



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 24-009  
**Date:** June 18, 2024  
**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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**Pages**

**1. CEREMONIAL ACTIVITIES**

**2. APPROVAL OF AGENDA**

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

**3. DECLARATIONS OF INTEREST**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING**

4.1 June 4, 2024

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**5. COMMUNICATIONS**

**6. DELEGATION REQUESTS**

6.1 Delegations respecting the Biodiversity Action Plan (Item 11.3) (For today's meeting)

(i) Brian McHattie (in-person)

(ii) Peter Appleton (in-person)

6.2 Delegations respecting 84 York Boulevard (Item 11.2) (For today's meeting)

(i) Russell Bartlett (in-person)

<b>7.</b>	<b>STAFF PRESENTATIONS</b>	
<b>8.</b>	<b>DELEGATIONS</b>	
<b>9.</b>	<b>CONSENT ITEMS</b>	
9.1	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide)	24
<b>10.</b>	<b>PUBLIC HEARINGS</b>	
10.1	Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5)	42
10.2	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5)	106
10.3	Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8)	156
10.4	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5)	192
	a. Registered Delegations:	
	(i) Fayne Downie (in-person)	
	b. Written Submissions:	295
	(i) Danka Gates	
10.5	Rental Housing Protection Policy Review (PED22091(a)) (City Wide) (Outstanding Business List Item)	297
10.6	Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide)	445
<b>11.</b>	<b>DISCUSSION ITEMS</b>	
11.1	Expanding Administrative Penalties (APS) By-law No. 17-225 to include new penalties for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide)	482
11.2	Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the Ontario Heritage Act (PED24077) (Ward 2)	500

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.



12. MOTIONS
13. NOTICES OF MOTION
14. GENERAL INFORMATION / OTHER BUSINESS
15. PRIVATE AND CONFIDENTIAL
16. ADJOURNMENT



**PLANNING COMMITTEE  
MINUTES  
24-008**

**June 4, 2024**

**9:30 a.m.**

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

**Present:** Councillor C. Cassar (Chair)  
Councillor M. Wilson (1<sup>st</sup> Vice Chair)  
Councillor T. Hwang (2<sup>nd</sup> Vice Chair)  
Councillors J. Beattie, J.P. Danko, M. Francis, T. McMeekin,  
N. Nann, M. Tadeson, A. Wilson, E. Pauls

**Absent with Regret:** Councillor C. Kroetsch – Personal

**Also in Attendance:** Councillor B. Clark

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

**1. Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 1866 Rymal Road East, Glanbrook  
(PED24099) (Ward 9) (Item 10.1)**

**(A. Wilson/Beattie)**

(a) That Amended Official Plan Amendment Application UHOPA-24-002, by Masri O Inc. Architects (c/o Reema Masri) on behalf of 1685487 Ontario Inc., Owner, to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan, to permit an eight storey retirement home with 177 retirement units and ground floor commercial uses, for lands located at 1866 Rymal Road East, as shown on Appendix “A” attached to Report PED24099, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24009, be adopted by City Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAC-24-006, by Masri O Inc. Architects (c/o Reema Masri) on behalf of 1685487 Ontario Inc., Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 895, H175) Zone, to permit an eight storey retirement home with 177 retirement units, a day nursery and ground floor commercial space, for lands located at 1866 Rymal Road East, as shown on attached Appendix "A" to Report PED24099, be APPROVED on the following basis:
  - (i) That the draft Amended By-law, **as amended**, attached as Appendix "C" to Report PED24099, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
    - (d)(ii) Minimum Interior Side Yard - 14.0 metres, except 17.0 metres for any portion of a building greater than 18.5 metres in height; 18.5 metres for any portion of a building greater than 22.0 metres in height; and, 20.0 metres for any portion of a building greater than 25.5 metres in height.**
  - (ii) That the amending Amended By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject property by including the Holding symbol 'H' to the proposed Mixed Use Medium Density (C5, 895, H175) Zone:

The Holding Provision 'H175', is to be removed conditional on the following:

- (1) That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking;
- (2) That the owner submit and receive approval of a Neighbourhood Traffic Calming Options Report, to the satisfaction of the Director of Transportation Planning and Parking;
- (3) That the owner submit and receive approval of a Roadway Development Safety Audit, to the satisfaction of the Director of Transportation Planning and Parking;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan and the Rymal Road Secondary Plan upon adoption of Official Plan Amendment No. \_\_\_.

**Result: Main Motion, As Amended, CARRIED by a vote of 10 to 0, as follows:**

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

**2. Application for a Zoning By-law Amendment for Lands Located at 253 and 259 Limeridge Road West, Hamilton (PED24092) (Ward 8) (Item 10.2)**

**(Danko/Hwang)**

(a) That Zoning By-law Amendment Application ZAC-23-014, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Qianye Property Management Limited c/o Lei Zhao, owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-10/S-1831-H" (Townhouse) District, Modified, Holding, to permit the development of 22, three storey townhouse dwellings and 51 parking spaces, on lands located at 253 and 259 Limeridge Road West, Hamilton, as shown on Appendix "A" attached to Report PED24092, be APPROVED, on the following basis:

- (i) That the draft By-law, **as amended**, attached as Appendix "B" to Report PED24092, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (e) That notwithstanding Section 10D.(10), there shall be provided and maintained on the same lot and within the "RT-10" District, for one or more buildings, or structures, an amount not less than ~~40%~~ **36%** of the area of the lot on

which the buildings or structures are situate, as landscaped area.

- (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 'H' to the proposed "RT-10/S-1831" (Townhouse) District, Modified;

The Holding Provision 'H' is to be removed conditional upon:

- (1) That the Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that the stormwater management, sanitary flows, and water supply demand resulting from the proposed development has adequate capacity in the existing municipal infrastructure, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) That the Owner enter into an External Works Agreement with the City for the design and construction of required improvements to municipal infrastructure, at the Owner's cost, determined by the revised Functional Servicing Report, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

**Result: Main Motion, As Amended, CARRIED by a vote of 10 to 0, as follows:**

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

3. **Hamilton Municipal Heritage Committee Report 24-004 (Item 11.1)**

**(M. Wilson/Hwang)**

**(1) Recommendation to Designate 1320 Woodburn Road, Glanbrook (Edmonds House), under Part IV of the *Ontario Heritage Act* (PED24090) (Ward 11) (Item 8.1)**

- (i) That the City Clerk be directed to give notice of Council's intention to designate 1320 Woodburn Road, Glanbrook (Edmonds House), shown in Appendix "A" attached to Report PED24090, 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 PED24090, subject to the following:
- (1) 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;
  - (2) 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.

**Result: Motion CARRIED by a vote of 6 to 4, as follows:**

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

**(M. Wilson/Hwang)**

- (2) Information Update Regarding Heritage Permit Extension HP2024-010 for 98 James Street South, Hamilton (PED24105) (Ward 2) (Item 9.2)**

That Report PED24105 respecting an Information Update Regarding Heritage Permit Extension HP24024-010 for 98 James Street South, Hamilton, be received.

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

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

- 4. Appeals to the Ontario Land Tribunal for lands located at 17 Ewen Road and 1629, 1635, 1637 and 1655 Main Street West, Hamilton, respecting applications for an Official Plan Amendment (UHOPA-23-008 and UHOPA-20-027) and Zoning By-law Amendment (ZAC-23-020 and ZAC-20-042) (LS24011) (Ward 1) (Added Item 15.2)**

**(M. Wilson/A. Wilson)**

- (a) That the directions to staff in the Closed Session recommendations in Report LS24011 be approved;
- (b) That the closed session recommendations in Report LS24011 be released to the public, following approval by Council; and,
- (c) That the balance of Report LS24011, including Appendix “A” and “B”, remain confidential.

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

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang

NOT PRESENT – Ward 5 Councillor M. Francis  
NOT PRESENT – Ward 7 Councillor E. Pauls  
YES – 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 HEARINGS**

10.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1866 Rymal Road East, Glanbrook (PED24099) (Ward 9)

(a) Added Written Submissions:

- (i) Ahmed Ali
- (ii) Susan Duong
- (iii) Lisha Patel

(b) Staff Presentation

10.2 Application for a Zoning By-law Amendment for Lands Located at 253 and 259 Limeridge Road West, Hamilton (PED24092) (Ward 8) – REVISED Appendices “B” and “F”.

(a) Staff Presentation

**15. PRIVATE AND CONFIDENTIAL**

15.2 Appeals to the Ontario Land Tribunal for lands located at 17 Ewen Road and 1629, 1635, 1637 and 1655 Main Street West, Hamilton, respecting applications for an Official Plan Amendment (UHOPA-23-008 and UHOPA-20-027) and Zoning By-law Amendment (ZAC-23-020 and ZAC-20-042) (LS24011) (Ward 1)



**(Nann/Hwang)**

That the agenda for the June 4, 2024, Planning Committee meeting be approved, as amended.

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

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 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 14, 2024 (Item 4.1)**

**(Nann/Hwang)**

That the Minutes of the May 14, 2024 meeting be approved, as presented.

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

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

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

**(i) Delegation Requests respecting the Heritage Designation of 1320 Woodburn Rd. (Item 11.1) (For today's meeting) (Item 6.1)**

**(A. Wilson/Hwang)**

That the following Delegation Requests, be approved for today's meeting:

- (a) J. Ross Conrod respecting the Heritage Designation of 1320 Woodburn Rd. (Item 6.1 (i))
- (b) Christine O'Connor respecting the Heritage Designation of 1320 Woodburn Rd. (Item 6.1 (ii))

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

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

**(e) DELEGATIONS (Item 7)**

**(i) Delegation respecting the Heritage Designation of 1320 Woodburn Rd. (Item 11.1) (Added Item 7.1)**

**(1)** The following delegates addressed the Committee respecting the Heritage Designation of 1320 Woodburn Rd. (Item 11.1):

- (a) J. Ross Conrod (Added Item 7.1 (i))
- (b) Christine O'Connor (Added Item 7.1 (ii))

**(2) (A. Wilson/Beattie)**

That the following Delegations respecting the Heritage Designation of 1320 Woodburn Rd. (Item 11.1), be received and referred to the consideration of Item 1 of Hamilton Municipal Heritage Committee Report 24-004 (Item 11.1):

(a) J. Ross Conrod (Added Item 7.1 (i))

(b) Christine O'Connor (Added Item 7.1 (ii))

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

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

**(f) PUBLIC HEARINGS (Item 10)**

In accordance with the *Planning Act*, Chair C. Cassar advised those viewing the meeting that the public had been advised 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 C. Cassar advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1866 Rymal Road East, Glanbrook (PED24099) (Ward 9) (Item 10.1)**

(a) Mark Michniak, Senior Planner, addressed the Committee, with the aid of a PowerPoint presentation.

**(Hwang/A. Wilson)**

That the staff presentation be received.

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

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

- (b) Reema Masri with Masri O Inc. Architects was in attendance and indicated support for the staff report but with the addition of proposed modifications.

**(Hwang/Beattie)**

That the presentation from Reema Masri with Masri O Inc. Architects, be received.

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

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

- (c) Chair Cassar called three times for public delegations and the following people came forward:

- (i) Ahsan Shah – Concerns with the development  
 (ii) Tarek Malouhi and Durmalouk Kesibi – Opposed.

**(d) (Hwang/A. Wilson)**

- (a) That the following public submissions regarding this matter were received and considered by the Committee:
- (i) Written Submissions (Added Item 10.1(a)):
- (1) Ahmed Ali (Added Item 10.1(a)(i)) - Opposed
- (2) Susan Duong (Added Item 10.1(a)(ii)) - Opposed
- (3) Lisha Patel (Added Item 10.1(a)(iii)) - Opposed
- (ii) Delegations (Added Item 10.2 (b))
- (1) Ahsan Shah – Concerns with the development
- (2) Tarek Malouhi and Durmalouk Kesibi – Opposed.
- (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  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**(e) (A. Wilson/Beattie)**

- (a) That Amended Official Plan Amendment Application UHOPA-24-002, by Masri O Inc. Architects (c/o Reema Masri) on behalf of 1685487 Ontario Inc., Owner, to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan, to permit an eight storey retirement home with 177 retirement units and ground floor commercial uses, for lands located at

1866 Rymal Road East, as shown on Appendix "A" attached to Report PED24099, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED24009, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAC-24-006, by Masri O Inc. Architects (c/o Reema Masri) on behalf of 1685487 Ontario Inc., Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 895, H175) Zone, to permit an eight storey retirement home with 177 retirement units, a day nursery and ground floor commercial space, for lands located at 1866 Rymal Road East, as shown on attached Appendix "A" to Report PED24099, be APPROVED on the following basis:
- (i) That the draft Amended By-law, attached as Appendix "C" to Report PED24099, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending Amended By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by including the Holding symbol 'H' to the proposed Mixed Use Medium Density (C5, 895, H175) Zone:

The Holding Provision 'H175', is to be removed conditional on the following:

- (1) That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking;
- (2) That the owner submit and receive approval of a Neighbourhood Traffic Calming Options

Report, to the satisfaction of the Director of Transportation Planning and Parking;

- (3) That the owner submit and receive approval of a Roadway Development Safety Audit, to the satisfaction of the Director of Transportation Planning and Parking;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan and the Rymal Road Secondary Plan upon adoption of Official Plan Amendment No. \_\_.
- (f) **(A. Wilson/Hwang)**  
That sub-section (d)(ii) of Appendix “C” to Report PED24099, be **amended**, to read as follows:
- (d)(ii) ~~Minimum interior side yard – 14.0 metres except, except 24.0 metres for any portion of a building greater than 15.5 metres in height.~~
- (d)(ii) Minimum Interior Side Yard - 14.0 metres, except 17.0 metres for any portion of a building greater than 18.5 metres in height; 18.5 metres for any portion of a building greater than 22.0 metres in height; and, 20.0 metres for any portion of a building greater than 25.5 metres in height.**

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

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

**(ii) Application for a Zoning By-law Amendment for Lands Located at 253 and 259 Limeridge Road West, Hamilton (PED24092) (Ward 8) (Item 10.2)**

**(a) (Danko/McMeekin)**

That the staff presentation be waived.

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

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

**(b)** Matt Johnston with Urban Solutions Planning & Land Development Consultants Inc. was in attendance and indicated support for the staff report but with the addition of proposed modifications.

**(Danko/McMeekin)**

That the presentation from Matt Johnston with Urban Solutions Planning & Land Development Consultants Inc., be received.

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

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



- (c) Chair Cassar called three times for public delegations and the following person came forward:
  - (i) Linda Prescott – Concerns with the development.
- (d) **(Danko/Hwang)**
  - (a) That the following public submissions regarding this matter were received and considered by the Committee:
    - (i) Linda Prescott – Concerns with the development
  - (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  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 NOT PRESENT – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

- (e) **(Danko/Hwang)**
  - (a) That Zoning By-law Amendment Application ZAC-23-014, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Qianye Property Management Limited c/o Lei Zhao, owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-10/S-1831-H" (Townhouse) District, Modified, Holding, to permit the development of 22, three storey townhouse dwellings and 51 parking spaces, on lands located at 253 and 259 Limeridge Road West, Hamilton, as shown on Appendix "A" attached to Report PED24092, be APPROVED, on the following basis:
    - (i) That the draft By-law, attached as Appendix "B" to Report PED24092, 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 'H' to the proposed "RT-10/S-1831" (Townhouse) District, Modified;

The Holding Provision 'H' is to be removed conditional upon:

- (1) That the Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that the stormwater management, sanitary flows, and water supply demand resulting from the proposed development has adequate capacity in the existing municipal infrastructure, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) That the Owner enter into an External Works Agreement with the City for the design and construction of required improvements to municipal infrastructure, at the Owner's cost, determined by the revised Functional Servicing Report, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

(f) **(Danko/Hwang)**

That sub-section 2 (e) of Appendix "B" to Report PED24092, be **amended** to read as follows:

- (e) That notwithstanding Section 10D.(10), there shall be provided and maintained on the same lot and within the "RT-10" District, for one or more buildings, or structures, an amount not less than ~~40%~~ **36%** of the area of the lot on which the buildings or structures are situate, as landscaped area.

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

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

**(g) DISCUSSION ITEM (Item 11)**

**(i) Hamilton Municipal Heritage Committee Report 24-004 (Item 11.1)**

Upon Committee's request Item 1 and Item 2 were voted on separately.

For disposition of these matters, refer to Items 3(1) and 3(2), respectively.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) General Manager's Update (Added Item 14.1)**

Steve Robichaud, Acting General Manager of Planning and Economic Development, advised the Committee of upcoming reports on Biodiversity, and Rental Housing Demolitions; and advised that Bill 185 is expected to be passed in the near future, which will affect the development application process.

**(Hwang/A. Wilson)**

That the General Manager's Update be received.

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

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

**(h) PRIVATE & CONFIDENTIAL (Item 15)**

Committee determined that discussion of Items 15.1 and 15.2 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

**(i) Closed Session Minutes – May 14, 2024 (Item 15.1)**

**(Hwang/Nann)**

- (a) That the Closed Session Minutes dated May 14, 2024, be approved as presented; and,
- (b) That the Closed Session Minutes dated May 14, 2024, remain confidential.

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

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 NOT PRESENT – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – 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) Appeals to the Ontario Land Tribunal for lands located at 17 Ewen Road and 1629, 1635, 1637 and 1655 Main Street West, Hamilton, respecting applications for an Official Plan Amendment (UHOPA-23-008 and UHOPA-20-027) and Zoning By-law Amendment (ZAC-23-020 and ZAC-20-042) (LS24011) (Ward 1) (Added Item 15.2)**

For disposition of this matter, refer to Item 4.

**(i) ADJOURNMENT (Item 16)**

**(Hwang/McMeekin)**

That there being no further business, the Planning Committee be adjourned at 12:24 p.m.

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

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

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Councillor C. Cassar, Chair  
Planning Committee


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Lisa Kelsey  
Legislative Coordinator



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannah Evans (905) 546-2424, Ext. 1928
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

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

## INFORMATION

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

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

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

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

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

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide) - Page 2 of 3**

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

Attached as Appendix “A” to Report PED24067 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of May 21, 2024, there were:

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

Within 60 to 90 days of May 21, 2024, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED24067 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of May 21, 2024, there were:

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

Within 60 to 90 days of May 21, 2024, all five development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED24067 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of May 21, 2024, there were:

- 22 active Official Plan Amendment applications;
- 39 active Zoning By-law Amendment applications; and,

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide) - Page 3 of 3**

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- 20 active Plan of Subdivision applications.

As of May 21, 2024, six development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. 40 development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 57 active development proposals. Six proposals are 2024 files (11%), 15 proposals are 2023 files (26%), 13 proposals are 2022 files (23%), and 23 proposals are pre-2022 files (40%).

Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

### **Current Non-Decision Appeals to the Ontario Land Tribunal**

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix "D" to Report PED24067 is a table outlining development applications, along with the applicant/agent, which have been appealed for non-decision to the Ontario Land Tribunal. There are currently 19 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, three are a combined official plan and rezoning application, and 14 are combined official plan, rezoning and subdivision applications. Third party appeals are not included in this information as Council has made a decision to approve the application.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24067 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED24067 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix "C" to Report PED24067 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED24067 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal



**Appendix "A" to Report PED24067**  
**Page 1 of 2**

**Active Development Applications**  
**Deemed Complete Prior to December 12, 2017**  
**(Effective May 21, 2024)**

<b>File</b>	<b>Address</b>	<b>Date Received</b>	<b>Date<sup>1</sup> Deemed Incomplete</b>	<b>Date<sup>1</sup> Deemed Complete</b>	<b>120 day cut off (Rezoning)</b>	<b>180 day cut off (Plan of Sub)</b>	<b>270 day cut off OPA*</b>	<b>Applicant/ Agent</b>	<b>Days Since Received and/or Deemed Complete as of May 21, 2024</b>
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2484
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2804
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2804
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	3272

**Appendix “A” to Report PED24067  
Page 2 of 2**

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 21, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of May 21, 2024
<b>Ward 12</b>									
ZAC-16-006	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	3098
ZAC-17-062 25T-201709	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2515

#### Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.

\* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Appendix “B” to Report PED24067**  
**Page 1 of 2**

**Active Development Applications**  
**Deemed Complete After December 12, 2017**  
**(Effective May 21, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of May 21, 2024
<b>Ward 2</b>									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	2004
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	2168
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	2107
<b>Ward 14</b>									
ZAC-19-011	1193 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	2013

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 21, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of May 21, 2024
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	2149

#### Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.
- \* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendment, will be extended to 210 days.
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Appendix “C” to Report PED24067**  
**Page 1 of 8**

**Active Development Applications**  
**Deemed Complete After September 3, 2019**  
**(Effective May 21, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 21, 2024
<b>Ward 1</b>								
UHOPA-17-036 ZAC-17-036	644 Main Street West, Hamilton (in abeyance)	01-Nov-17	n/a	23-Nov-17	n/a	01-Mar-17	Urban Solutions Planning & Land Development	2348
<b>Ward 2</b>								
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	1168
UHOPA-23-012 ZAC-23-027	175 John Street N, Hamilton	19-Dec-22	n/a	30-Jan-23	n/a	18-Apr-23	Philip Alaimo	517
ZAC-23-019	117 Forest Avenue, Hamilton	23-Dec-22	n/a	17-Jan-23	23-Mar-23	n/a	Urban Solutions Planning & Land Development	513
ZAC-23-029 25T-202303	215 King Street W, Hamilton	23-Dec-22	n/a	2-Feb-23	n/a	22-Apr-23	Arcadis IBI Group	513
UHOPA-23-014 ZAC-23-031	118 King St W., Hamilton	15-Dec-22	n/a	22-Feb-23	n/a	14-Apr-23	Arcadis IBI Group	521

**Appendix “C” to Report PED24067**  
**Page 2 of 8**

**Active Development Applications**  
**Deemed Complete After September 3, 2019**  
**(Effective May 21, 2024)**

<b>File</b>	<b>Address</b>	<b>Date Received</b>	<b>Date<sup>1</sup> Deemed Incomplete</b>	<b>Date<sup>1</sup> Deemed Complete</b>	<b>90 day cut off (Rezoning)</b>	<b>120 day cut off (OPA or Plan of Sub)</b>	<b>Applicant/Agent</b>	<b>Days Since Received and/or Deemed Complete as of May 21, 2024</b>
<b>Ward 3</b>								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	670
<b>Ward 5</b>								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	754
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	270
ZAC-23-023	2481 Barton Street East, Hamilton	22-Dec-22	n/a	19-Jan-23	22-Mar-23	n/a	GSP Group Inc.	514
UHOPA-23-013 ZAC-23-028 25T-85033R	117 Nashville Circle, Stoney Creek	23-Dec-22	n/a	22-Feb-23	n/a	22-Apr-23	Bousfields Inc.	513
<b>Ward 6</b>								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	717

**Appendix “C” to Report PED24067  
Page 3 of 8**

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 21, 2024)**

<b>File</b>	<b>Address</b>	<b>Date Received</b>	<b>Date<sup>1</sup> Deemed Incomplete</b>	<b>Date<sup>1</sup> Deemed Complete</b>	<b>90 day cut off (Rezoning)</b>	<b>120 day cut off (OPA or Plan of Sub)</b>	<b>Applicant/Agent</b>	<b>Days Since Received and/or Deemed Complete as of May 21, 2024</b>
<b>Ward 6 Continued</b>								
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	522
<b>Ward 7</b>								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	829
<b>Ward 8</b>								
UHOPA-20-017 ZAC-20-029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	1419
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	1043
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	784

**Appendix “C” to Report PED24067**  
**Page 4 of 8**

**Active Development Applications**  
**Deemed Complete After September 3, 2019**  
**(Effective May 21, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 21, 2024
<b>Ward 8 Continued</b>								
ZAC-23-014	253 & 259 Limeridge Road West, Hamilton	22-Dec-22	n/a	18-Jan-23	22-Mar-23	n/a	Urban Solutions Planning & Land Development	514
<b>Ward 9</b>								
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	927
ZAC-22-029 25T-202206	481 First Road West, Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	760
25T-202304	157 Upper Centennial Parkway, Stoney Creek	22-Dec-22	n/a	11-Apr-23	n/a	11-Aug-23	MHBC Planning Ltd.	514
UHOPA-23-007 ZAC-23-017	2070 Rymal Road East, Stoney Creek	22-Dec-22	n/a	17-Jan-23	n/a	21-Apr-23	Bousfields Inc.	514
UHOPA-23-11 ZAC-23-026	196-202 Upper Mount Albion Road, Stoney Creek	9-Dec-22	n/a	24-Jan-23	n/a	8-Apr-23	NPG Planning Solutions	527
UHOPA-24-002 ZAC-24-006	1866 Rymal Road East, Hamilton	21-Feb-24	n/a	21-Feb-24	n/a	22-Jun-24	MasriO Inc.	90



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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 21, 2024)**

<b>File</b>	<b>Address</b>	<b>Date Received</b>	<b>Date<sup>1</sup> Deemed Incomplete</b>	<b>Date<sup>1</sup> Deemed Complete</b>	<b>90 day cut off (Rezoning)</b>	<b>120 day cut off (OPA or Plan of Sub)</b>	<b>Applicant/Agent</b>	<b>Days Since Received and/or Deemed Complete as of May 21, 2024</b>
<b>Ward 10</b>								
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	1224
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	682
ZAC-23-004	48 Jenny Court, Stoney Creek	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	538
UHOPA-24-004 ZAC-24-010	1600 Upper James Street, Hamilton	10-Apr-24	n/a	12-Apr-24	n/a	8-Aug-24	A.J. Clarke & Associates Ltd.	42
UHOPA-24-005 ZAC-24-011	365 Hwy 8, Stoney Creek	15-Apr-24	n/a	15-Apr-24	n/a	13-Aug-24	Bousfields Inc.	37
<b>Ward 11</b>								
UHOPA-21-008 ZAC-21-018 25T-202106	9555 Airport Road West, Hamilton	15-Apr-21	n/a	27-Apr-21	n/a	13-Aug-21	A.J. Clarke & Associates Ltd.	1120
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	776

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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 21, 2024)**

<b>File</b>	<b>Address</b>	<b>Date Received</b>	<b>Date<sup>1</sup> Deemed Incomplete</b>	<b>Date<sup>1</sup> Deemed Complete</b>	<b>90 day cut off (Rezoning)</b>	<b>120 day cut off (OPA or Plan of Sub)</b>	<b>Applicant/Agent</b>	<b>Days Since Received and/or Deemed Complete as of May 21, 2024</b>
<b>Ward 11 Continued</b>								
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	776
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	643
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	920
<b>Ward 12</b>								
UHOPA-20013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	1466
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	1276
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1245
UHOPA-21-022 ZAC-21-047	559 Garner Road East, Ancaster	15-Oct-21	n/a	20-Oct-21	n/a	12-Feb-22	Urban Solutions Planning and Land Development	947

**Appendix “C” to Report PED24067  
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**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 21, 2024)**

<b>File</b>	<b>Address</b>	<b>Date Received</b>	<b>Date<sup>1</sup> Deemed Incomplete</b>	<b>Date<sup>1</sup> Deemed Complete</b>	<b>90 day cut off (Rezoning)</b>	<b>120 day cut off (OPA or Plan of Sub)</b>	<b>Applicant/Agent</b>	<b>Days Since Received and/or Deemed Complete as of May 21, 2024</b>
<b>Ward 12 Continued</b>								
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	518
UHOPA-24-006 ZAC-24-013	259 & 265 Wilson Street East, Ancaster	4-Apr-24	n/a	4-Apr-24	n/a	2-Aug-24	259 Wilson St. Inc.	48
<b>Ward 13</b>								
25T-202401	1524 Kirkwall Road, Flamborough	26-Jan-24	n/a	9-Feb-24	n/a	25-May 24	Carson Reid Homes Ltd.	116
RHOPA-24-003 ZAC-24-009	1278 Old Highway 8, Flamborough	27-Mar-24	n/a	27-Mar-24	n/a	25-Jul-24	A.J. Clarke & Associates	56
<b>Ward 14</b>								
ZAC-23-016 25T-2023013	760 Stone Church Road East, Hamilton	19-Dec-22	n/a	19-Jan-23	n/a	18-Apr-23	A.J. Clarke & Associates	517
<b>Ward 15</b>								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1610

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 21, 2024)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 21, 2024
<b>Ward 15 Continued</b>								
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	1244
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	648

Active Development Applications

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

**Appendix "D" to Report PED24067**  
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**Planning Act Applications**  
**Currently Appealed for Non-Decision to the**  
**Ontario Land Tribunal (Effective May 21, 2024)**

	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 1</b>			
1	200 Market Street, 55 Queen Street North, Hamilton	GSP Group	January 2024
2	1629-1655 Main Street West, Hamilton	GSP Group	February 2024
3	17 Ewen Road, Hamilton	GSP Group	February 2024
<b>Ward 2</b>			
4	117 Jackson Street East, Hamilton	Bousfields Inc.	September 2023
<b>Ward 4</b>			
5	1284 Main Street East, Hamilton	GSP Group	August 2023
<b>Ward 5</b>			
6	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022

**Appendix “D” to Report PED24067  
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**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (Effective May 21, 2024)**

	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 7</b>			
7	499 Mohawk Road East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	August 2023
8	544 and 550 Rymal Road East, Hamilton	Rymal East Development Corp.	July 2023
<b>Ward 9</b>			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
10	1065 Paramount Drive, Stoney Creek	Arcadis IBI Group	January 2024
<b>Ward 10</b>			
11	1400 South Service Road, Stoney Creek	MHBC Planning Ltd.	November 2023
<b>Ward 11</b>			
12	3054 Homestead Drive, Hamilton	Urban Solutions Planning & Land Development	April 2024

## Appendix "D" to Report PED24067

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**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (Effective May 21, 2024)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 12</b>			
13	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
14	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
15	140 and 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
16	1225 Old Golf Links Road, Ancaster	A.J. Clarke & Associates Ltd	December 2023
<b>Ward 14</b>			
17	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
<b>Ward 15</b>			
18	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
19	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021

\* The OLT Hearing has taken place and awaiting a decision to be issued.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner**, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix “A” attached to Report PED24096, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED24096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan;

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 2 of 12**

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- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol "H174" to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision 'H174' is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
- (3) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
- (4) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
- (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 3 of 12**

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- (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
  - (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
- (i) That the draft By-law, attached as Appendix "H" to Report PED24096, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "H" to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.

## **EXECUTIVE SUMMARY**

The subject site is municipally known as 2481 Barton Street East in Hamilton. It is located on the north side of Barton Street East and east of Centennial Parkway North. The applicant has submitted an application for a Zoning By-law Amendment to permit a 17 storey mixed use building with 207 dwelling units, 473.2 square metres of commercial gross floor area, and 176 parking spaces.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from "JJ" (Restricted Light Industrial) District, under the City of Hamilton Zoning By-law No. 6593 to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, under the City of Hamilton Zoning By-law No. 05-200 to permit the proposed development. Site specific modifications to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix "D" attached to Report PED24096.

As part of the Zoning By-law Amendment, Holding 'H' Provisions are recommended to ensure a revised tree protection plan is approved, that a Record of Site Condition has

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 4 of 12**

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been filed, a revised Functional Servicing Report is approved, an External Works Agreement is entered into, that the Battlefield Trunk Sewer twining be constructed and extend the central median, and that a revised Pedestrian Wind Study be approved.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan; and,
- The development represents good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form.

**Alternatives for Consideration – See Page 12**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Barton Street Development Inc. c/o Rajan Banwait.
Applicant/Agent:	GSP Group Inc. c/o Brenda Khes.
File Number:	ZAC-23-023.
Type of Applications:	Zoning By-law Amendment.
Proposal:	<p>The purpose of the Zoning By-law Amendment is to change the zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone.</p> <p>The effect of the application is to permit the proposed 17 storey mixed use building which includes a five storey (19.07 metre) podium.</p>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 5 of 12**

<b>Application Details</b>	
<b>Proposal: (Continued)</b>	<p>The proposed tower is setback 3.4 metres from the five storey podium from the southerly (front) façade, stepped back 6.5 metres from the east façade, and stepped back 15.7 metres from the west facade.</p> <p>The development is for 207 multiple dwelling units of which 117 are studio and one bedroom units (56.5%), 82 are two bedroom units (39%), and eight are three bedroom units (3.9%). Additionally, 473.2 square metres of ground floor commercial area is proposed. The proposed development includes 176 parking spaces that includes 31 surface parking spaces located at the rear of the development and 145 parking spaces contained within two levels of underground parking. 108 long term bicycle parking spaces and 16 short term bicycle parking spaces are also proposed. Access to the parking is to be provided from Barton Street East on the easterly side of the subject lands, and pedestrian access to the residential lobby and commercial units is provided by direct pedestrian walkways connecting to the existing municipal sidewalk.</p>
<b>Property Details</b>	
Municipal Address:	2481 Barton Street East.
Lot Area:	3,758 square metres.
Servicing:	Full municipal services.
Existing Use:	Construction equipment and vehicle storage.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (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:	"Mixed Use – High Density" on Schedule "E-1" – Urban Land Use Designations.
Centennial Neighbourhood Secondary Plan:	"Mixed Use – High Density – Pedestrian Focus Street" on Map B.6.7-1.
Zoning Existing:	"JJ" (Restricted Light Industrial) District.
Zoning Proposed:	Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 6 of 12**

<b>Documents</b>	
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To increase the maximum building height from 40.0 metres to 57.5 metres; and,</li> <li>• To increase the maximum first storey height from 4.5 metres to 5.0 metres.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To require a minimum setback of 4.9 metres from a street line, for any portion of the building exceeding a height of 19.6 metres;</li> <li>• To require a minimum rear yard setback of 17.5 metres;</li> <li>• To require a minimum easterly side yard setback of 13.6 metres;</li> <li>• To require a minimum easterly side yard setback of 20.5 metres for any portion of the building exceeding a height of 19.6 metres;</li> <li>• To require a minimum 3.0 metre westerly side yard setback;</li> <li>• To require a minimum 18.0 metres westerly side yard setback for any portion of the building exceeding a height of 19.6 metres, except for an enclosed stairwell; and,</li> <li>• To require a minimum of 39 percent of the units to be two bedroom units and 3.9 percent of the units to have three or more bedrooms.</li> </ul> <p>The following modifications to the Council adopted Parking Regulations have been included in the Held in Abeyance By-law:</p> <ul style="list-style-type: none"> <li>• To require a minimum of 25% of the parking spaces provided to be Electric Vehicle ready parking spaces.</li> </ul> <p>A complete analysis of the proposed modifications is attached as Appendix "D" to Report PED24096.</p>
<b>Processing Details</b>	
Received:	December 22, 2022.
Deemed Complete	January 18, 2023.
Notice of Complete Application:	Sent to 15 property owners within 120 metres of the subject lands on February 14, 2023.
Public Notice Sign:	Posted February 17, 2023 and updated May 22, 2024.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 7 of 12**

<b>Processing Details</b>	
Notice of Public Meeting:	Sent to 16 property owners within 120 metres of the subject lands on May 31, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED24096.
Public Consultation:	A virtual public meeting was held by the applicant on September 26, 2023. A total of seven residents registered for the virtual public meeting, of which three attended, attached as Appendix "G" to Report PED24096.
Public Comments:	None received.
Processing Time:	544 days from receipt of application.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Construction equipment and vehicle storage	"JJ" (Restricted Light Industrial) District.
<b>Surrounding Land Uses:</b>		
North	Car dealership	"JJ" (Restricted Light Industrial) District.
South	Commercial plaza	"G-1/S-43" and "G-1/S-635" (Designed Shopping Centre) District, Modified.
East	Motor vehicle service station	Prestige Business Park (M3) Zone and "JJ" (Restricted Light Industrial) District.
West	Motor vehicle gas bar	"JJ" (Restricted Light Industrial) District.

### POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

#### **Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 8 of 12**

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Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal 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.

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

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

**Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Mixed Use – High Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and are designated “Mixed Use – High Density – Pedestrian Focus Street” in the Centennial Neighbourhoods Secondary Plan. The subject land is located within the Sub-Regional Service Node boundary in the Secondary Plan.

The proposed mixed use development complies with the range of uses permitted for lands designated “Mixed Use – High Density” in Volume 1 of the Urban Hamilton Official Plan and for lands designated “Mixed Use – High Density” in the Centennial Neighbourhoods Secondary Plan. The proposed development complies with the maximum height policies of the Centennial Neighbourhoods Secondary Plan, which permits a maximum height of 12 storeys, with additional height up to a maximum of 17 storeys being permitted, provided the following criteria have been met:

- 1) Additional height shall be limited to a maximum of five additional storeys;
- 2) The increase in height is authorized through a Zoning By-law Amendment;
- 3) Development shall have frontage on a Major Arterial or Minor Arterial road; and,
- 4) Development shall not preclude the ability of other properties in the Centennial Node to develop in accordance with the heights permitted on Map B.6.7-2 – Centennial Neighbourhoods – Maximum Building Heights, in terms of

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 9 of 12**

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infrastructure and transportation network capacity. An infrastructure and servicing study and traffic impact study may be required to demonstrate conformity with this policy.

The applicant has demonstrated that the proposed development complies with the above criteria for increased building height which is assessed in detail in Appendix “E” attached to Report PED24096.

The development complies with the function, scale, and design policies of the Mixed Use – High Density designation. The proposal also complies with the Residential Intensification and Urban Design policies of Volume 1 of the Urban Hamilton Official Plan. Furthermore, the proposal complies with the policies for Pedestrian Focus Streets, Urban Design and Transitional Areas in the Centennial Neighbourhoods Secondary Plan.

The applicant is providing 207 residential dwelling units of which 117 are studio and one bedroom units (56.5%), 82 two bedroom units (39%), and eight three bedroom units (3.9%). Staff are satisfied that the proposal provides a mix of unit sizes to accommodate a range of household sizes.

Policy 6.7.12.1 c) of the Centennial Neighbourhoods Secondary Plan requires development to be consistent with the City-Wide Corridor Planning principles and Design Guidelines. The proposed development is consistent with City-Wide Corridor Planning Principles and Design Guidelines.

The proposed development represents a compatible form of residential intensification that satisfies the residential intensification criteria outlined in policy B.2.4.1.2 of Volume 1 of the Urban Hamilton Official Plan.

Based on the foregoing and the analysis provided in Appendix “E” attached to Report PED24096, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

**City-Wide Corridor Planning Principles and Design Guidelines**

The subject property is located along Barton Street East which is a minor arterial road. Policy 6.7.12.1 c) of the Centennial Neighbourhoods Secondary Plan requires development to be consistent with the City-Wide Corridor Planning Principles and Design Guidelines. The proposed development is consistent with the City-Wide Corridor Planning Principles and Design Guidelines. The guidelines are further assessed in Appendix “E” attached to Report PED24096.



**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 10 of  
12**

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**City of Hamilton Zoning By-law No. 6593**

The subject property is zoned “JJ” (Restricted Light Industrial) District in the City of Hamilton Zoning By-law No. 6593. The existing zoning permits a range of commercial and industrial uses and does not permit multiple dwellings or a mixed use building, therefore, a Zoning By-law Amendment is required.

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

The applicant has applied to rezone the subject lands to a site specific Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, to permit a 17 storey mixed use building containing 207 multiple dwelling units and 473.2 square metres of ground floor commercial space. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet found on page 6 of this report and described in detail in Appendix “D” attached to Report PED24096.

Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to an appeal. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “H” attached to Report PED24096). All requested modifications are summarized in the modification chart in Appendix “D” attached to Report PED24096.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan; and,
  - (iii) The proposal represents good planning by providing a compact urban form of development that contributes to a complete community by providing a mix of uses and a built form that is in keeping with the “Mixed Use High Density” designation policies found within the Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 11 of 12**

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2. The subject lands are currently zoned “JJ” (Restricted Light Industrial) District in the City of Hamilton Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone. The proposed zone contains modifications which are identified on pages 6 of Report PED24096 and discussed in detail in Appendix “D” attached to Report PED24096.

The proposed development is in proximity to the Confederation GO Station which is to be located less than 800 metres to the northwest of the subject lands, located approximately 60.0 metres from Centennial Parkway North which includes Line S of the BLAST network, finally the subject property is in proximity to existing bus routes along both Barton Street East and Centennial Parkway North. Therefore, based on the existing and planned transit in proximity to the subject lands the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone represents an appropriate zone for the subject lands.

Staff are satisfied that the proposed Zoning By-law Amendment complies with the “Mixed-Use High Density” designation policies in the Centennial Neighbourhoods Secondary Plan as:

- It has been demonstrated that the proposed land use will not be adversely impacted by the existing industrial designated lands to the east or commercial lands to the north and west;
- The proposal establishes a built form that is consistent with the scale of development that is envisioned in the Centennial Neighbourhoods Secondary Plan;
- The proposal facilitates growth in the Sub Regional Service Node of the Centennial Neighbourhood Secondary Plan, which is the primary focus for growth in the area;
- It has been demonstrated that the proposed built form will not create adverse shadowing, privacy/overlook, wind, traffic, or noise impacts on adjacent lands; and,
- The proposed land use is supportive of the viability of transit including higher-order transit.

Therefore, staff support the proposed amendment to the Zoning By-law.

3. Holding Provision

A Holding ‘H’ Provision is proposed to be added to the subject lands to ensure that the owner submits and receives approval of a revised Tree Protection Plan, a Record of Site Condition, a revised Functional Servicing Report, an External

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
2481 Barton Street East, Hamilton (PED24096) (Ward 5) - Page 12 of  
12**

---

Works Agreement be entered into, an updated Pedestrian Wind Study, and to ensure the completion of the Battlefield Truck Sewer and the extension of the raised median on Barton Street.

Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted from the subject lands.

### **ALTERNATIVES FOR CONSIDERATION**

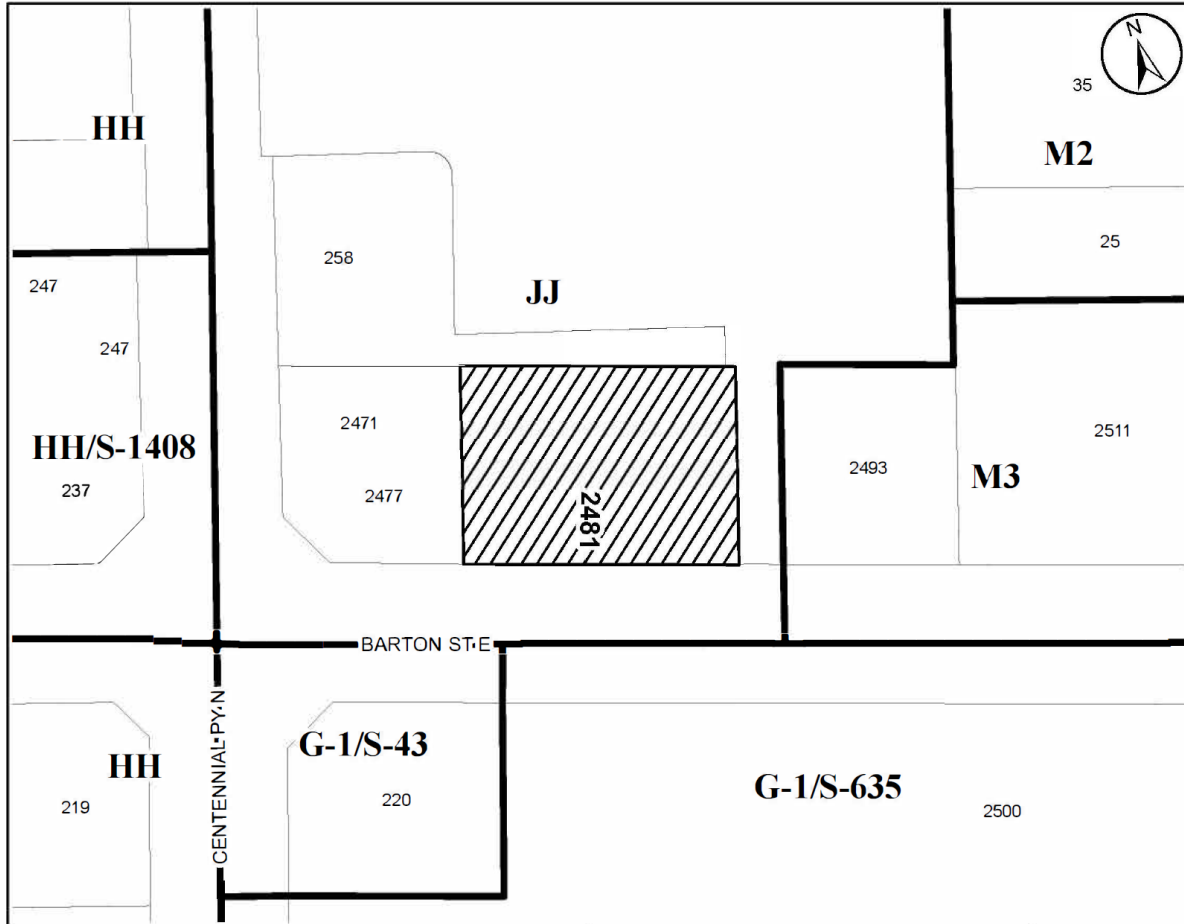
Should the application be denied, the subject property can be used in accordance with the “JJ” (Restricted Light Industrial) District, in the City of Hamilton Zoning By-law No. 6593.

### **APPENDICES AND SCHEDULES ATTACHED**

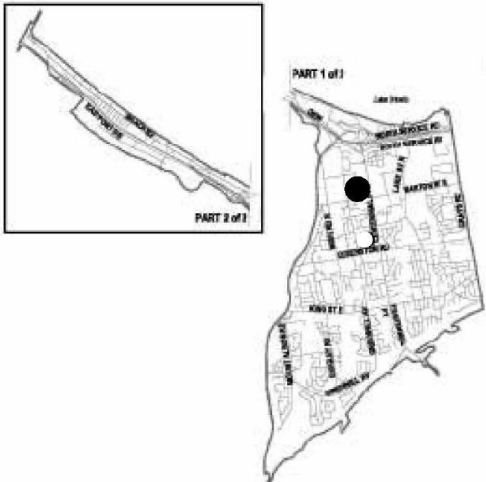
Appendix “A” to Report PED24096 – Location Map  
Appendix “B” to Report PED24096 – Zoning By-law Amendment  
Appendix “C” to Report PED24096 – Concept Plan  
Appendix “D” to Report PED24096 – Zoning Modification Chart  
Appendix “E” to Report PED24096 – Summary of Policy Review  
Appendix “F” to Report PED24096 – Department and Agency Comments  
Appendix “G” to Report PED24096 – Virtual Public Meeting Summary  
Appendix “H” to Report PED24096 – Held in Abeyance Zoning By-law Amendment

DB:sd

Appendix "A" to Report PED24096  
Page 1 of 1



● Site Location



## Location Map



Hamilton

Planning and Economic Development Department

File Name/Number:  
ZAC-23-023

Date:  
April 10, 2024

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/AL

### Subject Property

2481 Barton Street East



Lands to be added as the Transit Oriented Corridor  
Mixed Use High Density (TOC4, 899, H174) Zone

Key Map - Ward 5



**Appendix “B” to Report PED24096  
Page 1 of 5**

**Authority:** Item XX, Planning Committee  
Report (PED24096)  
CM: June 18, 2024  
Ward: 5

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 24-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 2481 Barton Street East, Hamilton**

**WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on June \_\_, 2024;

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

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

1. That Map No. 1094 of Schedule “A” - Zoning Maps, appended to and forming part of Zoning By-law No. 05-200 (Hamilton), is amended by adding the lands as Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, the extent, and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exceptions:
  - “899. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, on Map No. 1094 of Schedule “A” – Zoning Maps and described as 2481 Barton Street East, the following special provisions shall apply:
    - a) Notwithstanding Section 11.4.3 b), c), d) ii), and g) x), and in addition to Section 11.4.3 a), the following regulations shall apply:
      - i) Minimum Building Setback from a Street      4.9 metres for any portion of the building exceeding a height of 19.6 metres.
      - ii) Minimum Rear Yard      17.5 metres.

**Appendix “B” to Report PED24096****Page 2 of 5**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
2481 Barton Street East, Hamilton**

- |  |   |
|--|---|
| iii) Minimum<br>Easterly Interior<br>Side Yard       | A) 13.6 metres from the easterly lot<br>line.   |
|  | B) In addition to 2. a), iii), A) above,<br>20.5 metres from any portion of a<br>building exceeding a height of<br>19.6 metres, from the easterly lot<br>line.  |
| iv) Minimum<br>Westerly Interior<br>Side Yard        | A) 3.0 metres from the westerly lot<br>line.  |
|  | B) In addition to 2. a), iv), a) above,<br>18.0 metres from any portion of<br>the building exceeding a height<br>of 19.6 metres, from the westerly<br>lot line, except for an enclosed<br>stairwell.                                  |
| v) Maximum<br>Building Height                        | 57.5 metres.  |
| vi) First Storey<br>Height                           | Minimum 3.6 metres and a maximum of<br>5.0 metres.  |
| vii) Percentage of<br>Two and Three<br>Bedroom Units | A minimum of 39.0 percent (82 dwelling<br>units) of the Dwelling Units shall be<br>units with two bedrooms and a<br>minimum of 3.9 percent (8 dwelling<br>units) of the Dwelling Units shall be<br>units with three or more bedrooms. |

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

“174. Notwithstanding Section 11.4 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, on Map No. 1094 of Schedule “A” – Zoning Maps and described as 2481 Barton Street East, no development shall be permitted until such time as:

- a) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;

**Appendix “B” to Report PED24096  
Page 3 of 5**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
2481 Barton Street East, Hamilton**

- b) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
  - c) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
  - d) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City’s Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
  - e) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
  - f) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
  - g) That the owner enter into and register an External Works Agreement on title with the City’s Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
4. 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 provisions of the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone subject to the special requirements referred to in Section No. 2 and 3 of this By-law.

**Appendix “B” to Report PED24096  
Page 4 of 5**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
2481 Barton Street East, Hamilton**

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

PASSED and ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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A. Horwath  
Mayor

---

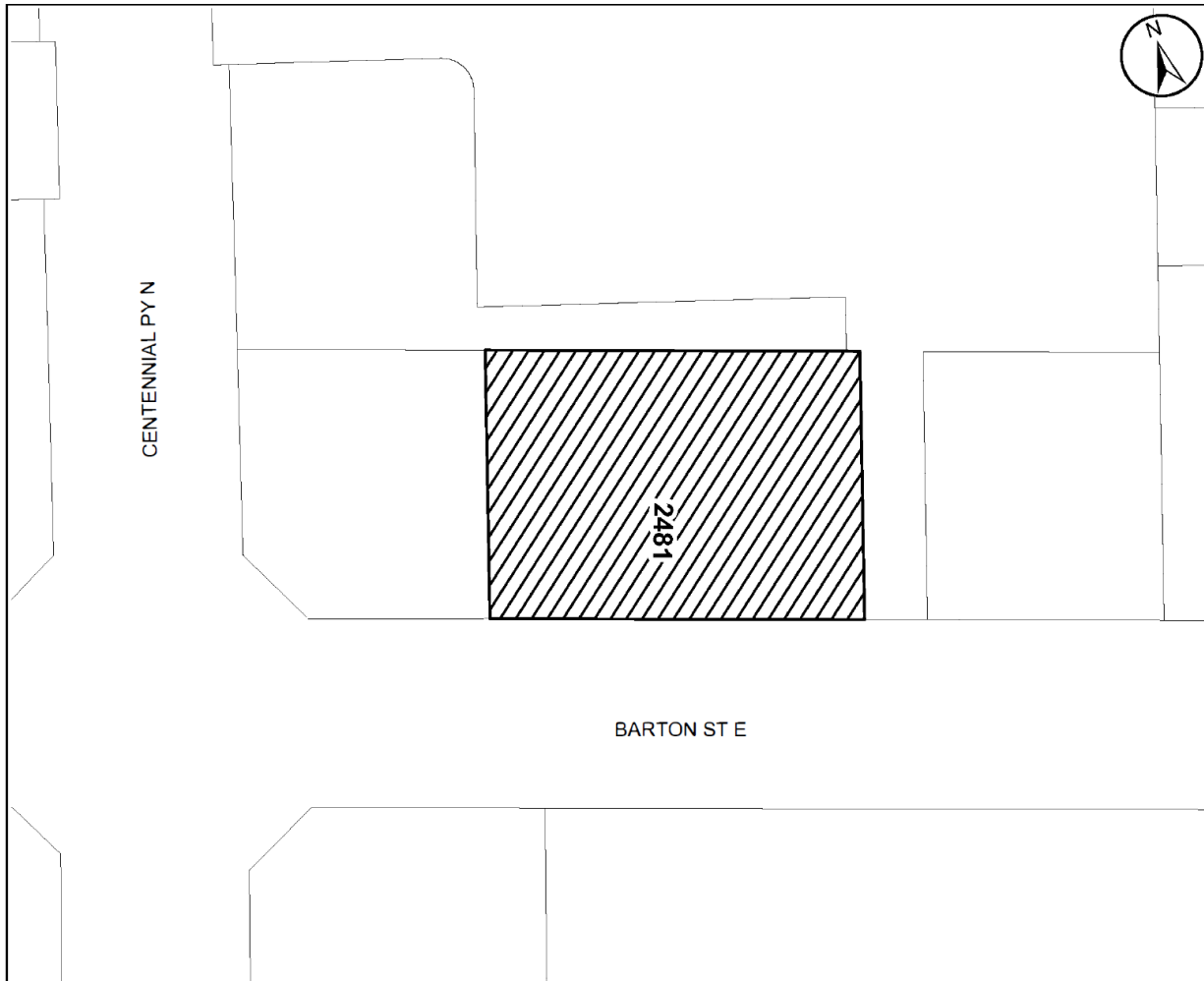
J. Pilon  
Acting City Clerk

ZAC-23-023



**Appendix "B" to Report PED24096**  
**Page 5 of 5**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
 2481 Barton Street East, Hamilton**



This is Schedule "A" to By-law No. 24- Passed the ..... day of ....., 2024	----- Mayor ----- Clerk
---	----------------------------------

**Schedule 'A'**

Map forming part of  
 By-law No. 24-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 1094

**Subject Property**  
 2481 Barton Street East, Hamilton

Lands to be added as the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone

<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-23-023	Hamilton
<b>Date:</b> May 2, 2024	<b>Planner/Technician:</b> DB/AL	
<b>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</b>		

Appendix "C" to Report PED24096  
Page 1 of 13



ARCHITECTURAL DRAWING LIST

Sheet Number	Sheet Name
06.1	CONTEXT PLAN
06.2	BUILDING STATISTICS SUMMARY
06.3	RENDERINGS
D1.1	SITE PLAN
02.1	LEVEL P2 FLOOR PLAN
02.2	LEVEL P1 FLOOR PLAN
02.3	LEVEL 1 FLOOR PLAN
02.4	LEVEL 2-5 FLOOR PLAN
02.5	LEVEL 6-7 FLOOR PLAN
D3.1	ELEVATIONS
D3.2	ELEVATIONS
D3.3	ANGULAR PLANE

2481 Barton St E, Hamilton

REISSUED FOR ZBA SUBMISSION

21033 | 2023-08-31

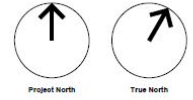


Appendix "C" to Report PED24096

Page 2 of 13

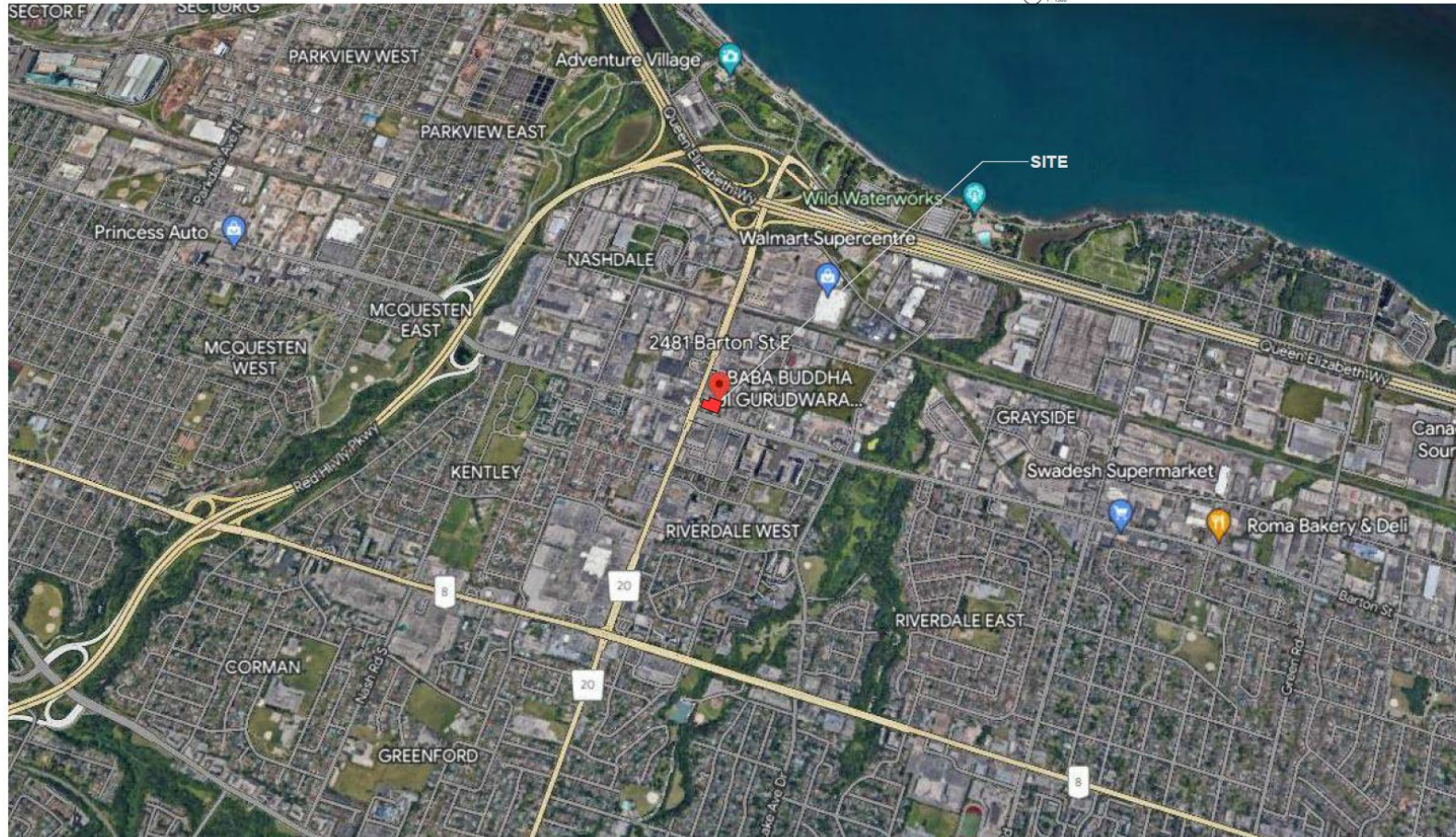


2 KEY PLAN & AERIAL MAP  
1: 2000



GENERAL NOTES

1. Do not scale drawings. Written dimensions shall have precedence over scaled dimensions.
2. All work shall comply with the 2012 Ontario Building Code and amendments.
3. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
4. All contractors and sub-contractors shall have a set of approved construction documents on site at all times.
5. All documents remain the property of the architect. Unauthorised use, modification, or reproduction of these documents is prohibited without written permission. The contract documents were prepared by the consultant for the account of the owner.
6. The material contained herein reflects the consultants best judgement in light of the information available to them at the time of preparation. Any use which a third party makes of the contract documents, in any instance, shall be made based on them and the responsibility of such third parties.
7. The consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.



1 Context Plan  
1: 2000

REVISIONS		
No.	Date	Revision

Client: \_\_\_\_\_  
 Project Name/Address: \_\_\_\_\_  
 2481 BARTON ST. E,  
 HAMILTON

Project No.	21033
Drawing Date	2023-09-27
Drawn by	NKD
Checked by	ZMK
Office Location	KITCHENER
Print Date/Time	2023-10-13 8:57:13 AM

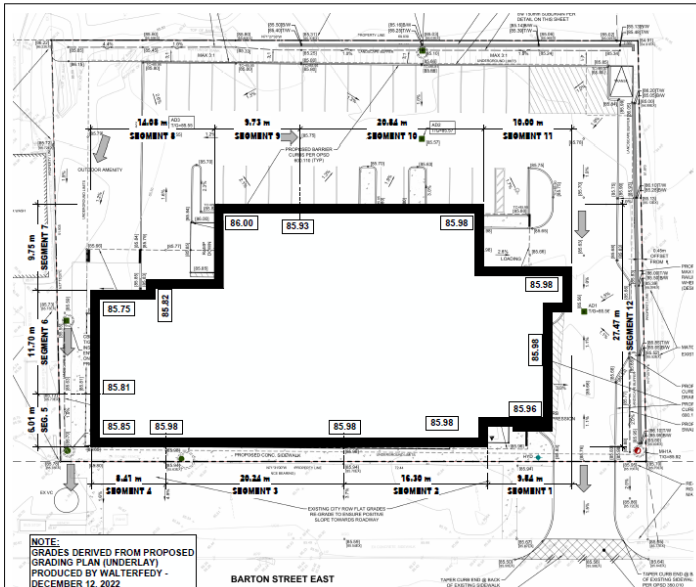
CONTEXT PLAN	
Drawing Scale	As Indicated
Prepared For	REVISION FOR 25A SUBMISSION
Revision	r1
Drawing No.	D0.1

PRELIMINARY

CONSULTANTS: SRM architects+urban+designers, 1010 Hurontario Street, Unit 101, Mississauga, ON L4R 1A5. CONTACT: SRM ARCHITECTS+URBAN+DESIGNERS, 1010 HURONTARIO STREET, UNIT 101, MISSISSAUGA, ON L4R 1A5. TEL: (905) 276-8888. FAX: (905) 276-8889. WWW.SRMARCHITECTS.COM. PROJECT NO. 21033. DRAWING NO. D0.1. DATE: 2023-09-27. SCALE: 1:2000. PROJECT NAME: 2481 BARTON ST. E., HAMILTON. DRAWING TITLE: CONTEXT PLAN.

Appendix "C" to Report PED24096

Page 3 of 13

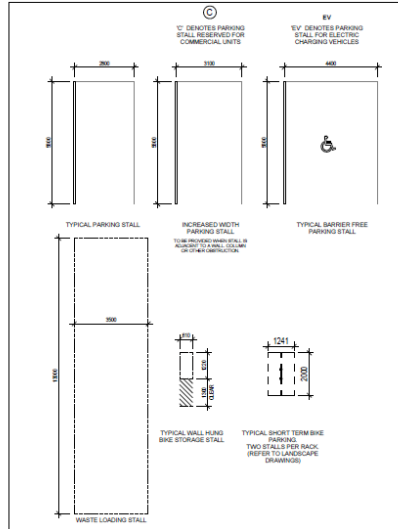


**NOTE:**  
GRADES DERIVED FROM PROPOSED GRADING PLAN (UNDERLAY) PRODUCED BY WALTERFEDY - DECEMBER 12, 2022

**BUILDING HEIGHT CALCULATION:**  
Building height derived from the sum of the average proposed grade along each face of the building.

SEGMENT NUMBER	LENGTH (S1)	START ELY (S1)	END ELY (S2)	MEAN AVE. GRADE (S1 & S2)
S1	9.54m	85.96m	85.96m	85.97m
S2	16.08m	85.96m	86.00m	85.98m
S3	20.24m	85.96m	85.96m	85.96m
S4	8.41m	85.96m	85.96m	85.97m
S5	8.92m	85.96m	85.91m	85.94m
S6	11.70m	85.91m	85.75m	85.78m
S7	9.75m	85.82m	86.00m	85.91m
S8	14.08m	85.75m	86.00m	85.87m
S9	9.72m	86.00m	85.93m	85.96m
S10	20.84m	86.00m	85.96m	85.98m
S11	10.00m	85.96m	85.96m	85.96m
S12	27.47m	85.96m	85.96m	85.97m

**AVERAGE GRADE DIAGRAM**  
1:200



**GENERAL SITE DESCRIPTION**

ITEM	DATA
NAME OF PROJECT	2481 Barton St. E
MUNICIPAL ADDRESS	2481 Barton Street East, Hamilton, Ontario, L8E 2G1
ZONING	T10CA

**LOT DATA**

LOT AREA	PROVIDED	REQUIRED
EAST BOUNDARY (INT. SIDE YARD)	35.8m (1173.3 ft)	33.8m (1108.6 ft)
WEST BOUNDARY (INT. SIDE YARD)	31.8m (1043.3 ft)	3.0m (9.8 ft)
NORTH BOUNDARY (REAR YARD)	22.5m (739.8 ft)	19m (59.1 ft)
SOUTH BOUNDARY (FRONTAGE)	22.4m (734.9 ft)	1.5m (4.9 ft)

**LANDSCAPE AREA**

REQUIRED	PROVIDED	PERCENTAGE
N/A	810.47 (5,965.47 sq ft)	13.0%

**BUILDING DATA**

REQUIRED	PROVIDED	PERCENTAGE	
BUILDING AREA	N/A	1,029m <sup>2</sup> (110,285 sq ft)	100%
LOT COVERAGE (STRIP LOT AREA)	N/A	100%	100%
GROSS FLOOR AREA	N/A	18,738m <sup>2</sup> (203,177 sq ft)	30%
GROSS FLOOR AREA (INCLUDES BALCONIES)	N/A	18,879m <sup>2</sup> (203,876 sq ft)	30%
CONSTRUCTION FLOOR AREA (INCLUDES BELOW GRADE LEVELS, BALCONIES & TERRACES)	N/A	28,536m <sup>2</sup> (308,502 sq ft)	30%
NUMBER OF STOREYS	N/A	17	100%
BUILDING HEIGHT - FACADE HEIGHT	19m (62 ft)	18.07m (59.6 ft)	95%
BUILDING HEIGHT - TO OCCUPIED LVL.	18m (59 ft)	18.07m (59.6 ft)	100%
BUILDING HEIGHT - TO MECH PH.	53m (174 ft)	60.47m (198.4 ft)	114%

**DENSITY OF UNITS**

RESIDENTIAL	THRESHOLD	UNIT COUNT	PERCENTAGE
STUDIO	> 40sqft (368 sq ft)	12	5.6%
1 BEDROOM	> 50sqft (459 sq ft)	12	5.6%
2 BEDROOM	> 60sqft (551 sq ft)	15	7.2%
3 BEDROOM	> 70sqft (643 sq ft)	16	7.7%
4 BEDROOM	> 80sqft (735 sq ft)	32	15.3%
5 BEDROOM	> 90sqft (827 sq ft)	3	1.4%
TOTAL		90	100%

**COMMERCIAL/RETAIL AREAS**

REQUIRED	PROVIDED	PERCENTAGE
COMMERCIAL, R	208.8m <sup>2</sup> (2,257 sq ft)	87%
COMMERCIAL, S	208.8m <sup>2</sup> (2,257 sq ft)	40%
TOTAL	417.6m <sup>2</sup> (4,514 sq ft)	100%

**BUILDING AMENITIES**

REQUIRED	PROVIDED	PERCENTAGE
3.0m x 6.0m x 18.0m <sup>3</sup> + 1.0m <sup>3</sup>	N/A	0%
INDOOR AMENITY	N/A	0%
OUTDOOR AMENITY (ACTIVE GRADE)	N/A	0%
BALCONIES TOTAL AREA	N/A	0%
TOTAL	1.0m <sup>3</sup>	100%

**PARKING INFRASTRUCTURE**

REQUIRED	PROPOSED	PERCENTAGE (%)		
RESIDENTIAL PARKING	2470 + 72	7	4%	
180 Units + 50sqft	3 * 0.3 + 0.9	169	96%	
1 - 14 units + 17 sqft	36 * 0.8 + 30.8			
15-50 units + 15.5 sqft	133 * 1.1 + 153			
51+ units + 1 sqft				
TOTAL	179	176	98%	
BIKE STORAGE	1 + 3%	14,179 + 70 (3) + 44	7 STALLS (INCLUDED ABOVE)	4%
7% of the total number of required stalls	1 + 3% + 7 (AMM)			4%
ELECTRIC VEHICLE CHARGING STATIONS	N/A	0 STALLS (INCLUDED ABOVE)		
COMMERCIAL PARKING	2	2	100%	
2 Commercial Units				
Total commercial area = 473.2sqft				
Final 450sqft require 0 stalls				
1.0m <sup>3</sup> Total commercial gross area between 450sqft - 4000sqft				
179 + 1 + 3% + 140.76				
TOTAL	180	177	100%	

**BIKE PARKING**

REQUIRED	PROPOSED	PERCENTAGE (%)	
SHORT TERM PARKING	5 STALLS	10 STALLS	13%
LONG TERM PARKING	5 STALLS	108 STALLS	87%
TOTAL (SHORT + LONG TERM)	10 STALLS	118 STALLS	100%

- GENERAL NOTES**
1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
  2. All work shall comply with the 2012 Ontario Building Code and amendments.
  3. Contractors must check and verify all dimensions and quantities and report any discrepancies to the architect before proceeding with the work.
  4. All contractors and sub-contractors shall have a set of approved construction documents on site at all times.
  5. All documents remain the property of the architect. Distribution, modification, or reproduction of these documents is prohibited without written permission. The contract documents were prepared by the consultant for the account of the owner.
  6. The national contract between the consultants and the client is in effect. The information is to be used for the site of the project. Any use other than that of the contract documents, or any reliance on the information, is to be made based on the responsibility of each third party.
  7. The consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.

No.	Date	Revision
1	2023-09-27	Issue for IPR

2481 BARTON ST. E.  
HAMILTON

Project No: 21033  
 SRM architects+designers  
 2023-09-27  
 Drawn by: NIKS  
 Checked by: JANK  
 Date: 2023-10-13 4:01:20 PM  
**BUILDING STATISTICS SUMMARY**  
 Drawing Date: As Indicated  
 PRELIMINARY  
 REQUIRED FOR IPR SUBMISSION  
 r1  
**D0.2**



Appendix "C" to Report PED24096  
 Page 4 of 13



FRONT VIEW - BARTON STREET E.

- GENERAL NOTES**
1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
  2. All work shall comply with the 2012 Ontario Building Code and amendments.
  3. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
  4. All contractors and sub-contractors shall have a set of approved contractor documents on site at all times.
  5. All documents remain the property of the architect. Unauthorized use, modification, or reproduction of these documents is prohibited without written permission. The original documents were prepared by the consultant for the account of the owner.
  6. The material contained herein reflects the consultant's best judgment in light of the information available to him at the time of preparation. Any use which is a third party matter of the contract documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties.
  7. The consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.



SOUTH EAST - BARTON STREET E.



SOUTH WEST - BARTON STREET E.

No.	Date	Revision

Client: \_\_\_\_\_

Project Name / Address: \_\_\_\_\_

2481 BARTON ST. E.  
 HAMILTON

Project No: 21033  
**SRM** architects+urban+designers  
 Drawing Date: 2023-09-27  
 Drawn by: RUC  
 Checked by: ZHIC  
 Office Location: KITCHENER  
 Plot Date / Time: 2023-10-13 8:57:15 AM

RENDERINGS

Drawing Status: \_\_\_\_\_

REQUIRED FOR ZBA SUBMISSION

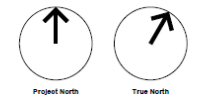
Revision No: \_\_\_\_\_

Drawing No: **D0.3**

**PRELIMINARY**

The information contained herein is confidential and intended solely for the use of the individual user to whom it is addressed. It is not to be disseminated to other users or to be used for any other purpose. The user is responsible for protecting this information from unauthorized access, disclosure, modification, or destruction. The user is also responsible for ensuring that this information is protected from unauthorized access, disclosure, modification, or destruction. The user is also responsible for ensuring that this information is protected from unauthorized access, disclosure, modification, or destruction. The user is also responsible for ensuring that this information is protected from unauthorized access, disclosure, modification, or destruction.

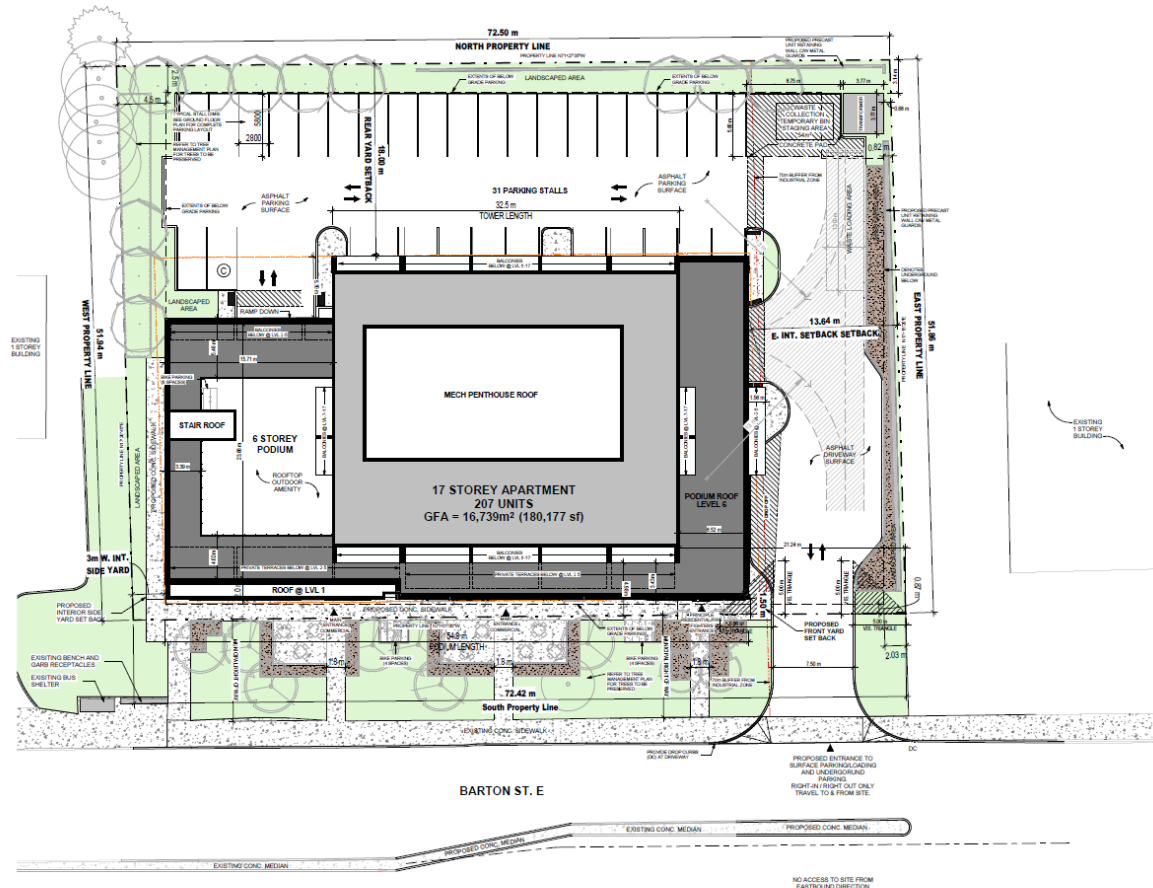
Appendix "C" to Report PED24096



GENERAL NOTES

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7. The consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.

KEY PLAN



No.	Date	Revision
1	2023-08-27	ISSUED FOR ZBA
2	2023-09-27	ISSUED FOR SUBMISSION
3	2023-10-13	ISSUED FOR ZBA

Project Name / Address  
**2481 BARTON ST. E., HAMILTON**

Project No: 21033  
 Drawing Date: 2023-09-27  
 Drawn by: NKZ / Checked by: ZMK  
 Other contact: KITCHENER  
 File Name: 2023-10-13 8:57:42 AM

**SITE PLAN**

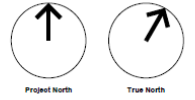
Drawing Scale: As Indicated  
 REQUIRED FOR ZBA SUBMISSION  
 Revision No: **R3**  
 Drawing No: **D1.1**

**PRELIMINARY**

1 SITE PLAN  
 1:200

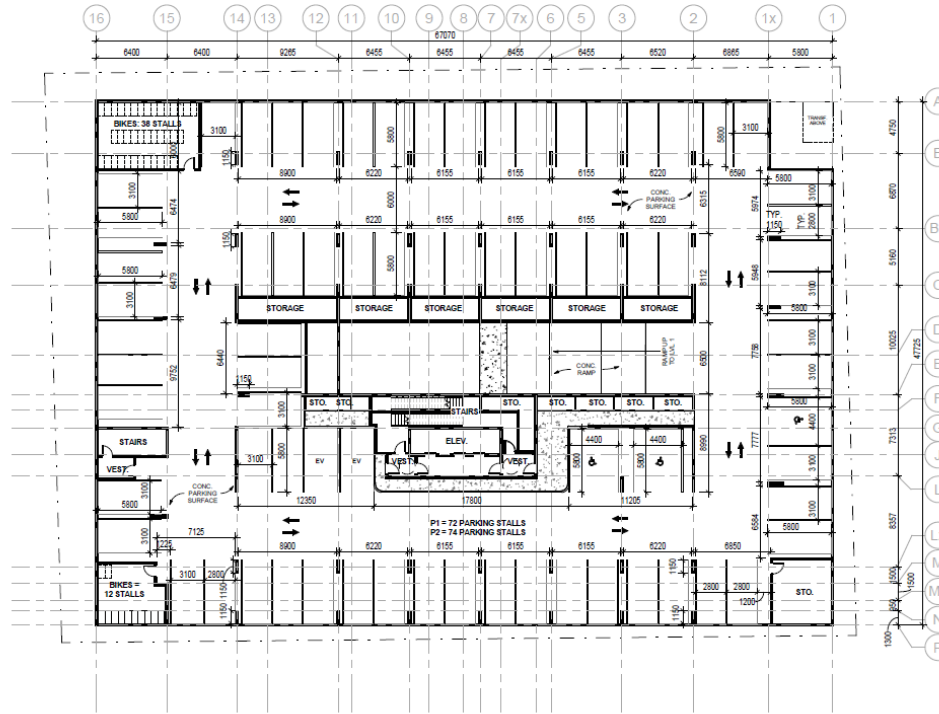
CONSULTANTS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 ARCHITECTS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 LANDSCAPE ARCHITECTS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 CIVIL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 ELECTRICAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 MECHANICAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PLUMBING ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 STRUCTURAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 ENVIRONMENTAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 GEOTECHNICAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 TRANSPORTATION ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 WATER ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 WIND ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 FIRE ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 SOUND ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 VIBRATION ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 SPECIALTY ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL ARCHITECTS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL LANDSCAPE ARCHITECTS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL CIVIL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL ELECTRICAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL MECHANICAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL PLUMBING ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL STRUCTURAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL ENVIRONMENTAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL GEOTECHNICAL ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL TRANSPORTATION ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL WATER ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL WIND ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL FIRE ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL SOUND ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL VIBRATION ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM  
 PROFESSIONAL SPECIALTY ENGINEERS: SRM architects+designers, 2481 Barton St. E., Hamilton, ON L8N 2Y1. TEL: 905.571.1111. WWW.SRMARCHITECTS.COM

Appendix "C" to Report PED24096



GENERAL NOTES

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- 7. The consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.



1 LEVEL P2 FLOOR PLAN  
1:200

2023-08-31 REVISIONS FOR 20A		
No.	Date	Revision

Project Name Address:

2481 BARTON ST. E,  
HAMILTON

**SRM** architects+urban+designers

Project No: 21033  
 Drawing Date: 2023-09-27  
 Client: NKD  
 Designer: ZNAK  
 Office Location: KITCHENER  
 File Date / Time: 2023-10-13 8:57:43 AM

LEVEL P2 FLOOR PLAN

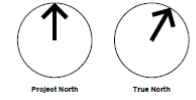
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REVISIONS FOR 20A  
SUBMISSION  
Revision No.: r1

PRELIMINARY

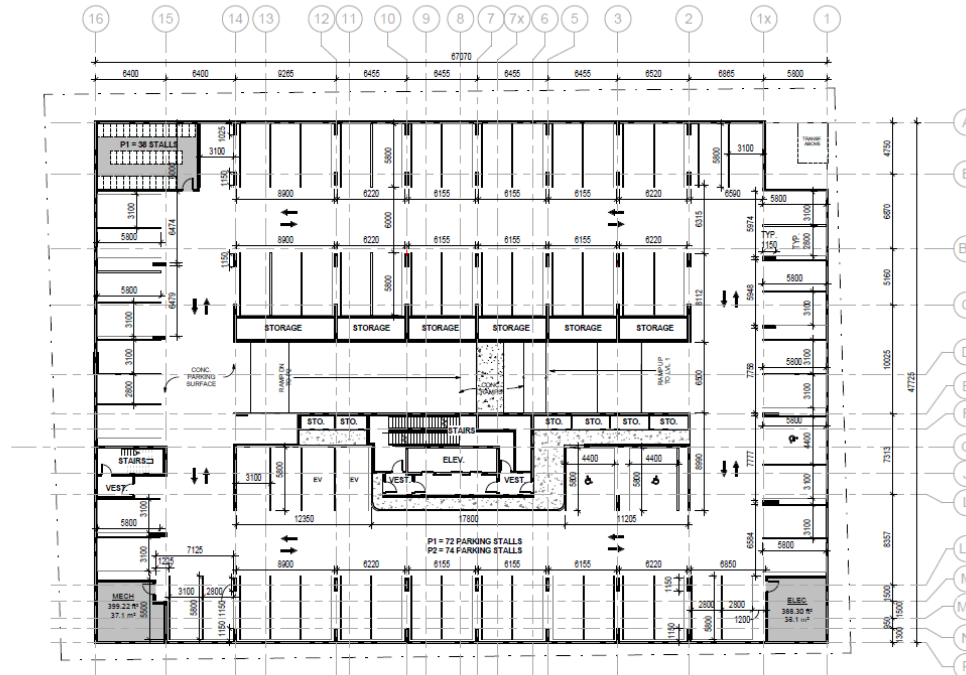
D2.1

Appendix "C" to Report PED24096



GENERAL NOTES

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No.	Date	Revision
1	2023-08-31	ISSUED FOR ZBA
2	2023-08-28	ISSUED FOR COOPERATION
3	2023-08-28	ISSUED FOR ZBA

Client:

Project Name: Address:

2481 BARTON ST. E.  
HAMILTON

**SRM**  
architects+  
urban+designers

Project No: 21033  
Drawing Date: 2023-08-27  
Drawn by: NKZ  
Checked by: ZMK  
Title: Level P1  
Prepared by: KITCHENER  
File Date/Time: 2023-10-13 8:57:48 AM  
Drawing Name:

LEVEL P1 FLOOR PLAN

Drawing Scale: 1 : 200

ISSUED FOR ZBA SUBMISSION

Revision No: r3

Drawing No: D2.2

PRELIMINARY

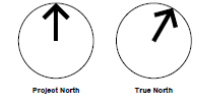
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1 LEVEL P1 FLOOR PLAN  
1:200



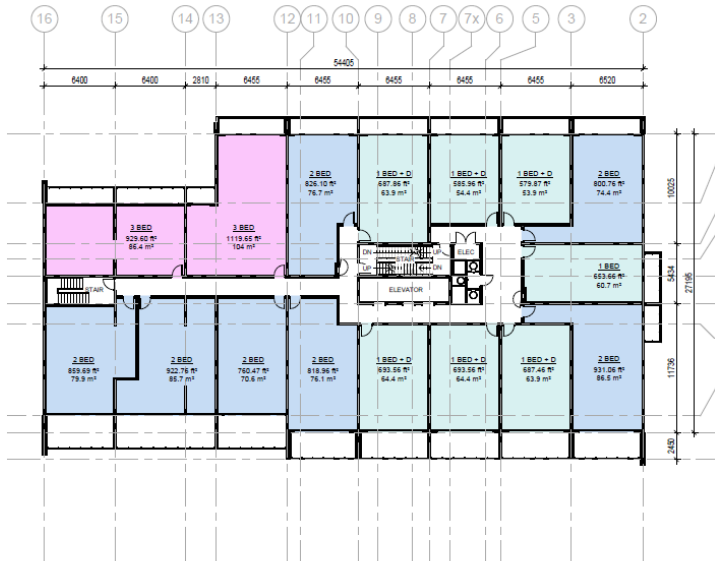


Appendix "C" to Report PED24096  
Page 9 of 13



GENERAL NOTES

1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
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2 LEVEL 3-5 FLOOR PLAN  
1:200



1 LEVEL 2 FLOOR PLAN  
1:200

3	2023-08-01	REVISION FOR ZBA
2	2023-08-01	REVISION FOR SUBMISSION
1	2023-07-10	ISSUED FOR ZBA
No.	Date	Revision

Client

Project Name / Address

2481 BARTON ST. E.  
HAMILTON

Project No: 21033

**SRM**  
architects+  
urban+designers

Drawn by: HSC  
Checked by: ZMC  
Office Location: HITCHENER

Plot Date / Time: 2023-10-13 8:57:50 AM

LEVELS 2-5 FLOOR  
PLAN

Drawing Date: 1:200

REVISIONS

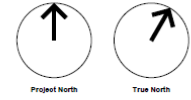
Revision No: r3

Drawing No: **D2.4**

PRELIMINARY

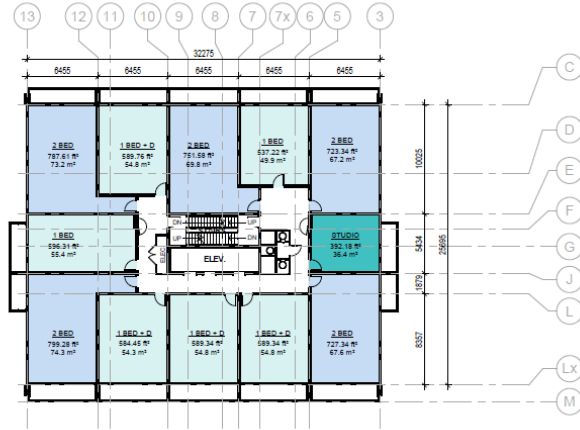
CONSULTANTS: CONSULTANTS AND ARCHITECTS INC. 2000 SHEPPARD AVENUE EAST, SUITE 200, SCARBOROUGH, ONTARIO M1S 1T7. TEL: (416) 291-1111. FAX: (416) 291-1112. WWW.CONSULTANTSANDARCHITECTS.COM  
 PROJECT: 2481 BARTON ST. E. HAMILTON, ONTARIO L8N 4K1. PROJECT NO: 21033. DRAWING NO: D2.4. DRAWING DATE: 2023-10-13 8:57:50 AM.

Appendix "C" to Report PED24096  
Page 10 of 13

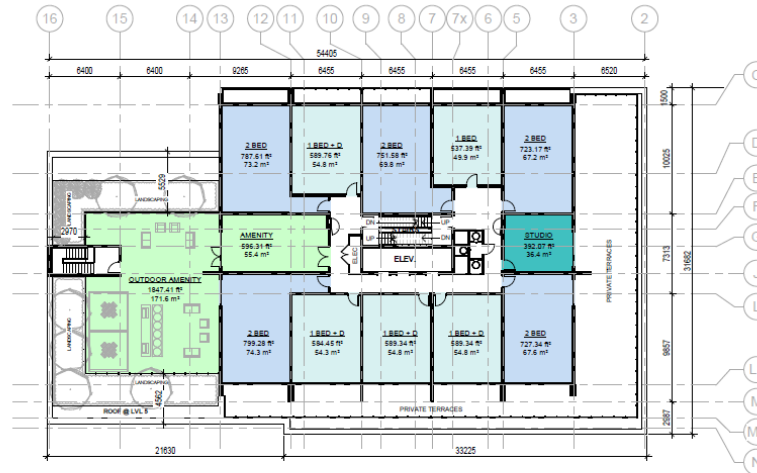


GENERAL NOTES

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2 LEVEL 7-17 FLOOR PLAN  
1:200



1 LEVEL 6 FLOOR PLAN  
1:200

NO.	DATE	REVISION
1	2023-08-11	ISSUED FOR SEA
2	2023-08-29	ISSUED FOR COORDINATION
3	2023-09-13	ISSUED FOR SEA

Client:

Project Name / Address:

2481 BARTON ST. E.  
HAMILTON

Project No: 21033  
Drawing Date: 2023-09-27  
Drawn by: NKS  
Checked by: ZMK  
Scale: 1:200  
KITCHENER  
Per Day / Time: 2023-10-13 8:57:53 AM

LEVELS 6-17 FLOOR PLAN

Drawing Scale: 1:200

ISSUED FOR SEA SUBMISSION

Revision: r3

Drawing No: D2.5

PRELIMINARY

SRM architects+urban+designers, 2481 Barton St. E., Hamilton, ON L8N 2K5. Tel: 905.571.0000. Fax: 905.571.0001. Email: info@srmdesign.com. Website: www.srm.ca.

# Appendix "C" to Report PED24096

## Page 11 of 13

- GENERAL NOTES**
1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
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**MATERIAL LEGEND**

1	PRECAST CONCRETE BRICK PATTERN COLOUR: DARK CHARCOAL
2	PRECAST CONCRETE BRICK PATTERN COLOUR: CREAM
3	PRECAST CONCRETE COLOUR: WHITE
4	PRECAST CONCRETE COLOUR: DARK CHARCOAL
5	METAL PANEL - DARK CHARCOAL COLOUR: CLEAR
6	METAL PANEL - DARK CHARCOAL COLOUR: CLEAR
7	SPANDREL PANEL - DARK CHARCOAL
8	SPANDREL PANEL - WHITE
9	METAL PANEL - WOOD FINISH
10	BALCONY GUARD - CLEAR GLAZING PANEL

No.	Date	Revision
1	2023-08-31	ISSUED FOR ZBA
2	2023-09-27	ISSUED FOR SUBMISSION
3	2023-10-13	ISSUED FOR ZBA

Project Name: Address

**2481 BARTON ST. E.  
HAMILTON**

Project No: 21033  
 Drawing Date: 2023-09-27  
 Client: MKS  
 Designer: ZMK  
 Office Location: KITCHENER  
 File Date/Time: 2023-10-13 9:01:41 AM

**ELEVATIONS**

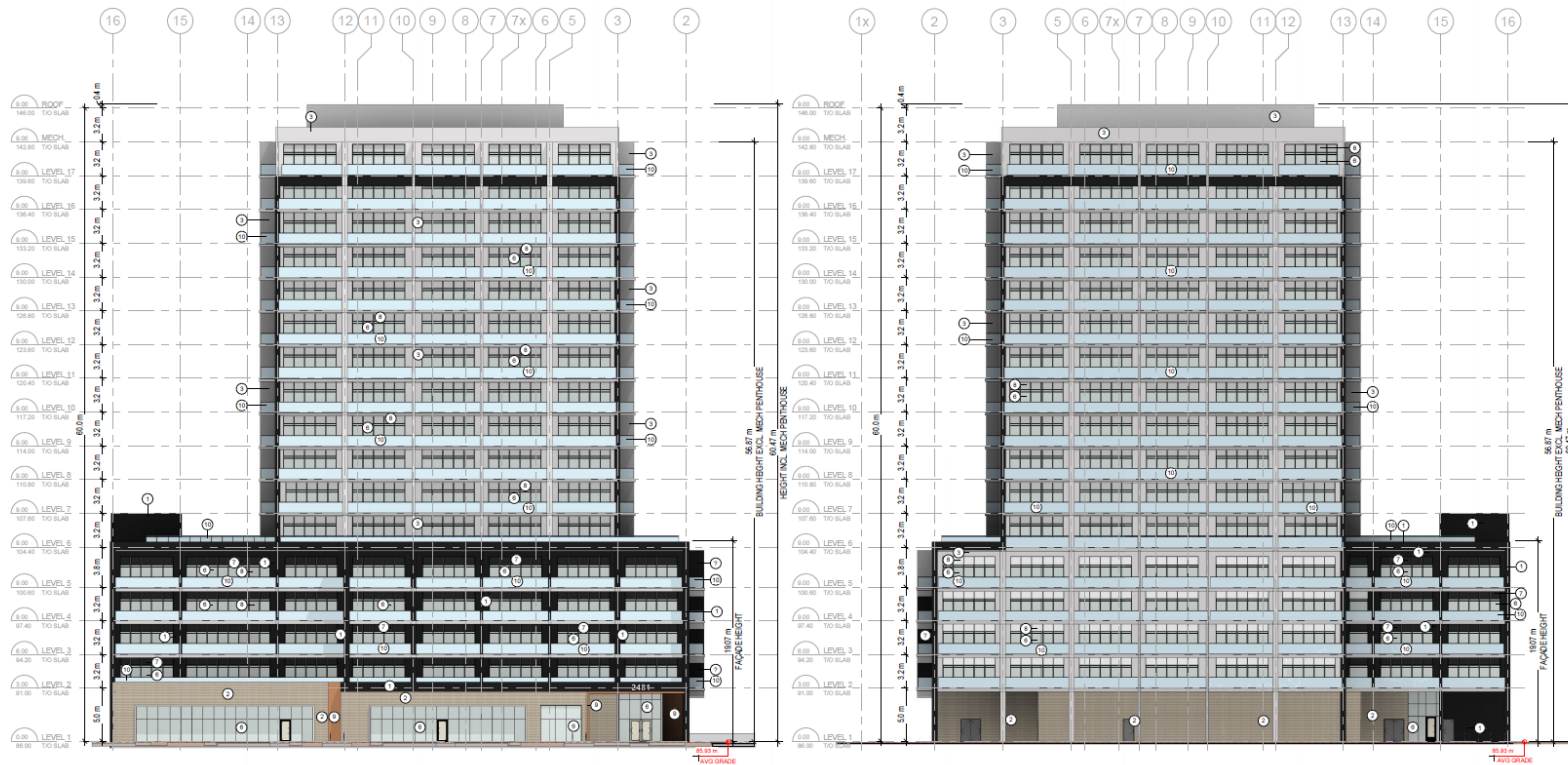
Drawing Scale: As Indicated

**REQUIRED FOR ZBA SUBMISSION**

Revision: r3

Drawing No: **D3.1**

**PRELIMINARY**



**2 ELEVATION - SOUTH**  
1:200

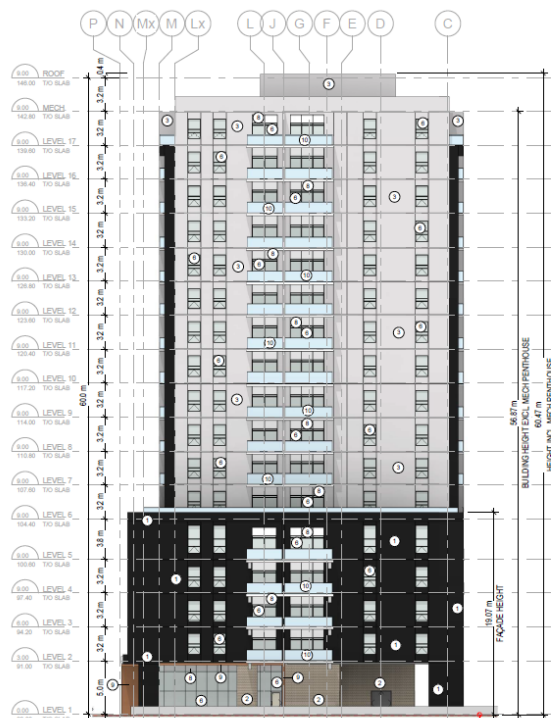
**1 ELEVATION - NORTH**  
1:200

Notwithstanding to whomsoever, the Architect shall retain the copyright in all drawings, designs, specifications, reports, and other documents prepared by the Architect for the project. The Architect shall retain the right to use any or all of the drawings, designs, specifications, reports, and other documents prepared by the Architect for the project in any future project. The Architect shall retain the right to use any or all of the drawings, designs, specifications, reports, and other documents prepared by the Architect for the project in any future project. The Architect shall retain the right to use any or all of the drawings, designs, specifications, reports, and other documents prepared by the Architect for the project in any future project.

