase II Environmental Site Assessments (ESA) (including interim and supplemental studies) where a Phase I ESA has been completed and recommended the need for a Phase II ESA;
 - b. Remedial Actions Plans; or
 - c. Risk Assessments; and
2. Within Sub-Area 1 – Older Industrial Areas of the HDA:
 - a. Designated Substances and Hazardous Materials (DSHM) Survey; or
 - b. Industrial/Office Reuse Feasibility Study; and
3. Sites located within the HDA that either contain a current/closed institutional use, contain a building designated under Part IV or V of the *Ontario Heritage Act*; or are being investigated for use as a not-for-profit housing development:
 - a. DSHM Survey

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Ineligible studies shall be any study not identified in this Section or any study identified above which has been initiated prior to the date an application was submitted under this Program and accepted by the City. An Applicant shall assume the risk, and bear the sole responsibility, for any cost incurred after an application has been submitted but prior to approval under this Program being received should the application not be approved for any reason.

D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to commencing the subject study (retroactive applications are not permitted). Required documents and information forming a complete application shall be identified within the Program’s application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form. Application fees are non-refundable including in the event an application is not approved.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility and completeness in accordance with the ERASE CIPA, ERASE CIP, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the Economic Development Division in no way implies Grant approval.

The site and Applicant will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the subject site, the site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial, governmental or regulatory authority, regarding the subject site or the development on the subject site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Grants under this Program are subject to approval at the absolute discretion of the Manager of Commercial Districts and Small Business and subject to the availability of funding.

If an application is approved, the Applicant will be provided an approval letter that outlines the terms and conditions of the Grant.

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Upon study completion, paid Invoices for the subject study will be supplied to the City along with a digital copy of the completed study. The eligible Grant payment will be based on the City's review, satisfaction and acceptance of the study and the aforesaid invoices and all supporting reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City's discretion.

The City reserves the right require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the ERASE CIP are met.

Once the terms of the Program have been satisfied, a cheque will be requisitioned and issued, in the approved Program Applicant's name, in an amount equal to the lesser of: 50% of the lowest quote submitted for the study; the actual cost of the study or the Program maximum as described in Section B. Grant calculation and payment exclude HST.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Grant being provided.

Applications to this Program not yet approved shall be subject to any changes to the terms of this Program which are approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will still continue to receive the Grant subject to meeting the Program terms contained herein

ERASE REDEVELOPMENT GRANT (ERG) PROGRAM



A. PROGRAM

DESCRIPTION

The ERASE Redevelopment Grant (ERG) Program (the Program) is intended to provide tax increment-based Grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. By providing Grants to mitigate these financial impediments, the Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new municipal property tax revenue through increased property assessments.

As a tax increment-based program, the ERG Program provides Grants relative to the actual increase in municipal property taxes that are generated as a result of a site being remediated and redeveloped. Grants are provided after development completion over a maximum term as described in Table 1 herein or until eligible Program costs contained in Section C have been recovered, whichever comes first.

Grants under the Program may be provided through one of two streams based on consideration of the project as a Brownfield Development or an Enhanced Brownfield Development. For the purposes of this Program, a Brownfield Development is one that remediates the environmental condition of a site and increases the municipal property taxes generated as a result of remediation and redevelopment. An Enhanced Brownfield Development is the same as a Brownfield Development, but which also achieve one of the following additional priorities:

- Successfully obtains a certification for the achievement of environmental sustainability standards from an eligible organization/program;
- Will connect to (or be designed to allow for future connection to) a district energy system where a current or future connection is deemed feasible by the City;
- Is approved for financial assistance under a Canada Mortgage and Housing Corporation (CMHC), Federal, Provincial or City program for the purposes of incorporating new residential rental housing that supports housing affordability within the city.

The prescribed Grant terms under the Brownfield Development and Enhanced Brownfield Development streams are described in Table 1 below:

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**Table 1 – Prescribed Grant Parameters:
Brownfield Developments and Enhanced Brownfield Developments**

		Brownfield Development	Enhanced Brownfield Development
Maximum Eligible Costs Permitted For:	the transportation and disposal of contaminated soil at a licensed landfill facility	80%	80%
	*in-situ or Risk Assessment remediation methods or the transportation and treatment of contaminated soil so as to enable reuse	100%	100%
	all other eligible costs unless otherwise specified in Section C herein	80%	100%
Maximum Potential Annual Grant Payments		10**	13**
Maximum Annual Grant as a Percentage of Actual Tax Increment Realized		80%***	100%

** Eligible remediation methods will demonstrate a reduced overall environmental impact versus dig and dump remediation with such determination being at the sole discretion of the City.*

*** Or until eligible remediation costs have been recovered, whichever comes first.*

****The remaining 20% increase in the annual municipal tax increment not provided to the Applicant under the Brownfield Development stream shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant’s Grant term up to a maximum of 20% of the value of the total Grant to be provided.*

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Applications under this Program are subject to approval at the absolute discretion of City Council and subject to the availability of funds.

Grants under this Program shall be provided to the Applicant who is the registered owner and who incurred eligible Program costs except where provided for in Section B, paragraph 29.

The City retains the right to assess the reasonableness of costs via audit as well as the determination of cost eligibility under the terms of this Program.

All costs associated with the development and the requirements of this Program are to be borne by the Applicant including construction, design, community benefit charges, development charges, administration fees, appraisals, inspections, Municipal Property Assessment Corporation (MPAC) post development assessment estimates, legal and registration fees, where applicable.

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For the purposes of this Program:

- A 'site' shall mean all properties forming part of the development;
- A 'Qualified Person' shall have the same meaning as defined under Ontario Regulation 153/04, as amended; and
- A 'not-for-profit housing development' shall mean the development of a building or structure intended for use as a residential premise developed by:
 - a corporation to which the *Not-for-Profit Corporations Act*, 2010 applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, 2022, c. 21, Sched. 3, s. 4; or
 - CityHousing Hamilton Corporation.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE CIP).
2. This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.
3. Notwithstanding paragraph two (2), this Program shall not apply to a site where a designated heritage building has been demolished, on agricultural lands which have been the subject of normal farm practices or where remediation is being undertaken for the purposes of a self-storage facility
4. This Program shall not apply and any grant pursuant to the Program shall not be paid where the development does not generate an increase in municipal property taxes.
5. An Applicant to this Program must be the registered owner of the site with grants only payable to the successful Program Applicant and cannot be assigned or directed to any other payee unless otherwise provided for in the Program Administration section herein.
6. Prior to any application approval and/or Grant payment being provided:

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- a. Any outstanding Building Code, Fire Code or property standards orders or any other order applicable to the site by any judicial, governmental or regulatory authority shall be rectified; and
 - b. Any tax arrears on the subject site shall be paid.
7. Environmental sustainability certifications eligible under this Program for consideration of a development as an Enhanced Brownfield Development are: Canadian Home Builders Association (CHBA) Net Zero Home Labelling where Net Zero or Net Zero Ready levels of efficiency are achieved; Passive House Canada; Natural Resources Canada (NRCAN) R2000; Built Green to a Gold or higher standard in the Energy and Envelope category; or Leadership in Energy and Environmental Design (LEED) to a Gold or higher standard or Canada Green Building Council (CaGBC) Zero Carbon Building Standards.
8. The required building components with respect to achieving District Energy Readiness for consideration as an Enhanced Brownfield Development, where such a connection is deemed feasible by the City, shall consist of the following:
 - a. Provision of space for the sole purpose of future equipment and thermal piping;
 - b. Securement of an easement between the mechanical room and the property line to allow for thermal piping; and
 - c. Inclusion of two-way pipes in the building to carry the thermal energy from the district energy network to the section in the building where the future energy transfer station will be located.

The inclusion of such building components shall be subject to confirmation by a Building Inspector or other means at the discretion, and to the satisfaction of, the General Manager of Planning and Economic Development (GM).

9. With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:
 - a. Successfully file a Record of Site Condition (RSC) to the Ministry of Environment, Conservation and Parks (MECP), prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable Site Condition Standards (SCS) required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
 - b. Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk

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Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant’s expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and supporting environmental reports and documentation be submitted to the City’s satisfaction.

10. The Applicant will be required to enter into a Grant Payment Agreement with the City that sets out the conditions of the Grant. Before any Grant is provided, the Applicant and site shall be in compliance with the Program’s requirements and conditions and all additional requirements as set out in the Grant Payment Agreement as determined by the GM.
11. Subject to compliance with the terms and conditions of the Grant Payment Agreement the first-year payment of the Grant is payable when the development is deemed complete by the City in accordance with paragraph 16, the site has been reassessed by the MPAC, after one full calendar year of taxes reflecting the reassessed value have been paid and in accordance with the following (subject to municipal property taxes being paid in full and no pending appeal or confirmation that the assessment will not be appealed):
 - a. For non-condominium residential, commercial and industrial developments, the first year Grant payment shall be regardless of the number of units/floor area occupied; or
 - b. For condominium and mixed-use condominium developments (including commercial, residential or industrial condominiums):
 - i. the first year Grant payment shall require 100% of the condominium units within the development to have been fully assessed. At the Applicant’s initiation, a request may be submitted to the City requesting that the first year of the Grant be payable during the calendar year in which 75% of the condominium units have been assessed;
 - ii. the post-development municipal property taxes are calculated by taking the sum of the municipal property taxes of each of the assessed condominium units within the development. The Grant is calculated as a whole, and not calculated on a per condominium unit basis. Where the City has accepted a request that the first year of the Grant be payable during the calendar year in which 75% of the condominium units have been assessed, the Grant payments shall be calculated based only on the 75% of units fully assessed and shall continue to be paid only on these units over the duration of the Grant term without future amendment; and

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- iii. If the one-year period following the date of registration of the Plan of Condominium for the development expires after December 31 of the year in which condominium units within the development are fully assessed in accordance with 11.b.i. herein, the Grant will be payable to the Applicant by the end of the first quarter of the year following the year in which the applicable condominium units within the development are fully assessed.
12. Notwithstanding paragraph 11, and subject to written approval by the Director of Economic Development, a percentage of the total Grant payment may be provided for phased/comprehensive/subdivision developments where a portion of the development will meet the aforementioned requirements with such Grant payments being apportioned based on the number of phases completed and the actual accepted eligible costs incurred in each completed phase. Such partial Grant payments shall be limited to those developments where the incremental tax increase for individual phases can be determined to the City’s satisfaction
13. If the Applicant, third party or the municipality has appealed the change in the site’s assessment, the Grant will not be advanced until the appeal has been finally determined through the Assessment Review Board or any other permitted means and revised property taxes have been calculated and adjusted. However, in the case of a condominium development or mixed use condominium developments (including commercial, residential or industrial condominiums), the annual Grant may, as determined by the GM in their sole, absolute and unfettered discretion, continue to be payable to the Applicant but reduced on a pro-rated basis if an appeal has been filed with the MPAC by any of the condominium unit owners, whether such owner is the initial purchaser or a subsequent purchaser. The pro-rated holdback will not be released until the appeals are finally determined through the Assessment Review Board or other permitted means, and the revised property taxes have been calculated.
14. In the event of an appeal of assessment/taxes, the total value of the Grant provided under the Program will be reduced by:
 - a. the amount by which municipal property taxes have been cancelled or reduced for the site pursuant to any other City programs and/or tax appeals under Sections 357 and 358 of the *Municipal Act*;
 - b. the amount by which municipal property taxes have been cancelled or reduced for the site pursuant to a Request for Reconsideration; and
 - c. the amount by which municipal property taxes have been reduced or cancelled for the site pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board.