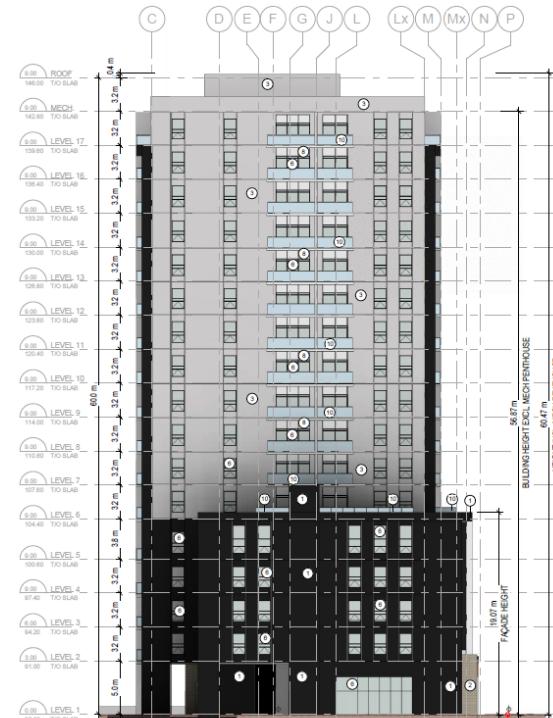
# Appendix "C" to Report PED24096

## Page 12 of 13

- GENERAL NOTES**
1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
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2 EAST ELEVATION  
1:200



1 WEST ELEVATION  
1:200

NO.	Material Description
1	PRECAST CONCRETE BRICK PATTERN COLOUR: DARK CHARCOAL
2	PRECAST CONCRETE BRICK PATTERN COLOUR: CREAM
3	PRECAST CONCRETE COLOUR: WHITE
4	PRECAST CONCRETE COLOUR: DARK CHARCOAL
5	METAL PANEL - DARK CHARCOAL COLOUR: DARK CHARCOAL
6	GLAZING PANEL - CLEAR COLOUR: CLEAR
7	SPANDREL PANEL - DARK CHARCOAL
8	SPANDREL PANEL - WHITE
9	METAL PANEL - WOOD FRESH
10	BALCONY GUARD - CLEAR GLAZING PANEL

NO.	Date	Revision

Project Name / Address  
**2481 BARTON ST. E.  
HAMILTON**

Project No. 21033  
 Drawing Date: 2023-09-27  
 Drawn by: JESD  
 Checked by: ZMS  
 SRM architects + urban+designers  
 Office Location: KITCHENER  
 File Date / Time: 2023-10-13 9:04:19 AM

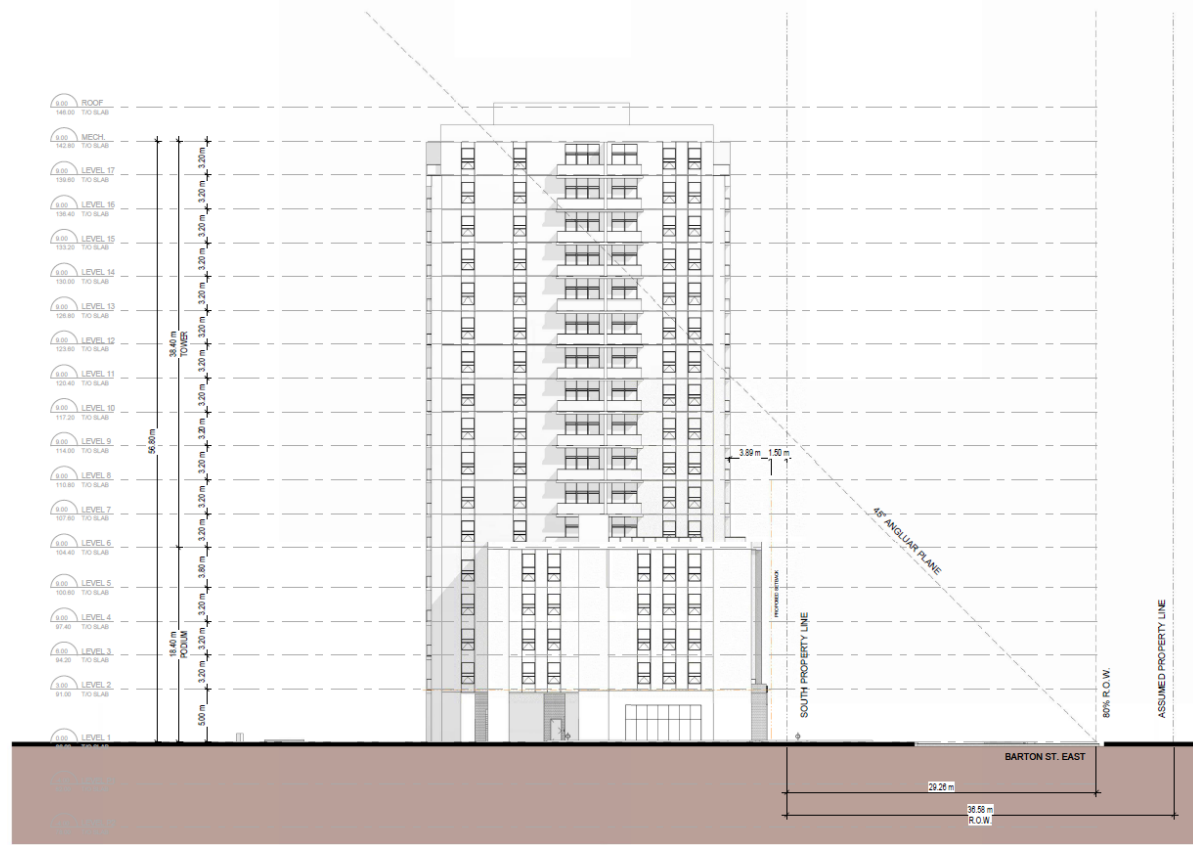
ELEVATIONS

Drawing Date: As Indicated  
 REVISIONS  
 Revision No.: r3  
 Drawing No.: D3.2

PRELIMINARY

# Appendix "C" to Report PED24096

## Page 13 of 13



- #### GENERAL NOTES
1. See next scale drawings. Vertical dimensions shall have precedence over scaled dimensions.
  2. All work shall comply with the 2012 Ontario Building Code and amendments.
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No.	Date	Revision

Project Name: Address  
**2481 BARTON ST. E. HAMILTON**

Project No: 21033  
 Drawing Date: 2023-09-27  
 Drawing By: NIKO  
 Checked By: ZMK  
 Date: 2023-10-11 9:06:38 AM  
 Title: ARCHITECTURAL  
 Designer: KITCHENER

ANGULAR PLANE  
 Drawing Scale: 1:200  
 PREPARED FOR SBA SUBMISSION  
 Revision: r2  
 Drawing No: **D3.3**

PRELIMINARY

Project: 2481 Barton St. E. Hamilton, VTC. Architect: SRM architects+urban+designers. Project Manager: NIKO. The consultant's professional liability is limited to the information provided to him at the time of preparation. He is not liable for any errors or omissions in any documents or any reliance on any documents to be made based on them are the responsibility of each third party.

## Appendix "D" to Report PED24096

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## Site Specific Modifications to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone

Provision	Required	Requested Amendment	Analysis
<b>Section 5: Parking (Revised Provisions through By-law 24-052)</b>			
5.7.4 a) - Minimum Required Number of Electric Vehicle Parking Spaces	A minimum of 100% of all residential parking spaces, excluding visitor parking spaces, and a minimum of 50% of parking spaces for any other use are required.	A minimum of 25% of all provided parking spaces, excluding visitor parking spaces.	<p>The subject <i>Planning Act</i> applications were submitted in December of 2022, well before Council approved the new parking regulations through By-law 24-052, which included the requirement for Electric Vehicle Parking Spaces. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the subject <i>Planning Act</i> applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The applicant has committed to providing 25% of all provided parking spaces to be Electric Vehicle Parking Spaces. This results in approximately 44 Electric Vehicle Parking Spaces based on the current provision of parking. The applicant confirmed that this was the most that could be provided without redesigning the proposal and departing significantly from the proposed development concept.</p>



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Provision	Required	Requested Amendment	Analysis
5.7.4 a) - Minimum Required Number of Electric Vehicle Parking Spaces			Staff are of the opinion that, given the circumstances, 25% Electric Vehicle Parking Spaces is appropriate and supportable, as the current in-force regulation does not have an Electric Vehicle Parking Space requirement.  Therefore, the proposed modification can be supported.
<b>Section 11.4: Transit Oriented Corridor Mixed Use High Density (TOC4) Zone</b>			
11.4.3 a) – Building Setback from a Street for Upper Storeys  <i>** Staff Recommended Modification</i>	N/A	To require a minimum setback of 4.9 metres from a street line, for any portion of a building exceeding a height of 19.6 metres.	The design of the proposed development includes a stepback of the proposed tower from the building base (podium), which breaks up the massing of the proposed building. The proposed modification ensures that the proposal incorporates a clearly defined building base with a 3.4 metres stepback of the tower from the building base (podium). The policies of the Urban Hamilton Official Plan require that new development be massed to respect existing and planned street proportions and inclusion of a minimum setback for the tower will ensure that the proposed massing respects street proportions.  Therefore, the proposed modification can be supported.
11.4.3 b) – Minimum Rear Yard  <i>** Staff Recommended Modification</i>	7.5 metres	To require a minimum setback of 17.5 metres.	The subject property is in an area of transition from an industrial and commercial area to a mixed-use commercial/residential area. Additional mid-rise and tall buildings are therefore anticipated in the future and an increase in the minimum required rear yard setback is appropriate to ensure that there is an adequate separation between the proposed tall building and any future tall buildings.



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Provision	Required	Requested Amendment	Analysis
11.4.3 b) – Minimum Rear Yard  <b>** Staff Recommended Modification (Continued)</b>			<p>Furthermore, the proposed setback helps buffer the proposed mixed-use building from the existing commercial uses to the north.</p> <p>Therefore, the proposed modification can be supported.</p>
11.4.3 c) – Minimum Interior Side Yard  <b>** Staff Recommended Modification</b>	7.5 metres abutting a Residential Zone or Institutional Zone.	<p>A minimum easterly side yard setback of 13.6 metres.</p> <p>A minimum easterly side yard setback of 20.5 metres from any portion of the building exceeding a height of 19.6 metres.</p> <p>A minimum westerly side yard setback of 3.0 metres.</p>	<p>As the proposed development is for a sensitive land use policy 6.7.13 f) of the Centennial Neighbourhood Secondary Plan requires a minimum setback of 70 metres from lands designated Industrial. The minimum 13.6 metre easterly side yard setback is required to ensure that the building is located outside the minimum 70.0 metre setback.</p> <p>There is an existing stationary noise source (automated car wash) immediately west of the subject property. A Noise Impact Study prepared by dBA Acoustical Consultants Inc. dated December 2022 and addendum letters dated August 17, 2023, and January 30, 2024, was undertaken which determined that the proposed development will be able to comply with the applicable provincial noise criteria. The Noise Study analysis was based on a 3.0 metre setback from the westerly side lot line for the building base.</p>

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Provision	Required	Requested Amendment	Analysis
<p>11.4.3 c) – Minimum Interior Side Yard</p> <p><b>** Staff Recommended Modification (Continued)</b></p>		<p>A minimum westerly side yard setback of 18.0 metres from any portion of the building exceeding a height of 19.6 metres, except for an enclosed stairwell.</p>	<p>Additionally, the proposed 3.0 metre westerly side yard provides pedestrian access to surface parking and short-term bicycle parking, landscaping and provides a buffer between the proposed sensitive use and the existing commercial uses to the west. Therefore, a modification to require a minimum 3.0 metre setback from the westerly side lot line is recommended.</p> <p>The proposed design includes stepbacks of the tower from the easterly and westerly facades which assists in establishing a clearly defined building base and clear separation between the building base and the tower. Furthermore, these setbacks accommodate outdoor amenity area (roof top terraces) for the proposal. The proposed 20.5 metre setback from the easterly side lot line and 18.0 metre setback from the westerly lot line above a building height of 19.6 metres will ensure that the proposed building is appropriately massed and has clearly defined podium and tower elements.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>11.4.3 d) ii) – Maximum Building Height</p> <p><b>** Applicant Requested Modification</b></p>	40.0 metres	57.5 metres	<p>The proposed height of 57.5 metres facilitates the 17 storey building, which complies with the maximum permitted building height of the Centennial Neighbourhood Secondary Plan for the lands.</p> <p>The proposed increase in height will not result in adverse shadow impacts on the public realm and will not have a shadow impact on future sensitive lands uses that may be development on the adjacent lands.</p>

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Provision	Required	Requested Amendment	Analysis
<p>11.4.3 d) ii) – Maximum Building Height</p> <p><b>** Applicant Requested Modification (Continued)</b></p>			<p>The rooftop patio will maintain at least three hours of sun access.</p> <p>The proponent must demonstrate that wind impacts have been appropriately mitigated through a revised wind study and implement any required wind mitigation measures as a condition of Holding. Therefore, the proposed increase in height will not create adverse wind impacts.</p> <p>There are no adjacent sensitive land uses to be impacted by overlook/privacy impacts. Appropriate setback and stepbacks have been incorporated into the zoning regulations to ensure that the proposed increased height will not result in overlook impacts on any future sensitive lands uses on the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.4.3 g) x) - First Storey Height</p> <p><b>** Applicant Requested Modification</b></p>	<p>The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.</p>	<p>The first storey shall have a minimum height of 3.6 metres and a maximum height of 5.0 metres.</p>	<p>The proposed increase in the first storey height is to accommodate a broader range of commercial uses that are permitted within the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone. A 5.0 metre first storey height will help to accommodate mechanical ventilation systems and other equipment that are typically associated with uses such as Restaurants, Catering Services, and Beverage Making Establishments, and therefore will allow such uses to more easily be established within the proposed commercial spaces.</p> <p>Therefore, the proposed modification can be supported.</p>

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Provision	Required	Requested Amendment	Analysis
<p>Two and Three Bedroom Units</p> <p><i>** Staff Requested Modification</i></p>	N/A	<p>A minimum of 39 percent of the dwelling units shall be units with two or more bedrooms and an additional 3.9 percent of the dwelling units shall be units with three or more bedrooms.</p>	<p>The policies of the Urban Hamilton Official Plan require that development provide a mix of unit sizes to accommodate a range of household sizes. The proposed development incorporates a generous percentage of two and three bedroom units and the proposed modification will ensure that these units are established and maintained.</p> <p>Therefore, the proposed modification can be supported.</p>

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SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan</b>		
<b>Existing Designation</b>	Mixed Use-High Density	
<b>Residential Intensification</b>  Policy B.2.4.1.4	<p>Development within the built-up area shall be evaluated based on a balanced evaluation of items such as: respect for existing character to build upon desirable established patterns and built forms; contribution of the development to achieving a range of dwelling types and tenures; compatible integration of the development with the surrounding area; achieving the planned function of the urban structure; the provision of adequate servicing capacity; the incorporation of green infrastructure and sustainable design elements and the support for and facilitation of active transportation modes.</p> <p>The development being transit-supportive, the availability of public community facilities and services; and the retention and/or enhancement of the natural attributes of the site and surrounding community.</p>	<p>The proposed development includes a five storey podium with appropriate setbacks which will reflect the envisioned character and will allow for the compatible integration of the development with the surrounding area. The proposed development will contribute towards achieving a range of dwelling types including approximately 43.5 percent of the units being family friendly units (two and three bedroom units).</p> <p>The proposed development will contribute towards achieving the planned urban structure for lands identified as “Neighbourhoods” by establishing residential dwelling units and local commercial uses.</p> <p>The proposed development will be required to have adequate water, wastewater and stormwater capacity.</p> <p>The development will not be able to proceed until it has been demonstrated that there is adequate services available and that any infrastructure improvements have been established. To ensure that this is undertaken a Holding Provision has been included.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 <b>(Continued)</b></p>		<p>The proposed development will include a number of green infrastructure and sustainable design elements including: the provision of 108 long term and 16 short term bicycle parking spaces; the provision of 44 electric vehicle charging stations; the use of recycled material in the construction; the use of low consumption plumbing fixtures; the incorporation of energy conservation measures including automated parking garage lighting; common rooms; maximized daylight exposure; and others.</p> <p>The proposal includes both short and long-term bicycle parking, easy pedestrian accessibility, is within proximity to existing commercial services, and in proximity to existing local and higher order transit. These elements will support and facilitate active transportation modes.</p> <p>The proposed development is a form of intensification that is in proximity to existing local transit routes along Barton Street East and Centennial Parkway North and within proximity to regional transit (Confederation GO Station). Therefore, the development will be transit-supportive and will support the use of existing and planned local and regional transit services.</p> <p>The subject property is within walking distance of existing schools and therefore there are existing public community facilities that will support the proposed development.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 <b>(Continued)</b></p>		<p>The requirement for a revised Tree Protection Plan has been included in the Holding Removal to ensure that the development will retain and/or enhance the natural attributes of the site and surrounding community.</p>
<p><b>Urban Design – Built Form</b></p> <p>Policies B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5</p>	<p>New development shall be designed to minimize impacts on neighbouring buildings and public spaces by creating transition in scale to neighbouring buildings, ensuring adequate privacy and sunlight to neighbouring properties, and minimizing impacts of shadows and wind conditions.</p> <p>New development shall be massed to respect existing and planned street proportions.</p> <p>Built form shall create a comfortable pedestrian environment by locating principal building facades and entrances parallel to and close to the street, providing ample glazing on the ground floor to create visibility to and from the public sidewalk, providing quality landscaping along frontages, locating surface parking to the side or rear of sites or buildings, and by using design techniques such as setbacks to maximize sunlight to pedestrian areas.</p>	<p>There are no sensitive land uses on the adjacent lands. The proposed development will provide appropriate setbacks and setbacks from the adjacent commercial uses and any future residential or mixed use development on the adjacent lands to address privacy and overlook concerns.</p> <p>A Sun Shadow Study prepared by SRM Architects dated December 14, 2022, was submitted, and was subsequently updated on August 31, 2023. The study illustrated that the proposed development will not cast shadows on Barton Street East between 10:00 a.m. and 4:00 p.m. and therefore will maintain a minimum of three hours of sun access during that period.</p> <p>The study also illustrates a minimum of three hours of sun access will be maintained between 10:00 a.m. and 4:00 p.m. on Covington Street, west of the subject lands.</p> <p>The study demonstrates that any future residential uses on the adjacent lands will be capable of maintaining three hours of sun between 10:00 a.m. and 4:00 p.m.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Urban Design – Built Form</b></p> <p>Policies B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 <b>(Continued)</b></p>		<p>The principal outdoor amenity area for the subject lands is the roof top patio located on the westerly side of the proposed tower. The study identified that the patio area will receive a minimum of three hours of sun access and therefore the proposed development will not unduly overshadow the on-site amenity areas.</p> <p>A Pedestrian Wind Assessment prepared by GradientWind Engineers &amp; Scientists dated December 12, 2022, was submitted and addendum letters dated August 30, 2023, and January 5, 2024, were also submitted. The study undertook a wind tunnel testing which is consistent with the City’s terms of reference. The study based the wind comfort conditions for sitting, standing, strolling, walking and uncomfortable conditions based on the respective wind levels in the City’s terms of reference.</p> <p>The study did identify that there were some wind speed exceedances during the winter period.</p> <p>The study dated December 12, 2022, was based upon the original design proposal, however in the subsequent addendum it was identified that it was in the opinion of GradientWind Engineers &amp; Scientists that these areas of exceedance would be able to be comfortably mitigated either by way of the changes in the design or through further mitigation measures identified and implemented through the Site Plan Control application.</p> <p>A detailed Pedestrian Wind Study of the revised design has not been undertaken at this time.</p>



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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Urban Design – Built Form</b></p> <p>Policies B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 <b>(Continued)</b></p>		<p>The requirement for an updated Pedestrian Wind Study has been included in the Holding Provision.</p> <p>The proposed development includes a well defined five storey podium that reflects the existing streetscape width of Barton Street East.</p> <p>The proposal does include approximately 2/5 of the tower encroaching beyond the 45 degree build to plane from the street; however, the massing is reflective of the general policy direction envisioned for in the Centennial Neighbourhoods Secondary Plan.</p> <p>Additionally, the scale and massing of the proposed development will not negatively impact the public realm along Barton Street East including shadow impacts.</p> <p>The proposed building runs parallel to the street and has building entrances for both the residential lobby and commercial units fronting onto Barton Street East. The built form includes glazing on the ground floor facing the street which provides visibility to and from the public sidewalk. The proposed development will include landscaping along the street and will locate surface parking to the rear of the subject property.</p> <p>The proposed development includes setbacks and stepbacks and a sun shadow study has been undertaken which has demonstrated that sunlight is provided to pedestrian areas.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Cultural Heritage Policy B.3.4.2.1 a) d)	The City shall protect and conserve cultural heritage resources of the City, including archaeological resources. The City shall avoid harmful disruption of known archaeological sites or areas of archaeological potential.	The subject property meets two of the ten criteria used for determining archaeological potential.  A Stage 1 archaeological report has been submitted to the City of Hamilton and Ministry of Citizenship and Multiculturalism. The Province signed off on the report for compliance with licensing requirements in a letter dated February 24, 2022. Therefore, the municipal interest in the archaeology of this site has been satisfied.
Site Condition Policy B.3.6.1.1	Where there is potential for contamination due to previous uses and more sensitive land uses a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines.	A Phase Two Environmental Site Assessment was submitted. At this time, a Record of Site Condition has not yet been filed. The requirement for a Record of Site Condition has been included in the Holding Provision.
Noise Policy B.3.6.3.1	Development of noise sensitive land uses in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.	An Environmental Noise Assessment prepared by dBA Acoustical Consultants Inc. dated December 2022 and addendum letters dated August 17, 2023, and January 30, 2024, were submitted. The study concludes that the principal of the land use for sensitive residential uses can be established on-site, subject to required mitigation measures.  The mitigation measures include establishment of central air conditioning for all units, upgraded windows, doors, and walls, required warning clauses, minimum railing height for the sixth storey podium outdoor living area, amongst others. These matters will be addressed at the Site Plan Control stage.

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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
Tree and Woodland Protection  Policy C.2.11.1	The City recognizes the importance of trees and woodlands to the health and quality of life. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.	<p>Trees have been identified within the subject property. A Tree Protection Plan dated December 12, 2022, and revised dated August 29, 2023, were submitted. A total of 11 trees including three public trees have been inventoried, of which four trees including two public trees have been proposed to be removed. The four trees included two Siberian Elm (public trees), one Balsam Poplar (private) and one Willow Species (private) that are fair and good condition. The two private trees are proposed to be removed as they are within the proposed surface parking area and two public trees are impacted by the proposed grading and construction. The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. It is recognized that retention of additional trees within the subject property is limited. Further revision to the Tree Protection Plan is required.</p> <p>To ensure that a revised Tree Protection Plan is undertaken a condition of Holding Provision has been recommended.</p>
<b>Secondary Plan</b>	<b>Centennial Neighbourhoods Secondary Plan</b>	<b>Staff Response</b>
Existing Designation	“Mixed Use – High Density – Pedestrian Focus Street”	
Maximum Building Heights	Max. 12 Storeys	

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<b>Secondary Plan</b>	<b>Centennial Neighbourhoods Secondary Plan</b>	<b>Staff Response</b>
Transportation and Corridors	<p>Within Sub-Regional Service Node and Higher Order Transit Station Area</p> <p>Located along a Streetscape Improvement Area (Barton Street East)</p>	
Transition Areas	The easterly side of the subject property is identified as an Industrial Transition Area.	
Land Use Policy Policy 6.7.3.1	<p>Support and implement the planned function of the Sub-Regional Service Node.</p> <p>Support the provision and maintenance of a mix of housing types and tenures that meet the housing needs of residents throughout their life cycle and provide opportunities for residents to remain within the community.</p> <p>Direct the majority of intensification to the Sub-Regional Service Node.</p> <p>Promote and encourage appropriate development in proximity to higher order transit stations.</p> <p>Support the transition of the Centennial Node from low density, auto dependent land uses and built form to a more compact, transit supportive environment.</p>	<p>The proposed development supports and implements the planned function of the Sub-Regional Service Node by increasing the supply of residential dwelling units and provides ground related commercial uses.</p> <p>The proposed development supports the provision of a mix of housing types and tenures by providing a range of dwelling unit sizes. The implementing By-law will establish minimum requirements for two and three bedroom dwelling units.</p> <p>The proposed development helps achieve the policy goal of directing the majority of intensification to the Sub-Regional Service Node and promotes and encourages intensification in proximity to higher order transit; specifically the S Line of the BLAST network and the Confederation GO Station.</p>

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<b>Secondary Plan</b>	<b>Centennial Neighbourhoods Secondary Plan</b>	<b>Staff Response</b>
Land Use Policy  Policy 6.7.3.1 <b>(Continued)</b>		The proposed development supports the transition of the node from low density, automotive dependent land uses, towards a mixed use compact urban form by establishing a mixed use 17 storey building with ground floor commercial and residential above, on lands that are in proximity to existing public transit.
Centennial Sub-Regional Service Node  Policy 6.7.5.1	Centennial Node shall function as a mixed use area and permits a range of uses.  Centennial Node shall be the focus for commercial, residential, and mixed use growth, development, and intensification within the Secondary Plan. The majority of new development shall be directed to locate within the Node.	The proposal will contribute to the Centennial Node mixed use area by adding residential and commercial uses in proximity to public transit.
General Commercial Policies  Policy 6.7.7.2 a)	Existing commercial areas shall evolve over time through infilling, additions to existing building and redevelopment into mixed use, pedestrian-oriented places.	The proposed development maintains the commercial function of the area through the provision of ground floor commercial uses.
Mixed Use – High Density Designation  Policy 6.7.7.4	Maximum building height is 12 storeys.  Additional height may be permitted above the heights noted on Schedule B.6.7-2, without amending to the Secondary Plan, subject to the following requirements, including:	The proposed 17 storeys can be achieved in accordance with Policy B.6.7.7.4 d) as it has demonstrated that: the additional height is limited to a maximum of five additional storeys; the subject property fronts on Barton Street East which is classified as a minor arterial road; and, there is adequate transportation capacity and will need to ensure that adequate servicing capacity is in place prior to lifting the Holding Provision.

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<b>Secondary Plan</b>	<b>Centennial Neighbourhoods Secondary Plan</b>	<b>Staff Response</b>
<p>Mixed Use – High Density Designation</p> <p>Policy 6.7.7.4 <b>(Continued)</b></p>	<p>Additional height limited to a maximum of five additional storeys, increase height is authorized through a Zoning By-law Amendment.</p> <p>Development has frontage on an arterial road, and development shall not preclude the ability of other properties in the Centennial Node to develop in accordance with their permitted height in terms of infrastructure and transportation capacity.</p>	<p>Therefore, the proposed development complies with the maximum height policies of the Mixed Use – High Density Designation.</p>
<p>Pedestrian Focus Streets</p> <p>Policy 6.7.7.5</p>	<p>Pedestrian Focus Streets shall be a focus for retail activity and shall provide pedestrian oriented design.</p> <p>New buildings shall be built close to the street to provide street presence.</p>	<p>The proposed development includes at-grade commercial uses. The built form is oriented towards the street and is located close to the street, which will create a street presence.</p>
<p>Urban Design</p> <p>Policy 6.7.12.1</p>	<p>Any development with a proposed height greater than six storeys shall require an Urban Design Report and a Sun Shadow Study.</p> <p>Development shall be consistent with the City-Wide Corridor Planning Principles and Design Guidelines.</p> <p>Landscaping shall form an integral part of all developments.</p>	<p>An Urban Design Report prepared by GSP Group dated December 2022 was submitted. A Sun Shadow Study prepared by SRM Architects dated December 14, 2022, was submitted and was subsequently updated on August 31, 2023.</p> <p>The proposed development establishes a clear building base and includes adequate setbacks to the proposed tower that will facilitate a design that is reflective of the planned context of the area. The proposed development will not result in sun shadow impacts on the public realm, adjacent lands, or the on-site amenities.</p>

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<b>Secondary Plan</b>	<b>Centennial Neighbourhoods Secondary Plan</b>	<b>Staff Response</b>
<p>Urban Design</p> <p>Policy 6.7.12.1 <b>(Continued)</b></p>		<p>The proposed development will not result in privacy/overlook impacts on adjacent lands.</p> <p>The proposed development will include adequate step backs from both the streetscape and the adjacent lands.</p> <p>A detailed analysis of the City-Wide Corridor Planning Principles and Design Guidelines is outlined is provided below. The proposed development is consistent with the City-Wide Corridor Planning Principles and Design Guidelines.</p> <p>The proposed development will include space on-site for landscaping. The detailed design with respect to landscaping will be undertaken as part of a future Site Plan Control application, through a detailed Landscape Plan.</p>
<p>Transitional Areas</p> <p>Policy 6.7.13 e) and f)</p>	<p>New sensitive land uses within 300 metres of Industrial designated lands shall demonstrate compatibility with existing industrial uses and shall address and implement necessary mitigation measures.</p> <p>New sensitive land uses north of Barton Street shall be located a minimum of 70 metres from Industrial designated lands, this shall not include parking areas accessory to the sensitive land use.</p>	<p>The subject property is located within 300 metres of land designated Industrial located to the east of the subject property. A Land Use Compatibility Assessment prepared by GradientWind Engineers &amp; Scientists dated April 7, 2021, was submitted as well as a Noise Study prepared by dBA Acoustical Consultants Inc dated December 2022 and addendum letters dated August 17, 2023, and January 30, 2024. The studies have confirmed that the proposed development will be compatible with existing industrial uses and will not be negatively impacted by the existing industrial uses in the area, subject to the inclusion of noise mitigation measures to achieve comfortable noise conditions for the dwelling units.</p>

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<b>Secondary Plan</b>	<b>Centennial Neighbourhoods Secondary Plan</b>	<b>Staff Response</b>
Transitional Areas Policy 6.7.13 e) and f) <b>(Continued)</b>		The proposed building containing a sensitive land use (residential) and will maintain the minimum 70 metre setback requirement. Only the access driveway, waste collection area and landscaped areas being located within the 70 metre minimum setback. Minimum building setbacks from the easterly side lot line will be included in the amending By-law to ensure that sensitive use is kept out of the 70 metre setback distance.
<b>Guidelines</b>	<b>City-Wide Corridor Planning Principles and Design Guidelines</b>	<b>Staff Response</b>
<b>Maximum Building Height</b> 4.3	New multiple storey buildings can negatively impact the existing character of neighbourhoods, streets, and adjacent properties, through shadows, overview, and abrupt changes.	The proposed development constitutes a new multiple storey building. The proposed development has demonstrated that it will not create negative shadow impacts on the public realm or adjacent properties. The proposed development includes a clearly defined building base with adequate stepbacks, and setbacks from the street line and adjacent lands that will reflect the character of the area, will not create overview impacts, and will not result in abrupt changes.
<b>Maximum Building Height Related to Street Width</b> 4.3.2	New buildings should be limited in height by a 45 degree build to plane beginning from a line at grade parallel to the front property line at a distance of 80 percent of the width of the arterial street right-of-way.	The proposed building base will not exceed the 45 degree build to plane measured from 80 percent of the width of the arterial street, however approximately 40 percent of the overall building will exceed the 45 degree build to plane. The tower encroachment into the build to plane will not result in shadow impacts on the public realm and stepbacks of the tower from the edge of the building base will adequately frame the street with an appropriate building massing that is reflective of the street proportions. 3



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<b>Guidelines</b>	<b>City-Wide Corridor Planning Principles and Design Guidelines</b>	<b>Staff Response</b>
<p><b>Maximum Building Height Related to Street Width</b></p> <p>4.3.2 (Continued)</p>	<p>All parts of the new building above three storeys in height should be below the build to plane.</p>	<p>The proposed encroachment beyond the build to plane will not result in adverse shadow impacts on the public realm. The proposed 3.4 metre stepback to the balconies with additional stepbacks of approximately 1.5 metres to the tower itself, will break up the massing of the proposed building and reduce the overall perceived mass from the street. The proposed 17 storey height is reflective of the scale envisioned in the Centennial Neighbourhoods Secondary Plan and the proposed stepback of the tower is consistent with minimum stepback requirements from the building base for tall buildings.</p>

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**CONSULTATION – DEPARTMENTS AND AGENCIES**

<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department</p>	<p>Development Engineering is supportive of the application for Zoning By-law Amendment subject to Holding Provision conditions including:</p> <ol style="list-style-type: none"> <li>1) That the owner complete a revised Functional Servicing Report to the satisfaction of the Director of Development Engineering to demonstrate:               <ol style="list-style-type: none"> <li>i) That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewers along Barton Street from the subject site to the Battlefield Trunk Sewer, to service the proposed development; and,</li> <li>ii) That, as part of the future Site Plan application, the Owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructure in accordance with the City’s Financial Policy to support this development.</li> </ol> </li> <li>2) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield trunk sewer twinning, all to the satisfaction of the Director of Development Engineering.</li> </ol> <p>Under a future Site Plan Application, the Applicant will be required to provide Site Servicing, Site Grading, and Erosion Control plans certified by a licensed professional engineer for Engineering staff’s review and approval.</p>	<p>Holding Provision conditions are included as part of the Zoning By-law Amendment.</p> <p>Detailed engineering review will be undertaken as part of the Site Plan Control application.</p>

## Appendix "F" to Report PED24096

## Page 2 of 6

Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>A Transportation Impact Study prepared by Paradigm Transportation Solutions Limited dated December 2022 was submitted with the application and subsequently updated August 31, 2023. The Transportation Impact Study has been reviewed by Transportation Planning staff and approves the Transportation Impact Study and concurs with the study findings. Transportation Planning staff require measures be established to limit site access to right-in and right-out only, infrastructure improvements to establish a concrete median to limit access will be required.</p> <p>Transportation Demand Management and Transit Oriented Design Measures are required and will need to be incorporated into the proposed development.</p>	<p>An External Works Agreement is required with the City of Hamilton for the design and construction of the required concrete median extension along Barton Street East. To ensure that this is undertaken a Holding 'H' Provision will be required.</p> <p>Transportation Demand Management and Transit Oriented Design Measures will be identified and implemented through the Site Plan Control application.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>The multi-residential building will require front-end bin service for collection of garbage, recyclable containers, recyclable papers, and organic waste.</p> <p>The development as currently designed is not serviceable.</p> <p>If the development is not designed according to specifications for municipal waste collection services, the proposed development will be required to arrange a private waste hauler and will need to include a warning clause to advise prospective owners that the development is not serviceable for municipal waste collection.</p>	<p>The final determination of whether the property will be serviceable for municipal waste collection or whether a private waste hauler will be required to be arranged will be determined through the Site Plan Control application.</p>
<p>Forestry and Horticulture Section, Environment Services Division, Public Works Department</p>	<p>Forestry and Horticulture Section has reviewed the tree management plan and landscape concept plan. Forestry approves the tree protection plan revision No. 2 dated August 29, 2023.</p>	<p>Detailed landscape plans will be undertaken through the Site Plan Control application.</p>

**Appendix “F” to Report PED24096**  
**Page 3 of 6**

<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture Section, Environment Services Division, Public Works Department <b>(Continued)</b>	The landscape concept plans are approved in principle but will require a detailed landscape plan for review and approval at the Site Plan Control application stage.	
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	A Draft Plan of Condominium will be required to establish Condominium tenure.  The address for the proposed development will be determined after Conditional Site Plan Approval is granted.	A separate application for Draft Plan of Condominium will be required.  The municipal addressing will be undertaken through the Site Plan Control application.
Transit Planning and Infrastructure, Public Works, Transit Division	The length of the sidewalk between the existing Westbound bus stop and the proposed driveway appears capable of accommodating articulated buses, allowing all bus doors to align with sidewalk and without the tail of a stopped bus blocking the proposed access driveway.  Transit staff note existing transit services existing in the area.	Details with respect to location of the driveway access and any impacts on transit stops will be reviewed in detail through the Site Plan Control application.
Enbridge Gas Inc.	Enbridge Gas has gas mains that front Barton Street in this location.  There are existing gas mains on Barton Street East that could potentially service the proposed development.  The proposal includes underground parking, Enbridge Gas would prefer to have gas meter's to be located outside the underground parking structure.	The details with respect to servicing including gas services will be undertaken as part of the Site Plan Control application.

**Appendix “F” to Report PED24096**  
**Page 4 of 6**

<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Design Review Panel	<p>The proposed development was reviewed by the Design Review Panel on May 11, 2023, and the panel provided the following comments:</p> <ul style="list-style-type: none"> <li>• Panel members appreciated the generous commercial space, and potential for multiple units of various sizes;</li> <li>• Panel members saw the required industrial setback as an opportunity to support the pedestrian realm and landscaped space;</li> <li>• Panel members appreciated the progression of design communicated in the materials and clear design scheme presented;</li> <li>• The Panel members noted the podium was successful on the west side, but not carried through on the east side, refinement of the east façade – possibly carrying the podium around, or otherwise giving distinction to the tower portion above the podium or building base;</li> <li>• Panel members felt there was too much surface parking and the corresponding loss of landscape amenity spaces and opportunity for tree planting; and,</li> <li>• Panel members thought there was opportunity to develop the layout of the ground floor and site plan to give the commercial units more connection to the street with additional sidewalk connections and possible landscape plantings, and street trees. Commercial unit entrances could be given some increased prominence with architectural features that could also help address concerns with respect to wind.</li> </ul>	<p>Subsequent to the Design Review Panel Meeting the applicant made revisions to the proposed design.</p> <p>The podium has been revised to include a 6.5 metres stepback along the east side of the building to better articulate and distinguish the podium from the tower. Additionally, building materials and colours will be used to better distinguish between the podium and tower. The details with respect to materials and colours will be determined and implemented through the Site Plan Control application.</p> <p>Parking has been nominally reduced, tree planting opportunities remain predominantly along the north and west property boundaries.</p>

## Appendix "F" to Report PED24096

Page 5 of 6

Department or Agency	Comment	Staff Response
Design Review Panel (Continued)	<ul style="list-style-type: none"> <li>• Panel members noted the area is in the early stages of transition towards a pedestrian friendly zone, noting future transit nodes nearby and pedestrian focused zoning, and further noted that setting a high level of regard for pedestrian focused design elements should be a priority with the ground floor layout, commercial units, and landscaping;</li> <li>• Panel members encouraged any refinement to the massing to also foster comfortable wind patterns at grade for year-round enjoyment in what is desired to be a pedestrian focus street; and,</li> <li>• A panel member felt the access to the bicycle parking could be improved, but also appreciated the ground level location, noting the importance of supporting active transportation for this pedestrian focus area.</li> </ul>	<p>Individual walkways for the separate commercial units and the main lobby entrance are proposed to assist with providing pedestrian connection between the municipal sidewalk and the proposed ground related activities and will assist in providing connection to existing and future transit services. In addition, boulevard patios and other amenities will facilitate an animated streetscape.</p> <p>The revision in design which includes a more clearly defined podium will assist in reducing wind impacts on the public realm and on ground-based amenities. Any additional mitigation measures will be determined and implemented through the Site Plan Control application.</p> <p>A total of 108 secure long-term bicycle parking spaces are provided inside the building at grade and 16 exterior short-term bicycle parking space are provided at-grade.</p>

## Appendix "F" to Report PED24096

Page 6 of 6

Department or Agency	Comment	Staff Response
<p>Agencies that had no comments or concerns:</p> <ul style="list-style-type: none"><li>• Alectra Utilities;</li><li>• Bell Canada;</li><li>• Canada Post;</li><li>• Real Estate Section, Economic Development Division, Planning and Economic Development Department; and,</li><li>• Commercial Districts and Small Business, Planning and Economic Development.</li></ul>	No Comments	Noted.

**Appendix “H” to Report PED24096  
Page 1 of 2**

**Authority:** Item XX, Planning Committee  
Report (PED24096)  
CM: June X, 2024  
Ward: 5

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 24-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 2481 Barton Street East, Hamilton**

**WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on June \_\_, 2024;

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

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

1. That Schedule “C” – Special Exceptions is amended by adding the following text at the end of Special Exception 899:

“b) Notwithstanding Section 5.7.4 a), the following regulations shall apply:

i) Minimum Required Number of Electric Vehicle Parking Spaces	A minimum of 25% of all provided parking spaces, excluding visitor parking spaces, or the requirement of Section 5.7.4 a), whichever is lesser.
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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 provisions of the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone subject to the amended special requirements referred to in Section No. 1 of this By-law.

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



**Appendix “H” to Report PED24096  
Page 2 of 2**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
2841 Barton Street East, Hamilton**

PASSED and ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

---

A. Horwath  
Mayor

---

J. Pilon  
Acting City Clerk

ZAC-23-023

**Appendix “G” to Report PED24096**  
**Page 1 of 6****Summary of Applicant Virtual Public Meeting**

October 13, 2023

SHAPING GREAT COMMUNITIES

**Community Consultation Summary**  
**2481 Barton Street East, Hamilton - ZAC-23-023**

Through the original submission to the City of Hamilton in December 2022, a public consultation strategy was provided within the Planning Justification Report (PJR) prepared by GSP Group. A copy of this document is provided in **Appendix A**. The purpose of this section within the PJR was to advise the city how we intended to garner public input. Specifically, the tools to be used, potential issues, timing etc. to ensure the project team works with community members to provide a development that respects the needs of the community.

A Community Consultation Meeting was held via a virtual Zoom meeting at 6:30 p.m. on Tuesday September 26<sup>th</sup>. The meeting date was confirmed in consultation with the Councillor of Ward 5, Matt Francis to ensure his availability for the meeting.

On September 7<sup>th</sup>, invitations to the Community Meeting were printed and hand-delivered to 43 businesses within a 160 metre radius of the site, and 1 copy was emailed to the head office of SmartCentres REIT at their request. Pursuant to the *Planning Act*, a radius of 120 metres is required; however an additional 40 metre radius was provided to allow more neighbouring properties to be informed. No residential properties were located within either the 120 or 160 metre radiuses, are illustrated in **Appendix B**. The delivery of the invitations was undertaken by Adam Nanji, a Planner at GSP Group, who provided them either directly to business owners, management or general staff working on-site if the owners were not present, advising them of the need to forward the invitation to the owners of the business/property.

While delivering the invitations, the Planner engaged in discussions with business owners and employees regarding the proposed development. Comments provided at this stage included traffic concerns, need for pedestrian walkability along Barton Street, and transit availability. Adam encouraged the owners/employees to voice their concerns at the meeting as well. Many of the business owners and employees expressed that the Site was a great location for housing due to its proximity to major streets and commercial opportunities.

The invitation included a QR code, to allow users to scan a code whereby a registration webpage would open and allow them to sign up for the meeting. Alternatively, a link was also included so that business owners and landowners could sign up for the public meeting. A rendering and a quick summary of the proposed development were also included along with the Senior Planner, Brenda Khes' contact information for residents and owners to submit questions beforehand. In addition, the invitation included a link (<https://www.gspgroup.ca/engagement/2481-barton-street-east/>) to the project website including all submission materials. A copy of this notice is provided in **Appendix C**.

The meeting had 5 panelists including the Owner, Planning Consultant (GSP Group), Architect (SRM Architects), Wind Consultant (Gradient) and Engineering Consultant (WalterFedy). 7 people registered for the Community meeting; however, only 3 attended, one being the Principal Planner on the Project from the City of Hamilton and the other two from SmartCentres REIT.

**Appendix “G” to Report PED24096**  
**Page 2 of 6**

October 13, 2023

SHAPING GREAT COMMUNITIES

The meeting included a PowerPoint presentation prepared by the Planner, Brenda Khes and the Architect, Zahra Al Kasake who spoke on the key aspects of the project and its design. This included the planning background and justification, Official Plan and Secondary Plan designations, Zoning By-law Amendment rationale, design elements, and sustainability elements. The intent of the presentation was to give attendees an idea of how the development will fit in with the future landscape of this area, explain why a ZBA application was required, and identify sustainability goals the development proposed to achieve.

Follow the presentation a Question and Answer period was provided; however, no comments or questions were received.

A copy of the Powerpoint presentation was provided to the City's planner, as well as the Councillor.

Finally, the project website has been updated to include a copy of the PPP.

**Appendix “G” to Report PED24096**  
**Page 3 of 6**



October 13, 2023

SHAPING GREAT COMMUNITIES

## Appendix A

### **PUBLIC CONSULTATION STRATEGY (Dec. 2022)**

<b>CRITERIA</b>	<b>RESPONSE</b>
<b>Target audience of the consultation</b>	Residents and business owners within approximately 120 meters surrounding the Site.
<b>Previous Consultations</b>	No public consultation has occurred specifically for the Subject Application prior to this submission.
<b>Expected/Potential Issues</b>	Traffic/turning movements onto Barton St. E. Concerns that new residential occupants will complain noise, odours, etc. from abutting/proximate industrial uses.
<b>List of Stakeholders</b>	Existing business within the commercial shopping centre and nearby residents.
<b>Tools used to consult/engage the public</b>	Public Consultation will be in accordance with the requirements of the Planning Act, including the holding of a Public Meeting. The public notice sign will include the City planner’s contact information.  In addition, an applicant-led public open house will be held in consultation with City staff and the Ward 5 Councillor’s Office. GSP Group will also create a micro-site under the active projects section of our website ( <a href="https://www.gspgroup.ca/active-projects/">https://www.gspgroup.ca/active-projects/</a> ), which will provide the public with an overview of the proposed development as well as provide all of the reports and drawings that have been submitted. An additional sign will be added to the Public Notice Sign providing a link to the project micro-website address.
<b>Timing of consultation</b>	The timing of the applicant-led public open house will be determined in consultation with City staff and the Ward 5 Councillor’s Office.  The Public Meeting will be held as per the requirements of the Planning Act.
<b>Method to receive and document comments</b>	Comments can be provided to the City planner noted on the public notice sign by either email or telephone.  Comments can also be received through the contact information provided on the micro-website and will be forwarded to the City planner.

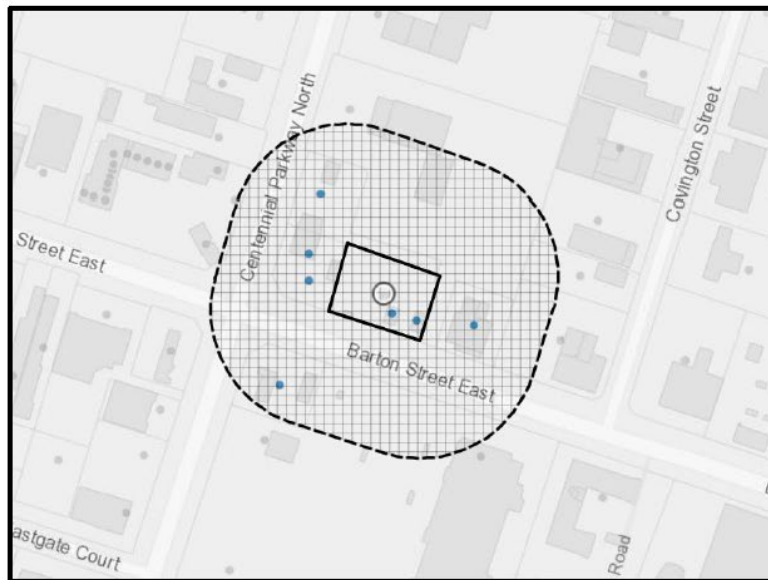


October 13, 2023

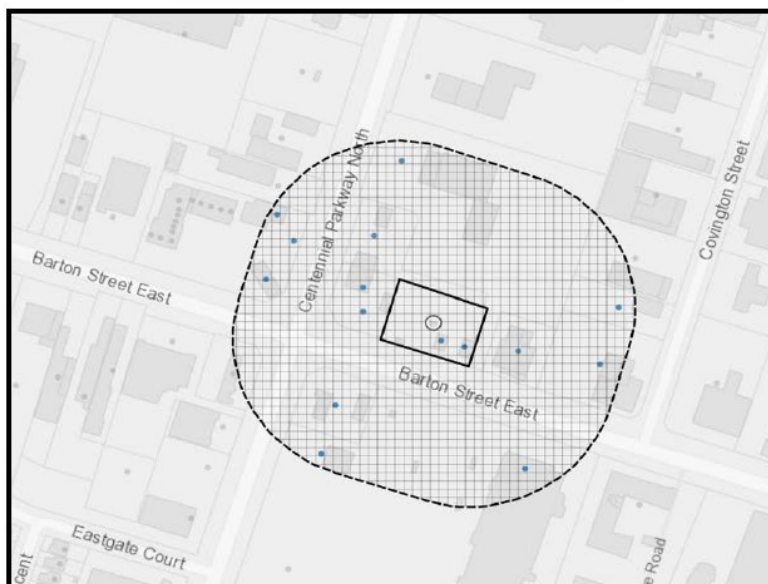
SHAPING GREAT COMMUNITIES

## Appendix B

120 Metre Radius – Planning Act Requirement



160 Metre Radius – Used for Circulation





## Appendix “G” to Report PED24096 Page 5 of 6



October 13, 2023

SHAPING GREAT COMMUNITIES

### Appendix C




## COMMUNITY INFORMATION MEETING

### Join Us!

Please join us for a virtual community information meeting to learn about the proposed development at **2481 Barton Street East** in Stoney Creek. We are hosting this session by way of an online webinar to provide information and receive input related to the development vision for the site.

**DATE:** Tuesday September 26, 2023; 6:30 to 8:00 PM

**TO REGISTER:** Please use the link or scan the QR Code to the right:  
[https://us02web.zoom.us/webinar/register/WN\\_3a8sloZHR8CjcCe2\\_s1YIQ](https://us02web.zoom.us/webinar/register/WN_3a8sloZHR8CjcCe2_s1YIQ)

**FORMAT:** The project team will present the development vision followed by online questions and answers.

**CONTACT:** To allow us an opportunity to incorporate responses into the webinar, please email questions and comments one week ahead of the presentation (by September 19) to Brenda Khes (contact information below).

**DEVELOPMENT VISION:** The proposed development envisions the site supporting a 17-storey apartment building containing 207 dwelling units and 475m<sup>2</sup> of ground floor commercial space. The requested zoning by-law amendment is to permit an increase in the permitted maximum height to conform with the Official Plan. Below is link to a micro website created including the submission materials provided to the City of Hamilton: <https://www.gspgroup.ca/engagement/2481-barton-street-east/>

**FOR MORE INFORMATION, PLEASE CONTACT:**

Brenda Khes MCIP, RPP, Vice President, Hamilton | GSP Group Inc.  
289-778-1428 | [bkhes@gspgroup.ca](mailto:bkhes@gspgroup.ca)  
162 Locke Street South, Suite 200 | Hamilton, ON L8P 4A9



**SCAN ME**

**TO REGISTER**

Appendix "G" to Report PED24096  
Page 6 of 6

Attendee Report		Report Gen: 9/27/2023 10:34		Actual Start Time		Actual Duration (min)		# Registered		# Cancelled		Unique View Total Users		Max Concurrent View		Enable Registration	
Topic		Webinar ID		9/26/2023 17:49		9/26/2023 17:49		82		8		0		10		3 Yes	
Community		897 4803 1977															
Host Details																	
Yes	Attended	User Name (Original Email)	Join Time	Leave Time	Time in Session (min)	Is Guest	Country/Region Name										
Yes	Attended	Adam Nanji (GSP G gsp@gspgroup.ca)	9/26/2023 17:49	9/26/2023 19:11	82	No	Canada										
Panelist Details																	
Yes	Attended	User Name (Original Email)	Join Time	Leave Time	Time in Session (min)	Is Guest	Country/Region Name										
Yes	Attended	Rob O'strowercha (ananaji@gspgroup)	9/26/2023 18:00	9/26/2023 19:10	71	Yes	Canada										
Yes	Attended	Brenda Khes (bkhes@gspgroup)	9/26/2023 18:00	9/26/2023 19:11	71	Yes	Canada										
Yes	Attended	Zahra Al Kasake (ZahraAlkasake@smarc)	9/26/2023 18:01	9/26/2023 19:10	70	Yes	Canada										
Yes	Attended	Edward Thomas (ethomas@srmarc)	9/26/2023 18:00	9/26/2023 19:10	71	Yes	Canada										
Yes	Attended	Nick Petersen (nick.petersen@gr)	9/26/2023 18:29	9/26/2023 19:10	41	Yes	Canada										
Yes	Attended	Rajan Banwait (rajanbanwait@gn)	9/26/2023 17:57	9/26/2023 19:10	74	Yes	Canada										
Attendee Details																	
Yes	Attended	User Name (Original First Name)	Last Name	Email	Registration Time	Approval	SI/Join Time	Leave Time	Time in Sess	Guest	Country/Region Name						
Yes	Attended	Daniel Barnett	Barnett	Daniel.Barnett@h	9/15/2023 10:34	approved	9/26/2023 18:30	9/26/2023 19:10	41	Yes	Canada						
Yes	Attended	Tomas Mashidlaus	Mashidlauskas	tmashidlauskas@	9/25/2023 9:41	approved	9/26/2023 18:29	9/26/2023 19:11	42	Yes	Canada						
Yes	Attended	Matthew Stonehou	Matthew	mstonehouse@sr	9/25/2023 9:42	approved	9/26/2023 18:30	9/26/2023 19:10	41	Yes	Canada						
No	Not Attended	Cong	Nguyen	Nguyencong61@y	9/8/2023 19:37	approved	--	--	--	--	--						
No	Not Attended	Bill	May	Bill.may@salvatio	9/11/2023 15:52	approved	--	--	--	--	--						
No	Not Attended	Harrison	Ioannou	ioannou@smarti	9/22/2023 16:09	approved	--	--	--	--	--						
No	Not Attended	Matt	Francis	matt.francis@han	9/26/2023 14:59	approved	--	--	--	--	--						



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-23-014, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner**, to redesignate the subject lands from “Neighbourhoods” to “Mixed Use - Medium Density” in the Urban Hamilton Official Plan and from “Local Commercial” to “Mixed Use - Medium Density” in the Old Town Secondary Plan, with a Site Specific Policy to permit the development of a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces, for the lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24069, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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

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

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



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 118 King Street West, Stoney Creek  
(PED24069) (Ward 5) - Page 2 of 15**

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- (b) That **Zoning By-law Amendment Application ZAC-23-031, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner**, for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, to permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces), for lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED24069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
  - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by including the Holding symbol ‘H’ to the Mixed Use Medium Density (C5, 893, H170) Zone:

The Holding Provision ‘H170’ is to be removed conditional upon:

- (1) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:
  - (a) That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development;
  - (b) That as part of the future Site Plan Control application, the owner will enter into and register an External Works

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 118 King Street West, Stoney Creek  
(PED24069) (Ward 5) - Page 3 of 15**

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Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;

- (2) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- (3) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
- (4) That the existing centre median island along Centennial Parkway South be extended as per the Traffic Impact Brief by Paradigm Transportation Solutions Limited dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design drawings and construction will be at the expense of an Owner;
- (5) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design;
- (6) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas, to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.

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

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) - Page 4 of 15**

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**EXECUTIVE SUMMARY**

The subject lands are municipally known as 118 King Street West and are located on the north side of King Street West between Owen Place and Centennial Parkway South. The lands are currently vacant.

The purpose of the Official Plan Amendment application is to amend Volume 1 of the Urban Hamilton Official Plan to redesignate the lands from “Neighbourhoods” to “Mixed Use - Medium Density”, to amend the Old Town Secondary Plan to redesignate the subject lands from “Local Commercial” to “Mixed Use - Medium Density” and to add a Site Specific Policy to increase the maximum permitted height to 12 storeys.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, under Zoning By-law No. 05-200. Site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed.

The applications will facilitate the development of a 12 storey mixed use building consisting of 124 residential units, 190 square metres of commercial gross floor area and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces). The proposed development will function in coordination with the abutting properties municipally known as 102 and 110 King Street West, being an existing motor vehicle gas bar and an existing drive thru motor vehicle service station. The properties currently function with a reciprocal access easement which is registered on title for all three properties.

Holding Provisions are recommended for the amending By-law regarding the servicing capacity of the subject lands, the extension of the existing centre median on Centennial Parkway South, a revised Tree Protection Plan and permission to remove a boundary tree, the registration of the necessary parking and access agreements and easements, and the submission and approval of a Hydrogeological Brief.

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

- It is consistent with the Provincial Policy Statement (2020):
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan and Old Town Secondary Plan, as it relates to the function, scale, and design of the “Mixed Use – Medium Density” designation; and,

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) - Page 5 of 15**

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- The proposal represents good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form on an underutilized site.

**Alternatives for Consideration – See Page 14**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	1970752 Ontario Inc.
Applicant/Agent:	IBI Group (c/o Jared Marcus).
File Number:	UHOPA-23-014 and ZAC-23-031.
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.
Proposal:	<p>The proposed development includes a 12 storey mixed use building containing 124 residential units, 190 square metres of commercial gross floor area and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces). The proposed parking spaces will be accessed using an existing entrance on the adjacent lands to the east, which is currently secured through an existing easement.</p> <p>The development includes 124 dwelling units which is composed of 30 (24%) one bedroom and one bedroom plus den, 83 (67%) two bedroom and two bedroom plus den, and 11 (9%) three bedroom.</p>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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<b>Application Details</b>	
<b>Proposal (Continued)</b>	<p>Additionally, the proposal includes a total of 761 square metres of amenity space (in the form of indoor and outdoor amenity space), 62 long term bicycle parking spaces, 16 short term bicycle parking spaces, four commercial spaces and 16% landscaping within the parking area.</p> <p>The development will function in conjunction with the two abutting commercial properties as access and maneuvering for parking spaces is provided through the lands abutting to the east through a registered easement. As a result, the site circulation for the proposal was evaluated as a whole to ensure that the site continues to function appropriately after the introduction of the proposed multiple dwelling. As part of the development, a median extension is required to restrict the Centennial Parkway South access to right-in and right-out only. The applicant confirmed that the adjacent landowners (Pioneer Gas Station) have no objection to the median extension.</p>
<b>Property Details</b>	
Municipal Address:	118 King Street West, Stoney Creek (see Location Map on Appendix "A" attached to Report PED24069).
Lot Area:	±0.4 hectares (generally rectangular).
Servicing:	Existing municipal services.
Existing Use:	Vacant.
Proposed Use:	Mixed Use Development (commercial/residential).
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E – Urban Structure; and "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	"Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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(PED24069) (Ward 5) - Page 7 of 15**

<b>Documents</b>	
Secondary Plan Existing:	“Local Commercial” on Old Town Secondary Plan Map B.7.2-1: Land Use Plan.
Secondary Plan Proposed:	“Mixed Use – Medium Density” with a Site Specific Policy Area on Old Town Secondary Plan Map B.7.2-1: Land Use Plan. The purpose of the Site Specific Policy is to allow a maximum permitted building height of 12 storeys.
Zoning Existing:	Community Commercial (C3, 579) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 893, H170) Zone.
Modifications Proposed:	<p>The following modifications are being proposed in the amending Zoning By-law:</p> <ul style="list-style-type: none"> <li>• To reduce the landscape strip requirement along the westerly property line for a parking area from 1.5 metres to 1.0 metres with no visual barrier;</li> <li>• To increase the maximum building height from 22 metres to 37.5 metres;</li> <li>• To decrease the westerly side yard from 7.5 metres to 6.0 metres to a building and 4.5 metres to a support column;</li> <li>• To increase the maximum building setback to a street from 4.5 metres to 5.3 metres; and,</li> <li>• To reduce the planting strip requirement along the west property line from 1.5 metres to 1.0 metre and remove the visual barrier requirement.</li> </ul> <p>A modification to remove the increased yard requirement (in the form of a setback or stepback) along the westerly side lot line when adjacent to a residential zone or use; whereas the current provision requires that the yard be equivalently increased with the height of the building after 11 metres, was added by Staff.</p> <p>The applicant included a request to modify the minimum requirement for a Barrier Free Parking Space size. Staff do not support the requested site specific and have not included it within the draft zoning by-law. Based on conversations with the applicant, they have accepted staff’s recommendation regarding the Barrier Free Parking Space size.</p>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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(PED24069) (Ward 5) - Page 8 of 15**

<b>Documents</b>	
Modifications Proposed: <b>(Continued)</b>	<p>Staff advised the applicant that the proposed development would be subject to the regulations within approved By-law No. 24-052, which proposed to delete and replace the parking section in Zoning By-law No. 05-200.</p> <p>A zoning review was completed based on the Council approved By-law No. 24-052, which is subject to appeals. The review identified non-conformities with the new regulations for the proposed development related to electric vehicle parking requirements and the minimum number of accessible parking space requirements. Through discussions with the applicant, they requested a modification to the minimum number of Barrier Free Parking Spaces and advised that they are not requesting any other modifications to the identified non-conformities. Staff do not support a modification to the number of Barrier Free Parking Spaces as the City's latest approved regulations align Zoning By-law No. 05-200 with the requirements of the <i>Accessibility for Ontarians with Disabilities Act</i>. Any reductions from this would bring the proposal out of compliance with this legislation.</p>
<b>Processing Details</b>	
Received:	December 14, 2022.
Deemed Incomplete:	January 4, 2023.
Deemed Complete:	February 22, 2023.
Notice of Complete Application:	Sent to 64 property owners within 120 m of the subject lands on March 10, 2023.
Public Notice Sign:	Posted March 13, 2023, and updated with Public Meeting date May 8, 2024.
Notice of Public Meeting:	Sent to 64 property owners within 120 m of the subject lands on May 17, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24069.
Public Consultation:	On April 25, 2023, a letter was sent by Arcadis IBI Group to neighbours within 120 metres of the subject property outlining the details of a public open house.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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Public Consultation: <b>(Continued)</b>	The public open house took place on May 24, 2023, with the applicant and four members of the public in attendance. The public comments received at the meeting related to neighbourhood character and density, increased traffic, construction nuisance, and privacy.
Public Comments:	To date no public comments have been received by staff.
<b>Processing Details</b>	
Revised Submissions Received:	A resubmission was received on October 27, 2023.
Processing Time:	468 days from deemed complete and 221 days from receipt of final revised submission.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant	Community Commercial (C3, 579) Zone
<b>Surrounding Land Uses:</b>		
North	Single detached dwellings	Single Residential "R2" Zone
South	Vacant parcel, open space, and a cemetery (Stoney Creek Cemetery)	Open Space (P4) Zone and Community Commercial (C3, 579) Zone
East	Existing gas station and associated convenience retail	Community Commercial (C3, 579) Zone
West	Two storey mixed use buildings and six storey multiple dwelling	Multiple Residential "RM2-30" Zone, Modified, and Multiple Residential "RM4-7" Zone, Modified



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

A comprehensive policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix “E” attached to Report PED24069.

### **Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The proposed 12 storey mixed-use building is an efficient use of land and infrastructure and is proposed on full municipal services subject to a Holding Provision for capacity. The proposal will contribute to the range and mix of residential units in the neighbourhood, which will help accommodate households of all income levels and stages of life. The subject site is also located in proximity to community uses including the Stoney Creek Recreation Centre, Stoney Creek Arena, Battlefield Park, Sister’s of Saint Joseph Park, and Saint David’s Elementary School. The proposal is located along the existing number 5 Hamilton Street Rail bus route and within approximately 1.5 kilometres of the proposed light-rail transit stop located at Centennial Parkway and Queenston Road. Accordingly, the proposal will contribute to the achievement of a complete, transit-supportive community.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. An Official Plan Amendment to redesignate the lands to the “Mixed Use – Medium Density” designation is required to implement the proposal, which is attached as Appendix “B” to Report PED24069. A comprehensive review of the applicable Official Plan policies is attached as Appendix “E” to Report PED24069.

The intent of the proposed “Mixed use – Medium Density” designation is to permit a range of retail, commercial and residential accommodation and function as vibrant people places by increasing day and night activity with the residential component, while also enhancing the function of these areas as transit supportive corridors.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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(PED24069) (Ward 5) - Page 11 of 15**

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Staff reviewed the proposal as it relates to the proposed increase in height from six to 12 storeys subject to the applicant complying with the applicable development criteria, which includes a mix of unit sizes to accommodate a range of household sizes and income levels, the incorporation of sustainable building and design principles, that no undue shadow impacts are created on existing residential areas designated “Neighbourhoods”, that buildings are progressively stepped back from the adjacent areas designated “Neighbourhoods”, and that buildings are stepped back from the street to create an appropriate scale relative to the street width. Based on the studies submitted in support of the applications and the proposed unit composition of the development, staff have determined that the proposal complies with the policies to increase the height to 12 storeys.

To meet the access policies of the Urban Hamilton Official Plan, the vehicular access will be provided through an existing access on the adjacent property to the east through a registered easement. Staff evaluated alternative access arrangements, including a separate access for the proposal onto King Street West; however, these alternatives did not meet City guidelines with respect to separation distance between vehicular accesses. As the proposed access does traverse the lands to the east, the proposal was evaluated with regard to if the proposed development negatively impacts the existing commercial uses on the adjacent lands and how the sites will function.

The additional traffic generated from the proposed multiple dwelling is not anticipated to create any conflicts with the existing commercial land uses on the adjacent lands to the east. Furthermore, a pedestrian connection is proposed to Centennial Parkway South through adjacent lands to the east. While this walkway is feasible, it is contingent on the redevelopment of the lands to the east. Accordingly, staff have completed a review and are satisfied that sufficient pedestrian access is being provided from King Street West if the lands to the east are not redeveloped, which is subject to a current Site Plan Control application (DA-18-085). Staff have no concerns with the proposed access arrangement and are satisfied that it will function satisfactorily from a vehicular and pedestrian circulation perspective. Transportation Planning staff reviewed the maneuvering for the entire site and confirmed there are no concerns with the location of parking on the subject lands while maneuvering is on the adjacent property within the easement. Details related to the site circulation will be further evaluated at the Site Plan Control stage.

Based on the foregoing and the analysis provided in Appendix “E” attached to Report PED24069, the proposal complies with the general intent of the Urban Hamilton Official Plan subject to the recommended Official Plan Amendment.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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**Old Town Secondary Plan (Volume 2)**

The subject lands are designated as “Local Commercial” on Map B.7.2-1: Land Use Plan in the Old Town Secondary Plan. To implement the proposal, an Official Plan Amendment is required to redesignate the lands to “Mixed Use – Medium Density” and to add a Site Specific Policy that increases the maximum height to 12 storeys. A review of the applicable Official Plan policies is attached as Appendix “E” to Report PED24069.

The policies within the Old town Secondary Plan note that the Volume 1, “Mixed Use – Medium Density” policies of the Urban Hamilton Official Plan shall also apply to the lands designated “Mixed Use – Medium Density” found within the Old Town Secondary Plan. Staff are satisfied that the proposal complies with the policies of Volume 1 of the Urban Hamilton Official Plan, as noted above. The Secondary Plan does, however, apply a general maximum building height of six storeys for development, which results in the need for a Site Specific Policy to increase the height to 12 storeys.

Staff are satisfied that the applicant has demonstrated that the additional height meets the criteria established in policy E.4.6.8 of Volume 1 of the Urban Hamilton Official Plan as it relates to increased height on-site. The proposed development includes a combination of one bedroom, two bedroom and three bedroom units, the owners have committed to a sustainable building design including, but not limited to, energy efficient appliances and upgraded windows / façade treatments to enhance the building performance, that no undue shadow impacts are created on existing residential areas designated “Neighbourhoods”, that buildings are progressively stepped back from the adjacent areas designated “Neighbourhoods”, and the proposed building is stepped back from the street to create an appropriate scale relative to the street width.

Based on the foregoing and the analysis provided in Appendix “E” to Report PED24069, the proposal complies with the Old Town Secondary Plan.

**Zoning By-law No. 05-200**

The proposed Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone as shown on Appendix “C” to Report PED24069. The effect of this Zoning By-law Amendment will permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial gross floor area and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces). Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above and evaluated in Appendix “F” attached to Report PED24069. The proposed zoning is discussed in the Analysis and Rationale section of this Report.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 118 King Street West, Stoney Creek  
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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and Old Town Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,
  - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to the achievement of a complete community through the establishment of housing forms and densities that are in keeping with the existing and planned character of the surrounding area, while making efficient use of vacant underutilized land.
  
2. The purpose of the Official Plan Amendment is to amend Volume 1 of the Urban Hamilton Official Plan to redesignate the lands from “Neighbourhoods” to “Mixed Use - Medium Density” and to amend the Old Town Secondary Plan to redesignate the subject lands from “Local Commercial” to “Mixed Use - Medium Density” and add a Site Specific Policy for an increased height to a maximum of 12 storeys, as shown in Appendix “B” attached to Report PED24069. A full review of the applicable Official Plan policies has been included in Appendix “E” to Report PED24069 and a summary has been provided below.

The proposed Official Plan Amendment can be supported as the development proposes an appropriate scale and density, adds to the range of housing types and unit sizes in the neighbourhood, is compatible with the surrounding neighbourhood, and optimizes existing and planned infrastructure while supporting the viability of transit.

As part of the Official Plan Amendment, a Site Specific Policy is required to permit a maximum height of 12 storeys on the subject lands. To determine if the proposed increase in height is appropriate, the proposal was reviewed against the criteria listed in policy E.4.6.8 of Volume 1 of the Urban Hamilton Official Plan and the City’s intensification policies. The proposal meets the intent of the policy by providing a variety of dwelling unit sizes, including family sized units; does not create negative impacts on the surrounding residential or public spaces from a shadowing or privacy/overlook perspective; is progressively stepped back from

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the residential area to the north; and is stepped back from the street to minimize its perceived scale from the public realm.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment rezones the subject lands to the Mixed Use Medium Density (C5, 893, H170) Zone. An analysis of the proposed modifications is discussed in Appendix “F” attached to Report PED24069.

Staff are satisfied that the proposal meets the intent of the “Mixed Use – Medium Density” designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “E” attached to Report PED24069.

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

4. A Holding ‘H’ Provision is proposed to be added to the subject lands to ensure that the development cannot connect to municipal services until the necessary upgrades are completed to ensure adequate servicing capacity is available; that a Hydrogeological Brief by a qualified professional has been submitted and approved; that a revised Tree Protection Plan is submitted and approved, including written permission from the adjacent property owner regarding the removal of a boundary tree; and that the extension of the centre median along Centennial Parkway South is completed.

Vehicular access and maneuvering for parking spaces will be provided through an existing access on the adjacent property to the east through a registered easement. A Holding Provision is recommended that requires that the applicant enter into the appropriate shared parking and access agreements and register the appropriate easements on title to secure the legal right to the existing access on the adjacent lands in perpetuity.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the proposed development could not proceed, and the lands would remain in the Community Commercial (C3, 579) Zone, which permits local commercial uses intended to serve the residents in the surrounding neighbourhood along a collector or arterial road with limited residential uses permitted above the first floor.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24069 – Location Map

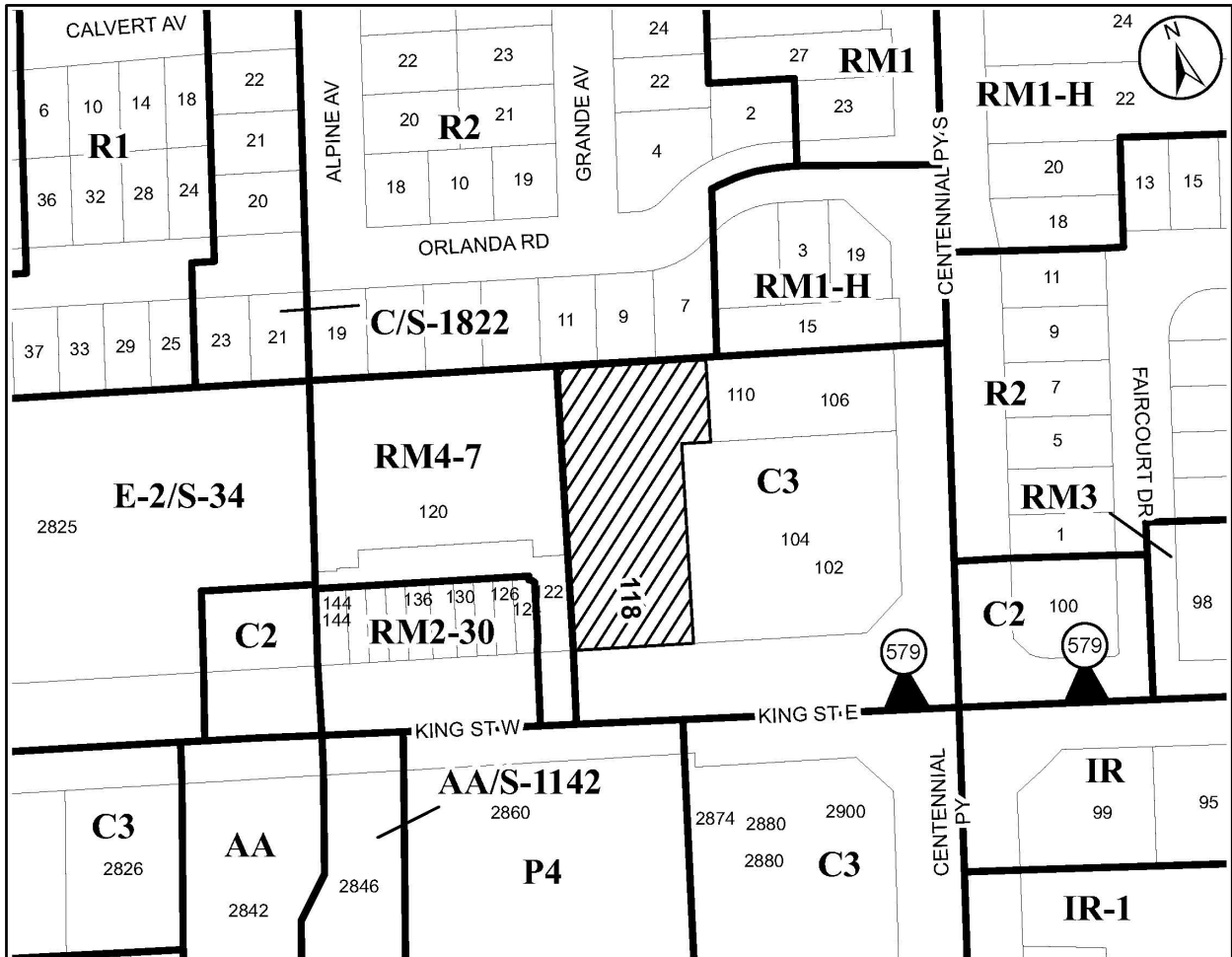
**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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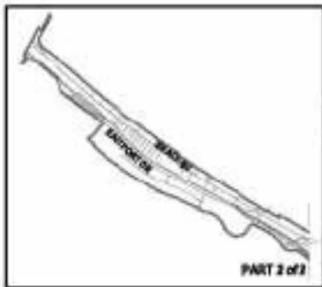
Appendix "B" to Report PED24069 – Draft Official Plan Amendment  
Appendix "C" to Report PED24069 – Draft Zoning By-law Amendment  
Appendix "D" to Report PED24069 – Concept Plan and Building Elevations  
Appendix "E" to Report PED24069 – Policy Review  
Appendix "F" to Report PED24069 – Zoning Modification Chart  
Appendix "G" to Report PED24069 – Staff and Agency Comments

AB:sd

Appendix "A" to Report PED24069  
Page 1 of 1



● Site Location



Key Map - Ward 5

## Location Map



Hamilton

Planning and Economic Development Department

File Name/Number:  
ZAC-23-031 & UHOA-23-014

Date:  
March 14, 2024

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AB/AL

### Subject Property

118 King Street West, Stoney Creek



Change in zoning from Community Commercial (C3, 579) Zone to Mixed Use Medium Density (C5, 893, H170) Zone



## DRAFT Urban Hamilton Official Plan Amendment No. XXX

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.7.2-1 Old Town Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. “XX” to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the lands to “Mixed Use–Medium Density” and add a new Site Specific Policy to the Old Town Secondary Plan to permit the development of a multiple dwelling with ground floor commercial with a maximum height of 12 storeys on the subject lands.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 118 King Street West, in the former City of Stoney Creek.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and Old Town Secondary Plan, as it contributes to a range of housing types and makes efficient use of land;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.



**4.0 Actual Changes:****4.1 Volume 1 – Parent Plan*****Schedules and Appendices***4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Neighbourhoods” to “Mixed Use - Medium Density”, as shown on Appendix “A”, attached to this Amendment.

**4.2 Volume 2 – Secondary Plans*****Text***4.2.1 Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.2 – Old Town Secondary Plan

- a. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.2 – Old Town Secondary Plan be amended by adding a new Site Specific Policy, as follows:

**“Site Specific Policy – Area XX**

B.7.2.8.11 For the lands identified as Site Specific Policy - Area XX on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, designated Mixed Use – Medium Density, and known as 118 King Street West, the following policy shall apply:

- a) Notwithstanding Policy B.7.2.4.2 c), a maximum building height of 12 storeys shall be permitted.”

***Maps***4.2.2 Map

- a. That Volume 2: Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan be amended by:
- i) redesignating lands from “Local Commercial” to “Mixed Use – Medium Density”; and,
  - ii) identifying the subject lands as Site Specific Policy – Area “XX”,

as shown on Appendix “B”, attached to this Amendment.

**5.0 Implementation:**

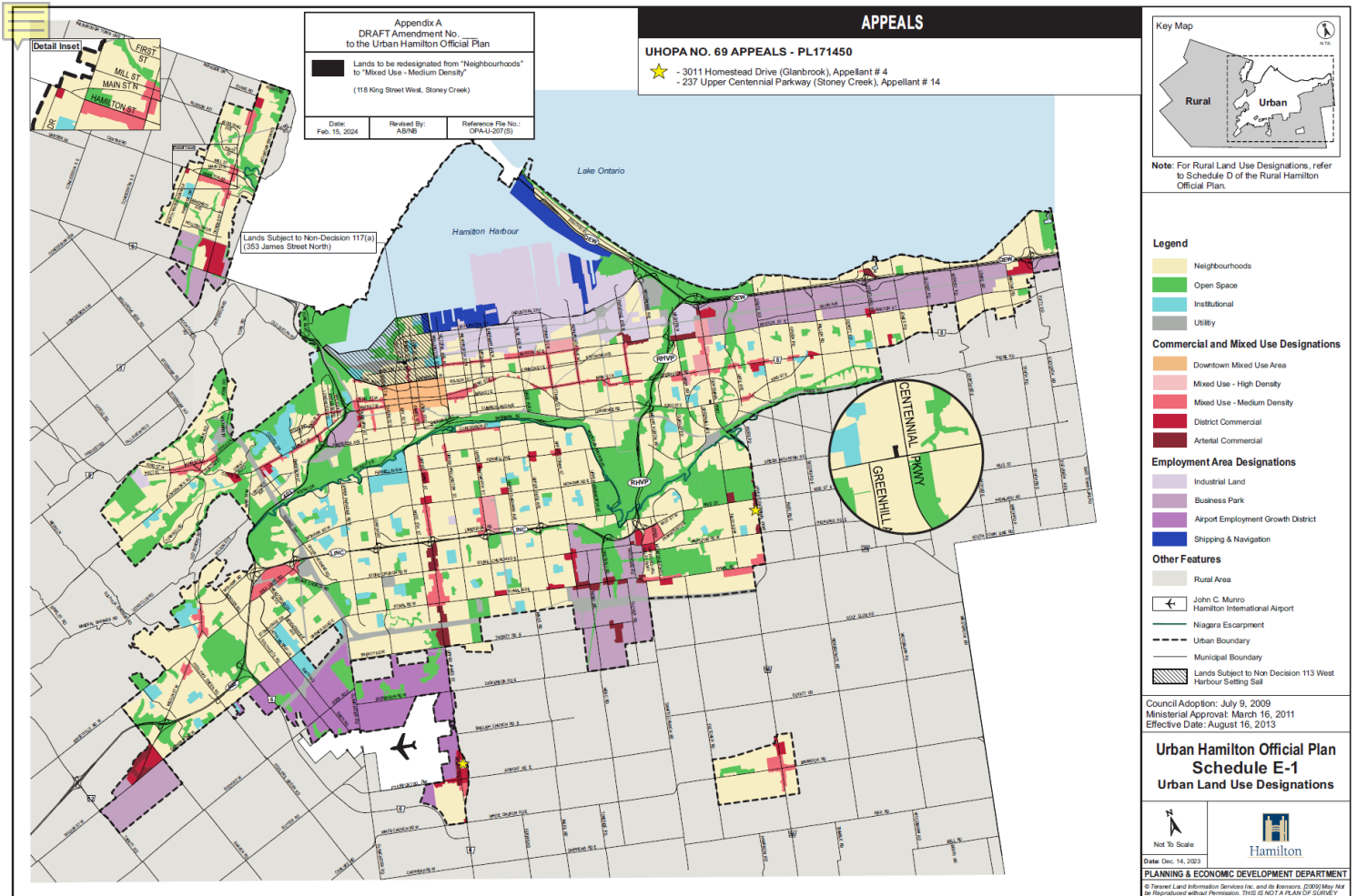
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

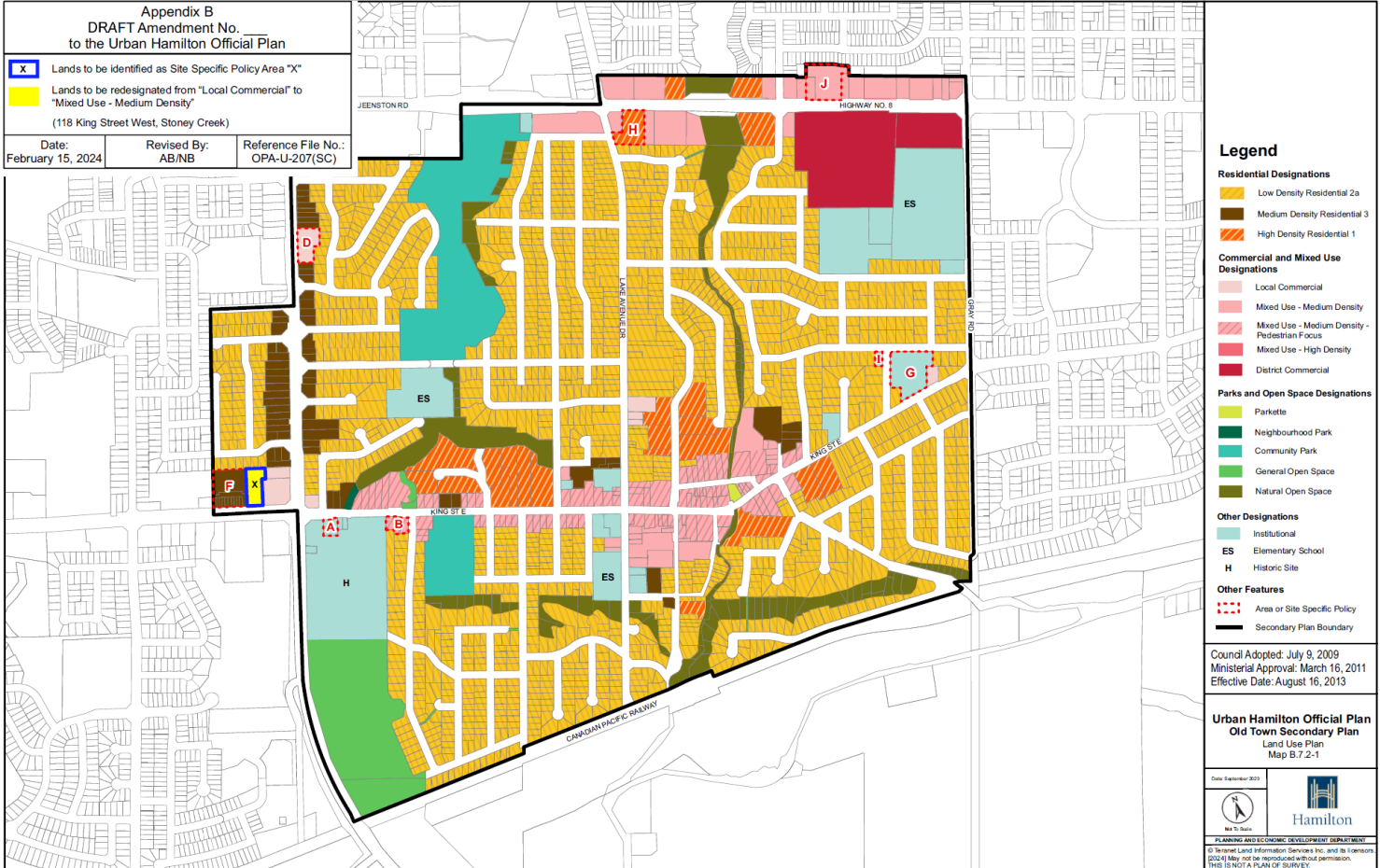
This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2024.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK





**Appendix “C” to Report PED24069  
Page 1 of 5**

**Authority:** Item,  
Report (PED24069)  
CM: May 8, 2024  
Ward: 5

**Bill No.**

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

**To amend Zoning By-law No. 05-200 with respect to lands located at 118 King Street West, Stoney Creek**

**WHEREAS** Council approved Item \_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on May 8, 2024;

**AND WHEREAS** this By-law complies with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. ;

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

1. That Schedule “A” – Zoning Maps, Map No. 1247 is amended by changing the zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, for the lands known as 118 King Street West, Stoney Creek the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:

“893. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1247 of Schedule “A” – Zoning Maps and described as 118 King Street West, Stoney Creek, the following special provisions shall apply:

- a) Notwithstanding Sections 5.2 a), 10.5.3 a) ii), 10.5.3 c), 10.5.3 d) ii) and iii), 10.5.3 i) and Section 10.5.3 j), the following shall apply:

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>i) Landscape Strip and Visual Barrier Requirement for Parking Lot Adjacent to a Residential Zone</li></ol> | A minimum 1.0 metre landscape strip with no visual barrier shall be provided and maintained along the westerly lot line and a minimum 1.5 metre landscape strip and a Visual Barrier in accordance with Section 4.19 |
|--|--|

**Appendix “C” to Report PED24069  
Page 2 of 5**

shall be provided and maintained along the northerly lot line.

- |      |                                     |  |
|------|-------------------------------------|--|
| ii)  | Building Setback from a Street Line | Maximum 5.3 metres, except where a visibility triangle is required for a driveway access.  |
| iii) | Minimum Interior Side Yard          | 6 metres to the building and 4.5 metres to a support column.   |
| iv)  | Building Height                     | <p>(1) Maximum 37.5 metres; and,</p> <p>(2) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) when abutting a Residential or Institutional Zone to a maximum of 37.5 metres.</p> |
| v)   | Planting Strip Requirements         | A minimum 1.5 metre wide Planting Strip shall be provided and maintained along the northerly lot line and a 1.0 metre wide Planting Strip shall be provided and maintained along the westerly lot line.  |
| vi)  | Visual Barrier Requirement          | A visual barrier shall be required along the northerly lot line.   |

3. That Schedule “D” – Holding Provisions is amended by adding the additional Holding Provision as follows:

“170. Notwithstanding Section 10.5.1 of this By-law, within lands zoned Mixed Use Medium Density (C5, 893) Zone, identified on Map No. 1247 of

**Appendix “C” to Report PED24069****Page 3 of 5**

Schedule A – Zoning Maps and described as 118 King Street West, Stoney Creek, no development shall be permitted until such time as:

- a) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:
  - I. That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development.
  - II. That as part of the future Site Plan Control application, the owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;
- b) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- c) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
- d) That the existing centre median island along Centennial Parkway South to restrict driveway access to right-in/right-out vehicular movements only be completed as per the Traffic Impact Brief by Paradigm dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design

**Appendix “C” to Report PED24069**  
**Page 4 of 5**

drawings and construction shall be finalized through a future External Works Agreement;

- e) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design; and,
  - f) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.
4. 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 provisions of the Mixed Use Medium Density (C5, 893, H170) Zone, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_, 2024

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

UHOPA-23-014 and ZAC-23-031



**Appendix "C" to Report PED24069**  
**Page 5 of 5**

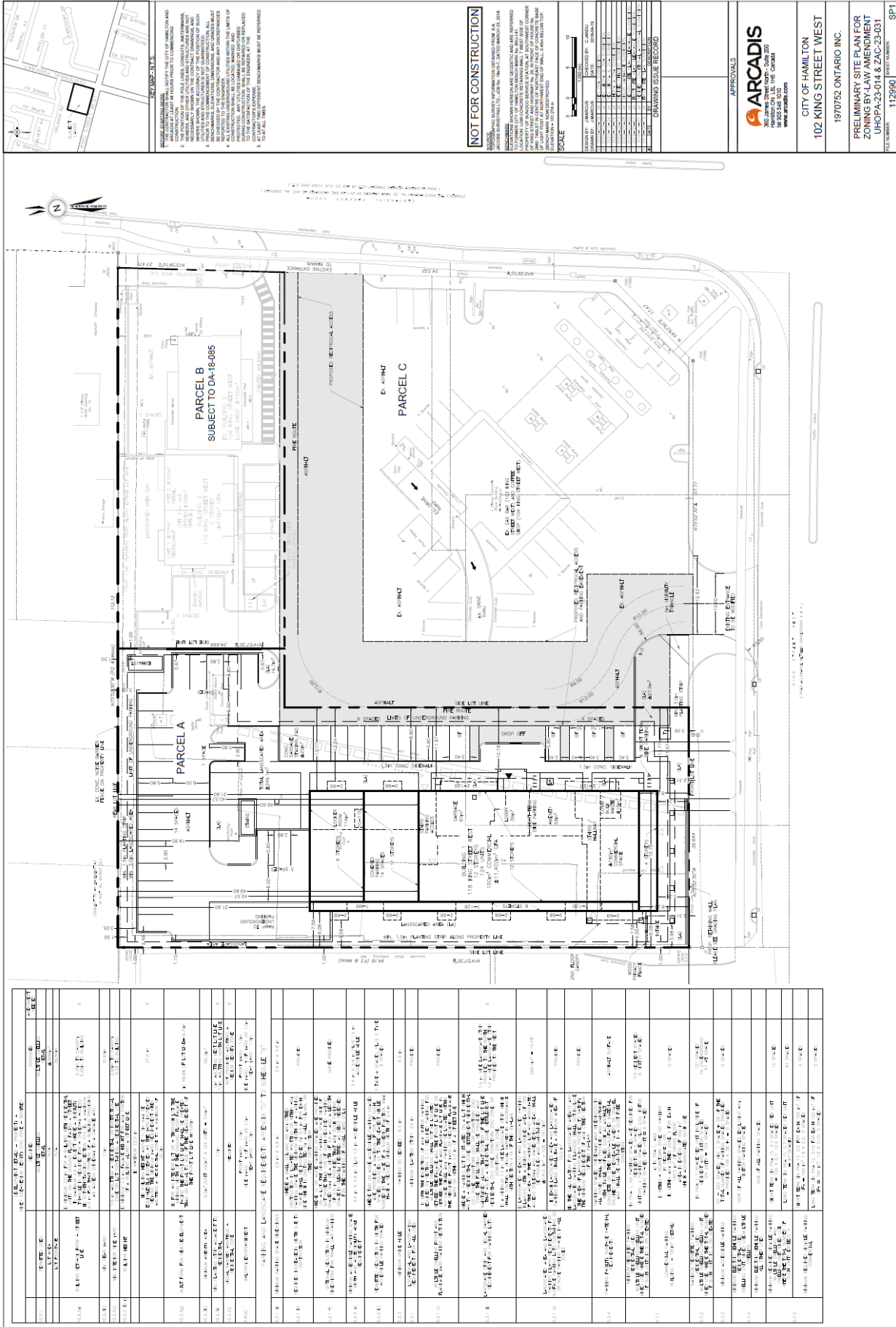


This is Schedule "A" to By-law No. 24- Passed the ..... day of ....., 2024	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule 'A'</h2> <p style="margin: 5px 0;">Map forming part of By-law No. 24-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1247</p>	<p><b>Subject Property</b></p> <p>118 King Street West, Stoney Creek</p> <div style="display: flex; align-items: flex-start; margin-top: 10px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <p style="font-size: small; margin: 0;">Change in zoning from Community Commercial (C3, 579) Zone to Mixed Use Medium Density (C5, 893, H170) Zone</p> </div>
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<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-23-031 & UHOPA-23-014	
<b>Date:</b> March 14, 2024	<b>Planner/Technician:</b> AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix "D" to Report PED24069



**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2023-01-10
2	REVISED PER CITY COMMENTS	2023-01-25
3	REVISED PER CITY COMMENTS	2023-02-15
4	REVISED PER CITY COMMENTS	2023-03-01
5	REVISED PER CITY COMMENTS	2023-03-15
6	REVISED PER CITY COMMENTS	2023-03-30
7	REVISED PER CITY COMMENTS	2023-04-15
8	REVISED PER CITY COMMENTS	2023-05-01
9	REVISED PER CITY COMMENTS	2023-05-15
10	REVISED PER CITY COMMENTS	2023-05-30
11	REVISED PER CITY COMMENTS	2023-06-15
12	REVISED PER CITY COMMENTS	2023-06-30
13	REVISED PER CITY COMMENTS	2023-07-15
14	REVISED PER CITY COMMENTS	2023-07-30
15	REVISED PER CITY COMMENTS	2023-08-15
16	REVISED PER CITY COMMENTS	2023-08-30
17	REVISED PER CITY COMMENTS	2023-09-15
18	REVISED PER CITY COMMENTS	2023-09-30
19	REVISED PER CITY COMMENTS	2023-10-15
20	REVISED PER CITY COMMENTS	2023-10-30
21	REVISED PER CITY COMMENTS	2023-11-15
22	REVISED PER CITY COMMENTS	2023-11-30
23	REVISED PER CITY COMMENTS	2023-12-15
24	REVISED PER CITY COMMENTS	2023-12-30
25	REVISED PER CITY COMMENTS	2024-01-15
26	REVISED PER CITY COMMENTS	2024-01-30
27	REVISED PER CITY COMMENTS	2024-02-15
28	REVISED PER CITY COMMENTS	2024-02-30
29	REVISED PER CITY COMMENTS	2024-03-15
30	REVISED PER CITY COMMENTS	2024-03-30
31	REVISED PER CITY COMMENTS	2024-04-15
32	REVISED PER CITY COMMENTS	2024-04-30
33	REVISED PER CITY COMMENTS	2024-05-15
34	REVISED PER CITY COMMENTS	2024-05-30
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36	REVISED PER CITY COMMENTS	2024-06-30
37	REVISED PER CITY COMMENTS	2024-07-15
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96	REVISED PER CITY COMMENTS	2026-12-30
97	REVISED PER CITY COMMENTS	2027-01-15
98	REVISED PER CITY COMMENTS	2027-01-30
99	REVISED PER CITY COMMENTS	2027-02-15
100	REVISED PER CITY COMMENTS	2027-02-30

**NOT FOR CONSTRUCTION**

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**SCALE**

1" = 100'

AS SHOWN ON THIS DRAWING

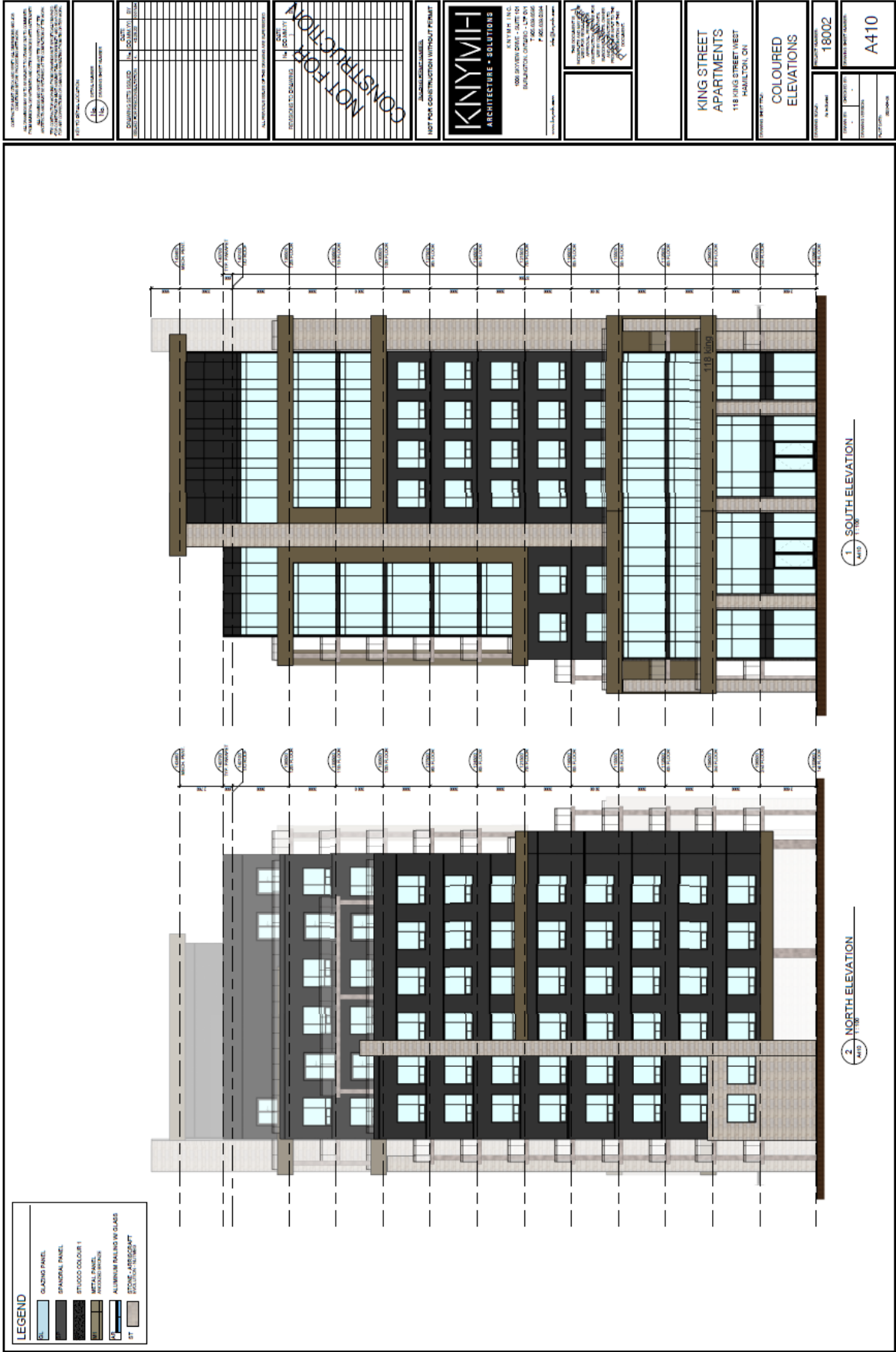
**APPROVALS**

**ARCADIS**  
 1970752 ONTARIO INC.  
 102 KING STREET WEST  
 TORONTO, ONTARIO M5X 1C5  
 TEL: 416-593-8800  
 WWW.ARCADIS.COM

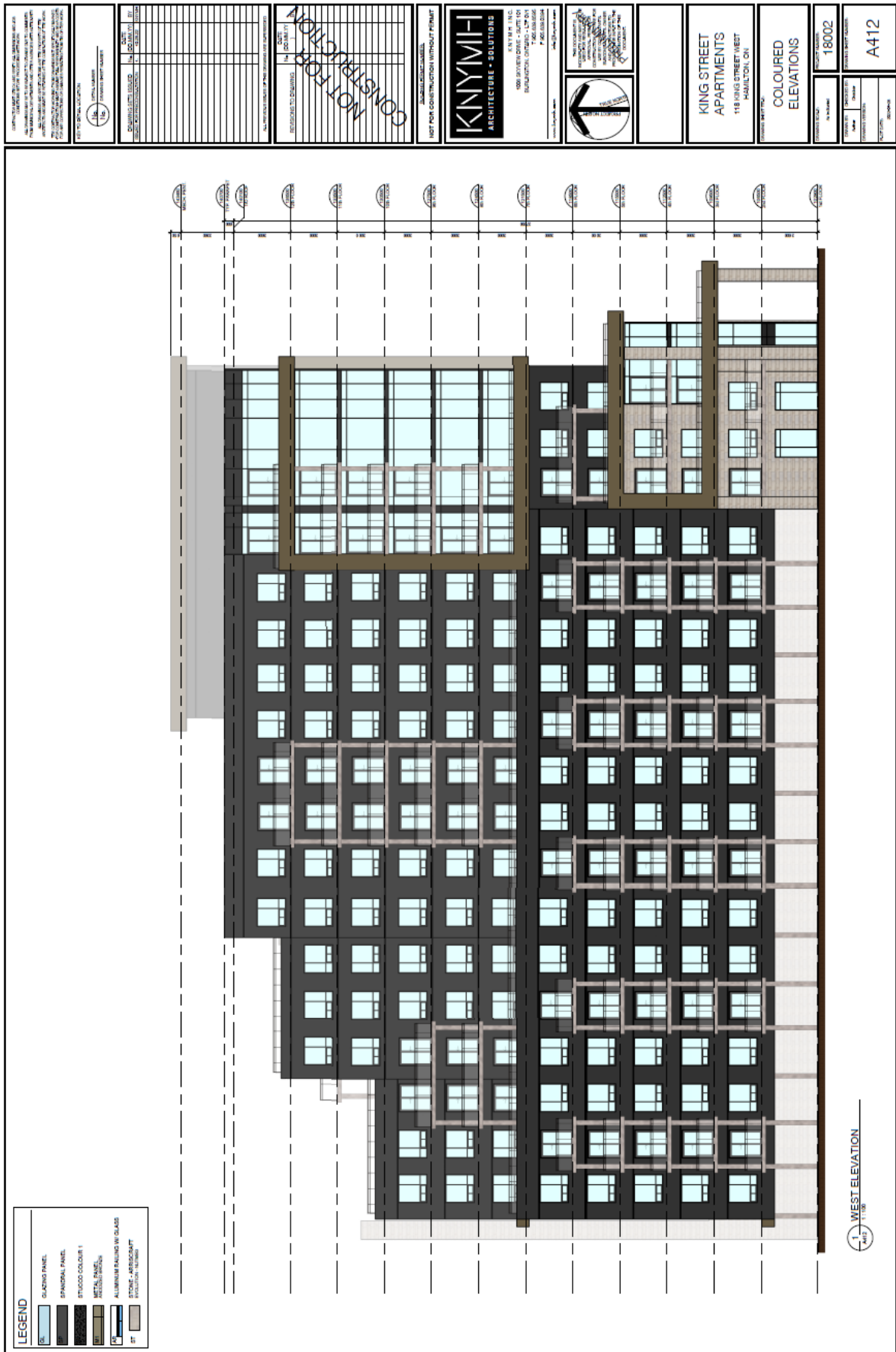
CITY OF HAMILTON  
 1970752 ONTARIO INC.  
 PRELIMINARY SITE PLAN FOR  
 ZONING BY-LAW AMENDMENT  
 UHO-PA-23-014 & ZAC-23-031

PROJECT NUMBER: 112990  
 SHEET NUMBER: SPT

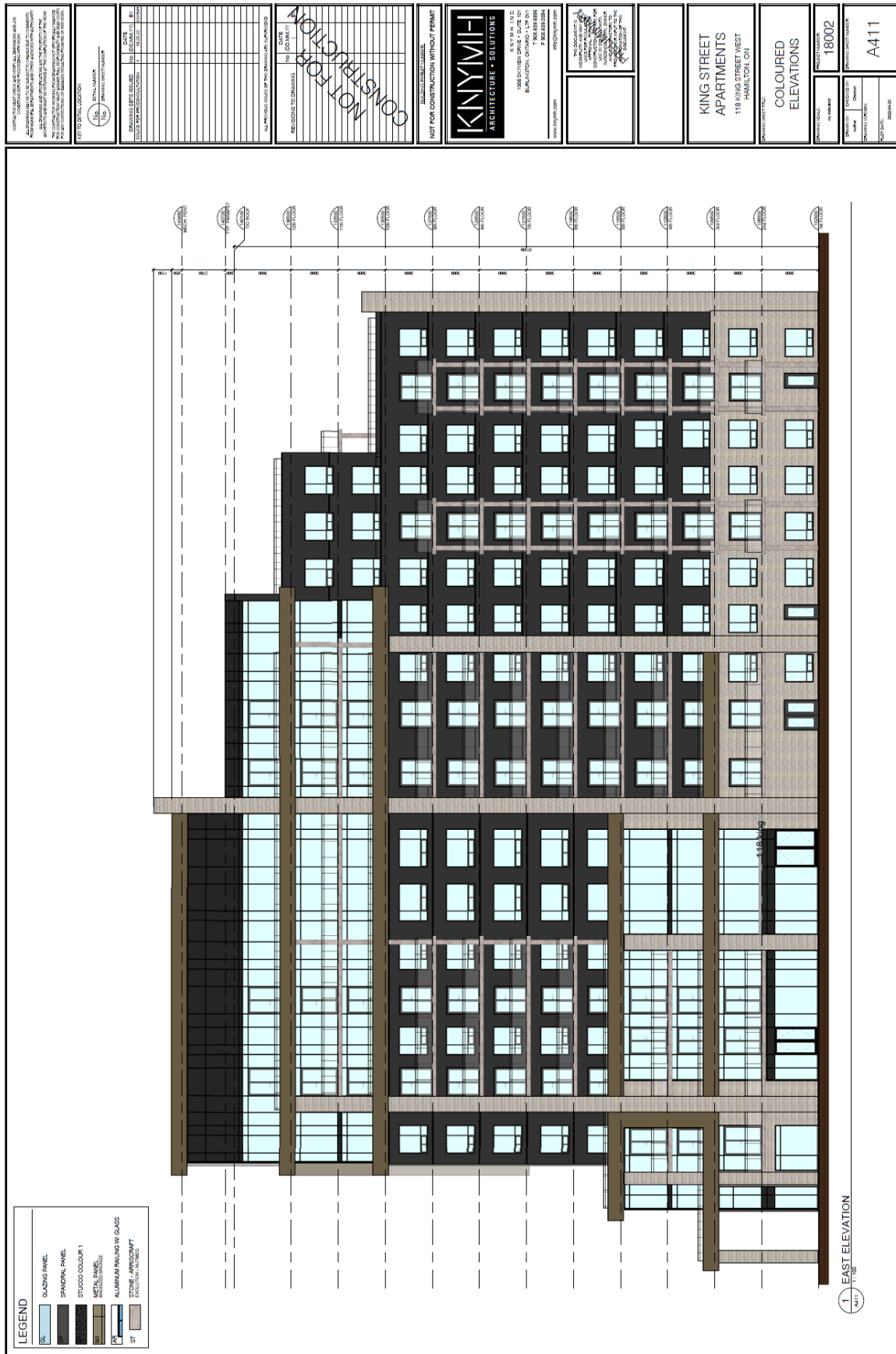
# Appendix "D" to Report PED24069



Appendix "D" to Report PED24069



Appendix "D" to Report PED24069



## Zoning By-law Site Specific Modifications – Mixed Use Medium Density (C5, 893, H170) Zone

Provision	Required	Requested Amendment	Analysis
<b>Section 5.2: Design Standards</b>			
5.2 a) – Minimum Landscape Strip for a Parking Lot Adjacent to a Residential Zone  ** Applicant Requested Modification	Minimum 1.5 metre wide landscape strip which shall contain a Visual Barrier in accordance with Section 4.19	A minimum 1.0 metre landscaping strip shall be provided with no Visual Barrier and maintained along the westerly lot line and a minimum 1.5 metre landscape strip and a Visual Barrier in accordance with Section 4.19 shall be provided and maintained along the northerly lot line.	Staff are satisfied that the reduced planting strip is only for a limited area adjacent to the underground parking ramp. The proposed underground parking ramp is adjacent to an existing driveway on the property directly west of the subject site. As a result, there would be no impact to the adjacent use due to the small reduction on the subject site. In all other areas of the proposal, the applicant is providing the minimum 1.5 metre planting strip with a visual barrier. Furthermore, the removal of the visual barrier requirement along the westerly lot line is appropriate as a fence already exists along this lot line, and a continuous row of coniferous trees is proposed along the westerly lot line to enhance this existing condition.  Therefore, the proposed modification can be supported.
<b>Section 10.5: Mixed Use Medium Density (C5) Zone</b>			
10.5.3 (a) ii) - Building Setback from a Street Line ** Applicant Requested Modification	Maximum 4.5 metres, except where a visibility triangle is required for driveway access.	Maximum 5.3 metres, except where a visibility triangle is required for driveway access.	The proposed increase in the maximum building setback is considered minor and will allow for additional space for landscaping and street furniture to help animate the streetscape.  The proposed modification can be supported.

## Appendix “E” to Report PED24069

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Provision	Required	Requested Amendment	Analysis
Section 10.5: Mixed Use Medium Density (C5) Zone			
<p>10.5.3(c) – Side Yard Setback</p> <p>** Applicant Requested Modification</p>	<p>7.5 metres when abutting a Residential or Institutional Zone or lot containing a residential use.</p>	<p>Minimum westerly side yard setback of 6 metres to the building and 4.5 metres to a support column.</p>	<p>The proposed reduced westerly side yard setback is adjacent to an existing driveway for the residential use west of the subject lands, which results in a separation between the proposed building and the existing buildings to the west. Furthermore, the residential uses existing to the west include a six storey multiple dwelling, and a two storey mixed-use building, which are considered less sensitive than a low density residential use and a reduced setback is therefore appropriate.</p> <p>The proposed modification can be supported.</p>
<p>10.5.3(d)ii) and iii) – Maximum Building Height and Additional Setback Above 11.0 Metres in Building Height</p> <p>** Applicant Requested Modification</p>	<p>22 metres.</p> <p>In addition to Section 10.5.3d) i) and notwithstanding Section 10.5.3d) ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.</p>	<p>37.5 metres.</p> <p>In addition to Section 10.5.3d) i) and notwithstanding Section 10.5.3d) ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) when abutting a Residential or Institutional Zone to a maximum of 37.5 metres.</p>	<p>To evaluate the proposed increase in building height, staff reviewed the proposal for compatibility with the adjacent land uses. The applicants provided a Sun/Shadow Study and staff are satisfied that the proposed increase in height would not adversely impact the low density residential uses to the north or the public sidewalk. In addition, the applicants are proposing stepbacks as part of the proposed development, including a stepback on the fourth floor adjacent to King Street West in order to reduce the perceived mass of the building from the street and to be more compatible with existing low rise development along King Street West. Finally, the applicant is proposing a 31.6 metre setback from the low density residential at the rear of the property, in addition to stepbacks at the 9<sup>th</sup> and 11<sup>th</sup> storeys to help mitigate any overlook or privacy concerns.</p> <p>The applicant also requested the removal of additional setbacks above 11.0 metres in height (angular plane) adjacent to the westerly lot line.</p>

## Appendix “E” to Report PED24069

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Provision	Required	Requested Amendment	Analysis
<b>Section 10.5: Mixed Use Medium Density (C5) Zone</b>			
<p>10.5.3(d)ii) and iii) – Maximum Building Height and Additional Setback Above 11.0 Metres in Building Height</p> <p><b>** Applicant Requested Modification (Continued)</b></p>			<p>Staff are satisfied that this modification can be supported as the proposed building is adjacent to a driveway for a multiple dwelling use to the west. In addition, the Sun/Shadow Study did not identify any negative impact to the neighbouring property as a result of the increased height. Further, as the proposed building is not adjacent to any private amenity space to the west, there is no significant concern with overlook and privacy. Finally, the proposal meets the requirement for the additional stepbacks (angular plane) adjacent to the rear property line, where more sensitive low density uses are located.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3(i), 10.5.3(j) and 4.19 – Minimum Planting Strip and Visual Barrier</p> <p><b>** Applicant Requested Modification</b></p>	<p>1.5 metre planting strip shall be provided and maintained when abutting a property lot line with a Residential Zone with a visual barrier on a lot line abutting a Residential Zone.</p>	<p>A minimum 1.5 metre wide planting strip shall be provided and maintained along the northerly lot line and a 1.0 metre wide planting strip shall be provided and maintained along the westerly lot line. A visual barrier shall be required along the northerly lot line only.</p>	<p>Staff are satisfied that the reduced planting strip is only for a limited area adjacent to the underground parking ramp. The proposed underground parking ramp is adjacent to an existing driveway on the property directly west of the subject site. As a result, there would be no impact to the adjacent use due to the small reduction on the subject site. In all other areas of the proposal, the applicant is providing the minimum 1.5 metre planting strip with a visual barrier. Furthermore, the removal of the visual barrier requirement along the westerly lot line is appropriate as a fence already exists along this lot line, and a continuous row of coniferous trees is proposed along the westerly lot line to enhance this existing condition.</p> <p>Therefore, the proposed modification can be supported.</p>



## SUMMARY OF POLICY REVIEW

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

<b>Provincial Policy Statement (2020)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Management of Land Use</b>  Policy: 1.1.1	Healthy, liveable and safe communities are, in part, developed through the appropriate management of land use patterns.	<p>The proposal contributes to the creation of a healthy, liveable and safe community through providing an efficient form of development that, among other things, is transit-supportive and provides a mix of uses in a compact built form. The development also proposes one, two, and three-bedroom residential units, contributing to a built form that expands on the range and mix of housing options in the area.</p> <p>The proposal is consistent with this policy.</p>
<b>Settlement Area</b>  Policy: 1.1.3	Settlement areas are intended to be the focus of growth and development. The development found within settlement areas are generally to have appropriate densities and mix of uses to allow for efficient use of public infrastructure, positively contribute to mitigating and adapting to the impacts of a changing climate and be transit supportive.	<p>The proposal is appropriate given it is located within the settlement area of the City and provides for an efficient use of public infrastructure subject to a Holding Provision for servicing capacity. The proposal also provides a mix of uses including residential intensification and commercial uses in proximity to transit, which contributes to the reduction of trips taken using single occupancy personal vehicles and increases alternative transportation modal split.</p> <p>The proposal is consistent with this policy.</p>
<b>Transportation</b>  Policy: 1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.	<p>A mix of uses and residential intensification is proposed that positively contributes to the use of current and future transit planned along King Street West and Centennial Parkway South. Currently, the existing bus routes adjacent to and within proximity of the subject lands are 5 Delaware, 5B Delaware, 44 Rymal, 4 Bayfront and 4F Bayfront.</p>

## Appendix "F" to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Transportation</b>  Policy: 1.6.7.4 <b>(Continued)</b>		The proposal is consistent with this policy.
<b>Long-Term Economic Prosperity</b>  Policy: 1.7.1	Consideration must be given to promoting opportunities for economic development, encouraging residential supply and a range of housing options for a diverse workforce and other aspects such as a cost-effective, reliable, multimodal transportation system.	The proposal positively contributes to long-term economic prosperity, in part, through the supply of a multi-unit residential building that will provide additional housing options, efficiently uses lands, optimizes infrastructure, and that will support the viability of existing and future transit.  The proposal is consistent with this policy.
<b>Human-Made Hazards</b>  Policy: 3.2.2	Sites with contaminants in land or water shall be assessed and remediated, as necessary.	A Phase 1 and 2 Environmental Site Assessment Report was completed on the subject lands. The Phase 2 assessment concluded that site contaminant level met the applicable provincial guidelines. The owner has filed a Record of Site Condition with the Ministry of the Environment, Conservation and Parks in accordance with Provincial regulations. Written acknowledgement of the filing of the Record of Site Condition from the Ministry was received on October 6, 2021, and provided to staff.  The proposal is consistent with this policy.

## Appendix "F" to Report PED24069

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<b>A Place to Growth: Growth Plan for the Greater Golden Horseshoe (2019, as amended)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Managing Growth</b>  Policy: 2.2.1	The vast majority of growth is intended to happen within Settlement Areas and more specifically within the delineated built boundary as intensification. The application of the policies found within this section of the Plan are intended to help achieve complete communities.	The subject lands are in the delineated built-up area, adjacent to existing transit systems, commercial amenities, and public service facilities. The proposal contributes to the achievement of complete communities.  The proposal conforms to this policy.
<b>Housing/ Complete Communities</b>  Policy: 2.2.6	A mix of housing options and densities is an important aspect of achieving complete communities. This is to be realized, in part, through multi-unit residential development that incorporates a mix of unit sizes to accommodate a variety of household sizes, incomes and residents at all stages of life.	The proposal will contribute to achieving a complete community by providing additional multi-unit residential units with a mix of unit sizes (one bedroom, two bedroom and three bedroom units) and ground related commercial space.  The proposal conforms to this policy.
<b>Urban Hamilton Official Plan</b>		
<b>Residential Intensification</b>  Policy B.2.4.1.1	Residential Intensification is encouraged throughout the entire built-up area.	The subject lands are located within the built-up area.  The proposal complies with this policy
<b>Residential Intensification Evaluation</b>  Policy: B.2.4.1.4	Residential intensification is evaluated against a series of policy criteria in order to determine appropriateness. Proposals are evaluated based on how it builds upon and is compatible with the established development patterns and built form in the neighbourhood in terms of use, scale, form and character.	The proposal is appropriately integrated within the surrounding neighbourhood through the use of building setbacks and stepbacks that limit any shadowing and overlook concerns on the low rise residential uses to the north. Staff have evaluated the proposal from a privacy and overlook perspective and determined that no adverse impacts are being created on the surrounding neighbourhood. The shadowing was analyzed through a Shadow Impact Analysis prepared by KNYMH Architecture Solutions, dated October 25, 2022, the results of which meet the City's guidelines as it does not place any of the public and private outdoor amenity spaces into shadow for more than three hours between 1:00 a.m. and 4:00 p.m.

## Appendix “F” to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan</b>		
<b>Residential Intensification Evaluation</b>  Policy: B.2.4.1.4 <b>(Continued)</b>	This policy also considers evaluating the proposal against the Urban Structure (Schedule E of the Urban Hamilton Official Plan) to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved.	<p>Staff note that the policies of the Urban Hamilton Official Plan make it clear that compatibility does not mean that proposed development needs to be the same as, or even similar to, existing development. Through the submitted materials, the applicant has demonstrated that the proposal can be compatibly integrated into the neighbourhood.</p> <p>The built form of the proposal also supports transit and active transportation through increased density adjacent to existing transit routes and the inclusion of short and long-term bicycle parking spaces.</p> <p>A Functional Servicing Study was submitted with respect to water, wastewater and stormwater capacity. As part of the circulation, a Holding Provision has been added to the amending By-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system. In addition, a Hydrogeological Study has been requested as part of the comments provided through the circulation. Accordingly, the proposal can be adequately serviced subject to the recommend Holding Provisions.</p> <p>The proposal complies with this policy subject to a Holding Provision.</p>
<b>Urban Design</b>  Policy: B.3.3	These policies apply to all development in the urban area and seek to achieve the goals of B.3.3.1. Each of these policies discusses a design direction including: <ul style="list-style-type: none"> <li>• Creating identity and quality spaces.</li> </ul>	The lands currently are vacant. The proposal is a transit-supportive built form that can positively contribute to mitigating and adapting to a changing climate. In addition, on the conceptual Landscape Plan prepared by IBI Group, dated December 9, 2022, the 1:1 tree replacement compensation requirement is being exceeded.

## Appendix “F” to Report PED24069

## Page 5 of 12

Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan</b>		
<b>Urban Design</b>  Policy: B.3.3 <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• Creating safe, accessible, connections;</li> <li>• Enhancing the character of the environment;</li> <li>• Creating adaptable developments with respect to changing needs of people;</li> <li>• Creating adaptable developments with respect to a changing climate;</li> <li>• Creating development that has a positive impact on the physical and mental health of the occupants; and,</li> <li>• Creating streets that contribute to the transportation network and that are important public spaces.</li> </ul>	<p>The Landscape Plan will be finalized as a component of the future Site Plan Control application.</p> <p>As proposed, the building will provide commercial spaces at-grade with an appropriate setback to animate the street. It will also contribute to activating the street by introducing additional residential density. Through the proposed internal and rooftop amenity spaces, the proposed amenity exceeds the requirements of the C5 Zone regulations. The proposal is compatibly integrated into the existing neighbourhood and will serve to redevelop an underutilized site that will add a desirable built form and enhance the character of the area.</p> <p>The proposal complies with this policy.</p>
<b>Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)</b>		
<b>Cultural Heritage Resource Policies</b>  Policy: B.3.4.1.4 and B.3.4.2.1 (g)	<p>Ensure that all new development is contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources. In addition, ensure the conservation and protection of cultural heritage resources in planning and development matters through either appropriate planning and design measures or through conditions.</p>	<p>The subject lands are located within 150 metres of 1 Faircourt Drive, a property comprised of a circa 1862 one-and one- half-storey dwelling listed on the Municipal Heritage Register. Further, the subject lands are across the street from the Stoney Creek Municipal Cemetery located at 2860 King Street East, a property listed on the City’s Inventory of Cemeteries and Burial Grounds. Additionally, the property is located approximately 200 metres from the northwest boundary of Battlefield House, Park and Museum, a property designated under Part IV of the <i>Ontario Heritage Act</i>, a National Historic Site containing a stone monument erected in 1913 and a “protected heritage property” under the Provincial Policy Statement.</p>

## Appendix "F" to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)</b>		
<b>Cultural Heritage Resource Policies</b>  Policy: B.3.4.1.4 and B.3.4.2.1 (g) <b>(Continued)</b>		As a result, staff require that any future Construction Management Plan and Vibration Analysis and Impact Study address potential vibration impacts on these two cultural heritage resources (the 1913 Battlefield Monument and the Stoney Creek Municipal Cemetery) during construction to the satisfaction and approval of the Director of Heritage and Urban Design prior to any site plan approval.  The proposal complies with these policies.
<b>Archaeological Assessment</b>  Policy: B.3.4.4.3 b)	In areas of archaeological potential, an Archaeological Assessment shall be required as part of a complete Zoning By-law Amendment application.	The subject lands meet five (5) of the ten criteria used by the City of Hamilton and Ministry of Citizenship & Multiculturalism for determining archaeological potential.  Staff require that a written caution be added to any future site plan.  The proposal complies with these policies.
<b>Urban Hamilton Official Plan</b>		
<b>Noise</b>  Policies B.3.6.3.1 and B.3.6.6.7	Development of noise sensitive land uses in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.	The proposed development is along King Street West, identified as a Minor Arterial Road and close to Centennial Parkway, identified as a Major Arterial on Schedule C - Functional Road Classification. Accordingly, dBA Acoustical Consultants Inc. prepared a Noise & Vibration Study dated November 2022. The study reviewed the acoustic requirements for this development regarding road noise and rooftop HVAC equipment.

## Appendix “F” to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan</b>		
<b>Noise</b>  Policies B.3.6.3.1 and B.3.6.6.7 <b>(Continued)</b>		<p>Staff are satisfied with the findings of the Noise and Vibration study subject to warning clauses to be added as part of a future Site Plan Control application and upgraded windows which are to be certified as part of an inspection of building permit plans.</p> <p>The proposal complies with these policies.</p>
<b>Trees</b>  Policy C.2.11.1:	<p>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.</p>	<p>Trees have been identified within the subject lands and are proposed to be removed as part of the development. Four trees were identified to be removed. Of the four trees proposed for removal, three were considered fair and one was considered in good condition. The species of trees includes two Sugar Maples, one Siberian Elm, and one White Spruce. The Tree Protection Plan, prepared by IBI Group, revised December 9, 2022, has not been approved. Revisions were required regarding the Tree Protection Plan with clarification regarding if written permission has been obtained for a tree that is located on the neighbouring property which is proposed to be removed, and additional information is required regarding the number of trees inventoried as part of a previous application (DA-18-085). Therefore, a Holding Provision has been included in the amending by-law to finalize the Tree Protection Plan.</p> <p>A preliminary Landscape Plan was submitted that proposes a total of 31 trees being planted on-site, which exceeds the City’s minimum required compensation of a 1:1 replacement of any trees to be removed. Following the approval of a Zoning By-law Amendment implementing the proposal, the compensation will be implemented at the Site Plan Control stage with a finalized Landscape Plan as a condition of Site Plan approval.</p>

## Appendix "F" to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan</b>		
<b>Trees</b>  Policy C.2.11.1: <b>(Continued)</b>		The proposal complies with this policy, subject to the Holding Provision.
<b>Transportation</b>  Policy C.4.5.12:	A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.	<p>A Traffic Impact Brief dated March 2021 and a Traffic Brief Update dated November 3, 2022, was prepared by Paradigm and the findings were accepted by Transportation Planning staff. The brief finds that the surrounding existing road network can accommodate the site-generated traffic. As part of the Transportation Brief recommendations, the study recommends that left turn movements are restricted onto Centennial Parkway South by extending the raised centre median on Centennial Parkway South past the entrance to the adjacent property with frontage onto Centennial Parkway South that provides partial access to the proposal. As well, confirmation of the legal agreements/easements between property owners is required to ensure continued shared use if/when either property is under new ownership/management.</p> <p>A Holding Provision to confirm these agreements / easements was added to the draft zoning by-law including the centre median along Centennial Parkway South to be extended.</p> <p>The proposal complies with this policy, subject to the Holding Provision.</p>



## Appendix "F" to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan</b>		
<b>Infrastructure</b>  Policy C.5.3.6:	All redevelopment within the urban area shall be connected to the City's water and wastewater system.	<p>The proposed development has access to full municipal services. At the time of the review, staff raised concerns with the capacity currently available within the sanitary system, therefore a Holding Provision has been added to the amending by-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system. The proposed development has access to full municipal services.</p> <p>At the time of the review, staff raised concerns with the capacity currently available within the sanitary system, therefore a Holding Provision has been added to the amending by-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system.</p> <p>This may include a requirement for the owner to enter into an External Works Agreement for infrastructure improvements, which will be at the owner's expense, if required. In addition, a Hydrogeological Brief has been identified as a requirement as part of the review. As a result, Holding Provisions were added to the draft zoning by-law.</p> <p>The proposal complies with this policy, subject to the Holding Provision.</p>

**Appendix “F” to Report PED24069**  
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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Urban Hamilton Official Plan</b>		
<p><b>Mixed Use – Medium Density Designation – Scale</b></p> <p>Policy: E.4.6.8</p>	<p>Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan if it is demonstrated that the development provides a mix of unit sizes, incorporates sustainable building and design principles, there are no adverse shadow impacts on existing residential uses, the proposal progressively steps back from residential uses in the “Neighbourhoods” designation, and the building is stepped back from the street.</p>	<p>The proposal provides a sufficient mix of unit sizes to satisfy residents of all incomes, household sizes, and stages of life. The proposal contains 124 units, of which, 25% will be one bedroom and one bedroom plus den, 67% will be two bedroom and two bedroom plus den, and 8% will be three bedroom.</p> <p>The Shadow Impact Analysis, prepared by KNYMH Architecture Solutions, dated October 25, 2022, demonstrates that the development will not have a negative impact on the neighbouring properties, or the public sidewalks given the design of the building that incorporates appropriate setbacks and stepbacks.</p> <p>The proposal also incorporates a setback and a series of stepbacks adjacent to the low density residential neighbourhood to the north of the site, which will aid in the transition of the building to the low density residential uses to the north and help mitigate shadowing and overlook/privacy impacts.</p> <p>Furthermore, the proposal incorporates a setback above the fourth floor adjacent to the street to establish a four storey podium element along the streetscape that is consistent with other building heights along King Street West. As part of the implementation of sustainable building and design principles, the owner is committing to adding landscaping on the terraces of the building, specifically floors four, nine and 11, and using pollinator plants and native vegetation as part of the proposed landscaping.</p>

## Appendix “F” to Report PED24069

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)</b>		
<b>Mixed Use – Medium Density Designation – Scale</b>  Policy: E.4.6.8 <b>(Continued)</b>		<p>The owner has committed to using energy efficient appliances, low flow faucets and toilets and upgraded windows / façade treatments to enhance the building performance through heating / cooling and airtightness. As part of future applications, the owner has stated that they will review opportunities to incorporate bird-friendly glazing / design and investigate opportunities for alternative modes of transportation, such as partnership with local car-share programs.</p> <p>The proposal complies with this policy.</p>
<b>Mixed Use – Medium Density Designation - Design</b>  Policy: E.4.6.16 and E.4.6.24	<p>New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian-oriented streets within each area designated Mixed Use - Medium Density. In addition, new development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overlook on properties in adjacent neighbourhoods.</p>	<p>The proposal is mixed use with commercial uses at-grade that will help animate the streetscape and enhance the public realm. The first floor of the proposal contains increased ceiling heights to allow for a variety of commercial uses and incorporates a podium design to provide a welcoming pedestrian-oriented streetscape. The building is further setback on the fourth floor to further limit the perceived massing of the building from the public realm.</p> <p>As noted in E.4.6.8, above, through the use of setbacks and stepbacks, and as demonstrated in the submitted Shadow Impact Analysis prepared by KNYMH Architecture Solutions, dated October 25, 2022, the proposed development will minimize the effects of shadowing and overlook on to the neighbouring properties.</p> <p>The proposal complies with this policy.</p>

**Appendix “F” to Report PED24069**  
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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Old Town Secondary Plan</b>		
<b>Economic</b>  Policy 7.2.1.1	Intent must be made to maintain the economic viability of Stoney Creek’s downtown and support the revitalization of it through conversion, infilling and redevelopment.	<p>The proposal will contribute positively to the evolution of Stoney Creek’s downtown through the redevelopment of an underutilized property with both residential and commercial uses.</p> <p>The proposal complies with this policy.</p>
<b>Design</b>  Policy 7.2.13	Encourages good urban design principles (also considered above in Chapter B of Volume 1).	<p>The proposal contributes positively to the public realm and streetscape of King Street West. Additional commentary can be found above within the Urban Hamilton Official Plan section of this review under policies B.2.4.1 and B.3.3.</p> <p>The proposal complies with this policy.</p>
<b>Mixed Use – Medium Density Designation</b>  Policy: 7.2.4.2	The Secondary Plan refers to Section E.4.6 of Volume 1 of the Urban Hamilton Official Plan for the applicable policy guidance. This policy also notes that heights shall generally not exceed six stories.	<p>The proposal requires an Official Plan Amendment to change the subject lands to the “Mixed Use - Medium Density” designation and to include a Site Specific policy to permit a height of 12 storeys. The policies of the Urban Hamilton Official Plan permit such an increase, provided the policies of the Plan can be met. The Volume 1 policies have been reviewed above and staff find that the proposal complies.</p> <p>The proposal complies with this policy</p>

**Appendix "G" to Report PED24069**  
**Page 1 of 5**

**CONSULTATION – DEPARTMENTS AND AGENCIES**

<b>Department/Agency</b>	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Commercial District and Small Business, Economic Development;</li> <li>• Canada Post;</li> <li>• Alectra Utilities Corporation;</li> <li>• Bell Canada;</li> <li>• Parks and Cemeteries Section, Environmental Services Division, Public Works Department;</li> <li>• Landscape Architectural Services, Public Works Department; and,</li> <li>• Real Estate Section, Economic Development Division, Planning and Economic Development Department.</li> </ul>	No Comment and / or Concern.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	Development Engineering Staff advises that more information will be required at the Site Plan Control stage, including Site Servicing, Site Grading, Erosion and Sediment Control Plan and a detailed Construction Management Plan. An updated hydrogeological report is required that discusses soil/groundwater conditions to properly characterize potential dewatering needs.	A Holding 'H' Provision has been added to the amending By-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system.

## Appendix "G" to Report PED24069

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Department/Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b></p>	<p>Hamilton Water has no concerns from a water servicing perspective. Updated domestic water usage and RF calculations, based on the final design of the proposed building, will be required at the time of detailed design and site plan approval application.</p> <p>Infrastructure Planning staff is satisfied with the Stormwater Management proposal and has no objection from the Zoning By-law and Official Plan Amendment approval perspective. Additional information will be required at the Site Plan Control stage.</p> <p>The proposed wastewater generation is significantly higher than allocated in the municipal system for the subject property. Therefore, due to capacity restraints, Development Engineering recommends a Holding Provision.</p>	<p>A Holding 'H' Provision is required to ensure that the owner submits a Hydrogeological Study to the satisfaction of the Director of Hamilton Water.</p> <p>These matters are addressed in Appendix "B" attached to Report PED24069.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning supports the proposed development subject to the following comments:</p> <p>Transportation Planning requires the extension of the existing centre median island along Centennial Parkway South past the limit of the existing driveway on the adjacent lands to the east (which includes an easement for access and maneuvering for the subject lands) in order to restrict the driveway access to right-in/right-out vehicular movements only. All costs associated with these works, including but not limited to the detailed design drawings and construction, will be at the expense of the Owner. An external works agreement may be required to facilitate the works accordingly.</p>	<p>The proposal includes using the existing access on adjacent lands to the east for access and maneuvering. As part of the application, the site was reviewed as a one property for access and maneuvering purposes. As a result of the increased vehicle trips through the existing driveway to the east, generated from the proposed development, the Transportation Study noted that the median along Centennial Parkway South would need to be extended. Transportation Planning staff accepted the findings in the study.</p>

## Appendix "G" to Report PED24069

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Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>(Continued)</b></p>	<p>Driveway access points and internal circulation is shared between multiple properties adjacent to the subject lands. Confirmation of a legal agreement/easement between property owners is required.</p> <p>A turning plan is required to be provided to clearly indicate the complete movements of a waste collection/loading vehicle entering, maneuvering and exiting the site in a forward manner without conflicts or limitations. An additional turning plan is required to be provided to indicate the movements of a refueling vehicle to illustrate that refueling operations can occur without conflicts or limitations as a result of narrowing the existing driveway access to King Street West.</p> <p>As part of the application a Transportation Impact Study was submitted and approved subject to the Centennial Parkway South driveway on the adjacent lands being restricted to right-in/right-out movements only through the extension of the existing concrete centre median island extending from the signalized intersection of King Street West and Centennial Parkway South.</p> <p>There are no right-of-way dedications required to be submitted as part of a future application along King Street West.</p> <p>Additional information is required as part of a future Site Plan Control application including updated turning movement plans, pedestrian connectivity internal to the subject lands, visibility triangle requirements, underground parking ramp and the location of long-term bicycle parking.</p>	<p>A Holding 'H' Provision has been included to require the extension of the median along Centennial Parkway South to limit traffic movements to right/in and right/out only for the existing access on the adjacent lands. A Holding 'H' Provision has been included to ensure that the appropriate agreements and easements are registered on title with the adjacent property owners to secure legal access to the shared driveways and parking areas in perpetuity.</p>

**Appendix “G” to Report PED24069**  
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<b>Department/Agency</b>	<b>Comment</b>	<b>Staff Response</b>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>This application has been reviewed for municipal waste collection service.</p> <p>The information provided for the proposed development concerning the City’s requirements for waste management services is based on the “City of Hamilton Waste Requirement for Design of New Developments and Collection” dated November 10, 2021. As currently designed the development is not serviceable. Additional information is required as part of a future Site Plan Control application.</p>	<p>Additional information is required to confirm the proposed development meets the current guidelines at the future Site Plan Control Stage.</p>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>An assessment of the Tree Management Plan provided shows that there are no municipal trees shown on the plan or noted as part Forestry’s site visit.</p> <p>A Landscape Plan was provided and approved as part of the application. Payment for street trees will be required as part of a future Site Plan Control application and the rate will be determined at that time.</p>	<p>Street Tree payment will be addressed as part of a future Site Plan Control application.</p>
<p>Legislative Approvals, Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<p>The subject lands are adjacent to a defined area of cost recoveries.</p> <p>It should be confirmed if tenure for the subject proposal will be a Condominium. If the proposal is for a condominium development, then an additional application will be required.</p> <p>The owner and agent should be made aware that the addresses for this proposal will be determined after Conditional Site Plan Approval is granted.</p>	<p>Noted.</p>



## Appendix "G" to Report PED24069

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<b>Department/Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Capital Budget Projects Section, Engineering Services Division, Public Works Department;	King Street West is expected to be rehabilitated in 2026 along the frontage of the subject lands. Any works required within the right-of-way should be completed before these road works. If this is not possible, efforts should be made to coordinate with the City to include any required servicing works in the design of the reconstructed King Street West to avoid road cuts after reconstruction.	Noted.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mark Michniak 905-546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner**, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED24063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 2 of 10**

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**EXECUTIVE SUMMARY**

The subject lands are municipally known as 150 Mohawk Road East, Hamilton, and are located on the southwest corner of the intersection of Mohawk Road East and Upper Wellington Street.

The purpose of the Zoning By-law Amendment application is to rezone the lands from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces for both the existing and proposed building, as shown on Appendix “D” attached to Report PED24063. The existing 11 storey, 203 unit building will remain. The applicant originally applied to rezone the lands to a site specific Mixed Use Medium Density (C5) Zone. Staff recommended the Transit Oriented Corridor Multiple Residential (TOC3) Zone as the lands are located on an arterial road and Mohawk Road East has been identified as a rapid transit route. Site specific modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED24063.

The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- 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, in particular, the function, scale and design policies of the “Neighbourhoods” designation, residential intensification, and urban design policies; and,
- The development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, and supports the development of a complete community.

**Alternatives for Consideration – See Page 10**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an amendment to the Zoning By-law.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 3 of 10**

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Wellington Square Apts. (c/o David Horwood).
Applicant:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	ZAC-23-015.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the development of an 11 storey multiple dwelling with 161 residential units, which includes 120 one bedroom units and 41 two bedroom units, and 381 parking spaces, of which 166 are underground parking spaces, 145 are podium parking spaces, and 70 are surface parking spaces. Vehicular access will be from existing accesses on Mohawk Road East and Upper Wellington Street. The existing multiple dwelling will remain on the subject lands. To facilitate the proposed development the existing parking structure, pool, basketball court, and 26 trees will be removed. The new parking structure will provide parking to both the proposed and existing multiple dwellings.
<b>Property Details</b>	
Municipal Address:	150 Mohawk Road East.
Lot Area:	1.51 hectares.
Servicing:	Existing full municipal services.
Existing Use:	11 storey, multiple dwelling containing 203 units and 267 parking spaces.
Proposed Use:	Multiple dwelling.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 4 of 10**

<b>Documents</b>	
Official Plan Existing:	"Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	"E-2/S-6" (Multiple Dwellings) District, Modified.
Zoning Proposed by Applicant:	A site specific Mixed Use Medium Density (C5) Zone.
Zoning Proposed by Staff:	Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone.
Modifications Proposed:	<p>The following staff-proposed modifications are recommended:</p> <ul style="list-style-type: none"> <li>• To permit a stairwell to encroach into a required rear yard to a maximum of 3.0 metres;</li> <li>• To modify parking space location regulations to allow parking within 3.0 metres of a street line and to remove the planting strip requirement;</li> <li>• To reduce the landscape strip requirement to 1.1 metres;</li> <li>• To remove landscape island requirements within the surface parking area;</li> <li>• To deem the existing 12 storey multiple dwelling in compliance with the Zoning By-law;</li> <li>• To reduce the minimum setback from a street line to 2.5 metres from 3.0 metres;</li> <li>• To establish a minimum stepback of 13.5 metres from a street line for any portion of a building exceeding 12.5 metres in height;</li> <li>• To establish a minimum rear yard of 5.0 metres;</li> <li>• To establish a minimum rear yard (building stepback) of 16.0 metres for any portion of a building exceeding 7.0 metres in height;</li> <li>• To establish a minimum rear yard (building stepback) of 30.0 metres from the rear lot line for any portion of a building exceeding 12.5 metres in height;</li> <li>• To establish a minimum rear yard setback of 2.0 metres to a stairwell; and,</li> <li>• To establish a minimum interior side yard of 7.5 metres.</li> </ul>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 5 of 10**

<b>Documents</b>	
Modifications Proposed <b>(Continued):</b>	<ul style="list-style-type: none"> <li>To establish a minimum interior side yard (building setback) of 32.0 metres from the interior side lot line for any portion of a building exceeding 7.0 metres in height;</li> <li>To establish a minimum interior side yard setback of 3.0 metres to a stairwell; and,</li> <li>To establish a maximum building height of 35.0 metres.</li> </ul> <p>The Transit Oriented Corridor Multiple Residential (TOC3) Zone contains a regulation requiring dwelling units to be located 0.9 metres above grade. The applicant has indicated that they are not in agreement with this regulation.</p> <p>A complete analysis of the proposed modifications is provided in Appendix "C" attached to Report PED24063.</p>
<b>Processing Details</b>	
Received:	December 23, 2022.
Deemed Complete:	January 17, 2023.
Notice of Complete Application:	Sent to 116 property owners within 120 metres of the subject property on January 31, 2023.
Public Notice Sign:	Posted January 30, 2023 and updated with Public Meeting date and Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone on May 22, 2024.
Notice of Public Meeting:	Sent to 129 property owners within 120 metres of the subject property on May 31, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED24063.
Public Consultation:	The applicant submitted a Public Consultation Strategy in support of the application. A microsite for the project was created to provide project information and collect feedback. The microsite was advertised on the sign posted on the subject property for the Zoning By-law Amendment application and online. The applicant did not receive any feedback as a result of their consultation.
Public Comments:	No public input was received.
Processing Time:	543 days from date of receipt of the application.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 6 of 10**

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**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Multiple dwelling.	“E-2/S-6” (Multiple Dwellings) District, Modified.
<b>Surrounding Lands:</b>		
North	Commercial plaza and single detached dwellings.	Neighbourhood Commercial (C2) Zone and Low Density Residential (R1) Zone.
South	Commercial uses, single detached dwellings, and townhouse dwellings.	Neighbourhood Commercial (C2) Zone, Low Density Residential (R1) Zone, and “DE/S-127” (Low Density Multiple Dwellings) District, Modified.
East	Commercial plaza and single detached dwellings.	Community Commercial (C3) Zone and Low Density Residential (R1) Zone.
West	Single detached dwellings.	Low Density Residential (R1) Zone.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 7 of 10**

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policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Urban Hamilton 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 (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Analysis of the applicable Urban Hamilton Official Plan policies is located in Appendix "E" attached to Report PED24063.

The function of "Neighbourhoods" areas is to provide a full range of housing. The "Neighbourhoods" designation is intended to provide the full range of residential dwelling types and densities as well as supporting uses intended to serve local residents.

The proposed development represents a compatible form of infill within the neighbourhood. It will provide a greater range of housing types and achieve the planned urban structure. The proposed development includes 120 one bedroom units and 41 two bedroom units. The residential intensification can be supported as the proposed development is located within a safe and convenient distance of a number of amenities to support the proposed density.

An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis of the design brief found that the proposed development will be integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.

A Tree Protection Plan prepared by Whitehouse Urban Design dated August 11, 2022, and revised June 1, 2023, was submitted in support of the development, however it has not been approved. A total of 50 trees have been inventoried and 26 are proposed to be removed. Of these 26 trees, one was found to be in poor health and three were found to be dead, 14 are proposed to be removed to accommodate underground parking and one to accommodate surface parking, seven are proposed to be removed to accommodate site grading, and one is proposed to be removed to accommodate the



**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 8 of 10**

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proposed building. A description of the tree species inventoried on site is contained within Appendix “E” attached to Report PED24063.

The decision to retain trees is to be based on condition, aesthetics, age, and species. Twenty-two of the trees proposed to be removed are in good or fair health. To ensure existing tree cover is maintained, one for one compensation is required for any tree, 10 cm diameter at breast height (DBH) or greater, that is proposed to be removed through the future Site Plan Control stage. The applicant proposes 19 new trees to replace the 26 trees proposed to be removed from the subject property. A Landscape Plan will be required at the Site Plan Control stage to confirm tree planting compensation and cash-in-lieu requirements for seven trees.

A Transportation Impact Study prepared by NexEng Consulting Group Inc. dated July 2022 and revised November 2022, was submitted in support of the development. The findings of the report were accepted by Transportation Planning staff as the proposed development can generally be supported by the surrounding road network.

A Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited dated July 2022 was submitted in support of the development. Development Engineering staff are in agreement with the findings in the report and do not have any objections to the approval of the application.

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

### **Zoning By-law No. 05-200**

The proposed Amended Zoning By-law Amendment is for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone to permit development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces. Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above, and further discussed in Appendix “C” attached to Report PED24063.

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

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 9 of 10**

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- (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,
- (iii) It is considered to be compatible with the existing development in the immediate area and, it represents good planning by, among other things, providing a compact and efficient urban form and supports the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned “E-2/S-6” (Multiple Dwellings) District, Modified, in Zoning By-law No. 6593. The effect of the Amended Zoning By-law Amendment will change the zoning to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone in Zoning By-law No. 05-200 with the modifications outlined in the Report Fact Sheet on page 4. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED24063.

Staff are satisfied that the proposal complies with the policies of the Urban Hamilton Official Plan. A detailed review of Urban Hamilton Official Plan policies is included in Appendix “E” attached to Report PED24063.

The proposal can be supported as the development provides a mix of unit sizes, incorporates sustainable building and design principles, has demonstrated that there are no adverse shadow impacts on existing residential uses, progressively steps back from surrounding residential uses in the “Neighbourhoods” designation, and is designed with appropriate setbacks from the street.

The residential intensification can be supported as the proposed development is located within a safe and convenient distance of a number of amenities to support the proposed density. The proposed development is adjacent to local retail uses at the intersection of Mohawk Road East and Upper Wellington Street as well as south of the subject lands. Additional commercial uses are located on Upper James Street approximately 650 metres west of the site. Hamilton Street Railway operated bus routes are located along both Mohawk Road East and Upper Wellington Street. In addition, Mohawk Road East has been identified as a rapid transit route. Bicycle routes are located in close proximity to the site and a bike lane is planned along Upper Wellington Street. Two elementary schools are located within the surrounding neighbourhood. Finally, Dave Andreychuk Mountain Arena and Skating Centre is located west of the site.

The existing multiple dwelling has been deemed to be in compliance with Zoning By-law No. 05-200 as it was established under the Former City of Hamilton Zoning By-law No. 6593. The proposed development includes 381 parking

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) - Page 10 of 10**

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spaces for 364 units. This results in approximately 1.05 spaces per unit, which exceeds the minimum parking requirement of 1.0 space per unit greater than 50.0 square metres in gross floor area in a building with 51 or more units in Zoning By-law No. 05-200. The proposed development will remove outdoor amenity space, which includes an outdoor pool and basketball court. However, each of the units in the existing multiple dwelling units will have access to private outdoor balconies with a minimum area of 9.0 square metres. This exceeds the minimum amenity area requirement of 6.0 square metres for each dwelling unit more than 50 square metres in area in Zoning By-law No. 05-200.

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

**ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the "E-2/S-6" (Multiple Dwellings) District, Modified in Zoning By-law No. 6593. This zone restricts the use of the westerly portion of the subject lands, where the new multiple dwelling is proposed to be located, to parking, manoeuvring, access, planting strips, and landscaped area.

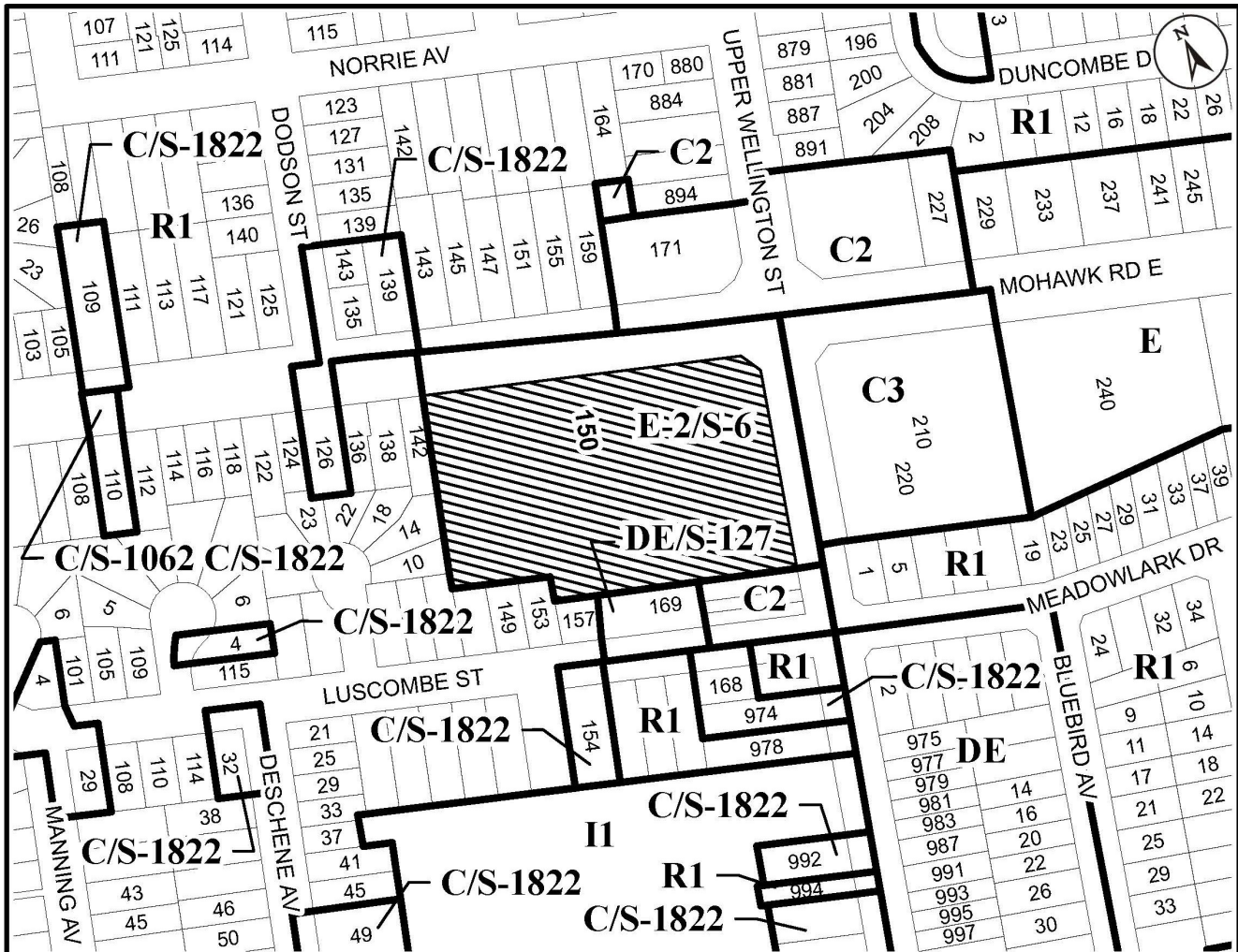
**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24063 – Location Map  
Appendix "B" to Report PED24063 – Amendment to Zoning By-law No. 05-200  
Appendix "C" to Report PED24063 – Zoning Modification Table  
Appendix "D" to Report PED24063 – Concept Plan  
Appendix "E" to Report PED24063 – Policy Review  
Appendix "F" to Report PED24063 – Staff and Agency Comments

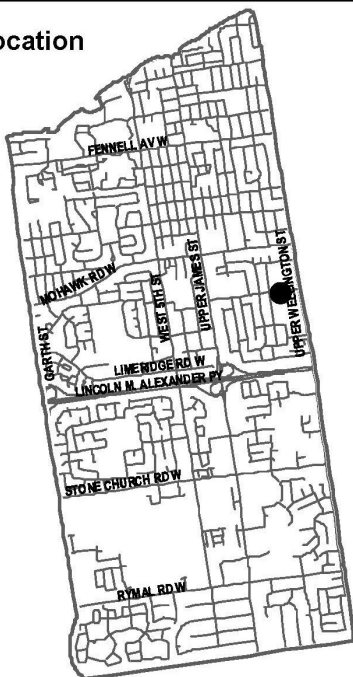
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Appendix "A" to Report PED24063

Page 1 of 1



● Site Location



Key Map - Ward 8

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-23-015

Date:  
November 16, 2023

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MM/AL

### Subject Property

150 Mohawk Road East



Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone

**Appendix “B” to Report PED24063  
Page 1 of 4**

**Authority:** Item XX, Planning Committee  
Report (PED24063)  
CM:  
Ward: 8

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 24-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 150 Mohawk Road East, Hamilton**

**WHEREAS** Council approved Item \_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on June 4, 2024;

**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 Schedule “A” – Zoning Maps, Map No. 1184 is amended by adding the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, for the lands known as 150 Mohawk Road East, Hamilton, the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
  - “879. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Map No. 1184 of Schedule “A” – Zoning Maps and described as 150 Mohawk Road East, Hamilton the following special provisions shall apply:
    - a) In addition to Section 4.6, the following regulations shall apply:
      - i) A stairwell to a parking garage may encroach into a required rear yard to a maximum of 3.0 metres.
    - b) Notwithstanding Section 5.1 a) v), the regulation shall not apply.
    - c) Notwithstanding Section 5.2 a) i), the following regulations shall apply:
      - i) A minimum 1.1 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.

**Appendix “B” to Report PED24063****Page 2 of 4**

- d) Notwithstanding Section 5.2 h), the regulation shall not apply.
- e) In addition to Section 11.3.2, the following regulation shall apply:
- i) The 12 storey Multiple Dwelling existing at the date of passing of this by-law shall be deemed to conform.
- f) Notwithstanding Sections 11.3.2 a) i), 11.3.2 b), 11.3.2 c), 11.3.2 e), 11.3.2 f) iii), 11.3.2 f) iv), and 11.3.2 f) v), the following regulations shall apply:
- |  |   |
|--|---|
| i) Building Setback from a Street Line | Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 12.5 metres in height.  |
| ii) Minimum Rear Yard                  | 5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 metres in height and 30.0 metres for a portion of a building greater than 12.5 metres in height and 2.0 metres for a stairwell. |
| iii) Minimum Interior Side Yard        | 7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 metres in height and 3.0 metres for a stairwell.  |
| iv) Maximum Building Height            | 35.0 metres.  |

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 provisions of the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**Appendix "B" to Report PED24063**  
**Page 3 of 4**

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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A. Horwath  
Mayor

---

J. Pilon  
Acting City Clerk

ZAC-23-015



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b> <b>By-law No. 24-_____</b></p> <p><b>to Amend By-law No. 05-200</b> <b>Map 1184</b></p>	<p><b>Subject Property</b></p> <p>150 Mohawk Road East</p> <p> Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone</p>
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<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> ZAC-23-015</p>	
<p><b>Date:</b> November 16, 2023</p>	<p><b>Planner/Technician:</b> MM/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



**Appendix “C” Report PED24063**  
**Page 1 of 7**

**Site Specific Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Permitted Yard Encroachments	N/A	A stairwell to a parking garage may encroach into a required rear yard to a maximum of 3.0 metres.	<p>The encroachment into the rear yard permits a partially enclosed stairwell that provides access to the above ground parking structure. This encroachment is not anticipated to create any overlook or privacy issues.</p> <p>Therefore, staff supports this modification.</p>
Parking Space Location	<p>Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>a) Shall not be located within 3.0 metres of a street line.</p>	Shall not apply.	<p>The subject site contains existing aisles for the existing multiple dwelling located within 3.0 metres of a street line and the existing condition is proposed to remain. The proposed development does not propose parking spaces or aisles within 3.0 metres of a street line.</p> <p>Therefore, staff supports this modification.</p>

**Appendix “C” Report PED24063**  
**Page 2 of 7**

Regulation	Required	Modification	Analysis
Parking Space Location <b>(Continued)</b>	<p>b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and,</p> <p>c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p>		
Parking Space Design Standards	A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	A minimum 1.1 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	<p>The proposed landscape strip requirement allows for sufficient space for a visual barrier to provide screening of the parking for adjacent residential uses to the south and west.</p> <p>Therefore, staff supports this modification.</p>
Parking Space Design Standards	In addition to Section 5.1 a) v) and Subsection 5.2 e),	Shall not apply.	The proposed development includes 129 at grade parking spaces within a parking structure with 166 underground parking spaces.

## Appendix "C" Report PED24063

Page 3 of 7

Regulation	Required	Modification	Analysis
Parking Space Design Standards <b>(Continued)</b>	<p>The following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot:</p> <p>i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained; and,</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres.</p>		<p>These regulations are intended to apply to surface parking areas and as there is no surface parking proposed the landscaped areas are not required.</p> <p>Therefore, staff supports this modification.</p>

**Appendix “C” Report PED24063**  
**Page 4 of 7**

Regulation	Required	Modification	Analysis
Parking Space Design Standards <b>(Continued)</b>	iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2 h) i), up to a maximum of 10% of the required parking spaces.		
Multiple Dwelling Regulations	Not applicable.	The 12 storey multiple dwelling existing at the date of passing of this by-law shall be deemed to comply.	The existing multiple dwelling has been deemed to be in compliance with Zoning By-law No. 05-200 as it was established under the Former City of Hamilton Zoning By-law No. 6593. The proposed development includes 381 parking spaces for 364 units.

## Appendix "C" Report PED24063

Page 5 of 7

Regulation	Required	Modification	Analysis
Multiple Dwelling Regulations (Continued)			<p>This results in approximately 1.05 spaces per unit, which exceeds the minimum parking requirement of 1.0 space per unit greater than 50.0 square metres in gross floor area in a building with 51 or more units in Zoning By-law No. 05-200. The proposed development will remove outdoor amenity space, which include an outdoor pool and basketball court. However, each of the units in the existing multiple dwelling units will have access to private outdoor patios with a minimum area of 9.0 square metres. This exceeds the minimum amenity area requirement of 6.0 square metres for each dwelling unit more than 50 square metres in area in Zoning By-law No. 05-200.</p> <p>Therefore, staff supports this modification.</p>
Building Setback from a Street Line	<ul style="list-style-type: none"> <li>i) Minimum 3.0 metres;</li> <li>ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;</li> <li>iii) Notwithstanding Section ii) above, minimum 6.0 metres setback for that portion of a building providing an access driveway to a garage.</li> </ul>	Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 12.5 metres in height.	<p>An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis found that the proposed development will be integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.</p> <p>Staff analysis found that the public realm created by the grade-related units will be integrated with the surrounding neighbourhood. The proposed 2.5 metres setback from the street line supports this design.</p>

## Appendix "C" Report PED24063

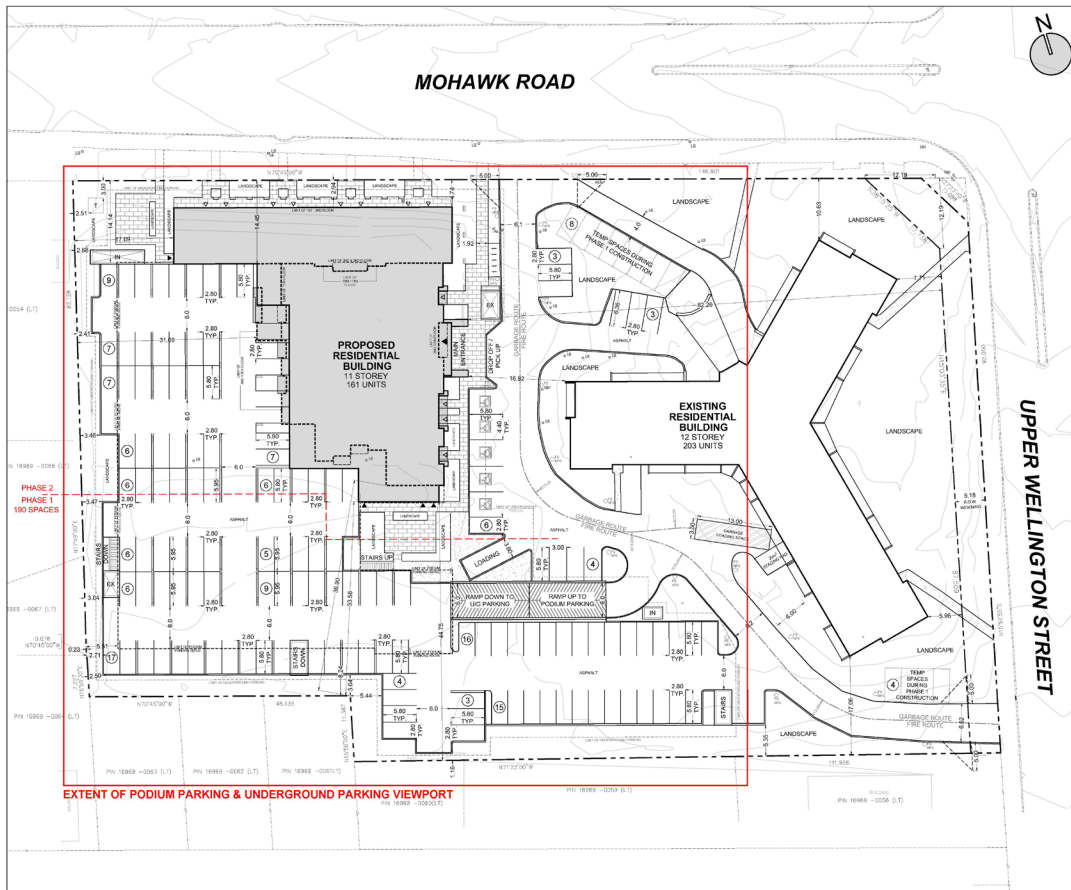
Page 6 of 7

Building Setback from a Street Line <b>(Continued)</b>	iv) Section ii) above shall not apply for any portion of a building that exceeds the requirement of Section 11.3.2.f) ii) and iii) below.		A Site Plan prepared by KNYMH Inc. dated June 9, 2023, was submitted in support of the development. The Site Plan illustrates setbacks to existing residential dwellings to the west and south along with landscape areas. Further design details, such as landscaping and building material will be addressed through the future Site Plan Control stage.  Therefore, staff supports these modifications.
Minimum Rear Yard	7.5 metres.	5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 metres in height and 30.0 metres for a portion of a building greater than 12.5 metres in height and 2.0 metres for a stairwell.	
Minimum Interior Side Yard	7.5 metres for lots abutting a Single Detached Dwelling, Semi-detached Dwelling, and Street Townhouse.	7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 metres in height and 3.0 metres for a stairwell.	
Building Height	i) Minimum 11.0 metres; and, ii) Maximum 22.0 metres.	Maximum 35.0 metres.	An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis found that the proposed development will be integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.  Therefore, staff supports this modification.

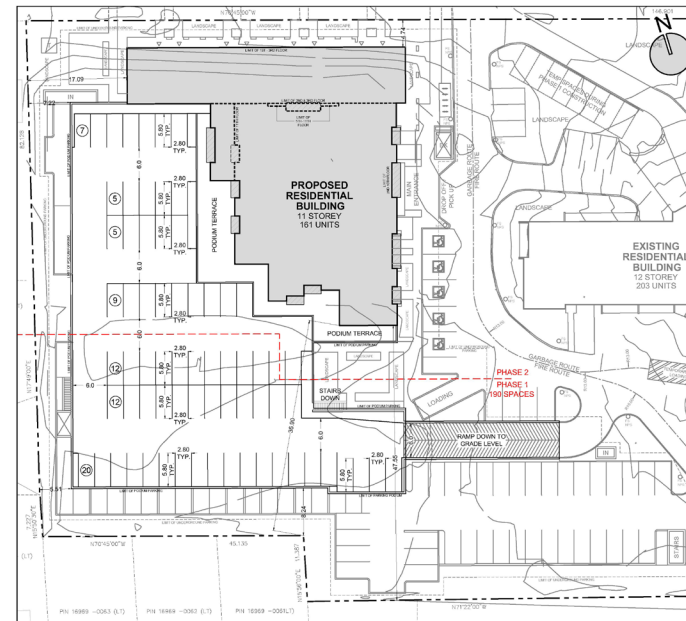
## Appendix "C" Report PED24063

Page 7 of 7

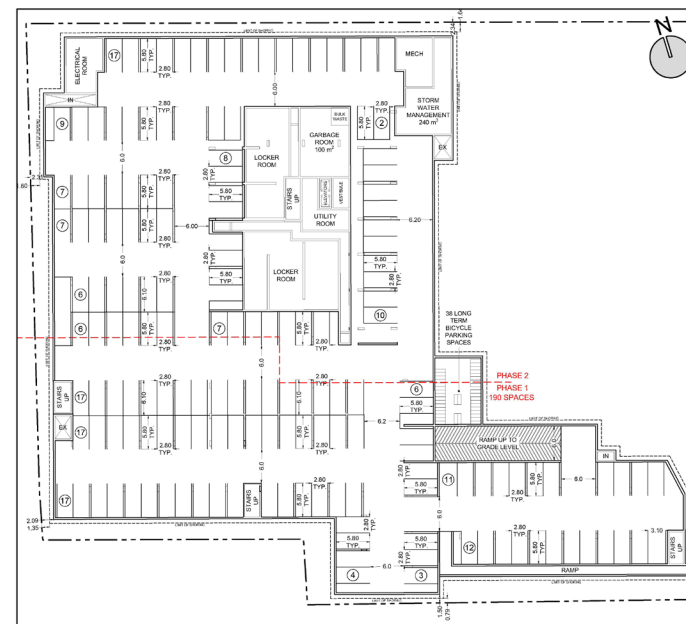
Regulation	Required	Modification	Analysis
Building Height (Continue)	iii) In addition to Section i) above and notwithstanding Section ii) above, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.3.2 b) and c) above, when abutting a Residential or Institutional Zone, a maximum of 22.0 metres.		



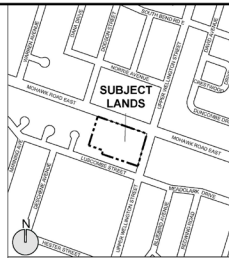
AT GRADE SITE PLAN - SCALE 1:400



PODIUM PARKING - SCALE 1:400



UNDERGROUND PARKING - SCALE 1:400



**PRELIMINARY SITE PLAN**

LEGAL DESCRIPTION:  
PART OF  
REGISTERED PLAN 900  
AND OF PART OF  
LOT 15  
CONVESSION &  
GEOGRAPHIC TOWNSHIP OF BARTON  
IN THE CITY OF HAMILTON

SCALE 1:400  
METRES  
0 5 10 20 30

- LEGEND:
- SUBJECT LANDS
  - ▭ PROPOSED BUILDING
  - ▭ EXISTING BUILDING
  - LIMIT OF UNDERGROUND PARKING
  - CONCRETE WALKWAY
  - PAVES
  - ▲ PRINCIPAL ENTRANCE
  - △ ENTRANCE / EXIT
  - PATIO
  - TRANSFORMER
  - EXHAUST
  - INTAKE
  - FIRE ROUTE / NO PARKING SIGN

DESIGN BY: KNYMH ARCHITECTURE CHECKED BY: M. JOHNSTON  
DRAWN BY: S. BRONSON DATE: JUNE 9, 2023

NO.	DATE	BY	DESCRIPTION
2	06/09/23	SE	REVISED FOR 1ST RESUBMISSION
1	25/07/22	SE	ISSUED FOR OPAZBA SUBMISSION

DRAWING ISSUE RECORD  
**NOT FOR CONSTRUCTION**

APPROVALS

PREPARED BY:

1006 BAYVIEW DRIVE, SUITE 101  
BURLINGTON, ON L7R 9V1  
905-638-6595 - www.knymh.com

PLANNING & LAND DEVELOPMENT  
3 STOREYBANKER PLACE, SUITE 1  
HAMILTON, ON L8L 2G8  
905-546-1067 - urban.solutions.info

PROJECT: WELLINGTON SQUARE REDEVELOPMENT PHASE 2  
150 MOHAWK ROAD EAST  
CITY OF HAMILTON

CLIENT: EFFORT TRUST

US FILE NUMBER: 191-17 SHEET NUMBER: 1

DEVELOPMENT STATISTICS		
Existing Zoning: "E-2/S-6" Multiple Dwellings (By-law No. 6593)		
Proposed Zoning: Transit Oriented Corridor Multiple Residential (TOC3_) (By-law No. 05-200)		
Item	Required (TOC3_)	Proposed (TOC3_)
Units	N/A	364 Units
Lot Area (min.)	360.0 m <sup>2</sup>	14,544.92 m <sup>2</sup>
Height (max.)	Min: 11.0 m Max: 22.0 m	12 storeys (Existing Residential Building)
Lot Width	N/A	143.35 m
Building Setback from a Streetline (Mohawk Rd)	Min: 3.0 m Max: 4.5 m	2.94 m (Proposed Residential Building) 10.63 m (Existing Residential Building)
Min. Interior Side Yard	7.5 m	3.04 m to proposed parking podium stairwell entrance 17.09 m to Proposed Residential Building
Building Setback from a Streetline (Upper Wellington St)	Min: 3.0 m Max: 4.5 m	82.26 m (Proposed Residential Building) 5.96 m (Existing Residential Building)
Min. Rear Yard (South)	7.5 m	8.24 m to proposed parking podium 17.06 m to Existing Residential Building
Landscaped Open Space (min.)	10%	28%
Parking	351 spaces min.	Surface Parking = 145 spaces Podium Parking = 70 spaces UG Parking = 166 spaces TOTAL = 381 spaces (1.05 / unit)







**Appendix “E” to Report PED24063**  
**Page 1 of 7**

**SUMMARY OF POLICY REVIEW**

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

<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Residential Intensification</b>  Policy: B.2.4.1.1	Residential intensification is encouraged throughout the entire built-up area.	The subject lands are located within the built-up area.  The proposal complies with this policy.
<b>Residential Intensification Criteria</b>  Policy: B.2.4.1.4, B.2.4.2.2 and E.3.2.4	Residential intensification in the built-up area shall be evaluated on: the relationship with existing neighbourhood character, contribution towards achieving a range of dwelling types, compatible integration with surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, and transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.	The proposed development represents a compatible form of infill within the neighbourhood. It will provide a greater range of housing types and achieve the planned urban structure. The residential intensification can be supported as the proposed development is located within a safe and convenient distance of a number of amenities to support the proposed density. The proposed development is adjacent to local retail uses at the intersection of Mohawk Road East and Upper Wellington Street as well as south of the subject lands. Additional commercial uses are located on Upper James Street approximately 650 metres west of the site. Hamilton Street Railway operated bus routes are located along both Mohawk Road East and Upper Wellington Street. In addition, Mohawk Road East has been identified as a rapid transit route. A bike lane is planned along Upper Wellington Street. St. Michael Catholic Elementary School and Ridgemount Elementary School are located within the surrounding neighbourhood. Finally, Dave Andreychuk Mountain Arena & Skating Centre is located west of the site.  A Site Plan prepared, by KNYMH Inc. dated June 9, 2023 and Elevation Drawings, prepared by KNYMH Inc. dated March 23, 2021, were submitted in support of the development. The Site Plan illustrates setbacks to existing residential dwellings to the west and south along with landscape areas.

**Appendix “E” to Report PED24063  
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<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<p><b>Urban Design Policies – General Policies and Principles</b></p> <p>Policy: B.3.3.2.2 – B.3.3.2.10</p>	<p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> <li>• Fostering a sense of community pride and identity;</li> <li>• Creating quality spaces;</li> <li>• Creating places that are safe, accessible, connected and easy to navigate;</li> <li>• Enhancing the character of the existing environment;</li> <li>• Creating places that are adaptable to future changes;</li> <li>• Promoting the reduction of greenhouse gas emissions and protecting and enhancing the natural environment;</li> <li>• Enhancing physical and mental health; and,</li> <li>• Designing streets as a transportation network and as public spaces.</li> </ul>	<p>An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis found that the proposed development is integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.</p> <p>A Site Plan prepared by KNYMH Inc. dated June 9, 2023, was submitted in support of the development. The Site Plan illustrates setbacks and stepbacks to existing residential dwellings to the west and south along with landscaped areas.</p> <p>Further design details, such as landscaping and building material will be addressed through the future Site Plan Control stage.</p> <p>The proposal complies with these policies.</p>
<p><b>Tree Management</b></p> <p>Policy: C.2.11.1</p>	<p>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.</p>	<p>A Tree Protection Plan prepared by Whitehouse Urban Design dated August 11, 2022 and revised June 1, 2023, was submitted in support of the development, however it has not been approved. A total of 50 trees have been inventoried and 26 are proposed to be removed.</p>

**Appendix “E” to Report PED24063  
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<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Tree Management</b>  Policy: C.2.11.1 <b>(Continued)</b>		<p>Of the 26 trees proposed to be removed, one (Common Maple) was found to be in poor health and three (Eastern Cedar) were found to be dead, 14 (five Austrian Pine, four Manitoba Maple, one Silver Maple, one Common Maple, one Norway Maple, and one Cherry Plum) are proposed to be removed to accommodate underground parking and one (Siberian Elm) to accommodate surface parking, seven (three Common Apple, one Manitoba Maple, one Silver Maple, one Norway Maple, and one Eastern Cedar) are proposed to be removed to accommodate site grading, and one (Austrian Pine) is proposed to be removed to accommodate the proposed building.</p> <p>The decision to retain trees is to be based on condition, aesthetics, age, and species. 22 of the trees proposed to be removed are in good or fair health. This matter, along with the implementation of tree protection measures, will be addressed at the Site Plan Control stage.</p> <p>To ensure existing tree cover is maintained, one for one compensation is required for any tree, 10 cm diameter at breast height (DBH) or greater, that is proposed to be removed. The applicant proposes 19 new trees to replace the 26 trees to be removed from the subject property. A Landscape Plan will be required at the Site Plan Control stage to confirm tree planting compensation and cash-in-lieu requirements. The opportunity to work with the applicant in a way that preserves more of the existing trees and to plant more trees as compensation, along with the implementation of tree protection measures, will be addressed at the Site Plan Control stage.</p> <p>The proposal complies with this policy.</p>

## Appendix “E” to Report PED24063

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<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Transportation</b> Policy: C.4.5.12	A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.	A Transportation Impact Study prepared by NexEng Consulting Group Inc. dated July 2022 and revised November 2022, was submitted in support of the development. The findings of the report were accepted by Transportation Planning staff as the proposed development can generally be supported by the surrounding road network.  The proposal complies with this policy.
<b>Infrastructure</b> Policy: C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	A Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited dated July 2022 was submitted in support of the development. Development Engineering staff are in agreement with the findings in the report and do not have any objections to the approval of the application.  The proposal complies with this policy.
<b>Built Heritage</b> Policy: B.3.4.1.3	Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.	The subject property is adjacent to 138 Mohawk Road East, a property included in the City’s Inventory of Heritage Buildings. Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved.  The proposal complies with this policy.
<b>Archaeology</b> Policy: B.3.4.4.3	In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the <i>Planning Act, R.S.O., 1990 c. P.13</i> .	The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The subject property is located in an area with local knowledge of historic events/activities/occupations, it is located in an area of pioneer EuroCanadian settlement, and it located along historic transportation routes.

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<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Archaeology</b>  Policy: B.3.4.4.3 <b>(Continued)</b>		Staff require that a written caution be included on any future site plan advising of the archaeological potential of the site during development activities.  The proposal complies with this policy.
<b>Noise</b>  Policy: B.3.6.3.1	Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.	The proposed development is located on Mohawk Road East and Upper Wellington Street which are identified as a major arterial road and minor arterial road, respectively, on Schedule “C” – Functional Road Classification.  A Noise Impact Study and any required mitigation measures will be implemented through the Site Plan Control application.  The proposal complies with this policy.
<b>Neighbourhoods Designation – Function</b>  Policy: E.3.2.1	Areas designated “Neighbourhoods” shall include a full range of residential dwelling types and densities.	The proposed development is a residential use in a multiple dwelling form. The proposed development includes 120 one bedroom units and 41 two bedroom units.  The proposal complies with this policy.
<b>Medium Density Residential - Function</b>  Policy: E.3.5.1 and E.3.5.5	Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.  Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.	The proposed development is a multiple dwelling located on Mohawk Road East and Upper Wellington Street, which are identified as a major arterial road and minor arterial road, respectively, on Schedule “C” – Functional Road Classification.  The proposed medium density residential use can be supported as the proposed development is located within a safe and convenient distance of amenities to support the proposed density.

## Appendix “E” to Report PED24063

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Urban Hamilton Official Plan (Official Plan Amendment 167)		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Medium Density Residential - Function</b></p> <p>Policy: E.3.5.1 and E.3.5.5 (Continued)</p>		<p>The proposed development is adjacent to local retail uses at the intersection of Mohawk Road East and Upper Wellington Street as well as south of the subject lands. Additional commercial uses are located on Upper James Street approximately 650 metres west of the site. Hamilton Street Railway operated bus routes are located along both Mohawk Road East and Upper Wellington Street. In addition, Mohawk Road East has been identified as a rapid transit route. A bike lane is planned along Upper Wellington Street. St. Michael Catholic Elementary School and Ridgemount Elementary School are located within the surrounding neighbourhood. Finally, Dave Andreychuk Mountain Arena &amp; Skating Centre is located west of the site.</p> <p>The proposal complies with these policies.</p>
<p><b>Medium Density Residential - Function</b></p> <p>Policy: E.3.5.8</p>	<p>Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan, if it is demonstrated that the development provides a mix of unit sizes, incorporates sustainable building and design principles, there are no adverse shadow impacts on adjacent sensitive land uses, the proposal progressively steps back from residential uses in “Neighbourhoods” and the building is stepped back from the street.</p>	<p>The proposed building height of 11 storeys can be supported as the development provides a mix of unit sizes, incorporates sustainable building and design principles, has demonstrated that there are no adverse shadow impacts on existing residential uses, progressively steps back from surrounding residential uses in the “Neighbourhoods” designation, and is designed with appropriate setbacks from the street.</p> <p>The proposed development includes 120 one bedroom units and 41 two bedroom units, which represents 75% and 25% of the total number of units, respectively.</p> <p>The applicant has advised that the following sustainability measures may be incorporated into the design: use of locally sourced building materials, use of top-down pedestrian lighting to avoid light pollution, and incorporation of E/V infrastructure within proposed parking lots.</p>



**Appendix “E” to Report PED24063**  
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<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<p><b>Medium Density Residential - Function</b></p> <p>Policy: E.3.5.8 <b>(Continued)</b></p>		<p>The opportunity to work with the applicant to incorporate sustainability measures into the design will be explored at the Site Plan Control stage.</p> <p>A Shadow Impact Analysis prepared by KNYMH Inc. dated June 20, 2022, was submitted in support of the development. Staff analysis found that the proposed development will meet or exceed the City of Hamilton’s guidelines for shadow impact on nearby residential neighbourhoods and the public realm.</p> <p>The proposed development is designed with setbacks from the surrounding residential uses located to the south and west and with a setback from the street. These setback requirements are included within the proposed Zoning By-law which will implement this design (see Appendix “B” attached to Report PED24063).</p> <p>The proposal complies with this policy.</p>

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**CONSULTATION – DEPARTMENTS AND AGENCIES**

<b>Department/Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Parks and Cemeteries Section, Environmental Services Division, Public Works Department.	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	Development Engineering supports the Zoning By-law Amendment. A detailed review will occur during the Site Plan application with respect to grading, servicing, shoring, stormwater management, water / wastewater servicing, construction management, etc.	Noted. Detailed review will be addressed at the Site Plan Control stage.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.	<p>Transportation Planning supports the Zoning By-law Amendment application as the site generated traffic by the proposed development can be accommodated as demonstrated in the submitted and the approved Transportation Impact Study prepared by NexEng Consulting Group Inc., dated July 2022 submitted in support of this development.</p> <p>Recommended Transportation Demand Management measures include:</p> <ul style="list-style-type: none"> <li>• Including long-term and short-term bicycle parking spaces on the future Site Plan Control application.</li> </ul>	<p>Transportation Planning staff have approved the submitted Transportation Impact Study, including the Transportation Demand Management measures.</p> <p>The Transportation Demand Management measure and right-of-way dedications will be addressed at the Site Plan Control stage as a condition of approval.</p>

## Appendix “F” to Report PED24063

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Department/Agency	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>(Continued)</b> .	A right-of-way dedication of approximately 5 metres along Upper Wellington Street and a daylight triangle dedication of 12.19 metres by 12.19 metres at the intersection of Mohawk Road East and Upper Wellington Street are required.	
Waste Policy and Planning Section, Waste Management Division, Public Works Department.	<p>Waste Policy attempts to have all residential developments receive municipal waste collection unless there are extenuating circumstances and/or specific site constraints. The proposed multiple dwelling will require front-end bin service for collection of garbage, recyclable material, and organic waste.</p> <p>Additional details have been provided in the comments to ensure the municipal requirements are met, which include the specifics like the size of the waste room, the number of bins, chute design for the building layout and the road base design along the access route.</p>	Specific design details will be addressed at the Site Plan Control stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department.	<p>Forestry approves Tree Protection Plan revision NO. 2, dated 2023-06-01 and has received the applicable fees.</p> <p>Forestry approves Landscape Concept revision NO. 2, dated 2023-06-01 upon receipt of applicable fees.</p>	<p>Noted.</p> <p>The Landscape Plan will be addressed at the Site Plan Control Stage.</p>

**Appendix “F” to Report PED24063**  
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<b>Department/Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Landscape Architectural Services, Strategic Planning Division, Public Works Department.	Cash-in-lieu of parkland dedication will be requested at a future application.	Noted.
Infrastructure Renewal, Engineering Services Division, Public Works Department.	Upper Wellington Street is scheduled to be reconstructed with an urbanized cross-section in 2029 along the frontage of the subject lands. Any works within the right-of-way should be completed before that time if possible. The future cross-section should be taken into consideration when designing any access to the subject lands from Upper Wellington Street.	Noted. The existing access to Upper Wellington Street is not proposed to be modified.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>If a phased Condominium is proposed, Schedules “G” and “K” per the <i>Condominium Act</i> will be required for future phases.</p> <p>A PIN abstract will be required for any Draft Plan of Condominium application.</p> <p>Municipal addressing for the subject proposal will be determined when a future Site Plan application is submitted.</p>	These comments will be addressed at the Site Plan Control and/or Draft Plan of Condominium stage.
Enbridge Gas Inc.	Enbridge Gas Inc. has service lines running within the area and it may be necessary to terminate the gas service and relocate the line according. Any service relocation required would be at the cost of the property owner.	Noted.

**Appendix "F" to Report PED24063**  
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<b>Department/Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Enbridge Gas Inc. <b>(Continued)</b>	Confirmation of the location of the natural gas pipeline should be made through Ontario One. Call 1-800-400-2255 for locates prior to any activity.	
Alectra Utilities	For Residential/Commercial electrical service requirements, the Developer needs to contact the ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit the web site at <a href="http://www.alectrautilities.com">www.alectrautilities.com</a> .	Noted.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-22-016, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner**, to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24093, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Amended Zoning By-law Amendment Application ZAC-22-030, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner**, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, to permit

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 399 Greenhill Avenue, Hamilton  
(PED24093) (Ward 5) - Page 2 of 13**

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553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including two 12 storey buildings and two four storey buildings, along with 502 parking spaces, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED24093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by including the Holding “H172” to the proposed Mixed Use Medium Density (C5, 897) Zone:

The Holding Provision ‘H172’ is to be removed conditional upon:

- (1) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design;
- (2) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (3) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design;

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 3 of 13**

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- (4) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning;
- (5) The owner submitting a revised Functional Servicing Report, to the satisfaction of the Director of Development Engineering for review and acceptance, which demonstrates:
  - (aa) That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City's standards;
  - (bb) The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis;
  - (cc) That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 12 storey mixed use development for lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix "A" attached to Report PED24093, subject to the following:
  - (i) That the draft By-law, attached as Appendix "J" to Report PED24093, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones, is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "J" to Report PED24093, for enactment by City Council, once By-law No. 24-052 is in force and effect.



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 399 Greenhill Avenue, Hamilton  
(PED24093) (Ward 5) - Page 4 of 13**

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## **EXECUTIVE SUMMARY**

The subject site is municipally known as 399 Greenhill Avenue in Hamilton. The applicant has submitted applications to amend the Urban Hamilton Official Plan and Zoning By-law to facilitate the development of 553 multiple dwelling units and 975 square metres of commercial gross floor area, within four buildings, including two 12 storey buildings and two four storey buildings, with 502 parking spaces, of which 479 are below grade parking spaces and 23 are surface parking spaces. The applicant's intention is for the 553 multiple dwelling units to be rental units.

The purpose of the Official Plan Amendment is to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, under the City of Hamilton Zoning By-law No. 05-200. Site specific modifications to the Mixed Use Medium Density (C5) Zone are required to accommodate the proposed development, which are discussed in Appendix "E" attached to Report PED24093.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan, upon approval of the Official Plan Amendment; and,
- The proposal is considered good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form.

## **Alternatives for Consideration – See Page 13**

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

Financial: N/A

Staffing: N/A

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 5 of 13**

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Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

## HISTORICAL BACKGROUND

<b>Application Details</b>	
Owner:	Medallion Development Inc. (c/o Luka Kot).
Applicant/Agent:	Bousfield Inc. (c/o Anna Wynveen).
File Numbers:	UHOPA-22-016 and ZAC-22-030.
Type of Application:	Urban Hamilton Official Plan and Zoning By-law Amendment.
Proposal:	<p>To demolish the existing commercial plaza to facilitate the creation of 553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including, two 12-storey and two four-storey buildings. The concept plan is attached as Appendix “D” to Report PED24093.</p> <p>One of the 12 storey buildings is to be located on the westerly portion of the subject lands towards Harrisford Street and is oriented parallel to Greenhill Avenue. The proposed commercial area is located on the ground floor of this building oriented toward Greenhill Avenue. A second 12 storey building is proposed in the middle of the subject lands and oriented perpendicular to Greenhill Avenue. Finally, the two, four storey buildings are proposed on the easterly portion of the subject lands parallel to Mount Albion Road. A total of 42 bachelor units, 291 one bedroom units, 192 two bedroom units, and 28 three bedroom units are proposed.</p> <p>The proposed development will include 502 parking spaces, of which 479 are located below grade and 23 at the surface, 277 long term bicycle parking spaces, and 12 short term bicycle parking spaces. Access to the subject lands will be provided from Mount Albion Road, Greenhill Avenue and Harrisford Street.</p>
<b>Property Details</b>	
Municipal Address:	399 Greenhill Avenue, Hamilton.
Lot Area:	1.4 hectares (14,521 square metres).
Servicing:	Full municipal services.
Existing Use:	Commercial plaza.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 399 Greenhill Avenue, Hamilton  
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<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	Site Specific Policy to the “Neighbourhoods” Designations to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road.
Zoning Existing:	Community Commercial (C3) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 897, H172) Zone to permit a mixed use development with a maximum height of 12 storeys.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To permit a porch, deck, stairs, or canopy to encroach into the required setback from Mount Albion Road;</li> <li>• To permit an existing fence with a height of 1.0 metre to be considered a visual barrier instead of requiring a fence with a minimum height of 1.8 metres;</li> <li>• To permit a loading space to be located in a yard abutting a Residential Zone;</li> <li>• To delete the minimum 0.9 metre finished floor elevation above grade for dwelling units, for the lands included in Block 2 of Special Figure No. 40;</li> <li>• To not require a 0.9 metre finished floor elevation above grade for dwelling units that do not front a street line, for the lands included in Block 1 of Special Figure No. 40;</li> <li>• To require minimum building setbacks from a street line in accordance with Special Figure No. 40;</li> <li>• To require minimum building setbacks from a rear lot line in accordance with Special Figure No. 40;</li> <li>• To establish minimum building heights in accordance with Special Figure No. 40; and,</li> <li>• To restrict the maximum building height to 12.0 metres except as outlined in Special Figure No. 40, with a maximum height of 39.0 metres.</li> </ul>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 7 of 13**

<b>Documents</b>	
<p>Modifications Proposed: <b>(Continued)</b></p>	<ul style="list-style-type: none"> <li>• To require minimum setbacks related to building height from a Residential or Institutional Zone in accordance with Special Figure No. 40;</li> <li>• To require a principal entrance within the ground floor façade that is setback closest to a street in accordance with Block 1 of Special Figure No. 40; and,</li> <li>• To not require a principal entrance to be located closest to the street in accordance with Block 2 of Special Figure No. 40.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To require a minimum setback from a street line to be in accordance with Special Figure No. 40; and,</li> <li>• To require a minimum of 30 percent of units to be two bedroom units and a minimum of five percent of the units to be three or more bedrooms.</li> </ul> <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) have been included in the Held in Abeyance By-law:</p> <ul style="list-style-type: none"> <li>• To require a minimum of 25% of the parking spaces provided to be Electric Vehicle Parking Spaces;</li> <li>• To require a short-term bicycle parking rate of 0.05 spaces per unit for multiple dwellings; and,</li> <li>• To require a long-term bicycle parking rate of 0.6 spaces per unit for multiple dwellings.</li> </ul> <p>Please refer to the By-law to be held in abeyance in Appendix “J” attached to Report PED24093</p> <p>A complete analysis of the proposed modifications is attached as Appendix “E” to Report PED24093.</p>
<b>Processing Details</b>	
Received:	April 12, 2022.
Deemed Complete	April 27, 2022.
Notice of Complete Application:	Sent to 473 property owners within 120 metres of the subject lands on May 12, 2022.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 8 of 13**

<b>Processing Details</b>	
Public Notice Sign:	Posted May 12, 2022, and updated May 8, 2024.
Notice of Public Meeting:	Sent to 473 property owners within 120 metres of the subject lands on May 17, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24093.
Public Consultation:	A virtual public meeting was held by the applicant on October 6, 2022. A total of 473 notices of the virtual public meeting were mailed on September 15, 2022, and emailed to the local Councillor, City of Hamilton staff, and the Davis Creek Community Planning Team. A total of 54 individuals attended the virtual public meeting. A detailed summary of the virtual public meeting is outlined in Appendix "I" attached to Report PED24093.
Public Comments:	Staff received 12 letters / emails expressing concern for the proposed development (see Appendix "H" attached to Report PED24093).
Processing Time:	784 days from receipt of applications.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Commercial plaza.	Community Commercial (C3) Zone.
<b>Surrounding Land Uses:</b>		
North	Multiple dwelling and single detached dwellings.	"E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, and "D/S-360" and "D/S-1822" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.
South	Townhouse dwellings and single detached dwellings.	"RT-20" (Townhouse – Maisonette) District and "D/S-360" and "D/S-1822" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 9 of 13**

<b>Surrounding Land Uses (Continued):</b>		
East	Townhouse dwellings.	“DE-3/S-865” and “DE-3/S-1059” (Multiple Dwellings) District, Modified, and “D/S-360” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.
West	Townhouse dwellings.	“RT-20” (Townhouse – Maisonette) District.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix “F” attached to Report PED24093.