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15. The pre-development municipal property taxes used for determining the actual municipal property tax increment are those from the most recent tax year which represents the pre-development condition of the site, as determined by the City.
16. For the purposes of this Program, a development shall be deemed to be complete where:
 - a. Required environmental remediation site works and/or mitigation measures have been completed;
 - b. A RSC has been successfully filed with MECP or where a Risk Assessment has been successfully peer-reviewed and accepted by the City in accordance with paragraph nine (g.) b. herein; and
 - c. Occupancy of the development has been approved permitted by the City subject to tenant improvements and, in the case of a condominium development, the Plan of Condominium has been registered.
17. The eligible amount of the increase in municipal property taxes shall exclude special charges, including Business Improvement Area levies and any other charge identified within the Grant Payment Agreement, from the calculation.
18. An annual Grant payment shall not exceed the first year’s Grant payment regardless of future increases in the municipal property taxes levied for each year that a Grant payment is to be provided. An annual Grant payment may be less than the first year’s Grant payment where municipal taxes levied in a year in which a Grant payment is to be provided results in a lower Grant being paid than that provided in the first year in which case the lesser amount shall be that year’s Grant amount.
19. For residential condominium developments, the units must be assessed as residential condominiums. If the development is assessed as multi-residential or new-multi-residential, no Grant will be payable without City Council approval.
20. The annual Grant will be calculated by taking the difference between the post-development municipal taxes (for each year the Grant is payable) and the pre-development municipal taxes as determined in accordance with paragraph 15 herein and applying the percentage based on the applicable application stream and year of the Grant as described in Section A, Table 1.
21. If an Applicant is redeveloping a portion of the site, the Grant will be based on that portion of the site only. The Applicant will be required to provide an estimate of the annual property assessment valuation for the portion of the site subject to the Program application from the MPAC for each year in which a Grant payment is to be provided for calculation purposes.

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22. Work on the portion of the development that is at or above grade shall commence no longer than five (5) years and be completed and capable of being fully occupied within 10 years from the date an application under this Program was approved by City Council , and if the development is a condominium development it shall also have a Plan of Condominium registered within 10 years from the date the application under this Program for the condominium development was approved by City Council.

Extensions may be granted for phased/comprehensive developments or due to development specific extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time periods and considered at the sole discretion of the GM.

23. Approval and the receiving of Grants under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same site under any other available municipal program with the exception of any other tax increment-based or tax cancellation program which shall not be permitted to be combined with assistance under this Program.
24. A Grant provided with respect to an Enhanced Brownfield Development which achieves the housing affordability priority described in Section A shall:
- a. Be based on the entire development’s tax-increment notwithstanding if the development contains residential units with mixed rent levels and/or is a mixed use development containing non-residential uses; and
 - b. In the event that the terms under which financial assistance being provided under a CMHC, Federal, Provincial or City program have not been complied with by the Applicant or in respect of the development for any reason the following shall apply:
 - i. If Grant payments have already commenced or reached the maximum term under this Program, the difference in the Grant amount provided relative to that which would have been provided a Brownfield Development as prescribed in Section A, Table 1 shall become repayable and any remaining Grant payments, if applicable, shall be provided in the amount prescribed for a Brownfield Development; or
 - ii. If Grant payments under this Program have not yet commenced, the Grant will be provided in the amount prescribed for a Brownfield Development as prescribed in Section A, Table 1.
25. The total Grant provided over the maximum applicable term of this Program shall not exceed the actual eligible costs incurred or the maximum Grant approved by City Council, whichever is less.

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26. The City reserves the right to audit the invoices/costs submitted for consistency with the Remedial Action Plan, contractor quote or other work plan submitted in support of the application and for compliance under the Program terms contained herein.
27. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of all municipal property taxes. Notwithstanding any other term contained in this Program description, in the case of condominium developments, confirmation of payment of all taxes shall be limited to the period up to development completion and for any portion of the development retained by the Applicant after development completion.
28. If a building(s) erected on a site participating in this Program is demolished before the applicable Grant period expires, the remaining Grant to be provided under this Program shall be forfeited.
29. A Grant under this Program shall not be permitted to be assigned except where the Applicant has been approved for a loan under the ERASE Commercial Districts Remediation Loan (ECDRL) Program in which case the Applicant shall be required to assign the Grant under this Program to the City of Hamilton as payment towards their loan under the ECDRL. Any Grant amount under this Program in excess of the total loan outstanding under the ECDRL shall be provided to the Applicant in accordance with the criteria of this Program.
30. In the event of a Change of Corporate Control where the Applicant is a corporation, the Applicant covenants and agrees that in the event that:
 - a. the Applicant fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
 - b. without the written consent of the City first had and obtained:
 - i. the Applicant issues or redeems any of its shares or transfers any of its shares;
 - ii. there is a sale or sales of the shares of the Applicant which result in the transfer of the legal or beneficial interest of any of the shares of the Applicant or;
 - iii. the Applicant amalgamates, merges or consolidates with any other corporation; and

The result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Applicant, or the requested information is not provided, then future Grant payments under the Program shall cease at the absolute discretion of the City.

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31. Applications under this Program are subject to approval at the absolute discretion of City Council and subject to the availability of funds.
32. Without limiting the discretion as set out in paragraph 31 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
33. Without limiting the discretion as set out in paragraph 31 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the subject site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject site or any other judicial, regulatory or governmental order in respect of the subject site.
34. Without limiting the discretion as set out in paragraph 31, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 34, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 34 shall apply jointly and severally to each of them.
35. Buildings uses and developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the development.
36. A Program application may be denied by City Council if the development is not supported by City Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to, the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.

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37. Approval of a Program application by City Council may provide for a reduced Grant amount such that no Grant is payable in respect of any portion of the development that is the subject of the Grant application which City Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including, but not limited to, the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction, including but not limited to, all the MPAC post-development assessment estimates required by the City.

C. ELIGIBLE/INELIGIBLE COSTS

Eligible costs under this Program for sites located within the Historically Developed Area consist of the following (excluding HST) but shall exclude in all cases any cost which would have been required for the development regardless of the need to remediate contaminated soil/groundwater and/or abate/remove Designated Substance and Hazardous Materials (DSHM), where applicable:

1. Physical environmental remediation of soil and/or groundwater which includes the cost of eligible actions taken to reduce the concentration of contaminants on, in or under the eligible site required to meet the applicable SCS needed to facilitate the planned development/use and to permit the filing of a RSC by a Qualified Person, including costs of preparing and filing the RSC and Certificate of Property Use (CPU);
2. Clean back fill, grading and compaction to replace contaminated soils, where required;
3. Phase II ESAs, Remedial Action Plans and/or Risk Assessments not reimbursed, or planned to be reimbursed, under the ERASE Study Grant (ESG) Program;
4. Peer-reviews with respect to Risk Assessments where an RSC is not required by the MECP;
5. Installation of environmental and/or engineering controls/works, related to environmental remediation, as specified in the Remedial Action Plan, Risk Assessment and/or CPU;
6. Testing of on-site excess soils for potential reuse but shall not include the excavation, management, transportation or disposal of such soil except where the soil originates from the site and is found to be contaminated;
7. DSHM Survey and/or abatement/removal in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable) on the following sites within the Historically Developed Area:
 - a. Sub-Area 1 - Older Industrial Areas;

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- b. Those containing a current/closed institutional use;
 - c. Those containing a building designated under Part IV or V of the *Ontario Heritage Act*; or
 - d. Those being developed for use as a not-for-profit housing development; and
8. In addition, the following costs may also be considered eligible when incurred on a site requiring remediation of contaminated soil/groundwater and/or abatement/removal of DSHM and located in the applicable geographic area identified:
- a. Within the Historically Developed Area:
 - i. 50% of incremental construction costs required to achieve an environmental sustainability certification listed in Section B, paragraph seven (7) herein as well as the following associated soft costs supporting such certification:
 - 1. consultation fees;
 - 2. energy modeling; and
 - 3. certification fees; and
 - ii. 50% of incremental construction costs required to incorporate District Energy Readiness components listed in Section B, paragraph eight (8) herein for developments where a current or future connection is deemed feasible as determined by the City; and
 - b. Within Sub-Area 1 – Older Industrial Areas of the Historically Developed Area:
 - i. Existing building demolition for planned non-residential developments where such costs are being incurred on a private property(s) subject to an application under this Program and where such demolition will support the rehabilitation and reuse of the site;
 - ii. 25% of the cost for the removal, replacement and/or upgrade of capacity for existing on-site infrastructure services (water, sanitary and storm) for planned non-residential developments where such costs are being incurred on a private property(s) subject to an application under this Program and where such upgrades will support the rehabilitation and reuse of the site; and
 - iii. Industrial/Office Reuse Feasibility Study not reimbursed, or planned to be reimbursed, under the ESG Program.

Ineligible costs shall be any cost not identified in this Section or any cost identified above which has been incurred prior to the date an application was submitted under this Program and accepted by the City with the exception of studies which were the subject of a previously

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approved ESG Program application. An Applicant shall assume the risk, and bear the sole responsibility, for any cost incurred after an application has been submitted but prior to approval under this Program being received should the application not be approved for any reason.

The City reserves the right to reject any application under this Program that proposes a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. In addition, the City reserves the right to approve an application that excludes costs otherwise eligible that are associated with a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. Furthermore, if after application approval, a remediation practice/method utilized is deemed by City Council, or its delegate, in their sole and unfettered discretion, to be causing, or have caused, a negative overall environmental impact to a site, area or person, the City may reduce or cancel all or a portion of previously eligible program costs prior to or during the grant payment term.

D. DEVELOPMENT CHARGE DEFERRAL OPTION

The payment of Development Charges (DCs) as a condition of development can be a significant factor in determining the feasibility of remediating and redeveloping brownfields as DCs are often required to be paid early in the development process at the same time as costs are being incurred to remediate site contamination in preparation for site development.

As a strategy to further support the feasibility and added cash flow pressures required for brownfield redevelopment, approved applicants under the ERG Program may be provided the option to utilize an ERASE specific deferral of DCs at low/no interest in an amount up to the lesser of:

- The maximum estimated Grant approved by City Council; or
- The maximum Grant estimated to be achieved within the parameters of the Program, as determined by the City, based on the estimated eligible costs and estimated post-development assessment and municipal property tax uplift.

Where a City Council approved ERG Applicant has elected and been approved by the General Manager of Finance and Corporate Services to utilize the ERASE DC Deferral Option, Grant payments under this Program will be directed towards fulfilling the ERASE DC deferral until the deferred DCs have been fully paid.

All Applicants utilizing the ERASE DC Deferral Option will be required to enter into an ERASE DC Deferral Agreement with the City. This Agreement shall contain provisions including, but not limited to, the terms and conditions set out herein and such additional conditions as required by City Council, the City Solicitor or General Manager of Finance and Corporate Services in their

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sole discretion. Such agreement may also include the provision of securities that include, but may not be limited to, Letters of Credit, mortgages registered on title and/or personal guarantees as deemed required by the City.

ERASE DC Deferral Agreements will be subject to the applicable, in effect DC By-law and any additional requirements, conditions and agreements as deemed appropriate to affect the Agreement at the discretion of City Council or the General Manager of Finance and Corporate Services.

E. PROGRAM APPLICATION CRITERIA

Potential Applicants shall be required to have a pre-application consultation meeting with City staff in order to determine Program eligibility, proposed scope of work, project timing, etc.

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of eligible works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form. Application fees are non-refundable including in the event an application is not approved.

Applications shall include all available environmental studies for the site (Phase I and II ESAs, Risk Assessment, DSHM Survey), a Remedial Action Plan completed by a Qualified Person, contractor cost estimates for environmental remediation and any other potentially eligible works and any other details as may be required to satisfy the City as to the cost of the environmental remediation and any other potentially eligible works and the development’s conformity with the objectives of the this Program and the ERASE CIP. The City may also require the submission of a Business Plan for the proposed development.

Applications under this Program will not be accepted if there is an outstanding dispute, proceeding or process including but not limited to: a Request for Reconsideration through the MPAC, an outstanding Assessment Review Board appeal, an outstanding divisional court appeal or an outstanding *Municipal Act* appeal, relating to the assessment of the site or in respect of property taxes related to the site. The Program application will only be accepted once any of the above applicable matters have been finally resolved and the revised (if applicable) property taxes have been calculated.

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Applicants may be required to obtain a post-development assessment estimate from the MPAC as part of submitting a Program application. Developments which are the subject of this requirement will be identified in the Program’s application form.

F. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility and completeness in accordance with the ERASE CIPA, ERASE CIP, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the Economic Development Division in no way implies Grant approval.

The Site and Applicant will be the subject of due diligence undertaken by the City prior to any recommendation on the application being brought to City Council for consideration and prior to each Grant payment being provided. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the subject site, the site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial, governmental or regulatory authority, regarding the subject site or the development on the subject site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Where the development requires approval of a Site Plan, a conditional Site Plan approval shall have been obtained from the City prior to City Council consideration of an application under this Program. Where a conditional Site Plan approval contains conditions which, until satisfied, may impact a post-development assessment of the development including but not limited, requirements to obtain Minor Variances through the Committee of Adjustment, the City may require these conditions to be satisfied prior to City Council consideration of the application. Where no Site Plan is required for the development, City Council’s consideration of an application will occur after such time as the Economic Development Division is satisfied that all necessary information has been provided to inform an estimate of the resulting post-development assessment and municipal property taxes.

Where a portion of estimated eligible costs are not yet known, Economic Development Division staff reserves the right to consider bringing forward multiple recommendations respecting the application for City Council consideration as part of a multi-step application process as estimated eligible costs become known.

Where an application has been submitted but not yet approved by City Council and the subject site is sold/transferred to a new owner, the City may permit the transfer or assignment of the application, and any eligible costs incurred from the original date of application, to the new owner at the sole, absolute and unfettered discretion of the GM. An assignment or transfer may

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require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion. The new owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches, to the satisfaction of the City prior to the assignment being considered by GM.

Applications under this Program are subject to approval at the absolute discretion of City Council and subject to the availability of funds.

Developments identified as an Enhanced Brownfield Development shall be required to provide documentation to the City in support of this determination prior to a Grant being provided. Supporting documentation may include, but is not limited to, eligible certificates/accreditations issued by a recognized environmental sustainability organization, a signed declaration of a financial commitment issued for the subject development from the CMHC, Federal or Provincial governments or associated agency and/or City of Hamilton. Applicants who do not submit required documentation prior to the initial Grant payment being provided, the timing of which is described in Section B, may continue to be provided a Grant in accordance with the Grant term and Grant calculation equal to that afforded a Brownfield Development, in accordance with Section A, Table 1, and subject to all the same applicable requirements associated with that classification. If required, documentation necessary to confirm the status of a development as an Enhanced Brownfield Development for the purposes of this Program is obtained after the Grant payments have commenced, the corresponding increase to Grant payments shall commence with the next annual Grant payment and shall not be retroactive.

Approved Applicants shall be required to enter into a Grant Payment Agreement with the City containing (but not limited to) the terms and conditions set out in this Program description.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the ERASE CIP are met.

Notwithstanding any other term or condition of this Program, where an application has been approved by City Council, the application and the associated approval, including the assignment of any eligible costs incurred by the approved Applicant since the date of application submission, may be assigned to a future intended owner of the subject site only in such instance where the registered owner of the site at the time of City Council approval was the City of Hamilton, CityHousing Hamilton Corporation or any other entity wholly owned by the City of Hamilton and where the assignment will further facilitate the remediation and redevelopment of a site and/or support the achievement of strategic City priorities/objectives. It is understood that one effect of such an assignment shall be that the future intended owner will assume all requirements and obligations required under this Program and become the recipient of any future Grant payments which may be eligible under the Program at such time as they become the registered owner. In

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such an instance, a request to assign the application shall be submitted in writing to the City by the existing owner and the City Council approved Applicant with accompanying rationale and be subject to approval by City Council in its sole discretion. The future intended owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches, to the satisfaction of the City prior to the assignment being considered by City Council. An assignment or transfer may require that the assignee or transferee submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.

With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:

- Successfully file a RSC to the MECP, prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable SCS required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
- Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant's expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and environmental reports and supporting documentation be submitted to the City's satisfaction.

Paid Invoices for all eligible costs incurred will be supplied to the City and the Grant will be based on the City's review, satisfaction and acceptance of these invoices and all supporting reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City's discretion. The Grant may be reduced or cancelled if the eligible works are not completed, not completed as approved and/or where documentation/invoicing of said costs is not provided to the City's satisfaction. In addition, invoices must be billed to the Applicant approved by City Council.

Once the development is complete, has been reassessed by the MPAC, and after one (1) full calendar year of taxes reflecting the reassessment have been paid, the City will undertake updated due diligence, including, but not limited to, ensuring that the site is not in tax arrears

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and that the site and development are still in conformity with the terms of the Grant Agreement. The City will calculate the actual tax increment and Grant payment. The City will then issue payment of the Grant in the form of a cheque in the amount specified as per the calculation of the actual Grant payment contained in Section A and B herein. If the site is severed into multiple parcels or lots or if there is a conveyance of part of the site (all referred to as severed parcels) prior to the first full year of reassessment resulting from the completion of the development, the municipal property taxes used to calculate the Grant shall be the sum of the amount which is the lesser of the post-development municipal property taxes or the municipal property taxes payable for the year for which a Grant payment is being made, for all the severed parcels but for the initial Grant payment means the amount which equals the sum of the post-development municipal property taxes for the severed parcels.

A Grant will not be made unless a written request for the Grant payment has been made by the Applicant in the year in which the Grant becomes payable. If a written request has not be made for Grant payment in the year in which it is payable, but all other conditions for its payment have been satisfied, the Grant payment shall accrue and be payable together with any other Grant payments for which a written request has not been made until such time as a written request has been made and upon such written request the Grant payment shall equal the sum of the accrued and previously unrequested Grant payments. If a request for the initial Grant payment is not made within three (3) years of the year in which the first-years' Grant is payable the agreement shall terminate and without limiting the generality of the foregoing the City shall not be obligated to make any Grant payments.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Grant being provided.

Applications to this Program not yet approved by City Council shall be subject to any changes to the terms of this Program which are approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will still continue to receive the Grant subject to meeting the Program terms contained herein

ERASE TAX ASSISTANCE (ETA) PROGRAM



A. PROGRAM

DESCRIPTION

The ERASE Tax Assistance (ETA) Program (the Program) is intended to reduce the tax increase resulting from the remediation and redevelopment of a brownfield site in order to mitigate costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. The tax cancellation provided under this Program enables brownfield sites to be viable candidates for redevelopment relative to non-contaminated sites, supports the intensification/infill of existing vacant and underutilized sites, reduces the need for greenfield lands to accommodate future population and employment growth, and generates new property tax revenue through increased property assessments.

An approval under this Program shall not be granted until City Council has approved the Application and has passed a by-law pursuant to s.365.1 of the *Municipal Act, 2001*, as amended and the Minister of Finance of the Province of Ontario has approved the by-law.

An approval granted under this Program shall be conditional on the Applicant receiving approval from the Minister of Finance for an application under the Province of Ontario’s Brownfield Financial Tax Incentive Program (BFTIP) respecting the cancellation of the education portion of property taxes. Approval for the cancellation of the education portion of the property tax increment may be provided by the Minister of Finance on a case-by-case basis. **Where an application and approval under the Province’s BFTIP will not be sought, the applicant shall be directed to make application under the ERASE Redevelopment Grant (ERG) Program.**

Under the ETA, 80% of the increase in the municipal portion of property taxes (the tax increment) that results from remediation and redevelopment of a site, or such lesser amount as set out below, will be cancelled annually until the expiration of the earlier of the following:

- Six (6) years for a business development (commercial and industrial) or 10 years for a residential development (including mixed use residential); or
- A value that equals accepted eligible Program costs contained in Section C herein.

Tax cancellation assistance shall cease upon the sale or transfer of the development regardless of whether the full value of aforementioned tax assistance has been provided.

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This Program shall not apply to developments containing condominiums.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Applications under this Program, with respect to the cancellation of the municipal portion of property taxes, are subject to approval at the absolute discretion of City Council and subject to the availability of funds.

The remaining 20% increase in the annual municipal tax increment not subject to cancellation shall be directed to a City fund for use in the provision of grants and other initiatives under the ERASE Municipal Acquisition and Partnership (EMAP) and/or ERASE Affordable Housing Grant (EAHG) Programs for the duration of the Applicant’s term for tax cancellation up to a maximum of 20% of the value of the total tax cancellation to be provided. The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

The City retains the right to assess the reasonableness of costs via audit as well as the determination of cost eligibility under the terms of this Program.

All costs associated with the development and the requirements of this Program are to be borne by the Applicant including construction, design, community benefit charges, development charges, administration fees, appraisals, inspections, Municipal Property Assessment Corporation (MPAC) post development assessment estimates, legal and registration fees, where applicable.

For the purposes of this Program:

- A ‘site’ shall mean all properties forming part of the development;
- A ‘Qualified Person’ shall have the same meaning as defined under Ontario Regulation 153/04, as amended; and

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND TAX CANCELLATION CRITERIA

1. Applications to this Program must meet the goals of the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE CIP).
2. This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.

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3. Notwithstanding paragraph two (2), this Program shall not apply to a site where a designated heritage building has been demolished, on agricultural lands which have been the subject of normal farm practices, where remediation is being undertaken for the purposes of a self-storage facility, or for any development that will be subject to a Plan of Condominium.
4. This Program shall not apply and any tax cancellation pursuant to the Program shall not be provided where the development does not generate an increase in municipal property taxes or where an application under the Province of Ontario’s BFTIP has been denied.
5. An Applicant to this Program must be the registered owner of the site with grants only payable to the successful Program Applicant and cannot be assigned or directed to any other payee unless otherwise provided for in the Program Administration section herein.
6. Prior to any application approval and/or tax cancellation being provided:
 - a. Any outstanding Building Code, Fire Code or property standards orders or any other order applicable to the site by any judicial, governmental or regulatory authority shall be rectified; and
 - b. Any tax arrears on the subject site shall be paid.
7. With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:
 - a. Successfully file a Record of Site Condition (RSC) to the Ministry of Environment, Conservation and Parks (MECP), prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable Site Condition Standards (SCS) required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
 - b. Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant’s expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

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The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and supporting environmental reports and documentation be submitted to the City’s satisfaction.

8. The Applicant will be required to enter into a Tax Cancellation Agreement with the City that sets out required conditions. Before any cancellation is provided, the Applicant/registered owner(s) and site shall be in compliance with the Program’s requirements and conditions and all additional requirements as set out in the Tax Cancellation Agreement as determined by the General Manager of Planning and Economic Development (GM).
9. Subject to compliance with the terms and conditions of the Tax Cancellation Agreement the first-year of tax cancellation is payable when the development is deemed complete by the City in accordance with paragraph 14, the site has been reassessed by the MPAC, shall be regardless of the number of units/floor area occupied and require confirmation that municipal property taxes are paid in full and that there is no pending appeal or confirmation that the assessment will not be appealed.
10. Notwithstanding paragraph 9, and subject to written approval by the Director of Economic Development, a percentage of the total tax cancellation may be provided for phased/comprehensive developments where a portion of the development will meet the aforementioned requirements with such tax cancellation being apportioned based on the number of phases completed and the actual accepted eligible costs incurred in each completed phase. Such partial tax cancellation shall be limited to those developments where the incremental tax increase for individual phases can be determined to the City’s satisfaction
11. If the Applicant, third party or the municipality has appealed the change in the property(s) assessment, tax cancellation will not be provided until the appeal has been finally determined through the Assessment Review Board or any other permitted means and revised property taxes have been calculated and adjusted.
12. In the event of an appeal of assessment/taxes, the total value of tax cancellation provided under the Program will be reduced by:
 - a. the amount by which municipal property taxes have been cancelled or reduced for the site pursuant to any other City programs and/or tax appeals under Sections 357 and 358 of the *Municipal Act*;
 - b. the amount by which municipal property taxes have been cancelled or reduced for the site pursuant to a Request for Reconsideration; and
 - c. the amount by which municipal property taxes have been reduced or cancelled for the site pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board.

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13. The pre-development property taxes used for determining the actual municipal property tax increment are those from the most recent tax year which represents the pre-development condition of the site, as determined by the City.
14. For the purposes of this Program, a development shall be deemed to be complete where:
 - a. Required environmental remediation site works and/or mitigation measures have been completed;
 - b. A RSC has been successfully filed with MECP or where a Risk Assessment has been successfully peer-reviewed and accepted by the City in accordance with paragraph seven (7.) b. herein; and
 - c. Occupancy of the development has been approved or permitted by the City subject to tenant improvements.
15. The eligible amount of the increase in municipal property taxes shall exclude special charges, including Business Improvement Area levies and any other charge identified within the Tax Cancellation Agreement, from the calculation.
16. If a development is assessed as a condominium, no tax cancellation will be provided.
17. Annual tax cancellation will be calculated by deducting 80% of the difference between the post-development municipal and education taxes (for each year tax cancellation is to be provided) and the pre-development taxes as determined in accordance with paragraph 13 herein. The value of tax cancellation provided in a given year may be less than 80% where required to ensure total tax cancellation will not exceed the accepted eligible costs and/or maximum tax cancellation approved by City Council.
18. Work on the portion of the development that is at or above grade shall commence no longer than five (5) years and be completed and capable of being fully occupied within 10 years from the date an application under this Program was approved by City Council.