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

The proposal provides for the efficient use of land and resources by directing growth towards the existing settlement area where there are existing municipal water and wastewater services. The development of multiple dwelling units and ground floor commercial uses are an efficient use of land and represent an appropriate development of the site which will contribute to a complete community. The proposed development incorporates long and short term bicycle parking, is located within proximity to existing parks, and schools and has access to the existing transit network. The proposal contributes to a range and mix of housing types in the immediate area.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

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

The proposal conforms with A Place to Grow (2019, as amended), as the proposed development is located within a settlement area. The proposed development is located along existing transit routes and is in proximity to existing public service facilities including municipal parks and schools. The proposed development will be serviced by municipal water and wastewater services. The proposed development will support the

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 399 Greenhill Avenue, Hamilton  
(PED24093) (Ward 5) - Page 10 of 13**

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achievement of complete communities by increasing the supply of residential dwelling units including units for larger households and by maintaining commercial services on site for the community.

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

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The applicant is proposing to establish a Site Specific Policy to permit local commercial uses fronting onto a local road (Greenhill Avenue) and to permit a principal entrance of a new local commercial use to face a local road. A review of the applicable Official Plan policies is included in Appendix “F” attached to Report PED24093.

The existing neighbourhood consists of a variety of dwelling types at various densities, including single detached dwellings, townhouse dwellings, and medium density residential uses in the form of multiple dwellings with heights up to 12 storeys.

The applicant has submitted the necessary studies to demonstrate that the additional criteria for height in the “Medium Density Residential” policies (E.3.5.8) have been met for increasing the height up to 12 storeys. A full analysis of the policies and the supporting studies is included in Appendix “F” attached to Report PED24093.

Local commercial uses are permitted on lands designated “Neighbourhoods”; however, local commercial uses are required to have frontage and access onto an arterial or collector road. The proposed development seeks to establish local commercial uses that front and are accessed from Greenhill Avenue which is classified as a local road west of Mount Albion Road in the Urban Hamilton Official Plan. Accordingly, the proposed local commercial uses do not front onto nor have direct access to either an arterial road or collector road. An Official Plan Amendment is therefore required to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road.

Based on the foregoing and subject to the Official Plan Amendment and Holding Provisions, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 11 of 13**

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

The proposed Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone. The effect of the Zoning By-law Amendment will permit a mixed use development consisting of 553 multiple dwelling units and 975 square metres of ground floor commercial space, contained within four buildings including, two 12 storey buildings and two four storey buildings. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development. Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to appeals. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “J” attached to Report PED24093). All requested modifications are summarized in the modification chart in Appendix “E” attached to Report PED24093.

**Holding Provision**

The proposed Zoning By-law Amendment includes a proposed Holding Provision (H172) which requires the owner to submit a revised Tree Protection Plan, Record of Site Condition, revised Pedestrian Wind Study, revised Environmental Noise Study, and a revised Functional Servicing Report demonstrating adequate sanitary sewer capacity and water pressure, and that Owner enters into and registers on title an External Works Agreement for infrastructure improvements. The details of these requirements are identified in Appendix “G” attached to Report PED24093.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan subject to the Official Plan Amendment; and,
  - (iii) The proposal represents good planning by providing a compatible, compact urban form of development that contributes to a complete community by providing a mix of uses including both residential and commercial uses and built form that is in keeping with the policies of the



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 12 of 13**

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“Neighbourhoods” designation in the Urban Hamilton Official Plan and has demonstrated compliance with the policies for an increase in height up to 12 storeys for the “Medium Density Residential” designation.

2. The purpose of the Official Plan Amendment is to amend policy E.3.8.9 a) to permit the development of local commercial uses that front onto and have access to Greenhill Avenue which is classified as a local road; whereas local commercial uses are required to front on and have access to a major arterial, minor arterial, or collector road. Additionally, an amendment to policy E.3.8.14 b) is required to permit a principal entrance of a new local commercial use to face a local road.

The existing commercial plaza includes commercial uses that front onto Greenhill Avenue and therefore the Official Plan Amendment is seeking to continue the existing situation in a new mixed use building and with commercial uses fronting onto and being accessed from Greenhill Avenue.

Transportation Planning staff have identified that this section of Greenhill Avenue should be classified as a collector road which will be done at a future date through a housekeeping amendment. As this section of Greenhill Avenue functions as a collector road, and commercial uses currently exist, the inclusion of local commercial uses fronting onto it is appropriate and meets the general intent of the Urban Hamilton Official Plan.

Therefore, staff support the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is for change in the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development of 553 multiple dwelling units and 975 square metres of commercial gross floor area, within four buildings, including two 12 storey buildings and two four storey buildings. The modifications are identified on page 6 of Report PED24093 and discussed in detail in Appendix “E” attached to Report PED24093.

The proposed zoning establishes a built form that is consistent with the existing medium density buildings in the neighbourhood and the proposal will not create adverse shadowing, wind, privacy/overlook, traffic, or noise impacts. Given the existing commercial plaza and Community Commercial (C3) Zone the proposed amendment maintains the permission for commercial uses on-site. The Urban Hamilton Official Plan acknowledges that sites under four hectares in the “Neighbourhoods” designation may function as commercial or mixed use areas.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) - Page 13 of 13**

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Based on this, the proposed Mixed Use Medium Density (C5) Zone is appropriate.

An additional By-law has been prepared in response to the recent changes to Section 5: Parking of Zoning By-law No. 05-200. By-law No. 24-052 was approved by Council on April 10, 2024, and is under appeal. The amendments proposed in Appendix "J" attached to Report PED24093 will be brought forward for approval by Council following the resolution of the appeals.

Therefore, staff support the proposed amendment to the Zoning By-law.

4. Holding Provision

A Holding 'H' Provision is proposed to be added to the subject lands to ensure that the owner submits a revised Tree Protection Plan, Record of Site Condition, revised Pedestrian Wind Study, revised Environmental Noise Study, and a revised Functional Servicing Report demonstrating adequate sanitary sewer capacity and water pressure, and that Owner enters into and registers on title an External Works Agreement for infrastructure improvements.

**ALTERNATIVES FOR CONSIDERATION**

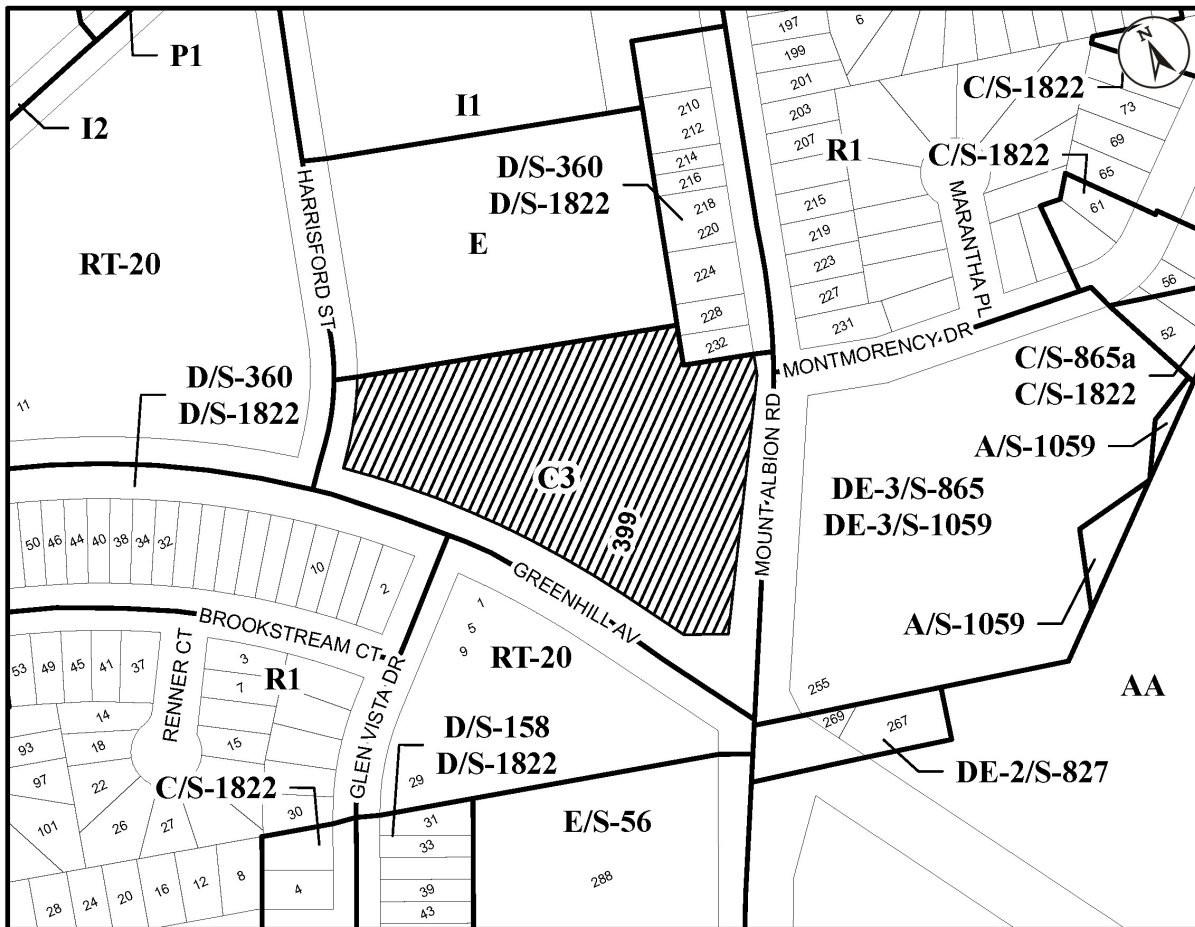
Should the applications be denied, the subject lands can be used in accordance with the Community Commercial (C3) Zone, in the City of Hamilton Zoning By-law No. 05-200.

**APPENDICES AND SCHEDULES ATTACHED**

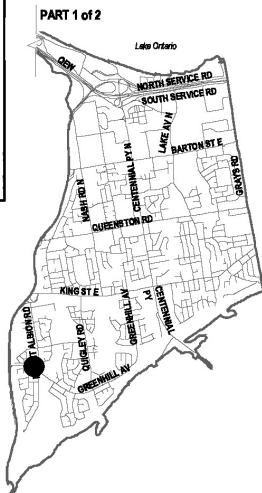
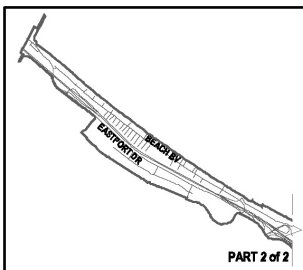
Appendix "A" to Report PED24093 – Location Map  
 Appendix "B" to Report PED24093 – Official Plan Amendment  
 Appendix "C" to Report PED24093 – Zoning By-law Amendment  
 Appendix "D" to Report PED24093 – Concept Plan  
 Appendix "E" to Report PED24093 – Zoning Modification Chart  
 Appendix "F" to Report PED24093 – Summary of Policy Review  
 Appendix "G" to Report PED24093 – Department and Agency Comments  
 Appendix "H" to Report PED24093 – Summary of Public Comments Received  
 Appendix "I" to Report PED24093 – Summary of Applicant Virtual Public Meeting  
 Appendix "J" to Report PED24093 – Held in Abeyance Zoning By-law Amendment

DB/sd

Appendix "A" to Report PED24093  
Page 1 of 1



● Site Location



Key Map - Ward 5

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-030/UHOPA-22-016

Date:  
April 11, 2024

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
DB/NB

### Subject Property

399 Greenhill Avenue, Hamilton (Ward 5)

- Change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone

Schedule "1"

## DRAFT Urban Hamilton Official Plan Amendment No .

The following text, together with Appendix "A", Volume 3: Map 2 – Urban Site Specific Key Map attached hereto, constitutes Official Plan Amendment No. "XXX" to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Urban Hamilton Official Plan to permit the development of ground floor local commercial uses on a local road.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 399 Greenhill Avenue, in the former City of Hamilton.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development maintains the consistent use of the subject lands for local commercial along Greenhill Avenue, located at the intersection of a Collector Road.
- The proposed development complies with the general intent of the Urban Hamilton Official Plan.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to The Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### 4.0 Actual Changes:

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

**Text**

4.1.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3: Chapter C – Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

**UHN-X Lands located at 399 Greenhill Avenue, former City of Hamilton**

1.0 Notwithstanding policy E.3.8.9 a) of Volume 1, the development of local commercial uses on the subject lands shall be permitted to front and have access to a local road.

2.0 Policy E.3.8.14 b) of Volume 1 shall not apply.

**Maps and Appendices**

4.1.2 Map 2 – Urban Site Specific Key Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-XX, as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

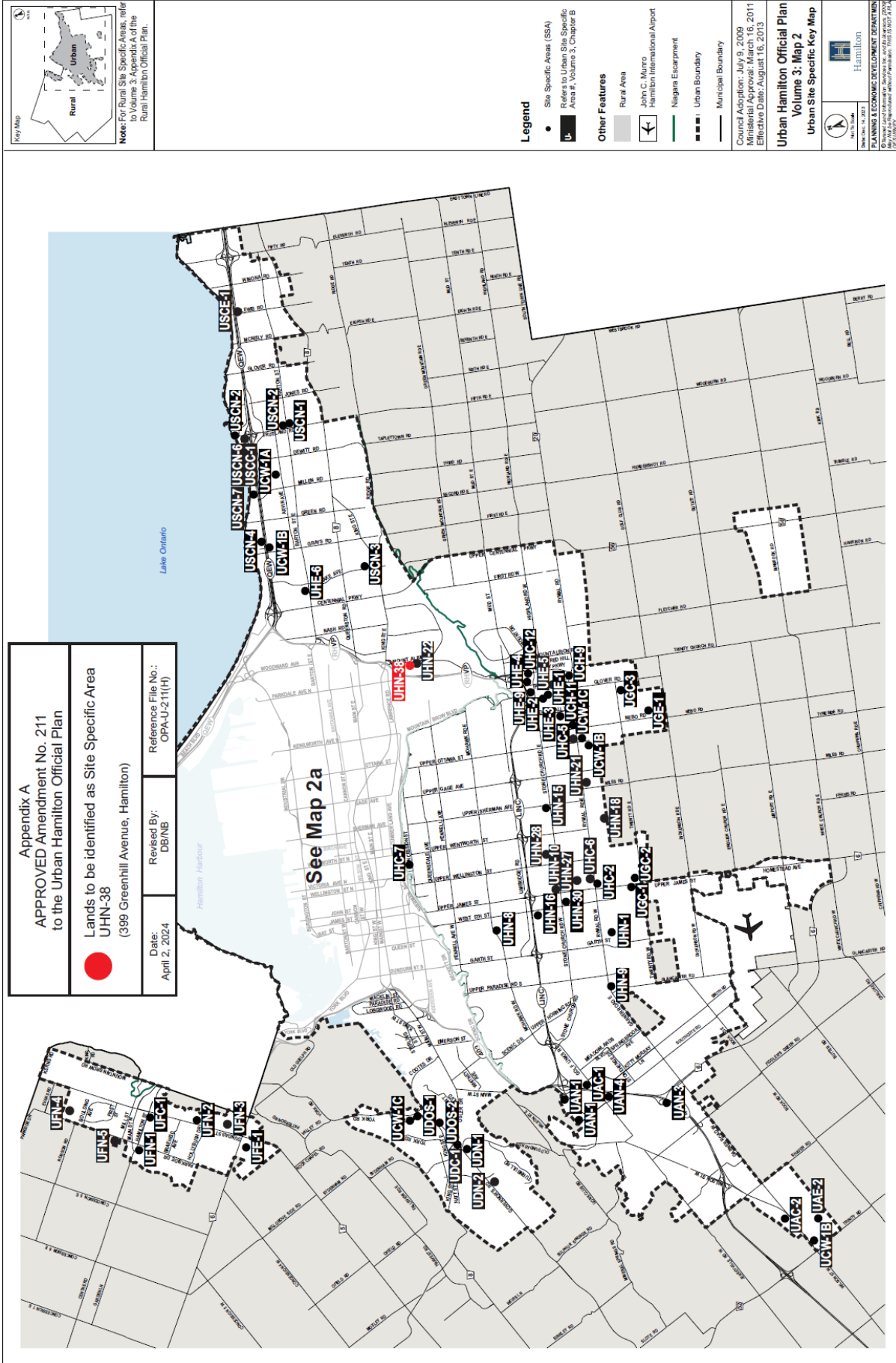
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2024.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
Mayor

\_\_\_\_\_  
J. Pilon  
Acting City Clerk



**Appendix “C” to Report PED24093  
Page 1 of 8**

**Authority:** Item XX, Planning Committee  
Report (PED24093)  
CM: June X, 2024  
Ward: 5

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 24-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 399 Greenhill Avenue, Hamilton**

**WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on June \_\_, 2024;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan, as amended by Official Plan Amendment No. \_\_\_\_\_.

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

1. That Map Nos. 1245 and 1298 of Schedule “A” to Zoning Maps are amended by changing the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, for the lands identified on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
 

“897. Within the lands zoned Mixed Use Medium Density (C5) Zone, on Map Nos. 1245 and 1298 of Schedule “A” – Zoning Maps and described as 399 Greenhill Avenue, Hamilton, the following special provisions shall apply:

  - a) In addition to Section 4.6 d) and Section 4.19, the following regulations shall apply:
    - i) Porch Encroachment                      A porch, deck, stairs or canopy may encroach into a required yard to a maximum of 2.5 metres adjacent to Mount Albion Road.
    - ii) Visual Barrier                              For the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metres existing on the

**Appendix “C” to Report PED24093**  
**Page 2 of 8**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
 399 Greenhill Avenue, Hamilton**

date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with Section 4.19.

- b) Notwithstanding Section 5.2.a) i) and 5.2.1 c), the following regulations shall apply:
- i) Parking Abuts a Residential Zone
    - A) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.
    - B) Notwithstanding 2 b) i) A), above for the lot line shared with 30 and 40 Harrisford Street, a minimum 1.5 metre wide landscape strip and a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier.
  - ii) Loading Spaces
    - A loading space may be located in a yard abutting a Residential Zone for the northerly lot line shared with 30 and 40 Harrisford Street and, a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with Section 5.2.1 c).
- c) Notwithstanding Section 10.5.1.1 i) 1, 10.5.3 a) i), 10.5.3 b), 10.5.3.d) i), ii), and iii), 10.5.3 g) v) 2., and 10.5.3 g) vii), and in addition to Section 10.5.3 j), the following regulations shall apply:
- i) Restriction of Uses within a Building
    - A) Section 10.5.1.1 i) 1, shall not apply for the lands included in Block 2 of Special Figure No. 40 of Schedule “F” – Special Figures.
    - B) Section 10.5.1.1 i) 1), shall not apply to dwelling units that do not



**Appendix “C” to Report PED24093****Page 3 of 8**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
399 Greenhill Avenue, Hamilton**

- front a street line for the lands included in Block 1 of Special Figure No. 40 of Schedule “F” – Special Figure.
- ii) Minimum Setback from a Street Line
- A) In accordance with Special Figure No. 40 of Schedule “F” – Special Figures.
- B) Notwithstanding Section c) ii) A), above, floor area with a maximum depth of 1.5 metres shall be permitted to project into the required building setback above a height of 13.5 metres above grade.
- iii) Minimum Rear Yard
- In accordance with Special Figure No. 40 of Schedule “F” – Special Figures.
- iv) Minimum North Side Yard Setback
- In accordance with Special Figure No. 40 of Schedule “F” – Special Figures.
- v) Minimum Building Height
- A) Minimum 7.5 metre façade height for any portion of a building along a street line.
- B) Notwithstanding c) v) A) above, a 5.0 metre minimum facade height for any portion of a building along the Harrisford Street line and for a portion of a building fronting onto Greenhill Avenue located within 17.0 metres of the Harrisford Street line shall be permitted.
- vi) Maximum Building Height
- A) 12.0 metres
- B) Notwithstanding c) vi) A) above, building heights may exceed 12.0 metres in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.

**Appendix “C” to Report PED24093  
Page 4 of 8**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
399 Greenhill Avenue, Hamilton**

- |   |   |
|---|---|
| vii) Principal Entrance                       | <p>A) A principal entrance is required within the ground floor façade that is setback closest to a street, for the lands included in Block 1, of Special Figure No. 40 of Schedule “F” – Special Figures.</p> <p>B) A principal entrance shall require direct access from the public sidewalk, for the lands included in Block 1, of Special Figure No. 40 of Schedule “F” – Special Figures.</p> |
| viii) Visual Barrier                          | A fence with a height of 1.0 metre existing on the date of the passing of this By-law shall be considered a Visual Barrier in accordance with the requirements of Section 4.19 of this By-law for the northerly lot line shared with 30 and 40 Harrisford Street.   |
| ix) Percentage of two and three Bedroom Units | A minimum of 30 percent of the dwelling units shall have two bedrooms and a minimum of 5 percent of the dwelling units shall have three or more bedrooms.   |

3. That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

“172. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5) Zone, on Map No. 1245 and 1298 of Schedule “A” – Zoning Maps and described as 399 Greenhill Avenue, Hamilton, no development shall be permitted until such time as:

- a) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design.
- b) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site

**Appendix “C” to Report PED24093  
Page 5 of 8**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
399 Greenhill Avenue, Hamilton**

Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee.

- c) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design.
  - d) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning.
  - e) The Owner submits to the City’s Director of Development Engineering for review and acceptance, a revised Functional Servicing Report which demonstrates:
    - i. That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City’s standards.
    - ii. The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis.
    - iii. That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development.
4. That Schedule “F” – Special Figures be amended by adding Special Figure 40: Building Heights and Setbacks for 399 Greenhill Avenue as shown on Schedule “B” to this By-law.
5. 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 provisions of the Mixed Use Medium Density (C5, 897, H172) Zone subject to the special requirements referred to in Section No. 2, 3 and 4 of this By-law.

**Appendix “C” to Report PED24093**  
**Page 6 of 8**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
399 Greenhill Avenue, Hamilton**

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*.

PASSED and ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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A. Horwath  
Mayor

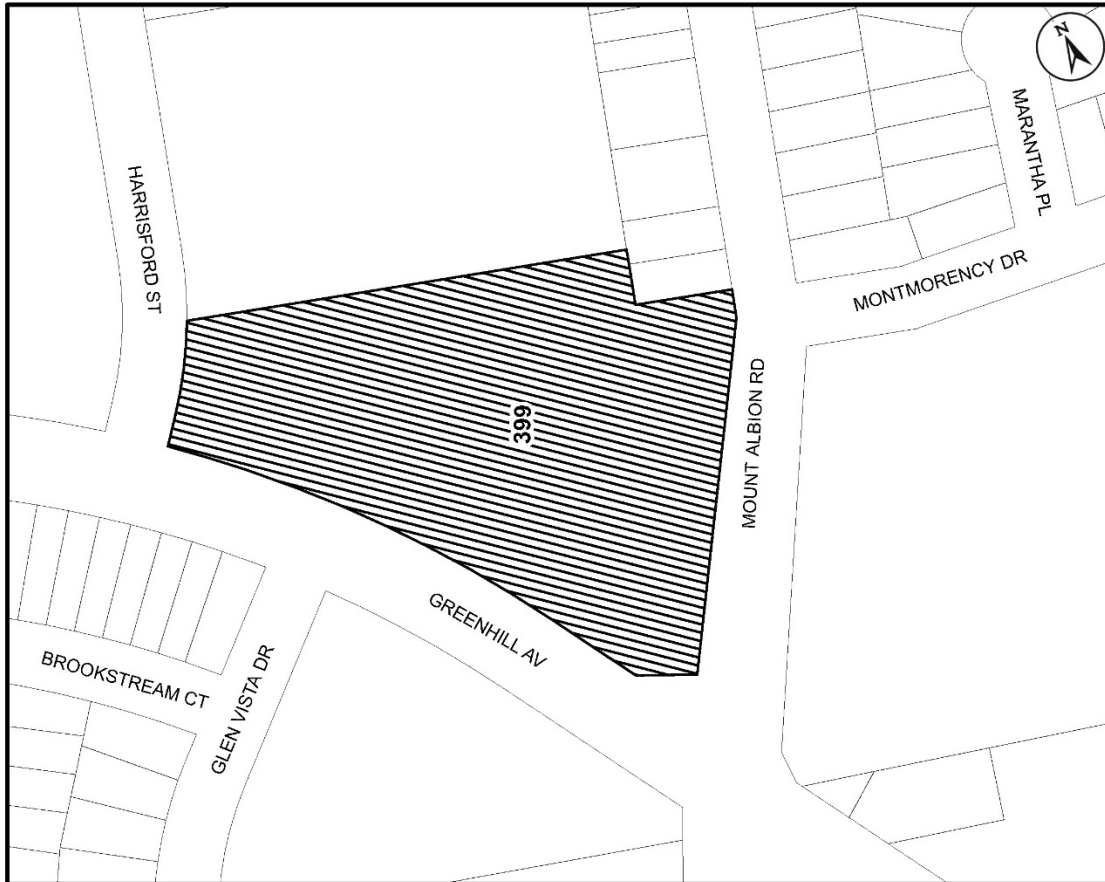
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J. Pilon  
Acting City Clerk

ZAC-22-030

**Appendix "C" to Report PED24093**  
**Page 7 of 8**

**To amend Zoning By-law No. 05-200 with respect to lands located at  
 399 Greenhill Avenue, Hamilton**



This is Schedule "A" to By-law No. 24-  Passed the ..... day of ....., 2024	----- Mayor  ----- Clerk
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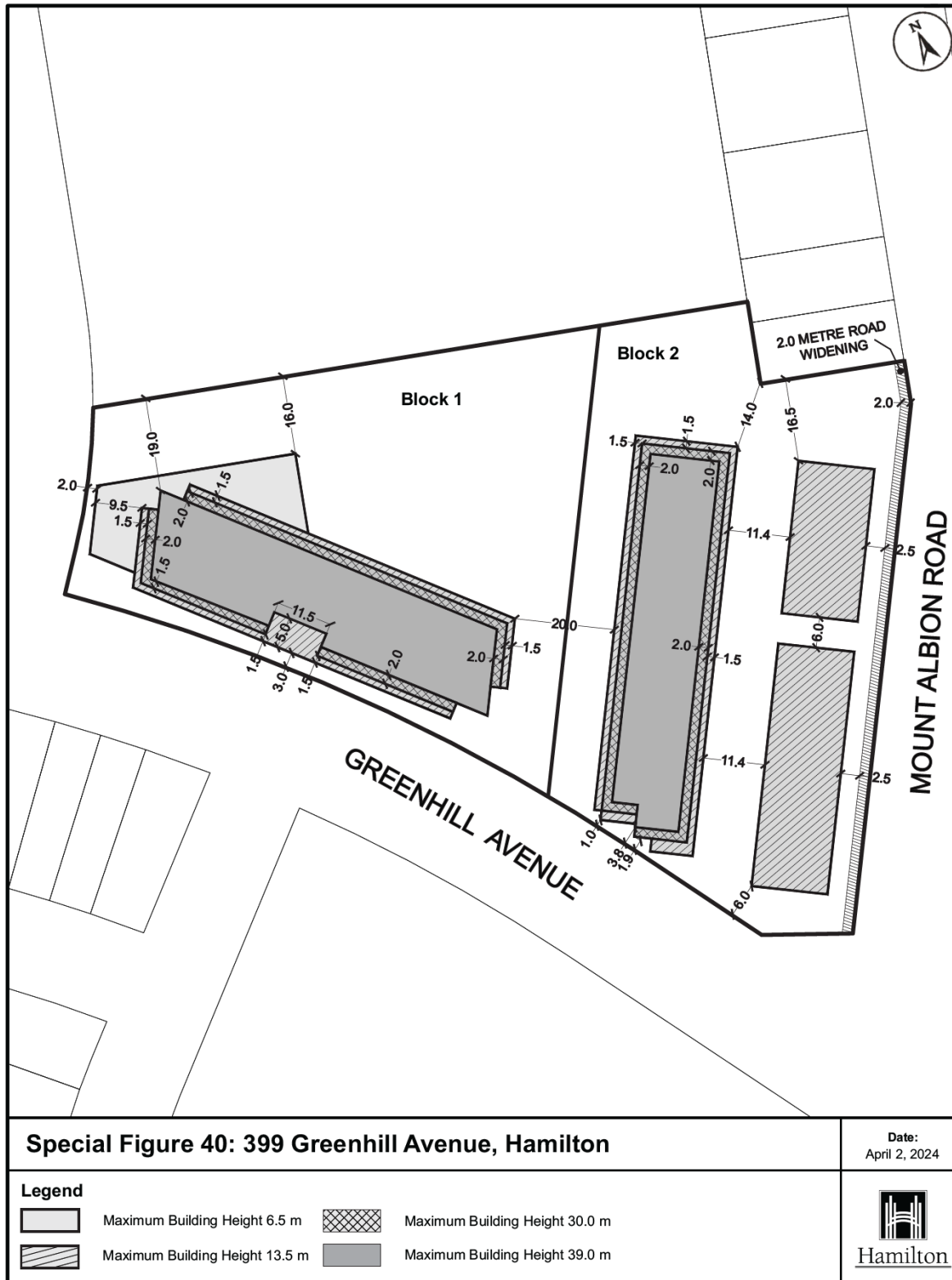
<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 24-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1245, 1298</p>	<p><b>Subject Property</b></p> <p>399 Greenhill Avenue, Hamilton (Ward 5)</p> <p> Change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-22-030/UHOPA-22-016	
Date: April 11, 2024	Planner/Technician: DB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix "C" to Report PED24093  
Page 8 of 8

To amend Zoning By-law No. 05-200 with respect to lands located at  
399 Greenhill Avenue, Hamilton

Schedule "B"



Appendix “D” to Report PED24093  
Page 1 of 12

PROJECT SUMMARY CHART

<b>Site Area</b>	Total Site Area	14521	m2
	Net Site Area (excludes daylight triangle and road widening)	14269	m2
<b>FAR (GFA/Net Site Area)</b>		2.92	
<b>Site Coverage (based on net site area)</b>	Ground Floor Area	5580	m2 39%
	Paved Area	2725	m2 19%
	Landscaped Open Space	5964	m2 42%
<b>Setbacks (Refer to Siteplan)</b>	North	14.0m Min	
	South	1.0m Min	
	West	2.0m Min	
	East	2.5m	

<b>GFA and Amenity Summary</b>		Total (m2)	BLDG A (m2)	BLDG B (m2)	Townhouse (m2)
<b>Residential GFA</b>		38820	16650	16820	5350
<b>Non-Residential GFA</b>		975	975		
<b>Below Grade GFA</b>		1841	885	956	
<b>Total GFA</b>		41636			
<b>Amenity Area</b>	Indoor Amenity	758	511	247	
	Outdoor Amenity	2292			
	<b>Total Amenity</b>	3050			
<b>Amenity Summary</b>		Required		Provided	
		No. of Units	SQM/Unit	SQM	SQM
	Units <50sqm	158	4	632	
	Units ≥50sqm	395	6	2370	
	<b>Total Amenity</b>			3002	3050

<b>Number of Units</b>		Total	BLDG A	BLDG B	Townhouse
	Bachelor	42	8%	32	10
	1B	239	43%	101	138
	2B	192	35%	98	94
	3B	28	5%	14	14
	Town House	52	9%		52
	<b>Total</b>	553		245	256

<b>Total Parking Supply</b>	502	spaces	445 Residential, 57 Visitor+Retail (13 BF included)
<b>Residential Bicycle Parking Spaces</b>	284	spaces	7 short term, 262 long term
<b>Retail Bicycle Parking Spaces</b>	5	spaces	5 short term
<b>Proposed Loading</b>	2 type G/B		4.0mx13.0mx6.1m min clearance
<b>Building Heights</b>	Measured from FFE, Building A @ 118.8, Building B @ 119.5, TH Blocks @120.6	As shown on Siteplan, 2 midrises @ 12 storeys/ 42m (36.5m+5.5m MPH), 2 TH blocks @ 4 storeys/12.0m	

<b>Parking Summary</b>	Required			Provided
	No. of Units	Rate	Spaces	Spaces
Units <50sqm	158	0.3	47	
Units >50sqm (1-14)	14	0.7	9	
Units >50sqm (15-50)	36	0.85	30	
Units >50sqm (51+)	345	1	345	
Residential			431	445
Visitor + Retail	975 m2	1/17 m2	57	57
<b>Total Parking</b>			488	502
Barrier Free Stalls		2% of stalls + 2	12	13

<b>Bicycle Summary</b>	Required		Provided		
	Rate	Spaces	Rate	Spaces	
<b>Residential</b>	Long Term	-	0	0.5	277
	Short Term	-	7	-	7
<b>Retail</b>	Long Term	-	0	-	0
	Short Term	-	5	-	5

\*Long term residential bikes can be horizontal, vertical, or stacker



CONTEXT PLAN

BASED ON TOPOGRAPHIC SURVEY OF:  
PART 1, PLAN OF  
BLOCK "B" REGISTERED PLAN M-157  
IN THE CITY OF HAMILTON  
PREPARED BY S.D McLAREN, O.L.S - 2021



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399 GREENHILL , HAMILTON

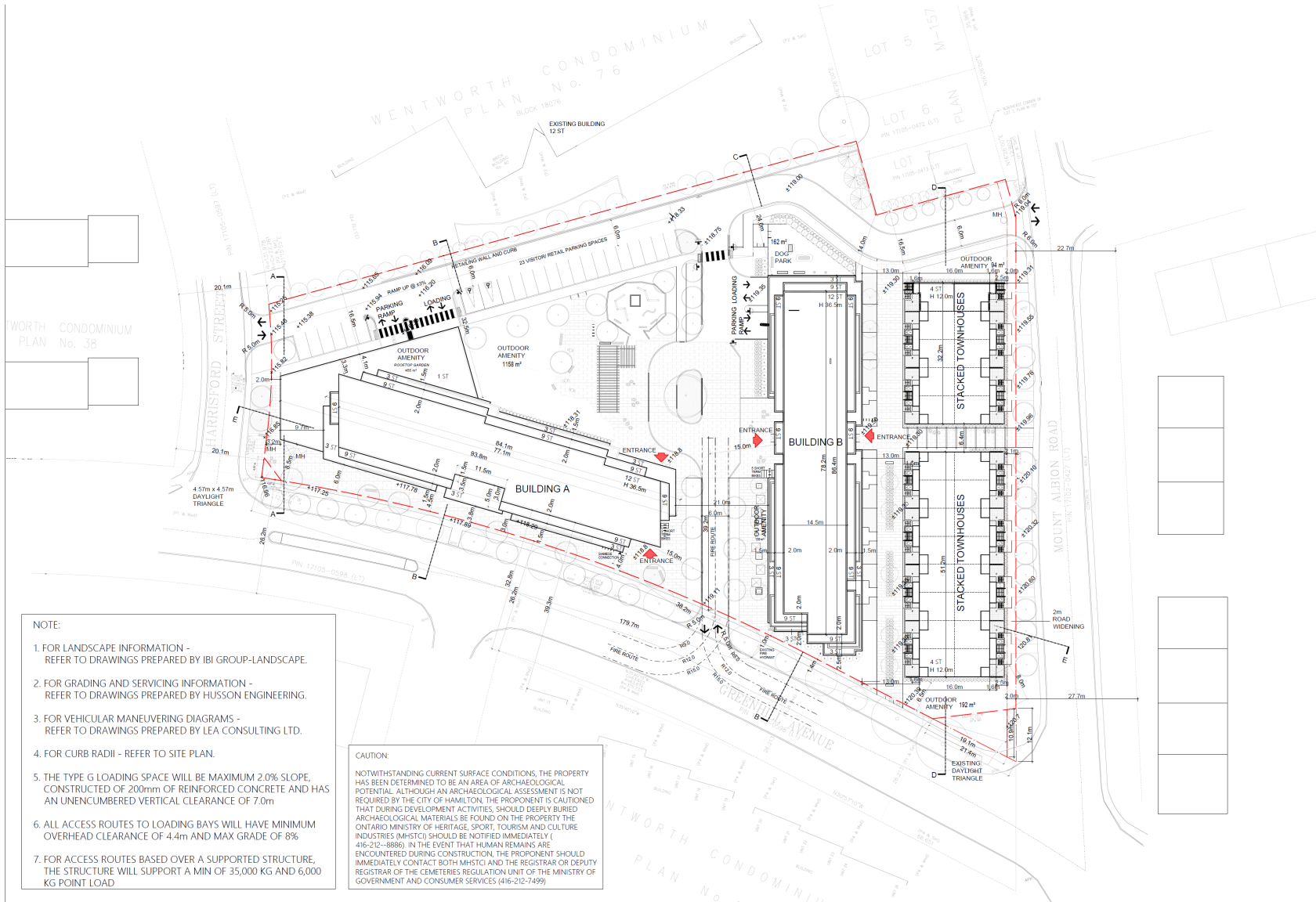
PROJECT STATISTICS

PROJECT No. 122615

SEPT 18, 2023

01

Appendix "D" to Report PED24093  
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- NOTE:**
1. FOR LANDSCAPE INFORMATION - REFER TO DRAWINGS PREPARED BY IBI GROUP-LANDSCAPE.
  2. FOR GRADING AND SERVICING INFORMATION - REFER TO DRAWINGS PREPARED BY HUSSON ENGINEERING.
  3. FOR VEHICULAR MANEUVERING DIAGRAMS - REFER TO DRAWINGS PREPARED BY LEA CONSULTING LTD.
  4. FOR CURB RADII - REFER TO SITE PLAN.
  5. THE TYPE G LOADING SPACE WILL BE MAXIMUM 2.0% SLOPE, CONSTRUCTED OF 200mm OF REINFORCED CONCRETE AND HAS AN UNENCUMBERED VERTICAL CLEARANCE OF 7.0m
  6. ALL ACCESS ROUTES TO LOADING BAYS WILL HAVE MINIMUM OVERHEAD CLEARANCE OF 4.4m AND MAX GRADE OF 8%
  7. FOR ACCESS ROUTES BASED OVER A SUPPORTED STRUCTURE, THE STRUCTURE WILL SUPPORT A MIN OF 35,000 KG AND 6,000 KG POINT LOAD

**CAUTION:**  
NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPONENT IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY THE ONTARIO MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES (MHSTCI) SHOULD BE NOTIFIED IMMEDIATELY (416-212-8886). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MHSTCI AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF GOVERNMENT AND CONSUMER SERVICES (416-212-7499)

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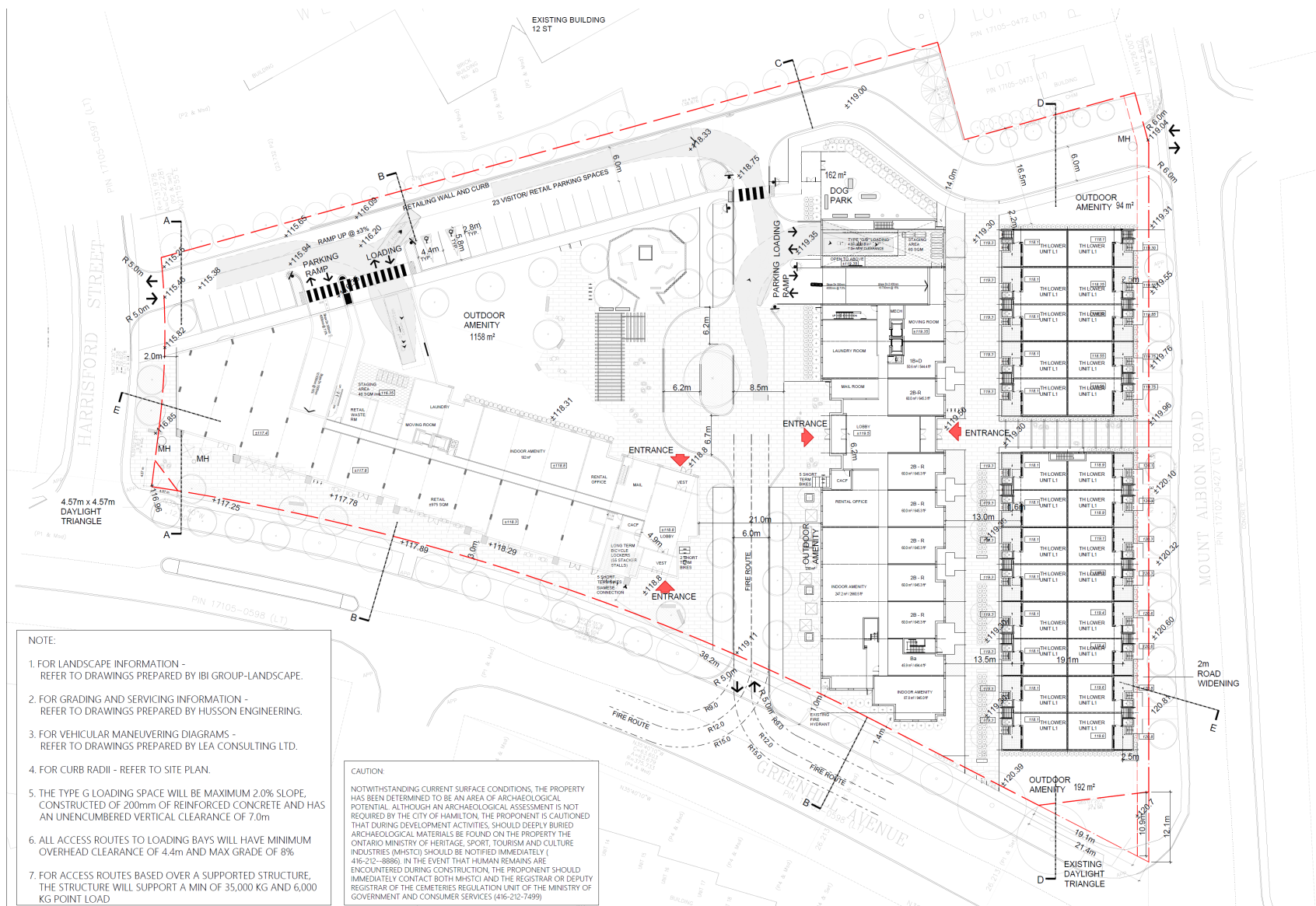


399 GREENHILL, HAMILTON  
**SITE PLAN**  
PROJECT No. 122615      SEPT 18, 2023      SCALE : 1:500

02



Appendix "D" to Report PED24093  
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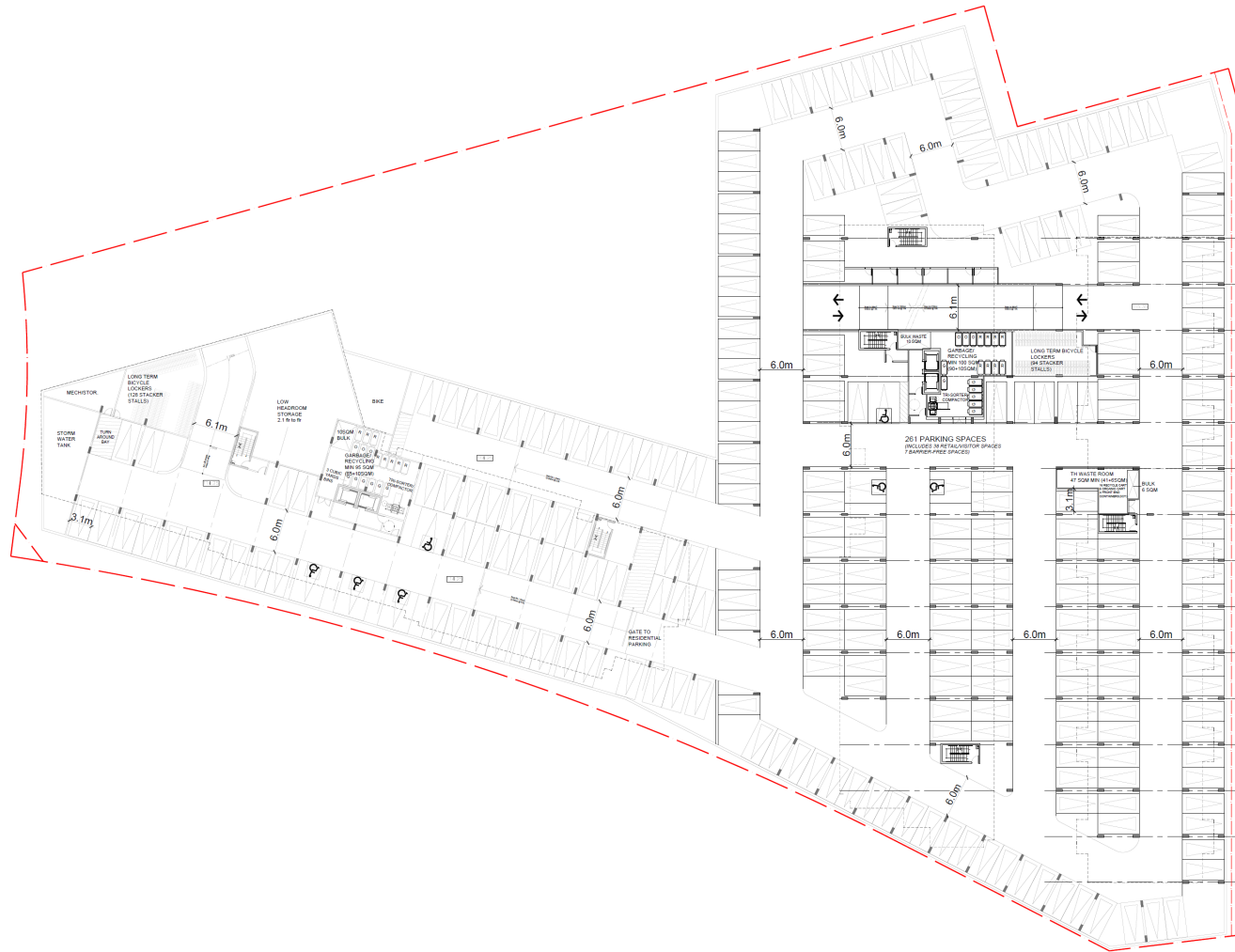


399 GREENHILL , HAMILTON  
GROUND FLOOR PLAN

PROJECT No. 122615      SEPT 18, 2023      SCALE : 1:400

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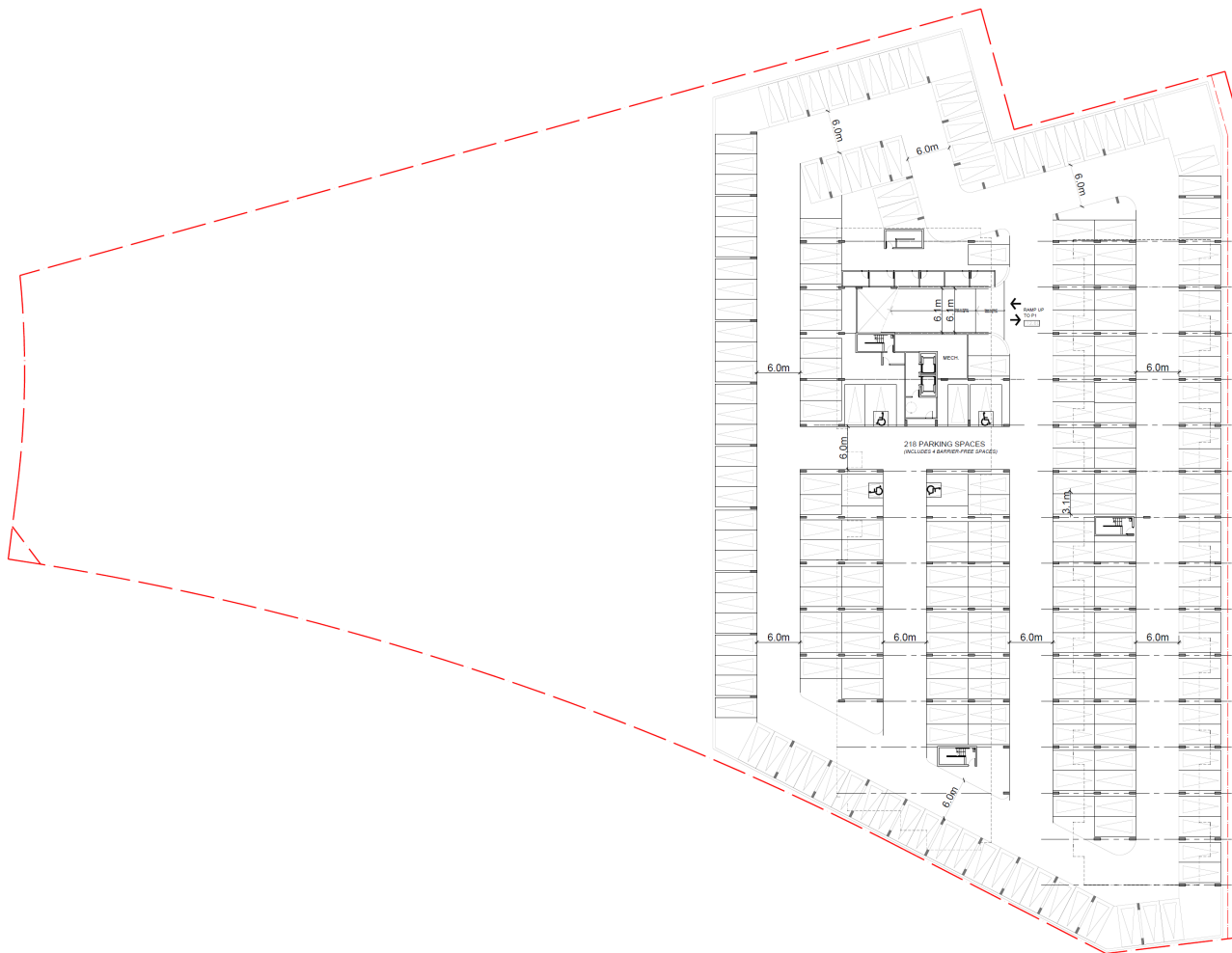


399 GREENHILL , HAMILTON  
P1 FLOOR PLAN

PROJECT No. 122615    SEPT 18, 2023    SCALE : 1:400

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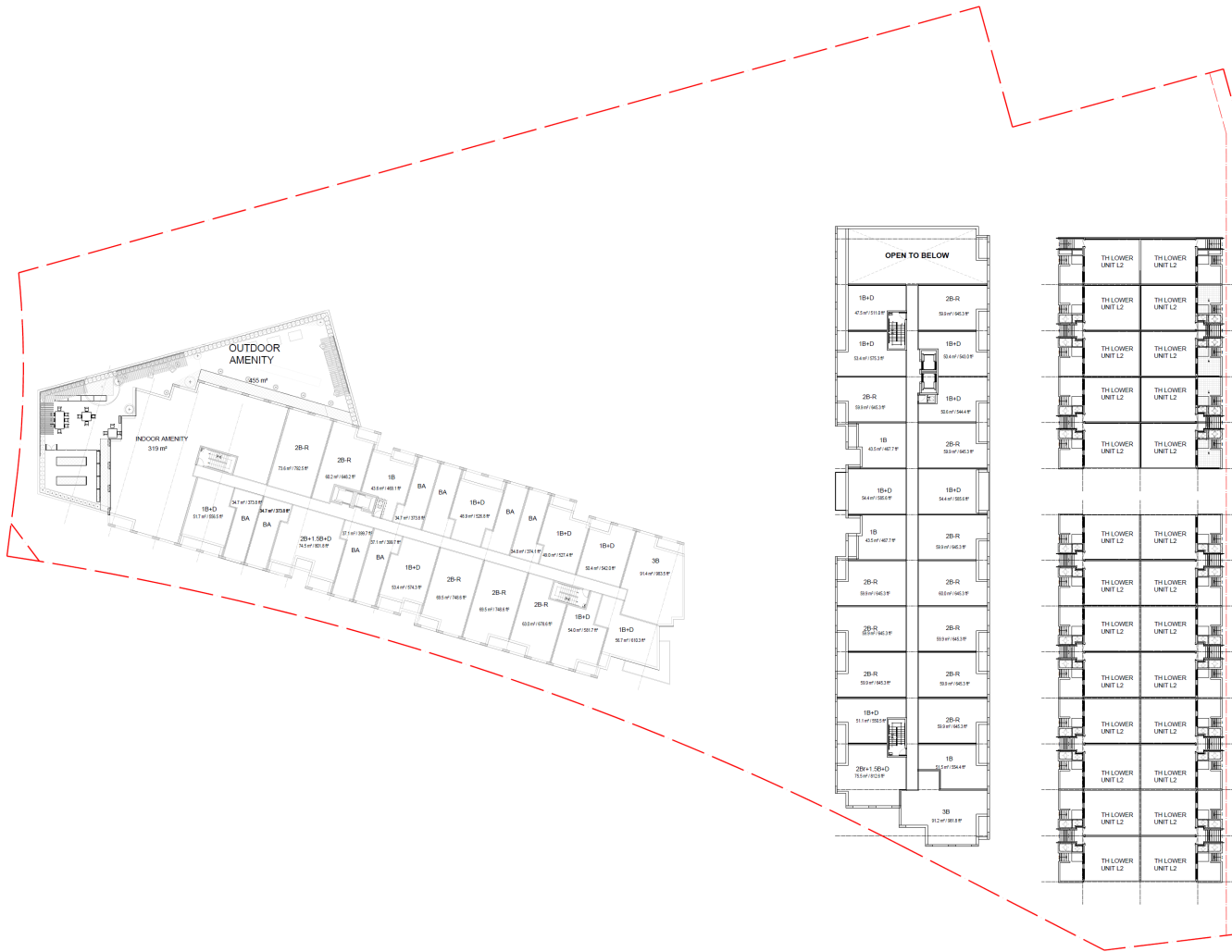


399 GREENHILL , HAMILTON  
P2 FLOOR PLAN

PROJECT No. 122615    SEPT 18, 2023    SCALE : 1:400

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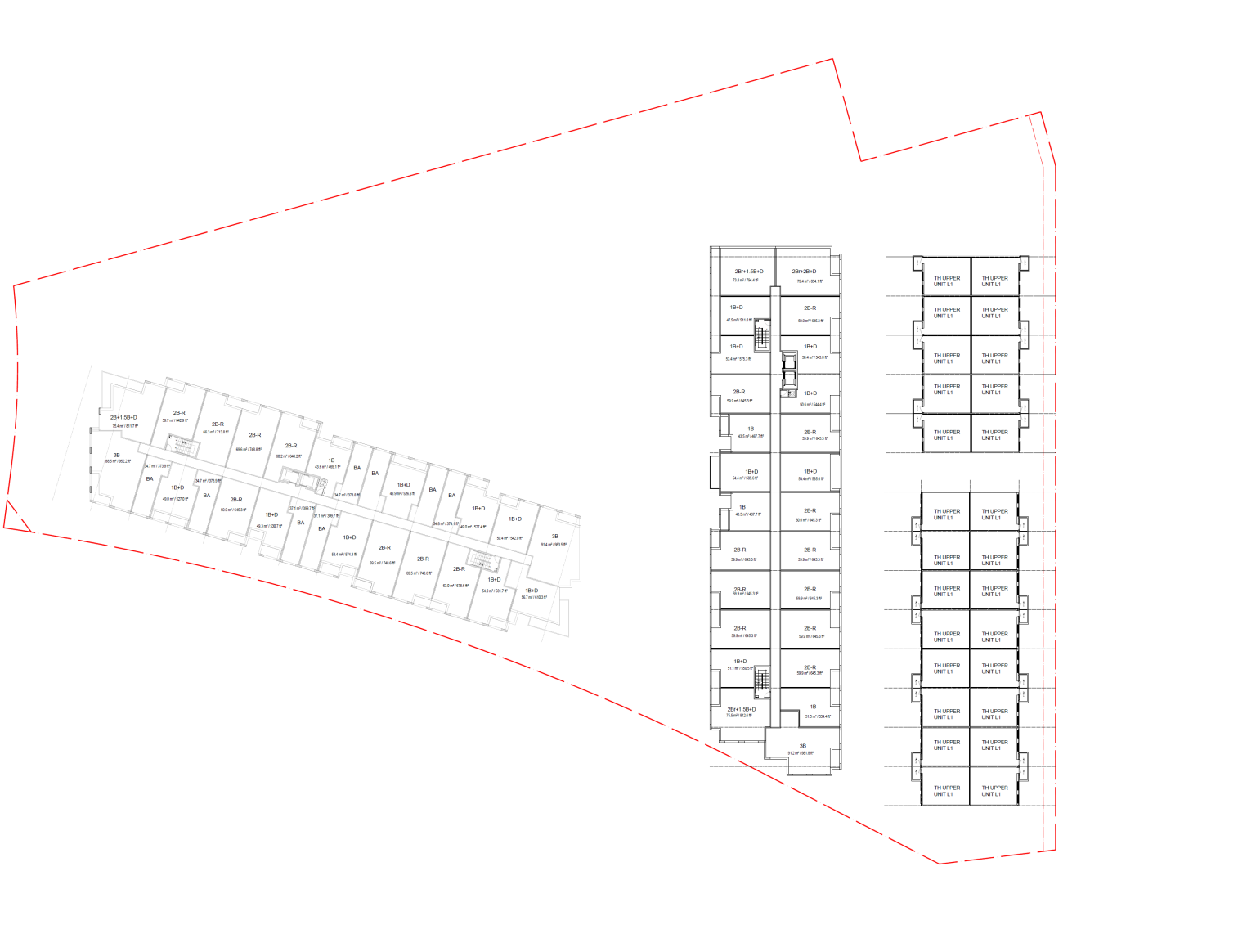
399 GREENHILL , HAMILTON  
**2ND FLOOR PLAN**

PROJECT No. 122615

SEPT 18, 2023

SCALE : 1:400

06



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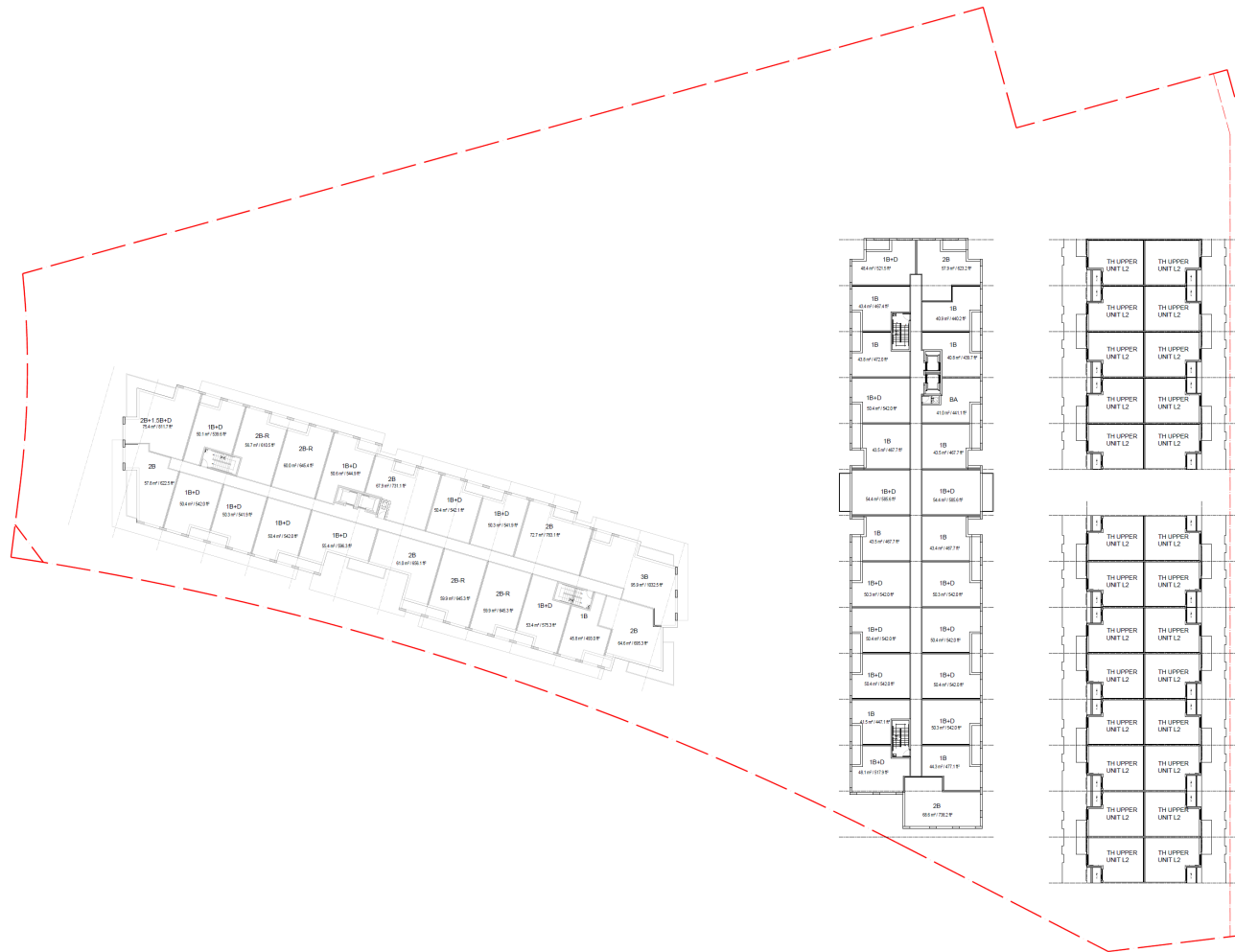
399 GREENHILL , HAMILTON

3RD FLOOR PLAN

PROJECT No. 122615      SEPT 18, 2023      SCALE : 1:400

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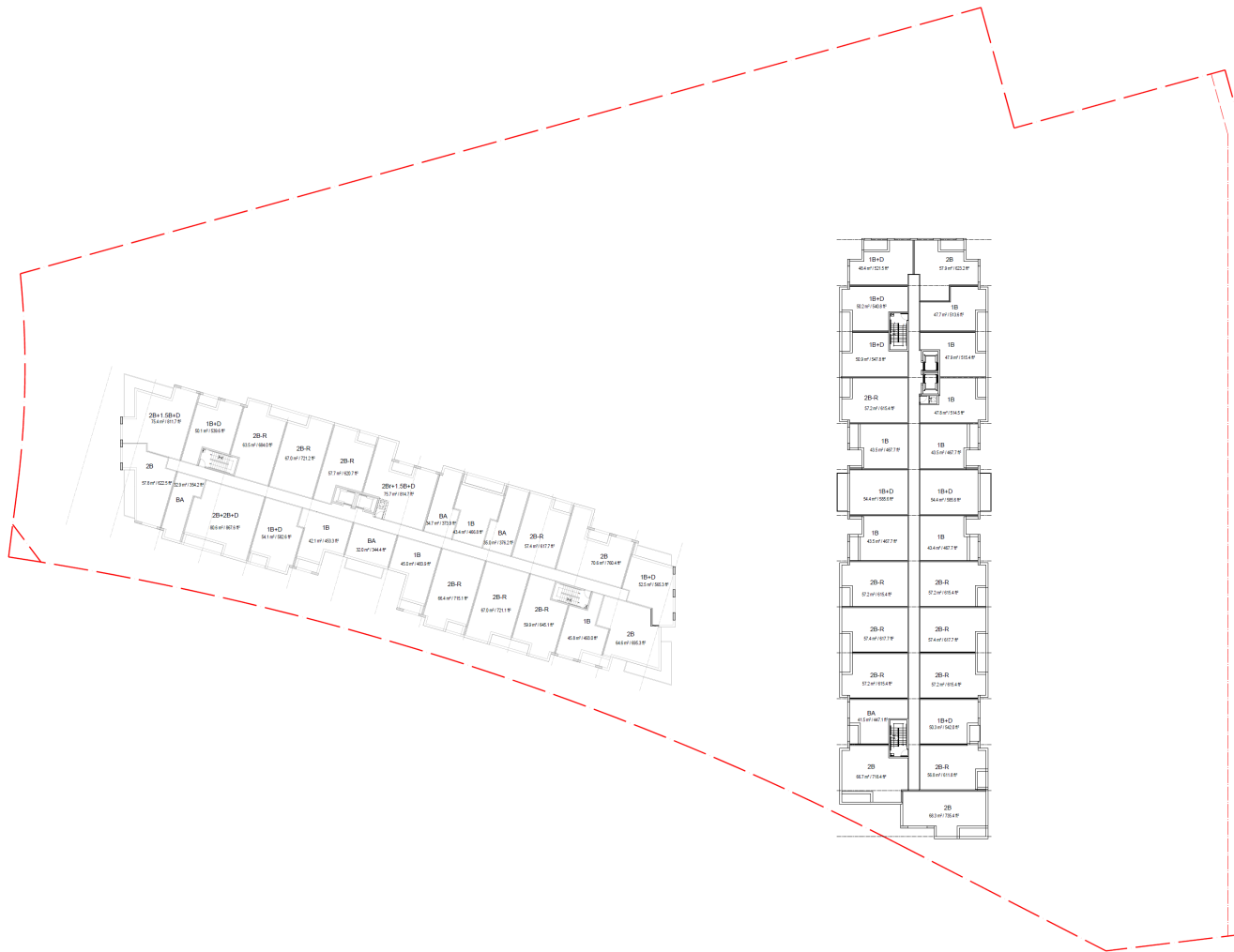


399 GREENHILL , HAMILTON  
4TH FLOOR & 9TH FLOOR PLAN

PROJECT No. 122615      SEPT 18, 2023      SCALE : 1:400

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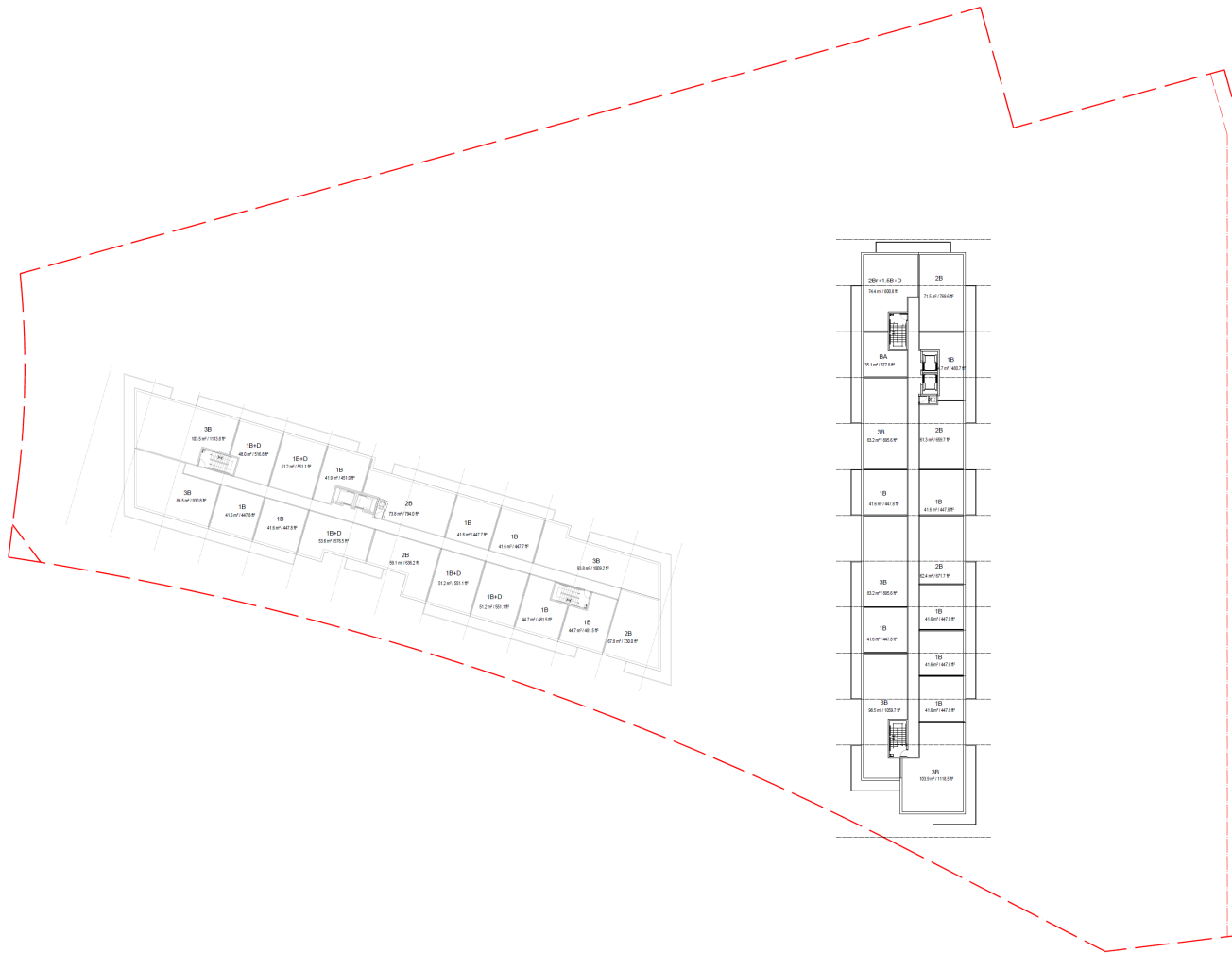


399 GREENHILL , HAMILTON  
5TH-8TH FLOOR PLAN

PROJECT No. 122615      SEPT 18, 2023      SCALE : 1:400

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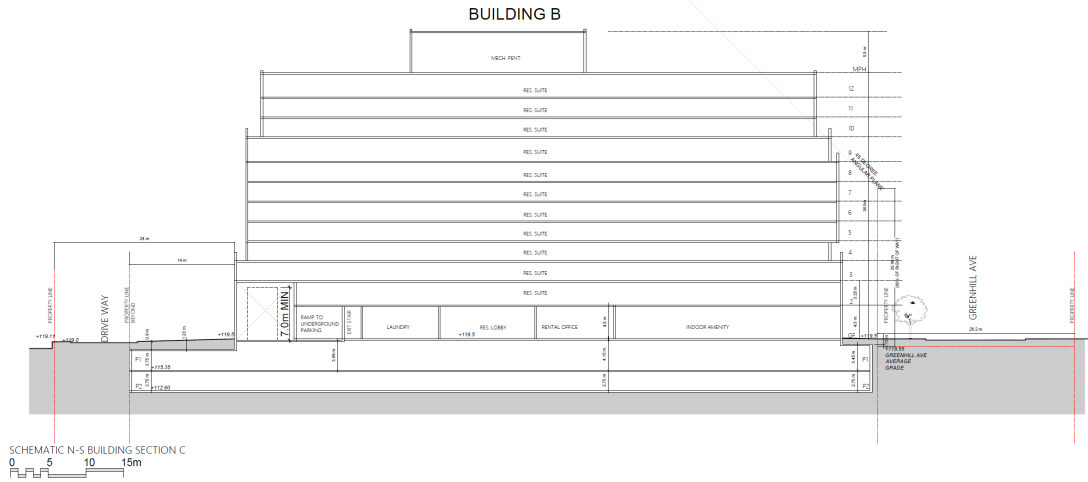
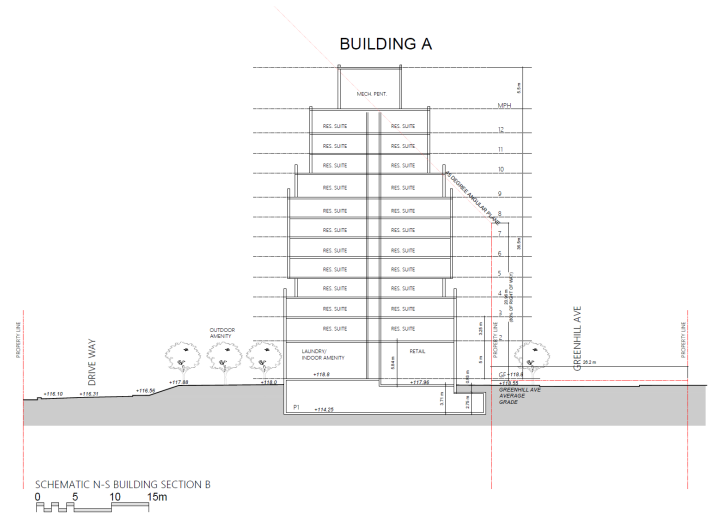
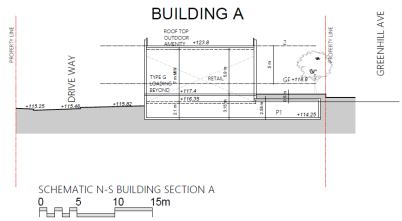
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**10TH-12TH FLOOR PLAN**  
PROJECT No. 122615    SEPT 18, 2023    SCALE : 1:400



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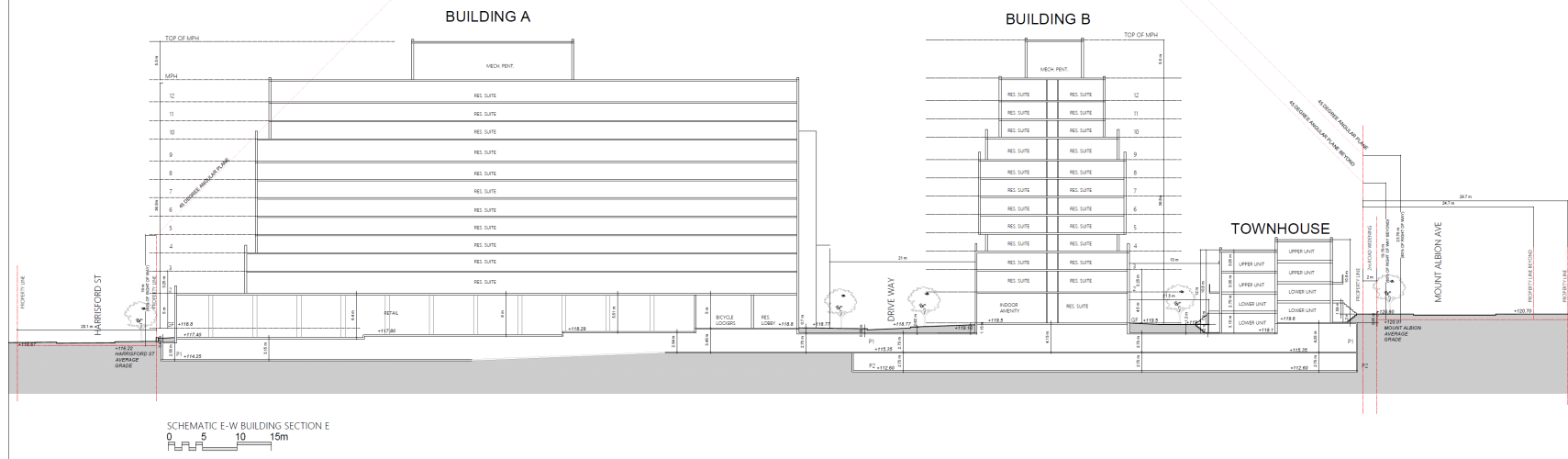
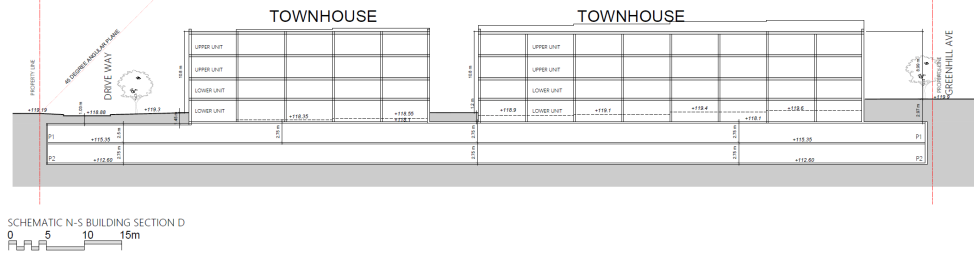
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SITE SECTIONS A,B & C

PROJECT No. 122615    SEPT 18, 2023    SCALE : 1:400

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399 GREENHILL, HAMILTON  
**SITE SECTIONS D&E**

PROJECT No. 122615 SEPT 18, 2023 SCALE : 1:400

## Appendix “E” to Report PED24093

## Page 1 of 12

## Zoning By-law Site Specific Modifications – Mixed Use Medium Density (C5, 897) Zone

Provision	Required	Requested Amendment	Analysis
Section 4: General Provision			
<p>4.6 d) – Porch, Deck, Canopy Encroachment</p> <p>** Applicant Requested Modification</p>	<p>A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.</p>	<p>To permit a porch, deck, stairs or canopy to encroach a maximum of 2.5 metres into the required setback from Mount Albion Road.</p>	<p>The proposed four storey buildings include individual stairs for the units, and partially below grade patios that encroach into the Mount Albion Road setback. The proposal will maintain landscaped areas between the property line and the proposed stairs and between the patios, in addition to street trees within the boulevard. The proposed modification will maintain adequate landscaping and will maintain the streetscape character of the area.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>4.19 – Visual Barrier</p> <p>** Applicant Requested Modification</p>	<p>Where a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres, and to a maximum of 2.5 metres where a visual barrier consists of a fence or wall and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:</p>	<p>For the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metre existing on the date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with Section 4.19.</p>	<p>There is an existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street which serves as a visual barrier but does not conform to the minimum height requirement of 1.8 metres for a visual barrier.</p> <p>To remove the existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street and replace it with a new fence with a minimum height of 1.8 metres would require permission from the adjacent property owner.</p> <p>In addition, removing and replacing the fence could adversely impact a row of existing trees located on the adjacent lands in proximity to the shared property line.</p>

## Appendix “E” to Report PED24093

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Provision	Required	Requested Amendment	Analysis
<p>4.19 – Visual Barrier</p> <p>** Applicant Requested Modification <b>(Continued)</b></p>	<p>A visual barrier shall consist of the following:</p> <p>a) A wall, fence;</p> <p>b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;</p> <p>c) Earth berms; or,</p> <p>d) Any combination of the above.</p>		<p>No sensitive uses such as private amenity areas are located immediately adjacent to the subject property on the lands at 30 and 40 Harrisford Street, and instead the parking and driveway access for the adjacent existing multiple dwellings are located in this area. Therefore, the proposed 0.8 metre reduction in height of the visual barrier will not negatively impact the adjacent lands at 30 and 40 Harrisford Street.</p> <p>Should the existing 1.0 metre high board on board fence be removed at a future date, any replacement fencing would be required to meet the standard height requirement for a visual barrier.</p> <p>Therefore, the proposed modification can be supported.</p>
<b>Section 5: Parking (Existing Provisions)</b>			
<p>5.2 a) i) - Parking Abutting a Residential Zone</p>	<p>Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p>	<p>Notwithstanding 2 b) i) A), above for the lot line shared with 30 and 40 Harrisford Street.</p> <p>A minimum 1.5 metre wide landscape strip and a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier.</p>	<p>This modification is to recognize the existing 1.0 metre high fence along the northerly property line as being sufficient to satisfy the requirement for a Visual Barrier. Please see further rationale included for provision 5.2.1 c), below.</p>

## Appendix “E” to Report PED24093

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Provision	Required	Requested Amendment	Analysis
5.2 a) i) - Parking Abutting a Residential Zone <b>(Continued)</b>	A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.		
5.2.1 c) – Location of Loading Facilities  ** Applicant Requested Modification	<p>The location of loading doors and associated loading facilities shall be subject to the following:</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>A loading space may be in a yard abutting a Residential Zone for the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with 5.2.1 c).</p>	<p>There is an existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street which serves as a visual barrier but does not conform to the minimum height requirement of 1.8 metres for a visual barrier.</p> <p>To remove the existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street and replace it with a new fence with a minimum height of 1.8 metres, permission from the adjacent property owner would be required. In addition, removing and replacing the fence could adversely impact a row of existing trees located on the adjacent lands in proximity to the shared property line.</p> <p>No sensitive uses such as private amenity areas are located immediately adjacent to the subject property on the lands at 30 and 40 Harrisford Street, and instead the parking and driveway access for the adjacent multiple dwellings are in this area. Therefore, the proposed 0.8 metre reduction in the height of the visual barrier will not negatively impact the adjacent lands at 30 and 40 Harrisford Street.</p> <p>Should the existing 1.0 metre high board on board fence be removed at a future date, any replacement fencing would be required to meet the standard height requirement for a visual barrier.</p>

## Appendix “E” to Report PED24093

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Provision	Required	Requested Amendment	Analysis
5.2.1 c) – Location of Loading Facilities  ** Applicant Requested Modification <b>(Continued)</b>			<p>The proposed loading space will be located at the rear of Building A and will be used for both the residential units and commercial uses. The location of the loading space adjacent to a Residential Zone is not anticipated to have any adverse visual impacts as it is setback from the northerly lot line and buffered from view by existing landscaping and the existing board-on-board fence. In respect to noise impacts, the Environmental Noise Study did not include an evaluation of the loading area impact on the surrounding area, and while the loading area is setback approximately 36 metres from the existing residential building to the north, an evaluation of the potential impacts and if required any implementation of mitigation measures would need to be undertaken. An updated Environmental Noise Study and implementation of any noise mitigation measures is required as a condition of Holding Provision.</p> <p>Therefore, the proposed modification can be supported.</p>
<b>Section 5: Parking (Revised Provisions through By-law No. 24-052)</b>			
5.7.4 a) - Minimum Required Number of Electric Vehicle Parking Spaces	A minimum of 100% of all residential parking spaces, excluding visitor parking spaces, and a minimum of 50% of parking spaces for any other use are required.	A minimum of 25% of all provided parking spaces, excluding visitor parking spaces.	<p>The applications were submitted in April of 2022, before Council approved the new parking regulations through By-law No. 24-052, which included the requirement for Electric Vehicle Parking Spaces. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The applicant has committed to providing 25% of all provided parking spaces to be Electric Vehicle Parking Spaces. This results in approximately 125 Electric Vehicle Parking Spaces based on the current provision of parking.</p>

## Appendix "E" to Report PED24093

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Provision	Required	Requested Amendment	Analysis
5.7.4 a) - Minimum Required Number of Electric Vehicle Parking Spaces <b>(Continued)</b>			<p>The applicant confirmed that this was the most that could be provided without redesigning the proposal and departing from the proposed development concept.</p> <p>Staff are of the opinion that, given the circumstances, 25% Electric Vehicle Parking Spaces is appropriate and supportable, as the current in-force zoning regulations do not have an Electric Vehicle Parking Space requirement.</p> <p>Therefore, the proposed modification can be supported.</p>
5.7.5 a) - Minimum Required Long-term Bicycle Parking	<p>Residential</p> <p>0.7 long-term bicycle parking spaces per dwelling unit.</p> <p>Non-Residential</p> <p>In PRA 1 and PRA 2, 0.15 for each 100 square metres of gross floor area.</p>	<p>0.6 long-term bicycle parking spaces per dwelling unit.</p> <p>0.15 for each 100 square metres of gross floor area for all other uses.</p>	<p>Similar to the justification for the reduction of Electric Vehicle Parking Spaces above, staff are of the opinion that, given the circumstances, 0.6 long-term bicycle parking spaces per unit is appropriate and supportable as it constitutes an increase over the existing in-force zoning regulation.</p> <p>Therefore, the proposed modification can be supported.</p>
5.7.5 a) - Minimum Required Short-term Bicycle Parking	<p>Residential</p> <p>0.1 short-term bicycle parking spaces per dwelling unit.</p> <p>Non-Residential</p> <p>In PRA 1 and PRA 2, 0.2 for each 100 square metres of gross floor area.</p>	<p>0.05 short-term bicycle parking spaces per dwelling unit.</p> <p>0.2 for each 100 square metres of gross floor area for all other uses.</p>	<p>Similar to the justification for the reduction of Electric Vehicle Parking Spaces above, staff are of the opinion that, given the circumstances, 0.05 short-term bicycle parking spaces per unit is appropriate and supportable as it constitutes an increase over the existing in-force zoning regulation.</p> <p>Therefore, the proposed modification can be supported.</p>

## Appendix “E” to Report PED24093

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Provision	Required	Requested Amendment	Analysis
<b>Section 10.5: Mixed Use Medium Density (C5) Zone</b>			
<p>10.5.1.1 i) 1. – Finished Floor Area Elevation</p> <p><i>** Applicant Requested Modification</i></p>	<p>The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.</p>	<p>To not require a minimum finished floor elevation for dwelling units above grade for units that do not front a street line for the lands included in Block 1 of Special Figure No. 40 of Schedule “F” – Special Figure.</p> <p>To not require a minimum finished floor elevation for dwelling units above grade for the lands included in Block 2 of Special Figure No. 40 of Schedule “F” – Special Figure.</p>	<p>Building A of Block 1 as shown on the Concept Plan attached as Appendix “D” to Report PED24093 does not include any ground floor dwelling units. Should dwelling units be proposed on the ground floor they will be required to conform to the minimum 0.9 metre minimum finished floor elevation requirement if they front a street line.</p> <p>The portion of the ground floor of Building B of Block 2 that fronts Greenhill Avenue consists of indoor amenity space and therefore a 0.9 metre finished floor elevation height is not required to separate the public realm and the dwelling units, and therefore the privacy and enjoyment of the residents of the units will be protected.</p> <p>With respect to the two four storey multiple dwellings fronting onto Mount Albion Road, each unit is two storeys in height with the lower unit located partially below grade. Based on the nature of the lower unit it would not maintain a 0.9 metre finished floor elevation above grade. The walk down nature of the lower units, along with the proposed street trees, and on-site landscaping, will create a separation between the sidewalk in the public realm and the dwelling units, and will help to protect the privacy and enjoyment of the residents of the units.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3 a) i) – Minimum Building Setback from a Street Line</p> <p><i>** Applicant Requested Modification</i></p>	<p>A minimum 3.0 metres for a building with residential units on the ground floor facing a street.</p>	<p>The required minimum setback shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.</p>	<p>Special Figure No. 40 of Schedule “F” – Special Figures will establish reduced minimum setbacks for the proposed buildings from a street line.</p>



## Appendix “E” to Report PED24093

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Provision	Required	Requested Amendment	Analysis
<p>10.5.3 a) i) – Minimum Building Setback from a Street Line</p> <p><b>** Applicant Requested Modification (Continued)</b></p>			<p>Building B, Block 2 of Special Figure No. 40 of Schedule “F” – Special Figure, includes indoor amenity within the portion of the ground floor facing Greenhill Avenue and therefore the proposed setback reduction from 3.0 metres to 1.0 metre will maintain adequate separation and buffering between a sensitive land use and the public realm.</p> <p>The two four-storey multiple dwellings proposed fronting onto Mount Albion Road will be setback 2.5 metres. Additionally, the units facing Mount Albion Road will be separated vertically with the lower units having a walk down design and the upper units having a walk-up design. The units will also incorporate a porch and landscaping to provide additional privacy and separate the public/private realm. Therefore, the proposed 0.5 metre reduction in setback will not impact the ability to provide adequate separation and buffering between a sensitive land use and the public realm.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>Additional Street Line Setback</p> <p><b>** Staff Requested Modification</b></p>	N/A	<p>Minimum setbacks for the upper portion of the proposed building shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figure.</p> <p>A maximum encroachment of 1.5 metres shall be permitted project into the required stepback above a height of 13.5 metres.</p>	<p>The built form of Building A, Block 1 of Special Figure No. 40 of Schedule “F” – Special Figure, is in the form of a long building with the upper floors having a building length of approximately 77 metres along Greenhill Avenue. The building length exceeds the maximum recommended building length of 60 metres in the City Wide Corridor Planning Principles and Design Guidelines that represent a best practice. The maximum length of a building is intended to minimize the canyon effect and a substantive building wall.</p> <p>To break up the perceived massing of Building A, to minimize the canyon effect and to minimize creating a substantive building wall, an 11.5 metre long portion of Building A is proposed to be recessed from the balance of the building façade. This portion of the building massing will have an 8.8 metre setback from the Greenhill Avenue street line for the portion of the building above the third storey.</p>

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Provision	Required	Requested Amendment	Analysis
Additional Street Line Setback  <b>** Staff Requested Modification (Continued)</b>			<p>In addition, the setbacks outlined in Special Figure No. 40 of Schedule “F” – Special Figures are included to ensure that the setbacks of the upper storeys of Building A, Block 1, from Greenhill Avenue and the recessed portion of the building facade are implemented. These additional setbacks of the upper storey will break up the perceived mass of the building to ensure that the building better reflects the existing and planned street proportions.</p> <p>The modification to allow a 1.5 metre encroachment is to facilitate a cantilevered portion of the building on the fifth through eight storeys.</p> <p>Therefore, the proposed modifications can be supported.</p>
10.5.3 b) – Minimum Rear Yard Setback  <b>** Applicant Requested Modification</b>	7.5 metres.	The required setback shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.	<p>The subject property has multiple lot lines fronting a street, and based on the definition of front lot line, Harrisford Street is considered to be the front lot line for the subject property whereas Mount Albion Road is deemed to be the rear lot line.</p> <p>Mount Albion Road, while considered to be the rear lot line, does not function in that capacity nor would the proposed reduction from 7.5 metres to 2.5 metres adversely impact any abutting land uses.</p> <p>Therefore, the proposed modification can be supported.</p>
10.5.3.c) – Minimum Side Yard Setback	7.5 metres	In addition to the required 7.5 metres, the required setback shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.	<p>The proposed modification is to ensure that the upper storeys of the proposed development are adequately setback to ensure that the adjacent land uses are not impacted by privacy/overlook or shadow impacts.</p> <p>The proposed 14 metre maximum setback represents the distance between the northeast corner of Building B and the southwest corner of the adjacent property at 232 Mount Albion Road.</p>

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Provision	Required	Requested Amendment	Analysis
10.5.3.c) – Minimum Side Yard Setback <b>(Continued)</b>			<p>As Building B, Block 2 of Special Figure No. 40 of Schedule “F” – Special Figures is not oriented directly towards 232 Mount Albion Road, the proposed setback will not result in adverse overlook impacts. Additionally, a Sun Shadow Study was undertaken and demonstrated that adequate sun access will be maintained for the adjacent lands.</p> <p>For Building A, Block 1 of Special Figure No. 40 of Schedule “F” – Special Figures, the building massing will maintain a 19.5 metre setback and abuts the surface parking area of the adjacent lands, therefore the proposed setback will not result in adverse overlook impacts. Additionally, a Sun Shadow Study was undertaken and demonstrated that adequate sun access will be maintained for the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
10.5.3 d) i) – Minimum Building Height  <i>** Applicant Requested Modification</i>	A minimum 7.5 metre façade height for any portion of a building along a street line.	A minimum 5.0 metres façade height for any portion of a building along the Harrisford Street line and for a portion of a building fronting onto Greenhill Avenue located within 17 metres of the Harrisford Street Line.	<p>A portion of the proposed building design includes a roof top outdoor amenity area above the ground floor along the westerly side of the development along Harrisford Street. The overall building height of Building A along Harrisford Street will be greater than 7.5 metres, however the specific portion of the building upon which the roof top outdoor area amenity is located will have a height of 5.0 metres.</p> <p>Harrisford Street is a local road and the built form along the street varies in both height and setbacks and therefore there is not an existing established built form from which the proposed 5.0 metres height would result in an incompatible built form for the surrounding area.</p> <p>Therefore, the proposed modification can be supported.</p>