Extensions may be granted for phased/comprehensive developments or due to development specific extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time periods and considered at the sole discretion of the GM and subject to approval by the Minister of Finance respecting the education portion of property taxes.
19. If an Applicant is redeveloping a portion of the site, the tax cancellation will be based on that portion of the site only. The Applicant will be required to provide an estimate of the annual property assessment valuation for the portion of the site subject to the Program application from the MPAC for each year in which tax cancellation is to be provided for calculation purposes.

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20. Approval and the receiving of tax cancellation under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same site under any other available municipal program with the exception of any other tax increment-based or tax cancellation program which shall not be permitted to be combined with assistance under this Program.
21. The total value of tax cancellation provided shall not exceed the lesser of the actual accepted eligible costs incurred or 80% of municipal tax increment over the applicable term of six (6) years for a business development (commercial and industrial) or 10 years for a residential development (including mixed use residential).
22. The City reserves the right to audit the invoices/costs submitted for consistency with the Remedial Action Plan, contractor quote or other work plan submitted in support of the application and for compliance under the Program terms contained herein.
23. Tax cancellation under this Program will be provided if all terms and conditions of this Program and are in good standing.
24. If a building(s) erected on a site participating in this Program is demolished before the applicable tax cancellation period expires, the remainder of the tax cancellation under this Program shall be forfeited.
25. Tax cancellation provided under this Program shall only be to the City Council approved Program applicant who shall be the registered property owner. Tax cancellation assistance shall cease upon the sale or transfer of the development regardless of whether the full value of tax assistance has been provided and an assignment/transfer of any and all remaining tax assistance shall not be permitted.
26. In the event of a Change of Corporate Control where the Applicant is a corporation, the Applicant covenants and agrees that in the event that:
 - a. the Applicant fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
 - b. without the written consent of the City first had and obtained:
 - i. the Applicant issues or redeems any of its shares or transfers any of its shares;
 - ii. there is a sale or sales of the shares of the Applicant which result in the transfer of the legal or beneficial interest of any of the shares of the Applicant or;
 - iii. the Applicant amalgamates, merges or consolidates with any other corporation; and

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The result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Applicant, or the requested information is not provided, then future tax cancellation under this Program shall cease at the absolute discretion of the City.

27. Applications under this Program, with respect to the cancellation of the municipal portion of property taxes, are subject to approval at the absolute discretion of City Council and subject to the availability of funds.
28. Without limiting the discretion as set out in paragraph 27 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the Corporation as determined by the City in its sole, absolute and unfettered discretion.
29. Without limiting the discretion as set out in paragraph 27 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the subject site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject site or any other judicial, regulatory or governmental order in respect of the subject site.
30. Without limiting the discretion as set out in paragraph 27, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which tax cancellation under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 30, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 30 shall apply jointly and severally to each of them.
31. Buildings uses and developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the development.

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32. A Program application may be denied by City Council if the development is not supported by City Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to, the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.
33. Approval of a Program application by City Council may provide for reduced tax cancellation such that no tax cancellation is to be provided in respect of any portion of the development that is the subject of the tax cancellation application which City Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including, but not limited to, the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of tax cancellation in accordance with City Council’s approval/direction, including but not limited to, all MPAC post-development assessment estimates required by the City.

C. ELIGIBLE/INELIGIBLE COSTS

Eligible costs under this Program for sites located within the Historically Developed Area consist of the following (excluding HST) but shall exclude in all cases any cost which would have been required for the development regardless of the need to remediate contaminated soil/groundwater:

1. Physical environmental remediation of soil and/or groundwater which includes the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible site required to meet the applicable SCS needed to facilitate the planned development/use and to permit the filing of a RSC by a Qualified Person, including costs of preparing and filing the RSC and Certificate of Property Use (CPU);
2. Clean back fill, grading and compaction to replace contaminated soils, where required;
3. Phase II ESAs, Remedial Action Plans and/or Risk Assessments not reimbursed, or planned to be reimbursed, under the ERASE Study Grant (ESG) Program;
4. Peer-reviews with respect to Risk Assessments where an RSC is not required by the MECP;
5. Installation of environmental and/or engineering controls/works, related to environmental remediation, as specified in the Remedial Action Plan, Risk Assessment and/or CPU; and

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6. Testing of on-site excess soils for potential reuse but shall not include the excavation, management, transportation or disposal of such soil except where the soil originates from the site and is found to be contaminated.

Ineligible costs shall be any cost not identified in this Section or any cost identified above which has been incurred prior to the date an application was submitted under this Program and accepted by the City with the exception of studies which were the subject of a previously approved ESG Program application. An Applicant shall assume the risk, and bear the sole responsibility, for any cost incurred after an application has been submitted but prior to approval under this Program being received should the application not be approved for any reason.

The City reserves the right to reject any application under this Program that proposes a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. In addition, the City reserves the right to approve an application that excludes costs otherwise eligible that are associated with a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. Furthermore, if after application approval, a remediation practice/method utilized is deemed by City Council, or its delegate, in their sole and unfettered discretion, to be causing, or have caused, a negative overall environmental impact to a site, area or person, the City may reduce or cancel all or a portion of previously eligible program costs prior to or during the term of tax cancellation.

D. PROGRAM APPLICATION CRITERIA

Potential Applicants shall be required to have a pre-application consultation meeting with City staff in order to determine Program eligibility, proposed scope of work, project timing, etc.

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of eligible works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form. Application fees are non-refundable including in the event an application is not approved.

Applications shall include all available environmental studies for the site (Phase I and II ESAs, Risk Assessment, DSHM Survey), a Remedial Action Plan completed by a Qualified Person,

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contractor cost estimates for environmental remediation and any other potentially eligible works and any other details as may be required to satisfy the City as to the cost of the environmental remediation and any other potentially eligible works and the development’s conformity with the objectives of the this Program and the ERASE CIP. The City may also require the submission of a Business Plan for the proposed development.

Applications under this Program will not be accepted if there is an outstanding dispute, proceeding or process including but not limited to: a Request for Reconsideration through the MPAC, an outstanding Assessment Review Board appeal, an outstanding divisional court appeal or an outstanding *Municipal Act* appeal, relating to the assessment of the site or in respect of property taxes related to the site. The Program application will only be accepted once any of the above applicable matters have been finally resolved and the revised (if applicable) property taxes have been calculated.

Applicants may be required to obtain a post-development assessment estimate from the MPAC as part of submitting a Program application. Developments which are the subject of this requirement will be identified in the Program’s application form.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility and completeness in accordance with the ERASE CIPA, ERASE CIP, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the Economic Development Division in no way implies tax cancellation approval.

The Site and Applicant will be the subject of due diligence undertaken by the City prior to any recommendation on the application being brought to City Council for consideration and prior to each year’s tax cancellation being provided. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the subject site, the site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial , governmental or regulatory authority, regarding the subject site or the development on the subject site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, tax cancellation not being provided under this Program.

Where the development requires approval of a Site Plan, a conditional Site Plan approval shall have been obtained from the City prior to City Council consideration of an application under this Program. Where a conditional Site Plan approval contains conditions which, until satisfied, may impact a post-development assessment of the development including but not limited, requirements to obtain Minor Variances through the Committee of Adjustment, the City may

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require these conditions to be satisfied prior to City Council consideration of the application. Where no Site Plan is required for the development, City Council’s consideration of an application will occur after such time as the Economic Development Division is satisfied that all necessary information has been provided to inform an estimate of the resulting post-development assessment and municipal property taxes.

Where a portion of estimated eligible costs are not yet known, Economic Development Division staff reserves the right to consider bringing forward multiple recommendations respecting the application for City Council consideration as part of a multi-step application process as estimated eligible costs become known.

Where an application has been submitted but not yet approved by City Council and the subject site is sold/transferred to a new owner, the City may permit the transfer or assignment of the application, and any eligible costs incurred from the original date of application, to the new owner at the sole, absolute and unfettered discretion of the GM. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion. The new owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches, to the satisfaction of the City prior to the assignment being considered by GM.

Applications under this Program, with respect to the cancellation of the municipal portion of property taxes, are subject to approval at the absolute discretion of City Council and subject to the availability of funds.

Approved Applicants shall be required to enter into a Tax Cancellation Agreement with the City containing (but not limited to) the terms and conditions set out in this Program description.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the ERASE CIP are met.

Notwithstanding any other term or condition of this Program, where an application has been approved by City Council, the application and the associated approval, including the assignment of any eligible costs incurred by the City Council approved Applicant since the date of application submission, may be assigned to a future intended owner of the subject site(s) only in such instance where the registered owner of the site(s) at the time of City Council approval was the City of Hamilton, CityHousing Hamilton Corporation or any other entity wholly owned by the City of Hamilton and where the assignment will further facilitate the remediation and redevelopment of a site and/or support the achievement of strategic City priorities/objectives. It is understood that one effect of such an assignment shall be that the future intended site owner will assume all requirements and obligations required under this Program and receive the benefit of any tax cancellation which may be eligible under the Program provided they are the

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registered owner in each year that the tax cancellation is to be provided. In such an instance, a request to assign the application shall be submitted in writing to the City by the existing site owner and the City Council approved Applicant with accompanying rationale and be subject to approval by City Council in its sole discretion. The future intended site owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches, to the satisfaction of the City prior to the assignment being considered by City Council. An assignment or transfer may require that the assignee or transferee submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.

With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:

- Successfully file a RSC to the MECP, prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable SCS required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
- Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant’s expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and environmental reports and supporting documentation be submitted to the City’s satisfaction.

Paid Invoices for all eligible costs incurred will be supplied to the City and the tax cancellation will be based on the City’s review, satisfaction and acceptance of these invoices and all supporting reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City’s discretion. Tax cancellation may be reduced or cancelled if the eligible works are not completed, not completed as approved and/or where documentation/invoicing of said costs is not provided to the City’s satisfaction. In addition, invoices must be billed to the Applicant approved by City Council.

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Once the development is complete and has been reassessed by the MPAC, the City will undertake updated due diligence, including, but not limited to, ensuring that the site is not in tax arrears and that the site and development are still in conformity with the terms of the Tax Cancellation Agreement. The City will calculate the actual tax increment and resulting tax cancellation to be provided. If the site is severed into multiple parcels or lots or if there is a conveyance of part of the site (all referred to as severed parcels) prior to the first full year of reassessment resulting from the completion of the development. The property taxes used to calculate the tax cancellation shall be the sum of the amount which is the lesser of the post-development property taxes or the property taxes payable for the year for which tax cancellation is to be provided, for all the severed parcels but for the initial year's tax cancellation means the amount which equals the sum of the post-development municipal property taxes for the severed parcels.

Tax cancellation will not be provided unless a written request has been made by the Applicant in the year in which tax cancellation is to begin. If a written request has not be made for tax cancellation, but all other conditions for cancellation have been satisfied, the full tax amount required shall be billed and required to be paid in full and the amount of eligible tax cancellation shall accrue and be payable as a grant until such time as a written request has been made and upon such written request the grant payment shall equal the sum of the accrued and previously unrequested tax cancellation. If a request for the initial tax cancellation is not made within three (3) years of the year in which the first-years' tax cancellation was eligible to be provided, the agreement shall terminate and without limiting the generality of the foregoing the City shall not be obligated to make provide any tax cancellation or accrued grant payment.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or tax cancellation being provided.

Applications to this Program not yet approved by City Council shall be subject to any changes to the terms of this Program which are approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will still continue to receive tax cancellation subject to meeting the Program terms contained herein.

ERASE COMMERCIAL DISTRICTS REMEDICATION LOAN (ECDRL) PROGRAM



A. PROGRAM DESCRIPTION

The ERASE Commercial Districts Remediation Loan (ECDRL) Program (the Program) provides low-interest Loans which are intended to overcome barriers owners may face obtaining traditional financing for costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse. Specifically, this Program is intended to work in concert with broader efforts to support the revitalization of strategic commercial districts and corridors, including those programs and initiatives established under the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan.

A Loan under this Program is intended to serve as a ‘bridge’ until such time as grant payments commence under either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs. As such, eligibility under this Program is contingent on, among other requirements contained herein, that the site has been the subject of an approved application under either the ERG or RHTIG Programs.

This Program will apply within Sub-Area 2 – Strategic Commercial Districts and Corridors of the Historically Developed Area as defined in the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) and which generally consists of the Ancaster, Barton Village, Binbrook, Concession Street, Downtown Hamilton, Dundas, Locke Street, Ottawa Street, Stoney Creek, Waterdown and Westdale commercial districts, the Mount Hope/Airport Gateway, the Barton Street and Kenilworth Avenue North commercial corridors and other strategic commercial corridors located throughout the city.

Applications under this Program are subject to approval at the absolute discretion of the General Manager of Planning and Economic Development (GM) for Loans to a maximum of \$200,000 or, City Council for Loans more than \$200,000 up to the Program maximum of \$400,000, subject to the availability of funds.

Loans provided under this Program shall be provided to the Applicant who is the registered owner of the site that is the subject of the Program application.

All costs associated with the development and the requirements of this Program are to be borne by the Applicant including construction, design, community benefit charges, development

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charges, administration fees, appraisals, inspections, legal, discharge and registration fees (plus applicable taxes), where applicable.

The City retains the right to assess the reasonableness of costs via audit as well as the determination of cost eligibility under the terms of this Program.

For the purposes of this Program:

- A ‘site’ shall mean all properties forming part of the planned development;
- A ‘Qualified Person’ shall have the same meaning as defined under Ontario Regulation 153/04, as amended; and
- A ‘not-for-profit housing development’ shall mean the development of a building or structure intended for use as a residential rental premise or a residential premise for the homeless to be owned and developed by:
 - a corporation to which the *Not-for-Profit Corporations Act*, 2010 applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, 2022, c. 21, Sched. 3, s. 4; or
 - CityHousing Hamilton Corporation.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND LOAN CRITERIA

1. Applications to this Program must meet the goals of the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE CIP).
2. This Program will apply within Sub-Area 2 – Strategic Commercial Districts and Corridors of the Historically Developed Area as defined through the ERASE CIPA By-law.
3. Notwithstanding paragraph two (2), this Program shall not apply to a site where a designated heritage building has been demolished, on agricultural lands which have been the subject of normal farm practices or where remediation is being undertaken for the purposes of a self-storage facility.

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4. The maximum Loan provided under this Program per site shall be 80% of the actual eligible costs contained in Section C herein to a maximum of \$4,00,000.
5. The Loan interest will be at 0% for the repayment term.
6. Eligibility under this Program is predicated on the subject site and Applicant receiving approval under either the ERG or RHTIG Programs.
7. The maximum Loan term shall be four (4) years (subject to prior termination on default). Payments will commence on January 1st of the first full calendar year of reassessment by MPAC, post completion of the redevelopment.
8. A minimum of 25% of the original loan amount is to be repaid annually as detailed in paragraph 9.
9. Annual grant payments under the ERG or RHTIG Program will be applied against the outstanding loan balance as follows:
 - If the grant payment is equal to the outstanding loan balance, the outstanding loan balance will be paid in full. No payments would flow to the Applicant for that year. The Applicant would receive the applicable grant payments in the remaining years of the grant;
 - If the grant payment exceeds the outstanding loan balance, the outstanding loan balance will be paid in full and the remaining grant payment will flow to the applicant for that year. The Applicant would receive the applicable grant payments in the remaining years of the grant;
 - If the grant payment does not exceed the outstanding loan balance but does exceed the minimum 25% of the original principal payment requirement, the full grant amount will be applied against the outstanding loan balance. No grant payments would flow to the Applicant in that year;
 - If the grant payment does not exceed the outstanding loan balance and is less than or equal to the minimum 25% payment requirement, the full grant amount will be applied against the outstanding loan balance. In addition, monthly payments must be provided by the Applicant such that 25%/12 of the original loan amount is provided each month until the 25% minimum annual payment requirement has been met with adjustments for the final monthly payment where applicable.
10. An Applicant to this Program must be the registered owner of the site with Loans only being available to the successful Program Applicant and cannot be assigned or directed to any other payee unless otherwise provided for in the Program Administration section herein.

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11. Prior to any application approval and/or Loan advance being provided:
 - a. Any outstanding Building Code, Fire Code or property standards orders or any other order applicable to the site by any judicial, governmental or regulatory authority shall be rectified; and
 - b. Any tax arrears on the subject site shall be paid.

12. With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:
 - a. Successfully file a Record of Site Condition (RSC) to the Ministry of Environment, Conservation and Parks (MECP), prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable Site Condition Standards (SCS) required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
 - b. Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable Site SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant’s expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and supporting environmental reports and documentation be submitted to the City’s satisfaction.

13. Failure of the Applicant to fulfill the requirements of the Program including without limitation those contained in paragraph 12 to the City’s satisfaction will result in any outstanding Loan amount becoming subject to interest at a rate equal to that stipulated in paragraph 17 herein over the required amortization period until fully repaid.

14. All Applicants receiving approval for a Loan under this Program shall be required to enter into a Loan Agreement with the City, prior to the first Loan advance, with provisions including, but not limited to, the terms and conditions set out herein and such additional conditions as determined by the City Solicitor in their sole discretion, and if deemed a requirement by the GM, the provision of security including a General Security Agreement, a Site Specific General Security Agreement or such other security as determined by the

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GM in their sole discretion such as, but not limited to, a mortgage registered on title upon the subject site, personal guarantees and/or corporate guarantees.

In addition, the Applicant shall be required to provide additional security through the assignment of grant payments provided under the ERG or RHTIG Programs. One hundred percent (100%) or such other applicable percentage of the grant amount payable under either the ERG or RHTIG Program will be applied to the repayment of the Loan until fully repaid. In each year of the loan term, the grant payment under the ERG or RHTIG Program for that respective year will be applied against the outstanding loan balance until the loan has been paid in full. If the grant payment exceeds the outstanding loan balance, the outstanding loan balance will be paid in full from the grant and any remaining grant payment will flow to the applicant. If the grant payment is less than the outstanding loan balance and less than or equal to the minimum 25% annual payment requirement, the full grant amount will be applied against the outstanding loan balance and monthly payments must be provided by the Applicant such that 25%/12 of the original loan amount is provided each month until the 25% minimum annual payment requirement has been met – with adjustments for the final monthly payment where applicable.

15. Notwithstanding the security to be provided through grant payments under the ERG or RHTIG Program:
 - a. City Council, at its sole discretion, may cease grants in accordance with terms of the applicable legal agreement; and
 - b. Will not be provided where the development is not completed within the required development start and finish time frames required under the applicable Program terms and/or legal agreement

In such instances, the Applicant will be responsible for any Loan repayment that was expected to be fulfilled by the ERG or RHTIG grant payments.

16. For Applicant’s who utilize the ERG Program’s ERASE Development Charge (DC) Deferral Option, the value of the ERG grant payments to be assigned towards the Loan will be based on that available after fulfilling required payments towards the outstanding ERASE DC Deferral during the amortization period required under this Program
17. The interest rate that shall be charged per annum will be the then prevailing interest rate established by City Council on tax arrears.
18. The Loan may be prepaid at any time without notice, bonus or penalty. Discharge and registration fees (plus applicable taxes) will be required to be paid at such time as the prepayment occurs.
19. For the purposes of this Program, a development shall be deemed to be complete where:

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- a. Required environmental remediation site works and/or mitigation measures have been completed;
 - b. A RSC has been successfully filed with MECP or where a Risk Assessment has been successfully peer-reviewed and accepted by the City in accordance with paragraph 12.b. herein; and
 - c. Occupancy of the development has been approved or permitted by the City subject to tenant improvements and, in the case of a condominium development, the Plan of Condominium has been registered.
20. Developments shall be subject to the following time limits:
- a. Site remediation and/or abatement/removal of Designated Substances and Hazardous Materials (DSHM) shall commence within one (1) year and be completed no longer than two (2) years from the date City Council, or its delegate, approved the Program application.
 - b. Work on the portion of the development that is at or above grade shall commence no longer than two (2) years and shall be completed and capable of being fully occupied, and in the case of a condominium development also have a Plan of Condominium registered, within five (5) years from the date City Council, or its delegate, approved the Program application.

Extensions may be granted for phased/comprehensive developments or due to development specific extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time periods and considered at the discretion of the GM.

21. In the event of a default as defined in the Loan Agreement, the Loan will be capped immediately at the advanced amount. The outstanding principal amount together with interest from the date of occurrence of the default at the interest rate prescribed in paragraph 17 as well as any other monies owing will become due and payable immediately.
22. If a request for the initial Loan advance is not made within two (2) years of the approved Loan being eligible for an advance, the Loan Agreement shall be deemed to be terminated and, without limiting the generality of the foregoing, the City shall not be obligated to provide the Loan.
23. Unless waived at the sole, absolute and unfettered discretion of the City, the Applicant must provide supervision of the development by a Project Monitor acceptable to the City. The Project Monitor will be at the cost of the Applicant and shall provide proof, to the satisfaction of the City, that the structural, mechanical and electrical work complies with the approved plans and specifications and all Applicable Law.

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24. An approved Loan under this Program will be provided to the owner in s equal to 80% of the eligible costs incurred as evidenced by paid invoices submitted to the City. Such advances will be provided within 30 days of submission of the Applicants request for a Loan advance.
25. There will be a limit of six advances, spaced no less than 30 days apart.
26. If the total eligible and actual invoiced costs exceed the estimated costs on which the Loan approval was based, the total of all Loan advances shall not exceed the approved amount of the Loan and the final advance shall be reduced in order to conform to this requirement.
27. All municipal property taxes shall be paid current and in good standing through the development period and term of the applicable Loan.
28. The City will require, at its sole discretion, any specific insurance terms required to be met to protect the City's interest.
29. The City reserves the right to audit the invoices/costs submitted in respect of a Loan advance for consistency with the Remedial Action Plan, contractor quote or other work plan submitted in support of the application and for compliance under the Program terms contained herein.
30. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance under any other available municipal program.
31. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of all or a portion of the subject site approved under this Program, the City shall require repayment of the outstanding Loan provided under this Program.
32. In the event of a Change of Corporate Control where the Applicant is a corporation, the Applicant covenants and agrees that in the event that:
 - a. The Applicant fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
 - b. Without the written consent of the City first had and obtained:
 - i. the Applicant issues or redeems any of its shares or transfers any of its shares;
 - ii. there is a sale or sales of the shares of the Applicant which result in the transfer of the legal or beneficial interest of any of the shares of the Applicant or;

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- iii. the Applicant amalgamates, merges or consolidates with any other corporation; and

The result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Applicant, or the requested information is not provided, the City shall have absolute discretion to cease any future Loan advances and/or seek full repayment of any outstanding Loan under this Program together with any interest accrued to date.

- 33. Applications under this Program are subject to approval at the absolute discretion of the GM for Loans to a maximum of \$200,000 or, City Council for Loans more than \$200,000 up to the Program maximum of \$400,000, subject to the availability of funds.
- 34. Without limiting the discretion as set out in paragraph 33 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, or its delegate, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation, as determined by the City in its sole, absolute and unfettered discretion.
- 35. Without limiting the discretion as set out in paragraph 33 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the subject site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject site or any other judicial, regulatory or governmental order in respect of the subject site.
- 36. Without limiting the discretion as set out in paragraph 33 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application where the City determines in its sole discretion that there is a financial risk to the City in terms of the financial capabilities of the Applicant to complete the development subject to the Program application.
- 37. Without limiting the discretion as set out in paragraph 33, herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Loan under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this

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paragraph 37, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 37 shall apply jointly and severally to each of them.

38. Buildings uses and developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the development.
39. A Program application may be denied by City Council, or its delegate, if the development is not supported by City Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications.
40. Approval of a Program application by City Council, or its delegate, may provide for a reduced Loan amount such that no Loan is provided in respect of any portion of the development which City Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction.