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Provision	Required	Requested Amendment	Analysis
<p>10.5.3 d) ii) – Maximum Building Height</p> <p>** Applicant Requested Modification</p>	<p>22.0 metres.</p>	<p>12.0 metres; and,</p> <p>Building height exceeding 12.0 metres shall be permitted where shown with Special Figure No. 40 of Schedule “F” Special Figures.</p>	<p>The proposed maximum building height of 38.0 metres is to establish two 12-storey buildings. There are existing buildings of a similar height already existing in the immediate neighbourhood, including on the lands immediately adjacent to the north, and near the south of the subject lands along Mount Albion Road. The proposed increase in building height complies with the criteria under policy E.3.5.8 of the Urban Hamilton Official Plan for increasing the maximum height of Medium Density Residential Areas from six storeys to 12 storeys including: providing an adequate range of unit sizes, not creating adverse shadow impacts, providing a transition in scale from adjacent neighbourhoods, and stepping the buildings back from the street.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3 g) v) 2. – Minimum Building Height for Commercial Development</p> <p>** Applicant Requested Modification</p>	<p>A minimum building height shall be 6.0 metres.</p>	<p>A minimum building façade height of 5.0 metres shall apply to any portion of a building along Harrisford Street line and for a portion of a building fronting onto Greenhill Avenue located within 17.0 metres of the Harrisford Street line, for the lands included in Block 1 of Special Figure No. 40.</p>	<p>A portion of the proposed building design includes a roof top outdoor amenity area above the ground floor along the westerly side of the development along Harrisford Street. The overall building height of Building A along Harrisford Street will be greater than 6.0 metres, however the specific portion of the building upon which the roof top outdoor amenity area is located will have a height of 5.0 metres.</p> <p>Harrisford Street is a local road and the built form along the street varies in both height and setbacks and therefore there is not an existing established built form from which the proposed 5.0 metres height would result in an incompatible built form for the surrounding area.</p> <p>Therefore, the proposed modification can be supported.</p>

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Provision	Required	Requested Amendment	Analysis
<p>10.5.3 g) vii) – Principal Entrance</p> <p>** Applicant Requested Modification</p>	<p>A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. Within the ground floor façade that is setback closest to a street; and,</li> <li>2. Shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol>	<p>Dwelling units with independent entrances provided from outside the building may have principal entrances located in the interior of the lot with indirect access to the public sidewalk for the lands included in Block 2 of Special Figure No. 40 of Schedule “F” – Special Figure.</p>	<p>Building B of the proposed development is oriented perpendicular to Greenhill Avenue with indoor amenity space facing Greenhill Avenue. The principal entrance of Building B is oriented towards the interior of the site with indirect access to the public sidewalk. The principal entrance for the residential lobby for Building A is oriented towards Greenhill Avenue along with the commercial entrances and will have direct access.</p> <p>Additionally for the two four-storey multiple dwellings along Mount Albion Road, the proposal includes multiple individual entrances half of which are oriented towards Mount Albion Road with direct access, while the other half are oriented towards the interior of the site with indirect access.</p> <p>Overall, the proposed development will have adequate street animation and street presence and it will be easily accessible from the public sidewalk.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3 j) – Visual Barrier</p> <p>** Applicant Requested Modification</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>For the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier.</p>	<p>There is an existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street which serves as a visual barrier but does not conform to the minimum height requirement of 1.8 metres.</p> <p>To remove the existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street and replace it with a new fence with a minimum height of 1.8 metres would require permission from the adjacent property owner. In addition, removing and replacing the fence could potentially adversely impact a row of existing trees located on the adjacent lands in proximity to the shared property line.</p>

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Provision	Required	Requested Amendment	Analysis
<p>10.5.3 j) – Visual Barrier</p> <p><b>** Applicant Requested Modification (Continued)</b></p>			<p>No sensitive uses, such as private amenity areas are located immediately adjacent to the subject property on the lands at 30 and 40 Harrisford Street, and instead parking and driveway access for the adjacent multiple dwellings are in this area. Therefore, the proposed 0.8 metre reduction in height of the visual barrier will not negatively impact the adjacent lands at 30 and 40 Harrisford Street.</p> <p>Should the existing 1.0 metre high board on board fence be removed at a future date, any replacement fencing would be required to meet the standard height requirement for a visual barrier.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Percent of Two and Three Bedroom Units</p> <p><b>** Staff Requested Modification</b></p>	N/A	<p>A minimum of 30 percent of the dwelling units, shall be units with two bedrooms, and a minimum of 5 percent of the dwelling units, shall be units with three or more bedrooms.</p>	<p>The policies of the Urban Hamilton Official Plan require that “Medium Density Residential” development provide a mix of unit sizes to accommodate a range of household sizes. The proposed development incorporates 192 two bedroom units and 28 three bedroom units and the proposed modification will ensure that these units are established and maintained.</p> <p>Therefore, the proposed modification can be supported.</p>

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## SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Provincial Policy Statement (2020)</b>		
<b>Settlement Areas</b>  1.1.3.1, 1.1.3.2 and 1.1.3.3	<p>Focus growth and development into Settlement Areas.</p> <p>Land use patterns within settlement areas shall be based on the efficient use of land and resources, are appropriate for and efficiently use infrastructure and public services, minimize impact on climate change and promote energy efficiency, support active transportation, and are transit supportive.</p> <p>Identify appropriate locations and promote opportunities for transit-supportive development, accommodate a significant supply and range of housing options through intensification and redevelopment.</p>	<p>The proposed development focuses growth and development into a settlement area.</p> <p>The proposed development efficiently uses land, resources, and public services by providing intensification in the form of a mixed use development that is located within a settlement area, and within proximity to existing transit, parks, and schools.</p> <p>The proposed development utilizes existing municipal water and wastewater infrastructure. A revised Functional Servicing Report will be required as a condition of the Holding Provision to ensure that there is sufficient capacity to service the proposed development prior to the development proceeding.</p> <p>The proposed development minimizes impact on climate change and promotes energy efficiency through the provision of transit supportive development, provision of alternative transportation options including bicycle infrastructure, provision of landscaping, and will utilize green infrastructure and sustainable design elements.</p>

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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Settlement Areas</b>  1.1.3.1, 1.1.3.2 and 1.1.3.3 <b>(Continued)</b>		<p>The proposed development supports active transportation through the provision of both short and long term bicycle parking, pedestrian amenities throughout the site, and proximity to parks, schools, and existing transit.</p> <p>The development is transit supportive and increases the supply of housing in the area including providing rental housing with a range of unit sizes including bachelor units, one bedroom units, two bedroom units and three bedroom units. The implementing Zoning By-law will establish a minimum percentage for two and three bedroom units.</p>
<b>Cultural Heritage</b>  2.6.2	<p>Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the resources have been conserved.</p>	<p>The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential. An acknowledgement note will be required as part of a future Site Plan Control application. As the lands are currently developed, the City does not require an archaeological assessment.</p>
<b>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)</b>		
Managing Growth  2.2.1.2, 2.2.1.4	<p>Forecasted growth will be based on most growth directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater services, and can support the achievement of complete communities.</p>	<p>The subject property is located within a settlement area and within the Built-up area as identified in the Urban Hamilton Official Plan.</p> <p>The proposed development will be serviced by municipal water and wastewater services.</p>



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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<p>Managing Growth 2.2.1.2, 2.2.1.4 <b>(Continued)</b></p>	<p>Forecasted growth will be within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities.</p> <p>Growth should support the achievement of complete communities that feature a diverse mix of land uses, including residential, convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, provide a more compact built form and a vibrant public realm, and mitigate and adapt to the impacts of climate change.</p>	<p>The proposed development will increase the supply of residential dwelling units including units for larger households and provide commercial services. Therefore, the proposed development will support the achievement of complete communities.</p> <p>There are existing transit routes along both Greenhill Avenue and Mount Albion Road. The proposed development is located within walking distance of existing municipal parks and elementary schools and therefore the proposed development focuses growth in an area with existing public service facilities.</p> <p>The built form along Mount Albion Road and Greenhill Avenue is designed to animate the street by shifting the built form close to the street and through the inclusion of ground floor glazing, principal entrances facing the street and ground related commercial uses facing the street.</p> <p>The proposed development will also provide landscaping and pedestrian amenities, which will support a vibrant public realm.</p> <p>The proposed development will promote intensification on the subject lands which will have access to public transit and will provide ample bicycle parking and is within walking distance to schools and other public services, which will assist with addressing climate change.</p>

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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Official Plan:</b>	<b>Urban Hamilton Official Plan</b>	
<b>Urban Structures – Neighbourhoods – Function</b>  E.2.7.2, E.2.7.4., and E.2.7.5 <b>(Continued)</b>	<p>“Neighbourhoods” shall primarily consist of residential uses and complementary facilities and services.</p> <p>“Neighbourhoods” elements of the urban structure shall permit a range of commercial uses including retail stores and services.</p>	<p>The proposed development is for the establishment of 553 dwelling units contained within two 12-storey buildings and two four-storey buildings, along with 975 square metres of ground floor commercial floor area.</p> <p>The proposed development includes 244 two-bedroom units and 28 three-bedroom units, and therefore family friendly units will represent 49 percent of the total number of units being provided.</p> <p>The proposed dwelling units are intended to be rental units. Therefore, the proposed development will provide opportunity for a full range of housing forms, types, and tenures.</p>
<b>Urban Structures – Neighbourhoods – Scale</b>  E.2.7.7	<p>“Neighbourhoods” shall generally be regarded as physically stable areas, with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted.</p>	<p>The area is predominantly a residential neighbourhood which includes low density residential uses and multiple dwellings with building heights up to 12 storeys. The proposed development of two 12-storey multiple dwellings and two four-storey multiple dwellings is consistent with the existing scale of the area.</p>
<b>Neighbourhoods Designation – General Policies</b>  E.3.2.3	<p>Uses permitted on lands designated “Neighbourhoods” include residential dwellings and local commercial uses.</p>	<p>The proposed development seeks to establish a mixed use development with 553 multiple dwelling units and 975 square metres of ground floor local commercial floor area.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Neighbourhoods Designation – Scale and Design</b></p> <p>E.3.2.4</p>	<p>The existing character of established neighbourhoods shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood.</p>	<p>The proposed development of two 12 storey buildings and two four storey buildings represents a scale of development that is consistent with other multiple dwelling forms that exist in the area. In addition, through building setbacks and stepbacks the proposed development will provide adequate transition between the proposed buildings and existing low density development in the area.</p>
<p><b>Neighbourhoods Designation – Medium Density Residential - Function</b></p> <p>E.3.5.1, E.3.5.2, and E.3.5.4</p>	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to arterial roads, or within the interior of neighbourhoods fronting on collector roads.</p> <p>Multiple dwellings shall be permitted in medium density residential areas.</p> <p>Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, subject to Section E.3.8.</p>	<p>The subject property is located within the interior of a neighbourhood and fronts onto Mount Albion Road which is classified as a collector road, therefore the subject property represents an appropriate location for a medium density residential use.</p> <p>The proposed development of multiple dwellings complies with the permitted uses for a medium density residential area.</p> <p>The inclusion of 975 square metres of commercial gross floor area on the ground floor of one of the 12 storey buildings complies with policy E.3.5.4.</p>
<p><b>Neighbourhood Designation – Medium Density Residential – Scale</b></p> <p>E.3.5.7 and E.3.5.8</p>	<p>For medium density residential uses the maximum height shall be six storeys but may be increased to 12 storeys subject to the following criteria:</p> <ul style="list-style-type: none"> <li>• Development provides a mix of unit sizes to accommodate a range of household sizes and income levels.</li> </ul>	<p>The proposed development of 12 storey multiple dwellings will exceed the maximum height of six storeys but does not exceed the maximum height of 12 storeys that is permitted subject to demonstrating compliance with the applicable criteria.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Neighbourhoods Designation – Medium Density Residential – Scale</b></p> <p>E.3.5.7 and E.3.5.8 (Continued)</p>	<ul style="list-style-type: none"> <li>• Development shall incorporate sustainable building and design principles;</li> <li>• Development shall not unduly overshadow or block light on adjacent sensitive land uses, the public realm and outdoor private amenity areas;</li> <li>• Buildings are progressively stepped back from adjacent areas designated “Neighbourhoods”; and,</li> <li>• Buildings are stepped back from the street to minimize the height appearances from the street.</li> </ul>	<p>The proposed development provides a mix of unit sizes to accommodate a range of household sizes and income levels by providing rental housing and with nearly half of the units (49 percent) having two to three bedrooms.</p> <p>The proposed development will incorporate and utilize green infrastructure and sustainable design elements through the provision of alternative modes of transportation, the use of high efficiency mechanical and HVAC systems, water efficient fixtures, energy efficient lighting, preservation of existing trees where possible, amongst others.</p> <p>A Sun Shadow Study prepared by IBI Group dated February 15, 2022, was submitted. The study illustrated that the proposed development maintains a minimum of three hours of sun access on Greenhill Avenue, Harrisford Street, and Mount Albion Road between 10 a.m. and 4 p.m. with no shadows on Greenhill Avenue from 12:18 p.m. onward. Therefore, the proposed development will not impact or block light to the public realm.</p> <p>The proposed development will maintain at least three hours of sun access on the amenity area between 10 a.m. and 4 p.m. Therefore, it will not unduly overshadow or block light to adjacent sensitive land uses.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Neighbourhoods Designation – Medium Density Residential – Scale</b></p> <p>E.3.5.7 and E.3.5.8 (Continued)</p>		<p>The proposed development includes an amenity area to the rear of Building A, on which the Sun Shadow Study identifies significant shadow impacts. However, the proposed development does not require this area to meet the minimum amenity space requirements for the development, and it is considered a “surplus” amenity area. Therefore, there will be sufficient amenity area with sufficient sun access. Staff also note that there are outdoor amenity areas with full sun access, allowing future residents options for full sun and shaded outdoor areas.</p> <p>The proposed development will include adequate setbacks and stepbacks to provide adequate separation and transition from adjacent residential uses. The proposed development will include setbacks and stepbacks from the adjacent streets that will assist with minimizing the appearance of height and mass for the buildings from the street.</p>
<p><b>Neighbourhood Designation – Medium Density Residential – Design</b></p> <p>E.3.5.9</p>	<p>Development of “Medium Density Residential” shall be evaluated based on the following criteria:</p> <ul style="list-style-type: none"> <li>• Should have direct access to a collector or arterial road, or if not possible, access may be provided by a local road if a small number of low density residential dwellings are located on the local road.</li> </ul>	<p>The subject property has frontage and access on Mount Albion Road which is a collector road.</p> <p>The proposed development will integrate with the surrounding area which includes other 12 storey multiple dwellings and will be designed to provide an appropriate transition in scale that will avoid adverse impacts on the surrounding neighbourhood.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Neighbourhood Designation – Medium Density Residential – Design</b></p> <p>E.3.5.9 <b>(Continued)</b></p>	<ul style="list-style-type: none"> <li>• Development shall be integrated with other lands in the “Neighbourhood” designation with respect to density, design, amongst others;</li> <li>• Development shall be on sites of suitable sizes, provide adequate landscaping, amenity features, on-site parking, and buffering. The height, massing and arrangement of buildings and structures shall be compatible with the area;</li> <li>• Development be designed to minimize conflict between traffic and pedestrians on-site and surrounding streets; and,</li> <li>• Studies may be required to demonstrate that the height, orientation, design, and massing of a building shall not unduly overshadow, block light, or result in loss of privacy of adjacent residential uses.</li> </ul> <p>The orientation, design and massing of a building or structure higher than six storeys shall consider the impact on public view corridors and public views of the Niagara Escarpment, through the submission of a Visual Impact Assessment.</p>	<p>The proposed development will include landscaping to provide a designed development that is compatible with the surrounding area. The development will provide amenity space and on-site parking to meet the needs of future residents and commercial patrons.</p> <p>The proposed development includes internal walkways and driveways to separate pedestrians and vehicles, and the proposed development has been reviewed by City staff with respect to minimizing traffic conflicts.</p> <p>The proposal is supported by a sun shadow study which has demonstrated that the height, orientation, design, and massing of the buildings will not unduly overshadow or block light on adjacent residential uses and will not result in a loss of privacy of adjacent residential uses.</p> <p>A Visual Impact Assessment was not identified as part of the Formal Consultation application. The Niagara Escarpment is located south of the subject property. Based on the existing built context of the area and the layout of the existing streets the only view corridor with a view of the Escarpment is along Mount Albion Road. The proposed development incorporates two, four storey buildings along Mount Albion Road which will not interfere with any public view corridors or general public views to the Niagara Escarpment.</p>

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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<p><b>Neighbourhood Designation – Local Commercial - Function</b></p> <p>E.3.8.2</p>	<p>Local commercial uses include a range of uses including but not limited to retail and service uses, day nursery, commercial schools, restaurants, personal services, etc.</p>	<p>The specific uses for the ground floor commercial units have not yet been determined but a range of commercial uses are permitted within the proposed zoning.</p>
<p><b>Neighbourhood Designation – Local Commercial – Design</b></p> <p>E.3.8.9, E.3.8.11, and E.3.8.12</p>	<p>Development of local commercial uses shall have frontage and access to an arterial road or collector road, provide safe and convenient access for pedestrian and cyclists, and be compatible with the surrounding area in terms of design, massing, height, setbacks, parking, noise, landscaping, and lighting.</p> <p>Local commercial uses shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood.</p>	<p>The subject property has frontage and access to a collector road; however, the proposed commercial uses will be oriented towards Greenhill Avenue, classified as a local road for the section west of Mount Albion Road. An Official Plan Amendment is required to permit commercial uses to front on and be accessed from a local road and to permit a principal entrance of a new local commercial use to face a local road.</p> <p>The commercial units will maintain pedestrian access and short term bicycle parking for safe and convenient access for pedestrians and cyclists. The local commercial uses will be located on the ground floor of a mixed use building which will be of a design, massing, and scale that will be compatible with the area. Parking will be provided for the proposed commercial uses, in accordance with the Zoning By-law No. 05-200, and on-site landscaping will also be provided. The applicant must demonstrate through a future Site Plan Control application that on-site lighting will not negatively impact adjacent lands. A noise study was done as part of the application, but a detailed evaluation of noise impacts on the surrounding area could not be completed until details on the mechanical equipment were provided.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Neighbourhood Designation – Local Commercial – Design</b></p> <p>E.3.8.9, E.3.8.11, and E.3.8.12  <b>(Continued)</b></p>		<p>An updated noise impact study will be required to be undertaken and has been included in the Holding Provision.</p> <p>The proposed commercial uses are oriented towards Greenhill Avenue and will have pedestrian amenities to allow them to be easily accessed from the surrounding neighbourhood.</p>
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2</p>	<p>Residential development within the built-up area shall be evaluated based on a balanced evaluation of items such as, but not limited to, compatibility with the adjacent land uses in terms of scale, form and character, building upon existing lot patterns, achieving a range of dwelling types, achieving the planned function of the urban structure, servicing capacity, provision of amenity space, conservation of cultural heritage resources, and transportation capacity, amongst others.</p>	<p>The proposed development is to establish 553 rental dwelling units, of which 49 percent of the units will be family friendly units (two and three bedroom units) with 244 two bedroom units and 28 three bedroom units. Therefore, the proposed development will maintain and achieve a range of dwelling types and tenures.</p> <p>The proposed development of a 12 storey mixed use development is compatible in terms of the use of the lands, the scale, the form, and character of the area. The proposed development will add residential units within an existing residential area that is already developed with 12 storey buildings, while carrying forward the provision of commercial uses, which is consistent with the existing use of the lands and the planned urban structure. The buildings will be massed and will include adequate setbacks and stepbacks to reflect the scale and character of the surrounding area without resulting in adverse impacts and building upon the established streetscape patterns and built form within the surrounding neighbourhood.</p>



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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2 <b>(Continued)</b></p>		<p>The proposed development will be required to demonstrate that adequate municipal servicing capacity is available to service the development prior to the development being able to proceed. A Holding Provision for a revised Functional Servicing Report will be required as part of the Zoning By-law.</p> <p>The proposed development will incorporate alternative modes of transportation, the use of high efficiency mechanical and HVAC systems, water efficient fixtures, energy efficient lighting, and preservation of existing trees where possible, amongst others. The detailed implementation of all such measures will be undertaken at the Site Plan Control stage.</p> <p>The proposed development will include both short term and long term bicycle parking, will include pedestrian amenities including internal walkways, and the subject lands are located within walking distance of parks and schools. These features will support and help to facilitate active transportation modes and the future residents will have access to community facilities.</p> <p>Tree resources have been identified on the subject property.</p>

**Appendix “F” to Report PED24093**  
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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2  <b>(Continued)</b></p>		<p>A Tree Protection Plan was submitted which inventoried 61 trees, with 16 identified to be removed. Additional revisions to the Tree Protection Plan were identified and will be required. To ensure that a revised Tree Protection Plan is submitted and approved, it has been included in the Holding Provision.</p> <p>Based on the height, massing, orientation and setbacks for the building, the proposed development will not result in compatibility issues with adjacent lands in terms of shadowing or overlook.</p> <p>A Traffic Impact Study was submitted and reviewed and approved by Transportation Planning staff.</p> <p>A Noise Study prepared by Valcoustics Canada Ltd. dated February 15, 2022, was submitted. The study could not identify the proposed development's impact on the surrounding context as the mechanical plans were not yet available but did note that the mechanical equipment must comply with the applicable provincial requirements. A Holding Provision is proposed to ensure that an updated Noise Impact Study is undertaken.</p> <p>The proposed development will establish both private and public amenities on-site which will meet future residents' needs.</p>

**Appendix “F” to Report PED24093**  
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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2 <b>(Continued)</b></p>		<p>The design, orientation, building setbacks and separation will respect and maintain the streetscape patterns. This is achieved through the use of stepbacks of the upper storeys, through recessing the middle portion of Building A (as shown on Appendix “D” attached to Report PED24093) to reduce perceived building length, through orientating Building B to be perpendicular to Greenhill Avenue, through a 21 metre separation between Buildings A and B, and through breaking up the four storey buildings along Mount Albion Road into two buildings, amongst others.</p>
<p><b>Urban Design – Built Form</b></p> <p>B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5</p>	<p>New development shall be designed to minimize impacts on neighbouring buildings and public spaces by creating transition in scale to neighbouring buildings, ensuring adequate privacy and sunlight to neighbouring properties, and minimize impacts of shadows and wind conditions.</p> <p>New development shall be massed to respect existing and planned street proportions.</p>	<p>The proposed development will provide appropriate setbacks and stepbacks from the adjacent medium density and low density lands to the north of the subject property, which will allow for an appropriate transition in scale.</p> <p>The proposed 12 storey buildings will be setback 20 to 24 metres from the existing building to the north and the northeast corner of Building B is to be setback 14 metres from the southwest corner of the existing single detached dwelling to the north. The proposed setbacks along with orientation of the building relative to the existing single detached dwelling will allow for a built form that will appropriately transition in scale and will not create privacy/overlook impacts.</p> <p>A Sun Shadow Study prepared by IBI Group dated February 15, 2022, was submitted.</p>

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<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<p><b>Urban Design – Built Form</b></p> <p>B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 <b>(Continued)</b></p>	<p>Built form shall create a comfortable pedestrian environment by locating principal building facades and entrances parallel to and close to the street, providing ample glazing on the ground floor to create visibility to and from the new development shall be massed to respect existing and planned street proportions.</p> <p>Built form shall create a comfortable pedestrian environment by locating principal building facades and entrances parallel to and close to the street, providing ample glazing on the ground floor to create visibility to and from the public sidewalk, providing quality landscaping along frontages, locating surface parking to the side or rear of sites or buildings, and using design techniques such as stepbacks to maximize sunlight to pedestrian areas.</p>	<p>As discussed earlier, the study demonstrated the proposed development will minimize impacts of shadow on the public realm and neighbouring properties.</p> <p>A Pedestrian Wind Assessment prepared by Theakston Environmental, Consulting Engineers, Environmental Control Specialists dated February 15, 2022, was submitted. An addendum letter dated March 15, 2023, was also submitted.</p> <p>The Pedestrian Wind Assessment undertook a wind tunnel testing which is consistent with the City’s terms of reference. The study based the wind comfort conditions for sitting, standing, strolling, walking and uncomfortable conditions on the respective wind levels in the City’s terms of reference. Uncomfortable conditions were identified during the winter, and the addendum letter noted that this area would be mitigated at the Site Plan Control stage.</p> <p>A Holding Provision is proposed to ensure that an updated Wind Study is undertaken.</p>
<p><b>Site Condition</b></p> <p>B.3.6.1.1</p>	<p>Where there is potential for contamination due to previous uses and more sensitive land uses a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines.</p>	<p>Phase One and Phase Two Environmental Site Assessment were submitted. At this time, a Record of Site Condition has not yet been filed and to ensure that a Record of Site Condition is undertaken, Holding Provision has been included.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Noise</b></p> <p>B.3.6.3.1</p>	<p>Development of noise sensitive land uses in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>An Environmental Noise Assessment prepared by Valcoustics Canada Ltd. dated February 15, 2022, and an addendum letter dated April 5, 2023, was submitted. The study concluded that with appropriate design, the proposed residential dwellings will comply with the applicable provincial noise guideline requirements in NPC-300 for the Ministry of the Environment, Conservation and Parks.</p> <p>The study outlined noise mitigation measures that would need to be undertaken including upgraded windows, mandatory air conditioning, and noise warning clauses.</p> <p>The study noted that as mechanical plans are not yet available a detailed analysis could not be undertaken. The study did note that mechanical equipment must comply with the noise guideline limits in NPC-300 for the Ministry of the Environment, Conservation and Parks.</p> <p>The study did not include an evaluation of the noise impact of the proposed loading space on the surrounding area and compliance with the noise guideline limits required by the Ministry of the Environment, Conservation and Parks. It is noted that the proposed loading area is located approximately 36 metres from the multiple dwelling to the north. An evaluation of noise impacts with respect to the loading space and implementation of any noise mitigation measures will be required through the Holding Provision.</p>

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**CONSULTATION – DEPARTMENTS AND AGENCIES**

<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department</p>	<p>A Functional Servicing and Stormwater Management Report, conceptual Servicing Plan and Grading Plan were submitted with the applications.</p> <p>A hydraulic analysis is required to demonstrate that there is sufficient residual capacity in the municipal system to support the proposed increase in wastewater capacity demand. The owner / applicant shall provide the results of independent hydrant flow testing where available. A Watermain Hydraulic Analysis may be required to demonstrate that the required domestic and fire flow are available within appropriate pressure ranges and that the impact of the proposed development on the surrounding area is not adverse. A revised Functional Servicing Report and Stormwater Management Report, and report revisions and subsequent servicing plan documents shall demonstrate these changes.</p> <p>A Holding Provision is required for a revised Functional Servicing Report which demonstrates that there is sufficient capacity available to support the proposed development, that the owner will enter into and register on title an External Works Agreement for any sanitary sewer improvements, and that a Watermain Hydraulic Analysis be submitted.</p>	<p>A Holding Provision is proposed as part of the Zoning By-law Amendment to address these concerns.</p> <p>The detailed engineering review will be undertaken at the Site Plan Control stage.</p>

## Appendix "G" to Report PED24093

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Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>A Transportation Impact Study prepared by LEA Consulting Ltd. dated March 31, 2021, was submitted with the applications and subsequently updated April 11, 2023. The Transportation Impact Study has been reviewed and the findings were found to be accepted by Transportation Planning staff as the proposed development can be accommodated by the surrounding road network without concerns.</p> <p>Transportation Demand Management and Transit Oriented Design Measures are required and will need to be incorporated into the proposed development.</p> <p>A Parking Assessment section of the Transportation Impact Study adequately addresses the parking requirements of the City of Hamilton Zoning By-law No. 05-200. The Site Plan has acceptable parking layout and circulation.</p> <p>A right-of-way dedication of approximately 2.0 metres is required on the Mount Albion Road right of way. A daylight triangle of 9.14 metres by 9.14 metres is required at the intersection of Mount Albion Road and Greenhill Avenue. A reduced 4.57 metre by 4.57 metre daylight triangle will be accepted at the intersection of Greenhill Avenue and Harrisford Street.</p> <p>Revisions will be required to the Site Plan drawings, including but not limited to clearly identifying the daylight triangles, identifying required visibility triangles, location of short term and long term bicycle parking, and ramp grades, amongst others. These details can be provided at the Site Plan Control stage.</p>	<p>Transportation Demand Management and Transit Oriented Design Measures will be implemented through the Site Plan Control application process.</p> <p>A right-of-way dedication and dedication of required daylight triangles will be collected at the Site Plan Control stage.</p> <p>Revisions to the Site Plan drawings will be undertaken and addressed through the Site Plan Control application.</p> <p>The section of Greenhill Avenue which is west of Mount Albion Road which is not labelled as a collector road on Schedule "C" in the Urban Hamilton Official Plan will be updated as part of a future housekeeping amendment.</p>

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<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>(Continued)</b>	The section of Greenhill Avenue west of Mount Albion Road should be labelled as a collector road on Schedule “C” – Functional Road Classification in the Urban Hamilton Official Plan. Under Schedule C-2 – Future Right of Way Dedications, Greenhill Avenue’s width is 26.213 metres which is the width for a collector road.	
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>The proposed mixed-use building is eligible for municipal waste collection, by way of front-end bin service, subject to the design meeting the standards and criteria of the City for municipal waste collection services. As currently designed the development is not serviceable.</p> <p>If the development is not designed according to specifications for municipal waste collection services, the proposed development will be required to arrange a private waste hauler and will need to include a warning clause to advise prospective owners that the development is not serviceable for municipal waste collection.</p>	The final determination of whether the property will be serviceable for municipal waste collection or whether a private waste hauler will be required to be arranged, will be addressed through the Site Plan Control application.
Forestry and Horticulture Section, Environment Services Division, Public Works Department	<p>The Forestry and Horticulture Section has reviewed the tree protection plan and landscape concept plan. Forestry approves the tree protection plans revision No. 2 dated March 23, 2023.</p> <p>Forestry and Horticulture Section supports the landscape concept plans in principle but will require a detailed landscape plan to be submitted for review at the Site Plan stage.</p>	Detailed landscape plans will be addressed through the Site Plan Control application.



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<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	<p>The subject lands are within Registered Plan 62M-157. Based on the information provided with the application, the intent for tenure is rental.</p> <p>The address for the proposed development will be determined after Conditional Site Plan Approval is granted.</p>	The municipal addressing will be undertaken through the Site Plan Control application.
Strategic Planning, Public Works Department	Cash in lieu of parkland dedication is requested, as required. Strategic Planning notes that all proposed outdoor amenity spaces, including lawn, playground and dog parks will be privately owned and maintained, and these spaces will not count towards parkland dedication.	Cash in lieu of parkland dedication will be collected as part of the future building permit submission.
Enbridge Gas Inc.	<p>There are existing gas mains on Mount Albion Road and Greenhill Avenue that could potentially service the proposed development.</p> <p>There are existing gas mains and services going to the current structures on this property. Prior to demolition of the buildings the gas main and services would be required to be abandoned.</p>	The details with respect to servicing, including gas services, will be undertaken as part of the Site Plan Control application.
<p>Agencies that had no comments or concerns:</p> <ul style="list-style-type: none"> <li>• Alectra Utilities;</li> <li>• Bell Canada; and,</li> <li>• Corporate Real Estate Office, Economic Development Division, Planning and Economic Development Department.</li> </ul>	No Comments	Noted.

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**Summary of Public Comments Received**

<b>Comment Received (Concerns)</b>	<b>Staff Response</b>
<p>Servicing</p> <p>Concern with the proposed development noting that the scale of the development would adversely impact the area, specifically noting existing servicing issues in the area and that the additional density would compound those issues.</p>	<p>A Holding Provision has been proposed as part of the Zoning By-law Amendment to ensure that there is adequate servicing capacity for the proposed development.</p>
<p>Traffic</p> <p>Concern that the number of units and the number of vehicles would result in traffic impacts and traffic safety concerns.</p>	<p>A Transportation Impact Study was submitted as part of the applications that outlined that the proposed development can be accommodated by the surrounding road network and was reviewed and approved by Transportation Planning staff.</p>
<p>Parking</p> <p>Concern that there will be insufficient parking for the proposed development and the subsequent impact this would have to the surrounding area.</p>	<p>The proposed development includes 502 parking spaces on-site, which exceeds the minimum of 488 parking spaces that are required. Therefore, a modification is not being requested to reduce the minimum parking space requirement. Staff are satisfied sufficient on-site parking is being provided.</p>
<p>Shadow Impacts</p> <p>Concern that the proposed development would cut off sun access to the lands to the north.</p>	<p>A Sun Shadow Study was undertaken with respect to the proposed development, which demonstrated that adequate sun access will be maintained for the lands to the north.</p>
<p>Views of the Escarpment</p> <p>Concern that the proposed development would cut off the views for the lands to the north.</p>	<p>The policies of the Urban Hamilton Official Plan include protection of public views of important features such as the Niagara Escarpment and the proposed development will not impact public views along the Mount Albion Road corridor.</p>
<p>Loss of Grocery Store / Commercial Services</p> <p>Concerns were raised about the loss of a local grocery store and other commercial services.</p>	<p>The proposed development does include 975 square metres of ground floor commercial floor area and the proposed Mixed Use Medium Density (C5) Zone permits a wide range of commercial uses which would include a grocery store, and financial establishments, amongst others. Therefore, such a use could be provided on-site based on the zoning, however staff cannot compel a property owner to establish a particular use either under the proposed zoning or under the existing zoning.</p>

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<b>Comment Received (Concerns)</b>	<b>Staff Response</b>
<p>Property Values</p> <p>Concerns were raised with the impact the development would have on their property value.</p>	<p>Staff are not aware of any supporting information or any empirical data with respect to a decrease in property values.</p>
<p>Affordable Housing</p> <p>A comment was made that the preference would be to provide affordable housing for the development.</p>	<p>The proposed development is not specifically identified as being an affordable housing project but is identified as being a purpose-built rental housing development with a variety of unit sizes to accommodate various household sizes.</p>
<p>Noise</p> <p>The proposed development will create noise impacts on the surrounding land uses.</p>	<p>To ensure that the proposed development does not have an acoustical impact on the surrounding area, a Holding Provision is required, which will include a condition that an updated Noise Impact Study be submitted and approved.</p>
<p>School Capacity</p> <p>Concerns were raised with respect to the impact of the development on school capacity for the area.</p>	<p>The applications were circulated to the school boards and no comments or concerns were raised with respect to school capacity.</p>
<p>Small Units</p> <p>Concern with respect to the overabundance of small dwelling units in the development.</p>	<p>Approximately 49 percent of the proposed dwelling units will be two or three bedrooms. Therefore, the proposal provides a unit mix for households of all sizes.</p>
<p>Scope of Public Notice</p> <p>Concern on the limited scope for the notice of complete application to the public.</p>	<p>The 120 metre circulation radius for the notice of complete application to the public is in accordance with the City’s policy for public notification for applications for Official Plan Amendment and Zoning By-law Amendment. In addition, a sign was posted on site on May 12, 2022, providing further notification to the public of the proposed development.</p>
<p>Construction Impacts</p> <p>Concern with the potential impact of the construction to the surrounding area.</p>	<p>A Construction Management Plan will be required to be completed as part of the Site Plan Control application.</p>
<p>Waste Collection Impacts</p> <p>Concern that the proposed scale and density of the proposed development will result in waste collection impacts.</p>	<p>On-site waste collection will need to either demonstrate that the proposal conforms to municipal waste collection requirements or will need to arrange for a private waste hauler for waste collection services.</p>

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<b>Comment Received (Concerns)</b>	<b>Staff Response</b>
Waste Collection Impacts ( <i>Continued</i> )	The detailed evaluation on this matter will be undertaken through the Site Plan Control application.

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**From:**  
**To:** [Kehler, Mark](#); [Powers, Russ](#)  
**Subject:** 399 Greenhill Avenue, Hamilton  
**Date:** Sunday, June 26, 2022 10:05:12 AM

---

This email is in regards to UHOPA-22-016, ZAC-22-030.

I am writing to state that the development planned for 399 Greenhill Avenue, is outrageous. I live at \_\_\_\_\_ street which is right beside this said piece of land.

To place 527 rental units on a small piece of land and that is only zoned under C3, only 3 stories are allowed. They are planning on going down 7 stories to build underground parking, we are too close to the Red Hill Valley to not make problems. We do not have the infrastructure in the neighbourhood to handle 527 toilets and showers/baths. We already have a situation when rain falls and you turn on the tap you can smell sewage. Add additional homes only will cause problems.

Another situation is the 527 units proposed they are only putting in 422 parking spots!! Beside only allowing 0.8 spots per unit, only one entrance to the underground will be off Harrisford Street. Many children walk by that spot to attend the school in the area. For those that attend high school, they must be bused up the mountain since you did not replace the school you tore down. I do agree we are an older community but we need things to keep us safe walking without adding another 422 more cars in the community.

Another thing proposed for this area is a grocery store. How is this going to happen? Yes, we do need to service the community with a grocery store but there will never be parking spots in front of the the store.

Our community of Davis Creek has seen much development over the last few years. I'm sure over 200 town houses have been built. Did we expanded the infrastructure, no we just piped into existing pipes.

Yes, something must be done with the property, but adding that many units to a small piece of land, is not something that should be done. You cannot dig down that far without stirring up trouble.

Please reconsider the proposal that is before you. We cannot let this go forward. This is too much for a small piece of land.

Thank you, \_\_\_\_\_,

Sent from my iPad

**Appendix “H” to Report PED24093**  
**Page 5 of 22**

**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** 399 Greenhill Development  
**Date:** Tuesday, April 19, 2022 3:17:44 PM

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Hi Mark,

I was chatting with another city planning employee and they mentioned that you likely would be the person overseeing the development at the corner of Greenhill and Mount Albion. I am on the board of Directors for the condo towers behind the proposed high-rise development and was wondering if you have any updated information as to what the current plans were for the land. I am aware of the proposed plans for two taller towers and smaller towers, but I was advised that this was only a proposal and that you would be the person to contact for what would be eventually approved.

If you are able, could you share any current information with me that I can pass onto the other Board members; thanks in advance.

Cheers

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**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** 399 Greenhill  
**Date:** Tuesday, June 28, 2022 5:42:12 PM

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Hello Mark,

My name is \_\_\_\_\_, I live at 399 \_\_\_\_\_, proximal to the proposed development at Greenhill.

As a Realtor, I'm a big fan of development, however, having watched what recently happened to the development of the former Bishop Ryan school site, and the abject disaster and DANGER TO CHILDREN that travelling through that area has become during school drop-off and pick-up, I have serious reservations about this Medallion Proposal. And quite frankly, if the elderly group from 40 Harrisford can emerge from the COVID fog, I think there will be a large uproar.

Please let me know that sending this email has put me among those being kept abreast of the development, or if I need to write a formal letter and send it via Canada Post, to gain official standing.

Respectfully,

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City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West  
5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5  
Attention: Mark Kehler

Re: UHOPA-22-016, ZAC-22-030

Dear Mr. Kehler,

Enclosed please find list of comments and questions from concerned citizens regarding the Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (Ward 5).

We would like to start with the question as to why only limited number of people in the immediate vicinity of 399 Greenhill Avenue were informed in writing about the proposed changes?

These proposed changes may have a large impact to the neighbourhood community located between Lawrence Road, Quigley Road, Glen Castle Drive and Redhill Parkway, and even further. Majority of homeowners in this area were not advised of the proposed amendment, possible multi year construction and potential significant change in infrastructure these modifications may bring to the community.

Next, we require more information about three issues: construction, infrastructure and supporting services.

1. Construction

- a. What is the anticipated length of the project, from demolition of existing plaza to completion of the proposed buildings?
- b. Daily construction start and end times; is the start time going to interfere with start times of nearby schools, and school bus routes, causing delays and potentially endangering the safety of children going to and from school?
- c. How is construction noise going to be handled? As well as suppression of the construction dust and dirt on the nearby roads and houses? Is there going to be increased street cleaning during the construction?



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- d. Regarding the water and sewers, should we be expecting interruptions in water supply and sewers during construction and after, considering the age of the infrastructure in the neighbourhood?
  - e. As space is already very limited, where will the construction vehicles traverse (Greenhill is only two lane road (from Mount Albion to Redhill), as well as Mount Albion Road) and what is the plan for the construction workers personal vehicles parking? Are the side roads going to be overwhelmed with the number of vehicles driving and parking on the nearby roads?
  - f. Is construction going to cause any road closures and/or detours?
  - g. The construction of underground parking lot will involve heavy machinery and possible shifting of the grounds which can lead to structural damage of the nearby homes. Most of the homes in the area were build in 1970's and 1980's making them 40-50 years old and vulnerable to the extensive and prolonged tremors. How is City planning to deal with any potential claims of damage due to construction?
2. Infrastructure
- a. What are the future infrastructure plans considering the increased traffic from all the additional vehicles? As we mentioned before both Greenhill and Mount Albion are two lane roads.
  - b. How about the parking for additional vehicles? If the plans are to have 527 units and only 481 parking spots, what are the parking plans for the additional vehicles? Again, are the side roads going to be used for this additional parking, clogging the side streets, and taking the parking spots from the existing homeowners?
  - c. How about the school plans? The schools currently in existence in the neighbourhood of 399 Greenhill Avenue are already over their capacity and cannot accept more students. Is this going to lead to increased school bus traffic, and increased number of school busses in the area?
  - d. How about the safety of the school children who are walking to the schools, during the construction and also after the construction, considering the increased traffic?
3. Supporting Services
- a. What are the plans for support services such as new schools, grocery stores, banks, gas stations, etc? Considering the number of seniors living in the area, we would be better served having a new and improved plaza built in the existing space at 399 Greenhill rather than 5 buildings with 527 units.

These are only some of the questions and concerns we have regarding the plans listed in your notice. Having the answers to our questions may lead to better understating why the City wants to overwhelm the neighbourhood that is already at the capacity with additional 527 units and additional 1200-1500 people.

Looking forward to your response,

Concerned citizens:

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**Please remove our names and addresses (personal information) from the City of Hamilton report that will be available to the general public on the City of Hamilton website.**

**Cc: Councillor Russ Powers, Ward 5**

**Appendix “H” to Report PED24093**  
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**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** Development proposed for 399 Greenhill Ave  
**Date:** Sunday, June 12, 2022 2:13:33 PM

---

Ten years ago my wife and I purchased a condo in Harris Towers which is right next door to the plaza at 399 Greenhill. We are definitely opposed to the massive construction proposed for this sight as are probably all of the people who live in our 2 buildings. There are 2 reasons why we are opposed.

The first reason is related to the impact this construction will have on the immediate area. The experts will tell your committee about the strain on the current infrastructure systems, etc. I know nothing about that so I will leave it to the experts to convince you that this project should not go through. There is a school just down the street and the volume of new traffic will be a danger to the children coming and going to/from the school. Greenhill Ave is busy enough without the new traffic from the 527 suites in the proposed buildings.

At the north-west corner of Albion Rd and Albright Ave we have townhouse complex under construction. These are 2 story units and blend in with the existing dwellings. Just behind these townhouses there is a new sight to be developed where the Red Hill School used to be. These are also low rise townhouses and will blend in with the existing community. Homeowners who live near these two projects will not be overwhelmed by their presence.

This brings me to my second objection to the project at the plaza. When my wife and I bought our condo one of the selling points was the great view we had of the surrounding area. This new development will wipe out that view for 50% of the people in the 40 building ( all the units facing south) and many more from the 30 building as well. It would also decrease the value of those units. It is one thing for someone to move into a unit knowing the view is obstructed (that is their choice) but it is another and a very unfair one at that to have a view destroyed from a build that occurs afterwards (especially when there is an existing structure there as opposed to an empty lot). The plaza should be limited to townhouses and commercial that would not impact those living in Harris Towers, much like was done at the other two developments that I mentioned above.

Thank you for the opportunity to write my thoughts and I am hoping that the people who are making the decisions make the decisions for the benefit of the people who live in this area and not for some big conglomerate from Toronto that is only interested in profit.

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**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** Housing Development at 399 Greenhill Avenue, Hamilton  
**Date:** Monday, June 27, 2022 11:44:53 AM

---

28 June 2022

Planning Department  
71 Main Street West, 5th Floor  
Hamilton. ON L8P 4Y5

Files: UHOPA-22-016  
ZAC-22-030  
Folder: 2022 118777 00 PLAN (1116963)

To Whom It May Concern:

My first reaction to this plan was that it would cut off the view and the light to my unit.

My second reaction is that more housing needs to go vertical because it is very, very important to preserve farmland.

However, my concern is the number of units, each of which will most likely have a car, and the lack of parking space. That would mean side streets clogged with parked cars and a lot of traffic in an area where there is a school and a large number of seniors. There are already a number of new units in this area. That doesn't seem very safe to me.

In conclusion, I am not against the development but I do think more thought needs to go into the planning.

Yours truly,

**Appendix “H” to Report PED24093  
Page 12 of 22****Letter of Disapproval from residents for (Ward 5)****Proposed Development: 399 Greenhill Avenue****File name/number: ZAC-22-030 & UHOPA-22-016****Folder: 2022 118777 00 PLAN (1116963)**

When our community initially gained knowledge of the proposed development plans for 399 Greenhill Avenue, we collectively agreed that these buildings are too expansive, and the volume of people and motor vehicles will most certainly create too much traffic for this area. Now, developers say there will be no significant impact on traffic and have even been heard making the argument that traffic will improve, we feel this would not be the case. Turning onto Greenhill Avenue from the Lincoln Alexander Parkway will become more dangerous due to the amount of traffic driving on and off the access ramps and the pileups at the four-way stop. This becomes especially dangerous once children, and their parents leave from the nearby school (St. Luke’s Elementary School) located just behind this proposed development site. The dangers to our retired residents may also increase.

Furthermore, the likelihood of motor vehicle collisions could certainly escalate due to the possible increased odds of rear end collisions happening on the off ramp and at the four-way stop due to cars stopped waiting to cross through the intersection. There is also a real possibility of driver’s ignoring the four-way stops due to increased waiting times while other vehicles take turns crossing. There are many traffic related concerns including further future development if these development plans are approved and materialized. We do not agree that this proposed development could enrich the “Greenhill corner” by any means.

We, as an established community, sense that the 527 new residential units in two 12-storey mid-rise buildings and two 3-storey townhouse blocks is too substantial for our area. Also, having two mid-rise buildings and townhomes next to the long-time residents at (Harrisford Towers) would not be good at all. Obstruction of their views would occur, and the area would in turn become oversaturated with the new occupants, their families and their vehicles. The increase in population and vehicles will degrade our way of life in our rooted, stable and well-established community.

There is an abundance of accessible, mixed commercial/residential developments already existing in our area overall (within 10 sq km). Sometimes developments such as the proposed 399 Greenhill Avenue development can work if they fit in, however the size and style must be taken into consideration. This really does matter to our community.

Lastly, being located directly behind the Lincoln Alexander Parkway, there is already a considerable level of noticeable noise generated by this road and the motor vehicles that use it. The 399 Greenhill Avenue

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proposed development will total the overall noise level we are exposed to as of now. Our concerns are legitimate and valid.

Kind regards,

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**From:**  
**To:** [Kehler, Mark](#)  
**Cc:**  
**Subject:** Public meeting for 399 Greenhill Ave  
**Date:** Wednesday, June 29, 2022 4:40:50 PM

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Good afternoon Mark. Hope all is well. With respect to UHOPA-22-016 and ZAC-22-030 myself and other members of my community would like to be further informed about public meetings/hearings pertaining to this development and zoning by-law amendments. I have included all of the emails of willing participants for public hearings.

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**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** Re: 399 Greenhill Development  
**Date:** Sunday, May 8, 2022 10:53:54 AM  
**Attachments:** [image001.png](#)

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Hello Mark,

I was wondering if you have a moment to send off the info on the project for 399 Greenhill if it is ready for public release? Also could you confirm that we are close enough to the project site that we here a Harris Towers will receive all notifications for upcoming Town Hall meeting to discuss the project in person? I believe that we are but I just need to make sure we stay on top of this application.

Cheers

---

On 2022-04-21 3:04 p.m., Kehler, Mark wrote:

Hi ,

We recently received an Official Plan Amendment and Zoning By-law Amendment for the above application and I will be circulating it next week.

At that time I can send you the Notice of Complete application and the materials that were submitted with the application.

**Mark Kehler**

Senior Planner - Urban Team  
Planning and Economic Development  
Planning, City of Hamilton  
(905) 546-2424 Ext.4148



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**From:**

**Sent:** Tuesday, April 19, 2022 3:17 PM

**To:** Kehler, Mark <[Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca)>

**Subject:** 399 Greenhill Development

Hi Mark,

I was chatting with another city planning employee and they mentioned that you likely would be the person overseeing the development at the corner of Greenhill and Mount Albion. I am on the board of Directors for the condo towers behind the proposed high-rise development and was wondering if you have any updated information as to what the current plans were for the land. I am aware of the proposed plans for two taller towers and smaller towers, but I was advised that this was only a proposal and that you would be the person to contact for what would be eventually



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approved.

If you are able, could you share any current information with me that I can pass onto the other Board members; thanks in advance.

Cheers

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**Page 17 of 22**

**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** Re: 399 Greenhill Development  
**Date:** Thursday, May 19, 2022 4:24:19 AM  
**Attachments:** [image001.png](#)

---

Hi Mark,

I have one question for you, is it normal that a complex like this one would PLAN for a parking space shortfall of 99 spots? Our building has 182 suites and 226 spots excluding out door parking spaces for visitors.

This planned short fall does not even take into consideration that there will be units with 2 cars, whereas our two towers have a waiting list as younger families move in. The alternative is street parking and Harrisford is already wall to wall cars from the townhouse complex beside us and our overflow. Where are these 99++ cars going to park?

What does the city say about parking allotments for new complexes?

Cheer and thanks for your input.

---

On 2022-04-21 3:04 p.m., Kehler, Mark wrote:

Hi ,

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At that time I can send you the Notice of Complete application and the materials that were submitted with the application.

**Mark Kehler**

Senior Planner - Urban Team  
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**To:** Kehler, Mark <[Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca)>

**Subject:** 399 Greenhill Development

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**Page 18 of 22**

the condo towers behind the proposed high-rise development and was wondering if you have any updated information as to what the current plans were for the land. I am aware of the proposed plans for two taller towers and smaller towers, but I was advised that this was only a proposal and that you would be the person to contact for what would be eventually approved.

If you are able, could you share any current information with me that I can pass onto the other Board members; thanks in advance.

Cheers

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**Page 19 of 22**

**From:**  
**To:** [Kehler, Mark](#)  
**Subject:** Re: 399 Greenhill  
**Date:** Wednesday, June 29, 2022 10:28:09 AM  
**Attachments:** [image001.png](#)

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Hi Mark. Well, I DID mail a letter yesterday, so, lol, I guess I'm out a buck for postage!

I'm connected in the community with the Cioci, Gates, et al. group and share their collective concerns - (though they sent in their note to you prior to my seeing it).

Thanks for the reply.

On Wed, Jun 29, 2022 at 10:24 AM Kehler, Mark <[Mark.Kehler@hamilton.ca](mailto:Mark.Kehler@hamilton.ca)> wrote:

Hello ,

Thank you for your comments.

Your input will be considered by staff and included in a staff report provided to Planning Committee.

There is no need to send a mailed letter – I will add your email to the file.

If you have any further questions or comments about the application, let me know.

**Mark Kehler**

Senior Planner - Urban Team

Planning and Economic Development

Planning, City of Hamilton

(905) 546-2424 Ext.4148

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My name is \_\_\_\_\_, I live at \_\_\_\_\_, proximal to the proposed development at 399 Greenhill.

As a Realtor, I'm a big fan of development, however, having watched what recently happened to the development of the former Bishop Ryan school site, and the abject disaster and DANGER TO CHILDREN that travelling through that area has become

during school drop-off and pick-up, I have serious reservations about this Medallion Proposal. And quite frankly, if the elderly group from 40 Harrisford can emerge from the COVID fog, I think there will be a large uproar.

Please let me know that sending this email has put me among those being kept abreast of the development, or if I need to write a formal letter and send it via Canada Post, to gain official standing.

Respectfully,

## Summary of Applicant Virtual Public Meeting



### 399 Greenhill Meeting Summary

**Purpose:** Online Community Meeting

**Project No.:** 0964

**Date:** Thursday, October 6, 2022

**Time:** 6:30p.m. to 8:00p.m.

**Location:** Online via Zoom Webinar

#### OVERVIEW

The following details provide an overview of the Online Community Meeting invitation:

- The mailing list, which was provided by City Staff, included registered owners living nearby to 399 Greenhill Avenue
- **473 invitations** were sent by mail on September 15, 2022
- **Email invitations** were sent on September 15, 2022, to the local Councillor, City of Hamilton Staff, and the Davis Creek Community Planning Team

#### SUMMARY

There were **54 attendees** at the applicant-led Online Community Meeting for 399 Greenhill Ave. Community members provided a range of feedback, with a particular focus on:

- Traffic and access
- Parking
- Public realm and open space
- Density
- Retail
- Housing and built form
- Process and timelines

This meeting provided an opportunity to inform community members about the development application, seek their input, respond to questions, to inform application resubmissions going forward.



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**PANELISTS**

<b>NAME</b>	<b>TITLE</b>
Luka Kot	Medallion
Rad Vucicevich	Medallion
Henry Burstyn	IBI Group
Simone Hodgson	Bousfields Inc.
Evan Sugden	Bousfields Inc.
Reka Sivarajah	Bousfields Inc.
Alex Smiciklas	Bousfields Inc.
Adam Pagnello	LEA

**AGENDA**

- Applicant Presentation
- Facilitated Q&A

**NEXT STEPS**

- 1. Comments from City Staff**
  - a. Review and analyze comments received from City Staff
- 2. Design Refinements**
  - a. Project team to work on refining the proposal's design
- 3. Application Resubmission**
  - a. Submit revised proposal to City of Hamilton for review



## PRESENTATION

Speaker	Notes
<b>Simone Hodgson</b>	Opened the meeting by providing a Land Acknowledgement, conduct expectations for the meeting, and instructions on how to use the Zoom Webinar platform. Provided an introduction to the project team on the panel. Facilitated the Q&A portion of the meeting and reminded everyone about the Zoom Webinar features. Closed the presentation portion of the evening by thanking the panelists, going over next steps in the process.
<b>Luka Kot</b>	Introduced Medallion and thanked attendees for tuning in to learn about the proposals and provide preliminary feedback.
<b>Evan Sugden</b>	Provided an overview of the planning process, overall vision of the development proposal, background on the site and surrounding neighbourhood, and relevant policy context.
<b>Henry Burstyn</b>	Provided a walk-through of the proposal's features and building design. Described a series of floor plans, landscape plans, and project renderings.

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**FACILITATED DISCUSSION**

Approx. 69 questions and/or comments were shared through the Q&A typed function or asked verbally in Zoom Webinar. These questions and comments are summarized below.

<b>Theme</b>	<b>Questions</b>
<b>Traffic &amp; Access</b>	<p><b>17 questions and comments</b> referred to the traffic study, surrounding traffic impacts, and access to the proposed development, including:</p> <ul style="list-style-type: none"> <li>• There are no groceries stores close by... People will use cars. Difficult for older people (or anyone) to use transit for groceries, etc.</li> <li>• Are there plans to widen Harrisford Drive? There is significant congestion on this street with parents dropping off kids at St. Luke's and people exiting into the neighbourhood from Red Hill</li> <li>• Do you expect that there will be interest from people who work out of town (Toronto, etc.)? These folks will be driving and using Red Hill, etc....How are you planning to accommodate increased traffic?</li> <li>• Where will people using retail space and visitors park?</li> <li>• Do you have any idea just how much trouble the “old BR” development has turned out? The congestion around Quigley and Albright has been a disaster - this is unsafe for children and families - we pray it won't take the death of a child to illustrate just how dangerous this can be</li> <li>• You say that this area can accommodate the numbers that you propose... Currently there is significant traffic jams with St. Luke's... With inevitable increased traffic in the area, what is the plan to alleviate the current traffic challenges?</li> <li>• Has consideration been given to the parking garage entries - currently showing as adjacent to the Harris Towers condos on Harrisford Street? Especially during school start/end times, the sidewalks are very busy with children and vehicles picking up/dropping off</li> <li>• Would you please address the increased traffic management?</li> <li>• The site can accommodate the units, but what about the roads? With access to the parkway, traffic already comes into and through the neighbourhood from other areas. This will only lead to further congestion</li> <li>• Not sure who has done your review but currently there is already an issue!!</li> <li>• People already use Harrisford as a cut through to avoid the light at Mt. Albion and Greenhill. The speed bumps did not discourage anyone</li> <li>• The traffic study done, was it done during covid restrictions or post covid and during bus-car active school drop off time periods?</li> <li>• How many trips per day will be added onto Greenhill Ave and Mt Albion Road as a result of the development?</li> </ul>

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	<ul style="list-style-type: none"> <li>• As people are exiting/entering this site from Greenhill... how will traffic be managed as people are trying to enter/exit from Red Hill?</li> <li>• With the access closest to the Red Hill, why would your study assume that people in the townhouses not use the closest entrance to the property?</li> <li>• I also worry about the safety of the current pedestrian crossing on Greenhill. Will that crossing be made safer as part of this redevelopment, or will it remain a 4-way stop? This might be a question for the city planner</li> <li>• How many vehicle trips per day will be added onto Greenhill Ave and Mt Albion Road as a result of the development?</li> </ul>
<b>Parking</b>	<p><b>12 questions and comments</b> discussed the amount of residential and visitor parking, whether there was a parking study done, and indicated a desire for more parking. Key points included:</p> <ul style="list-style-type: none"> <li>• You have fewer parking spaces than units...People have more than one vehicle. Where do you plan for visitors, etc. to park? Improving city transit is great but not everyone will find that this meets their needs</li> <li>• How many parking spaces are dedicated to the commercial development?</li> <li>• How much below grade parking is being contemplated?</li> <li>• Also, retail spaces often do not thrive unless there is also access from the general public. Would you consider accommodating parking for more cars from the community?</li> <li>• Will sufficient parking be provided on site for residents, or will there be spill-over parking onto the surrounding neighbourhood streets?</li> <li>• How many spaces will there be for this "shared" parking?? Will visitors be parking on street? There is no real space for street parking now. You say that you are using best practices but of course, reality is sometimes quite different from the theoretical</li> <li>• What study has been done for this area?? Related to current and anticipated parking</li> <li>• As families grow new family members buy a car, how will this overflow be dealt with due to the limitations on parking planned?</li> <li>• Are you saying that the number of parking spaces that you quoted include retail and visitor parking numbers?</li> <li>• Agree, there is not enough parking to suit this development and there will be spill over into the residential areas</li> <li>• My biggest concern with this development is the parking. From what I've heard described, we have about 100 fewer parking spaces than we have units. Okay, so to me I've heard some wishful thinking kind of comments that people will choose to rent a unit in here only if they're willing to either put up with no parking or one parking space. I would really dispute that. What I think people are going to think is I'm going to move in here I'm going to use my one parking space for my</li> </ul>

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	<p>one car and parking my second car, I'm going to park either into the neighbourhoods to the south of the development or into the neighbourhoods to the east of the development. Knowing the area quite well, I can assure you there's absolutely zero street parking available on Harrisford. You can drive down that street every evening when people come home from work and there's not one single parking spot available. So I think the density of this development relative to the number of parking spaces is far too high. I think Adam mentioned that, you know, we're planning this for the future. I assumed by that you mean the future 10-20 years from now, when we have less of a car centric society, and maybe that will be the future. But I think the immediate future in the next few years, whenever this development comes to fruition, this is going to be a very, very car-oriented area. The reason people located in this area is because it's right next door to the Red Hill. Let's be honest, in five minutes in your car, you're on the Red Hill Expressway and you can go wherever you want to go. The reality is it's going to be a very car-oriented area for a long time to come. I guess that's my biggest concern. It was mentioned at the very beginning of this discussion, that the current usage of the site is very auto-oriented. I don't see how that's going to change at all in the near future. So, I think we're looking at a nightmare of people's second vehicles. To be honest, I think you're going to see 50% of the residents in this development having a second car. That's just the reality. The street I live on every single person has two cars. The house across from me they have five cars. Okay, so to naively think that we're going to have less than one car per unit in this development, I think that's just wishful thinking. I think we need to revisit that and that's why I mentioned we need to have some city planning staff listening to these comments, because these are the people that are actually going to say, “Hold on a minute, guys. I think we need to plan for a bit more parking here.” Anyway, thanks very much</p> <ul style="list-style-type: none"> <li>• I understand you are going down six floors underground. Is that correct for parking? And if you are, you're going to be blasting, what about the cracks that are going to start to begin into our buildings and who will be paying for those?</li> </ul>
<p><b>Public Realm &amp; Open Space</b></p>	<p><b>9 questions and comments</b> were provided regarding the proposed open spaces, the dog park, children's play area, landscaping, as well as site beautification, including:</p> <ul style="list-style-type: none"> <li>• You use the term "activated" courtyard - what does that really mean?</li> <li>• Are these courtyards, play spaces, dog park open to the neighbourhood? If only intended for tenants, how will this be maintained?</li> </ul>



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	<ul style="list-style-type: none"> <li>• I love children but having their park in the centre of the two high rises will cause a great deal of noise. This is a living complex but children should be continually supervised. Instead they should go to a local park</li> <li>• There is a short wooden fence along the north side of the property which will be between 399 Property &amp; 30/40 Harrisford property. Will a new larger non-scappable fence be installed?</li> <li>• With the proposed Dog Park. Is it fenced? Is it leash free? Is it open 24 hours? Does it meet City requirements for dog parks? Who will be keeping it clean?</li> <li>• What type of barrier or fence will there be between the north side of the development and the condo towers to the north?</li> <li>• Are you planning on planting shade trees or shrubbery / low planting</li> <li>• I am a retired professional City of Hamilton Park superintendent and I'm very well aware of dog parks. So you, in a previous meeting with the City, said that your intention was that anyone in the entire neighbourhood could come in and use the dog park. Is that correct? The City of Hamilton says that all dog parks in the City must be a minimum of one acre in size. Basically, what you're proposing is a fenced in dog playpen. The playpen I'm assuming is going to be sorted where it is located will get no sun or very little sun. It will be overrun with dogs using it as their private toilets. The sod is going to die within three months and all you're going to be left with is contaminated soil and mud and it's a perfect breeding ground for diseases for the dog. It also creates a hangout for people. I'm assuming there is no security saying when you can use this dog park so it could be at all hours of the day or night, disturbing not only your tenants but the tenants next door. Who is going to be cleaning this site? Will there be water available for dogs on this site?</li> <li>• As an avid walker jogger in the area, I've actually passed by numerous high-rise, low-rise apartment buildings townhouse complexes in the area, and with your project you spend a lot of your time in regards to beautification. I find that a lot of times how the façade of the building is presented, i.e., whether or not there's balconies with discreet screening makes a huge difference in regards to how you perceive the overall project. From the street view is the proposed project that you've got here for either the townhouses and/or the high rises, going to have discrete balconies, any balconies or are they going to be the new modern glass open style where things like totes and blue bins and garbage bags and whatever else that people throw onto their balconies (because they don't have space inside) will be visible from the street? From a beautification point of view that doesn't necessarily address what this neighbourhood is all about. As I say, most of the apartment buildings in this area all have discrete barriers, preventing people from seeing what's going on behind those barriers, which would be</li> </ul>
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	<p>preferable. Of course, then the other thing in regards to beautification is lawns. Set a larger setback. For example, the one that is currently existing with the 40 Harrisford and 30 Harrisford towers. That gives a lot more chance for larger trees and more green space, more grass, which increases sort of that feeling of sort of being one with nature. In comparison to a landscape where the apartment building or the complex for example, townhouses, virtually right on the street. What I find now is in the summertime, unless there is adequate watering or that the landlord has installed a watering system, that those lawns go dead, and the only thing that grows is weeds, which again, does not increase beautification, but actually makes them look extremely ugly from the street point of view. So again, what plans were in place in regards to both balconies and making sure that the green spaces are green?</p>
<b>Density</b>	<p><b>7 questions and comments</b> referred to the proposed intensification of the site, and the impacts on local infrastructure. Key points included:</p> <ul style="list-style-type: none"> <li>• The area is Zoned C3 Commercial - with two recent Residential Developments - the “old BR” and the former Red Hill (across from St. Luke’s), what makes you think MORE residential is warranted?</li> <li>• What makes this site a good candidate for intensification?</li> <li>• Neighbourhood already has expanded with development of townhouse site (with more to be built apparently). How will this neighbourhood accommodate increase with this site proposal?</li> <li>• The current Harris Towers condos to the North have ~188 units so the introduction of 527 apartment units + 26 townhouses seems like over intensification of the area (and not “similar to existing” mid to high-rise buildings)</li> <li>• How will the sewers in the area accommodate all of the units/tenants?</li> <li>• Have you actually been on Harrisford during entry and school dismissal? With 400 new units, this street will be extremely crowded more than it already is. Does that school system think it will be able to accommodate the increased student population?</li> <li>• Where are the kids going to go to school? Right now, if you come and sit up front of our apartment buildings, there are cars lined up from our building all the way down to Albright and you cannot get two cars coming up the street where it should be. In the wintertime, all these cars are still running and there's pollution all over the place for here. So, is there going to be any concern, if you have a lot of children in there, where they are planning to go to school?</li> </ul>
<b>Retail</b>	<p><b>4 questions and comments</b> discussed the existing and/or proposed retail/commercial space, including:</p>

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	<ul style="list-style-type: none"> <li>• Have you been able to secure commitment of tenants for retail space? Many people moved into this neighbourhood because of walking distance to drug store and bank</li> <li>• Will all of the commercial spaces be above ground and how far will people have to walk to the retail entrances from each?</li> <li>• Will the current businesses be given an opportunity to lease the new retail space? Many seniors rely on the Shoppers for their meds. What will happen to it during construction?</li> <li>• What development 'format' would be required to make a grocery store consider coming back? This neighbourhood is currently a 'food desert' so this is an important question from a community planning point of view</li> </ul>
<b>Housing &amp; Built Form</b>	<p><b>6 questions and comments</b> referred to the impacts on views, overall site organization, the number of units, and affordability of the units, including:</p> <ul style="list-style-type: none"> <li>• All elevations have been shown from Greenhill in the South looking North. Is it possible to show elevations from the North looking South given this is what owners (not apartment building, but condos) in the Harris Towers will view</li> <li>• Details of units, number of bedrooms, square footage?</li> <li>• Like this person's idea of changing orientation of tall buildings to be located on Mount Albion versus Greenhill</li> <li>• Will these be low-income housing units? Geared to income?</li> <li>• Would you consider moving the buildings around where the townhouses would be built on the west side off Harrisford to prevent the existing condo buildings on Harrisford from having their view completely blocked?</li> <li>• I understand these are rentals. Does this include geared to income units?</li> </ul>
<b>Process &amp; Timelines</b>	<p><b>7 questions and comments</b> were about the engagement process, including the format of the community meeting, as well as the overall planning process, including:</p> <ul style="list-style-type: none"> <li>• This virtual meeting excludes many elderly people in our community and is inexcusable. Why did you not hold this in person?</li> <li>• Can you please guarantee further meetings be in person? 78% of the population in the area is aged 55+, and you've chosen ZOOM to do this? A cynic might think it's to lower participation... Please prepare future communication opportunities in person.</li> <li>• When during the planning and implementation, etc. processes do we as residents of the area have a chance to voice our concerns directly to the city in an open forum setting similar to this?</li> <li>• We would support an in person meeting!!!</li> <li>• Will he (City Planner) be reviewing concerns?</li> <li>• Can you put up the slide that had the timeline on it?</li> </ul>



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	<ul style="list-style-type: none"> <li>• My name is Matt Francis. I'm the Ward 5 Councillor candidate. I live on Greenhill Avenue just down the street from this proposal. You know through this campaign and speaking to thousands of residents and listening to their concerns over the past couple months here, this project comes up an awful lot. I just want to say it's a shame that this meeting was not held in person. It should have been held in person. It shouldn't be virtual. It's excluding many of the elderly residents and there's a large elderly population here as you know. So that's number one. Many people brought concerns to me that they're losing retail in this area, particularly the grocery store. You should be required to keep commercial on site as it relates to access to groceries and also, you should only be building what's allowed as it relates to density and height. This doesn't answer to that this plan does not answer these issues adequately. As you know, it's been recently disclosed by the Ford government that the province approves 97% of applications that have been appealed to the province. I hope that residents make their concerns on this issue known to their new MPP Neil Lumsden that this proposal is out of character with our neighborhood. We'll ask you a question of the builder this project as a final thought here. Will you commit to giving the planning committee and area residents an opportunity to debate the merits of this application without appealing directly to the province?</li> </ul>
<p><b>Other</b></p>	<p><b>7 questions and comments</b> referenced other topics, including:</p> <ul style="list-style-type: none"> <li>• What is current age of people in neighbourhood?</li> <li>• I don't think the planner shared with us what is currently allowed here under municipal planning rules and the formal planning changes that the developer is seeking. Can you please provide these details?</li> <li>• Do we have a city councillor present at this meeting?</li> <li>• This is not question but a comment. Evan referred to Harris Towers as apartments. They are not. They are condos purchased by people for the same wonderful amenities that you mentioned. Another reason that we bought here was for the great views of the valley and the escarpment. Your 2 towers will considerably block our view. Why does your plan have to be towers. Why not townhouses like at the corner of Albright and Greenhill and Albright and Quigley Road</li> <li>• So, basically, this is a proposal to create a new community within an existing community and the residents of the existing community are not welcome</li> <li>• Who is going to pay for the cracks in the foundations cause by your company blasting?</li> <li>• I really hope there's some people from the city planning department on this meeting because I think what's really lacking here is what I would consider a neutral party. The panel really consists of people working for and paid for by the developer. And so not really what I</li> </ul>

**Appendix "I" to Report PED24093**  
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	<p>would consider a neutral panel, but that's my general comment. And hopefully there are some city planning people on here. It's a little disappointing that a Councillor is not on here.</p>
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**Appendix “J” to Report PED24093  
Page 1 of 2**

**Authority:** Item XX, Planning Committee  
Report (PED24093)  
CM: June X, 2024  
Ward: 5

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 24-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 399 Greenhill Avenue, Hamilton**

**WHEREAS** Council approved Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on June \_\_, 2024;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan, as amended by Official Plan Amendment No. .

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

1. That Schedule “C” – Special Exceptions is amended by adding the following text at the end of Special Exception 897:

“d) Notwithstanding Section 5.7.4 a) and 5.7.5 a), the following regulations shall apply:

- |   |   |
|---|---|
| i) Minimum Required Number of Electric Vehicle Parking Spaces | A minimum of 25% of all provided parking spaces, excluding visitor parking spaces, or the requirement of Section 5.7.4 a), whichever is lesser. |
| ii) Minimum Required Short-term Bicycle Parking Spaces        | A) 0.05 short-term bicycle parking spaces per dwelling unit.<br><br>B) 0.2 for each 100 square metres of gross floor area for all other uses.   |
| iii) Minimum Required Long-term Bicycle Parking Spaces        | A) 0.6 long-term bicycle parking spaces per dwelling unit.  |

**Appendix “J” to Report PED24093  
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**To amend Zoning By-law No. 05-200 with respect to lands located at  
399 Greenhill Avenue, Hamilton**

B) 0.15 for each 100 square  
metres of gross floor area for  
all other uses.

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 provisions of the Mixed Use Medium Density (C5, 897, H172) Zone subject to the amended special requirements referred to in Section No. 1 of this By-law.
3. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED and ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-22-030

City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West  
5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5  
Attention: Mark Kehler

Re: UHOPA-22-016, ZAC-22-030

Dear Mr. Kehler,

Enclosed please find list of comments and questions from concerned citizens regarding the Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (Ward 5).

We would like to start with the question as to why only limited number of people in the immediate vicinity of 399 Greenhill Avenue were informed in writing about the proposed changes?

These proposed changes may have a large impact to the neighbourhood community located between Lawrence Road, Quigley Road, Glen Castle Drive and Redhill Parkway, and even further. Majority of homeowners in this area were not advised of the proposed amendment, possible multi year construction and potential significant change in infrastructure these modifications may bring to the community.

Next, we require more information about three issues: construction, infrastructure and supporting services.

1. Construction

- a. What is the anticipated length of the project, from demolition of existing plaza to completion of the proposed buildings?
- b. Daily construction start and end times; is the start time going to interfere with start times of nearby schools, and school bus routes, causing delays and potentially endangering the safety of children going to and from school?
- c. How is construction noise going to be handled? As well as suppression of the construction dust and dirt on the nearby roads and houses? Is there going to be increased street cleaning during the construction?
- d. Regarding the water and sewers, should we be expecting interruptions in water supply and sewers during construction and after, considering the age of the infrastructure in the neighbourhood?
- e. As space is already very limited, where will the construction vehicles traverse (Greenhill is only two lane road (from Mount Albion to Redhill), as well as Mount Albion Road) and what is the plan for the construction workers personal vehicles parking? Are the side roads going to be overwhelmed with the number of vehicles driving and parking on the nearby roads?
- f. Is construction going to cause any road closures and/or detours?

- g. The construction of underground parking lot will involve heavy machinery and possible shifting of the grounds which can lead to structural damage of the nearby homes. Most of the homes in the area were build in 1970's and 1980's making them 40-50 years old and vulnerable to the extensive and prolonged tremors. How is City planning to deal with any potential claims of damage due to construction?
2. Infrastructure
    - a. What are the future infrastructure plans considering the increased traffic from all the additional vehicles? As we mentioned before both Greenhill and Mount Albion are two lane roads.
    - b. How about the parking for additional vehicles? If the plans are to have 527 units and only 481 parking spots, what are the parking plans for the additional vehicles? Again, are the side roads going to be used for this additional parking, clogging the side streets, and taking the parking spots from the existing homeowners?
    - c. How about the school plans? The schools currently in existence in the neighbourhood of 399 Greenhill Avenue are already over their capacity and cannot accept more students. Is this going to lead to increased school bus traffic, and increased number of school busses in the area?
    - d. How about the safety of the school children who are walking to the schools, during the construction and also after the construction, considering the increased traffic?
  3. Supporting Services
    - a. What are the plans for support services such as new schools, grocery stores, banks, gas stations, etc? Considering the number of seniors living in the area, we would be better served having a new and improved plaza built in the existing space at 399 Greenhill rather than 5 buildings with 527 units.

These are only some of the questions and concerns we have regarding the plans listed in your notice. Having the answers to our questions may lead to better understating why the City wants to overwhelm the neighbourhood that is already at the capacity with additional 527 units and additional 1200-1500 people.

Looking forward to your response,

Concerned citizens:

[Ten names and addresses redacted]


**Please remove our names and addresses (personal information) from the City of Hamilton report that will be available to the general public on the City of Hamilton website.**

**Danka Gates**

**Cc: Councillor Russ Powers, Ward 5**



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Rental Housing Protection Policy Review (PED22091(a)) (City Wide) ( <b>Outstanding Business List Item</b> )
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Melanie Pham (905) 546-2424 Ext. 6685
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), to revise policies establishing limitations to conversions and demolitions of rental housing, be approved, in accordance with the requirements of the *Planning Act* on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;
- (b) That the City of Hamilton Official Plan Amendment (West Harbour Secondary Plan area), attached as Appendix “J” to Report PED22091(a), to establish policies for conversions and demolitions of rental housing consistent with the Urban Hamilton Official Plan, be approved, in accordance with the requirements of the *Planning Act* on the following basis:
- (i) That the draft City of Hamilton Official Plan Amendment, attached as Appendix “J” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the

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Rental Housing Protection By-law comes into effect, being January 1, 2025;

- (c) That the Rental Housing Protection By-law, attached as Appendix “B” to Report PED22091(a), prepared under the authority of the *Municipal Act*, be enacted, with an effective date of January 1, 2025;
- (d) That the Rental Housing Protection Reserve be established and the Rental Housing Protection Reserve Fund Policy, attached as Appendix “C” to Report PED22091(a), be approved;
- (e) That the amending By-law to By-law No. 12-282 (Tariff of Fees), as amended, attached as Appendix “D” to Report PED22091(a), to establish new fees for a Permit to convert or demolish rental housing, be approved on the following basis:
  - (i) That public notice of a proposal to amend the Tariff of Fees By-law to establish a new fee has been provided in accordance with the City’s Public Notice By-law No. 07-351;
  - (ii) That the draft By-law, attached as Appendix “D” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (f) That the amending By-law to By-law No. 22-101 (Demolition Control Area By-law), attached as Appendix “E” to Report PED22091(a), to remove the delegated authority of the Chief Building Official to approve a demolition permit where the Rental Housing Protection By-law applies to a demolition, be approved on the following basis:
  - (i) That the draft By-law, attached as Appendix “E” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (g) That the Tenant Relocation and Assistance Guideline, attached as Appendix “F” to Report PED22091(a) be approved, and that the General Manager of the Planning and Economic Development or their designate be granted the authority to make minor modifications to the Guideline if needed;
- (h) That the amending By-law to By-law No. 24-055 (Renovation Licence and Relocation By-law), attached as Appendix “H” to Report PED22091(a), to ensure consistency between the application of the Renovation Licence and Relocation By-law and the Rental Housing Protection By-law, be approved on the following basis:

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- (i) That the draft By-law, attached as Appendix “H” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (i) That staff be directed to prepare the necessary documents required to implement the permit process prior to the effective date of the Rental Housing Protection By-law, including but not limited to a screening form, an application form, a legal agreement template, report templates and guidance materials for tenant relocation and assistance requirements, as well as any assistive explanatory documents, web page material and template letters;
- (j) That Item 22K on the Planning Committee Outstanding Business List be removed;
- (k) That staff be directed to take any steps necessary to enforce the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a), including enforcement actions by Municipal Law Enforcement and the City Solicitor;
- (l) That if regulations are enacted pursuant to Section 99.1 of the *Municipal Act*, staff be directed to report back on the changes and any necessary amendments to the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a);
- (m) That staff be directed to monitor the implementation of the Rental Housing Protection By-law and report back in two years on any updates or revisions that may be needed to improve the By-law or the permit process;
- (n) That staff be directed to amend the “Non-profit Affordable Housing Fee Exemption Form” to reflect exemptions from Rental Housing Protection By-law permit fees for non-profit housing, in accordance with the proposed Tariff of Fees By-law attached as Appendix “D” to Report PED22091(a);
- (o) That the costs of any exemptions from Rental Housing Protection By-law permit fees be accommodated through an adjustment to the Planning and Economic Development Department, Planning Division Base Budget, if needed.

**EXECUTIVE SUMMARY**

Planning Committee previously directed staff in 2018 to review existing criteria in the Official Plan for conversions from rental to condominium tenure, and report back with recommendations on how to strengthen the policies, with the goal of providing greater protections for existing rental housing. Staff completed a review of the policies in the City’s Official Plan which address rental housing protections, both where conversions to

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a condominium ownership are proposed, and where demolitions are proposed, and submitted Report PED22091 in May 2022 with several recommendations based on the review.

Staff propose to make various adjustments to the Urban Hamilton Official Plan policies to simplify the Official Plan language about vacancy rates and market rent levels, to add a permission for demolitions if replacement units are being provided, and to eliminate the allowance for conversions if a minimum number of tenants are in support or if a building has heritage status, since these are not based on rental housing needs or market supply.

Secondly, staff propose to use a tool under the *Municipal Act* which enables municipalities to pass by-laws to regulate the demolition and conversion of rental housing units. Detailed criteria about specific vacancy rates and market rent levels would be updated and located within the regulatory By-law instead of the Official Plan policies. The implementation of a By-law to regulate conversions or demolitions of rental units has been identified as a key feature which can strengthen the City's strategy to protect existing rental housing, particularly affordable rental housing. This approach has been used in several other municipalities, including the City of Toronto, the City of Mississauga, and the Town of Oakville.

Consultations on the draft changes occurred from September to November 2022, and included a variety of different methods, including a virtual information meeting, stakeholder meetings, an online survey, and the collection of written comments. In response to the comments, revisions have been made to the draft documents, which are outlined in the Analysis and Rationale Section of Report PED22091(a). However, the recommended approach of establishing a Rental Protection By-law remains the same.

The proposed Official Plan Amendment and Rental Housing Protection By-law support the goals of the City's Housing Sustainability and Investment Roadmap, the Housing and Homelessness Action Plan and the Urban Hamilton Official Plan by helping to ensure that primary rental housing is adequately protected, particularly units with the most affordable rent levels, and by ensuring that impacts to tenants are minimized when demolitions of rental housing occur.

**Alternatives for Consideration – See Page 26**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: A reserve fund is required to be established to collect potential fines for non-compliance with the proposed Rental Housing Protection By-law, as per Recommendation (d) to Report PED22091(a).

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Fees also need to be established in the Rental Housing Protection By-law to cover the cost of processing permits for demolitions and conversions of rental housing. Fees are permitted under S.391 of the *Municipal Act* and would be based on a cost-recovery model for the staff resources needed to process the permit, similar to fees for *Planning Act* applications. This is addressed in Recommendation (e) to Report PED22091(a).

Affordable housing applications from non-profit housing providers are proposed to be exempt from permit fees. The costs of any fee exemptions would need to be accommodated through the Base Budget for the Planning Division. This is addressed in Recommendations (n) and (o) to Report PED22091(a).

**Staffing:** Some additional staff resources for staff in the Planning Division and Legal Services will be required for the processing of permits. At this time, due to the low volume of permits expected annually, it is anticipated that processing permits would require between 0 and 0.5 of a Planner and Solicitor Full-Time Equivalent respectively and can be accommodated within the existing staff complement. Potential enforcement resources required from Municipal Law Enforcement would also be minimal.

Should application volumes increase beyond the anticipated zero to five applications per year, staffing needs may need to be reviewed. If additional Planning staff are needed in the future to process permits, these positions may be created by the General Manager's delegated authority provided they are funded by application fees.

**Legal:** As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Official Plan.

As required by the *Planning Act* and the City's Official Plan, notice of the proposed Official Plan Amendment has been provided a minimum of 7 days in advance of the required public meeting.

As required by the City's Public Notice By-law No. 07-351, public notice of the proposed amendment to the Tariff of Fees By-law to establish a new fee for Rental Housing Protection permit applications has been provided a minimum of 14 days prior to the public meeting.

## **HISTORICAL BACKGROUND**

In June 2018, a motion at Planning Committee directed staff to review existing criteria for conversions of primary rental housing from rental tenure to condominium within the

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City's Official Plan, and report back with recommendations on how to strengthen the policies and provide protection for rental housing. This direction was added to the City's Outstanding Business List.

In May 2022, the Planning Committee received Report PED22091 on the Condominium Conversion Policy Review. The report contained a draft Official Plan Amendment and *Municipal Act* By-law addressing proposed policy and planning process changes to regulate demolitions and conversions of rental housing. Staff were directed to consult with stakeholders and the public on the draft documents and report back with final recommendations. From September to November 2022, staff engaged with the community to obtain feedback.

On November 28, 2022, Bill 23, the *More Homes Built Faster Act*, received royal assent. Bill 23 made amendments to section 99.1 of the *Municipal Act*, 2001 to provide the Minister with the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties of six or more units.

On April 6, 2023, Bill 97, the *Helping Homebuyers, Protecting Tenants Act*, was released for public comment on the Environmental Registry of Ontario through posting 019-6821, along with additional postings on the Ontario Regulatory Registry for specific changes proposed to the *Municipal Act* and the *Residential Tenancies Act*.

Bill 97 proposed to allow the Minister to set minimum requirements for rental replacement by-laws (by-laws that regulate conversions and demolitions of rental housing under section 99.1 of the *Municipal Act*). As part of this, the Ministry sought feedback through Ontario Regulatory Registry posting 23-MMAH005 on potential regulations that would apply to municipalities that enact by-laws regulating the demolition and conversion of residential rental properties. The posting was open from April 6 until May 21, 2023. Staff provided comments on the Ontario Regulatory Registry posting on behalf of Council as noted in Report PED23145, approved by Planning Committee on June 13, 2023, and Council on June 21, 2023.

On June 8, 2023, Bill 97 received royal assent. Although Bill 23 and Bill 97 enabled the Province to establish requirements and regulations for municipalities that enact by-laws regulating the demolition and conversion of residential rental properties, regulations have not been enacted by the Province at the time of the writing of this report.

On January 24, 2024, the General Issues Committee considered deferred portions of Report PED23072 and Report PED23072(a) regarding Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton. On April 10, 2024, Council enacted the Safe Apartment Buildings By-law and the Renovation License and Relocation By-law as part of the new Hamilton Apartment

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Rental Program. The Renovation License and Relocation By-law will come into effect on January 1, 2025. The proposed Rental Housing Protection By-law is complementary to the Hamilton Apartment Rental Program as it deals with tenant displacement issues outside of those regulated by the Renovation License and Relocation By-law.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **The *Planning Act***

The *Planning Act* (the Act) requires municipalities to have regard for matters of Provincial interest in their decisions. Among the Provincial interests listed in the Act is “the adequate provision of a full range of housing, including affordable housing.” The proposed actions outlined in this report support the Provincial interest of providing an appropriate range of housing to support all needs, including rental needs.

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

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement states that healthy, liveable and safe communities are sustained by a number of factors, including “accommodating an appropriate affordable and market-based range and mix of residential types (1.1.1b)”. Planning authorities are directed to permit and facilitate “all housing options required to meet the social, health, economic and well-being requirements of current and future residents,” and “all types of residential intensification (1.4.3b)”.

The proposed actions outlined in this report assist in maintaining housing types needed to meet the needs of residents, particularly the maintenance of appropriate rental housing. The actions outlined in this report are consistent with the Provincial Policy Statement.

### **Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) builds upon the principles within the Provincial Policy Statement and contains policies for municipalities about directing growth and achieving complete communities in the Greater Golden Horseshoe area. One of the guiding principles listed in the Growth Plan is to “support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households (1.2.1). The plan assists in addressing the challenge of providing more affordable housing from a land use perspective through planning for a range and mix of housing options.

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Policies 2.2.1.4c) and 2.2.6.1a) also speak about achieving complete communities by providing a diverse range and mix of housing options, including additional residential units and affordable housing, accommodating people at all stages of life, and meeting the needs of all household sizes and incomes. Municipalities are directed to identify mechanisms, including land use planning and financial tools, to implement the housing policies of the Growth Plan (2.2.6.1b)). This includes implementation through official plan policies and zoning by-laws (2.2.6.1e)).

The actions outlined in this report conform to the policies of the Growth Plan.

**Proposed Provincial Planning Statement (not in effect)**

The Province released a draft Provincial Planning Statement in April 2023, which remained open for comments until August 4, 2023. A revised version of the document was released on April 10, 2024 and was open for comments until May 12, 2024. The Provincial Planning Statement is a proposed integrated Province-wide land use planning policy document that would replace the Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2020) that are currently in effect.

Although the Provincial Planning Statement is still a proposed document and not yet in enacted, it has been reviewed to identify potential policy directions that would apply. Providing a sufficient supply of housing with the necessary range and mix of housing options is an important part of the stated vision within the draft Provincial Planning Statement. Municipalities are directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents (2.2.1 b) 1.).

The proposed actions outlined in this report aim to maintain housing options needed to meet the needs of residents and would be consistent with the draft Provincial Planning Statement as released in April 2023 and April 2024.

**Urban Hamilton Official Plan**

The Urban Hamilton Official Plan stresses the importance of maintaining a balance of primary rental and ownership housing stock. Rental housing stock is an important component of affordable housing. However, it is recognized that conversion of rental units to condominium ownership may be appropriate in certain circumstances and can support affordable home ownership. It is also recognized that demolition can be appropriate in some circumstances because redevelopment can assist in neighbourhood revitalization, replacement of aging housing stock, and residential intensification goals. The following policies detail the Urban Hamilton Official Plan intent and requirements for a conversion from rental to condominium ownership, and for demolitions of rental units.

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To protect the adequate provision of a full range of housing, the Official Plan contains limitations on when conversions of rental buildings or groups of buildings comprised of six or more units to condominium are permitted. At least one of three general criteria must be met, as outlined below:

1. All of the following four criteria are met:
  - “i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on Canada Mortgage and Housing Corporation (CMHC) data, has been at or above 2.0% for the preceding twenty-four months;
  - ii) The proposed conversion shall not reduce the rental vacancy rate by dwelling unit type (i.e., number of bedrooms) and structure type (i.e. townhouse, multiple dwelling) to below 2.0% for the City and the respective local housing market zone;
  - iii) The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
  - iv) For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size;”
2. “At least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,”
3. “The subject building or group of buildings is a *protected heritage property* on the date of Application (Policy B.3.2.5.1).”

There is also a permission for the City to allow a conversion where repair or retrofitting is immediately required to meet health and safety standards and the income received from rent and available from government funding programs is not capable of supporting the work required (Policy B.3.2.5.3).

The Urban Hamilton Official Plan also provides direction regarding demolition and redevelopment affecting rental units, as this also can impact rental housing options for residents in the City. Demolition of six or more units is only permitted where the building

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is determined to be structurally unsound or where the same four criteria listed in (1) above for condominium conversions are met (Policy B.3.2.5.6). Demolitions of smaller units to create larger units can also occur if vacancy rate criteria are met and the amount of living space is not reduced (Policy B.3.2.5.7).

Any conversions or demolitions of social housing require full replacement of all rent-geared-to-income units.

**Rural Hamilton Official Plan**

The Rural Hamilton Official Plan does not contain detailed policies about conversions or demolition of primary rental housing, because larger types of residential developments with more than six units are not permitted in the rural area and cannot be adequately serviced via private services. There are a few pre-existing multiple dwellings with six or more units in select rural settlement areas, however redevelopment/intensification of these types of land uses are not supported by the policies of the Rural Hamilton Official Plan.

**Downtown Hamilton Secondary Plan**

The Downtown Hamilton Secondary Plan contains specific direction regarding demolition and redevelopment affecting rental units, only permitting demolition when rental housing units are replaced on-site. Developers are also required to provide an acceptable tenant relocation and assistance plan, to address tenant displacement issues (Policy B.6.1.4.11, Volume 2).

**Downtown Hamilton Zoning By-law**

The Downtown Hamilton Zoning provisions apply a Holding Provision to a number of sites in the Downtown which contain primary rental units. The Holding Provision prohibits any new development above six storeys unless the owner demonstrates how existing and legally recognized rental housing will be replaced and enters into an agreement with the City to provide the replacement units. The six storey restriction applies where three or more rental units would be removed.

**Former Hamilton Official Plan (West Harbour Secondary Plan)**

The West Harbour (Setting Sail) Secondary Plan was approved as part of the former City of Hamilton Official Plan. The lands within the Secondary Plan are subject to Non-decision No. 113 in the Urban Hamilton Official Plan, and do not form part of the Urban Hamilton Official Plan. Accordingly, the policies of the former City of Hamilton Official Plan still apply to the West Harbour Secondary Plan area. The City of Hamilton Official Plan contains policies that restrict conversions and demolitions of rental housing. They



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are similar to the Urban Hamilton Official Plan, permitting conversions or demolitions only if vacancy rates for the City and the local housing market zone have been above 2 percent for at least 24 months, if the change will not reduce the vacancy rate below 2 percent, and if existing rent levels are not significantly below average market rent levels. Demolitions are also permitted if a building is determined to be structurally unsound.

The West Harbour Secondary Plan contains policy supportive of providing a range of housing types for a range of incomes. However, the Secondary Plan does not contain specific policies addressing the conversion and demolition of primary rental housing.

***Municipal Act, 2001***

Section 99.1 of the *Municipal Act, 2001*, permits a local municipality to regulate the demolition or conversion of residential rental properties. The permissions include the power to pass a by-law to prohibit demolitions or conversions without a permit, and to impose conditions as a requirement of obtaining a permit. Conditions may be imposed requiring an owner to enter into an agreement with the municipality, which may be registered on title to the land to which it applies. These permissions are only applicable where there are six or more rental housing units affected.

Currently, Mississauga and Oakville have by-laws in place regulating conversions and demolitions of rental housing using the powers of Section 99.1 of the *Municipal Act*. The City of Toronto also has a similar by-law in place using Section 111 of the *City of Toronto Act* and Chapter 667 of the *Municipal Code*. Other municipalities, such as Barrie, Brampton and Ottawa are considering implementing by-laws in the future.

**RELEVANT CONSULTATION**

**Internal Consultations**

As noted previously in Report PED22091, Legal Services drafted the Rental Housing Protection By-law contained in Appendix “B” attached to Report PED22091 and provided inputs on the proposed actions contained in this report. The Housing Services Division was consulted on the review of the draft Official Plan Amendment and Rental Housing Protection By-law and their comments have been incorporated.

Municipal Law Enforcement was engaged on the potential enforcement resources that may be needed if the By-law were to be enacted. Based on inquiries made to several other municipalities with operating By-laws, no examples of Municipal Law Enforcement involvement being required have been identified. Therefore, little to no impact on Municipal Law Enforcement resources is expected. However operationally, a dedicated person may need to be assigned to ensuring compliance on these applications.

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The City's Building Division was also consulted with regards to the recommendations and in particular on the amendments to By-law No. 22-101 (Demolition Control Area By-law), attached as Appendix "E" to Report PED22091(a).

**Public Consultations**

Promotion and notification for the project occurred through:

- An email notification to a list of potential stakeholders, neighbourhood associations and other relevant organizations on September 26, 2022;
- An email notification to all Indigenous Rights-Holder groups in Hamilton on September 26, 2022;
- A newspaper notice posted in the Hamilton Spectator on September 26, 2022;
- Social media posts on September 26, 2022, and at several points during the commenting period;
- Promotion of the Engage Hamilton project website through the Engage Hamilton platform;
- Inclusion of the notice in the October 14, 2022 "Our Future Hamilton" monthly newsletter that is distributed to a wide range of community members;
- Promotion to youth through the @HamOntYouth Instagram channel and through the Youth newsletter published on October 7, 2022; and,
- Notification to Development Industry Liaison Group members at the October Development Industry Liaison Group meeting on October 17, 2022. Staff also presented information about the Report PED22091 to the Development Industry Liaison Group on June 13, 2022, to inform the group about the draft recommendations.

The stakeholder mailing list included:

- All Neighbourhood Associations;
- Members of the Development Industry Liaison Group who had requested notification after the June 2022 Development Industry Liaison Group meeting;
- Hamilton ACORN;
- West End Home Builders Association;
- Realtors Association of Hamilton-Burlington;
- Social Planning and Research Council Hamilton;
- Federation of Rental Housing Providers of Ontario;
- Hamilton and District Apartment Association;
- Hamilton Housing Help Centre;
- Hamilton is Home;
- Hamilton Community Foundation;
- Indigenous Housing Services Hamilton;

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- Ontario Aboriginal Housing Services;
- Hamilton Centre for Civic Inclusion; and,
- Disability Justice Network of Ontario.