C. ELIGIBLE/INELIGIBLE COSTS

Eligible costs under this Program consist of the following (excluding HST) but shall exclude in all cases any cost which would have been required for the development regardless of the need to remediate contaminated soil/groundwater and/or abate/remove Designated Substance and Hazardous Materials (DSHM), where applicable:

1. Physical environmental remediation of soil and/or groundwater which includes the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible site required to meet the applicable SCS needed to facilitate the planned development/use and to permit the filing of a RSC by a Qualified Person, including costs of preparing and filing the RSC and Certificate of Property Use (CPU);
2. Clean back fill, grading and compaction to replace contaminated soils, where required;
3. Phase II ESAs, Remedial Action Plans and/or Risk Assessments not reimbursed, or planned to be reimbursed, under the ERASE Study Grant (ESG) Program;

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4. Peer-reviews with respect to Risk Assessments where an RSC is not required by the MECP;
5. Installation of environmental and/or engineering controls/works, related to environmental remediation, as specified in the Remedial Action Plan, Risk Assessment and/or CPU;
6. Testing of on-site excess soils for potential reuse but shall not include the excavation, management, transportation or disposal of such soil except where the soil originates from the site and is found to be contaminated; and
7. DSHM Survey and/or abatement/removal in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable) on sites that:
 - a. Contain a current/closed institutional use;
 - b. Contain a building designated under Part IV or V of the *Ontario Heritage Act*; or
 - c. Are being developed for use as a not-for-profit housing development.

Ineligible costs shall be any cost not identified in this Section or any cost identified above which has been incurred prior to the date an application was submitted under this Program and accepted by the City with the exception of studies which were the subject of a previously approved ESG Program application. An Applicant shall assume the risk, and bear the sole responsibility, for any cost incurred after an application has been submitted but prior to approval under this Program being received should the application not be approved for any reason.

The City reserves the right to reject any application under this Program that proposes a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. In addition, the City reserves the right to approve an application that excludes costs otherwise eligible that are associated with a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. Furthermore, if after application approval, a remediation practise/method utilized is deemed by City Council, or its delegate, in their sole and unfettered discretion, to be causing, or have caused, a negative overall environmental impact to a site, area or person, the City may consider this be a default of the loan conditions for the purposes of exercising Section B, paragraph 21 herein.

D. PROGRAM APPLICATION CRITERIA

Potential Applicants shall be required to have a pre-application consultation meeting with City staff in order to determine Program eligibility, proposed scope of work, project timing, etc.

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A complete Program application shall be submitted to the Economic Development Division prior to the commencement of eligible works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program’s application form. Application fees are non-refundable including in the event an application is not approved.

Applications shall include all available environmental studies for the site (Phase I and II ESAs, Risk Assessment, DSHM Survey), a Remedial Action Plan completed by a Qualified Person (as defined under Ontario Regulation 153/04), contractor cost estimates for environmental remediation and any other potentially eligible works and any other details as may be required to satisfy the City as to the cost of the environmental remediation and any other potentially eligible works and the development’s conformity with the objectives of this Program and the ERASE CIP. The City may also require the submission of a Business Plan for the proposed development.

Applications under this Program will not be accepted if there is an outstanding dispute, proceeding or process including but not limited to: a Request for Reconsideration through the MPAC, an outstanding Assessment Review Board appeal, an outstanding divisional court appeal or an outstanding *Municipal Act* appeal, relating to the assessment of the site or in respect of property taxes related to the site. The Program application will only be accepted once any of the above applicable matters have been finally resolved and the revised (if applicable) property taxes have been calculated.

Applicants shall be required to submit information to assist with determining their financial capabilities to complete the remediation and development subject to the Program application and to identify any potential financial risks to the City. Information required to be submitted is at the discretion of the City and may include but may not be limited to, a financial risk assessment, personal/corporate net worth statements and/or business plan.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in accordance with the ERASE CIPA, ERASE CIP, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the Economic Development Division in no way implies Loan approval.

The site and Applicant will be the subject of due diligence undertaken by the City prior to any recommendation on the application being brought to City Council, or its delegate, for

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consideration and prior to each Loan advance being provided. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the subject site, the site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial, governmental or regulatory authority, regarding the subject site or the development on the subject site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being recommended for approval to City Council or its delegate, except where otherwise directed by City Council, or its delegate, or, if the application has been approved, non-payment of a Loan under this Program.

Where the development requires approval of a Site Plan, a conditional Site Plan approval shall have been obtained from the City prior to consideration of an application under this Program by City Council, or its delegate. Where a conditional Site Plan approval contains conditions which, until satisfied, may impact a post-development assessment of the development including, but not limited, requirements to obtain Minor Variances through the Committee of Adjustment, the City may require these conditions to be satisfied prior to City Council, or its delegate, consideration of the application. Where no Site Plan is required for the development, consideration of an application by City Council, or its delegate, will occur after such time as the Economic Development Division is satisfied that all necessary information has been provided to inform an estimate of the resulting post-development assessment and municipal property taxes as it relates to the associated ERG or RHTIG program application.

Where an application has been submitted but not yet approved by City Council, or its delegate, and the subject site is sold/transferred to a new owner, the City may permit the transfer or assignment of the application, and any eligible costs incurred from the original date of application, to the new owner at the sole, absolute and unfettered discretion of the GM. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion. The new owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches and financial risk, to the satisfaction of the City prior to the assignment being considered by GM.

Applications under this Program are subject to approval at the absolute discretion of the General GM for Loans to a maximum of \$200,000 or, City Council for Loans more than \$200,000 up to the Program maximum of \$400,000, subject to the availability of funds.

Securities required to be provided by the Applicant will be determined by the City in its sole, absolute and unfettered discretion.

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Approved Applicants shall be required to enter into a Loan Agreement with the City containing the terms and conditions set out in this Program description and such additional terms and conditions as required by the GM or City Solicitor in their sole absolute and unfettered discretion. The form of the Loan Agreement shall be to the satisfaction of the City Solicitor. The City may require the Applicant to register the Loan Agreement on title immediately upon execution of the agreement.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the ERASE CIP are met.

A Loan will not be provided unless a written request for the initial Loan draw has been made by the Applicant which shall be accompanied by paid invoices for eligible costs for which a Loan advance is to be provided in support of.

Paid Invoices for all eligible costs incurred will be supplied to the City and a Loan advance will be based on the City's review, satisfaction and acceptance of these invoices and all supporting reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City's discretion. A Loan advance may be reduced or not provided if the eligible works are not completed, not completed as approved and/or where documentation/invoicing of said costs is not provided to the City's satisfaction. In addition, invoices must be billed to the Applicant approved by City Council, or its delegate.

With respect to the remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:

- Successfully file a RSC to the MECP, prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable SCS required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
- Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant's expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

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The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and environmental reports and supporting documentation be submitted to the City's satisfaction.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Loan being provided.

Applications to this Program not yet approved by City Council, or its delegate, shall be subject to any changes to the terms of this Program which are approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will still continue to receive the Loan subject to meeting the Program terms contained herein.

ERASE AFFORDABLE HOUSING GRANT (EAHG) PROGRAM



A. PROGRAM DESCRIPTION

The ERASE Affordable Housing Grant (EAHG) Program (the Program) is intended to provide Grants towards costs required to remediate historical environmental contamination on brownfield sites in support of their redevelopment/reuse for affordable housing by not-for-profit housing providers not otherwise able to participate in the ERASE Redevelopment Grant (ERG) program. By providing Grants to mitigate these financial impediments, the Program better enables brownfield sites to be viable candidates for the creation of new affordable housing.

This Program will apply within the Historically Developed Area as defined through the Environmental Remediation and Site Enhancement Community Improvement Project Area (ERASE CIPA) By-law.

Applications under this Program are subject to approval at the sole, absolute and unfettered discretion by the General Manager of Planning and Economic Development (GM) and subject to the availability of funds.

Grants under this Program shall be provided to the Applicant who is the registered owner and who has incurred eligible Program costs for the purposes of a not-for-profit housing development, as defined herein, except where provided for in Section B, paragraph 18.

The City retains the right to assess the reasonableness of costs via audit as well as the determination of cost eligibility under the terms of this Program.

All costs associated with the development and the requirements of this Program are to be borne by the Applicant including construction, design, community benefit charges, development charges, administration fees, appraisals, inspections, legal and registration fees where applicable.

For the purposes of this Program:

- A 'site' shall mean all properties forming part of the development;
- A 'Qualified Person' shall have the same meaning as defined under Ontario Regulation 153/04, as amended; and

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- A ‘not-for-profit housing development’ shall mean the development of a building or structure intended for use as a residential rental premise or a residential premise for the homeless to be owned and developed by:
 - a corporation to which the *Not-for-Profit Corporations Act*, 2010 applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that *Act* and whose primary object is to provide housing;
 - a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, 2022, c. 21, Sched. 3, s. 4; or
 - CityHousing Hamilton Corporation.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE CIP).
2. This Program will apply within the Historically Developed Area as defined through the ERASE CIPA By-law.
3. Notwithstanding paragraph two (2), this Program shall not apply to a site where a designated heritage building has been demolished or on agricultural lands which have been the subject of normal farm practices.
4. The maximum Grant provided under this Program per site shall be the actual eligible costs incurred as identified in Section C herein to a maximum of \$200,000.
5. A maximum of one (1) Grant may be provided per site under this Program.
6. An Applicant to this Program must be the registered owner of the site with grants only payable to the successful Program Applicant and cannot be assigned or directed to any other payee unless otherwise provided for in the Program Administration section herein.
7. Approvals under this Program shall be provided on a first come first serve basis, subject to the availability of funding, with priority given to not-for-profit housing developments which have the greatest potential to be developed in the short-term and taking into consideration development achievements including, but not limited to, obtaining

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necessary planning approvals or securing funding commitments from the City or other levels of government or agencies.

8. Prior to any application approval and/or Grant payment being provided:
 - a. Any outstanding Building Code, Fire Code or property standards orders or any other order applicable to the site by any judicial, governmental or regulatory authority shall be rectified; and
 - b. Any tax arrears on the subject site shall be paid.
9. With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:
 - a. Successfully file a Record of Site Condition (RSC) to the Ministry of Environment, Conservation and Parks (MECP), prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable Site Condition Standards (SCS) required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
 - b. Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment, chosen by the City and at the Applicant's expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and supporting environmental reports and documentation be submitted to the City's satisfaction.

10. The Applicant will be required to enter into a Grant Payment Agreement with the City that sets out the conditions of the Grant. Before any Grant is provided, the Applicant and site shall be in compliance with the Program's requirements and conditions and all additional requirements as set out in the Grant Payment Agreement as determined by the GM.
11. For the purposes of this Program, site remediation shall be deemed to be complete where:
 - a. Required environmental remediation site works and/or mitigation measures have been completed; and

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- b. A RSC has been successfully filed with MECP or where a Risk Assessment has been successfully peer-reviewed and accepted by the City in accordance with paragraph nine (9.) b. herein.
- 12. No Grant shall be paid until site remediation is deemed complete by the City in accordance with paragraph 11 herein.
- 13. Site remediation and/or abatement/removal of Designated Substances and Hazardous Materials (DSHM) shall commence within one (1) year and be completed no longer than two (2) years from the date of GM approval of the application.

Extensions may be granted for phased/comprehensive developments or due to development specific extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time periods and considered at the discretion of the GM.

- 14. Approval and the receiving of Grants under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same site under any other available municipal program with the exception of any other tax increment-based tax cancellation program which shall not be permitted to be combined with assistance under this Program.
- 15. The total Grant provided shall not exceed the actual eligible costs incurred or the maximum Grant which may be provided under this Program in accordance with paragraph four (4) herein, whichever is less.
- 16. The City reserves the right to audit the invoices/costs submitted for consistency with the Remedial Action Plan, contractor quote or other work plan submitted in support of the application and for compliance under the Program terms contained herein.
- 17. A Grant under this Program will be provided to an approved Applicant if all terms and conditions of this Program have been satisfied including payment of any applicable municipal property taxes.
- 18. A Grant under this Program shall not be permitted to be assigned except where an Applicant has been approved for a loan under the ERASE Commercial District Remediation Loan (ECDRL) Program in which case the Applicant shall be required to assign the Grant under this Program to the City of Hamilton as payment towards their loan under the ECDRL. Any Grant amount under this Program in excess of the total loan outstanding under the ECDRL shall be provided to the Applicant in accordance with the criteria of this Program.
- 19. In the event of a change in the status of an Applicant in respect of the following:

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- a. a corporation to which the *Not-for-Profit Corporations Act*, 2010 applies, that is in good standing under that *Act* and whose primary object is to provide housing;
- b. a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that *Act* and whose primary object is to provide housing;
- c. a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, 2022, c. 21, Sched. 3, s. 4;

The result being that an approval under this Program may, at the City’s discretion, be cancelled such that no Grant will be provided or, where a Grant has already been provided, seek the return of such funds.