Consultation and feedback opportunities included a Virtual Information Meeting held on October 5, 2022, and stakeholder meetings held with Hamilton ACORN (Association of Community Organizations for Reform Now), Hamilton and District Apartment Association, Realtor's Association of Hamilton-Burlington and Effort Trust. It also included an opportunity to provide written feedback and an online survey which was available from September 26, 2022, to November 4, 2022.

Feedback received showed a very diverse mix of opinions on the proposed changes. A detailed feedback report which includes all public feedback received in response to the consultations is included in Appendix "G" attached to Report PED22091(a). In general, comments from the landowner, landlord, and development community had concerns about many of the proposed changes, and comments from the tenant community were supportive, although further changes and additional information was requested.

General themes heard as part of the consultations were:

- A desire to minimize rental housing stock losses;
- A need to protect existing tenants and provide support to mitigate the impacts of demolitions on existing tenants;
- A need to reduce regulations and hurdles for landlords and find a balance between protecting renters and encouraging investment in Hamilton; and,
- An urgent need to also focus on measures that will increase the supply of rental housing, in addition to protecting existing tenants.

Some of the concerns identified were:

- Concern about proposed regulations that would permit only partial replacement of rental units such as allowing cash-in-lieu instead of replacement units, and replacement units on a different site than the demolished units;
- Concerns about different rules applied within and outside the Downtown Secondary Plan;
- Concerns that the proposed changes do not go far enough in protecting rental housing and tenants;
- Concerns about the lack of detail in the current proposal for tenant protections;
- Concern that additional restrictions, requirements and costs will discourage landlords and developers from wanting to operate and invest in Hamilton;
- Cumulative impacts of similar regulations (i.e., short term rentals, vacant home tax);

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- Concerns that conversions may be prohibited in situations where it is needed to finance building improvements and upkeep;
- Concerns about the financial impacts of compensation requirements that exceed the *Residential Tenancies Act*;
- Concern about uncertainty of application outcomes and the need for a clear process and criteria to follow which guarantees approval if all requirements are met; and,
- Concerns about the accuracy and validity of CMHC vacancy rate data and relying on vacancy rates as a criteria.

Key requests included:

- Being able to prevent/regulate proposals where certain types of units are being demolished internally within a building (i.e., demolishing three bedroom units to create one bedroom units), in addition to pure demolitions;
- Having strong requirements in place for tenant assistance (i.e., payment of moving costs, ensuring temporary relocation is maintained at the same rent level until a replacement unit is completed, extra supports for vulnerable tenants);
- Ensuring replacement units have the same number of bedrooms as existing units and are similar in size;
- Requested changes to the vacancy rate criteria, including that vacancy rates not be part of the criteria for demolitions, that vacancy rates requirements be maintained, or that they be increased to 3% or more;
- Having a minimum six-month notice of a move-out date;
- Having strong requirements in place for regular communication with tenants;
- Making translation services available for tenant meetings and written communications to tenants, if needed;
- Notifying the City and tenant rights organizations (i.e., Hamilton Community Legal Clinic, ACORN) of tenant meetings, and allowing representatives from the City and tenant rights organizations to attend meetings if requested;
- A request to implement policy that prevents all conversions to condominium;
- A request for a mechanism to appeal a decision or apply for a variance if vacancy rate criteria are not met;
- A request to consider an alternative requirement that ensures units converted to condominium remain rentals for a specified period of time, instead of meeting vacancy rate and rent level criteria; and,
- A request for clear requirements on approvals that will be delegated to staff.

Feedback from public consultation resulted in several modifications to the draft By-law and the Official Plan Amendment and the creation of a supplementary guideline for tenant relocation and assistance, which are described in the analysis and rationale section of Report PED22091(a). The proposed revisions do not change the overall

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approach or the key recommendations that were part of the consultations, and therefore no further consultation is recommended prior to implementing the Rental Housing Protection By-law.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

In any community, having an appropriate mix and range of housing, in terms of form, function, tenure, and affordability, is critically important to the health and well-being of residents. Rental housing is a key part of the housing continuum outlined in the City's Official Plan, particularly primary rental housing. Primary rental housing is defined in the City's Official Plan as "buildings or groups of buildings containing six or more dwelling units, owned by a single owner or agency, and built with the intention of being permanently rented" and is an important part of the City's housing supply as a significant contributor to affordable housing options in the City. In the past several decades, very little new primary rental housing has been built, and some existing purpose-built rental housing stock has either been converted to condominium tenure or lost to demolition. The importance of rental housing as a component of housing supply is one of the reasons why many municipalities have restrictive policies around conversions and demolitions of rental housing.

The recommendations in Report PED22091(a) seek to address concerns regarding loss of primary rental units through conversion or demolitions, which is dealt with in Official Plan policy and can also be regulated through S.99.1 of the *Municipal Act*.

Rental housing supply available on the secondary rental market and rentals with less than six units are also important to overall rental supply. However, the powers of the *Municipal Act* available to municipalities to regulate conversions and demolitions through a permit process does not apply to sites with less than six units.

Staff notes that another issue, termed "renovictions" has also been identified as an issue impacting affordable housing. This term refers to a landlord evicting tenants from a rented unit for renovations, and subsequently charging greatly increased rental rates to a new tenant instead of allowing the previous tenant to return at the same rate. Staff notes that the Housing Services Division of the Healthy and Safe Communities Department and the Licensing and By-law Services Division of the Planning and Economic Development Department reported to the Emergency and Community Services Committee regarding various actions related to this topic on August 17, 2023, as directed by the Committee (Reports HSC23023(b) and PED23072). The Renovation License and Relocation By-law was subsequently approved by Council on April 10, 2024, and will take effect on January 1, 2025. The actions in this report do not deal directly with renovictions, but similarly support the goal of improving protections for tenants, where conversions or demolitions are proposed.

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Previous concerns raised about renovations that convert larger units within a rental building into smaller units are addressed by the proposed Rental Housing Protection By-law. The recommended Rental Housing Protection By-law defines any change to the number of bedrooms in a unit as a demolition, and therefore subject to the requirements of the By-law. As such, these situations would be captured by the proposed permit process.

The overall intent of the proposed Rental Housing Protection By-law and policy changes is to ensure fairness and establish appropriate protections for existing tenants, while also providing clear and consistent standards and requirements for landowners and developers.

**Revisions to Official Plan Amendment**

Based on the feedback received, the primary concern from the rental community was about ensuring that appropriate protections are in place for existing tenants, where demolitions or conversions of rental units are proposed. The proposed policy amendments included an option for cash-in-lieu instead of physical replacement units. Any funds collected through this option were intended to provide a funding source for future affordable housing development. However, this requirement does not benefit existing tenants, and this option was not supported in public feedback. Staff have removed this option from both the Official Plan Amendment and the Rental Housing Protection By-law.

Staff have also removed the policy criteria which allows automatic approval of an application for conversion to condominium if it is a protected heritage property (i.e., designated), in addition to the previous recommendation to remove the criteria that allowed conversions if 75% of tenants were in support. Both of these were removed because they are not based on an assessment of rental housing needs or market supply. The changes put more focus on maintaining an appropriate supply of rental housing, particularly affordable rental housing, which is a key objective of the rental housing protection policies. There is an allowance in policy that would permit consideration of a conversion where repairs or retrofitting is needed, and income received from rent and government funding is not sufficient to support the work. This type of approval could be granted at the discretion of Council. No conversions have ever been proposed based solely on a building's status as a protected heritage property.

Clarification was also added to policies regarding demolitions to confirm that changes to existing units resulting in a change to the type of unit (i.e., number of bedrooms) is also considered a demolition for the purposes of the policies, regardless of whether a building is physically demolished.

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The final recommended Official Plan Amendment is included as Appendix “A” attached to Report PED22091(a).

In addition to the proposed Urban Hamilton Official Plan Amendment, an amendment to the former City of Hamilton Official Plan has also been proposed to mirror the same policy language for rental housing protection contained in the Urban Hamilton Official Plan. This update will ensure that the policy framework applying to the West Harbour Secondary Plan area is consistent with the rest of the City, until such time as the West Harbour Secondary Plan lands are included in the Urban Hamilton Official Plan. The final recommended Official Plan Amendment is included as Appendix “J” attached to Report PED22091(a).

While the Rental Housing Protection By-law will apply to both the urban and rural areas of Hamilton, no policy amendments have been proposed for the Rural Hamilton Official Plan since larger housing developments greater than six units are not permitted by the Plan. Should changes to an existing site with six or more units be proposed, the same permit process would apply as within the urban area.

**Revisions to Rental Housing Protection By-law**

Revisions were made to the draft by-law to provide clarity and improve language. Specific changes to the criteria and/or circumstances where a permit may be considered are discussed below.

Previously, the City’s Official Plan policies prohibited conversions or demolitions where there were units with rents more than 10% below average market rents. This has been increased to prohibit conversion of any units which are below average market rents (100% of Average Market Rent). This aligns with the current definition of affordability in the City’s Official Plan.

An increase to a vacancy rate of 3% was generally supported by many public comments. Alternatively, more stringent vacancy rate requirements were requested by some respondents, and a removal of the use of vacancy rates was requested by others. It is staff’s opinion that the continued use of vacancy rates as an indicator of the health of the rental market is appropriate, when used in combination with a consideration of the affordability of units. Based on the comparative review of vacancy rates used by other municipalities and general recognition of 3% as a current best practice indicator of a healthy rental market, an increase in the vacancy rate requirement to 3% for the preceding two years is recommended. This vacancy rate would be considered for both the City (City-wide) and the local housing market zone where the proposed conversion or demolition is located.

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Previous language about assessing the impact of a conversion on vacancy rates was removed, as this can be difficult to assess. Existing vacancy rates are provided by CMHC and do not require additional calculations or analysis to use. By requiring an increased vacancy rate of 3% before a conversion is permitted, this would offset any minor impacts of a single proposal on vacancy rates.

The language in the by-law has been updated to provide additional clarification that any change to the number of bedrooms in a unit is considered a demolition, and therefore subject to the permit requirements of the By-law. Any internal renovations to a rental building which would change the number of bedrooms within dwelling units (such as converting larger three bedroom units to smaller one bedroom units), would require a permit.

Other criteria in the by-law which allowed conversions to be considered if units were retained as rental units at similar rents for a defined term, or where conversions prioritized purchase of units by pre-conversion tenants, were removed. These have instead been specified as conditions which may be applied to conversions if they already meet other criteria, rather than specific criteria under which a conversion could be permitted. Although facilitating purchases of units by existing tenants would be a positive outcome, the primary consideration should be focused on maintaining affordable rental stock and a healthy rental vacancy rate. It is uncertain whether conversions that give enhanced options for purchase would be beneficial where affordable units exist, because current costs for ownership exceed affordability levels for many tenants that are renting at affordable levels.

Finally, additional revisions were made to allow for a permit to be considered where the number of dwelling units is reduced but not the amount of living space (i.e., creation of larger units), and to allow permits for the demolition or conversion of social housing units when certain requirements are met, including the replacement of all social housing units. These updates align with existing policies in the Official Plan.

A distinction between the Downtown Hamilton Secondary Plan and other areas of the City has been maintained in the by-law, to implement existing policy direction within the Downtown Hamilton Secondary Plan that mandates replacement of all demolished rental units in this area only. Outside of the Downtown Hamilton Secondary Plan area, demolitions may be permitted if all vacancy rate and rent level requirements are met. If these requirements are not met, replacement units would be required.

The final recommended criteria in the Rental Housing Protection By-law are as noted in the Table on pages 19 to 22 of Report PED22091(a).



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<b>Type of Proposal</b>	<b>Criteria</b>	<b>Decision-Making</b>
Conversion	<p>a) The rental vacancy rate by dwelling unit and structure type, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), has been at or above 3.0% for the preceding two years.</p> <p>b) The existing market rent levels for all units proposed to be converted are above 100% of the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and</p> <p>c) For all vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were above 100% of the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size.</p>	<p>Shall be approved.</p> <p>Conditions may be applied, such as:</p> <p>Conditions which assist existing tenants to achieve homeownership.</p> <p>Conditions which require units to continue to be rented for a specified period of time.</p>
Conversion	<p>a) Repair or retrofitting is immediately required to meet health and safety standards; and</p> <p>b) Income received from rent and available from government funding programs, including rent increases permitted under Provincial legislation, is not capable of supporting the capital repairs and maintenance work required.</p>	<p>May be approved.</p> <p>Conditions may be applied.</p>
Conversion which is a severance only.	Must not result in the alteration/loss of rental dwelling units.	Shall be approved.

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Type of Proposal	Criteria	Decision-Making
<p>Demolition outside of Downtown Hamilton Secondary Plan where units are not being replaced.</p> <p>Includes pure demolitions and internal building demolitions.</p>	<p>a) The rental vacancy rate by dwelling unit and structure type, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), has been at or above 3.0% for the preceding two years;</p> <p>b) The existing market rent levels for all units proposed to be demolished are above 100% of the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,</p> <p>c) For all vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be demolished were above 100% of the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size.</p>	<p>Shall be approved.</p> <p>Conditions may be applied to address matters of tenant relocation and assistance.</p>
<p>Demolition</p>	<p>Where a building is determined to be structurally unsound.</p>	<p>May be approved. Conditions may be applied.</p>
<p>Internal demolition that reduces the number of units but not the living space (i.e., creation of larger units).</p>	<p>The rental vacancy rate by dwelling unit and structure type, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), has been at or above 3.0% for the preceding two years.</p>	<p>May be approved.</p> <p>Would require a tenant relocation and assistance plan for eligible tenants.</p> <p>Other conditions may be applied.</p>

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Type of Proposal	Criteria	Decision-Making
Demolition Outside of Downtown Hamilton Secondary Plan where units must be replaced.	a) Conditions are imposed requiring rental units to either be replaced on-site or off-site in a comparable location.  b) Conditions are imposed requiring an acceptable tenant relocation and assistance plan addressing the right to return to occupy replacement rental units at similar rents, the provision of alternative temporary accommodation at similar rents, and other assistance as appropriate.	May be approved.  Would require a tenant relocation and assistance plan for eligible tenants.  Other conditions may be applied.
Demolition within Downtown Hamilton Secondary Plan Area.	a) Conditions are imposed requiring rental units to be replaced on-site; and,  b) Conditions are imposed requiring an acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement rental units at similar rents, the provision of alternative temporary accommodation at similar rents, and other assistance as appropriate.	May be approved.  Would require a tenant relocation and assistance plan for eligible tenants.  Other conditions may be applied.
Demolition or Conversion of Non-profit Rent-Geared to-Income Housing Units.	a) Conditions are imposed requiring full replacement of all rent-geared-to-income units; and,  b) Conditions are imposed requiring an acceptable tenant relocation and assistance plan addressing the provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship.	May be approved.  Would require a tenant relocation and assistance plan for eligible tenants.  Other conditions may be applied.

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Type of Proposal	Criteria	Decision-Making
Demolition or Conversion of Non-profit Rent-Geared to-Income Housing Units. <b>(Continued)</b>	c) The conversion or demolition is consistent with all pertinent provincial legislation.	

### Tenant Relocation and Assistance Requirements

One of the key concerns raised by tenant advocates as part of the public consultations was the absence of detailed information on tenant compensation and assistance, particularly when tenants will be displaced by a demolition. This information does not directly form part of the Rental Housing Protection By-law but would be dealt with through required Tenant Relocation and Assistance Plans and permit conditions. Staff are proposing a guideline document in Recommendation (g) to Report PED22091(a) to outline the requirements for Tenant Relocation and Assistance that will be applied consistently across all applications. Matters such as compensation and assistance specified in a Tenant Relocation and Assistance Plan would also form part of the conditions of a permit approval. The following requirements are included as standard requirements for all tenant relocation and assistance plans:

- At least six months' notice before having to vacate (includes minimum four months' notice required by *Residential Tenancies Act*);
- A requirement for compensation for moving out and moving back, where tenants are moving back into replacement units;
- Special needs compensation may be requested at the discretion of the City for vulnerable tenants, such as where at least one member of the household is aged 65+ years and/or who has a physical or mental health challenge;
- Financial Compensation equal to three months' rent (required by *Residential Tenancies Act*);
- A requirement for rent gap payments while tenants are in temporary alternative accommodations (gap payment based on anticipated timeline for construction and intended to cover the difference between a tenant's current rent and the average market rent for vacant private rental apartments by bedroom type in the same housing market zone);
- A requirement to have a tenant relocation coordinator/leasing agent made available to assist displaced tenants with finding alternative accommodations;
- Tenant communication requirements; and,

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- Tenants to be offered a replacement unit of the same number of bedrooms and of similar size, and at similar rent in a new building.

### **Reserve Fund**

The proposed By-law will include powers for a permit to be revoked if approval was given based on mistaken, false or incorrect information, or if the conditions of a permit are not complied with. As a deterrent, fines would be levied where an applicant contravenes the terms of a permit. To enable the collection of fines in this situation, a reserve fund needs to be established as outlined in recommendation (d) to Report PED22019(a) and based on the Reserve Fund Policy contained in Appendix “C” attached to Report PED22091(a). It is intended that if any fines are collected, these would be used to reinvest in affordable housing initiatives.

### **Demolition Control Area By-law Changes**

To ensure that the City’s Demolition Control Area By-law aligns with the Rental Housing Protection By-law, an amendment is needed which states that where a permit is required by the Rental Housing Protection By-Law, the Chief Building Official does not have delegated authority to issue a demolition permit. Demolition permits would require Council approval. An amendment to the Demolition Control Area By-law is included as Recommendation (f) to Report PED22091(a) and is attached as Appendix “E” to Report PED22091(a).

### **Renovation License and Relocation By-law Changes**

To ensure that the Rental Housing Protection By-law aligns with the new Renovation License and Relocation By-law, an amendment is needed to state that where any renovations would have the effect of changing the number of bedrooms within a Rental Housing Unit, this shall be considered a dwelling unit demolition and a Section 99.1 Permit under the *Municipal Act, 2001* shall be required in accordance with the Rental Housing Protection By-law. An amendment to the Renovation License and Relocation By-law is included as Recommendation (h) to Report PED22091(a) and is attached as Appendix “H” to Report PED22091(a).

### **Financial/Staffing Impacts**

An average of 1.4 applications for condominium conversions have been received annually over the past 10 years. Only four development projects in the last 10 years have involved the demolition of six or more rental units. There have been several other applications which proposed to alter rental units internal to a building (i.e., changing from three bedroom units to smaller units). Based on these historical numbers, it is estimated that the total number of annual permit applications would be approximately 0

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to 5 applications annually, however the number of applications could exceed this at times depending on vacancy rates and increases in intensification projects in the City. Due to the low number of applications expected, it is not anticipated that additional staffing would be needed to support this process at this time. Staff review costs would be captured by a permit application fee. Proposed fees are included in the Tariff of Fees By-law attached as Appendix "D" to Report PED22091(a) and are based on an estimate of staff time needed to process applications, and a comparison with the City of Toronto's fees. Several fee levels are proposed to reflect the difference in complexity for different types of demolition and conversion proposals. Since this is a new process, it is intended that time spent on applications would be tracked and fees can be adjusted in the future if needed once the actual staff time required for processing has been confirmed.

If the number of applications exceeds the estimate of 0-5 per year on a continual basis, additional staff resources may be needed for the review and processing of applications, and the maintenance of agreements during development construction. If required, additional staffing enhancements can be considered through a future budget process, if deemed necessary.

**Application Process**

A process map for permit applications is attached as Appendix "I" to Report PED22091(a) to illustrate the key components of the application process. Where a *Planning Act* application is required for development, such as an Official Plan Amendment, Zoning By-law Amendment, Site Plan Control application, or Plan of Condominium application, potential applications that may require a permit under the Rental Housing Protection By-law would be identified through either a pre-application formal consultation process or the formal application process and would be required to complete a screening form to confirm the applicability of the by-law. The proposed changes to the *Planning Act* through Bill 185 to make Formal Consultation optional may have an impact on this process and when a screening form is submitted.

Where these applications are not required, potential proposals requiring a permit would be flagged by the Building Division through their building permit intake process and be directed to complete the same screening form and submit to Planning staff (i.e., in the case where internal renovations are resulting in the demolition of certain types of units). The screening form will allow staff to formally verify if the Rental Housing Protection By-law applies.

When a permit application is submitted, Planning intake staff would review to confirm whether all required information has been provided, and would issue a notice of complete application once the application is deemed complete. The local Ward Councillor would be provided with a copy of this notice.

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Within 60 days of an application being deemed complete, an Information Report would be provided to Planning Committee notifying the Committee of the application and confirming if the application will be referred to Planning Committee for a decision. If there are other related *Planning Act* applications for the property, the permit application would be referred to Planning Committee to be considered in conjunction with those applications. For routine applications which meet certain criteria, approval would be delegated to the Director of Planning and Chief Planner. Notwithstanding this, Council has the authority to request that any application be considered by the Planning Committee, even if the permit approval would normally be delegated to the Director of Planning and Chief Planner.

After an application is received and deemed complete, it would be reviewed and Planning staff would prepare a recommendation report, including a list of any conditions recommended for the permit. Staff would endeavour to process all applications along similar timelines as most *Planning Act* applications.

If the decision is to approve an application, the applicant would be required to fulfil permit conditions prior to the issuance of a permit. This may include the registration of an agreement on title of the property to secure requirements for replacement units. Agreements would be monitored during construction until all replacement units have been completed.

The proposed permit process under the *Municipal Act* does not exempt any proposal from the requirements of the *Planning Act* for any other related applications such as Official Plan Amendments, Zoning By-law Amendments, Site Plan Control applications or Plan of Condominium Conversion applications. Permit applications under the proposed *Municipal Act* By-law can be processed concurrently with other required development applications.

**Next Steps**

A transition period between the By-law's approval and the date that it comes into force and effect is needed, to provide time for the materials outlined in recommendation (i) to Report PED22091(a) to be developed, and to allow for staff training and public communication of the changes. Staff are recommending that the by-law come into effect on January 1, 2025, to allow for a six month transition period. The following materials must be completed:

- A screening form to assist potential applicants in determining whether a permit would be required for a proposal;
- An explanatory document that provides information about the application process and by-law requirements;
- A permit application form;

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

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- A Notice of Complete/Incomplete Application template;
- A template for legal agreements, for permits where conditions are being applied;
- An Information Report template;
- Circulation letters for commenting;
- Website updates; and,
- Any other templates, letters, and materials as needed to facilitate the process.

### **Potential Provincial Regulations**

Based on the recent changes to the *Municipal Act* from Bill 23 and Bill 97 and the additional posting on the Ontario Regulatory Registry requesting feedback on potential regulations, it is anticipated that the Province will enact regulations in the future that would apply to municipalities with by-laws regulating the demolition and conversion of residential rental properties. It is not known what the regulations may be or when they may be enacted.

If new regulations are enacted, any portions of the by-law that are not consistent with such regulations may become inoperative, and amendments to the by-law may be required. Should this occur, staff will report back to Council on the changes and any resulting amendments needed to the Rental Housing Protection By-law, in accordance with Recommendation (I) to Report PED22091(a).

### **ALTERNATIVES FOR CONSIDERATION**

1. The Committee may choose not to pursue any changes to the City's current Official Plan policies and or the creation of a By-law and permit process under the *Municipal Act*. If no changes are made, the City would continue to rely on its ability under the *Planning Act* and the *Condominium Act* to apply its existing Official Plan policies. However, this option would make it more difficult for staff to control the continued loss of affordable housing units in the primary rental market.
2. The Committee may choose to amend the recommended criteria and requirements in the proposed Official Plan Amendment and *Municipal Act* By-law. This is not recommended as the proposed Amendment and By-law have been based on significant internal staff review and public input.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22091(a) – Urban Hamilton Official Plan Amendment  
 Appendix "B" to Report PED22091(a) – Rental Housing Protection By-law  
 Appendix "C" to Report PED22091(a) – Reserve Fund Policy  
 Appendix "D" to Report PED22091(a) – Tariff of Fees By-law Amendment



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Appendix “E” to Report PED22091(a) – Demolition Control Area By-law Amendment

Appendix “F” to Report PED22091(a) – Tenant Relocation and Assistance Guideline

Appendix “G” to Report PED22091(a) – Public Feedback Report

Appendix “H” to Report PED22091(a) – Renovation License and Relocation By-law  
Amendment

Appendix “I” to Report PED22091(a) – Application Process Map

Appendix “J” to Report PED22091(a) – City of Hamilton Official Plan Amendment (West  
Harbour Secondary Plan)

MP:sd

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Schedule "1"

## DRAFT Urban Hamilton Official Plan Amendment No. X

The following text constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose of this Amendment is to modify the policies of the Urban Hamilton Official Plan which apply to condominium conversion of rental housing units and demolition/redevelopment of rental housing units, and the policies which apply to complete applications.

The effect of this Amendment is to simplify some of the criteria used to assess proposals for conversions or demolitions of rental housing by removing specific numerical requirements and noting conformity with the criteria must be demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act. The amendment will also add a permission for demolition of rental housing units where units will be replaced and other requirements are met, and a requirement that a screening form may have to be submitted as part of a complete application submission.

### 2.0 Location:

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

### 3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment will assist in achieving an appropriate balance of primary rental and ownership housing stock, as described in Policy B.3.2.5 of Volume 1 of the Urban Hamilton Official Plan;
- The Amendment will ensure that a strong rental housing market exists before the removal of rental housing units for conversions to condominium ownership or demolitions is considered;
- The Amendment will allow for additional opportunities for residential intensification, while still maintaining the City's Official Plan and Housing and Homelessness Action Plan objectives to protect rental housing units, and in

particular, affordable rental housing units;

- The Amendment will ensure that proposals requiring a Section 99.1 Permit under the Municipal Act are appropriately identified as part of certain Planning Act application processes; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### 4.0 **Actual Changes:**

#### 4.1 **Volume 1 – Parent Plan**

##### **Text**

##### 4.1.1 Chapter B – Communities

a. That Volume 1: Chapter B – Communities, Section 3.2.5 – Rental Housing Protection Policies, be amended by:

i. Amending Policy B.3.2.5.1 by:

- 1) Deleting the phrase “shall be permitted if any one of three general criteria are met, outlined as a), b) and c) below:” and replacing it with:

“shall only be permitted where both of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act.”;

- 2) Deleting Policy B.3.2.5.1 a) in its entirety and replacing it with:

“a) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,”

- 3) Deleting Policy B.3.2.5.1 b) in its entirety and replacing it with:

“b) the proposed conversion will not adversely affect the supply

of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone."

and,

- 4) Deleting Policy B.3.2.5.1 c) in its entirety;

So the policy reads as follows:

"3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall only be permitted where both of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act:

- a) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,
- b) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone."

ii. Amending Policy B.3.2.5.6 by:

- 1) Adding the phrase, ", and interior building renovations that remove six or more residential rental dwelling units of a certain type," after the words "and would result in the loss of six or more rental housing units";
- 2) Deleting the phrase "shall be permitted if any one of two general criteria are met, outlined as a) and b) below:" and replacing it with:

"shall only be permitted where at least one of the following three general criteria are met, outlined as a), b), and c) below, as demonstrated through the issuance of a Section 99.1 Permit

under the Municipal Act:";

- 3) Deleting Policy B.3.2.5.6 a) in its entirety and replacing it with:  
"a) both of the following criteria are met:
  - i) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,
  - ii) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,";
- 4) Replacing the "." at the end of Policy B.3.2.5.6 b) with "; or,";
- 5) Adding a new Policy as Policy B.3.2.5.6 c):  
"c) all of the following criteria are met:
  - i) the units to be removed will be replaced either on-site or off-site in a comparable location acceptable to the City;
  - ii) replacement units are maintained for a defined period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
  - iii) a tenant relocation and assistance plan addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided, to the satisfaction of the City."

So the policy reads as follows:

"3.2.5.6 To protect the adequate provision of a full range of housing,

*development* or *redevelopment* that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units, and interior building renovations that remove six or more residential rental dwelling units of a certain type, shall only be permitted where at least one of the following three general criteria are met, outlined as a), b) and c) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act:

- a) both of the following criteria are met:
  - i) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,
  - ii) the proposed conversion will not adversely affect the supply of *affordable* rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,
- b) the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City; or,
- c) all of the following criteria are met:
  - i) the units to be removed will be replaced either on-site or off-site in a comparable location acceptable to the City;
  - ii) replacement units are maintained for a defined period of time with rents similar to those in effect at the time a *development* application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline

approved by Council; and,

- iii) an acceptable tenant relocation and assistance plan for existing tenants addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, is provided, to the satisfaction of the City."
- iii. Amending Policy B.3.2.5.7 by replacing the phrase "clauses a) i) and ii) are satisfied." with "clause a) i) is satisfied."

So the policy reads as follows:

"B.3.2.5.7 Notwithstanding Policy B.3.2.5.6, renovations to an existing building which reduces the number of dwelling units by six or more units, but does not reduce the area of living space, may be permitted provided Policy B.3.2.5.6 clause a) i) is satisfied."

#### 4.1.2 Chapter F – Implementation

- a. That Volume 1, Chapter F – Implementation, Section 1.19 – Complete Application Requirements and Formal Consultation, be amended by:

Adding a new Policy as F.1.19.12:

"F.1.19.12 In addition to Policy F.1.19.6 and the *other information and materials* in Table F.1.19.1, a Rental Housing Protection By-law screening form may also be required to deem Planning Act, R.S.O., 1990 c. P.13 applications for official plan amendment, zoning By-law amendment, and site plan control complete."

### 5.0 Implementation:

An implementing Municipal Act By-Law (Rental Housing Protection By-law) and implementing Zoning By-law Amendments, Site Plan Control applications, and draft plan of Condominium applications will give effect to the changes.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the  
\_\_\_ day of \_\_\_, 2025.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
J. Pilon  
CITY CLERK



Authority: Item,  
Report PED22091(a)  
CM:  
Ward:

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 2X-XXX

### **Rental Housing Protection By-law**

**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("Municipal Act") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

**AND WHEREAS** Subsection 11(2) of the *Municipal Act* provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality and for the health, safety and well-being of persons;

**AND WHEREAS** under Sections 20 to 24 of the *Municipal Act* the City may delegate its powers and duties under the Act to an officer or employee of the City;

**AND WHEREAS**, without limiting the broad municipal powers, Section 99.1 of the *Municipal Act* provides municipalities with the authority to prohibit and regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

**AND WHEREAS** the City wishes to exercise its powers under Section 99.1 of the *Municipal Act* to protect residential rental housing in order to meet the needs of current and future residents;

**AND WHEREAS** the City wishes to protect those residential rental properties where a landlord has given notice of a demolition or conversion pursuant to Section 50 of the *Residential Tenancies Act, 2006*, S.O. 2006, c.17;

**AND WHEREAS** under Sections 425 and 429 of the *Municipal Act* the City may pass by-laws to create offences and a system of fines for offences, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law;

**AND WHEREAS** Section 436 of the *Municipal Act* provides that a municipality may pass by-laws to authorize inspections to determine compliance with a by-law;

**AND WHEREAS** Subsection 391(1) (a) of the *Municipal Act* provides that the City may pass by-laws imposing fees or charges on persons for services or activities provided or

done by or on behalf of it;

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

**PART 1 - DEFINITIONS**

1. For the purposes of this By-law, the following definitions and interpretations shall govern:

- a) **"Application"** means the application referred to in Section 8 of this By-law;
- b) **"Average Market Rent" or "AMR"** means, in respect of a **Rental Unit**, rent that is at or below the average market rent by type of unit in the City of Hamilton as established annually by the **CMHC**;
- c) **"Building Code Act, 1992"** means the *Building Code Act, 1992 S.O. 1992, c. 23* as may be amended;
- d) **"By-law"** means this by-law No. XXXX, as may be amended;
- e) **"Chief Building Official"** means the person appointed under Subsection 3(2) of the *Building Code Act, 1992*, as the Chief Building Official for the City of Hamilton;
- f) **"City"** means the City of Hamilton;
- g) **"City Official"** means a person who is an employee of the City, and who has been appointed by Council of the City to administer and/or enforce all or part of this By-law on behalf of the City, and shall include any and all municipal by-law enforcement officers;
- h) **"CMHC"** means the Canada Mortgage and Housing Corporation;
- i) **"Condominium Act, 1998"** means the *Condominium Act, 1998, S.O. 1998, c. 19*, as may be amended;
- j) **"Conversion" or "Convert"** means conversion of a **Residential Rental Property** to a purpose other than a **Residential Rental Property** and includes:
  - i. A **Conversion** as a result of a consent to sever land under Section 53 of the *Planning Act*;
  - ii. A **Conversion** to:
    - 1. A non-residential use;

2. A living accommodation other than **Dwelling Units**;
  3. A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**; and
- iii. **Conversion to Co-ownership** is deemed to occur when the first lease or sale of an interest in **Residential Rental Property** or of a share in a corporation owning or leasing any interest in **Residential Rental Property** takes place that carries with it the right to occupy a specific unit in the **Residential Rental Property** or when a **Residential Rental Property** is transferred or leased to a corporation of the type described in s. 1(j)(ii);
- k) "**Co-ownership**" means an equity co-operative or other co-ownership form of housing where the residential property is owned or leased or otherwise held, directly or indirectly by:
- i. more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property; or
  - ii. a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property;
- For greater certainty, a **Co-ownership** does not include a condominium, a residential building that is organized as a **Life Lease Project**, or a non-profit housing co-operative under the *Co-operative Corporations Act*, R.S.O. 1990, c. C. 35, as may be amended;
- l) "**Demolition**" or "**Demolish**" means to do anything that will result in the removal of a building or any material part thereof and includes, but is not limited to, interior renovations or alterations that will result in a change to the number of:
- i. **Dwelling Units** in the building; or
  - ii. **Dwelling Unit Types** in the building;
- m) "**Director**" means the Director of Planning and Chief Planner for the City or their designate;
- n) "**Dwelling Unit**" means one (1) or more habitable rooms designed,

occupied or intended to be occupied as self-contained living quarters and shall, at a minimum, contain:

- i. sanitary facilities;
- ii. accommodation for sleeping; and
- iii. one (1) kitchen;

For greater certainty, a Dwelling Unit shall not cease to be a Dwelling Unit due to any vacancy thereof.

- o) "**Dwelling Unit Type**" references the number of bedrooms within a **Dwelling Unit** and includes a bachelor unit, a one (1) bedroom unit, a two (2) bedroom unit, and a unit with three (3) or more bedrooms;
- p) "**Guidelines**" means guidelines for **Applications** to permit **Demolition** or **Conversion** under this By-law as developed by the **Director** pursuant to Subsection 36 b) of this By-law;
- q) "**Heritage Act**" means the *Ontario Heritage Act, R.S.O. 1990, c. O. 18*, as may be amended;
- r) "**Life Lease Project**" means a life lease project as described in paragraph 1 of Subsection 3(1) of Ontario Regulation 282/98, under the *Assessment Act, R.S.O. 1990, c. A. 31*;
- s) "**Person**" includes, but is not limited to, an individual, sole proprietorship, partnership, association, or corporation;
- t) "**Planning Act**" means the *Planning Act, R.S.O. 1990, c. P.13*, as may be amended;
- u) "**Planning Committee**" means the Standing Committee of Council as constituted and governed by the City's Council Procedure By-Law 10-053, as may be amended or replaced;
- v) "**Regulated Property**" means a **Residential Rental Property** containing six (6) or more **Dwelling Units**;
- w) "**Related Planning Application**" means:
  - i. An application that provides for the **Demolition of Residential Rental Property** or the **Conversion of Residential Rental Property** to a purpose other than a **Residential Rental Property**, expressly or by necessary implication;
  - ii. For greater certainty, paragraph (i) includes, but is not limited to,

an application for the following:

1. A permit under Section 8 or 10 of the **Building Code Act, 1992**;
  2. A consent or permit to alter part of a property or to demolish or remove a building or structure under Section 33, 34, 34.5 or 42 of the **Heritage Act**;
  3. Approval or registration of a description for a proposed condominium or exemption from approval for a proposed condominium, under Section 9 of the **Condominium Act, 1998**;
  4. An amendment to the Official Plan under Section 22 of the **Planning Act**;
  5. A zoning by-law amendment under Section 34 of the **Planning Act**;
  6. A minor variance under Section 45 of the **Planning Act**;
  7. Approval of plans and drawings under Subsection 41(4) of the **Planning Act**;
  8. Approval of a plan of subdivision under Section 51 of the **Planning Act**;
  9. A consent under Section 53 of the **Planning Act**; and
  10. A demolition permit under Section 33 of the **Planning Act**;
- iii. Despite subparagraph (ii.)5., paragraph (i) does not include a City-initiated general zoning by-law amendment to implement area land use studies and other general policies, except for any site-specific exemptions or other site-specific provisions made at the request of a land owner;
- x) **"Related Buildings"** means:
- i. Buildings that are under the same ownership and on the same parcel of land (as defined in Section 46 of the **Planning Act**); or
  - ii. Buildings that form part of the same **Application** under this By-law or under a **Related Planning Application**;
- y) **"Rental Unit"** means a **Dwelling Unit** used, or intended for use, for residential rental purposes, including a **Dwelling Unit** in a **Co-ownership** that is or was last used for residential rental purposes, but does not include:
- i. a **Dwelling Unit** in a condominium registered under Section 2 of

the **Condominium Act, 1998**;

- ii. a **Dwelling Unit** in a building organized as a **Life Lease Project** where the right to occupy the **Dwelling Unit** is based on a life lease interest; or
- iii. a **Dwelling Unit** in a Mobile Home (as defined in City of Hamilton Zoning By-law 05-200) which is only occupied on a seasonal basis;
- z) "**Rent-Geared-to-Income Unit**" means a dwelling unit with subsidized rent where rents are geared to income as per O. Reg. 316/19, as amended, under Section 50 of the *Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1* as may be amended;
- aa) "**Residential Tenancies Act, 2006**" means the *Residential Tenancies Act, 2006, S.O. 2006, c. 17* as may be amended;
- bb) "**Residential Rental Property**" means a building or **Related Buildings** containing one or more **Rental Units** and includes all common areas and services and facilities available for the use of its residents;
- cc) "**Section 99.1 Permit**" means the permit to be issued by the **Director** or Council, as applicable, after the approval of an **Application** made under this By-law;
- dd) "**Social Housing**" means living accommodation produced, operated and/or financed, in whole or in part, through government programs;
- ee) "**Structure Type**" means the type of housing structure as reported by the **CMHC**, and includes an apartment and row houses; and
- ff) "**Vacancy Rate**" means the average percentage of all available **Rental Units** for a **Dwelling Unit Type** or **Structure Type** that are vacant or unoccupied at a particular time within a designated geographical area in the City.

## **PART II – SCOPE**

- 2. This By-law shall apply to all **Regulated Properties** in the City, being **Residential Rental Properties** containing six (6) or more **Dwelling Units** and no **Regulated Property** shall be **Demolished** or **Converted** without obtaining a permit under this By-law;
- 3. Notwithstanding Section 2 of this By-law, this By-law does not apply to a **Residential Rental Property** that is:

- a) a condominium governed by the **Condominium Act, 1998**;
- b) organized as a **Life Lease Project**;
- c) described in Section 5 (Exemptions from Act) of the **Residential Tenancies Act, 2006**, other than Subsection 5(c), a member unit of a non-profit housing co-operative;
- d) described in Section 7 (1) (1.)(2.) and (5.) (Exemptions related to social, etc., housing) of the **Residential Tenancies Act, 2006**; or
- e) required for the implementation of a municipal, provincial, or federal government project previously approved by City Council or a provincial or federal authority and for which an environmental assessment has been conducted pursuant to the *Environmental Assessment Act, R.S.O. 1990, c. E.18*, with the exception of a **Residential Rental Property** that is designated as a property of cultural heritage value or interest under the **Heritage Act**.

### **PART III – DEMOLITION & CONVERSION PROHIBITED WITHOUT A PERMIT**

#### **Demolition**

4. Except as provided herein, no person shall **Demolish**, or cause to be **Demolished**, the whole or any part of a **Regulated Property** unless the person has been issued a **Section 99.1 Permit** and except in accordance with the terms and conditions of the issued **Section 99.1 Permit**.

#### **Conversion**

5. No person shall **Convert** a **Regulated Property**, or cause a **Regulated Property** to be **Converted**, unless the person has been issued a **Section 99.1 Permit** and except in accordance with the terms and conditions of the issued **Section 99.1 Permit**.

#### **When Section 99.1 Permit is Not Required**

6. Notwithstanding Sections 4 and 5 of this By-law, a **Section 99.1 Permit** is not required if only a part of a **Regulated Property** is proposed for **Demolition** and that part does not contain any part of a **Dwelling Unit**.
7. Notwithstanding Section 5 of this By-law, a **Section 99.1 Permit** is not required if a **Regulated Property** is subject to an application for a consent to sever under Section 53 of the **Planning Act**, provided that after the proposed conveyance:
  - a) each parcel of land resulting from the severance will have six (6) or more **Rental Units**; or

- b) one (1) or more parcels of land resulting from the severance will have six (6) or more **Rental Units** and all the other parcels of land at the time of the application contained no **Dwelling Units**.

**PART IV – APPLICATION FOR SECTION 99.1 PERMIT**

8. An **Application** shall include the following information:

- a) a description of the proposed **Demolition** or **Conversion**;
- b) the number of existing **Dwelling Units**;
- c) the number of existing and proposed **Rental Units** categorized by **Dwelling Unit Type** and including floor area;
- d) the rents roll(s), including utilities, for the **Regulated Property**, categorized by **Dwelling Unit Type**;
- e) a list of the names and mailing addresses of all tenants of the **Residential Rental Property** proposed for **Demolition** or **Conversion**;
- f) an identification of any **Related Planning Applications**, including, but not limited to, plans, drawings, studies, or reports submitted in support of such **Related Planning Application**;
- g) where applicable, a proposal for the replacement or retention of the **Rental Units** proposed for **Demolition**;
- h) a proposal for tenant engagement by the owner or applicant, which shall include at least one meeting for all tenants of the **Regulated Property**, as required by Section 11 of this By-law; and
- i) any additional information or documentation required to evaluate the **Application**, as specified by the **Director**.

9. The **Director** may request that the required **Application** information be verified by a person who, in the **Director's** opinion, is qualified to do so.

**Tenant Notification**

10. An applicant for a **Section 99.1 Permit** shall provide written notice of the **Application** to the tenants of the **Regulated Property** within fourteen (14) days of the **Director** advising the applicant that the **Application** is complete or within such other time period as determined by the **Director**. Such notice shall include:

- a) the date that the notice was delivered to the tenant(s); and



- b) a notification to the tenants of the rights of tenants under the **Residential Tenancies Act, 2006** in connection with the **Demolition** or **Conversion**, as the case may be.
11. An applicant for a **Section 99.1 Permit** shall hold a meeting for all tenants of the **Regulated Property** within thirty days (30) days after the notice of the **Application** referred to in Section 10 is delivered to the tenants of the **Regulated Property**, for the purpose of providing information and education on the proposed **Demolition** and **Conversion**. The applicant shall ensure a record of such meeting is provided to the **Director** which includes, but is not limited to, the following information:
- a) a copy of the notice of the meeting;
  - b) a copy of the meeting sign-in-sheet;
  - c) a copy of all information distributed or presented at the meeting, if any;
  - d) a copy of the meeting minutes; and
  - e) a copy of all comments received in relation to the meeting, if any.

### **Fees and Charges**

12. The applicant shall pay the applicable fee for the **Application** for a **Section 99.1 Permit** as specified in the City's Tariff of Fees By-law No. 12-282, as may be amended, and such fee shall be paid at the time the **Application** is submitted to the City.
13. If Section 8 or 10 of the **Building Code Act, 1992** apply to the proposed **Demolition** or **Conversion**, the applicant must also pay the fees required for such an application as specified in the City's By-law 15-058, as amended.
14. All fees collected by the City under this By-law shall be used for the purpose of processing the **Application**.
15. All fines and charges collected by the City under this By-law shall be provided to the City's Healthy and Safe Communities Department for the purpose of replacing, renewing or creating affordable housing in the City in accordance with the Urban Hamilton Official Plan.

### **Related Planning Application**

16. If a **Related Planning Application** is made with respect to a **Residential Rental Property** for which a **Section 99.1 Permit** is required to be issued, the applicant shall provide written notice of the **Application** to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Land Tribunal or court.

17. The notice required under Section 16 of this By-law shall include a statement that the **Demolition** or **Conversion** is not permitted unless a **Section 99.1 Permit** has been issued for the **Demolition** or **Conversion** pursuant to this By-law.
18. The notice required under Section 16 of this By-law shall be filed with the approval authority or, in the case of an appeal or referral, with the Ontario Land Tribunal or court.

### **Withdrawal of Application**

19. If an applicant does not provide all the documentation required for the **Application** to the **Director** within one (1) year from the date that the **Application** is submitted to the City, the applicant shall be deemed to have withdrawn the **Application** as at the one (1) year anniversary date of the **Application** and shall not be entitled to any refunds of any payments made with respect to the **Application**.
20. Despite Section 19 of this By-law, the **Director** may extend the date for the completion of the **Application** where the **Director** determines that the applicant is actively taking steps to finalize the **Application**.
21. If the **Application** is withdrawn, or deemed to have been withdrawn under Section 19 of this By-law, before the **Director** or Council makes a decision, no further **Application** under this By-law to approve any **Demolition** or **Conversion** of the **Residential Rental Property** may be made within two (2) years after the date of the withdrawal, unless Council gives its consent to such **Application**.

### **Consideration for Approval**

22. An **Application** shall not be considered for approval until the **Application** is considered complete to the satisfaction of the **Director**.
23. Once the **Director** considers the **Application** to be complete, the **Director** shall give written notice to the applicant within 20 days that the **Application** is complete.
24. A copy of the notice referred to in Section 10 of this By-law shall be provided to the **Director** within five (5) days after the delivery of the notice to the tenants and the **Director** shall not review the **Application** until the **Director** is in receipt of a copy of the said notice.

### **PART V – ROUTINE APPROVAL OF SECTION 99.1 PERMIT**

25. The **Director** or Council, as applicable, shall approve an **Application** for a **Section 99.1 Permit** when:
  - a) the **Application** demonstrates any one of the following criteria (1 - 4) , as at the date that the **Application** is considered to be complete, are met;

and

- b) the **Application** satisfies the conditions imposed by the **Director** or Council, as the case may be, pursuant to Section 30 of this By-law;
- (1) The **Residential Rental Property** at the time of the **Application** has six or more **Dwelling Units**, but less than six (6) **Rental Units**;
  - (2) Where a **Conversion** is proposed, all of the following criteria are met:
    - a) the rental **Vacancy Rate** by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years;
    - b) the existing market rent levels for all **Rental Units** proposed for **Conversion** are above 100 percent of the:
      - i. **Average Market Rent** levels for the City, and
      - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type**, **Structure Type** and size; and
    - c) for all vacant **Rental Units** proposed for **Conversion**, the last market rent levels charged prior to vacancy for the **Rental Units** proposed to be **Converted** were above 100 percent of the:
      - i. **Average Market Rent** levels at the time for the City; and
      - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type**, **Structure Type** and size; or
  - (3) Where a **Demolition** is proposed, all of the following criteria are met:
    - a) the **Rental Units** are outside of the Downtown Hamilton Secondary Plan area (as identified in Volume 2 of the Urban Hamilton Official Plan);
    - b) the rental vacancy rate by **Dwelling Unit Type** and **Structure**

**Type**, for the City and the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years;

- c) the existing market rent levels for all units proposed to be **Demolished** are above 100 percent of the:
  - i. **Average Market Rent** levels for the City; and
  - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type** and **Structure Type** and size; and
- d) for all vacant **Rental Units**, the last market rent levels charged prior to vacancy for the **Rental Units** proposed to be **Demolished** were above 100 percent of the:
  - i. **Average Market Rent** levels at the time for the City; and
  - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type** and **Structure Type** and size; or

(4) Where a **Conversion** is proposed by way of a consent to sever under Section 53 of the **Planning Act**, that such **Conversion** will not result in an alteration of the form of **Dwelling Unit**.

- 26. For the purposes of Subsections 25(2)(c) and 25(3)(d) of this By-law, where the last market rents are unknown, the last market rents shall be deemed to be 90 percent of the **Average Market Rent**.
- 27. Where an applicant is unable to satisfy the requirements of Section 25 of this By-law, an **Application** for a **Section 99.1 Permit** may be approved in accordance with the provisions contained in Part VI of this By-law.

#### **PART VI – DISCRETIONARY APPROVAL SECTION 99.1 PERMIT**

- 28. Subject to Section 39 of this By-law, the **Director** is authorized to approve an **Application** for a **Section 99.1 Permit** when:
  - a) The Applicant satisfies all criteria in Section 29, where applicable to the

**Application;**

- b) the **Application** satisfies the conditions imposed by the **Director** or Council, as the case may be, pursuant to Section 30 of this By-law; and
29. One or more of the following criteria, as applicable to the **Application**, must be met by the applicant as a prerequisite for the consideration of approval of a **Section 99.1 Permit** under this Part of the By-law, and the **Director** may request that the **Application** include any of the following information required to make a determination under this Section 29:
- (1) Where a **Conversion** is proposed, it is demonstrated to the satisfaction of the **Director** that:
    - a) repair or retrofitting has been ordered pursuant to the **Residential Tenancies Act, 2006, Building Code Act, 1992** or any other applicable provincial legislation; and
    - b) income received from rent and available from government funding programs, is not capable of supporting the capital repairs and maintenance work required.
  - (2) Where **Conversion**, including a conversion of **Social Housing** is proposed, the proposed Conversion is consistent with all applicable provincial legislation;
  - (3) Where a **Demolition**, including a demolition of **Social Housing** is proposed, the proposed **Demolition** is consistent with all applicable provincial legislation.
  - (4) Where a **Demolition** is proposed that reduces the total number of units through internal renovations to an existing building:
    - a) The rental **Vacancy Rate** by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years; and
    - b) The total area of living space in the existing building is not reduced.
  - (5) Where a **Demolition** is proposed, the building (or buildings) proposed to be Demolished is confirmed to be structurally unsound by way of a structural audit, performed by a qualified professional, with the conclusions of such audit deemed acceptable by the City.
  - (6) Where a **Demolition** is proposed, the demolished units will be replaced, in accordance with any conditions of approval.

30. The conditions referred to in Section 25 b) and Section 28 b) of this By-law which may be imposed by the **Director** or Council, as the case may be, may include, but are not limited to:
- a) Where a **Demolition** is proposed in the area comprising the Downtown Hamilton Secondary Plan (as identified in Volume 2 of the Urban Hamilton Official Plan), conditions may be imposed requiring:
    - i. **Rental Units** to be replaced on-site with Rental Units of a similar size and number of bedrooms; and
    - ii. a tenant relocation and assistance plan addressing the right to return to occupy the replacement **Rental Units** at similar rents, the provision of alternative temporary accommodation at similar rents and other assistance as appropriate;
  - b) Where a **Demolition** is proposed outside of the area comprising the Downtown Hamilton Secondary Plan (as identified in Volume 2 of the Urban Hamilton Official Plan), conditions may be imposed requiring:
    - i. **Rental Units** to be replaced on-site or off-site in a comparable location with **Rental Units** of a similar size and number of bedrooms; and
    - ii. a tenant relocation and assistance plan addressing the right to return to occupy the replacement **Rental Units** at similar rents, the provision of alternative temporary accommodation at similar rents and other assistance as appropriate;
  - c) requirements to retain proposed **Converted** units as **Rental Units** at similar rental rates and for a defined term;
  - d) requirements to offer tenants in a **Converted** unit a right of first refusal to purchase a condominium unit to be developed as a result of a successful property **Conversion** in accordance with section 51(5) of the **Residential Tenancies Act, 2006**;
  - e) requirements that the owner of the **Regulated Property**, or the owner's authorized agent, provide written notice of the provisions in the **Residential Tenancies Act, 2006** relating to **Conversion** or **Demolition**, as the case may be, to all tenants who reside in the **Rental Units** of the **Regulated Property** affected by the **Application**;
  - f) Where **Demolition** or **Conversion** of **Social Housing** is proposed, conditions may be imposed requiring:
    - i. full replacement of all **Rent-Geared-to-Income Units**;

- ii. a tenant relocation and assistance plan addressing the provision of temporary alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship, to the satisfaction of the **Director**;
- g) the following, in accordance with any **Guidelines**, where applicable:
  - i. requirements securing tenants' right to return to the replaced or retained **Rental Units** at similar rents, and associated notification requirements;
  - ii. requirements for tenant relocation and assistance including but not limited to the following:
    - 1. alternative temporary accommodation for displaced tenants at similar rents and in a comparable location acceptable to the City until tenants return to the replacement **Rental Units**; and
    - 2. financial assistance and such other support as many be necessary to reduce hardships to tenants resulting from a **Demolition** or **Conversion**;
- h) requirements that the owner of the **Residential Rental Property**, or the owner's authorized agent, provide information from time to time sufficient to verify that the terms of an agreement, as referred to in Section 31 of this By-law are being met;
- i) provisions concerning the applicant's entitlement to claim or act under any of the following until any of the other conditions imposed herein have been satisfied or secured, to the satisfaction of the **Director**:
  - i. a permit under Subsection 8(1) or Section 10 of the **Building Code Act, 1992** for construction, **Demolition** or **Conversion** of a building;
  - ii. a permit for demolition under Section 33 of the **Planning Act**;
  - iii. a consent or permit to alter part of a property or to demolish or remove a building or structure under Section 34, 34.5 or 42 of the **Heritage Act**;
  - iv. approval or registration of a description for a proposed condominium under Section 51 of the **Planning Act**, or an exemption from approval for a condominium, under Section 9 the

**Condominium Act, 1998**; and

- v. a consent under Section 53 of the **Planning Act**, except for provisional consent that is conditional upon issuance of a **Section 99.1 Permit** under this By-law.
  - j) requirements to provide a plan to assist existing tenants with achieving homeownership, such as down payment assistance or rent-to-own payment options;
  - k) requirements to provide specified amenities for replacement **Rental Units**;
  - l) any other requirements or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the City's rental housing supply and on existing tenants;
  - m) requirements for the provision and implementation of an ongoing consultation and information plan with tenants of the Residential Rental Property, in accordance with any **Guidelines**;
  - n) requirements that the owner of the **Regulated Property** provide information from time to time sufficient to verify that the terms of an agreement are being met;
  - o) for any of the conditions above, any requirements for timelines or deadlines as required by the **Director**; and
  - p) conditions providing for the lapsing of the approval.
31. Where conditions are imposed under this By-law, the owner of the **Regulated Property** to which the **Application** relates shall, as a condition of the issuance of a **Section 99.1 Permit**, enter into to an agreement with the City securing the imposed conditions.
32. The agreement referenced in Section 31 of this By-law shall be registered on title to each property to which the agreement applies and may be enforced against the owner and any subsequent owners of the **Regulated Property**. The registration of the agreement shall be to the satisfaction of the City Solicitor and with such priority as may be required to ensure its proper enforcement by the City.
33. Conditions imposed under Subsections 30 a), b), and f) of this By-law may require the **Rental Units** proposed for **Demolition** be replaced:
- a) on-site;
  - b) on a comparable off-site location to the **Regulated Property**; or



- c) a combination of Subsections 33 a) and b), above.
34. Comparable, for the purposes of Section 33 b) of this By-law, includes but is not limited to consideration of the following factors:
- a) type of **Residential Rental Property**;
  - b) proximity to existing and proposed transportation options, including transit service;
  - c) proximity to community infrastructure such as, recreational facilities, libraries, police stations, schools and places of religious assembly;
  - d) proximity to commercial services and amenities;
  - e) number of bedrooms; and
  - f) size of **Rental Units**.
35. Conditions imposed under Section 30 of this By-law requiring on-site or off-site replacement units may also specify a timeframe within which those units must be constructed, subject to the discretion of the **Director** or any details described in an agreement as permitted by Section 31 of this By-law, any may also specify penalties for failure to do so.

## **PART VII REFERRALS, REVISIONS AND ISSUANCE OF SECTION 99.1 PERMIT**

### **Delegated Authority**

36. The **Director** is delegated the authority to:
- a) Approve **Section 99.1 Permits**, subject to the requirements of this By-law and any referral to Council under Section 39; and
  - b) develop **Guidelines** to assist applicants with the **Application**, in accordance with the **Municipal Act** and any regulations thereunder.

### **Council Notification and Referral to Council by Director**

37. The **Director** shall advise Council of every **Application** upon such **Application** becoming complete. This notice to Council shall be provided by way of notice to **Planning Committee** within 60 days of the **Application** becoming complete.
38. The notice to Council under Section 37 of this By-law shall indicate whether the **Application** is referred to **Planning Committee** for Council's approval, or whether

approval of the **Application** is delegated to the **Director**.

39. The **Director** shall refer an **Application** to **Planning Committee** for Council's approval if:
  - a) in the **Director's** opinion, the **Application** should be considered by Council with a **Related Planning Application**;
  - b) the **Application** has implications for more than one Ward or is of City-wide interest; or
  - c) a request is made by Council or the **Planning Committee** for the **Application** to be considered by Council.
40. Where the **Director** refers the **Application** under Section 39 of this By-law, the **Director** shall submit a report respecting the **Application** to the **Planning Committee** after the review of the **Application** has been completed.
41. Where the **Application** is not referred to **Planning Committee** for Council's approval within the said (60) day period or at the time that notice is provided to Council, the **Application** shall be considered by the **Director**.
42. Where the **Application** is referred to **Planning Committee**, the **Planning Committee** shall recommend to Council whether to refuse, approve or amend the **Application**, including any conditions and Council may refuse the **Application**, approve the **Application**, or amend the **Application**.

#### **Application for Revision to Conditions**

43. If the owner of a **Regulated Property** applies for revisions to the conditions imposed pursuant to Section 30 of this By-law, the **Director** may treat the request as a new **Application** under this By-law or may otherwise require the owner to comply with the notice and meeting requirements of this By-law.
44. Where the **Director** has referred the **Application** to the **Planning Committee**, the **Planning Committee** shall consider and make recommendations to Council on the proposed revisions only after a report has been submitted to the **Planning Committee** by the **Director**.

#### **Section 99.1 Permit Issuance**

45. Subject to Section 46 of this By-law, if Council or the **Director** approves a **Section 99.1 Permit**, the **Director** is authorized to issue the **Section 99.1 Permit** after all the conditions have been satisfied or secured to the satisfaction of the **Director**.
46. Where **Applications** for **Demolition** or **Conversion** are also subject to Section 8 or 10 of the **Building Code Act, 1992** or to a demolition control by-law under Section

33 of the *Planning Act*, the **Director** may designate the **Chief Building Official** to issue the **Section 99.1 Permit**, which shall only be issued after approval for the **Section 99.1 Permit** is given and together with all other applicable requirements related to the **Demolition**.

#### **Amendments to Issued Section 99.1 Permit**

47. Where an applicant wishes to amend an issued **Section 99.1 Permit**, the process shall be commenced by way of a new **Application** under the provisions of this By-law. In the event that a new as amended **Section 99.1 Permit** is issued, then same shall take effect on the date of issuance.

#### **Revocation of an Issued Section 99.1 Permit**

48. The **Director** may revoke an issued **Section 99.1 Permit** if:
- a) the **Section 99.1 Permit** was issued on mistaken, false or incorrect information;
  - b) the conditions to the issued **Section 99.1 Permit** are not complied with; or
  - c) the owner of the **Regulated Property** or other holder of an issued **Section 99.1 Permit** has contravened this By-law.
49. Where a **Section 99.1 Permit** for **Demolition** has been issued under this By-law and the building permit for the new construction is revoked under the *Building Code Act, 1992*, the **Section 99.1 Permit** shall be deemed to be revoked and this By-law shall apply to any subsequent **Application** for a **Demolition** of the **Regulated Property** for which the original **Section 99.1 Permit** was issued.
50. Section 49 of this By-law does not apply if the **Regulated Property** has been **Demolished** under a **Section 99.1 Permit** before the building permit for the new construction pursuant to the *Building Code Act, 1992* was revoked.

#### **Council or Director Decision Final**

51. Council's or the **Director's** decision to approve, refuse or revoke a **Section 99.1 Permit**, or impose or revise conditions on a **Section 99.1 Permit** in accordance with this By-law is final, without any further right of appeal.

### **PART VIII – ENFORCEMENT**

#### **Harassment of Tenant**

52. No owner of **Regulated Property** or person acting on the owner's behalf shall interfere with a tenant's reasonable enjoyment of a **Rental Unit** in the **Regulated**

**Property** with the intent of discouraging the participation of the tenant in the **Application** or approval process described herein or with the intent of otherwise facilitating the obtaining of the approval of Council or the **Director** on an **Application** made under this By-law.

**Powers of Entry and Inspection**

53. Any **City Official** may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- a) this By-law;
  - b) any direction or order issued under this By-law;
  - c) any **Section 99.1 Permit** condition imposed under this By-law; and
  - d) an order issued under Section 431 of the **Municipal Act**.
54. Subject to the requirements under Section 437 of the **Municipal Act** related to entry to dwellings, submission of an **Application** for a **Section 99.1 Permit** is deemed to be the consent of the owner for any **City Official** to enter at any reasonable time onto the **Residential Rental Property** for the purpose of carrying out an inspection.
55. Where an inspection is conducted under this By-law, any **City Official** may:
- a) require the production of documents and things that may be relevant to the inspection;
  - b) inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;
  - c) require information from any person concerning a matter related to the inspection, including but not limited to name(s), address(es), contact information, and proof of identity or other identification; and
  - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purpose of the inspection.
56. No person shall hinder or obstruct, or attempt to hinder or obstruct, any **City Official** from exercising any power or authority, or performing a duty as permitted under this By-law.
57. No person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by any **City Official** pursuant to this By-law.

58. Every person from whom information, or any other thing, has been requested in relation to an inspection conducted under this By-law shall identify themselves to any **City Official** and failure to identify shall constitute hindering and/or obstructing under Section 56 of this By-law.

### **Offences**

59. Every person, either by their own actions or through the action of any other person, who contravenes any Section of this By-law, including an Order issued pursuant to this By-law or Sections 444 or 445 of the **Municipal Act** is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended and the **Municipal Act**.
60. Every director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence.
61. Every person who knowingly furnishes false or misleading information in any **Application** pursuant to Section 8 of this By-law is guilty of an offence.
62. Every person who fails to comply with a term or condition of a **Section 99.1 Permit** under this By-law is guilty of an offence.
63. All contraventions of this By-law or an Order issued pursuant to this By-law are designated multiple and continuing offences pursuant to Subsection 429(2) of the **Municipal Act**.
64. For greater certainty, a separate offence may be charged under this By-law for each or any **Rental Unit** within a single **Regulated Property**.

### **Penalty**

65. Every person who is charged with an offence under this By-law upon conviction is liable as follows:
- a) the maximum fine for an offence is \$100,000;
  - b) in the case of a continuing offence, in addition to the penalty mentioned in Subsection 65(a) of this By-law, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
  - c) in the case of a multiple offence, including offences as described in Section 65 of this By-law, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and

- d) if a person is convicted of an offence under this By-law, the potential for economic advantage acquired by or that accrued to the person as a result of the commission of the offence may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the ***Municipal Act***;
66. If any Section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **PART IX – TRANSITION**

### **Effective Date**

67. This By-law will come into force on January 1, 2025.

### **Applicability**

68. This By-law applies to a proposal for **Demolition** or **Conversion** of a Regulated **Property** in any **Related Planning Application** made on or after January 1, 2025, except where:
- a) a determination on the **Related Planning Application** is made by the applicable approval authority before the Effective Date; or
  - b) the **Related Planning Application** relates to development applications for site-specific official plan amendments under Section 22 of the ***Planning Act*** and/or site-specific zoning bylaw amendments under Section 34 of the ***Planning Act*** that were approved or appealed to the Ontario Land Tribunal prior to January 1, 2025.
69. Notwithstanding Section 68 of this By-law, where a draft plan of condominium is approved prior to January 1, 2025, this By-law shall apply where the draft plan is not registered within one (1) year of the Effective Date.
70. In the case of applications under Section 8 of the ***Building Code Act, 1992***, for interior renovations as described in the definition of **Demolition** in Subsection 1(l), this By-law applies to any **Application** made after the Effective Date.

## **PART X – GENERAL**

71. Any Section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

- 72. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.
- 73. References in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.
- 74. This By-law may be referred to as the "Rental Housing Protection By-law".

PASSED this \_\_\_\_ day of \_\_\_\_, 2024.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

<b>Rental Housing Protection Reserve Fund</b>	 <b>Hamilton</b>	<b>Corporate Services Department</b>
Policy No:		
Page 1 of 2		Approval: 2024-XX-XX

### ***Rental Housing Protection Reserve Fund Policy***

<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Rental Housing Protection Reserve Fund.
<b>SCOPE</b>	<p>This policy applies to fines collected by the City of Hamilton related to non-compliance to the Rental Housing Protection By-Law.</p> <p>This policy applies to all City employees that are responsible for the management of financial resources.</p>
<b>PURPOSE</b>	The objective of the Rental Housing Protection Reserve Fund is to provide funding for affordable housing projects.
<b>RELATED LEGISLATION</b>	Municipal Act 2001, S.O. 2001, c. 25, Sections 99.1 (Demolition and conversion of residential rental properties) and 417 (Reserve Funds).
<b>DETAILS: USAGE AND LIMITATIONS</b>	<p><b>Source of Funding:</b></p> <ul style="list-style-type: none"> <li>• Fines – fines collected related to non-compliance with the Rental Housing Protection By-Law.</li> <li>• Interest Income - Interest earned on the unused actual cash balance held in the Rental Housing Protection Reserve Fund, according to the City's Reserve interest allocation policies.</li> </ul> <p><b>Minimum Balance:</b></p> <p>No target set as balance is a function of fine volume and affordable housing needs.</p> <p><b>Use of Funds:</b></p> <p>The Rental Housing Protection Reserve Fund shall be used for affordable housing projects. Funding shall be administered by the General Manager of the Healthy and Safe Communities Department.</p> <p><b>Transfers from Reserve:</b></p> <p>All transfers from the Rental Housing Protection Reserve Fund are to be approved by City Council by a budget submission, a separate Council report or a Council motion. All relevant information is to be included with the request.</p> <p><b>Borrowing from Reserve:</b></p> <p>The City may borrow from the Rental Housing Protection Reserve Fund for non-related activities.</p> <p>The City shall repay the amount borrowed, plus interest according to the City's internal loan policies.</p>



<b>Rental Housing Protection Reserve Fund</b>	 Hamilton	<b>Corporate Services Department</b>
Policy No: Page 2 of 2		Approval: 2024-XX-XX
<b>POLICY OWNER</b>	Director of Financial Planning, Administration, and Policy	
<b>ADMINISTRATION</b>	The Title Policy shall be administered by the Financial, Planning, Administration and Policy Division within the Corporate Services Department.  [The policy is reviewed every 5 years]	
<b>RELATED POLICIES</b>		
<b>RELATED STANDARD OPERATING PROCEDURES</b>		

**Appendix “D” to Report PED22091(a)**  
**Page 1 of 2**

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

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend By-law No. 12-282, as amended by By-law Nos. 19-108, 19-197, 21-079, 22-222 and 23-031 Respecting Tariff of Fees**

**WHEREAS** Section 69 of the Planning Act, R.S.O. 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff or Fees for the processing of applications made in respect of planning matters;

**AND WHEREAS** Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

**AND WHEREAS** Council has approved a By-law under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to prohibit the Conversion and Demolition of Residential Rental Properties without a permit;

**AND WHEREAS** Council deems it necessary to add new fees to cover the costs related to processing permits to Convert or Demolish Residential Rental Properties;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That Schedule “A” to By-law No.12-282, as amended, be updated to include the following new fees in Schedule “A”:

Permit to Convert or Demolish a Residential Rental Property

Permit to Demolish	\$7,500
i) Plus additional cost per unit	\$300
Permit to Demolish – Delegated Approval	\$1,500
i) Plus additional cost per unit	\$75

**Appendix “D” to Report PED22091(a)**  
**Page 2 of 2**

Permit to Convert	\$4,500
i) Plus additional cost per unit	\$75

Permit to Convert – Delegated Approval	\$1,500
i) Plus additional cost per unit	\$75

3. That Schedule “A” to By-law No. 12-282 be further amended by adding the following note to the “Planning Fees”:

“The Permit to Demolish fee shall be waived for all charitable and not-for-profit organizations proposing to demolish and replace Rent-Geared-to-Income (RGI) rental housing units, which shall be confirmed at the discretion of the Director of Planning and Chief Planner.”

4. The new fees for a Permit to Convert or Demolish a Residential Rental Property are hereby approved and adopted.
5. The fees shall be paid at the time of the submission of a permit application.
6. No application for a Permit to Convert or Demolish a Residential Rental Property shall be deemed to have been made, provided or completed, and no application shall be received, unless the appropriate fees are paid in accordance with this By-law.
7. The amount of the fees for a Permit to Convert or Demolish a Residential Rental Property shall be adjusted annually by the percentage change during the preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.
8. This By-law shall be deemed to have come into force on January 1, 2025.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Appendix “E” to Report PED22091(a)**  
**Page 1 of 2**

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

**Bill No.**

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

**To Amend By-law No. 22-101 a Demolition Control Area By-law**

**WHEREAS** Council enacted a Demolition Control Area By-law No. 22-101;

**AND WHEREAS** Council has approved a By-law under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to prohibit the Conversion and Demolition of Residential Rental Properties without a permit;

**AND WHEREAS** this By-law provides for an amendment to By-law No. 22-101 to ensure effective implementation of the By-law approved under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as may be amended;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes, including punctuation.
2. That a new Subsection (d) be added to Part 7 of By-law No. 22-101:
  7. The delegation of authority set out in this Demolition Control Area By-law does not include the authority to:
    - (d) issue a Demolition Control Approval where the City of Hamilton Rental Housing Protection By-Law 2X-XXX, as may be amended, applies to the demolition of a residential property, unless a permit has been approved and issued under By-law 2X-XXX.
3. This By-law shall be deemed to have come into force on January 1, 2025.

**Appendix "E" to Report PED22091(a)**  
**Page 2 of 2**

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk



Hamilton

## **City of Hamilton Tenant Relocation and Assistance Guideline For Applications to Demolish Rental Units under the Rental Housing Protection By-law**

### **Purpose**

The Tenant Relocation and Assistance Guideline establishes standards for accommodating and assisting tenants where relocation is required due to the demolition of rental housing. The standards in this document are intended to guide the creation of Tenant Relocation and Assistance Plans and the application of permit conditions as part of the City's Rental Housing Protection By-law.

### **The Guideline is based on the following key principles:**

- **Consistency** Standards and requirements for tenant assistance and relocation are applied consistently across all applications to ensure that applicants and tenants are treated equitably.
- **Clear Communication** Tenants and applicants understand the process and tenants are provided with clear information in a timely manner.
- **Equity** All tenants receive necessary supports needed to successfully relocate, including vulnerable tenants.
- **Management of Impacts** Affordability levels are maintained and impacts to tenants are minimized as much as possible.

### **Standard Requirements for all Tenant Relocation and Assistance Plans**

Tenant Relocation and Assistance Plans shall be required where rental housing units with existing tenants are proposed to be demolished. All Tenant Relocation and Assistance Plans will be required to include the following components. Additional information may need to be included based on the characteristics of a proposal and specific circumstances.

1. A brief background of the project and reasons for the relocation plan.
2. A description of the number of units, type of units (bedrooms) and size of units (square feet) impacted.

## City of Hamilton Tenant Relocation and Assistance Guideline

3. An Occupancy Report listing existing tenancies and rent levels, which will be used to determine tenant eligibility for compensation and rental replacement units.
4. A Tenant Communication Strategy which outlines:
  - How the affected tenants are to be proactively engaged and notified of the development process and kept up to date regarding the process;
  - Where tenants can direct enquiries;
  - How to access any tenant resources; and,
  - The provision of at least six months' notice before having to vacate a unit (includes minimum four months' notice required by *Residential Tenancies Act*).
5. A requirement to have a tenant relocation coordinator/leasing agent made available to assist displaced tenants with finding alternative accommodations.
6. Compensation details.
7. If replacement units are being constructed, a process addressing the right to return to occupy the replacement housing.
8. Reporting requirements to document the relocation of displaced tenants and compensation provided to tenants.

**Compensation Requirements**

Where tenants are required to move out of a rental unit, financial compensation shall be required.

***Residential Tenancies Act***

Financial compensation equal to 3 months' rent shall be provided as required by the *Residential Tenancies Act*.

**Moving Expenses**

The landlord shall arrange and pay for an insured moving company to relocate impacted tenants to their new accommodation within the City of Hamilton **or** shall provide for moving expense compensation at the flat rate of:

- \$1,500 for a bachelor or one-bedroom unit; and,
- \$2,500 for a unit with two or more bedrooms.

## City of Hamilton Tenant Relocation and Assistance Guideline

Similar compensation shall be required for moving costs where tenants are moving back into replacement units.

### **Special Needs**

Additional special needs compensation may be required where at least one member of the household is aged 65+ years and/or has a physical or mental health challenge. Special needs compensation will be considered at the discretion of the City based on individual circumstances and may include additional financial compensation up to a maximum value of 3 months of rent.

### **Rent Gap Payments**

Where rental replacement units are required, rent gap payments shall be required for eligible tenants, to minimize additional costs to tenants while tenants are in temporary alternative accommodations.

Rent gap payments shall be based on the anticipated timeline for construction of the new units and the difference between a tenant's current rent and the average market rent for vacant private rental apartments with the same number of bedrooms in the same housing market zone.

In the case of social housing units, households must relocate to a unit for which they are eligible under Provincial social housing legislation, City of Hamilton Occupancy Standards and any other applicable regulations. All tenants shall be provided with temporary alternative units at the rent-gear-to-income rate that the tenant is eligible for as per social housing requirements.

### **Replacement Units**

Required replacement units shall contain at least the same number of bedrooms as demolished units and minimum sizes for the units shall be similar to the demolished units (typically at least 90% of the area of previous units). Replacement units shall be in a comparable location deemed acceptable by the City of Hamilton. In most cases, replacement units shall be required on the same site as the demolished units.

Tenants of social housing units shall be offered a replacement unit with the number of bedrooms that meets their household eligibility.

### **Rental Rates**

Where tenants are moving back into replacement units, rental rates for replacement units shall be maintained at the same rent levels existing prior to the demolition, subject



## City of Hamilton Tenant Relocation and Assistance Guideline

to increases which reflect the annual Rent Increase Guideline for Ontario or a similar guideline approved by Council.

This requirement shall not apply to social housing units. Replacement social housing units shall receive an appropriate rent-geared-to-income subsidy as required by Provincial social housing legislation.

### **Review and Approval**

Tenant Relocation and Assistance Plans are reviewed and approved by the Planning Division, Planning and Economic Development Department

### **Contact**

pdgeninq@hamilton.ca

# RENTAL HOUSING PROTECTION

## Public Feedback Report

**Prepared by: Sustainable Communities, Planning Division**

**Date: June 2023**

This Public Feedback Report includes feedback from a Virtual Information Meeting held on October 5, 2022, stakeholder meetings with Hamilton Association of Community Organizations for Reform Now (ACORN), Hamilton and District Apartment Association (HDAA), Realtor's Association of Hamilton-Burlington (RAHB) and Effort Trust held between October 11 and November 28, 2022. It also includes written feedback and online responses to a public survey which was available from September 26 to November 4, 2022.



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## About this Report

The Rental Housing Protection Policy Review is a City of Hamilton initiative that is looking at the rental housing protection policies within the Urban Hamilton Official Plan and is proposing changes to the policy and planning process framework surrounding conversions of primary rental housing to condominium tenure and demolitions of primary rental housing. The intent of the policy changes is to establish appropriate limitations to manage change and ensure protection for existing affordable rental housing units.

As part of the changes to the planning process framework, the City is proposing to establish a permit process for conversions and demolitions of rental housing by passing a by-law under the Municipal Act. This is intended to be used as a tool to implement the Official Plan directions. The permit process is identified as a key part of the City's strategy that could strengthen protections for rental housing and provide a consistent process for applications to convert or demolish rental housing. It would also permit the City to attach conditions to a permit, such as requiring legal agreements for replacement units in a new development, providing tenant assistance, and other conditions.

In May 2022, Hamilton Planning Committee received a report on the Condominium Conversion Policy Review. The report contained a draft Official Plan Amendment and Municipal Act By-law addressing proposed policy and planning process changes to regulate demolitions and conversions of rental housing. Hamilton City staff were directed to consult with stakeholders and the public on the draft document and report back with final recommendations. From September to November 2022, staff engaged with the community to obtain feedback. This report includes a summary of common themes, key messages and a synthesis of public feedback.

## 1. How the consultation was organized

The purpose of the consultations was to provide information to the public on the background for the Rental Housing Protection Policy Review, and to collect feedback on the proposed policy and planning framework changes associated with rental housing. The Rental Housing Protection Policy Review consultations created opportunities to provide input and options for discussion. There were various ways to provide input, as noted below:

### Virtual public information meeting

A Public Information Meeting was hosted on WebEx and included a live presentation followed by a facilitated discussion. The meeting was held Wednesday, October 5, 2022, from 7:00 to 8:00 pm. Residents registered for the meeting through Engage Hamilton. Participants were able to provide comments by typing into the Q & A and having these read aloud by the facilitator and, raising their hand to speak and being able to provide their feedback orally. The meeting presentation was recorded and subsequently posted on the project web page for public viewing.

### Stakeholder meetings

Staff held stakeholder meetings with representatives of different groups and organizations that were identified to have an interest in rental housing policy. Three stakeholder meetings occurred. Participants provided input through speaking at the meetings and asked staff questions. The meeting with ACORN was held on WebEx with two representatives from ACORN and involved an open discussion with City staff. The second stakeholder meeting was held in person at City Hall with three representatives from Hamilton and District Apartment Association and three representatives with Realtors Association of Hamilton Burlington. The discussion involved the representatives voicing their thoughts and concerns regarding Rental Housing Policy and asking questions to City Staff. The third stakeholder meeting was held on Webex with two representatives, one from Urban Solutions and one from Effort Trust, discussing the project and asking staff questions.

**Figure 1: Meeting Dates and Attendees**

Consultation Meetings Held	Number of Attendees
Virtual Public Information Meeting held October 5, 2022 (evening)	11
Acorn Meeting held October 11, 2022 (afternoon)	5
Hamilton and District Apartment Association (HDAA) and Realtors Association of Hamilton Burlington (RAHB) Meeting held November 7, 2022 (afternoon)	8
Effort Trust Meeting held November 28, 2022 (afternoon)	5

### Written input

The City established the consultation website <https://engage.hamilton.ca/rentalprotection>, where information on Rental Housing Protection policy was provided for public review and comments. This included proposed policy changes, draft Official Plan Amendments, and draft Municipal Act By-law. Input could be provided by sending an email to the posted city staff contact. The public was able to provide feedback until November 4, 2022.

### Online survey

There was opportunity for the public to provide feedback on the Rental Housing Policy Review through a survey on the Engage Hamilton website. The survey was accessible from September 26 to November 4, 2022 and respondents were able to answer three questions and state their reasons for support, or lack thereof, to various criteria changes that the City was proposing, as well as changes to policy and by-laws. Respondents of the survey also had the opportunity to provide additional comments or statements of their own.

## 2. Common themes and key messages heard from meetings

This report section identifies common themes and key messages that were raised through the virtual consultation and three stakeholder meetings. Numerous questions were raised in each meeting and a variety of different opinions and viewpoints were heard. There was strong support from some viewpoints, while others raised some significant concerns.

**Figure 2: General Themes and Key Messages**

General Topic	Overall Themes Noted
<p><b>Benefits and Incentives</b></p>	<ul style="list-style-type: none"> <li>• How or in what circumstances would converting the purpose-based rentals to condos actually be beneficial to affordable housing?</li> <li>• What do you see for incentives that city would provide to renters/developers to want to do business in Hamilton?</li> <li>• How will this policy assist in economic development in Hamilton?</li> <li>• Will this policy encourage or discourage people who own housing or will own housing and want to rent out? Will it be an impediment or encouragement?</li> <li>• Have you thought about the benefits of converting from rental to condominium?</li> <li>• Private sector would have to be involved to help with housing. Don't over-regulate and create more deterrents.</li> <li>• What is the public benefit that makes conversions something that should be permitted?</li> <li>• Right of a rental owner to have the type of ownership they want is an important right. Mixing owners and rentals in a building is also good for community. Also, people can have an opportunity to own without moving out of their neighbourhood/building.</li> <li>• There is a huge gap in affordability from renting to buying. If people can take some buildings that are old, convert and create potential to buy, it could lower the price to purchase for ownership. Conversions allow an occasional unit to come into market that is</li> </ul>

General Topic	Overall Themes Noted
	<p>affordable. It's providing opportunity for home ownership.</p>
<p><b>Renovictions and Demovictions</b></p>	<ul style="list-style-type: none"> <li>• What is the City doing about “renovictions” (E.g. When a tenant is removed from a unit for renovations and supposed to be allowed back, but are essentially evicted from the unit and the landlord tries to increase rent after the renovations are completed)?</li> <li>• When people get notices for demovictions and are harassed by owners to get out (called every 3 days), the building is empty, and nothing is being done. ACORN would like to stop tenants being harassed.</li> <li>• ACORN recently held a walking tour through Ward 3. Tenants spoke to different tactics of renovictions and what landlords are doing. Buyouts have gone up. Landlords don't want tenants back and are motivated to get tenants to accept cash incentives.</li> <li>• ACORN noted that they are also working with the Housing Division at the City of Hamilton on the review of ‘renoviction’ programs like the one in New Westminster BC.</li> </ul>
<p><b>Rental Stock and Rental Replacement</b></p>	<ul style="list-style-type: none"> <li>• Regarding the 6 units for primary rental housing, is there an effort to capture the units and buildings with 5 or less?</li> <li>• Are there other tools that can be used for buildings with less than six units?</li> <li>• Housing stock is old, needs to be rejuvenated and improved over time. People who have ownership tend to care better and improve their property. If not rejuvenated, housing could be demolished.</li> <li>• Older stock generally has lower rent and little turnover. Guideline increase does not cover increased cost of maintenance and improvements. After a certain time, a building needs to be brought up to a higher standard.</li> <li>• When a conversion occurs, housing stock remains the same</li> <li>• Conversation about rental housing should be broader. What is the fair way to document supply? i.e. condos being rented and rentals less than 6 units make up a large portion of rental market.</li> </ul>



General Topic	Overall Themes Noted
<b>Rental Protections</b>	<ul style="list-style-type: none"> <li>• ACORN would like to see language around tenant relocation as strong as possible</li> <li>• Most important priority to tenants is staying in homes. If not possible, providing support during construction and then having a right to come back to same units at same rent is key.</li> <li>• Landlord’s paperwork to tenants can be misleading by not providing all options (move out, money, stay). Can requirements help with clear communication?</li> <li>• Best practices for tenant support such as in Burnaby, BC and New Westminster, BC should be implemented.</li> </ul>
<b>Landlords</b>	<ul style="list-style-type: none"> <li>• The prevailing impression is that the City is against landlords. Most landlords are good landlords and provide important housing supply (1/3 to 40% of housing). The City should recognize landlord’s beneficial contributions better.</li> <li>• Things need to be realistic, need to make sure we don’t go overboard with rental protection. Need to have a balance between landlords staying and investing in Hamilton vs protecting renters. Legislations may not make Hamilton as likely to be invested in.</li> </ul>
<b>Policy and Regulations</b>	<ul style="list-style-type: none"> <li>• Why would the proposed demolition rules/policy be different in the Downtown Secondary Plan than outside of it?</li> <li>• What does the permitting process do that can’t already be addressed via conditions of condo conversion?</li> <li>• Can City restrict all conversions?</li> <li>• The Province requires landlords to pay tenants 3 months rent or offer another unit (S. 52, RTA) when an eviction occurs for demolition/conversion. New policy seems to go over and above what Province requires.</li> <li>• Did the new Provincial policy proposal say anything about protecting rentals?</li> <li>• Concerns were noted about cumulative impacts of new requirements being rolled out by the City for rental units.</li> </ul>

General Topic	Overall Themes Noted
	<ul style="list-style-type: none"> <li>• Raising the threshold of vacancy rates creates a challenge to change status to condominium. Don't want to see unattainable policy in place by the city. Vacancy rate threshold is an issue.</li> <li>• If Federal government allowed any rental building to convert to condo, there would be a lot more rentals built. Restrictions for rentals to condos has kept supply of rentals down.</li> <li>• Consideration of sunset clause to ensure that units remain rental for a specified period of time?</li> </ul>

### 3. Overall themes and comments from written feedback

This report section includes a summary of overall themes and comments that were noted in the written feedback. There were a total of 56 respondents who provided comments.

**Figure 3: Overall Themes from Written Feedback**

General Topic	Overall Themes Noted
<b>Tenant Assistance</b>	<ul style="list-style-type: none"> <li>• Concerns about lack of detail on tenant protections.</li> <li>• If demolition permits are approved, landlords must be responsible for tenant assistance.</li> <li>• Allow tenants to choose between accepting temporary accommodation of comparable size and location at the same rent previously paid.</li> <li>• Provide a rental "top up" should the tenant choose to find their own temporary accommodation (would cover the difference between their original rent and rent of their temporary accommodation).</li> <li>• Help for tenants to find a new place and moving assistance (tenant's choice of an insured moving company arranged by the landlord OR compensation).</li> </ul>

General Topic	Overall Themes Noted
<b>Rental Replacement</b>	<ul style="list-style-type: none"> <li>• Grant tenants the right to return to the redeveloped building at the same rent in a unit with the same number of bedrooms.</li> <li>• Units lost to redevelopment must be replaced at a ratio of 1:1 or 30% of the total number of proposed units (whichever is greater).</li> <li>• Replaced units must be replaced on site, and developers cannot opt out of rental replacement through cash-in-lieu or be allowed to replace off site.</li> <li>• Concerns about different rules for outside of the Downtown Secondary Plan.</li> </ul>
<b>Demolition Criteria</b>	<ul style="list-style-type: none"> <li>• Should not be tied to vacancy rates (vacancy rate over 3% does not mean low income tenants will have an easier time finding affordable housing).</li> </ul>
<b>Tenant Communication</b>	<ul style="list-style-type: none"> <li>• All written communication to tenants must be translated with common languages spoken by tenants in the buildings, and translation services must be provided at tenant meetings.</li> <li>• Tenants must be given 180 days notice of a move out day (60 extra on top of 120 days required by Residential Tenancies Act).</li> <li>• Frequent communication to tenants during the redevelopment to share timeline on returning to units.</li> <li>• Tenant engagement and required tenant meetings must include a representative from the City of Hamilton and community groups that support tenant rights if requested.</li> <li>• Frequent communication should be provided.</li> </ul>
<b>Condominium Conversion</b>	<ul style="list-style-type: none"> <li>• City of Hamilton must create a policy to oppose the conversion of rental housing into condominiums.</li> </ul>
<b>Lessons Learned from Past Demolitions</b>	<ul style="list-style-type: none"> <li>• Tenants do not want to move.</li> <li>• Compensation cannot cover the loss of affordable housing.</li> <li>• Being forced to move is extremely stressful for low income tenants.</li> <li>• Families want to stay in the neighbourhood where they have community connections (transit, work,</li> </ul>

General Topic	Overall Themes Noted
	school, places of worship, close to health care, friends and family).

## 4. Summary of survey feedback

This report section includes a summary of overall themes and comments from the Engage Hamilton online survey. Contributors answered three questions relating to criteria and policy changes that the City is proposing, stating whether they support it or not and to explain their reasoning for the response. The contributors also had the opportunity to respond to three additional questions where they could add their own suggestions or comments relating the By-law and Official Plan amendments.

**Figure 4: Overall Themes from Online Survey**

General Topic	Overall Themes Noted
<p><b>Criteria changes for conversions of rental unit to condominium</b></p>	<ul style="list-style-type: none"> <li>• Rentals should be more affordable.</li> <li>• Allowing conversions will worsen rental housing shortage. We need more rentals.</li> <li>• Issues of pricing and affordability for tenants should be considered. Most people who rent cannot afford a condominium.</li> <li>• Pricing of rentals vs condos – condominiums are too expensive.</li> <li>• Conversion criteria doesn't go far enough and should be more stringent. Vacancy rate criteria should be higher than three percent.</li> <li>• Housing supply is low, more rentals would mean more opportunities for people to find housing, and people who cannot find rentals or can't afford a condo will be forced to move elsewhere.</li> <li>• Support for proposed removal of "75% tenant support" criteria, as this may add unfair pressure on residents and does not support maintaining rental.</li> <li>• May add unnecessary restrictions, leading owners or landlords try to find other ways around them (i.e. renovations) and/or discouraging investment in rental</li> </ul>

	<p>properties and financial ability to bring properties up to a higher standard. Time and effort should be spent on building correct type of housing.</p>
<p><b>Criteria changes for demolitions of rental housing</b></p>	<ul style="list-style-type: none"> <li>• Similar responses as for criteria changes for conversions.</li> <li>• Changes will inhibit new housing starts. There needs to be more incentives for private people to invest money into providing more rental units.</li> <li>• Concern that allowing developers to make up units off-site or make a payment in lieu will add to gentrification or result in fewer units overall.</li> <li>• Concerns about tenants being evicted and unable to find housing, and affordability. Landlords must find other housing for evicted tenants at the same costs or cover the difference.</li> <li>• Need more rental housing, not less. Opposition to demolition overall, as it decreases affordability.</li> <li>• Criteria needs to be strong and sensible, could go even further than what is proposed.</li> <li>• Have time limits on demolitions so that buildings are not left vacant.</li> <li>• Criteria doesn't go far enough and should be more stringent. Vacancy rate criteria should be higher than three percent.</li> <li>• Demolition should only be permitted if the result density is greater than the original and that the original rental unit count must remain and still be rentals in the new development and offered at the same rent.</li> <li>• Allow renters to continue to rent units of same square footage and type at the same price. Vital that rent levels remain the same, through a City agreement.</li> <li>• Rent levels of replacement units should be controlled, even if there is turnover in occupancy, otherwise affordable rent is lost.</li> <li>• Tenants must receive appropriate compensation for moving costs, storage, and temporary accommodation.</li> </ul>
<p><b>By-law to establish permit process to regulate conversions</b></p>	<ul style="list-style-type: none"> <li>• By-law will protect tenants but discourage housing starts.</li> <li>• Permit process sounds flexible and free from appeal to the OLT.</li> </ul>

<p><b>and demolitions of rental housing</b></p>	<ul style="list-style-type: none"> <li>• Conversion of rental units to condo, provisions that permit landlords to remove tenants or increase prices above guidelines will reduce affordability of housing for many people.</li> <li>• May add unnecessary restrictions, leading owners or landlords try to find other ways around them (i.e. renovictions) which will be more detrimental. Time and effort should be spent on building correct type of housing.</li> <li>• There needs to be incentive for landlords to want to provide rental units to tenants.</li> <li>• There should be time limits on permits for demos, adjustments, and development so property isn't left unoccupied and decaying.</li> <li>• By should extend to conversions or demolitions of 4 units rather than the proposed 6.</li> <li>• City's permit process may be used as a barrier to conversions the city disapproves of, but minor hurdle for developers on good terms with the City.</li> </ul>
<p><b>Conditions applied to approvals of conversions or demolitions</b></p>	<ul style="list-style-type: none"> <li>• By-law is restrictive.</li> <li>• Support for proposed conditions.</li> <li>• Subsidized rent should be available.</li> <li>• Builders will need to recoup their investment and these requirements will be reflected in new rental/sale costs.</li> <li>• Requiring comparable alternative accommodations be provided by the landlord to all tenants at or below the tenant's current monthly rental rate for the duration of the construction process.</li> <li>• Securing tenant's rights to return to replaced units at the same rents. Units should be rent-controlled through a City agreement.</li> <li>• Square footage of replacement units should be comparable to previous.</li> <li>• A re-think is needed to end discrimination against tenants (city approach to tax rates favours ownership over rent, tax rates are higher for rentals, property tax rebates available to low income owners but not tenants).</li> <li>• Time limits on demolitions and development so that buildings are not left vacant.</li> </ul>

	<ul style="list-style-type: none"> <li>• Conditions provide no incentive for landlords to build better units when they won't get more rent.</li> <li>• Offering tenants an opportunity to purchase units is not affordable for low income renters.</li> <li>• By-law should "grandfather" existing units.</li> <li>• Downtown Hamilton Secondary Plan policy should be expanded City-wide.</li> <li>• Concern about cash-in-lieu conditions not benefitting tenants.</li> <li>• Demolitions should be prohibited.</li> </ul>
<p><b>Additional comments on draft Official Plan Amendments and By-law text, and general comments</b></p>	<ul style="list-style-type: none"> <li>• Property owners have the right to protect and enhance their investments.</li> <li>• Expecting 75% of tenants to agree is unreasonable.</li> <li>• 2% vacancies figure seems low. Figure should be 3-4% to protect and limit conversions.</li> <li>• For any rental unit removed, another should be provided for the same cost.</li> <li>• There should be a process that is not one-sided and that will work with people seeking to rent or purchase.</li> <li>• If the condo is bought at a certain amount, the developer has to honour the price and not increase it.</li> <li>• Proposal adds more unnecessary restrictions, owners will find a way around them.</li> <li>• Condos should be built on underutilized land, not in places with 6 or more rentals.</li> <li>• How are we protecting against demolition by neglect? We need to ensure we don't reward delinquent owners with demolition permits because they let a building fall so far into disrepair that it becomes unsafe.</li> <li>• Would like to see the City incentivizing the construction and conversion of rental buildings into housing cooperatives.</li> <li>• Concern about Provincial changes to Municipal Act that may impact Rental Replacement By-laws.</li> </ul>

## Appendix 1 - Virtual Public Meeting (October 5)

This Appendix includes feedback from the Virtual Public Information Meeting which was held on Wednesday October 5, 2022 from 7:00 to 8:00 p.m.

The format included a live presentation by Melanie Pham, a Planner for the City of Hamilton. Following the presentation, a Q&A was held where individuals could post questions or comments by typing them into the question-and-answer box or by raising their hand to speak. The Facilitator would read the questions and comments aloud and kept the individual's name anonymous.

**Figure 5: Transcript of Questions and Responses**

Topic	What Was heard
<p><b>Questions and staff responses</b></p>	<p>1. Why would the proposed demolition rules be different in the Downtown Secondary Plan than outside of it?</p> <p>Staff Response:</p> <p>Certain areas of the City have what we call “Secondary Plans” where there’s more specific policies in place that provide direction for those areas and it is unique to those areas. There are different policies in the Downtown Secondary Plan, and they require replacement units where units are demolished. For other areas of the City, this requirement doesn’t apply, and therefore the by-law, as it’s been written, creates a distinction between those two areas.</p> <p>Within the downtown it would require replacement, and outside of the downtown there could be other options such as providing cash in lieu or creating replacement units on a different site. It (the By-law) essentially makes that distinction to make sure we’re implementing the policies of the Secondary Plan that are in effect.</p> <p>2. What does the permitting process do that can’t already be addressed via conditions of condo conversion?</p>



Staff Response:

It is a little bit more flexible based on what types of things that can be asked for and there are legal agreements that can be used as part of the process. One of the big things is that we can also apply it to the demolition situation which we weren't able to do before. It is just trying to take a consistent approach to all of those situations, and it would be something that would be done concurrently with the condominium applications. We're looking at how we can mesh those 2 processes (condominium conversion application and permit application) together to try and avoid duplication of efforts.

Additional Follow-up Note: In addition to the response provided at the meeting, it should also be noted that decisions on Condominium applications can be appealed to the OLT, whereas the decision to issue or not issue a permit under the Municipal Act is final and cannot be appealed.

3. Is there more information on definitions of rental replacement, tenant assistance, similar rents, and right to come back to the redevelopment?

Staff Response:

These items are relating to potential conditions that might be associated with a permit, so we haven't determined all of those details yet. Housing Division staff and Legal Services staff will be providing input on that.

The intent was that units need to be replaced on a like-for-like basis in terms of the number of bedrooms a unit has. For example, a 3 bedroom unit would be replaced by another 3 bedroom unit.

Another example from Mississauga which might be similar to what Hamilton will use: for similar rent, they define it as the last rent paid by the tenant with an increase no higher than the provincial guideline, and a one-time capital allowance of 3 percent.

4. A developer will often eat penalties as the profits often outweigh the loss. How will you ensure these penalties will stop non-compliance with unit conversions?

Staff Response:

The By-law has some fines (for non-compliance) and they are based on the maximum that can be charged through the Municipal Act. We are proposing that the maximum fine is set at \$100,000, and then the initial fines would be \$10,000. We are using the powers that have been given under the Municipal Act and we are planning to incorporate those amounts that we are permitted to ask for as fines for non-compliance.

5. What is the City doing about “renovictions” (E.g. When a tenant is removed from a unit for renovations and supposed to be allowed back, but are essentially evicted from the unit and the landlord tries to increase rent after the renovations are completed)?

Staff Response:

This project is not directly related to renovictions. The information below has been provided by Housing Services regarding renovictions:

The City is conducting a jurisdictional review of ‘renoviction’ programs such as the New Westminister BC style bylaw. Given the challenges around jurisdictional differences among provinces and the legal challenges a by-law must overcome, staff have retained a consultant, Enterprise Canada, to complete engagement and a thorough analysis of the options for implementation of an approach similar to the New Westminister, BC by-law in Ontario and/or other best practices related to the issue of renovictions. This work is underway and is expected to come back to Council for consideration in early 2023.

6. Where are we at with landlord licensing?

Staff Response:

This question was not answered at the meeting, as this initiative is not within the Planning Division. Staff advised that a response from the City’s Licensing and By-law Services

group would be requested following the meeting. This response was posted online.

Response provided by Licensing and By-law Services:

On August 13, 2021 City Council approved the creation of a two—year Rental Housing Licensing pilot program for Wards 1, 8 and parts of 14. As per Schedule 31 of By-law 07-170, a license is now required for rental housing units and building or part of buildings with 4 or less self-contained units, detached homes or townhouses, if rented. Each rental housing unit requires a license.

The Pilot Program rolled out April 2022 and property owners were able to submit applications for the first phased-in zone (Zone 1), as we are taking a phased-in approach for accepting applications. Wards 1, 8 and parts of 14 have been broken down into a total of seven zones.

To date, 137 rental housing license applications have been received by the Licensing Section, primarily consisting of single-family dwelling units with 5 or more tenants. A total of 18 rental housing licenses have been issued.

During the past 6 months of implementation, Staff from the relevant City Departments have prioritized education to property owners, residents, and tenants. Focusing on reaching out to property owners suspected of operating a rental housing unit, fielding Municipal Law Enforcement Officers to provide door knockers, and sending informational mail outs.

7. What type of data will be collected during the permit process (E.g. Type of unit, location, size, etc.) Will that data be used to better understand current rental stock?

Staff Response:

There are a number of things that would be required as part of an application. We would ask for the number of dwelling units and the number of units by unit type, and that's the number of bedrooms in each unit and the floor areas. The rental rates would be requested and any related planning application information. If there is a proposal for replacement or retention of units, we would ask for that and potentially information on

an agreement between tenants and the landlord for tenants to be able to purchase their units. We would also ask for some other things like tenant engagement information.

Typically, there is a meeting for the condominium conversion (existing process) that the applicant holds for all tenants in advance of submitting an application. That would continue, and they (applicants) would need to provide a record of that meeting. We need this information to determine whether or not the proposal is meeting the policies for average market rents that are in the Official Plan.

8. Regarding the 6 units for primary rental housing, is there an effort to capture the vast number of units and buildings with 5 or less?

Staff Response:

This is something that we identified as a challenge because the Municipal Act only allows us to regulate 6 or more, and the Official Plan policies are based on that as well. That's not to say there aren't any other approaches, but when we're dealing with demolitions and conversions, it is a lot harder to regulate that sort of thing. Some of our other processes that are in place would be part of those checks and balances. The demolition control by-law for one, and then, depending on what type of proposal is in place, there are other planning applications that might be needed where a smaller number of units are being demolished or removed.

So, there are other process where we might flag that through other planning applications and suggest that certain things be done or encourage the replacement of units, but it is difficult to mandate that through a permit process.

9. How or in what circumstances would converting the purpose-based rentals to condos actually be beneficial to affordable housing?

Staff Response:

The main benefit is that there is some data that does show that where tenants are able to purchase their unit, it can provide a good opportunity for an affordable home ownership situation because the units are typically less expensive than

	<p>new units. In that sense, if we're looking at the whole continuum of housing, sometimes it's beneficial because tenants are able to get into a situation where they can have home ownership and it's relatively affordable. It's a lot about finding a balance between trying to protect the most affordable units and looking at other types of housing and benefits that could occur.</p>
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## Appendix 2 - ACORN Meeting (October 11)

### Stakeholder Meeting with ACORN

This Appendix includes the feedback from the Stakeholder meeting with Association of Community Organizations for Reform Now (ACORN) which was held:

- Tuesday, October 11, from 1:00 p.m. to 2:00 p.m.

The format included a discussion about ACORN as an organization and its interest in the project as well as a discussion of some of the best practices for tenant support in New Westminister, BC and Burnaby, BC. Furthermore, ACORN presented various questions and comments on the Rental Housing Protection for City Staff. Participants included the following:

- Olivia O’Connor (ACORN Representative)
- Christine Neale (Chair of ACORN Downtown Chapter)
- Christine Newbold (City of Hamilton)
- Melanie Pham (City of Hamilton)
- Justin Waud (City of Hamilton)

**Figure 6: ACORN Stakeholder Meeting**

Topic	What Was heard
<p><b>Overall questions and comments</b></p>	<ul style="list-style-type: none"> <li>• Olivia discussed some best practices for tenant support in New Westminister, BC and Burnaby, BC.</li> <li>• Considered best in Canada example, identified as a “Gold standard” for their requirements related to demolitions (E.g. tenant assistance program, rental top-ups, financial support for moving).</li> <li>• Examples of demolitions in the City were discussed, and the tenant issues associated with the demolitions:                         <ul style="list-style-type: none"> <li>• 468 James Street</li> <li>• 816 Concession Street</li> <li>• 192 Hughson Street and 181 John Street</li> </ul> </li> <li>• Buyouts and harassment that occurs prior to making an application viewed as a serious issue.</li> </ul>

Topic	What Was heard
<p><b>Overall questions and comments (continued)</b></p>	<ul style="list-style-type: none"> <li>• ACORN would like to see language around tenant relocation as strong as possible (i.e. shall vs may).</li> <li>• Most important priority to tenants is staying in homes. If not possible, providing support during construction and then having a right to come back to same units at same rent is key.</li> <li>• When people get notices for demovictions and are harassed by owners to get out (called every 3 days), the building is empty and nothing is being done. ACORN would like to stop tenants being harassed.</li> <li>• ACORN recently held a walking tour through Ward 3. Tenants spoke to different tactics of renovictions and what landlords are doing. Buyouts have gone up. Landlords don't want tenants back and are motivated to get tenants to accept cash incentives. ACORN notes the problem has escalated. Low- and mid- rises are perceived as being at higher risk.</li> <li>• ACORN noted that they are also working with the Housing Division at the City of Hamilton on the review of 'renoviction' programs like the one in New Westminster BC.</li> <li>• Where does cash-in-lieu option come from and how is it different from Downtown Secondary Plan?</li> <li>• Clarification requested regarding Scenario 1 example and additional allowance for demolitions when replacement units are provided. What is the purpose of this policy?</li> <li>• Are there other tools that can be used for buildings with less than six units?</li> <li>• Can City restrict all conversions?</li> <li>• Landlord's paperwork to tenants can be misleading by not providing all options (move out, money, stay). Can requirements help with clear communication?</li> </ul>

## Appendix 3 - Hamilton and District Apartment Association (HDAA) and Realtors Association of Hamilton Burlington (RAHB) Meeting (November 7)

### Stakeholder with Meeting HDAA and RAHB

This Appendix includes the feedback from the Stakeholder meeting with Hamilton and District Apartment Association (HDAA) and Realtors Association of Hamilton Burlington (RAHB), which was held:

- Monday, November 7, from 3:30 p.m. to 4:30 p.m.

The format of this meeting included time for representatives from HDAA and RAHB to provide a description of their respective organizations and their interest in providing input on the Rental Housing Protection Project as well as time for asking questions and open discussion with City staff. Participants included the following:

- Anna Kusmider (HDAA)
- Arun Pathak (HDAA)
- Paul Martindale (HDAA)
- Lou Piriano (RAHB)
- Nicolas Von Bredow (RAHB)
- Crystal Henderson (RAHB)
- Melanie Pham (City of Hamilton)
- Justin Waud (City of Hamilton)

**Figure 7: HDAA and RAHB Stakeholder Meeting**

Topic	What Was heard
<p><b>Overall questions</b></p>	<ul style="list-style-type: none"> <li>What do you see for incentives that city would provide to renters/developers to want to do business in Hamilton?</li> <li>How will this policy assist in economic development in Hamilton?</li> <li>Will this policy encourage or discourage people who own housing or will own housing and want to rent out? Will it be an impediment or encouragement?</li> </ul>



	<ul style="list-style-type: none"> <li>• Have you thought about the benefits of converting from rental to condominium?</li> <li>• The Province requires landlords to pay tenants 3 months rent or offer another unit (S. 52, RTA) when an eviction occurs for demolition/conversion. New policy seems to go over and above what province requires? If so, HDAA and RAHB do not agree with this approach as it puts more restrictions on landlords.</li> <li>• If vacancy rate doesn't meet 3% threshold, but all other requirements were met, is there a mechanism to appeal or go through a variance? If you have a specific area with high vacancy rate of e.g. 5%, 7%, 10% vs the city's 2.9% is there anything in proposals that would allow conversions in that area?</li> <li>• If an application were minor, would it go to the Director for approval?</li> <li>• Did the new Provincial policy proposal say anything about protecting rentals?</li> </ul>
<p><b>Overall comments</b></p>	<ul style="list-style-type: none"> <li>• Concerns were noted about cumulative impacts of new requirements being rolled out by the City for rental units. (I.e. Regulation for short term Airbnb rentals, vacant home tax, etc.)</li> <li>• Private sector would have to be involved to help with housing. Don't over-regulate and create more deterrents.</li> <li>• CMHC report from 1975 states increased construction costs, lack of supply, increased interest rates. Not much has changed. Still dealing with same issues.</li> <li>• More inventory is the solution. Landlords with no regard for tenants or who can't afford to improve will continue as is. If there are options for a renter to look elsewhere, the landlord will have to improve conditions. Looking at bigger picture, solution is more supply.</li> </ul>

- The perception is as important as what is actually happening. The prevailing impression is that the City is against landlords. Most landlords are good landlords and provide important housing supply (1/3 to 40% of housing). The City should recognize landlord's beneficial contributions better.
- Raising the threshold of vacancy rates creates a challenge to change status to condominium. Don't want to see unattainable policy in place by the city. Vacancy rate threshold is an issue. Have concerns with raising the rate from 2% to 3%. 2% is not unreasonable, would like to remain at 2%.
- Housing stock is old, needs to be rejuvenated and improved over time. People who have ownership tend to care better and improve their property. If not rejuvenated, housing could be demolished.
- Older stock generally has lower rent and little turnover. Guideline next year is 2.5% (frozen for 1 year), inflation is 6-10%. Properties need more than inflation. Guideline increase does not cover increased cost of maintenance and improvements. After a certain time, a building needs to be brought up to a higher standard.
- There is a huge gap in affordability from renting to buying. If people can take some buildings that are old, convert and create potential to buy, it could lower the price to purchase for ownership. Conversions allow an occasional unit to come into market that is affordable. It's providing opportunity for home ownership.
- Concern was expressed about the accuracy and validity of CMHC data, and relying on this data to determine compliance with Official Plan criteria. I.e. An example was provided where an individual was looking at buying 2 buildings in east Hamilton. There were more vacant units in the 2 buildings than CMHC reported in that entire housing market area.
- Things need to be realistic, need to make sure we don't go overboard with rental protection. Need to have a balance between landlords staying and investing in Hamilton vs

	<p>protecting renters. Legislations may not make Hamilton as likely to be invested in. Doesn't seem positive to landlords.</p> <ul style="list-style-type: none"><li>• If Federal government allowed any rental building to convert to condo, there would be a lot more rentals built. Restrictions for rentals to condos has kept supply of rentals down. Would help if it was easier to convert rental to condo.</li></ul>
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## Appendix 4 - Effort Trust Meeting (November 28)

### Stakeholder Meeting with Effort Trust

This Appendix includes the feedback from the Stakeholder meeting with Effort Trust, which was held:

- Monday, November 28, from 1:00 p.m. to 2:00 p.m.

The format of this meeting included time for representatives from Urban Solutions and Effort Trust to meet with City Staff and discuss the project and voice their interests as well as any questions or concerns. Participants included the following:

- Matt Johnston (Urban Solutions)
- David Horwood (Effort Trust)
- Jason Throne (City of Hamilton)
- Steve Robichaud (City Hamilton)
- Melanie Pham (City of Hamilton)

**Figure 8: Effort Trust Stakeholder Meeting**

Topic	What Was heard – Comments Noted
<p><b>Overall questions and comments</b></p>	<ul style="list-style-type: none"> <li>Would like to maintain ability to contemplate conversions. Effort Trust have never been involved in demolitions and that is not what they are planning to do.</li> <li>When a conversion occurs, housing stock remains. This initiative seems to focus on loss of units, when the units are still there and occupied.</li> </ul>
<p><b>Overall questions and comments (continued)</b></p>	<ul style="list-style-type: none"> <li>Support noted for lifetime security of tenure. Turnover would be needed to sell a unit for ownership.</li> <li>Have concerns about whether the designation as primary rental must be maintained. May be potential unintended consequences.</li> <li>Conversation about rental housing should be broader. What is the fair way to document supply? i.e. condos being rented and rentals less than 6 units make up a large portion of rental market. Need to focus on these as well.</li> </ul>

Topic	What Was heard – Comments Noted
	<ul style="list-style-type: none"> <li>• Suggested consideration of a sunset clause to guarantee that converted units remain rental for a certain period of time.</li> <li>• Concerns that in the case of condo conversions, the proposed permitting process is taking away right to appeal.</li> <li>• Concern about certainty of process and powers of Planning Committee. It should continue to be clear as with current conversion process that if the criteria are met, approval SHALL be granted. Planning Committee cannot oppose application if criteria are met. Condos should be delegated to staff if it meets the criteria. Staff's report back on rental housing protection policy review needs to make sure we provide certainty of outcome through clear delegation of powers and clear application of criteria.</li> <li>• Effort Trust – Uses conversions to reposition building for sale or as a long-term strategy. Noted that there are some bad actors in the industry, but majority follow the rules.</li> <li>• Right of a rental owner to have the type of ownership they want is an important right. Mixing owners and rentals in a building is also good for community. Also, people can have an opportunity to own without moving out of their neighbourhood/building, which is another benefit of condo.</li> </ul>

## Appendix 5 - Written Comments

### Written Comments

In addition to the online survey, written comments were also solicited. There were 56 individual comment submissions. Fifty-four of the comment submissions were identical letters. Only one copy of the repeated letter has been included in this Appendix, with a note identifying that there were multiple submissions. The comments are numbered for reference purposes in Figure 9 below and are verbatim. Each number represents a different individual's comments.

Figure 9: Individual Written Submissions

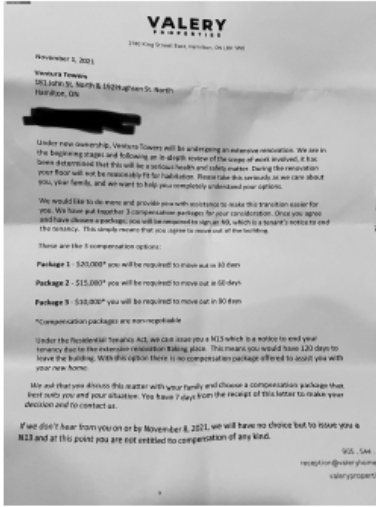
Comment #	Comments
1.	<div data-bbox="553 485 672 655" data-label="Image"> </div> <p data-bbox="542 695 727 716">November 3rd 2022</p> <p data-bbox="542 749 1260 800"><b><u>ACORN Hamilton Written Submission - Rental Housing Protection Policy Review</u></b></p> <p data-bbox="542 833 1295 934">The housing crisis in Hamilton has gone from bad to worse. Low- and moderate-income tenants are facing the brunt of the crisis and Hamilton ACORN is demanding the City of Hamilton develop policies that puts the housing security of tenants ahead of the profit of developers.</p> <p data-bbox="542 968 1295 1018">ACORN was pleased to see the motion passed in May 2022 for the city to look into policy changes regarding condo conversions and demolitions.</p> <p data-bbox="542 1052 1240 1073">As the proposed draft by-law stands, there are several concerns for ACORN:</p> <ul data-bbox="574 1077 1143 1205" style="list-style-type: none"> <li>● Option for cash-in-lieu payments</li> <li>● Option for rental replacement off site</li> <li>● Tenant protections tied to vacancy rates</li> <li>● Different rules for outside of the Downtown Secondary Plan</li> <li>● Lack of detail on tenant protections</li> </ul> <p data-bbox="542 1239 1308 1314">Our submission includes lessons learned through tenant organizing, ACORN's demands for local policy to protect tenants from condo conversion / demoviction and examples of demoviction / condo conversion in Hamilton.</p> <p data-bbox="574 1348 1286 1369">1) <u>Lessons learned through tenant organizing at buildings facing demoviction:</u></p> <ul data-bbox="574 1373 1305 1667" style="list-style-type: none"> <li>● Tenants do not want to move. Tenants want to keep the same affordable home.</li> <li>● No amount of compensation can cover the loss of affordable housing (ie. buyouts can range from \$2,000 - \$20,000).</li> <li>● If permits are approved, tenants needs moving costs covered, support during demolition (temporary accommodation with the same # of units and rent) and right to come back to same # of units in the same building at the same rent.</li> <li>● Families want to stay in the neighbourhood where they have community connections (transit, work, school, places of worship, close to health care, friends and family).</li> <li>● Being forced to move is extremely stressful for low income tenants.</li> </ul>

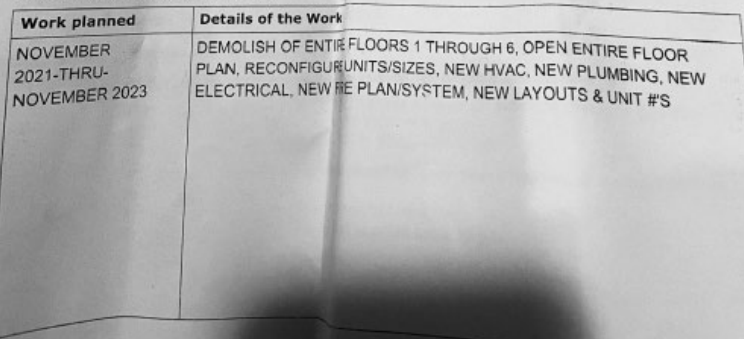
Comment #	Comments
	<p>2) <u>ACORN Hamilton's demands:</u></p> <ul style="list-style-type: none"> <li>● The City of Hamilton must pass a strong tenant assistance and rental replacement policy based on the Tenant Assistance Policy from Burnaby, British Columbia <b>applied to all building sizes:</b></li> </ul> <p>If demolition permits are approved, landlords <b>must</b> be responsible for:</p> <ul style="list-style-type: none"> <li>● Allowing tenants to choose between accepting temporary accommodation of comparable size and location at the same rent they were paying before OR a rental top up should the tenant choose to find their own temporary accommodation (the rental top up would cover the difference between their original rent and rent of their temporary accommodation)</li> <li>● Help for tenants to find a new place and moving assistance (tenant's choice of an insured moving company arranged by the landlord OR compensation)</li> <li>● Extra support for vulnerable tenants (transportation to view interim housing units, and packing assistance for those with mobility impairments)</li> <li>● Granting tenants the right to return to the redeveloped building at the same rent (plus any Residential Tenancy Act rent increases) in a unit with the same number of bedrooms</li> <li>● Units lost to redevelopment must be replaced at a ratio of 1:1 or 30% of the total number of proposed units, whichever is greater. <b>Replaced units must be replaced on site.</b> Developers cannot opt out of rental replacement or be allowed to replace off site.</li> <li>● By requiring 1:1 rental replacement on site would effectively ban the approval of demolition permits within existing rental buildings (i.e. landlord wants to reconfigure the number and size of units).</li> </ul> <p><i>Additional demands</i></p> <ul style="list-style-type: none"> <li>● Tenant protections and approval of demolition permits should not be tied to vacancy rates. A vacancy rate of over 3% does not mean low income tenants will have an easier time finding affordable housing</li> <li>● Any tenant engagement and required tenant meetings must include a representative from the City of Hamilton and community groups that support tenant rights if requested (Hamilton Community Legal Clinic, ACORN)</li> </ul>

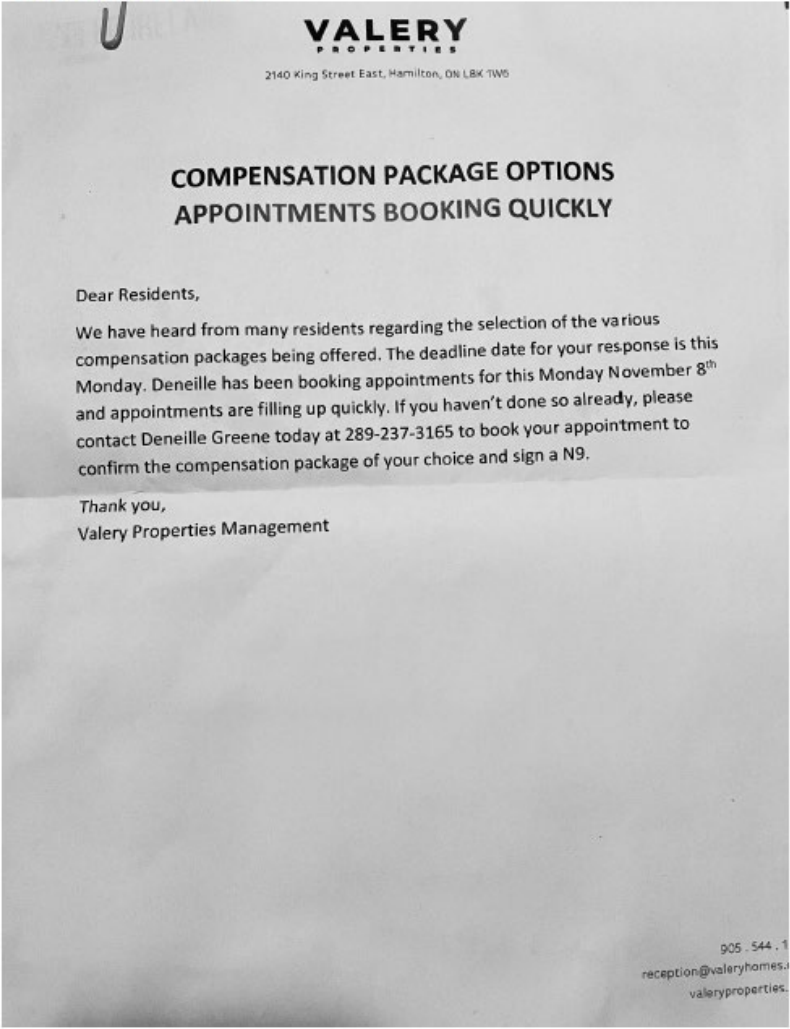


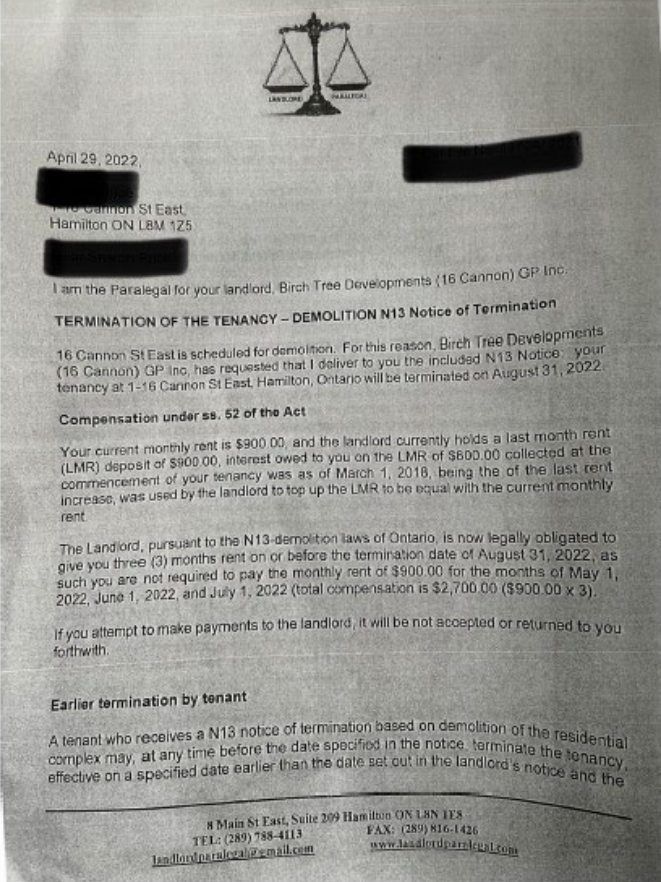
Comment #	Comments
	<ul style="list-style-type: none"><li>● All written communication to tenants must be translated with common languages spoken by tenants in the buildings, and translation services must be provided at tenant meetings</li><li>● Tenants must be given 180 days notice of a move out day (60 extra on top of 120 days required by Residential Tenancies Act)</li><li>● Temporary accommodation and rental top ups only expire once the redevelopment is complete and tenants can exercise their right of first refusal</li><li>● Building maintenance must continue after a notice of demolition</li><li>● Frequent communication to tenants during the redevelopment to share timeline on returning to units</li></ul> <p>2) The City of Hamilton must create a policy to <b>oppose</b> the conversion of rental housing into condominiums.</p> <p>Conversion of rental units to condos has no benefit for renters and only further contributes to the housing crisis. As demonstrated in the examples on pages 14-16, landlords are using the threat of condo conversions as a tactic to push low ball buyout offers and force tenants to move.</p>

Comment #	Comments												
	<p style="text-align: center;"><b>3) <u>Examples of demoviction in Hamilton</u></b></p> <p style="text-align: center;"><b>A) 468 James St N (Ward 2)</b></p> <p>468 James Street North had 13 affordable units. The building changed ownership in 2021 and the new developer gave remaining tenants N13 notices for demolition. The tenants organized with ACORN and were able to secure more compensation and time to move out.</p> <p><u>Permit approved:</u></p> <p>To demolish the 2 storey 360m<sup>2</sup> commercial building as shown on the attached site plan.</p> <p>Photo 1: N13 given to a tenant at 468 James St N</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: right; font-size: small;">Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use N13 (Disponible en français)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; font-size: x-small;">To: (Tenant's name) include all tenant names.</td> <td style="width: 50%; font-size: x-small;">From: (Landlord's name)</td> </tr> <tr> <td style="background-color: black; color: white;">[REDACTED]</td> <td>476 James Inc.</td> </tr> <tr> <td colspan="2" style="font-size: x-small;">Address of the Rental Unit:</td> </tr> <tr> <td colspan="2">468 James Street N, Hamilton, ON L8B 1J1</td> </tr> </table> <p style="text-align: center; background-color: black; color: white; font-weight: bold; padding: 2px;">This is a legal notice that could lead to you being evicted from your home.</p> <p style="text-align: center; font-size: x-small;">The following information is from your landlord</p> <p style="font-size: x-small;">I am giving you this notice because I want to end your tenancy. I want you to move out of your rental unit by the following termination date: <span style="border: 1px solid black; padding: 2px;">2 0 2 2 0 6 2 0 2 1</span>.</p> <p><b>My Reason for Ending your Tenancy</b>  <small>I have shaded the circle next to my reason for ending your tenancy.</small></p> <p><input checked="" type="radio"/> Reason 1: I intend to demolish the rental unit or the residential complex.</p> <p><input type="radio"/> Reason 2: I require the rental unit to be vacant in order to do repairs or renovations so extensive that I am required to get a building permit and the rental unit must be vacant to do the work.  <small><b>Note:</b> You have the right to move back into the rental unit once I have completed the repairs or renovations. If you want to move back in once the work is done, you must give me written notice telling me you want to move back in. Also, you must keep me informed in writing any time your address changes.</small></p> <p><input type="radio"/> Reason 3: I intend to convert the rental unit or the residential complex to a non-residential use.</p> <p><b>Details About the Work I Plan to do</b>  <small>I have described below the work I plan to do for the reason shown above, including specific details about how I will carry out the work.</small></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; font-size: x-small;">Work planned</th> <th style="font-size: x-small;">Details of the Work</th> </tr> </thead> <tbody> <tr> <td style="height: 100px;"></td> <td></td> </tr> </tbody> </table> </div>	To: (Tenant's name) include all tenant names.	From: (Landlord's name)	[REDACTED]	476 James Inc.	Address of the Rental Unit:		468 James Street N, Hamilton, ON L8B 1J1		Work planned	Details of the Work		
To: (Tenant's name) include all tenant names.	From: (Landlord's name)												
[REDACTED]	476 James Inc.												
Address of the Rental Unit:													
468 James Street N, Hamilton, ON L8B 1J1													
Work planned	Details of the Work												

Comment #	Comments
	<p style="text-align: center;"><b>B) 181 John Street North and 192 Hughson Street North (Ward 2)</b></p> <p>These towers have a long history of tenant displacement. Greenwin sold to Valery Homes in 2021. Permits had already been approved by the city for major demolition of lower floors of each highrise despite a public commitment from Greenwin that no more tenants would be displaced.</p> <p><u>Permits approved:</u></p> <ul style="list-style-type: none"> <li>• 192 Hughson: Alterations works to replace 71 dwelling units with 125 dwelling units in the 5-storey townhouse block and 1/F to 6/F of 18-storey apartment tower of the existing residential building.</li> <li>• 181 John: Alterations works to replace 71 dwelling units with 125 dwelling units in the 5-storey townhouse block and 1/F to 6/F of 18-storey apartment tower of the existing residential building.</li> </ul> <p>Valery gave tenants letters for compensation ranging from \$10,000 - \$20,000 and N13 notices for demolition. ACORN members, tenants and allies organized a press conference to speak out. Through meetings with the landlord, six families ACORN worked with were rehoused in the towers (at higher rents and split up into multiple units) with the promise to return to a 3 bedroom unit post construction.</p> <p>Photo 2: Letter to tenants offering compensation between \$10,000 - \$20,000 to move out.</p> 

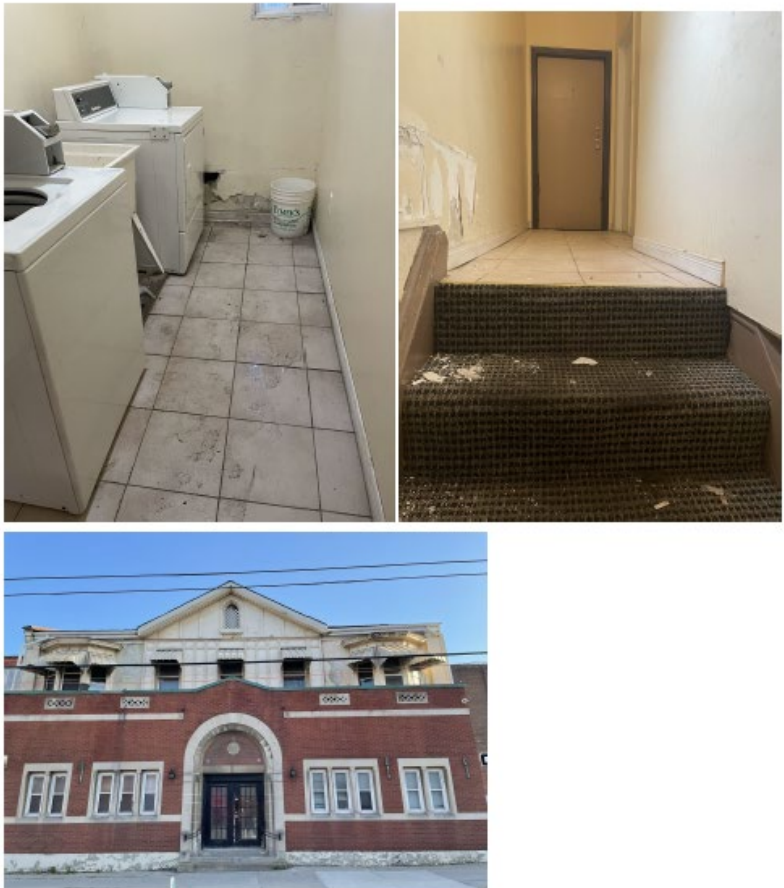
Comment #	Comments				
	<p>Photo 3: N13 notice to tenants for demolition.</p>  <thead> <tr> <th>Work planned</th> <th>Details of the Work</th> </tr> </thead> <tbody> <tr> <td>NOVEMBER 2021-THRU-NOVEMBER 2023</td> <td>DEMOLISH OF ENTIRE FLOORS 1 THROUGH 6, OPEN ENTIRE FLOOR PLAN, RECONFIGURE UNITS/SIZES, NEW HVAC, NEW PLUMBING, NEW ELECTRICAL, NEW RE PLAN/SYSTEM, NEW LAYOUTS &amp; UNIT #S</td> </tr> </tbody>	Work planned	Details of the Work	NOVEMBER 2021-THRU-NOVEMBER 2023	DEMOLISH OF ENTIRE FLOORS 1 THROUGH 6, OPEN ENTIRE FLOOR PLAN, RECONFIGURE UNITS/SIZES, NEW HVAC, NEW PLUMBING, NEW ELECTRICAL, NEW RE PLAN/SYSTEM, NEW LAYOUTS & UNIT #S
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Comment #	Comments
	<p data-bbox="548 426 1250 478">Photo 4: Followup letter to tenants to arrange meetings for tenants to accept compensation to move out.</p>  <p data-bbox="548 485 1333 1507"><b>U</b></p> <p data-bbox="846 499 1008 537"><b>VALERY</b> PROPERTIES</p> <p data-bbox="808 548 1052 564">2140 King Street East, Hamilton, ON L8K 1W6</p> <p data-bbox="716 642 1159 709"><b>COMPENSATION PACKAGE OPTIONS APPOINTMENTS BOOKING QUICKLY</b></p> <p data-bbox="621 768 743 785">Dear Residents,</p> <p data-bbox="621 793 1263 957">We have heard from many residents regarding the selection of the various compensation packages being offered. The deadline date for your response is this Monday. Deneille has been booking appointments for this Monday November 8<sup>th</sup> and appointments are filling up quickly. If you haven't done so already, please contact Deneille Greene today at 289-237-3165 to book your appointment to confirm the compensation package of your choice and sign a N9.</p> <p data-bbox="621 978 873 1024">Thank you, Valery Properties Management</p> <p data-bbox="1182 1419 1333 1482">p05 - 544 - 1 reception@valeryhomes. valeryproperties.</p>

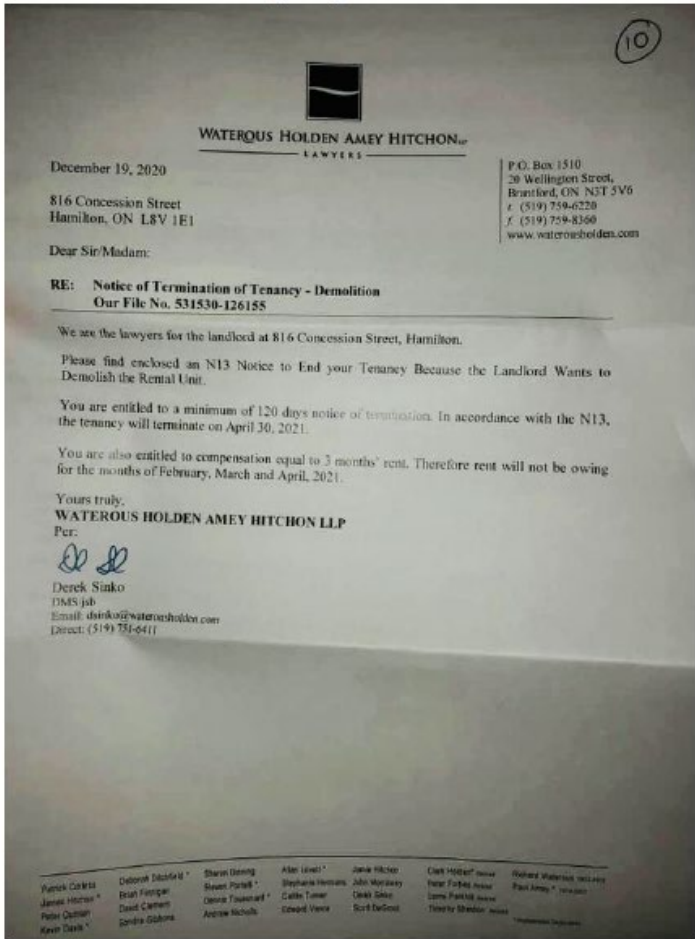
Comment #	Comments
	<p style="text-align: center;"><b>C) 16 Cannon Street E (Ward 2)</b></p> <p>Birth Tree Developments Inc gave remaining tenants at 16 Cannon St E N13 notices for demolition. This building has less than 6 units.</p> <p><u>Permits:</u></p> <p>Photo 5: Letter to tenants.</p>  <p>April 29, 2022,</p> <p>[Redacted] 16 Cannon St East, Hamilton ON L8M 1Z5 [Redacted]</p> <p>I am the Paralegal for your landlord, Birch Tree Developments (16 Cannon) GP Inc.</p> <p><b>TERMINATION OF THE TENANCY – DEMOLITION N13 Notice of Termination</b></p> <p>16 Cannon St East is scheduled for demolition. For this reason, Birch Tree Developments (16 Cannon) GP Inc. has requested that I deliver to you the included N13 Notice: your tenancy at 1-16 Cannon St East, Hamilton, Ontario will be terminated on August 31, 2022.</p> <p><b>Compensation under ss. 52 of the Act</b></p> <p>Your current monthly rent is \$900.00, and the landlord currently holds a last month rent (LMR) deposit of \$900.00, interest owed to you on the LMR of \$600.00 collected at the commencement of your tenancy was as of March 1, 2018, being the of the last rent increase, was used by the landlord to top up the LMR to be equal with the current monthly rent.</p> <p>The Landlord, pursuant to the N13-demolition laws of Ontario, is now legally obligated to give you three (3) months rent on or before the termination date of August 31, 2022, as such you are not required to pay the monthly rent of \$900.00 for the months of May 1, 2022, June 1, 2022, and July 1, 2022 (total compensation is \$2,700.00 (\$900.00 x 3).</p> <p>If you attempt to make payments to the landlord, it will be not accepted or returned to you forthwith.</p> <p><b>Earlier termination by tenant</b></p> <p>A tenant who receives a N13 notice of termination based on demolition of the residential complex may, at any time before the date specified in the notice, terminate the tenancy effective on a specified date earlier than the date set out in the landlord's notice and the</p> <p>8 Main St East, Suite 209 Hamilton ON L8N 1E8 TEL: (289) 788-4113 FAX: (289) 816-1426 tenlordparalegal@gmail.com www.tenlordparalegal.com</p>



Comment #	Comments
	<p>Photo 6: N13 to tenants for demolition.</p>

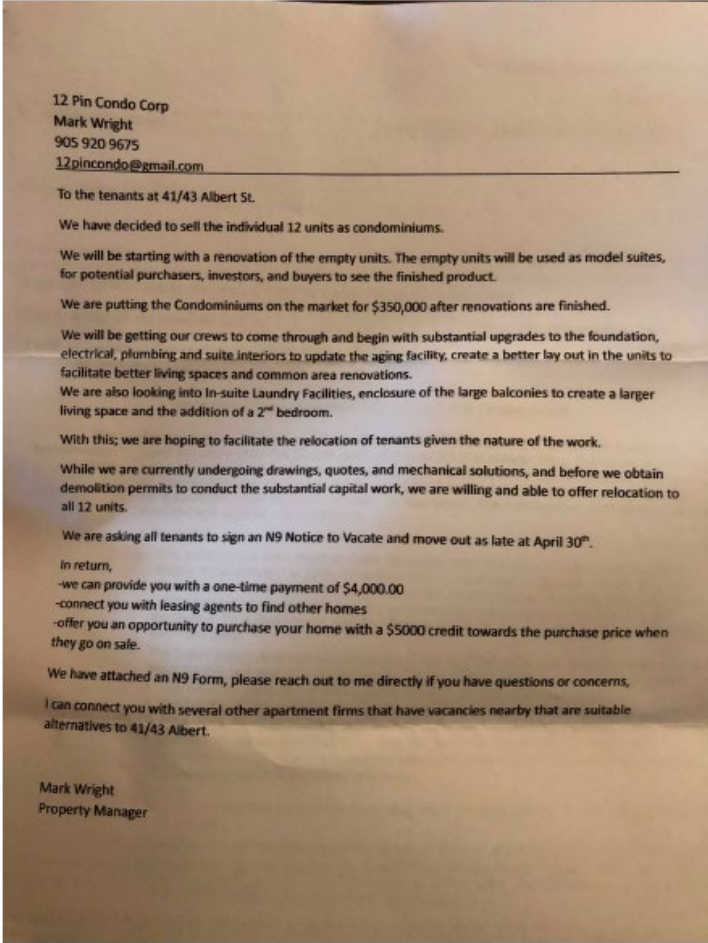
Comment #	Comments
	<p data-bbox="544 394 1291 451">Photo 7 - 10: Photos of the building in disrepair. A tenant shared that the building was left neglected and had pest issues.</p> <div data-bbox="544 483 1323 1365"><p>The image block contains three photographs. The top-left photo shows a laundry room with a tiled floor, a white sink, and a white washing machine. A white bucket is on the floor. The top-right photo shows a hallway with a door and a set of stairs covered in a dark, textured mat. The bottom photo shows the exterior of a red brick building with a central arched entrance and a pedimented roof.</p></div>

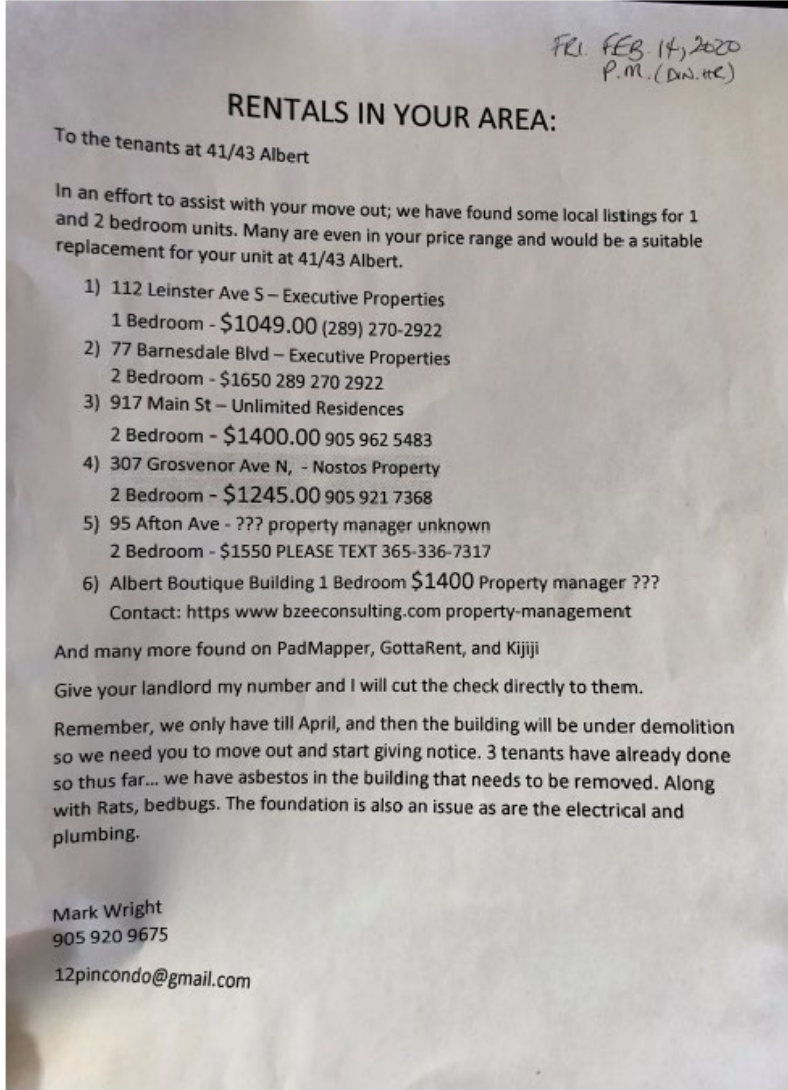



Comment #	Comments
	<p style="text-align: center;"><b>D) 816 Concession Street (Ward 7)</b></p> <p><u>Approved permit:</u>                  Alterations to the existing 3-storey apartments building to convert existing 11- 1-BR units into 7 new units (2 - 1BR units plus 5 - 2BR units).</p> <p>Photo 11: Letter to tenants regarding demolition.</p> 

Comment #	Comments
	<p>Photo 12: N13 to tenant for demolition.</p>

Comment #	Comments
	<p style="text-align: center;"><u>Examples of threat of condo conversion in Hamilton</u></p> <p style="text-align: center;"><b>E) 280 Montmorency Drive (Ward 5)</b></p> <p>The landlord told tenants that the townhouse complex was being turned into condos and that tenants had to accept compensation to move out. The landlord used high pressure sales tactics.</p> <p><b>*NOTE - The property was never converted to a condo*</b></p> <p><b>Photo 13: Letter to tenants with offer to purchase their unit OR accept \$5,000 buyout.</b></p> <p>The letter is titled "CENTURY 21 Miller Real Estate Ltd." and is addressed to "Dear Tenant,". It states that EQB LTD has retained the services of Brad Stevenett from Century 21 Miller Real Estate Ltd. as a broker. The letter informs the tenant that the unit they are currently leasing is being transitioned into a condominium townhouse complex. It offers two options: Option A, where the tenant can purchase the unit before it goes to the open market, and Option B, where the tenant can vacate the property by a certain date and receive a \$5,000 bonus. The letter also provides contact information for Brad Stevenett and Catherine Green.</p>

Comment #	Comments
	<p data-bbox="634 401 938 428">F) 41-43 Albert Street (Ward 3)</p> <p data-bbox="542 457 1321 537">New owners of 41-43 Albert Street gave remaining tenants notices of condo conversion. *Note* Tenants knew their rights and did not move out. The landlord later pursued N13 renovations.</p> <p data-bbox="542 567 1279 594">Photo 14: Letter to tenants saying that the building is being converted to condos.</p>  <p data-bbox="594 688 747 770">12 Pin Condo Corp Mark Wright 905 920 9675 <a href="mailto:12pincondo@gmail.com">12pincondo@gmail.com</a></p> <p data-bbox="599 781 797 802">To the tenants at 41/43 Albert St.</p> <p data-bbox="599 812 984 833">We have decided to sell the individual 12 units as condominiums.</p> <p data-bbox="599 842 1203 882">We will be starting with a renovation of the empty units. The empty units will be used as model suites, for potential purchasers, investors, and buyers to see the finished product.</p> <p data-bbox="599 890 1149 911">We are putting the Condominiums on the market for \$350,000 after renovations are finished.</p> <p data-bbox="599 919 1211 978">We will be getting our crews to come through and begin with substantial upgrades to the foundation, electrical, plumbing and suite interiors to update the aging facility, create a better lay out in the units to facilitate better living spaces and common area renovations.</p> <p data-bbox="599 982 1195 1018">We are also looking into In-suite Laundry Facilities, enclosure of the large balconies to create a larger living space and the addition of a 2<sup>nd</sup> bedroom.</p> <p data-bbox="599 1024 1141 1045">With this; we are hoping to facilitate the relocation of tenants given the nature of the work.</p> <p data-bbox="599 1054 1219 1110">While we are currently undergoing drawings, quotes, and mechanical solutions, and before we obtain demolition permits to conduct the substantial capital work, we are willing and able to offer relocation to all 12 units.</p> <p data-bbox="599 1119 1131 1142">We are asking all tenants to sign an N9 Notice to Vacate and move out as late as April 30<sup>th</sup>.</p> <p data-bbox="599 1148 656 1167">In return,</p> <ul data-bbox="599 1171 1208 1247" style="list-style-type: none"><li>-we can provide you with a one-time payment of \$4,000.00</li><li>-connect you with leasing agents to find other homes</li><li>-offer you an opportunity to purchase your home with a \$5000 credit towards the purchase price when they go on sale.</li></ul> <p data-bbox="586 1257 1170 1281">We have attached an N9 Form, please reach out to me directly if you have questions or concerns.</p> <p data-bbox="586 1289 1170 1331">I can connect you with several other apartment firms that have vacancies nearby that are suitable alternatives to 41/43 Albert.</p> <p data-bbox="579 1371 691 1411">Mark Wright Property Manager</p>

Comment #	Comments
	<p data-bbox="542 401 1304 453">Photo 15: A second letter to tenants now claiming demolition. *Note* Only N13s for renovation were later pursued by the same owner.</p>  <p data-bbox="764 548 1094 590"><b>RENTALS IN YOUR AREA:</b></p> <p data-bbox="591 583 850 625">To the tenants at 41/43 Albert</p> <p data-bbox="591 638 1240 726">In an effort to assist with your move out; we have found some local listings for 1 and 2 bedroom units. Many are even in your price range and would be a suitable replacement for your unit at 41/43 Albert.</p> <ol data-bbox="623 730 1198 1079" style="list-style-type: none"><li>1) 112 Leinster Ave S – Executive Properties 1 Bedroom - \$1049.00 (289) 270-2922</li><li>2) 77 Barnesdale Blvd – Executive Properties 2 Bedroom - \$1650 289 270 2922</li><li>3) 917 Main St – Unlimited Residences 2 Bedroom - \$1400.00 905 962 5483</li><li>4) 307 Grosvenor Ave N, - Nostos Property 2 Bedroom - \$1245.00 905 921 7368</li><li>5) 95 Afton Ave - ??? property manager unknown 2 Bedroom - \$1550 PLEASE TEXT 365-336-7317</li><li>6) Albert Boutique Building 1 Bedroom \$1400 Property manager ??? Contact: <a href="https://www.bzeeconsulting.com/property-management">https://www.bzeeconsulting.com/property-management</a></li></ol> <p data-bbox="591 1094 1078 1115">And many more found on PadMapper, GottaRent, and Kijiji</p> <p data-bbox="591 1129 1182 1150">Give your landlord my number and I will cut the check directly to them.</p> <p data-bbox="591 1165 1273 1297">Remember, we only have till April, and then the building will be under demolition so we need you to move out and start giving notice. 3 tenants have already done so thus far... we have asbestos in the building that needs to be removed. Along with Rats, bedbugs. The foundation is also an issue as are the electrical and plumbing.</p> <p data-bbox="591 1352 792 1444">Mark Wright 905 920 9675 <a href="mailto:12pincondo@gmail.com">12pincondo@gmail.com</a></p>

Comment #	Comments
	<p>ACORN looks forward to seeing changes to the draft by-law to protect affordable housing and tenants from condo conversion and demoviction. Hamilton tenants are counting on policy that will put housing security and housing as a human right above developer profit.</p> <p>As Hamilton looks to build more housing within the existing urban boundary, intensification should not occur at the expense of low and moderate income tenants and communities.</p> <p>ACORN contact information: Email: <a href="mailto:hamilton@acorncanada.org">hamilton@acorncanada.org</a> Phone: 905-393-5734</p>  <p>The logo for Hamilton ACORN features a red square containing a white stylized maple leaf with a yellow acorn in the center. Below the square, the words "Hamilton" and "ACORN" are written in a bold, sans-serif font, with "Hamilton" in red and "ACORN" in black.</p>



Comment #	Comments
2.	<p>In response to the city’s consultation on Rental Housing Protection Policy Review.</p> <p>I am writing on behalf of the Social Planning and Research Council of Hamilton (SPRC). SPRC has been promoting inclusion and equity in Hamilton for over 50 years, including a long history of supporting tenants, and working to reduce homelessness.</p> <p>Thank you for beginning actions to strengthen rental housing protections in Hamilton. It has been a long time since 2008, when Council directed staff to come back with recommendations around condo conversions. Since that time, the rental housing market has been stressed by many factors, including fast growing demand for rental housing, and not enough primary rental units being built to match that demand. These trends are evident in the attached SPRC reports, titled “2021 Census: Rise of Renter Households Across Hamilton”, and “Growth of Renter Households Outpacing Construction of Primary Rental Units”. Please consider these reports part of the SPRC’s response to this consultation.</p> <p>The growing number of renters should push the city to do more to become a renter-friendly city. Doing more to protect existing rental stock and current tenants, is long overdue. The city should use all the tools and power it has to take action in this area, and much of the proposed details of the new Municipal By-law are positive. We hope this is the beginning, not the end, of the city focussing on renters as a key group that needs more support and protection.</p> <p>More broadly than the proposed steps in the documents provided in this review so far, the city should also be taking a larger advocacy role in pushing the province to do more to protect renters and rental stock, through the media, including social media, and through direct conversations with provincial officials. The Residential Tenancies Act need to be strengthened to be better protect renters, and the city must to do more to collaborate with other municipalities to bring a strong voice to the province on this matter. Specifically, the city should advocate that the province adopt the regulation in Quebec that allows new tenants to appeal an excessive rent increase from the previous tenant. Without this measure, Ontario’s RTA creates a perverse incentive to landlords to encourage tenants to leave through legal or illegal tactics, so they can double or triple the rent and bring in a new</p>

Comment #	Comments
	<p>tenant. Please see the attached SPRC report “Out of Control: Lessons from Hamilton and Quebec City” and consider this report as part of part of the SPRC’s response to this consultation.</p> <p>Please also include the attached SPRC reports “Hamilton’s Rental Landscape” as part of submission, showing the affordability challenges, housing quality concerns, eviction trends, and other issues facing renters in Hamilton in recent years.</p> <p>All these reports are also available on our website <a href="http://www.sprc.hamilton.on.ca/sociallandscape">www.sprc.hamilton.on.ca/sociallandscape</a></p> <p>Thank you for your time in considering these comments. We look forward to the next steps to bring more attention and support to renters across the city.</p>
<p><b>*Comments 3. to 56. contained the same response</b></p>	<p>I am writing to add my voice to the Rental Housing Protection Policy Review in support of ACORN Hamilton’s demands to protect tenants and the city’s private affordable housing from condo conversion and demolition.</p> <p>Across Hamilton, affordable rents are being lost to demoviction and renovation. With this Rental Housing Protection Policy Review, the City of Hamilton has an opportunity to pass policy that will prioritize protecting tenants from displacement.</p> <p>ACORN Hamilton’s demands:</p> <p>The City of Hamilton must pass a strong tenant assistance and rental replacement policy based on the Tenant Assistance Policy from Burnaby, British Columbia applied to all building sizes:</p> <p>If demolition permits are approved, landlords must be responsible for: Allowing tenants to choose between accepting temporary accommodation of comparable size and location at the same rent they were paying before OR a rental top up should the tenant choose to find their own temporary accommodation (the rental top up would cover the difference between their original rent and rent of their temporary accommodation).</p> <p>Help for tenants to find a new place and moving assistance (tenant’s choice of an insured moving company arranged by the landlord OR</p>



Comment #	Comments
	<p>compensation)                      Extra support for vulnerable tenants (transportation to view interim housing units, and packing assistance for those with mobility impairments)                      Granting tenants the right to return to the redeveloped building at the same rent (plus any Residential Tenancy Act rent increases) in a unit with the same number of bedrooms</p> <p>Units lost to redevelopment must be replaced at a ratio of 1:1 or 30% of the total number of proposed units, whichever is greater. Replaced units must be replaced on site. Developers cannot opt out of rental replacement or be allowed to replace off site.</p> <p>By requiring 1:1 rental replacement on site would effectively ban the approval of demolition permits within existing rental buildings (i.e. landlord wants to reconfigure the number and size of units). Demovictions such as what happened at 181 John St N and 192 Hughson St N should never be allowed to happen again.</p> <p>Additional demands</p> <p>Tenant protections and approval of demolition permits should not be tied to vacancy rates. A vacancy rate of over 3% does not mean low income tenants will have an easier time finding affordable housing.</p> <p>Any tenant engagement and required tenant meetings must include a representative from the City of Hamilton and community groups that support tenant rights if requested (Hamilton Community Legal Clinic, ACORN)</p> <p>All written communication to tenants must be translated with common languages spoken by tenants in the buildings, and translation services must be provided at tenant meetings</p> <p>Tenants must be given 180 days notice of a move out day (60 extra on top of 120 days required by Residential Tenancies Act)</p> <p>Temporary accommodation and rental top ups only expire once the redevelopment is complete and tenants can exercise their right of first refusal</p> <p>Building maintenance must continue after a notice of demolition</p>

Comment #	Comments
	<p>Frequent communication to tenants during the redevelopment to share timeline on returning to units</p> <p>2) The City of Hamilton must create a policy to oppose the conversion of rental housing into condominiums.</p> <p>By passing strong policy, Hamilton tenants will be protected from being displaced from their homes and neighbourhoods and stop the loss of affordable housing by the increasing threat of demoviction.</p>

## Appendix 6 - Survey Results

### Online Survey

On the Engage Hamilton webpage, there was an online survey available for the public to respond to. The survey was open from September 26 to November 8, 2022. The webpage received 647 site visits and had 26 people participate in the survey. Figures 11 to 16 below contain each question of the survey as well as the responses from each contributor.

**Figure 11: Survey Question 1**

The City is proposing changes to its criteria which must be met to permit a conversion of rental units to condominium. Do you support these changes?		
Contributor #	Response	Reason
1	No	Many rental units are deteriorating in the city because of no investment, we need investment to bring these properties up to a higher standard. Tenants complain about the conditions of their buildings well that not going to improve without investment and market rate rents.
2	No	Make rentals more affordable.
3	No	n/a
4	No	Increased housing is needed for all incomes.
5	Yes	n/a
6	Yes	We have a significantly lower than needed number of rental units, continuing to convert apartments to condos is a recipe for disaster.
7	No	The changes are positive but inadequate. The conditions allowing conversion of existing rental housing to

The City is proposing changes to its criteria which must be met to permit a conversion of rental units to condominium. Do you support these changes?		
Contributor #	Response	Reason
		condominiums are not stringent enough. The minimum vacancy rate is not high enough, and it should be for more than two years. The game has been 'wait for high vacancy rate and then quickly make an application'. I think you'll also find that the Statistics Canada measurements do not take account of vacancy rates in smaller buildings, so their numbers don't reflect the actual situation in rental availability. Therefore a 4 percent or higher vacancy rate should be considered.
8	No	THERE ARE ENOUGH CONDOS IN THE CITY NOW...WHAT IS NEEDED AND REQUIRED IS A PLAN TO PUT PEOPLE INTO HOUSING SO THAT THEY CAN LIVE WITH DIGNITY. TAKE A SERIOUS WALK AROUND THE CITY AND SEE HOW MANY HOMES ARE BOARDED UP AND LEFT, THEY COULD BE REFURBISHED FOR PEOPLE TO LIVE IN. ENOUGH OF LANDLORDS OWNING BUILDINGS WHEN THEY COULD BE PUT TO GOOD USE FOR PEOPLE. THERE IS A SOLUTION BUT I DON'T REALLY THINK THE CITY OR LANDLORDS CARE.
9	Unsure	Landlords must find or provide other housing for evicted tenants, at the same costs or cover the difference. Also time limits on permits for demo, adjustments, and development so property isn't left unoccupied and decaying.
10	Yes	n/a
11	Yes	It seems like you have done significant research and I trust your division to make the best decisions for all us. In the future, I would not limit comparing our policy just to other "southern Ontario" municipalities that are probably all suffering similar problems to us and would search or

The City is proposing changes to its criteria which must be met to permit a conversion of rental units to condominium. Do you support these changes?		
Contributor #	Response	Reason
		reach out to other cities (nationally or internationally) who have had similar problems and come up with their own solutions. This doesn't seem like a Hamilton only problem.
12	Unsure	I am not educated as to this issue, what are the changes?
13	Yes	I support removing the "75% of tenant support" criteria for conversion, as this may add unfair pressure on residents. I support the addition of a criteria to support densification.
14	No	Because condos are too expensive. They have a committed group that you have to answer too. Condo fees are ridiculous \$\$\$\$. You buy a condo, not many people can buy them.
15	Yes	It is necessary yes
16	Yes	Most people who rent cannot afford a condominium, so will be forced to move and will be unable to find a place with a rent they can afford
17	No	We need more rental units, not expensive condominiums.
18	No	n/a
19	No	Adds more unnecessary restrictions that will just elicit owners for finding ways around it which will be more detrimental. e.g. Renovictions are a symptom of rent control. They sound great, appeal to voters, but have the opposite effect. Time and effort should be spent elsewhere building the correct type of housing for all. Use a carrot and stick approach instead of just the stick.

The City is proposing changes to its criteria which must be met to permit a conversion of rental units to condominium. Do you support these changes?		
Contributor #	Response	Reason
20	Yes	Agreement of current tenants to condo conversion is NOT necessarily in the interest of the common good and should not be allowed. Criteria for conversion permission should be based on housing needs and the state of the rental market.
21	Unsure	Hi - I see no situation where a 6+ unit apartment building being converted to condominiums helps anybody in the community other than the land owner who stands to benefit enormously from the equity multiplication resulting from severance. I think that conversion should almost never be allowed unless the density on that parcel is increased. I am happy to see that the "tenant approval" path is being removed, however I think we could do even more to protect the rental stock by disallowing conversion unless the following 2 criteria are met: 1. parcel density is increased by a specific percent and 2. No net loss of rental units. This may mean the developer has to add floors or create units elsewhere - but that's their burden not the citizen's. Thanks!
22	No	I do not support allowing rental units to be converted to condominiums under almost any circumstances. Condominiums are frequently used illegally as short-term accommodation, and drive up the cost of housing. I would support allowing the conversion of rental units to coop housing.
23	No	To lose rental units would decrease housing affordability for those individuals and families unable to afford a condominium.

The City is proposing changes to its criteria which must be met to permit a conversion of rental units to condominium. Do you support these changes?		
Contributor #	Response	Reason
24	No	While I strongly agree with the proposal to no longer allow conversions to proceed if 75 per cent of tenants approve and the reasoning behind that, I think the requirements around minimum vacancy rates set levels that are too low. The vacancy rate should have to be at least 4 per cent for 24 months city wide and 3 per cent for the housing type and local market zone before a conversion can be approved. Hamilton has had a vacancy rate of about 3 per cent for two years yet that level of vacancy has not been sufficient to prevent average market rents from continuing to rise very rapidly, more than 10 per cent in the past two years. Perhaps a 4 per cent vacancy rate might provide sufficient choice in the market to moderate rent increases and to reach a point where we could contemplate losing any rental units.
25	No	While I strongly agree with the proposal to no longer allow conversions to proceed if 75 per cent of tenants approve and the reasoning behind that, I think the requirements around minimum vacancy rates set levels that are too low. The vacancy rate should have to be at least 4 per cent for 24 months city wide and 3 per cent for the housing type and local market zone before a conversion can be approved. Hamilton has had a vacancy rate of about 3 per cent for two years yet that level of vacancy has not been sufficient to prevent average market rents from continuing to rise very rapidly, more than 10 per cent in the past two years. Perhaps a 4 per cent vacancy rate might provide sufficient choice in the market to moderate rent increases and to reach a point where we could contemplate losing any rental units.
26	No	Although I agree that conversions should not be allowed to proceed unless at least 75 percent of the tenants approve, I do not agree with the other parameters set, The vacancy rate must be at least 4.5 percent, for two years or more, city wide, and also for the kind of buildings

The City is proposing changes to its criteria which must be met to permit a conversion of rental units to condominium. Do you support these changes?		
Contributor #	Response	Reason
		for which conversion permission is sought, and for specific zones of the city, to enable tenants to have some options other than to rent overpriced units in order to avoid becoming homeless. Hamilton's vacancy rate of about 3 percent has not succeeded in putting a break on soaring rents.

Figure 12: Survey Question 2

The City is proposing changes to its criteria which must be met to permit demolitions of rental housing. Do you support these changes?		
Contributor #	Response	Reason
1	No	Again its a free market
2	Yes	Good stuff.
3	No	n/a
4	No	This will inhibit new housing starts.
5	No	I am extremely concerned that allowing developers to make up the number of units off-site, or make a payment in lieu, will add to gentrification as replacement rental units are located on less attractive locations, or even the possibility of fewer rental units overall in exchange for a payment which may not be sufficient to replace the rental units and/or might be used for something else by the city ( I.e. construction of a highway bypass, purchase of



The City is proposing changes to its criteria which must be met to permit demolitions of rental housing. Do you support these changes?		
Contributor #	Response	Reason
		parkland, building a rec centre, etc. which would not alleviate the rental issues in the city.
6	Yes	Same as above
7	No	Same answer as question one.
8	Yes	THERE SHOULD BE STRONG SENSIBLE CRITERIA FOR HOUSE DEMOS, NOT THE WHIMS OF DEVELOPERS AND LANDLORDS WHO ARE IN IT JUST FOR THE MONEY.
9	Unsure	Landlords must find or provide other housing for evicted tenants, at the same costs or cover the difference. Also time limits on permits for demo, adjustments, and development so property isn't left unoccupied and decaying.
10	Unsure	There needs to be more incentives for private people to invest their money into providing more rental units to potential tenants. Too many regulations and hurdles makes it unprofitable for me to invest in rentals.
11	Yes	n/a
12	Unsure	I am not educated as to this issue, what are the changes?
13	Yes	n/a
14	Yes	Because people live in these rentals now you have to be removed.

The City is proposing changes to its criteria which must be met to permit demolitions of rental housing. Do you support these changes?		
Contributor #	Response	Reason
15	Yes	I agree
16	Yes	Residents will be evicted and will be unable to find a place they can afford. That building that was supposed to be demolished, often times, will sit vacant. An investment for an out of town landlord.
17	No	We need more, not fewer, rental units.
18	Unsure	n/a
19	No	Adds more unnecessary restrictions that will just elicit owners for finding ways around it which will be more detrimental. e.g. Renovictions are a symptom of rent control. They sound great, appeal to voters, but have the opposite effect. Time and effort should be spent elsewhere building the correct type of housing for all. Use a carrot and stick approach instead of just the stick.
20	No	Although the proposed criteria are a good start, they don't go far enough. Given that the city-wide vacancy rate is above 3 per cent now and rents are still rising rapidly, the requirement should be at least 4 per cent for two full years to ensure that people have access to homes they can afford.
21	Unsure	Demolition is a tricky one. I think that demolition should only be permitted if the result is density much greater than the original, and that the original unit count must be included AS RENTALS in the new development, meaning that if they want the building to be condos a certain number of the condo units must be maintained as rentals, offered to original tenants as first right of refusal at the

The City is proposing changes to its criteria which must be met to permit demolitions of rental housing. Do you support these changes?		
Contributor #	Response	Reason
		same rent, and if refused, rents cannot be increased beyond the mandated maximum. In other words no huge increases during vacancy.
22	Unsure	I would only support changes that fully supported renters to continue to rent units of the same square footage and type, and at the same price, continuously throughout the period of demolition and construction, and thereafter.
23	Unsure	I oppose the demolition of rental units as a matter of principle, as it decreases affordability.
24	Unsure	I have a concern about the proposed new provision to allow a landlord to demolish a building if they demonstrate that the rental housing units will be replaced by units of the same type (i.e. with the same number of bedrooms) either on-site, off-site in a comparable location within the same local housing market zone, or through a cash-in-lieu payment. I agree that it is essential that an acceptable tenant relocation and assistance plan would be required in addition to replacement, and that tenants be guaranteed that they will have a place to live, at comparable rent, during demolition and reconstruction and that they have the right to return to the new replacement building at the old rent (plus annual rent control increases). The city would have to keep track of those tenants. But it is also vital that the replacement units not just be of the same type but that they be at the same rent as the units lost and that the landlord commit to having the new units rent controlled, through a city agreement, even though the provincial law as it stands now would exempt them. The agreement would have to be written so that rent is controlled, notwithstanding provincial rules that exempt new buildings from rent control.

The City is proposing changes to its criteria which must be met to permit demolitions of rental housing. Do you support these changes?		
Contributor #	Response	Reason
25	Unsure	<p>I have a concern about the proposed new provision to allow a landlord to demolish a building if they demonstrate that the rental housing units will be replaced by units of the same type (i.e. with the same number of bedrooms) either on-site, off-site in a comparable location within the same local housing market zone, or through a cash-in-lieu payment. I agree that it is essential that an acceptable tenant relocation and assistance plan would be required in addition to replacement, and that tenants be guaranteed that they will have a place to live, at comparable rent, during demolition and reconstruction and that they have the right to return to the new replacement building at the old rent (plus annual rent control increases). The city would have to keep track of those tenants.</p> <p>But it is also vital that the replacement units not just be of the same type but that they be at the same rent as the units lost and that the landlord commit to having the new units rent controlled, through a city agreement, even though the provincial law as it stands now would exempt them. The agreement would have to be written so that rent is controlled, notwithstanding provincial rules that exempt new buildings from rent control.</p>
26	Unsure	<p>Any units demolished must be replaced by units that not only have the same number of bedrooms, but also have comparable square footage and storage facilities. The tenants must have iron-clad guarantees and a practical mechanism and orderly process so that they can return to the building, if they so wish, once construction has finished, at the same rent plus the regular guideline increases. The City must insist on signed agreements that will ensure that rents on those units only increase by guideline percentages, even if there is turnover in the occupancy, otherwise the rent on those units will promptly soar. The City must have a dedicated office that keeps in touch with those tenants. The costs of moving, and any gap between the rent that the tenant was paying and the rent that they are obliged to pay in the open-market for a</p>

The City is proposing changes to its criteria which must be met to permit demolitions of rental housing. Do you support these changes?		
Contributor #	Response	Reason
		unit comparable in size and quality must be paid in full by the landlord, and the City must take responsibility for tracking that process and ensuring that the compensation is paid in full and in a timely manner. The City must oblige the landlord to undertake a signed commitment to not raise the rent on any unit by above-guideline percentages, regardless of tenant turnover or vacancies. (This is necessary, since Ontario's current rent control legislation allows for de-control every time there is any change in tenancy, and exempts new buildings from rent control. The net effect has been to drive rents up and provide an incentive for landlords to demolish entire buildings of relatively affordable housing. Tenants must be compensated for the costs of moving, storage of their personal effects if necessary, any gap between their old rent and the rent they must pay in order to be settled promptly, any time they must spend in temporary accommodation in hotels, B & Bs, etc.

Figure 13: Survey Question 3

The City is proposing to create a By-law which will establish a permit process to regulate conversions and demolitions of rental housing. Do you feel that this approach would assist with protecting affordable units and addressing potential impacts to tenants where conversions or demolitions are proposed?		
Contributor #	Response	Reason
1	No	Owners have the right to fix their properties, the net number of housing available remains the same
2	Yes	Commendable
3	Yes	n/a

**The City is proposing to create a By-law which will establish a permit process to regulate conversions and demolitions of rental housing. Do you feel that this approach would assist with protecting affordable units and addressing potential impacts to tenants where conversions or demolitions are proposed?**

Contributor #	Response	Reason
4	Yes	It will protect tenants but will discourage new housing starts.
5	No	Call my cynical but do not trust the city's permit process will be used to protect rental housing, rather I think it will be used as a barrier to conversions the city "disapproves" of, but will be a minor hurdle for developers on "good terms" with the city.
6	Unsure	Not sure how permitting is any different than the application process today
7	Yes	The bylaw should extend to conversions or demolitions of FOUR units rather than the proposed six.
8	Yes	THIS WOULD ALLOW DECENT GUIDELINES TO BE ENFORCED TO ALLOW FOR PEOPLE TO PURCHASE OR RENT HOMES FOR A DECENT PRICE.
9	Unsure	Landlords must find or provide other housing for evicted tenants, at the same costs or cover the difference. Also time limits on permits for demo, adjustments, and development so property isn't left unoccupied and decaying.
10	No	There needs to be an incentive for landlords to want to provide rental units to the tenants. When rents are too low there is no incentive for landlords to build more rental units

**The City is proposing to create a By-law which will establish a permit process to regulate conversions and demolitions of rental housing. Do you feel that this approach would assist with protecting affordable units and addressing potential impacts to tenants where conversions or demolitions are proposed?**

Contributor #	Response	Reason
11	Yes	n/a
12	Unsure	I am not educated ass tio this issue, what are the changes?
13	Unsure	n/a
14	No	Developers win all the time.
15	Yes	Agree
16	No	I don't trust the government. Hopefully the new council will be different
17	Yes	If the new law helps renters.
18	No	n/a
19	No	Adds more unnecessary restrictions that will just elicit owners for finding ways around it which will be more detrimental. e.g. Renovictions are a symptom of rent control. They sound great, appeal to voters, but have the opposite effect. Time and effort should be spent elsewhere building the correct type of housing for all. Use a carrot and stick approach instead of just the stick.
20	Unsure	n/a

<b>The City is proposing to create a By-law which will establish a permit process to regulate conversions and demolitions of rental housing. Do you feel that this approach would assist with protecting affordable units and addressing potential impacts to tenants where conversions or demolitions are proposed?</b>		
<b>Contributor #</b>	<b>Response</b>	<b>Reason</b>
21	Unsure	I'm not sure how this specific approach will affect outcomes (a by law vs whatever the existing restrictions are - aren't they already bylaws?)
22	Unsure	Any provision that permits landlords to remove tenants, or increase prices above guidelines, as well as any provisions that replace rental housing the condominiums, will drive up the price of housing. All intensification must maintain prices.
23	No	Conversion of rental, units to condo housing will reduce the affordability of housing for many folks.
24	Unsure	While I don't fully grasp the implications of this change, the permit process sounds flexible and free from appeal to the OLT.
25	Unsure	While I don't fully grasp the implications of this change, the permit process sounds flexible and free from appeal to the OLT.
26	Unsure	n/a

**Figure 14: Survey Question 4**

<b>Contributor #</b>	<b>The permit process will allow conditions to be applied to approvals of conversions or demolitions, such as: replacing demolished units, offering tenants an opportunity to purchase their unit, providing notification to tenants, securing tenant's rights to return to replaced units at similar rents, requirements for tenant relocation and assistance, financial assistance or alternative</b>
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	<b>accommodations for displaced tenants. Are there other potential conditions that should also be included in the By-law?</b>
1	The bylaw is restrictive, you don't have the right to buy your rental property you don't own it.
2	I like those!
3	Subsidized rent should be available.
4	The costs of building/renovations are increasing. Builders will need to recoup their investment, and this will be reflected in new rental/ sale costs. That is the reality.
5	<p>1. Requiring comparable alternative accommodations be provided by the landlord to all tenants at or below the tenant's current monthly rental rate for the duration of the construction process (Note: Many tenants have challenges getting units elsewhere because they are on disability, poor credit history, have pets, are members of minority groups, etc. These people cannot find alternative housing even with financial incentives or relocation assistance, so it should be up to the developer to secure it and sublet to the tenants so they do not end up homeless.</p> <p>2. Securing tenant's rights to return to replaced units at THE SAME rents (not "similar" as there are tenants who will not be able to afford anything other than the "same" rent).</p>
6	Unknown
7	<p>The city approach to housing has always favoured ownership because of extreme developer influence feeding an ideology that home ownership should be everyone's objective. The bias includes tax rates on rental units that are 2.5 times those on occupier-owned housing. Property tax rebates are available to low-income homeowners but not to low-income tenants. In addition, city officials trumpet building permits as the number one metric for success, and these are overwhelmingly for owner-occupied housing. A complete re-think is needed to end this discrimination against tenants. All of the above biases should be removed.</p>

8	YES, THERE SHOULD BE A COMMITTEE SET UP BY PEOPLE WHO SEEK HOUSING SO THEY CAN HAVE A VOICE IN ALL THIS AND NOT BE LEFT TO THE WHIMS OF THE CITY OR LANDLORDS.
9	Landlords must find or provide other housing for evicted tenants, at the same costs or cover the difference. Also time limits on permits for demo, adjustments, and development so property isn't left unoccupied and decaying.
10	Against ; securing tenant's rights to return to replaced units at similar rents, requirements for tenant relocation and assistance, financial assistance or alternative accommodations for displaced tenants- no incentive for landlords to build better units for the same rent- no incentive for investors to build or improve their units if they were to get the same rent as before improvements
11	n/a
12	don't know
13	Not that I can think of.
14	This sounds great, but it already been proven that low income renters can't afford or qualify fir a mortgage. So how would they be able to buy? If the rent is being evicted. Then they should be allowed to move back paying same amount when they moved out. It's not their fault the landlord let the home age out.
15	Yes
16	There should be a law against absentee owners of empty buildings
17	?
18	This by law should "grant father" existing units

19	Undecided.
20	The requirement should be that the replacement units have the same rent as the units that are lost, in effect making provision B 6.1.4.11 of the Downtown Hamilton Secondary Plan apply to the whole city. Otherwise, we will still lose affordable units.
21	<p>Conditions should definitely be applied. I would be very careful about "cash in lieu" conditions however. Cash in lieu almost always works against tenants. Let's say someone is in a 1000/mth unit and is offered 10k to leave - that is a HUGE amount of money for someone in a 1k apartment. They will almost certainly say yes. But if they are forced to move into an apartment that is 1800/mth, that 10k buyout will only help them with the next 12.5 months of rent. After that they are in a loss scenario and 2 years after moving they will have LOST 9k net.</p> <p>Alternatively, perhaps the tenant sees a buyout as a path toward a house down payment. Average home prices in the 800k level mean that a down payment of 80k MINIMUM is required for a new home, but if you want affordable mortgage payments you need to be putting down hundreds of thousands. Does the city want to be in the business of calculating appropriate buyout values based on current and projected rental and purchase prices? It seems like a bad business for the city to get into.</p>
22	Conditions like this should not be allowed, they should be required. No permits should be allowed to be issued without conditions that allow existing residents to return to equivalent units (equivalent square footage as well as room numbers) at the same price.
23	Demolitions should be outlawed. If buildings are below code, the city should take them over, repair them and maintain them as affordable housing for low income folks.
24	I agree with all of those conditions be included. I also believe that that the landlord should have to commit to having the new units rent controlled, through a city agreement, even though the provincial law as it stands now would exempt them. The agreement would have to be written so that rent is controlled, notwithstanding provincial rules that exempt new buildings from rent control.

25	<p>I agree with all of those conditions be included. I also believe that that the landlord should have to commit to having the new units rent controlled, through a city agreement, even though the provincial law as it stands now would exempt them. The agreement would have to be written so that rent is controlled, notwithstanding provincial rules that exempt new buildings from rent control.</p>
26	<p>Insist that the new units be of comparable square footage to the ones that are being destroyed. Landlords should not be allowed to destroy buildings with fairly decent-size units, and replace them with units half the size, even if the number of bedrooms is comparable. As well, some landlords try to classify all rooms other than the kitchen and bathroom as bedrooms. The city must clarify, legally, that, for example, an apartment can only be described as a two bedroom apartment if it has a living room, and a kitchen, and a bathroom, plus two other rooms, each with a closet and a window, and a certain minimum square footage. I have been inside a unit being marketed as a 3-bedroom that in fact had only a small kitchen, a bathroom, and three other rooms, one of which had prior to his assumption of ownership, been the living room and did not have a wall between it and the kitchen.</p> <p>The city should also institute a stiff tax on vacant units. establish mandatory registration of all rental units, inspect all rental units to register their size, square footage, number of bedrooms, bathrooms, etc.</p> <p>The City should not hesitate to impose a moratorium on the construction of high-end condos (i.e. condos that would not be affordable to an individual earning the medium income). The most pressing need is for decent sized 1 bedroom and 2 bedroom rental housing units. The City should insist that the developers focus on building those, until the housing affordability crisis ends.</p>

Figure 15: Survey Question 5

Contributor #	Do you have any specific comments on the draft Official Plan amendments or the draft By-law text that you wish to provide?
1	<p>Property owners have the right to protect and enhance their investments, too many properties in this city are run down because of the lack of investment</p>

Contributor #	Do you have any specific comments on the draft Official Plan amendments or the draft By-law text that you wish to provide?
2	n/a
3	n/a
4	To expect 75% of tenants to agree is unreasonable.
5	The 2% vacancies figure the city uses seems low. That vacancy rate hardly accommodates the churn inherent in people moving from one apartment to another. The current rate in Hamilton is 2.8%, yet I think most people would agree the rental situation is abysmal. The Ontario wide is 3.4% and the province is generally also experiencing an affordability crisis. If the figure is to have any true ability to protect and limit conversions it needs to be 3% at least, or maybe 4%.
6	For any rental unit removed, person doing the conversion must provide another somewhere nearby.
7	See above especially 7
8	YES I THINK IT SHOULD BE A PROCESS THAT IS NOT ONE-SIDED AND THAT WILL WORK WITH PEOPLE SEEKING TO EITHER RENT OR PURCHASE
9	Landlords must find or provide other housing for evicted tenants, at the same costs or cover the difference. Also time limits on permits for demo, adjustments, and development so property isn't left unoccupied and decaying.
10	n/a
11	n/a
12	no

Contributor #	Do you have any specific comments on the draft Official Plan amendments or the draft By-law text that you wish to provide?
13	n/a
14	The bylaw should be enforced if the developer changes rules or excuses. That is so wrong. Also if the condo is bought at x amount. The developer has to honor it, no matter the price keeps going up in supplies. The buyer has committed to buying a condo/home. The developer should also be committed to providing the product.
15	No
16	n/a
17	n/a
18	n/a
19	Adds more unnecessary restrictions that will just elicit owners for finding ways around it which will be more detrimental. e.g. Renovictions are a symptom of rent control. They sound great, appeal to voters, but have the opposite effect. Time and effort should be spent elsewhere building the correct type of housing for all. Use a carrot and stick approach instead of just the stick.
20	n/a
21	Overall, if people want to build condos they should be doing it on land that is underzoned - eg parking lots, vacant land, single family home, low density retail, previous industrial etc etc - Condos are fine but let's use developers desire to build them to the community's advantage by forcing it to happen in situations where rental stock is not lost and density is vastly increased. 6+ unit apartments are extremely valuable as a public good even if they are privately owned and the risk of losing them should be mitigated as much as possible

Contributor #	Do you have any specific comments on the draft Official Plan amendments or the draft By-law text that you wish to provide?
22	n/a
23	No, except my comments above.
24	See above.
25	See above.
26	The City must take a strong stand opposing the Province's attempt via Bill 23 to weaken the City's right to insist developeres meet certain criteria for the broader good o the communtiy, especially to protect renters from soaring rent increases, and to prevcent urban sprawl.

Figure 16: Survey Question 6

Contributor #	Do you have any additional comments or suggestions that you wish to provide?
1	n/a
2	n/a
3	n/a
4	n/a
5	n/a
6	n/a
7	See above especially 7

Contributor #	Do you have any additional comments or suggestions that you wish to provide?
8	YES, MAKE THE PROCESS OPEN AND HONEST SO THE DIRECTIVES FOR PEOPLE ARE CLEAR & CONCISE.
9	Landlords must find or provide other housing for evicted tenants, at the same costs or cover the difference. Also time limits on permits for demo, adjustments, and development so property isn't left unoccupied and decaying.
10	n/a
11	Keep up the good work, thank you. Your presentation was wonderful with how you started with the current situation and the problem with it and moved into some proposed solutions. I also liked how you addressed this was just a small part of much larger changes to meet city housing goals. 10/10.
12	no
13	Rental protections are paramount. Conversions and demolitions are a part of it, and I support the city protecting the more vulnerable renters. While perhaps unrelated, rent-stabilization beyond a single tenancy is essential, so that renters do not feel tied down to a unit, or don't have to face inordinate rent hikes when moving.
14	Every unit, condo, house that is being built should allow for 1 parking space per unit. Makes no sense to have 1000 units but provide 800 parking spots. Many households have 2 vehicles. Not everyone jumps on the bus. Not all new builds are built close to public Transit.
15	No
16	n/a



Contributor #	Do you have any additional comments or suggestions that you wish to provide?
17	n/a
18	n/a
19	n/a
20	Thank you for taking the news for housing seriously. Please Strengthen protections for the most vulnerable among us.
21	Yes my final note is tangential to this particular bylaw but related: how are we protecting against demolition by neglect? Do we have regular inspections to ensure land owners are maintaining buildings to code? We need to ensure we don't reward delinquent owners with demolition permits because they let a building fall so far into disrepair that it becomes "unsafe". This is an age old trick and we cannot fall for it any more. I'd be happy to chat more about any of this, my email is ----- ---- thanks so much for taking the time to make that wonderful presentation, I learned a lot about a bylaw I was not aware of!
22	I would like to see the city incentivizing the construction of, or conversion of rental buildings into, housing cooperatives that provide housing to residents at (or below, with municipal subsidies) cost.
23	I feel that there should be a municipal/provincial/federal law that limits house/condo price increases to 1-2% every 5 or 10 years. Rental controls should also be put in place.
24	The provincial government, in its Bill 23, has a clause that would amend Section 99.1 of the Municipal Act, 2001 is amended by adding the following subsection: "(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section." This provision could allow the minister to take away the city's right to introduce the measures being proposed and that I am proposing to augment. The city needs to

Contributor #	Do you have any additional comments or suggestions that you wish to provide?
	<p>respond to the current consultation on that provision. Read more here: <a href="https://www.ontariocanada.com/registry/view.do?postingId=42808&amp;language=en">https://www.ontariocanada.com/registry/view.do?postingId=42808&amp;language=en</a> The deadline to submit comments is November 24, 2022</p>
25	<p>The provincial government, in its Bill 23, has a clause that would amend Section 99.1 of the Municipal Act, 2001 is amended by adding the following subsection: "(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section." This provision could allow the minister to take away the city's right to introduce the measures being proposed and that I am proposing to augment. The city needs to respond to the current consultation on that provision. Read more here: <a href="https://www.ontariocanada.com/registry/view.do?postingId=42808&amp;language=en">https://www.ontariocanada.com/registry/view.do?postingId=42808&amp;language=en</a> The deadline to submit comments is November 24, 2022</p>
26	<p>The City must take a strong stand opposing the Province's attempt via Bill 23 to weaken the City's right to insist developers meet certain criteria for the broader good of the community, especially criteria intended to protect individual renters of average and low incomes from soaring rents, and to prevent urban sprawl, loss of farm land, and environmental degradation.</p>

**Appendix "H" to Report PED22091(a)**  
**Page 1 of 1**

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

**Bill No.**

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

**To Amend By-law No. 24-055, a Renovation Licence and Relocation By-law**

**WHEREAS** Council enacted a Renovation Licence and Relocation By-law No. 24-055;

**AND WHEREAS** Council has approved a By-law under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to prohibit the Conversion and Demolition of Residential Rental Properties without a permit;

**AND WHEREAS** this By-law provides for an amendment to By-law No. 24-055 to ensure effective implementation of the By-law approved under the authority of Section 99.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as may be amended;

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

1. That a new Section 58 be added to By-law No. 24-055:
  58. In a building with six or more dwelling units, where any renovations would have the effect of changing the number of bedrooms within a Rental Housing Unit, this shall be considered a dwelling unit demolition and a Section 99.1 Permit under the *Municipal Act, 2001* shall be required in accordance with Rental Housing Protection By-law XX-XXX.
2. This By-law shall be deemed to have come into force on January 1, 2025.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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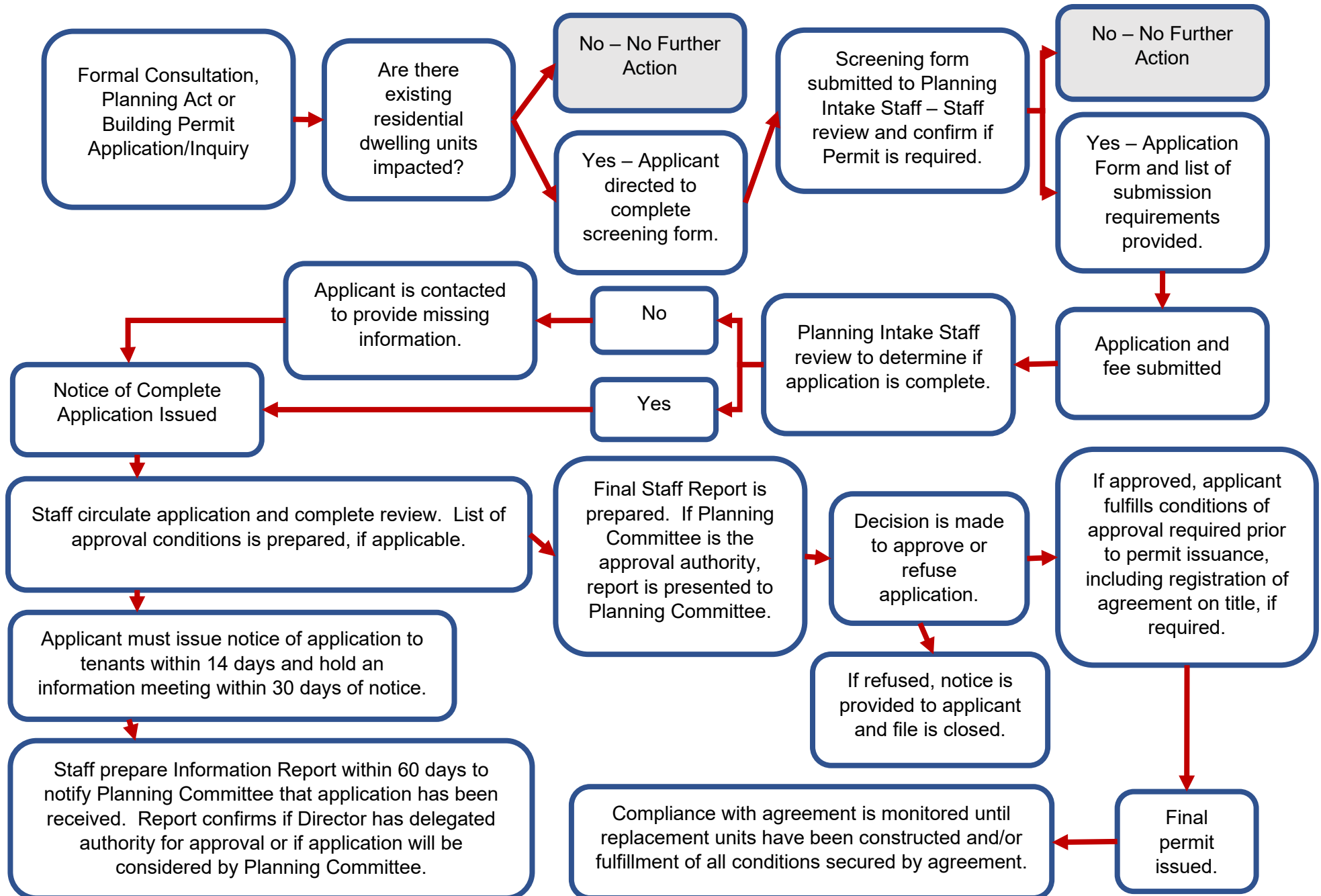
A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Appendix “I” to Report PED22901(a)**  
**Page 1 of 1**

**Rental Housing Protection By-law Application Process Map**



**Schedule "1"**

**Amendment No. "X"  
to the  
City of Hamilton Official Plan**

The following text constitutes Official Plan Amendment No. "X" to the City of Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend housing policies which apply to condominium conversion of rental housing units and demolition/redevelopment of rental housing units and add a policy which applies to complete applications.

The effect of this Amendment is to ensure consistency between the City of Hamilton Official Plan, which applies to the West Harbour Secondary Plan area, and policies addressing the conversion and demolition of rental housing in the Urban Hamilton Official Plan. The amendment also ensures alignment with a proposed Rental Housing Protection By-law permit process under Section 99.1 Permit of the Municipal Act.

**2.0 Location:**

The lands affected by this Amendment are located within the West Harbour (Setting Sail) Secondary Plan area.

**3.0 Basis:**

The basis for permitting this Amendment is:

- The Amendment will assist in achieving an appropriate mix of household types at varying income levels, as described in Policies A.2.1 and C.7.3 of the City of Hamilton Official Plan, and Policy A.6.3.3.1.9 of the West Harbour Secondary Plan;
- The Amendment will ensure that a strong rental housing market exists before the removal of rental housing units for conversions to condominium ownership or demolitions is considered;
- The Amendment will allow for additional opportunities for residential

intensification, while maintaining the intent of the City's Housing and Homelessness Action Plan objectives to protect rental housing units, and in particular, affordable rental housing units;

- The Amendment will ensure that proposals requiring a Section 99.1 Permit under the Municipal Act are appropriately identified as part of certain Planning Act application processes; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### **4.0 Changes:**

##### **4.1 Text Changes**

- 4.1.1 That Section A.6.3 – West Harbour Planning Area be amended by adding a new Policy No. A.6.3.8.3.2 as follows:

“A.6.3.8.3.2 To protect the adequate provision of a full range of housing, including affordable housing, demolitions or conversions to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall comply with Policies C.7.11 to C.7.17.”