20. Applications under this Program are subject to approval at the sole, absolute and unfettered discretion by the GM and subject to the availability of funds.
21. Without limiting the discretion as set out in paragraph 20 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, or its delegate, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: The Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
22. Without limiting the discretion as set out in paragraph 20 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the subject site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject site or any other judicial, regulatory or governmental order in respect of the subject site.
23. Without limiting the discretion as set out in paragraph 20, herein, City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 23, will be considered to be the corporation, the officers and directors of the

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corporation and the shareholders and this paragraph 23 shall apply jointly and severally to each of them.

24. Buildings, uses and developments shall conform to the City’s Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the development.
25. A Program application may be denied by City Council, or its delegate, if the development is not supported by City Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to, the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that a decision on the Program application will not fetter City Council’s discretion on *Planning Act* applications.
26. Approval of a Program application by City Council, or its delegate, may provide for a reduced Grant amount such that no Grant is payable in respect of any portion of the development that is the subject of the Grant application which City Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including, but not limited to, the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council’s decision on the Program application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting documentation, at the Applicant’s own expense, to support the providing of financial assistance in accordance with City Council’s approval/direction.

C. ELIGIBLE/INELIGIBLE COSTS

Eligible costs under this Program for sites located within the Historically Developed Area consist of the following (excluding HST) but shall exclude in all cases any cost which would have been required for the development regardless of the need to remediate contaminated soil/groundwater and/or abate/remove Designated Substance and Hazardous Materials (DSHM), where applicable:

1. Physical environmental remediation of soil and/or groundwater which includes the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible site required to meet the applicable SCS needed to facilitate the planned development/use and to permit the filing of a RSC by a Qualified Person, including costs of preparing and filing the RSC and Certificate of Property Use (CPU);
2. Clean back fill, grading and compaction to replace contaminated soils, where required;
3. Phase II ESAs, Remedial Action Plans and/or Risk Assessments not reimbursed, or planned to be reimbursed, under the ERASE Study Grant (ESG) Program;

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4. Peer-reviews with respect to Risk Assessments where an RSC is not required by the MECP;
5. Installation of environmental and/or engineering controls/works, related to environmental remediation, as specified in the Remedial Action Plan, Risk Assessment and/or CPU;
6. Testing of on-site excess soils for potential reuse but shall not include the excavation, management, transportation or disposal of such soil except where the soil originates from the site and is found to be contaminated;
7. DSHM Survey and/or abatement/removal in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable);
8. In addition, the following costs may also be considered eligible when incurred on a site requiring remediation of contaminated soil/groundwater and/or abatement/removal of DSHM and located in Historically Developed Area:

- a. 50% of incremental construction costs required to achieve one of the following environmental sustainability certifications: Canadian Home Builders Association (CHBA) Net Zero Home Labelling where Net Zero or Net Zero Ready levels of efficiency are achieved; Passive House Canada; Natural Resources Canada (NRCAN) R2000; Built Green to a Gold or higher standard in the Energy and Envelope category; or Leadership in Energy and Environmental Design (LEED) to a Gold or higher standard.

In addition, 50% of the following associated soft costs supporting such certification may be eligible:

- i. consultation fees;
 - ii. energy modeling; and
 - iii. certification fees; and
- b. 50% of incremental construction costs required to incorporate the following District Energy Readiness building components where a current or future connection is deemed feasible, as determined by the City:
 - i. providing space for the sole purpose of future equipment and thermal piping;
 - ii. securing an easement between the mechanical room and the property line to allow for thermal piping; and
 - iii. including two-way pipes in the building to carry the thermal energy from the district energy network to the section in the building where the future energy transfer station will be located.

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The inclusion of such building components shall be subject to confirmation by a Building Inspector or other means at the discretion, and to the satisfaction of, the GM.

Ineligible costs shall be any cost not identified in this Section or any cost identified above which has been incurred prior to the date an application was submitted under this Program and accepted by the City with the exception of studies which were the subject of a previously approved ESG Program application. An Applicant shall assume the risk, and bear the sole responsibility, for any cost incurred after an application has been submitted but prior to approval under this Program being received should the application not be approved for any reason.

The City reserves the right to reject any application under this Program that proposes a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. In addition, the City reserves the right to approve an application that excludes costs otherwise eligible that are associated with a remediation practice/method which is deemed by City Council, or its delegate, in their sole and unfettered discretion, to have the potential to cause a negative overall environmental impact to a site, area or person. Furthermore, if after application approval, a remediation practice/method utilized is deemed by City Council, or its delegate, in their sole and unfettered discretion, to be causing, or have caused, a negative overall environmental impact to a site, area or person, the City may reduce or cancel all or a portion of previously eligible program costs prior to grant payment.

D. PROGRAM APPLICATION CRITERIA

Potential Applicants shall be required to have a pre-application consultation meeting with City staff in order to determine Program eligibility, proposed scope of work, project timing, etc.

A complete Program application shall be submitted to the Economic Development Division prior to the commencement of eligible works that are the subject of a Program application. Required documents and information forming a complete application shall be identified within the Program’s application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

Applications shall include all available environmental studies for the site (Phase I and II ESAs, Risk Assessment, DSHM Survey), a Remedial Action Plan completed by a Qualified Person, contractor cost estimates for environmental remediation and any other potentially eligible works and any other details as may be required to satisfy the City as to the cost of the environmental remediation and any other potentially eligible works and the development’s conformity with the objectives of this Program and the ERASE CIP. The City may also require the submission of a Business Plan for the proposed development.

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E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility and completeness in accordance with the ERASE CIPA, ERASE CIP, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the Economic Development Division in no way implies Grant approval.

The site and Applicant will be the subject of due diligence undertaken by the City prior to any recommendation being brought to City Council, or its delegate, for consideration and prior to any Grant being provided. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the subject site, the site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial, governmental or regulatory authority, regarding the subject site or the development on the subject site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Where the development requires approval of a Site Plan, a conditional Site Plan approval shall have been obtained from the City prior to consideration of an application under this Program by City Council, or its delegate. Where a conditional Site Plan approval contains conditions which, until satisfied, may impact a post-development assessment of the development including but not limited, requirements to obtain Minor Variances through the Committee of Adjustment, the City may require these conditions to be satisfied prior to consideration of the application by City Council, or its delegate. Where no Site Plan is required for the development, consideration of an application by City Council, or its delegate, will occur after such time as the Economic Development Division is satisfied that all necessary information has been provided to inform an estimate of the resulting post-development assessment and municipal property taxes.

Where an application has been submitted but not yet approved by City Council, or its delegate, and the subject site is sold/transferred to a new owner, the City may permit the transfer or assignment of the application, and any eligible costs incurred from the original date of application, to the new owner at the sole, absolute and unfettered discretion of the GM. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion. The new owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches, to the satisfaction of the City prior to the assignment being considered by the GM and shall continue to meet the definition of a not-for-profit housing development as contained herein.

Applications under this Program are subject to approval at the absolute discretion by the GM and subject to the availability of funds.

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Approved Applicants shall be required to enter into a Grant Payment Agreement with the City containing (but not limited to) the terms and conditions set out in this Program description.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the ERASE CIP are met.

Notwithstanding any other term or condition of this Program, where an application has been approved by City Council, or its delegate, the application and the associated approval, including the assignment of any eligible costs incurred by the approved Applicant since the date of application submission, may be assigned to a future intended owner of the subject site only in such instance where the registered owner of the site at the time of approval by City Council, or its delegate, was the City of Hamilton, CityHousing Hamilton Corporation or any other entity wholly owned by the City of Hamilton and where the assignment will further facilitate the remediation and redevelopment of a site and/or support the achievement of strategic City priorities/objectives. It is understood that one effect of such an assignment shall be that the future intended owner will assume all requirements and obligations required under this Program and become the recipient of any future Grant payment which may be eligible under the Program at such time as they become the registered owner. In such an instance, a request to assign the application shall be submitted in writing to the City by the existing owner and the City Council, or its delegate, approved Applicant with accompanying rationale and be subject to approval by City Council, or its delegate in its sole discretion. The future intended site owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable corporate title and litigation searches, to the satisfaction of the City prior to the assignment being considered by City Council, or its delegate. An assignment or transfer may require that the assignee or transferee submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion.

With respect to remediation of contaminated soil/groundwater, as a condition of Grant payment, the Applicant shall be required to:

- Successfully file a RSC to the MECP, prepared by a Qualified Person, that conforms to Ontario Regulation 153/04 and applicable SCS required for the development/use and submit to the City an Acknowledgement of receipt of the RSC by the MECP; or
- Where the filing of an RSC is not required under the *Environmental Protection Act* to permit the development/use notwithstanding the confirmed presence of contamination that would not otherwise meet the applicable SCS for the planned development/use, and provided the Applicant undertakes a Risk Assessment and remediates the site to a standard that would have otherwise enabled the Applicant to submit a RSC, the Applicant may instead provide the City with a Risk Assessment prepared by a Qualified Person which shall be subject to a peer-review by a Qualified Person for Risk Assessment,

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chosen by the City and at the Applicant’s expense (permitted as an eligible cost). This peer-review must certify that the site has been remediated to the applicable SCS for the planned development/use in accordance with the Risk Assessment and Ontario Regulation 153/04, to the satisfaction of the City.

The City reserves the right to require that the submission of the RSC, MECP Acknowledgement, Risk Assessment and environmental reports and supporting documentation be submitted to the City’s satisfaction.

Paid Invoices for all eligible costs incurred will be supplied to the City and the Grant will be based on the City’s review, satisfaction and acceptance of these invoices and all supporting reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City’s discretion. The Grant may be reduced or cancelled if the eligible works are not completed, not completed as approved and/or where documentation/invoicing of said costs is not provided to the City’s satisfaction. In addition, invoices must be billed to the Applicant approved by the GM.

A Grant will not be made unless a written request for the Grant payment has been made by the Applicant in the year in which the Grant becomes payable. If a written request has not be made but all other conditions for its payment have been satisfied, the Grant payment shall be held until such time as a written request has been made. If a request for the Grant payment is not made within three (3) years of completion of site remediation in accordance with Section B, paragraph 11, the agreement shall terminate and without limiting the generality of the foregoing the City shall not be obligated to make any Grant payment.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Grant being provided.

Applications to this Program not yet approved by the City Council, or its delegate, shall be subject to any changes to the terms of this Program which are approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will still continue to receive the Grant subject to meeting the Program terms contained herein

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Authority: Item ,
Report (PED23076(a))
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO. 23-___**

To enact a by-law to delegate authority to the General Manager Planning and Economic Development and Manager of Commercial Districts and Small Business for certain grants and loans under The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)

WHEREAS Subsection 28(2) of the *Planning Act*, as amended, provides that City Council may, by by-law, designate the whole or any part of an area covered by an Official Plan as a community improvement project area;

WHEREAS By-law 23-___, as amended, identifies areas of the City of Hamilton as a community improvement project area designated as the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)';

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

WHEREAS By-law 23-___, as amended, adopted the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)' for the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)';

WHEREAS Subsection 28(7) of the *Planning Act*, as amended, provides that City Council may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs permitted under the community improvement plan;

WHEREAS Sections 9 and 10 of the *Municipal Act*, as amended, and in accordance with Section 23.1 of the *Municipal Act*, as amended, the powers of a municipality under that or any other Act may be delegated to a person or body subject to the restrictions established in Sections 23.2 through 23.5, inclusive of the *Municipal Act*, as amended;

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

1. In this By-law:

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"City Council" means the Council of the City of Hamilton

"ERASE CIP" means Environmental Remediation and Site Enhancement Community Improvement Plan (2023) adopted by By-law 23-____

"General Manager" means the General Manager of Planning and Economic Development, and in the case of a change in title of this position, shall include any successor position title; and,

"Manager" means the Manager of Commercial Districts and Small Business of the Economic Development Division, Planning and Economic Development Department, and in the case of a change in title of this position, shall include any successor position title.

2. Subject to Section 4 herein, the General Manager is delegated the authority to approve grants/loans and undertake all acts necessary to carry out the delegated authority including entering into and executing any required agreements and executing any required documents, under the following financial assistance programs established under the 'ERASE CIP':
 - (a) ERASE Commercial Districts Remediation Loan Program; and,
 - (b) ERASE Affordable Housing Grant Program.
3. Subject to Section 5 herein the Manager is delegated the authority to approve grants and undertake all acts necessary to carry out the delegated authority including entering into and executing any required agreements and executing any required documents under the following financial assistance programs established under the 'ERASE CIP':
 - (a) ERASE Study Grant Program.
4. For the purposes of Section 2 herein, the powers of the General Manager to approve grants/loans shall be limited to a maximum of \$200,000 per grant/loan;
5. For the purposes of Section 3 herein, the powers of the Manager to approve grants shall be limited to a maximum of \$40,000 per grant;
6. This By-law may be cited as "A By-law to Delegate Authority to the Planning and Economic Development Department to Issue Approvals for Loans/Grants Under Certain ERASE Financial Assistance Programs"; and,
8. This By-law comes into effect on the date that By-law 23-____ being the By-law to adopt the 'Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023)' comes into effect.

PASSED this ____ day of June, 2023

Appendix "I" to Report PED23076(a)
Page 3 of 3

A. Horwath
Mayor

A. Holland
City Clerk



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Report 23-005

12:00 p.m.

May 19, 2023

Room 264, 2nd Floor, City Hall

Present: A. Denham-Robinson (Chair), J. Brown, K. Burke, G. Carroll, L. Lunsted, R. McKee and W. Rosart

**Absent with
Regrets:** Councillor C. Kroetsch – Personal
C. Dimitry and T. Ritchie

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 23-005 AND RESPECTFULLY RECOMMENDS:

1. Heritage Permit Application HP2023-019, Under Part V of the Ontario Heritage Act, for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough (PED23126) (Ward 15) (Item 8.2)

That Heritage Permit Application HP2023-019, for the erection of a rear detached accessory structure on the designated property at 32 John Street East, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix “A” attached to Report PED23126, be approved, subject to the approval of any required *Planning Act* applications, and the following Heritage Permit conditions:

- (a) That the final details of the windows, garage doors, siding and roofing material be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2026. If the construction and site alterations are not completed by June 30, 2026, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

2. Recommendation to Designate 3 Main Street, Dundas, under Part IV of the Ontario Heritage Act (PED23125) (Ward 13) (Item 8.3)

That the City Clerk be directed to give notice of Council's intention to designate 3 Main Street, Dundas, shown in Appendix "A" attached to Report PED23125, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23125, subject to the following:

- (a) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (b) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

3. Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2023 (PED23101) (Wards 3 and 11) (Item 10.1)

That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED23136, in accordance with Section 27 of the Ontario Heritage Act:

- (a) 9575 Twenty Road West, Glanbrook (Ward 11);
- (b) 9511 Twenty Road West, Glanbrook (Ward 11).

4. Ontario Heritage Conference 2023 (Added Item 13.3)

- (a) That the following members of the Hamilton Municipal Heritage Committee be designated as the Committee's representatives at the Ontario Heritage Conference on June 15 to 17, 2023:
 - (i) Lyn Lunsted;
 - (ii) Will Rosart;
 - (iii) Graham Carrol;
 - (iv) Alissa Denham-Robinson; and,
- (b) That the costs incurred by the Committee's representatives attending the Ontario Heritage Conference for the conference, accommodations and travel, be reimbursed from Account Number 56328-814000.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from Corbett Land Strategies Inc., respecting 9511 Twenty Road W, Hamilton - Hamilton Municipal Heritage Committee Report PED23136 Proactive Listings for the Municipal Heritage Register

Recommendation: Be received and referred to the consideration of Item 10.1.

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.3 Ontario Heritage Conference 2023

The agenda for May 18, 2023, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) April 28, 2023 (Item 4.1)

The Minutes of April 28, 2023 of the Hamilton Municipal Heritage Committee, was approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) The following Communication item was approved, as presented:

- (a)** Correspondence from Corbett Land Strategies Inc., respecting 9511 Twenty Road W, Hamilton – Hamilton Municipal Heritage Committee Report PED23136 Proactive Listings for the Municipal Heritage Register (Added Item 5.1)

Recommendation: Be received and referred to the consideration of Item 10.1

(e) STAFF PRESENTATIONS (Item 8)

(i) Tourism Hamilton Visitor Experience Centre Exhibit: Moving Forward, Looking Back: Why Heritage Conservation Matters to Hamilton (Item 8.1)

Mara Benjamin, Visitor Experience Centre Coordinator, and Meredith Leonard, Senior Curator Learning and Interpretation, addressed Committee respecting the Tourism Hamilton Visitor Experience Centre Exhibit: Moving Forward, Looking Back: Why Heritage Conservation Matters to Hamilton, with the aid of a presentation.

The Presentation respecting Tourism Hamilton Visitor Experience Centre Exhibit: Moving Forward, Looking Back: Why Heritage Conservation Matters to Hamilton, was received.

(ii) Heritage Permit Application HP2023-019, Under Part V of the Ontario Heritage Act, for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough (PED23126) (Ward 15) (Item 8.2)

Lisa Christie, Cultural Heritage Planner, addressed Committee respecting Heritage Permit Application HP2023-019, Under Part V of the Ontario Heritage Act, for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough, (PED23126) (Ward 15), with the aid of a presentation.

The Presentation respecting Heritage Permit Application HP2023-019, Under Part V of the Ontario Heritage Act, for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough, (PED23126) (Ward 15), was received.

For disposition of this matter, refer to Item 1.

(iii) Recommendation to Designate 3 Main Street, Dundas, under Part IV of the Ontario Heritage Act (PED23125) (Ward 13) (Item 8.3)

Meg Oldfield, Cultural Heritage Planning Technician, respecting Recommendation to Designate 3 Main Street, Dundas, under Part IV of the Ontario Heritage Act (PED23125) (Ward 13), with the aid of a presentation.

The Presentation respecting Recommendation to Designate 3 Main Street, Dundas, under Part IV of the Ontario Heritage Act (PED23125) (Ward 13), was received.

For disposition of this matter, refer to Item 2.

(f) CONSENT ITEMS (Item 9)

The following Consent Items were received:

- (i) Delegated Approval: Heritage Permit Applications (Item 9.1)
 - (a) Heritage Permit Application HP2023-012: Window Repair and Storm Window Installation at 77 King Street West, Stoney Creek (Part IV, Battlefield House) (Ward 5) (By-law No. 3419-91) (Item 9.1(a))
 - (b) Heritage Permit Application HP2023-016: Installation of new windows within existing openings at 828 Sanatorium Road and 870 Scenic Drive, Hamilton, Long and Bisby Building (Ward 14) (By-law Number 21-036) - Extension of Previously Approved Heritage Permit HP2021-013 (Item 9.1(b))
 - (c) Heritage Permit Application HP2023-020: Interim security measures at 828 Sanatorium Road and 870 Scenic Drive, Hamilton, Long and Bisby Building (Ward 14) (By-law Number 21-036) - Extension of Previously Approved Heritage Permit HP2021-021 (Item 9.1(c))
 - (d) Heritage Permit Application HP2023-014: Landscaping Improvements Surrounding Wallingford Hall at 1280 Main Street West, Hamilton, McMaster University Historic Core (Ward 1) (By-law No. 08-002) (Item 9.1(d))
 - (e) Heritage Permit Application HP2023-018: Alterations to the Existing Detached Garage at 50 Markland Street, Hamilton (Ward 2), Durand-Markland HCD (By-law No. 94-184) (Item 9.1(e))
 - (f) Heritage Permit Application HP2023-010: Graffiti Removal and Prevention at the York Boulevard High Level Bridge, Hamilton (Ward 1), Part IV (By-Law No. 86-272) (Item 9.1(f))
- (ii) Education and Communication Working Group Notes – April 5, 2023 (Item 9.2)

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

(i) Buildings and Landscapes (Item 13.1)

Updates to properties can be viewed in the meeting recording.

The following updates were received:

- (a) (Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry
- (ii) 1021 Garner Road East, Lampman House (D) – C. Dimitry
- (iii) 398 Wilson Street East, Marr House (D) – C. Dimitry

Dundas

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke
- (viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

Glanbrook

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (NOID) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (R) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 56 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xiii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiv) 54-56 Hess Street South (R) – J. Brown
- (xv) 1000 Main Street East, Dunnington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xvi) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvii) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xviii) 311 Rymal Road East (R) – C. Dimitry
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 50-54 Sanders Boulevard, Binkley Property (R) - J. Brown
- (xxi) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xxii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxiii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxiv) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (xxv) 4 Turner Avenue, Hamilton (R) – J. Brown

Stoney Creek

(xxv) 77 King Street West, Battlefield House NHS (D) – R. McKee

(xxvi) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

(i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

(ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll

(iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee

(iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie

(v) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

(i) 442, 450 and 452 Wilson Street East (R) – C. Dimitry

(ii) Doors Open Hamilton 2023 (Item 13.2)

G. Carroll and J. Brown addressed Committee with an update of the Doors Open Hamilton 2023 Event.

The update respecting the Doors Open Hamilton 2023 Event was received.

(h) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 12:49 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Matt Gauthier
Legislative Coordinator
Office of the City Clerk

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.06-acre property at 3 Main Street is comprised of a two-storey brick commercial building constructed circa 1875, located near the southeast corner of Main Street and King Street in the historic downtown core of Dundas, in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the property located at 3 Main Street lies in its design value as a representative example of the Second Empire architectural style in the former Town of Dundas, as demonstrated by its Mansard roof with dormer windows, polychromatic slate tiles, and central cupola, as well as its design value as a rare, unique and early example of the Renaissance Revival architectural style in the former Town of Dundas, as demonstrated by its alternating triangular and segmental pediments and moulded cornices. It is also a rare and early example of the use of the architectural use of galvanized iron for decorative exterior window hoods in Dundas. The building displays a high degree of craftsmanship in the form of its polychromatic hexagonal slate Mansard roof, galvanized ironwork, and decorative wood brackets.

The historical value of the property lies in its direct association with Britton Bath Osler (1839-1901), the original owner of the building and a prominent lawyer, most well-known for his work as one of the prosecuting attorneys in the trial of Louis Riel. The historical value of the property also lies in its direct association with the Valley Lodge No. 100 A.F. & A.M., who occupied the building for nearly 150 years and whose membership included several prominent Dundas men.

The contextual value of the property lies in its role in defining the historic character of the former Town of Dundas, located at the prominent corner of Main and King streets. The building is visually, physically and historically linked to its surroundings as part of the surviving mid- to late-nineteenth century commercial streetscape and the row of buildings from 2 King Street East to 15 Main Street. The building is also considered to be a local landmark, identifiable by its unique central cupola.

Description of Heritage Attributes

The key attributes that embody the cultural heritage value of the property as a representative example of the Second Empire style and Renaissance Revival styles of architecture, and a high degree of craftsmanship, and its historical association with previous owner B.B. Osler include the:

- Front (west) elevation and roofline of the two-storey brick structure including its:

- Mansard roof with its:
 - Polychromatic hexagonal slate tiles;
 - Central crowning cupola with flanking semi-circular dormers;
 - Projecting eave with decorative paired wooden brackets below;
 - Raised brick parapet to the south with a carved stone end bracket;
- Nine-bay front elevation with its:
 - Round-arched window openings in the second storey with galvanized iron window hoods consisting of alternating designs of triangular and segmental pediments with decorative rosettes, and plain stone sills;
 - Flat-headed openings in the first-storey with one-over-one hung wood windows, plain stone lintels, and stone lug sills with stone drips;
 - Moulded decorative cornice above the first storey with decorative galvanized iron brackets;
 - Plain brick piers separating the first-storey bays; and,
 - Stone foundation.

The key attributes that embody the contextual value of the property as a defining feature of the historical character of Main Street and the community of Dundas, and as a local landmark include its:

- Location fronting onto Main Street; and,
- Central cupola.