- 4.1.2 That Section C.7 – Residential Environment and Housing Policy be amended by:

- i. Deleting Policy Nos. C.7.11 and C.7.12 in their entirety and replacing them with new Policy Nos. C.7.11 and C.7.12 as follows:

“C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall only be permitted where both of the following two general criteria are met, outlined as a) and b) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act:

- a) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the

respective local housing market zone where the dwelling units are located; and,

- b) the proposed conversion will not adversely affect the supply of affordable rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone.

C.7.12 Notwithstanding Policy C.7.11, the City may approve an application to convert rental housing to condominium tenure, where it is demonstrated to the satisfaction of the City that:

- a) repair or retrofitting is immediately required to meet health and safety standards; and,
- b) income received from rent and available from government funding programs, including rent increases permitted under provincial legislation, is not capable of supporting the work required."

ii. Amending Policy No. C.7.13 by:

- 1) deleting the phrase "and C.7.12" in Policy C.7.13 i) and replacing it with "to C.7.14", so the policy reads as follows:

"i) For the purposes of policies C.7.11 to C.7.14, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC)."

- 2) renumbering Policy No. C.7.13 to C.7.15.

iii. Adding new Policy Nos. C.7.13, C.7.14, C.7.16 and C.7.17 as follows;

C.7.13 To protect the adequate provision of a full range of housing, development or redevelopment that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units, and interior building renovations that remove six or more residential rental dwelling units of a certain type, shall only be permitted where at least one of the following three

general criteria are met, outlined as a), b) and c) below, demonstrated through the issuance of a Section 99.1 Permit under the Municipal Act:

- a) both of the following criteria are met:
  - i) a healthy, sustained vacancy rate exists for the City, as defined by a by-law passed under Section 99.1 of the Municipal Act, including the rental vacancy rate by dwelling unit and structure type City-wide and for the respective local housing market zone where the dwelling units are located; and,
  - ii) the proposed conversion will not adversely affect the supply of affordable rental housing for rental units of a similar dwelling unit structure, size and type for the City and the respective local housing market zone; or,
- b) the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City; or,
- c) all of the following criteria are met:
  - i) the units to be removed will be replaced either on-site or off-site in a comparable location acceptable to the City;
  - ii) replacement units are maintained for a defined period of time with rents similar to those in effect at the time a development application is made, with annual increases not exceeding the Provincial Rent Increase Guideline or a similar guideline approved by Council; and,
  - iii) a tenant relocation and assistance plan for existing tenants addressing matters such as the right to return to occupy replacement housing at similar rents, the provision of alternative accommodation



at similar rents, and other assistance to lessen hardship, is provided, to the satisfaction of the City.

- C.7.14 Notwithstanding Policy C.7.13, renovations to an existing building which reduces the number of dwelling units by six or more units, but does not reduce the area of living space, may be permitted provided Policy C.7.13 clause a) i) is satisfied.
- C.7.16 The City recognizes the necessary role of social housing in meeting the housing needs of residents without the resources to participate in the private housing market. Notwithstanding Policies C.7.11 and C.7.13, conversion to condominium and/or demolition/redevelopment of social housing units shall be permitted provided the following criteria are satisfied:
- a) full replacement of all rent-geared-to-income units;
  - b) a tenant relocation and assistance plan addressing the provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship; and,
  - c) conversion shall be consistent with pertinent provincial legislation.
- C.7.17 A Rental Housing Protection By-law screening form may be required to deem Planning Act, R.S.O., 1990 c. P.13 applications for official plan amendment, Zoning By-law amendment, and site plan control complete.

## **5.0 Implementation:**

An implementing Municipal Act By-Law (Rental Housing Protection By-law) and implementing Zoning By-law Amendments, Site Plan Control applications, and draft plan of Condominium applications will give effect to the changes.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2025.

**The  
City of Hamilton**

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A. Horwath  
MAYOR

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J. Pilon  
CITY CLERK



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Charlie Toman (905) 546-2424 Ext. 5863
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan Amendment, Official Plan Amendment No. XX to the Rural Hamilton Official Plan and Official Plan Amendment No. XX to the former City of Hamilton Official Plan (CI-23-O) to amend the Parkland policies to reflect the recommendations of the Parks Master Plan and to ensure consistency with the *Planning Act, 1990* as amended by Bill 23, on the following basis:

- (a) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix "A" to Report PED24060, be adopted by Council;
- (b) That the Draft Rural Hamilton Official Plan, attached as Appendix "B" to Report PED24060, be adopted by Council;
- (c) That the Draft City of Hamilton Official Plan, attached as Appendix 'C' to Report PED24060, be adopted by Council;
- (d) That Council direct staff to update the Parkland Dedication By-law to reflect the changes to the *Planning Act*.

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

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

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

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 2 of 9**

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**EXECUTIVE SUMMARY**

In October 2023, Council approved the Parks Master Plan, providing for a comprehensive long term, spatial approach to Hamilton's parks system supply, access, and classification to guide management decisions that will help focus provisioning efforts to the communities most in need. The Parks Master Plan contained 30 recommendations, divided into short, medium, and long term actions required to support and improve the City's approach to investment, internal coordination, and external cooperation to achieve the Plan's vision, goals and guiding principles. Several of the short term actions called for amendments to the Official Plans to align with the Parks Master Plan.

While the Parks Master Plan was being finalized, the Province enacted Bill 23, *More Homes Built Faster Act, 2022* (Bill 23) which, among other things, amended the *Planning Act, 1990* to expand the types of parkland developers may provide and further limits the amount of cash-in-lieu of parkland municipalities can require as part of planning applications. The City had submitted comments to the Province opposing these changes which will negatively impact park budgets and reduce the amount of parkland created to support new growth.

The purpose of this report is to bring forward Amendments to the Urban Hamilton Official Plan, Rural Hamilton Official Plan and former City of Hamilton Official Plan in order to align:

1. The short-term actions of the Parks Master Plan to decrease the minimum proximity from residents to Neighbourhood Parks, support recreational uses on closed road allowances and include equity lens to parks planning at the neighbourhood and Secondary Plan level; and,
2. The new parkland dedication requirements imposed under Bill 23.

It is important to note that the City is already implementing the new parkland dedication requirements under Bill 23, as Bill 23 deem municipal parkland by-laws to be amended to be consistent in the event of any conflicts. The recommended amendments to the Parkland dedication policies in the Official Plans will ensure alignment and clarity with respect to these requirements for both City staff and developers. A subsequent update will be required to Parkland Dedication By-law No. 22-218.

**Alternatives for Consideration – See Page 8**

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 3 of 9**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: As discussed in Report FCS23064 the fiscal impact of changes to the Parkland Dedication regime from Bill 23 results in an estimated reduction in in parkland revenues (dedicated land value and cash-in-lieu of land) of \$23 M annually. The City has \$71.6 M in available funds (see Report FCS23041) within the Parkland Dedication Reserve Account No. 104090 and \$9 M in the Parkland Acquisition Reserve Account No. 108050, on December 31, 2022. The 2023 Annual Parkland Dedication Report and 2023 Annual Reserve Report will be presented to the Audit, Finance & Administration Committee later this year.

There are no financial implications associated with the Official Plan Amendments to implement the short term actions of the Parks Master Plan discussed in this report.

Staffing: N/A

Legal: As required by the *Planning Act, 1990*, Council shall hold a Public Meeting to consider Official Plan Amendments.

**HISTORICAL BACKGROUND**

**Bill 23**

On November 28, 2022, Royal Assent was given to Bill 23 which made amendments to nine different statutes. The proposed changes, as outlined by the Province, were intended to further streamline approvals for housing and reduce barriers and costs to development so that communities can grow with a mix of housing types and tenures. The specific changes to the Parkland Dedication regime in Bill 23 are summarized in Appendix “D” attached to Report PED24060. Staff note that provisions of Bill 23 requiring municipalities to exempt affordable or attainable dwelling units as defined under the *Development Charges Act, 1997*, has been proclaimed to come into effect on June 1, 2024.

It is important to note that the amendment to the *Planning Act, 1990* allowing developers to contribute encumbered land (e.g., below grade infrastructure) and Privately Operated Public Spaces (referred to as POPS), towards its parkland dedication requirements will not be in effect until Bill 23 is proclaimed by the Lieutenant Governor. The Ministry of Municipal Affairs and Housing is commissioning a study to identify and develop suitability criteria around these lands to use when reviewing future developments and that municipalities will be consulted. Future amendment(s) to the

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 4 of 9**

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Official Plans may be required to establish local suitability criteria respecting the acquisition of encumbered lands.

**Parks Master Plan**

On October 11, 2023, City Council approved Hamilton's first Parks Master Plan, an integrated, long term planning document to help plan for and deliver parkland. The Parks Master Plan provides a comprehensive long term, spatially explicit framework that assesses the current supply, access, and classification of Hamilton's parks system to guide management decisions that will help focus provisioning efforts to the communities most in need.

Bill 23 was introduced and passed by the Province while work on the Parks Master Plan was underway. As a result, the Parks Master Plan did not factor in the new limitations and financial constraints to the municipality into the body of the Plan. A separate Appendix is included in the Parks Master Plan providing an overview of Bill 23 and potential ways in which the City could respond to the legislation; however, it does not provide detailed comments on the implementation of the legislation.

The Parks Master Plan was informed by public and stakeholder input. To ensure this Master Plan reflected the range of community needs, public engagement was wide reaching across multiple platforms. Additionally, targeted outreach to specific user groups, local experts, and potential partners complemented the broader public engagement) with a depth of expertise to inform plan direction.

The Parks Master Plan contains 30 recommended actions, divided into short, medium- and long-term actions, some of which refer to specific one-time projects or actions and others that provide ongoing guidance. The recommendations will require investments to increase funding for parkland acquisition and maintenance.

This report seeks to implement the following Parks Master Plan short term actions:

- 1) Adopt the following parkland service level through a City-Initiated Official Plan Amendment to table B.3.5.3.1 – Parkland Standards, being:
  - a) All residents should have access to a Neighbourhood or other park with equivalent functions, within 500 metre walking distance of their dwelling.
- 2) Complete amendments to align the Official Plan and the Parkland Dedication By-law with this Master Plan by amending the following policies:
  - a) Official Plan B 3.3.2.10 to allow for temporary and permanent road closures to support public gathering and open space programming.

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 5 of 9**

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- b) Official Plan B 3.5.3.16 to explicitly incorporate social equity factors into the determination of parkland amount and type.

The Parks Master Plan contains additional short term actions related to the parkland policies in the Official Plans and Parkland Dedication By-law including developing specifications and rules around the use of privately owned public spaces as well as evaluating the City's discretionary discounts to cash-in-lieu of parkland to increase revenue. Short term action #7 of the Parks Master Plan is to "regularly present a short annual monitoring report to Council overviewing changes in parkland service levels and near-term acquisition priorities." The Public Works and Planning and Economic Development Departments will be submitting subsequent reports on these actions.

When Council approved the Parks Master Plan on October 11, 2023, it passed a motion directing staff to update the City's Parkland Dedication policies and By-law in accordance with the approved Parks Master Plan".

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### ***Planning Act***

Sections 42 and 51.1 of the *Planning Act, 1990* provide the legislative authority for municipalities to require the dedication of land for parks or public recreational purposes as a condition of development/redevelopment or the subdivision of land, respectively. Specifically, dedication of land may be required by the City in an amount not exceeding:

- Two percent of the land area for commercial or industrial developments; or,
- Five percent of the land area for all other uses, including residential.

With respect to residential developments, subsections 42(3) and (6.0.1) of the *Planning Act, 1990* authorizes municipalities to utilize an alternative dedication rate to the standard 5% of land area for the dedication of land or cash-in-lieu thereof where a municipality has adopted Official Plan policies respecting the use of alternative rates. As discussed in the background section of this report, Bill 23 amended the *Planning Act, 1990* to decrease the amount of Parkland or cash-in-lieu of parkland a municipality can require through a development application.

### **Urban and Rural Hamilton Official Plan Policies**

Chapter B (Communities) of the Urban and Rural Hamilton Official Plans establishes different park classifications (Parkette, Neighbourhood, Community and City-Wide Parks) and provides policy directing the location, size and type of park required to meet the recreational needs and interests of the residents.

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 6 of 9**

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The amendments to Chapter B of the Urban and Rural Hamilton Official Plans to implement short term actions in the Parks Master Plan are summarized below.

- Reducing the minimum service radius / walking distance standard to a Neighbourhood Park from 800 metres to 500 metres. (short term action 2 a).
- Allowing some flexibility to the Neighbourhood Park minimum service radius / walking distance standard where there is a park with equivalent function to a Neighbourhood Park (short term action 3 a.).
- Within the Urban Hamilton Official Plan, allowing for temporary and permanent road closures to be used for public gathering, open space programming and naturalization to reduce the heat island effect (short term action 3 a.).
- Considering social equality factors including the proportion of low-income households, proportion of unsuitable housing and availability of private amenity space (e.g., backyards) within the existing housing stock when determining the amount and type of park required when preparing neighbourhood or secondary plans (short term action 3 a.).
- Chapter F (Implementation) of the Urban and Rural Hamilton Official Plans provide policy direction on acquisition of both Parkland and cash-in-lieu of parkland when considering development or redevelopment applications.

Amendments to Chapter F of the Urban and Rural Hamilton Official Plan are required to comply with changes to the Parkland dedication requirements in the *Planning Act, 1990* from Bill 23 are summarized below:

- Increasing the maximum alternative Parkland dedication rate where land is dedicated from 1.0 hectare for each 300 units to 1.0 hectare for each 600 units proposed. Note that the standard parkland dedication maximum amount of 5% of land for residential purposes has not changed.
- Introducing a new maximum alternative Parkland dedication rate where cash in lieu is provided of 1.0 hectare for each 1,000 net dwelling units proposed.
- Removing other residential density alternative parkland dedication rates that are now superseded by new requirements under the *Planning Act*.
- Establishing that parkland dedication shall also include any reductions required under the *Planning Act, 1990* for affordable or attainable residential units or non-profit housing developments.

A detailed breakdown and supporting rationale for each amendment is provided in Appendix "C" attached to Report PED24060.



**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 7 of 9**

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**West Harbour (Setting Sail) Secondary Plan**

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (now Ontario Land Tribunal), the Secondary Plan was not deemed to be in effect until the Ontario Land Tribunal issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time. General policies of the former City of Hamilton Official Plan are still in effect for the Setting Sail (West Harbour) Secondary Plan area.

To ensure that the recommendations from the Parks Master Plan also apply to the West Harbour (Setting Sail) Secondary Plan, staff are recommending that the Plan also be amended. Specifically, as submitted in Appendix "C" to PED24060, an amendment is proposed to:

- Enable the use of temporary and permanent road closures to support public gathering, open space programming and naturalization;
- Establish a minimum 500 metre service radius/walking distance to a Neighbourhood Park; and,
- Consider social equity factors when consideration the creation of new Parks.

Staff are also proposing amendments to the municipal land acquisition polices of the former City of Hamilton Official Plan to align with *Planning Act* changes made through Bill 23. The supporting rationale for each Official Plan Amendment to the former City of Hamilton Official Plan is the same as the rationale discussed in Appendix "D" to Report PED24060.

**RELEVANT CONSULTATION**

Staff from the Corporate Real Estate Office, Environmental Services, Corporate Services and Legal Services were consulted in the drafting of this report, recommendations, and appendices.

As discussed in the background section of this report, significant public and stakeholder engagement was undertaken in the preparation of the Parks Master Plan.

As required under the *Planning Act, 1990* notice of these amendments has been posted in the Hamilton Spectator on June 7, 2024.

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) - Page 8 of 9**

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## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### **1.0 Official Plan Amendments to Align with the Parks Master Plan**

The recommended amendments to the Urban and Rural Hamilton Official Plans and former City of Hamilton Official Plan to decrease the minimum proximity from residents to Neighbourhood Parks, support recreational uses on temporary and permanent road closures and include an equity lens to parks planning at the neighbourhood and Secondary Plan levelled align with short-term actions of the Parks Master Plan.

The amendments strengthen the existing parkland policy framework in the Official Plans, helping to ensure that the location of parkland is more equitable when preparing new or updating existing Secondary Plans. The recommended amendments to the Urban Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan to allow recreational uses on temporary and permanent road closures supports new opportunities to increase recreational spaces and programming for residents.

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to A Place to Grow, Growth Plan for the Greater Golden Horseshoe.

### **2.0 Official Plan Amendments to Align with Bill 23**

The current Parkland Dedication policies contained in both the Rural and Urban Hamilton Official Plan and former City of Hamilton Official Plan are based on the pre-Bill 23 parkland dedication regime and are not aligned with current restrictions and limitations imposed on municipalities by the Province.

The City does not have authority to impose parkland dedication contributions that exceed the maximums established under the *Planning Act, 1990*. Under the *Planning Act, 1990* disputes between a municipality and developers respecting parkland dedication amounts may be appealed to the Ontario Land Tribunal.

The recommended amendments to Volume 1, Chapter F of the Urban and Rural Hamilton Official Plans and municipal land acquisition policies of the former City of Hamilton Official Plan will align the City's parkland dedication policies with *Planning Act, 1990* requirements. The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to A Place to Grow, Growth Plan for the Greater Golden Horseshoe.

## **ALTERNATIVES FOR CONSIDERATION**

Should Planning Committee decide to not approve the staff recommendations, the Urban and Rural Hamilton Official Plans and former City of Hamilton Official Plan and

**SUBJECT: Official Plan Amendments - Alignment with Parks Master Plan and  
Bill 23 (PED24060) (City Wide) - Page 9 of 9**

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the City parkland dedication by-law will not be up to date or conflict with the Parks Master Plan and Provincial Legislation.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24060 - Draft Urban Hamilton Official Plan Amendment

Appendix "B" to Report PED24060 - Draft Rural Hamilton Official Plan Amendment

Appendix "C" to Report PED24060 - Draft City of Hamilton Official Plan Amendment

Appendix "D" to Report PED24060 - Official Plan Amendment Rationale

Appendix "E" to Report PED24060 – Bill 23 Changes to Parkland Dedication Regime  
Summary

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

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

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

Schedule "1"

## DRAFT Urban Hamilton Official Plan Amendment No. X

The following text constitutes Official Plan Amendment No. "X" to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- Amend the Urban Design Policies of Volume 1 to allow temporary and permanent road closures to support public gathering and open space programming;
- Amend the Parkland Policies of Volume 1 to incorporate social equality factors into the determination of parkland amount and type and reduce the Minimum Service Radius / Walking Distance to Neighbourhood Parks; and,
- Amend the Parkland Dedication Policies of Volume 1 to change the density and unit number standards used for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area, to align with the changes to the Planning Act made by Bill 23.

### 2.0 Location:

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

### 3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment implements the recommendations of the City of Hamilton Parks Master Plan (September 2023);
- The Amendment is consistent with amendments made to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022*; and,

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### 4.0 **Actual Changes:**

#### 4.1 **Volume 1 – Parent Plan**

##### **Text**

##### 4.1.1 Chapter B – Communities

- a. That Table 3.5.3.1 and Policies B.3.3.2.10, B.3.5.3.11 and B.3.5.3.16 of Volume 1: Chapter B – Communities be amended, as outlined in Appendix "A" attached to this amendment.

##### 4.1.2 Chapter F – Implementation

- a. That Policy F.1.18.1 of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix "B" attached to this amendment.

#### 5.0 **Implementation:**

An implementing amendment to the City's Parkland Dedication By-law will give effect to the amendments to the Urban Hamilton Official Plan.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 2024.

### **The City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK

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

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>																								
<del>Grey highlighted strikethrough text = text to be deleted</del>	<b>Bolded text = text to be added</b>																								
<p>B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:</p> <p>a) adequate and accessible space for pedestrians, <i>active transportation</i>, as well as transit, other vehicles, and utilities; (OPA 167)</p> <p>b) continuous sidewalks;</p> <p>c) landscaping such as street trees and landscaped boulevards;</p> <p>d) pedestrian amenities such as lighting, seating, way-finding signage, and <i>urban braille</i>;</p> <p>e) on-street parking;</p> <p>f) public art; <del>and</del>;</p> <p>g) amenities and spaces that encourage social interaction, pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés. (OPA 167); <b>and</b>,</p> <p><b>h) allowances for temporary and permanent road closures that support public gathering, open space programming and naturalization.</b></p>	<p>B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:</p> <p>a) adequate and accessible space for pedestrians, <i>active transportation</i>, as well as transit, other vehicles, and utilities; (OPA 167)</p> <p>b) continuous sidewalks;</p> <p>c) landscaping such as street trees and landscaped boulevards;</p> <p>d) pedestrian amenities such as lighting, seating, way-finding signage, and <i>urban braille</i>;</p> <p>e) on-street parking;</p> <p>f) public art;</p> <p>g) amenities and spaces that encourage social interaction, pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés. (OPA 167); and,</p> <p>h) allowances for temporary and permanent road closures that support public gathering, open space programming and naturalization.</p>																								
Table 3.5.3.1 – Parkland Standards	Table 3.5.3.1 – Parkland Standards																								
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<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text = text to be added</b></p>
<p>B.3.5.3.15 Notwithstanding Policy B.3.5.3.11, <del>and the standards contained in Table 3.5.3.1 - Parkland Standards:</del></p> <p><b>a) the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site.; and,</b></p> <p><b>b) a greater Minimum Service Radius/Walking Distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 b), is located within the 500 metre service radius.</b></p>	<p>B.3.5.3.15 Notwithstanding Policy B.3.5.3.11 and the standards contained in Table 3.5.3.1 - Parkland Standards:</p> <p>a) the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site.; and,</p> <p>b) a greater Minimum Service Radius/Walking Distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 b), is located within the 500 metre service radius.</p>
<p>B.3.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p> <p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; <del>and,</del>(OPA 167)</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council.; <b>and,</b> (OPA 167)</p> <p><b>g) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.</b></p>	<p>B.3.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p> <p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; (OPA 167)</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council; and,(OPA 167)</p> <p>g) Social equity factors such as proportion the of potential low-income households and consideration of the availability of private amenity space.</p>

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

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text = text to be added</b></p>
<p>F.1.18.1 In considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each <del>300</del> <b>600</b> dwelling units proposed <b>where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</b></p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. <b>The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for affordable or attainable residential units or non-profit housing development.</b></p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p><del>i) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land not to exceed an amount of 5% of the net land areas to be developed.</del></p> <p><del>ii) For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1 hectare for each 300 dwelling units proposed;</del></p> <p><del>iii) For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall</del></p>	<p>F.1.18.1 In considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for <i>affordable</i> or attainable residential units or non-profit housing <i>development</i>.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.</p> <p>ii) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>



<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p><b>Bolded text</b> = text to be added</p>
<p><del>be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed;</del></p> <p><del>iv) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) ii) for land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare where cash-in-lieu payment applies, the rate for calculating parkland dedication shall not exceed a rate of 1.0 hectare for each 500 dwelling units proposed. (OPA 73)</del></p> <p><del>v) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.</del></p> <p><del>vi) i) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.</del></p> <p><del>vii) ii) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</del></p> <p><del>viii) iii) Notwithstanding Policy F.1.18.1 a) i) to</del>  <b>v) and ii)</b>, Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/affordable housing, as provided for in the Parkland Dedication By-law.</p>	<p>iii) Notwithstanding Policy F.1.18.1 a) i) and ii), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/affordable housing, as provided for in the Parkland Dedication By-law.</p>

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text</b> = text to be added</p>
<p><b>F.1.18.5 Notwithstanding Policy F.1.18.1 a), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</b></p>	<p>F.1.18.5 Notwithstanding Policy F.1.18.1 a), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>

Schedule "1"

## DRAFT Rural Hamilton Official Plan Amendment No. X

The following text constitutes Official Plan Amendment No. "X" to the Rural Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- Amend the Parkland Policies of Volume 1 to incorporate social equality factors into the determination of parkland amount and type and reduce the Minimum Service Radius/ Walking Distance to Neighbourhood Parks; and,
- Amend the Parkland Dedication Policies of Volume 1 by increasing the number of units for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area.

### 2.0 Location:

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

### 3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment implements the recommendations of the City of Hamilton Parks Master Plan (September 2023);
- The Amendment is consistent with amendments made to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022* and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

**4.0 Actual Changes:**

**4.1 Volume 1 – Parent Plan**

**Text**

4.1.1 Chapter B – Communities

a. That Policies B.3.5.3.9 and B.3.5.3.14 of Volume 1: Chapter B – Communities be amended, as outlined in Appendix "A" attached to this amendment.

4.1.2 Chapter F – Implementation

a. That Policy F.1.18.1 of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix "B" attached to this amendment.

**5.0 Implementation:**

An implementing amendment to the City's Parkland Dedication By-law will give effect to the amendments to the Rural Hamilton Official Plan.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 2024.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK

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

<b>Proposed Change</b>			<b>Proposed New / Revised Policy</b>		
Grey highlighted strikethrough text = text to be deleted			<b>Bolded text</b> = text to be added		
<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p>			<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p>		
<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/ Walking Distance</b>	<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/ Walking Distance</b>
Neighbourhood Parks	0.7 ha/1000	<del>800 m</del> <b>500 m</b>	Neighbourhood Parks	0.7 ha/1000	500 m
Community Parks	0.7 ha/1000	n/a	Community Parks	0.7 ha/1000	n/a
<p><b>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</b></p>			<p>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</p>		
<p>B.3.5.3.14 Through the review and preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces; <del>and</del></p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); <b>and,</b></p>			<p>B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,</p>		

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<del>Grey highlighted strikethrough text</del> = text to be deleted	<b>Bolded text</b> = text to be added
<b>f) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.</b>	f) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.

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

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<del>Grey highlighted strikethrough text</del> = text to be deleted	<b>Bolded text</b> = text to be added
<p>F.1.18.1 In accordance with the <i>Planning Act</i>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each <del>300</del> <b>600</b> dwelling units proposed <b>where land is dedicated or 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided.</b></p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu, or a combination thereof for <i>developments or redevelopment</i> that contain a mix of residential densities. <b>The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for affordable or attainable residential units or non-profit housing development.</b></p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>	<p>F.1.18.1 In accordance with the <i>Planning Act</i>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for <i>affordable</i> or attainable residential units or non-profit housing development.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>

<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text = text to be added</b></p>
<p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i> housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p><b>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</b></p>	<p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i> housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>

**Schedule "1"**

**Amendment No. "X"  
to the  
City of Hamilton Official Plan**

The following text constitutes Official Plan Amendment No. "X" to the City of Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to:

- Amend the West Harbour (Setting Sail) Secondary Plan to allow temporary and permanent road closures to support public gathering and open space programming and establish a minimum service radius/walking distance standard for neighbourhood parkland; and,
- Amend the Municipal Land Acquisition Policies to change the density and unit number standards used for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area, to align with the changes to the Planning Act made by Bill 23.

**2.0 Location:**

The lands affected by this amendment are located within the West Harbour (Setting Sail) Secondary Plan area.

**3.0 Basis:**

The basis for permitting this Amendment is:

- The Amendment implements a recommendation of the City of Hamilton Parks Master Plan (September 2023); and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.



## 4.0 Changes:

### 4.1 Text Changes

4.1.1 That Section A.6.3.2 – Planning Principles be amended by adding Policy No. A.6.3.2.5 ix) as follows:

"A.6.3.2.5 ix) Enable the use of temporary and permanent road closures to support public gathering, open space programming and naturalization."

4.1.2 That Section A.6.3.3 – General Policies be amended by adding Policy Nos. A.6.3.3.2.17, A.6.3.3.2.18 and A.6.3.3.2.19 as follows:

"A.6.3.3.2.17 Notwithstanding Policy C.1.1.1, to ensure the provision of an adequate amount of parkland, a minimum service radius/walking distance standard of 500 metres shall be used in the determination of neighbourhood parkland needs within the West Harbour Secondary Plan.

A.6.3.3.2.18 In addition to Policy A.6.3.3.2.17, the provision of parkland shall also consider social equity factors such as the proportion of potential low-income households and consideration of the availability of private amenity space.

A.6.3.3.2.19 Notwithstanding Policy A.6.3.3.2.17, a greater minimum service radius/walking distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park is located within the 500 metre service radius."

4.1.3 That Section D.5 – Municipal Land Acquisition Policies be amended by deleting Policy Nos. D.5.8 and D.5.9 and adding Policy Nos. D.5.12 to D.5.13 as follows:

"D.5.12 In accordance with the Planning Act, and in considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- i) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.

The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu. The maximum parkland dedication shall also include any reductions required by the Planning Act for affordable or attainable residential units or non-profit housing development.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) Regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.
- b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.
- c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law.
- d) Council shall require a combination of dedication rates as defined in Policy D.5.12 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses.

e) Notwithstanding Policy D.5.12 i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/affordable housing, as provided for in the Parkland Dedication By-law.

D.5.13 Notwithstanding Policy D.5.12, the maximum alternative parkland dedication shall also be limited by any maximums required by the Planning Act."

## 5.0 **Implementation:**

An implementing amendment to the City's Parkland Dedication By-law will give effect to the amendments to the Urban Hamilton Official Plan.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 2024.

### The City of Hamilton

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
M. Trennum  
CITY CLERK

**Appendix “D” to Report PED24060**  
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**Proposed Urban Hamilton Official Plan Text Amendments – Rationale**

<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>																								
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Volume 1, Chapter B, Table 3.5.3.1	<table border="1"> <thead> <tr> <th><b>Park Classification</b></th> <th><b>Per 1,000 Population (Ratios)</b></th> <th><b>Minimum Service Radius/Walking Distance</b></th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td><del>800 m</del> <b>500 m</b></td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>2 km</td> </tr> <tr> <td>City-Wide Parks</td> <td>0.7 ha/1000</td> <td>n.a.</td> </tr> </tbody> </table>	<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/Walking Distance</b>	Neighbourhood Parks	0.7 ha/1000	<del>800 m</del> <b>500 m</b>	Community Parks	0.7 ha/1000	2 km	City-Wide Parks	0.7 ha/1000	n.a.	<table border="1"> <thead> <tr> <th><b>Park Classification</b></th> <th><b>Per 1,000 Population (Ratios)</b></th> <th><b>Minimum Service Radius/Walking Distance</b></th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td>500 m</td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>2 km</td> </tr> <tr> <td>City-Wide Parks</td> <td>0.7 ha/1000</td> <td>n.a.</td> </tr> </tbody> </table>	<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/Walking Distance</b>	Neighbourhood Parks	0.7 ha/1000	500 m	Community Parks	0.7 ha/1000	2 km	City-Wide Parks	0.7 ha/1000	n.a.	Implements short term action 2 e. of the Parks Master Plan, helping ensure that residents with limited mobility have access to neighbourhood parks.
<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/Walking Distance</b>																									
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Volume 1, Chapter B, Policy 3.5.3.12	<p>B.3.5.3.15 Notwithstanding Policy B.3.5.3.11 <b>and the standards contained in Table 3.5.3.1 - Parkland Standards:</b></p> <p><b>a)</b> the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site-; <b>and,</b></p> <p><b>b) a greater Minimum Service Radius/Walking Distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 b), is located within the 500 metre service radius.</b></p>	<p>B.3.5.3.15 Notwithstanding Policy B.3.5.3.11 and the standards contained in Table 3.5.3.1 - Parkland Standards:</p> <p>a) the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site-; and,</p> <p>b) a greater Minimum Service Radius/Walking Distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 b), is located within the 500 metre service radius.</p>	<p>With the reduction of the minimum walking distance to a Neighbourhood Park from 800 to 500 metres, the proposed policy provides some flexibility to recognize parks that function similar to a Neighbourhood Park within Secondary Plans when considering a minimum service radius.</p> <p>The policy is consistent with the</p>																								

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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
	Grey highlighted strikethrough text = text to be deleted	<b>Bolded text</b> = text to be added	
			direction in the Parks Master Plan.
Volume 1, Chapter B, Policy 3.3.2.10	<p>3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:</p> <p>a) adequate and accessible space for pedestrians, <i>active transportation</i>, as well as transit, other vehicles, and utilities; (OPA 167)</p> <p>b) continuous sidewalks;</p> <p>c) landscaping such as street trees and landscaped boulevards;</p> <p>d) pedestrian amenities such as lighting, seating, way-finding signage, and <i>urban braille</i>;</p> <p>e) on-street parking;</p> <p>f) public art; <del>and,</del></p> <p>g) amenities and spaces that encourage social interaction, pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés. (OPA 167); <b>and,</b></p> <p><b>h) allowances for temporary and permanent road closures that support public gathering, open space programming and naturalization.</b></p>	<p>3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:</p> <p>a) adequate and accessible space for pedestrians, <i>active transportation</i>, as well as transit, other vehicles, and utilities; (OPA 167)</p> <p>b) continuous sidewalks;</p> <p>c) landscaping such as street trees and landscaped boulevards;</p> <p>d) pedestrian amenities such as lighting, seating, way-finding signage, and <i>urban braille</i>;</p> <p>e) on-street parking;</p> <p>f) public art;</p> <p>g) amenities and spaces that encourage social interaction, pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés. (OPA 167); and,</p> <p>h) allowances for temporary and permanent road closures that support public gathering, open space programming and naturalization.</p>	<p>Implements short-term action 3 a. of the Parks Master Plan and will provide more flexible uses of public spaces that benefits the community, including potential climate mitigation in hotter areas of the city.</p>

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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
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Volume 1, Chapter B, Policy 3.5.16	<p>B.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p> <p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; <del>and</del>, (OPA 167)</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council. (OPA 167); <b>and,</b></p> <p><b>g) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.</b></p>	<p>B.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p> <p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; OPA 167)</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council. (OPA 167); and,</p> <p>g) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.</p>	Implements short-term action 3 a. of the Parks Master Plan and provides a social-equity lens to parks planning at the secondary or neighbourhood plan level.
Volume 1, Chapter F, Policy 1.18.1 (Parkland	1 F.1.18.1 In considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the	F.1.18.1 In considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the	Under Bill 23 Maximum Parkland Dedication rates have now changed. Alternative rate

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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
	<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text</b> = text to be added</p>	
Dedication Policies)	<p>dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each <del>300</del> <b>600</b> dwelling units proposed <b>where land is dedicated or 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided.</b>–The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. <b>The maximum parkland dedication shall also include any reductions required by the Planning Act for affordable or attainable residential units or non-profit housing development.</b></p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) <del>For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land not to exceed an amount of 5% of the net land areas to be developed.</del></p>	<p>dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided. The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <i>Planning Act</i> for <i>affordable</i> or attainable residential units or non-profit housing <i>development</i>.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.</p>	<p>cannot exceed 1 ha per 600 dwelling units for where land is dedicated and 1 ha per net 1,000 dwellings units where cash-in-lieu is provided.</p> <p>The recommended amendments institute this maximum, clearly stating that the City will apply either this maximum or 5% of the land value, whichever amount is greater.</p> <p>Bill 23 also states where the alternative rate is used, rates are also capped at 10% of the land area for sites 5ha or less, and 15% of the land area for sites greater than 5ha. This additional requirement is captured under proposed policy F.1.18.5.</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Rationale
	<p><del>ii) For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare or, parkland shall be dedicated at a rate not to exceed 1 hectare for each 300 dwelling units proposed;</del></p> <p><del>iii) For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed;</del></p> <p><del>iv) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) ii) for land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare where cash in lieu payment applies, the rate for calculating parkland dedication shall not exceed a rate of 1.0 hectare for each 500 dwelling units proposed. (OPA 73)</del></p> <p><del>v) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.</del></p> <p><del>vi) i) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net</del></p>	<p><b>Bolded text = text to be added</b></p> <p>ii) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p> <p>iii) Notwithstanding Policy F.1.18.1 a) i) and ii), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/affordable housing, as provided for in the Parkland Dedication By-law.</p> <p>F.1.18.5 Notwithstanding Policy F.1.18.1 a), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>	



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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
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	<p>land area shall apply to developments of single or semi-detached lots, or duplexes.</p> <p><del>vii)</del> <b>ii)</b> In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p> <p><del>viii)</del> <b>iii)</b> Notwithstanding Policy F.1.18.1 a) i) <del>to</del> <b>and ii)</b>, Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/affordable housing, as provided for in the Parkland Dedication By-law.</p> <p><b>F.1.18.5 Notwithstanding Policy F.1.18.1 a), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</b></p>		

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**Proposed Rural Hamilton Official Plan Text Amendments – Rationale**

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Volume 1, Chapter B, Policy 3.5.3.9	<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p> <table border="1"> <thead> <tr> <th><b>Park Classification</b></th> <th><b>Per 1,000 Population (Ratios)</b></th> <th><b>Minimum Service Radius/ Walking Distance</b></th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td><del>800 m</del> <b>500 m</b></td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>n/a</td> </tr> </tbody> </table> <p><b>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</b></p>	<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/ Walking Distance</b>	Neighbourhood Parks	0.7 ha/1000	<del>800 m</del> <b>500 m</b>	Community Parks	0.7 ha/1000	n/a	<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p> <table border="1"> <thead> <tr> <th><b>Park Classification</b></th> <th><b>Per 1,000 Population (Ratios)</b></th> <th><b>Minimum Service Radius/ Walking Distance</b></th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td>500 m</td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>n/a</td> </tr> </tbody> </table> <p>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</p>	<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/ Walking Distance</b>	Neighbourhood Parks	0.7 ha/1000	500 m	Community Parks	0.7 ha/1000	n/a	<p>Implements short term action 2 e. of the Parks Master Plan, helping ensure that residents with limited mobility have access to neighbourhood parks.</p> <p>With the reduction of the minimum walking distance to a Neighbourhood Park from 800 to 500 metres, the proposed policy provides some flexibility to recognize parks that function similar to a neighbourhood Park within Secondary Plans when considering a minimum servicing radius.</p> <p>The policy is consistent with the</p>
<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/ Walking Distance</b>																			
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Policy Number	Proposed Change	Proposed New / Revised Policy	Rationale
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			direction in the Parks Master Plan.
Volume 1, Chapter B, Policy 3.5.3.14	<p>B.3.5.3.14 Through the review and preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces; <del>and</del></p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); <b>and,</b></p> <p><b>f) Social equity factors including proportion of potential low-income households and consideration of the availability of private amenity space.</b></p>	<p>.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,</p> <p>f) Social equity factors including proportion of potential low-income households and consideration of the availability of private amenity space.</p>	Implements short-term action 3 a. of the Parks Master Plan and provides a social-equity lens to parks planning at the secondary or neighbourhood plan level.
Volume 1, Chapter B, Policy 3.5.16	<p>B.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p>	<p>B.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) the parkland standards in Policy B.3.5.3.11;</p>	Implements short-term action 3 a. of the Parks Master Plan and provides a social-equity lens to parks planning at the secondary or

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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
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	<p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; and, (OPA 167); <del>and,</del></p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council. (OPA 167); <b>and,</b></p> <p><b>g) Social equity factors including proportion of low-income households, proportion of unsuitable housing and availability of private amenity space (e.g. backyards) within the exiting housing stock.</b></p>	<p>b) projected population;</p> <p>c) the location of other parks in adjacent areas;</p> <p>d) the feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) the feasibility of providing a range of parkland spaces for all residents within a safe walking distance; and, (OPA 167);</p> <p>f) site characteristics (slope, natural features, frontage in a public road) as defined by the Parks and Open Space Development Guide, adopted by Council. (OPA 167; and, )</p> <p>g) Social equity factors including proportion of low-income households, proportion of unsuitable housing and availability of private amenity space (e.g. backyards) within the exiting housing stock.</p>	neighbourhood plan level.
Volume 1, Chapter F, Policy 1.18.1 (Parkland Dedication Policies)	<p>F.1.18.1 In accordance with the <u>Planning Act</u>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a</p>	<p>F.1.18.1 In accordance with the <u>Planning Act</u>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a</p>	Under Bill 23 Maximum Parkland Dedication rates have now changed. Alternative rate cannot exceed 1 ha per 600 dwelling units for where land is dedicated and 1 ha per 1,000 net

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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
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	<p>rate of 1.0 hectare for each <del>300</del> <b>600</b> dwelling units proposed <b>where land is dedicated or 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided.</b> The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for <i>developments or redevelopment</i> that contain a mix of residential densities.</p> <p><b>The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for affordable or attainable residential units or non-profit housing development.</b> For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p> <p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i></p>	<p>rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated at 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided. The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu, or a combination thereof for <i>developments or redevelopment</i> that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for <i>affordable</i> or attainable residential units or non-profit housing development. For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p> <p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i></p>	<p>dwellings units where cash-in-lieu is provided.</p> <p>The recommended amendments institute this maximum, clearly stating that the City will apply either this maximum or 5% of the land value, whichever amount is greater.</p> <p>Bill 23 also states where the alternative rate is used, rates are also capped at 10% of the land area for sites 5ha or less, and 15% of the land area for sites greater than 5ha. This additional requirement is captured under proposed policy F.1.18.5.</p>

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<b>Policy Number</b>	<b>Proposed Change</b>	<b>Proposed New / Revised Policy</b>	<b>Rationale</b>
	<del>Grey highlighted strikethrough text = text to be deleted</del>	<b>Bolded text</b> = text to be added	
	<p>housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p><b>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</b></p>	<p>housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>	


**Appendix “E” to Report PED24060  
Page 1 of 1**

**Summary of Changes to the Parkland Dedication Regime from Bill 23, *More Homes Built Faster Act, 2022***

- A requirement to exempt non-profit housing and inclusionary zoning units.
- A requirement to exempt affordable and attainable units (proclaimed to come into effect on June 1, 2024).
- A requirement to exempt up to two secondary dwelling units, one of which may be detached.
- A requirement to provide credit for existing gross floor area.
- Locking in the land value rate to be used at the date of the related site-plan or zoning specific site plan amendment application date, if applicable, for two years after the approval of that application.
- Reducing the alternative requirement of one hectare (ha) per 300 dwelling units to one ha per 600 dwelling units where land is being conveyed. Where the municipality imposes payment-in-lieu requirements, reducing the amount from one ha per 500 dwelling units to one ha per 1,000 net residential units.
- Capping the alternative requirement at 10% of the land area or land value where the land proposed for development or redevelopment is five ha or less and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha.
- Allowing developers to contribute encumbered land (e.g. below grade infrastructure) and Privately-owned publicly accessible spaces, referred to as POPS, towards its parkland dedication requirements (not yet proclaimed into force).
- Requiring the City to spend or allocate 60% of its Parkland Dedication Reserve at the beginning of each year.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Expanding Administrative Penalties (APS) By-law No. 17-225 to include new penalties for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Gillian Barkovich (905) 546-2424 Ext. 2348
<b>SUBMITTED BY:</b>	Dan Smith Acting Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That the amending by-law to the Administrative Penalties (APS) By-law No. 17-225 to incorporate various offences contained within the Property Standards By-law No. 23-162, Vital Services By-law No. 23-161, Safe Apartment Buildings By-law No. 24-054, Renovation Licence and Relocation By-law No. 24-055 and Schedule 32 (Short-term Rentals) of the Licensing By-law No. 07-170, as described in Report PED24091 and attached as Appendix "A" to Report PED24091, be approved.

## EXECUTIVE SUMMARY

The purpose of this report is to amend the Administrative Penalties (APS) By-law No. 17-225 to incorporate new and updated penalties for various new by-laws and schedules enforced by Licensing and By-law Services. By-law amendments are occasionally required to improve enforcement activities and update various by-laws as part of continuous improvement efforts to develop the most efficient and effective by-laws.

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

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

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



**SUBJECT: Expanding Administrative Penalties (APS) By-law No. 17-225 to include new charges for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) - Page 2 of 6**

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The *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act, 2001*”) authorizes the use of administrative penalties for designated by-laws. Having minor by-law contraventions in the City’s Administrative Penalty System provides an alternative to the formal Provincial Offences court process to deal with minor by-law infractions in a manner that is fair, effective and efficient and requires far fewer resources.

This report proposes the introduction of new and updated penalties for the following by-laws:

- Property Standards By-law No. 23-162;
- Vital Services By-law No. 23-161;
- Safe Apartment Buildings By-law No. 24-054;
- Renovation Licence and Relocation By-law No. 24-055; and,
- Schedule 32 (Short-term Rentals) of the Licensing By-law No. 07-170.

**Alternatives for Consideration – Not applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not applicable.

Staffing: Not applicable.

Legal: Legal Services assisted with the preparation of the appended Draft Amending By-law to amend Administrative Penalties (APS) By-law No. 17-225, attached as Appendix “A” to Report PED24091.

**HISTORICAL BACKGROUND**

In September 2017, through Report PED17165(a) – Expanding Administrative Penalty System, Council approved the expansion of the City of Hamilton Administrative Penalties (APS) By-law, to incorporate the City of Hamilton Responsible Animal Ownership By-law No. 12-031, the Feeding of Wildlife By-law No. 12-030, followed by the Licensing By-law and other Municipal Law Enforcement By-laws.

In January 2023, through Report PED17203(c) – Licensing Short-term Rental Accommodations, Council approved an amendment to the Licensing By-law No. 07-170 to introduce Schedule 32 (Short-term Rentals) to license and regulate both operators and brokers of short-term rental accommodations in the City of Hamilton and authorized staff to create new administrative penalties to amend the Administrative Penalties (APS) By-law.

**SUBJECT: Expanding Administrative Penalties (APS) By-law No. 17-225 to include new charges for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) - Page 3 of 6**

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In August 2023, through Report PED23072 - Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton, Council approved new and updated Property Standards and Vital Services By-laws to better regulate the supply of vital services and to prescribe clearer standards for the maintenance and occupancy of properties in the City of Hamilton. Council also authorized staff to create new administrative penalties to amend the Administrative Penalties (APS) By-law.

In April 2024, through Reports PED23072 and PED23072(a) – Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton, Council approved new Safe Apartment Buildings and Renovation Licence and Relocation By-laws to regulate apartment building property standards and registration of apartment buildings and to regulate repairs and renovations to rental units in the City of Hamilton. Council also authorized staff to create new administrative penalties to amend the Administrative Penalties (APS) By-law.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Staff's review considered the following applicable Municipal and Provincial legislation:

- *Municipal Act, 2001, S.O. 2001, c 25;*
- *Provincial Offences Act R.S.O. 1990, c P. 33;* and,
- Municipal By-laws including Licensing, Property Standards, Vital Services, Safe Apartment Buildings, Renovation Licence and Relocation and Administrative Penalty (APS) By-laws.

The *Municipal Act, 2001* authorizes the use of Administrative Penalties for designated by-laws. Section 434.1 of the *Municipal Act, 2001*, provides the authority for municipalities to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law. The purpose of the Administrative Penalties By-law No. 17-225 is to assist municipalities in promoting compliance with its by-laws. Subsection 434.1 (3) states that the amount of an administrative penalty shall (a) not be punitive in nature and (b) shall not exceed the amount reasonably required to promote compliance with a by-law of the municipality. This may include issuing penalties for each day that an offense occurs.

**SUBJECT: Expanding Administrative Penalties (APS) By-law No. 17-225 to include new charges for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) - Page 4 of 6**

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## RELEVANT CONSULTATION

In preparing the draft By-law appended to this report and crafting the recommendation highlighted herein, the following internal divisions were consulted:

- Corporate Services Department, Legal and Risk Management Services Division, Legal Services;
- Planning and Economic Development Department, Transportation Planning and Parking Division; and,
- Planning and Economic Development Department, Licensing & By-law Services Division.

## ANALYSIS AND RATIONALE FOR RECOMMENDATION

In most cases, voluntary compliance with by-laws is achieved with no further enforcement action required after initial inspection by a Municipal Law Enforcement Officer. If voluntary compliance is not achieved, Orders may be issued and fees for service applied, followed by charges and the request for City contractors to attend the property and remedy the contravention. Contractor costs are added to the property tax roll. Legal action may commence where a property owner continues to re-offend.

Enforcement through the *Provincial Offences Act* involves a lengthy formal court procedure utilizing significant public resources. In contrast, the issuance of Administrative Penalty Notices (APNs) through the Administrative Penalties (APS) By-law provides an effective and efficient process that is also fair, proportionate and encourages compliance with City of Hamilton by-laws.

Issuing Administrative Penalty Notices does not include the lengthy formal process that occurs in the Provincial Offences Court. Penalty Notices are reviewed by a Screening Officer over the phone, via email, regular mail or in person without an appointment. Less formal Hearings may be conducted to provide offenders the opportunity to dispute their Screening Decision. The Hearing Officer's Decision regarding the Penalty Notice is final. This enhanced resolution process is an efficient method that provides excellent customer service for individuals who wish to exercise these options.

The use of Administrative Penalty Notices has produced positive impacts in relation to the administration and enforcement of the minor contraventions currently designated in the Administrative Penalties (APS) By-law that Licensing and By-law Services staff enforce.

**SUBJECT: Expanding Administrative Penalties (APS) By-law No. 17-225 to include new charges for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) - Page 5 of 6**

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Since the introduction of the Administrative Penalties (APS) By-law in the City of Hamilton and where appropriate contraventions exist, Licensing and By-law Services staff have consistently proposed the incorporation of those contraventions within the Administrative Penalties (APS) By-law upon amendments to existing by-laws and/or approval of new by-laws by Hamilton City Council. Generally, staff will first make application for approval of set fines to the Ministry of the Attorney General. Upon approval of set fines, staff will work with Legal Services to develop new administrative penalties.

As detailed in Appendix “A” to Report PED24091, staff propose amending the Administrative Penalties (APS) By-law to incorporate penalties associated with offences under the follow new and/or updated by laws:

- Property Standards By-law No. 23-162;
- Vital Services By-law No. 23-161;
- Safe Apartment Buildings By-law No. 24-054;
- Renovation Licence and Relocation By-law No. 24-055; and,
- Schedule 32 (Short-term Rentals) of the Licensing By-law No. 07-170.

### **Vital Services and Property Standards By-laws**

In August 2023, through staff’s proposal of the Hamilton Apartment Rental Program to address renovictions in Hamilton, the existing Vital Services and Property Standards By-laws were repealed and replaced with new and updated Vital Services By-law No. 23-161 and Property Standards By-law No. 23-162. Contraventions associated with the original by-laws were incorporated into the Administrative Penalties (APS) By-law. As summarized in Appendix “A” to Report PED24091, staff propose the deletion of penalties associated with the repealed by-laws and the introduction of new administrative penalties associated with the new and updated by-laws. Application for set fines has already been approved by the Ministry of the Attorney General.

### **Safe Apartment Buildings and Renovation Licence and Relocation By-laws**

In April 2024, Council approved new Renovation Licence and Relocation and Safe Apartment Buildings By-laws to help address renovictions in the City of Hamilton. As detailed in Appendix “A” to Report PED24091 staff have proposed the creation of new administrative penalties associated with both by-laws. Approval of new penalties will ensure timely and effective implementation and enforcement of both by-laws in 2025 and 2026 respectively. Application for set fines has been made to the Ministry of the Attorney General, but has not yet been approved.

**SUBJECT: Expanding Administrative Penalties (APS) By-law No. 17-225 to include new charges for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) - Page 6 of 6**

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### **Schedule 32 (Short-term Rental Accommodations) – Licensing By-law**

In January 2023, Schedule 32 (Short-term Rental Accommodations) of the Licensing By-law was approved. Due to prioritization of the renovations related work, implementation of the Short-term Rental schedule was delayed and enforcement of the By-law began in January 2024. The application for set fines was approved by the Ministry of the Attorney General and as detailed in Appendix “A” to Report PED24091, staff have proposed the creation of new penalties associated with Schedule 32.

### **ALTERNATIVES FOR CONSIDERATION**

Not applicable.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24091 – Draft Amending By-law to amend Administrative Penalties (APS) By-law No. 17-225

**Appendix “A” to Report PED24091  
Page 1 of 12**

**Authority:** Item  
Report (PED24091)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 24-xxx**

**To Amend By-law 17-225, a By-law to Establish a System of  
Administrative Penalties**

**WHEREAS** Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

**WHEREAS** this By-law amends By-law No. 17-225;

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

1. The amendments in this By-law include any necessary grammatical, numbering, and lettering changes.
2. That By-law 17-225 be amended by adding the following items to Table 10: By-law No. 07-170 To License and Regulate Various Businesses, in Schedule A of By-law No.17-225:

<b>TABLE 10: BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
30	07-170	Sch. 32 Sec. 3.1	Operate Short-Term Rental without a licence	\$400.00
31	07-170	Sch. 32 Sec. 3.2	Operate Short-Term Rental that is not Principal Residence	\$300.00
32	07-170	Sch. 32 Sec. 3.3	Operate as Short-Term Rental Broker – no licence	\$400.00
33	07-170	Sch. 32 Sec. 3.4 (a)	Provide or advertise Short-Term Rental without displaying Operator’s licence number	\$300.00
34	07-170	Sch. 32 Sec. 3.4 (b)	Provide or advertise Short-Term Rental without displaying Max. overnight guests	\$300.00

**Appendix “A” to Report PED24091  
Page 2 of 12**

<b>TABLE 10: BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
35	07-170	Sch. 32 Sec. 3.5	Fail to remove an advertisement for Short-Term Rental as ordered	\$300.00
36	07-170	Sch. 32 Sec.3.6	Provide or advertise Short-Term Rental to number of guests that is in excess of guest limit	\$300.00
37	07-170	Sch. 32 Sec. 3.7	Provide or advertise Short-Term Rental with unlicensed Short-Term Rental Broker	\$300.00
38	07-170	Sch. 32 Sec. 4.7	Operator rent/advertise a Short-Term Rental not on Principal Residence	\$300.00
39	01-170	Sch. 32 Sec. 4.11	Operator fail to post fire escape plan on all floors of their building in conspicuous place	\$300.00
40	01-170	Sch. 32 Sec. 4.13	Operator fail to keep records as required	\$300.00
41	01-170	Sch. 32 Sec. 4.14	Operator fail to disclose records as required	\$300.00
42	01-170	Sch. 32 Sec. 4.15	Operator fail (provide) to have information package in residential unit as required	\$300.00
43	01-170	Sch. 32 Sec. 5.9	Short-Term Rental Broker fail to disclose records as required	\$400.00
44	01-170	Sch. 32 Sec. 5.13	Short-Term Rental Broker fail to convey communication to Operators as required	\$400.00

3. That By-law 17-225 be amended by repealing Table 14: By-law 10-221 Property Standards By-law and replacing it with the following Table 14: By-law 23-162 Property Standards By-law in Schedule A of By-law 17-225:

<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
1	23-162	5(7)	Owner fail to disconnect utilities in vacant building that has been vacant for more than 90 days	\$200.00

## Appendix "A" to Report PED24091

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
2	23-162	7(1)	Owner fail to keep water in private swimming pool clean and in a sanitary condition	\$150.00
3	23-162	7(1)	Occupant fail to keep water in private swimming pool clean and in a sanitary condition free from obnoxious odours	\$150.00
4	23-162	7(3)	Owner - principal entrance of building fail to have a walkway/driveway/hard surface leading to road	\$150.00
5	23-162	7(4)	Owner fail to have concrete wheel stops at parking spaces	\$200.00
6	23-162	7(5)	Owner - area used for vehicular traffic/parking fail to be surfaced with suitable dust free material and maintained	\$200.00
7	23-162	7(6)	Owner fail to maintain walkways/ driveways/ parking lots to afford safe passage	\$200.00
8	23-162	7(7)	Owner fail to maintain stone surface free of dust	\$200.00
9	23-162	7(7)	Occupant - crushed stone surface spillover onto sidewalk/grass	\$150.00
10	23-162	7(7)	Owner - crushed stone surface spillover onto sidewalk/grass	\$150.00
11	23-162	8(1)	Owner fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200.00
12	23-162	8(1)	Occupant fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200.00
13	23-162	10(1)	Owner - storm water discharge creating standing water	\$150.00
14	23-162	10(1)	Occupant - storm water discharge creating standing water	\$150.00
15	23-162	10(1)	Owner - storm water discharge creating erosion/damage to property	\$150.00
16	23-162	10(1)	Occupant - storm water discharge creating erosion/damage to property	\$150.00
17	23-162	10(1)	Owner - storm water discharge directed/draining onto adjoining property	\$150.00



## Appendix "A" to Report PED24091

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
18	23-162	10(1)	Occupant - storm water discharge directed/draining onto adjoining property	\$150.00
19	23-162	10(2)	Owner - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150.00
20	23-162	10(2)	Occupant - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150.00
21	23-162	10(3)(a)	Owner - eavestrough/downspout not watertight/free from leaks	\$150.00
22	23-162	10(3)(b)	Owner - eavestrough/downspout not free from obstruction	\$150.00
23	23-162	10(3)(c)	Owner - eavestrough/downspout not stable/securely fastened	\$150.00
24	23-162	10(3)(d)	Owner - eavestrough/downspout not perform its intended function	\$150.00
25	23-162	11(1)	Owner - fence/barrier/retaining wall not maintained to perform intended function	\$150.00
26	23-162	12(1)	Owner - exterior surfaces not of resistant materials/coatings to protect deterioration by weather	\$150.00
27	23-162	12(2)	Owner - fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200.00
28	23-162	12(2)	Occupant- fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200.00
29	23-162	12(3)(a)	Owner - exterior of building not maintained to prevent the entry of vermin/birds	\$200.00
30	23-162	12(4)(a)	Owner - fail to maintain/prevent deterioration of exterior wall by painting/restoring or repairing wall/coping/flashing or waterproofing	\$200.00
31	23-162	12(4)(b)	Owner - fail to repair vandalism/damage of exterior wall	\$150.00
32	23-162	12(5)	Owner - fail to maintain/repair roof/all components to properly perform intended function, weather-tight condition	\$200.00

## Appendix "A" to Report PED24091

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
33	23-162	13(4)	Owner - fail to maintain basement/crawl space in a watertight condition	\$200.00
34	23-162	14(1)(a)	Owner - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200.00
35	23-162	14(1)(a)	Occupant - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200.00
36	23-162	14(1)(a)	Owner - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150.00
37	23-162	14(1)(a)	Occupant - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150.00
38	23-162	14(2)	Owner - fail to ensure lock on opening properly performs intended function	\$200.00
39	23-162	14(2)	Owner- fail to repair/replace damaged lock	\$200.00
40	23-162	14(3)	Owner - door/entrance to dwelling/dwelling unit without lock capable of securing from outside and inside	\$200.00
41	23-162	14(4)	Owner - window not able to be locked/secured from inside	\$200.00
42	23-162	14(5)	Owner - fail to have/maintain appropriate window screens to perform intended function	\$200.00
43	23-162	14(5)	Occupant - fail to have/maintain appropriate window screens to perform intended function	\$200.00
44	23-162	14(7)	Owner - voice communication system not maintained in good repair	\$150.00
45	23-162	15(1)	Owner - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks and other defects	\$200.00
46	23-162	15(1)	Occupant - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks and other defects	\$200.00

## Appendix "A" to Report PED24091

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
47	23-162	15(2)	Owner - exterior stairway/landing/balcony/porch/ramp not free of furniture/appliance	\$200.00
48	23-162	15(2)	Occupant- exterior stairway/landing/balcony/porch/ramp – not free of furniture/appliance	\$200.00
49	23-162	15(3)	Owner - fail to repair/replace treads and risers of exterior/interior stairway	\$200.00
50	23-162	15(4)(a)	Owner - fail to have handrail for exterior/interior stairway	\$200.00
51	23-162	15(4)(a)	Owner - fail to replace/repair exterior/interior handrail	\$200.00
52	23-162	15(4)(b)	Owner - fail to have partial/short wall at exterior stairway	\$200.00
53	23-162	15(4)(b)	Owner - fail to repair/replace partial/short wall at exterior stairway	\$200.00
54	23-162	15(5)	Owner - fail to keep common areas clean and free of hazards	\$200.00
55	23-162	16(4)	Owner - floor not smooth/level that may create unsafe condition/surface	\$200.00
56	23-162	16(5)	Owner - floor covering worn/torn not repaired/replaced	\$200.00
57	23-162	16(6)	Owner - fail to have water resistant floor covering in bathroom/kitchen/laundry or shower	\$200.00
58	23-162	16(7)	Owner – fail to maintain wall/ceiling in a condition free from holes/open cracks/loose coverings other defects	\$200.00
59	23-162	16(8)	Owner - fail to repair wall or ceiling to have a similar finish to that of the original and comparable to surrounding finishes	\$200.00
60	23-162	17(1)	Owner - fail to have working lighting in stairway/exterior exit and entrance doorway, bath or shower room/toilet room/kitchen/ corridor/ basement/ laundry room and utility room	\$200.00
61	23-162	17(2)	Owner - fail to have lighting in hallway/stairway/common area and underground parking	\$200.00

## Appendix "A" to Report PED24091

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
62	23-162	18(2)	Owner - fail to maintain vent to prevent entry of rain, snow and vermin	\$200.00
63	23-162	19(1)	Owner - heating system not capable of maintaining a temperature of 20 degrees C	\$400.00
64	23-162	19(2)(a)	Owner - heating system not operating/maintained to properly perform intended function	\$400.00
65	23-162	19(2)(b)	Owner - heating system not free from unsafe condition	\$400.00
66	23-162	19(3)	Owner - furnace/boiler located in hallway or access/egress	\$200.00
67	23-162	19(4)	Owner - portable heating equipment primary source of heat	\$400.00
68	23-162	21(1)	Owner -plumbing system/fixture not maintained to perform its intended function	\$400.00
69	23-162	21(1)	Owner - plumbing system/fixture not maintained and free from leaks/defects	\$400.00
70	23-162	21(2)	Owner -piping for suppling/draining water not protected from freezing	\$200.00
71	23-162	21(3)	Owner- plumbing fixture not connected by water seal trap to sewage system	\$400.00
72	23-162	21(5)(a)	Owner fail to provide piping for hot water at 43 degrees C	\$200.00
73	23-162	21(5)(a)	Owner fail to provide piping for cold water to kitchen/bath/shower/laundry room	\$200.00
74	23-162	21(5)(b)	Owner fail to have piping for cold water connected to toilet/hose bib	\$200.00
75	23-162	21(6)	Owner fail to provide potable water to dwelling/dwelling unit from approved source	\$400.00
76	23-162	21(7)(a) (i)	Owner fail to provide a hand wash basin in lodging house	\$200.00
77	23-162	21(7)(a) (ii)	Owner fail to provide a toilet in a lodging house	\$200.00
78	23-162	21(7)(a) (iii)	Owner fail to provide a bathtub or shower in lodging house	\$200.00
79	23-162	21(7)(b) (i)	Owner fail to provide a kitchen sink in a residential care facility/dwelling unit	\$200.00
80	23-162	21(7)(b) (ii)	Owner fail to provide a toilet in a residential care facility/dwelling unit	\$200.00

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
81	23-162	21(7)(b) (iii)	Owner fail to provide a hand wash basin in a residential care facility/dwelling unit	\$200.00
82	23-162	21(7)(b) (iv)	Owner fail to provide a bathtub or shower in a residential care facility/dwelling unit	\$200.00
83	23-162	22(1)(a)	Owner fail to provide sink serviced with potable running water and water and grease resistant splash back in kitchen	\$400.00
84	23-162	22(1)(b)	Owner fail to provide work surface at least .74 m <sup>2</sup> impervious to grease/water in kitchen	\$150.00
85	23-162	22(1)(c)	Owner fail to provide storage facilities of at least .8 m <sup>3</sup> in kitchen	\$150.00
86	23-162	22(1)(d)	Owner fail to provide cooking range/countertop range/refrigerator in kitchen	\$150.00
87	23-162	22(1)(e)	Owner fail to maintain cupboard/kitchen fixture/fitting in good repair and working order	\$150.00
88	23-162	22(2)	Owner bath/shower/toilet room not minimum height of 0.9m, water-resistant and readily cleaned	\$200.00
89	23-162	22(3)(a)	Owner bath/shower/toilet room not accessible from interior of building	\$200.00
90	23-162	22(3)(b)	Owner bath/shower/toilet room not fully enclosed with door for privacy	\$200.00
91	23-162	22(3)(c)	Owner bath/shower/toilet room with no working artificial lighting fixture	\$200.00
92	23-162	22(3)(d)	Owner bath/shower/toilet room not maintained to perform intended function	\$200.00
93	23-162	22(4)	Owner fail to provide handwash basin in same room as toilet or adjoining bath or shower room	\$200.00
94	23-162	22(5)	Owner - toilet or urinal located in habitable room used for living, eating or sleeping	\$200.00
95	23-162	22(7)	Landlord fail to maintain appliance in good state of repair and safe operable condition in rental unit	\$200.00
96	23-162	23(1)	Owner - waste storage area/waste chute/disposal room/ container/ receptacles not kept clean/sanitary free from odour	\$200.00

## Appendix "A" to Report PED24091

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<b>TABLE 14: BY-LAW 23-162 Property Standards By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
97	23-162	23(1)	Occupant - waste storage area/waste chute/ disposal room/ container/ receptacles not kept clean/sanitary free from odour	\$200.00
98	23-162	23(2)	Owner - waste chute not operational at all times	\$200.00
99	23-162	24(3)(i)	Owner - fail to keep elevator clean and free of dirt and defacements	\$200.00
100	23-162	24(3)(ii)	Owner - fail to have working lights/elevator buttons/floor indicators and ventilation in elevator	\$200.00
101	23-162	25(1)	Owner - fail to keep dwelling or dwelling unit free of infestation of pests	\$400.00
102	23-162	25(1)	Occupant - fail to keep dwelling or dwelling unit free of infestation of pests	\$400.00
103	23-162	25(2)	Owner fail to keep urban property free of infestation of pests	\$400.00
104	23-162	26(3)	Owner – one-person bedroom not having floor area of 5.6 m <sup>2</sup>	\$200.00
105	23-162	26(3)	Owner - two or more-person bedroom not having floor area of 3.3 m <sup>2</sup> per person	\$200.00
106	23-162	26(4)	Owner - bedroom fail to be 1.8m in width	\$200.00
107	23-162	27(1)(a)	Owner - interior and exterior heritage attributes not maintained to prevent deterioration	\$375.00
108	23-162	27(1)(a)	Occupant - interior and exterior heritage attributes not maintained to prevent deterioration	\$375.00
109	23-162	27(1)(b)	Owner - interior and exterior heritage attributes not repaired from damage	\$375.00
110	23-162	28(2)	Owner - vacant heritage property (more than 90 days) – fail to ensure appropriate utilities are connected	\$375.00
111	23-162	31(1)(b)	Owner - fail to comply with an order	\$400.00
112	23-162	31(1)(b)	Occupant – fail to comply with an order	\$400.00

## Appendix "A" to Report PED24091

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4. That By-law 17-225 be amended by repealing Table 28: By-law 09-190 Requiring the Supply of Vital Services and replacing it with the following Table 28: By-law 23-161 to Require the Supply of Vital Services in Schedule A of By-law 17-225:

<b>TABLE 28: BY-LAW 23-161 Vital Services By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
1	23-161	11	Landlord fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
2	23-161	11	Operator fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
3	23-161	12	Landlord cause/ allow the cessation of Vital Services	\$400.00

5. That By-law 17-225 be amended by adding the following Table 30: By-law 24-054 Safe Apartment Buildings By-law to Schedule A in By-law 17-225:

<b>TABLE 30: BY-LAW 24-054 Safe Apartment Buildings By-law</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY- LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
1	24-054	6	Owner operate or allow the operation of Apartment Building without registration	\$400.00
2	24-054	11	Owner fail to notify Director within 7 days of change in information	\$400.00
3	24-054	14	Owner fail to display registration in Common Area visible to tenants	\$400.00
4	24-054	26	Owner fail to erect or install a notification board in prominent location inside Common Area	\$400.00
5	24-054	26	Operator fail to erect or install a notification board in prominent location inside Common Area	\$400.00
6	24-054	29	Owner fail to provide a copy of Evaluation upon request	\$400.00
7	24-054	29	Operator fail to provide a copy of Evaluation upon request	\$400.00
8	24-054	30	Owner fail to maintain list of Tenants who may need assistance during periods of evacuation, elevator disruption and/or temporary discontinuance of Vital Services	\$300.00
9	24-054	30	Operator fail to maintain list of Tenants who may need assistance during periods of evacuation, elevator disruption and/or	\$300.00

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			temporary discontinuance of Vital Services	
10	24-054	41	Owner fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400.00
11	24-054	41	Operator fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400.00
12	24-054	42	Owner fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400.00
13	24-054	42	Operator fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400.00
14	24-054	43	Owner fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400.00
15	24-054	43	Operator fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400.00
16	24-054	50	Owner fail to identify with posters in Common Areas the location for the deposit of garbage bulk waste, debris, recycling, and organic material	\$300.00
17	24-054	50	Operator fail to identify with posters in Common Areas the location for the deposit of garbage bulk waste, debris, recycling, and organic material	\$300.00
18	24-054	51	Owner fail to maintain information/records related to waste management plan	\$300.00
19	24-054	51	Operator fail to maintain information/records related to waste management plan	\$300.00
20	24-054	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400.00
21	24-054	70	Operator fail to provide a copy of a Plan to a Tenant upon written request	\$400.00
22	24-054	77	Owner rent out Rental Unit when active property standards order against that Rental Unit	\$400.00
23	24-054	77	Operator rent out Rental Unit when active property standards order against that Rental Unit	\$400.00
24	24-054	78	Owner rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400.00



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25	24-054	78	Operator rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400.00
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6. That By-law 17-225 be amended by adding the following Table 31: By-law 24-055 Renovation Licence and Relocation By-law to Schedule “A” in By-law 17-225:

<b>TABLE 31: BY-LAW 24-055 Renovation Licence and Relocation By-law</b>				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALT Y
1	24-055	9	Landlord perform/cause to perform renovations/repairs without licence	\$400.00
2	24-055	9	Operator perform/cause to perform renovations/repairs without licence	\$400.00
3	24-055	17	Landlord transferred or assigned their licence	\$400.00
4	24-055	17	Operator transferred or assigned their licence	\$400.00

7. That in all other respects, By-law 17-225 is confirmed; and,
8. That the provisions of this by-law shall become effective on the date approved by City Council.


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

\_\_\_\_\_  
A. Howarth  
Mayor

\_\_\_\_\_  
J. Pilon  
Acting City Clerk



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the <i>Ontario Heritage Act</i> (PED24077) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Emily Bent (905) 546-2424 Ext. 6663 Alissa Golden (905) 546-2423 Ext. 1202
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the five Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*, attached as Appendices “A” through “E” to Report PED24077, be received;
- (b) That Council does not withdraw the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*;
- (c) That the draft By-law to designate 84 York Boulevard, Hamilton under Part IV of the *Ontario Heritage Act*, attached as Appendix “F” to Report PED24077, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

### EXECUTIVE SUMMARY

This Report notifies Council of the five objections to the Notice of Intention to Designate the property at 84 York Boulevard, Hamilton, Philpott Church received in accordance with the *Ontario Heritage Act*, attached as Appendices “A” through “E” to Report PED24077. Under Section 29(6) of the *Ontario Heritage Act*, any objections must be

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: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 2 of 13**

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considered by Council, who may choose whether or not to withdraw its Notice of Intention to Designate. The common themes in the reasons for objection relate to:

- The cost of repairs to the retain the historic building and resulting impacts to the financial feasibility of the Philpott Church congregation's relocation plan;
- Impacts to construction of the proposed housing development at 84 York Boulevard; and,
- Challenging certain criteria for designation, specifically criteria 5, 7, 8 and 9 from the Ontario Regulation 9/06 evaluation.

Given that the Ontario Land Tribunal does not hear matters on costs of physical maintenance and repairs, that staff support a proposed housing redevelopment that incorporates the existing church and that the property meets sufficient criteria to warrant designation regardless of the specific disputed criteria, staff recommend that Council receive the objection notices and reaffirm its decision to designate 84 York Boulevard, Hamilton, by enacting the draft By-law to designate the property, attached as Appendix "F" to Report PED24077.

**Alternatives for Consideration – See Page 10**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Under Section 29(5) of the *Ontario Heritage Act*, a person who objects to a proposed designation shall, within 30 days after the date of publication of the notice of intention, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

Under Section 29(6) of the Act, Council shall consider the objection and make a decision whether or not to withdraw the notice of intention to designate the property within 90 days after the end of the 30-day objection period. Section 29(7) requires that a notice of withdrawal be issued should Council decide to withdraw the notice of intention to designate the property in response to the objection. Where Council decides to proceed with the designation, Section 29(8) of the Act requires Council to pass the designating by-law within 120 days from the date of the notice of intention to designate. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal.

**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 3 of 13**

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Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the *Act*.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that "is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law" (Sub-section 33(1)).

The City of Hamilton also provides financial incentive programs, including development charge exemption and heritage grants and loans, to assist in the adaptive re-use and continued conservation of properties once they are designated.

## **BACKGROUND**

On March 27, 2024, Council directed staff to issue a Notice of Intention to Designate the significant heritage property located at 84 York Boulevard, Hamilton, known as Philpott Church, comprised of a brick church building originally constructed in two phases in 1901 and 1906, in accordance with Part IV of the *Ontario Heritage Act* (see Report PED24007, Hamilton Municipal Heritage Committee Report 23-009 and Planning Committee Report 24-003).

The Notice of Intention to Designate was published in the Hamilton Spectator on April 15, 2024, and served on the registered owners of 84 York Boulevard and the Ontario Heritage Trust. The legislated objection period ended on May 15, 2024. The City Clerk received five notices of objection to the Notice of Intention to Designate, including:

1. April 25, 2024 - Lead Pastor of Philpott Church, Russell Bartlett, attached as Appendix "A" to Report PED24077);
2. May 6, 2024 – Philpott Church Building Committee Chair, Malcolm Sears, attached as Appendix "B" to Report PED24077;
3. May 13, 2024 – Sullivan Mahoney Lawyers, counsel for the ownership group HC EC 89 Park LP, attached as Appendix "C" to Report PED24077;
4. May 14, 2024 – Heidi Wilton, attached as Appendix "D" to Report PED24077; and,
5. May 15, 2024 – Elder at Philpott Church, Tim Rosenberger, attached as Appendix "E" to Report PED24077.

**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 4 of 13**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendations of this Report are consistent with Provincial and Municipal legislation, policy and direction, including:

- Ensuring significant built heritage resources are conserved (Provincial Policy Statement, 2020, Sub-section 2.6.1);
- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3);
- Encouraging the rehabilitation, renovation and restoration of built heritage resources so that they remain in active use (Urban Hamilton Official Plan, Section B.3.4.1.5); and,
- Using all relevant provincial legislation and all related plans and strategies to appropriately manage, conserve and protect Hamilton’s cultural heritage resources (Urban Hamilton Official Plan, Section B.3.4.2.1(i)).

### **Downtown Hamilton Secondary Plan**

As summarized in the Formal Consultation Document for FC-22-110 (see Appendix “J” to Report PED24007), the development proposal for the subject property does not require an Urban Hamilton Official Plan Amendment or Zoning By-law Amendment, but requires a Holding Provision Removal for H17, H19 and H20, a Site Plan Control application and a Minor Variance application to facilitate the proposal. Holding Provision 17 requires the submission of a Visual Impact Assessment, while Holding Provisions 19 and 20 related to a Section 37 agreement of Community Benefits and the replacement of any rental housing proposed for removal.

Condition c) ii) of Holding Provision 17 requires that the owner demonstrate compliance with the policies of the Downtown Hamilton Secondary Plan by submitting the following studies for approval:

1. Shadow Impact Study;
2. Pedestrian Level Wind Study;
3. Visual Impact Assessment;
4. Traffic Impact Study; and,
5. Functional Servicing Report.

Further, as noted above in Volume 1 of the Urban Hamilton Official Plan, while residential intensification is encouraged in the built-up areas of the City, Policies B.2.4.1.4 b) - I), B.2.4.3.1 and B.2.4.3.2 direct residential intensification involving cultural heritage resources to be in accordance with Section B.3.4 – Cultural Heritage Resource

**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 5 of 13**

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Policies, which generally directs these resources to be conserved in conjunction with new development. Specifically, Section B.3.4.1.4 states that:

“Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.”

The Downtown Hamilton Secondary Plan Cultural Heritage Resources Policies also promote conservation of cultural heritage resources. Policy B.6.1.11.1 d) indicates that conserving existing on-site heritage resources “shall be a priority in all development.” Further, Policy B.6.1.11.1 e) indicates that “the City may require that as part of development proposals that cultural heritage resources be retained on-site and incorporated” and that “retention and protection of cultural heritage resources on lands subject to development may be a requirement as a condition of development approval.”

#### Downtown Entertainment Precinct

The Downtown Entertainment Precinct Master Agreement is an agreement between the City of Hamilton and the Hamilton Urban Precinct Entertainment Group which allows for a private sector-led redevelopment of the identified Precinct through investment in several city entertainment assets, including FirstOntario Centre. Generally, the Master Agreement speaks to improvements to specific entertainment assets, public realm improvements and the relocation of the Salvation Army, which is located immediately west of the subject lands. FirstOntario Centre is located across the street from the subject lands and the Salvation Army.

The Hamilton Urban Precinct Entertainment Group submitted a letter of support for the demolition of the Philpott Memorial Church and redevelopment of 84 York Boulevard, which was received by Planning Committee on February 23, 2024, when the recommendation to designate was originally considered.

## RELEVANT CONSULTATION

### External

- Agent for HC EC 89 Park LP - Armstrong Planning.

### Internal

- Ward 2 Councillor Kroetsch;
- Hamilton Municipal Heritage Committee; and,

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- Corporate Services Department, Legal and Risk Management Division, Legal Services.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of significant cultural heritage resources. Once a property is designated, the municipality can manage change to a property through the Heritage Permit process to ensure that the significant features of the property are maintained. Protected heritage properties that are designated under the *Ontario Heritage Act* are required to be conserved through the *Planning Act* development application process, as the conservation of significant heritage property is a provincial interest.

The following is a summary of the five notices of objection to the designation of 84 York Boulevard. The common themes in the reasons for objection relate to the cost of repairs to retain the historic building and resulting impacts to the financial feasibility of the Philpott Church congregation's relocation plan, impacts to construction of the proposed housing development at 84 York Boulevard and, challenging certain criteria for designation, specifically criteria 5, 7, 8 and 9 from the Ontario Regulation 9/06 evaluation.

### **Objection #1 - Lead Pastor of Philpott Church, Russell Bartlett**

On April 26, 2024, Lead Pastor of Philpott Church, Russell Bartlett provided notice of objection which states that the designation may jeopardize the purchase and sale agreement with the buyer of 84 York Boulevard, which has not yet closed. Mr. Bartlett believes that designation would create an obstacle to funding the construction of the church's proposed new location at 160 King Street East. The objection also states that engineering studies conducted over the last decade have indicated that the costs of maintaining the current building at 84 York Boulevard are too high for the congregation to afford, which he believes is not reasonable to pass along to a developer. Lastly, the objection suggests that the staff evaluation of the property (as noted in Report PED24007) fails to acknowledge the congregation's active work in the downtown Hamilton community, arguing that the designation threatens the legacy of the Christian Workers' movement that the congregation is currently fulfilling and intends to continue in their new location. The full notice of objection is attached as Appendix "A" to Report PED24077.

### **Objection #2 - Philpott Church's Building Committee Chair, Malcolm Sears**

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On May 5, 2024, Philpott Church's Building Committee Chair, Malcolm Sears, provided notice of objection that acknowledges that the property does meet some criteria for designation, but disputes other criteria for designation, including criteria 5, 7, 8 and 9 of Ontario Regulation 9/06. Mr. Sears believes that the more appropriate way to memorialize the legacy of Peter Philpott is by expanding the work he started 130 years ago, which would be facilitated by the congregation relocating and rehabilitating their new property, as opposed to preserving the building at 84 York Boulevard. The objection cites the Cultural Heritage Impact Assessment conducted by MHBC Planning (attached as Appendix "F" to Report PED24077), which spoke to the feasibility of retention and integration of the building into a new development, as well as previous technical studies regarding the condition of the building. The objection also speaks to the implications for Philpott Church, noting that the sale of 84 York Boulevard to the developer has not yet closed and that the proposed designation has caused the developer to challenge the conditions of sale and devalue the property, threatening the financial viability of the church's relocation to 160 King Street East and thereby threatening the continued ministry of Philpott Church. Lastly, the objection argues that retaining the existing building at 84 York Boulevard would inhibit the redevelopment of this property at the centre of the city which stands to contribute much needed housing. The full notice of objection is attached as Appendix "B" to Report PED24077.

**Objection #3 - Sullivan Mahoney Lawyers, counsel representing HC EC 89 Park LP**

On May 13, 2024, Sullivan Mahoney Lawyers, counsel representing HC EC 89 Park LP, submitted a notice of objection with reasons for objection related to: heritage integrity, contextual value, the proposed heritage attributes, impediments to repairing the façade and the feasibility of long-term conservation. The objection suggests that it is not reasonable to designate a building for long-term retention and conservation when a structural engineering study concluded that the stone veneer was failing and required repair or replacement. Further, the study indicated that while the structure is sound, there is not sufficient useable brick within the existing building to feasibly repair the facades. The objection also disputes the contextual value of the property in relation to criteria 7, 8 and 9 of Ontario Regulation 9/06 and the related contextual heritage attributes in the Statement of Cultural Heritage Value or Interest. The full notice of objection is attached as Appendix "C" to Report PED24077.

**Objection #4 – Heidi Wilton**

On May 14, 2024, Heidi Wilton, provided notice of objection that questions the City's pursuit of designation of a building that is not believed to be suitable for delivering essential housing. The objection states that the cultural heritage value is not compelling enough to retain the existing structure at the loss of functional housing and asks the city



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to comment on other tangible outcomes addressing the housing crisis should designation of 84 York Boulevard move forward. The full notice of objection is attached as Appendix “D” to Report PED24077.

**Objection #5 - Tim Rosenberger, member of Philpott Memorial Church**

On May 15, 2024, Tim Rosenberger, member of Philpott Memorial Church provided formal notice of objection, with the caveat that his comments do not reflect the views of the Elders, trustees, the committee that oversees Philpott’s facilities, or the congregation. The objection suggests that no building can reflect an appropriate or effective representation of Peter Philpott or the Christian Workers’ movement, suggesting instead that this legacy remains in the active congregation and in the church’s archival records. The objection also speaks to the exterior and interior changes to the building, including the stone veneer, which Mr. Rosenberger believes have altered the building from its original design associated with architect Charles Mills and are not associated with Peter Philpott. The objector believes that designation will encumber redevelopment of the site and financially impact the construction of the congregation’s new facility. The full notice of objection is attached as Appendix “E” to Report PED24077.

**Staff Comments on Reasons for Objection**

The objections fall into two general groups: those disputing the staff assessment of the cultural heritage value of the building and secondly that the designation will have an adverse effect on the congregation’s future plans and as a result of concerns associated with the viability and redevelopment of the subject lands.

1. Objections Disputing Cultural Heritage Value

Staff determined that 84 York Boulevard meets eight of the nine criteria contained in Ontario Regulation 9/06, as amended by Ontario Regulation 569/22, and is therefore worthy of designation under Part IV of the *Ontario Heritage Act* (see Report PED24007). A property is only required to meet two of the nine provincial criteria to be considered worthy of designation.

While the notices of objection challenge a number of provincial criteria for designation (including criteria 5, 7, 8 and 9), they do not provide any documentation to support these claims and none of the objections submitted contained opinions provided by a qualified heritage professional. Staff note that, if after further review and analysis the disputed criteria were removed from the Ontario Regulation 9/06 evaluation, the property would still meet four of the provincial criteria for designation (Criteria 1, 2, 4 and 6), and would therefore still exceed the threshold required for designation.

**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 9 of 13**

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2. Objections Related to Impacts on the Congregation and Redevelopment of the Site, and the Cost of Repairs to Retain the Existing Building

Should Council reaffirm its decision to designate the properties and enact the designation by-law, any future appeals of the designation by-law would be heard by the Ontario Land Tribunal. The Ontario Land Tribunal considers a number of matters, such as the proposed designation of a property as having cultural heritage value or interest, however, according to the Ontario Land Tribunal Appeal Guide:

*“The OLT does not hear matters on costs of physical maintenance, repairs, or any proposed work related to the actual condition of the property (or structure), as these are outside the scope of the evaluation of cultural heritage value or interest.”*

Therefore, any concerns regarding the cost of physical repairs to the building are not relevant to the objection of whether the property is worthy of designation under the *Ontario Heritage Act*. However, Council may consider these matters in the broader context of Council’s vision for the Downtown, in particular, “it will combine the best of our heritage with new concepts and designs” in balancing adaptive reuse, of all or elements of heritage buildings, with new development opportunities. Further, it is important to note that designated properties are eligible for financial incentives, such as development charge exemption for adaptive reuse within the building envelope, as well as grant and loan programs. The Hamilton Heritage Property Grant Program is intended to provide financial assistance in the form of a grant for structural / stability work required to: conserve and restore heritage features of properties used for commercial, institutional, industrial, or multi-residential purposes; the conservation and restoration of heritage features of properties; and for heritage studies/ reports/ assessments for properties that are designated under the *Ontario Heritage Act*.

Staff note that while the Ontario Land Tribunal does not hear matters related to repairs or maintenance, Council may wish to consider the concerns raised in the objections regarding the condition of the building, the potential cost associated with the building’s repair should it be designated, and the impact that may have on the financial viability of Philpott Church’s relocation to 160 King Street East. As noted in the objections, HC EC 89 Park LP have indicated to Philpott Church that they may reduce the value of the purchase and sale agreement of 84 York Boulevard due to the perceived negative impacts of designation.

Further, staff are willing to continue discussions to find a revised development concept for the site that would balance both a dense housing development and the retention of this significant heritage building. Staff’s recommendations to designate considered the

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

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**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 10 of 13**

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Cultural Heritage Impact Assessment and Condition Assessment provided by the proponent for redevelopment, which were included as Appendices “F” and “G” to Report PED24007. In Report PED24007, staff noted that “neither the Condition Assessment or the Cultural Heritage Impact Assessment have discussed the feasibility of sourcing salvaged historic bricks to match or using new bricks that closely match the characteristics of the original brick, to rebuild the exterior wythe to repair the building envelope.” As there were no investigations related to sourcing bricks to repair the building envelope, the ‘feasibility’ of this task has not been demonstrated. The scope of this rehabilitation work would be assessed, and alternatives evaluated as part of the Heritage Permit process, should the property be designated.

Further, the recommendation to retain the building and incorporate it into a new development was made in consideration of the ownership group HC EC 89 Park LP’s ability to adjust the proposal. However, based on the notices of objection, it appears as though Philpott Church is still the owner of the property, as the purchase and sale agreement has yet to be finalized. As the building is structurally sound, and the sale of a multi-unit housing development together with the City’s financial incentives for historic building repair would allow for the building to be retained and integrated into a new development, staff are of the opinion that the building should be retained.

#### Staff Recommendation

Therefore, staff recommend that the notices of objection to the designation of 84 York Boulevard, attached as Appendices “A” through “E” to Report PED24077, be received and that the draft by-law to designate the property, attached as Appendix “F” to Report PED24077, be enacted.

#### **ALTERNATIVES FOR CONSIDERATION**

Under Section 29 (6) of the *Ontario Heritage Act*, City Council may decide whether or not to withdraw the notice of intention to designate the property.

#### **Notice of Withdrawal**

By withdrawing the Notice of Intention to Designate, a Notice of Withdrawal would be served, and the municipality would be unable to provide long-term, legal protection to this significant cultural heritage resource (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 11 of 13**

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Without designation, the property would not be eligible for the City's financial incentives for heritage properties, including development charge exemption and grant and loan programs.

Designation alone does not restrict the legal use of property, prohibit alterations and additions, restrict the sale of a property, and has not been demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the Heritage Permit process. Should Planning Committee recommend that Council withdraw the Notice of Intention to Designate, there is the option to revisit designation once the redeveloped plans are approved and completed provided that the existing building is retained and incorporated into the proposal.

Staff does not consider withdrawing the notice of intention to designate either of the properties to be an appropriate conservation alternative.

### **Negotiate a Heritage Easement or Covenant in Lieu of Designation**

Planning Committee may recommend that Council pursue the negotiation of a heritage easement or covenant under Section 37 of the *Ontario Heritage Act* in lieu of passing a designation by-law to ensure that the existing building is maintained, and the cultural heritage attributes are protected while the required *Planning Act* applications for the site are processed. In the event that the proposed development does not move forward this would ensure that existing building and cultural heritage attributes remain. Given that the existing church building is structurally sound and that adaptive reuse and integration of the building into a new development is feasible, staff do not recommend this alternative. Staff are of the opinion that designation is the best way to ensure the heritage value and attributes are conserved. Designation would also allow further conversations around the adaptive reuse of the existing built heritage resource to continue.

Should this alternative be considered, staff propose the following recommendations for approval:

- “(a) That the City enter into a heritage easement or covenant under Section 37(1) of the *Ontario Heritage Act* with the owner of 84 York Boulevard, Hamilton, Philpott Memorial Church, to be registered on title, to conserve the cultural heritage value and heritage attributes of the property, as identified in the Cultural Heritage Impact Assessment attached as Appendix "F" to Report PED24007, including provisions for interim maintenance of the building prior to demolition, salvaging and safe storage of the identified heritage attributes and integration of the attributes and commemoration and interpretation into a new

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**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 12 of 13**

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development on the property, to be approved through the Site Plan Control application process under the *Planning Act*; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute the heritage conservation easement agreement or covenant, as outlined in Recommendation (a) of Report PED24077, in a form satisfactory to the City Solicitor.”

**Analysis of Alternative for Consideration: Negotiate a Heritage Easement or Covenant in Lieu of Designation**

The submission package provided by the agent on November 13, 2023, includes a memo titled “Heritage Easement and Protection of Attributes”, attached as Appendix “H” to Report PED24007. The memo outlines an alternative to designation: the negotiation of a heritage easement agreement or covenant, which would provide binding legal protection of the property to ensure that the heritage attributes identified in the Cultural Heritage Impact Assessment are salvaged and reintegrated into a new development as part of a future Site Plan Control application process. This agreement could also require maintenance of the existing building and ongoing protection of the heritage attributes until such time that final Site Plan Control approval is granted. Given staff’s conclusions, and the belief that the existing church building can be retained, staff do not support the heritage easement agreement or covenant approach.

The following provides an analysis of the heritage easement agreement or covenant alternative. A heritage easement or covenant under Section 37 of the *Ontario Heritage Act* is a voluntary legal agreement between a property owner and the City of Hamilton that protects significant heritage features of a property, which in this case would be the heritage attributes identified for salvage and commemoration within the proposed development on the subject property. The terms of the easement or covenant would be registered on title and apply to the current property and all future owners of the property. However, the easement or covenant could be removed following completion of the project. An example of this type of heritage easement was submitted by the agent for staff’s consideration and is included in the memo attached as Appendix “H” to Report PED24007.

Should the alternative to negotiate a heritage easement or covenant be considered, further collaboration would be required between the City and the owner to identify the items of heritage value or interest and conditions of the agreement. While an initial support letter from Philpott Church’s Board of Directors has been provided regarding redevelopment of the site, attached as Appendix “I” to Report PED24007, staff recommend that the applicant consult the congregation regarding their proposed

**SUBJECT: Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24077) (Ward 2) - Page 13 of 13**

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Commemoration Plan for any heritage attributes salvaged for reuse within the proposed new development.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED24077 – Notice of Objection from Russell Bartlett, Lead Pastor, Philpott Church, dated April 25, 2024
- Appendix “B” to Report PED24077 – Notice of Objection from Malcolm Sears, Chair, Building Committee, Philpott Church, dated May 6, 2024
- Appendix “C” to Report PED24077 – Notice of Objection from Sullivan Mahoney Lawyers representing HC EC 89 Park LP, dated May 13, 2024
- Appendix “D” to Report PED24077 – Notice of Objection from Heidi Wilton, dated May 14, 2024
- Appendix “E” to Report PED24077 – Notice of Objection from Tim Rosenberger, dated May 15, 2024
- Appendix “F” to Report PED24077 – Draft By-law to Designate 84 York Boulevard, Hamilton under Part IV of the *Ontario Heritage Act*

EB/AG/sd

**From:** [Russell Bartlett](#)  
**To:** [Bent, Emily](#)  
**Subject:** Objection to Heritage Designation at 84 York BLVD (Philpott Church)  
**Date:** Thursday, April 25, 2024 10:49:05 AM

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**External Email:** Use caution with links and attachments

Good morning,

I'm writing to object to the proposed heritage designation at 84 York Blvd, Philpott Church.

Firstly, this is an unfair decision that is negatively affecting our church in a significant way. Back in 2021, we entered into a purchase and sale agreement with a developer who shared a vision to build much needed housing at our current site, 84 York Blvd. This purchase and sale agreement has not yet closed, and this late heritage designation creates a serious obstacle which could result in a significant financial challenge for our church and the development of our new building at 160 King St. E. The funds from the sale of our current building are needed to cover the costs of the construction of our new building.

Secondly, multiple third-party engineering studies conducted over the past decade have indicated that the costs of maintaining the building are unreasonably high--more than we could afford, and more than is reasonable to ask of a developer. The heritage designation only serves to preserve a building that is in disrepair and would be far too expensive to maintain in the foreseeable future.

Thirdly, the city has expressed interest in preserving our building because, "The property has historical value for its association with Peter Wiley (P.W.) Philpott and the Christian Workers' movement, because it has the potential to yield information that contributes to an understanding of the movement." I question the thoughtfulness behind this. The statement fails to acknowledge that our congregation is very much alive and growing. We have been an active presence in the downtown core for over a century and we remain committed to the downtown core. Every day we are serving some of the most vulnerable people in our city. As I write, volunteers are preparing to feed over 100 people at our weekly Church at the Table event. Every Sunday hundreds of people gather for worship. Preserving our current building at 84 York creates an obstacle to the ongoing work of our church. This heritage designation is a threat to the legacy of the Christian workers' movement as lived out through the active ministry of our church.

I object to the proposed heritage designation and respectfully ask that you reconsider.

Sincerely,

Russell

**Russell Bartlett**

*Lead Pastor*

Philpott Church – A Community of Grace  
905.523.7000 Ext. 815 | [acomunityofgrace.org](http://acomunityofgrace.org)  
84 York Boulevard, Hamilton, ON L8R 1R6



## **OBJECTION TO HERITAGE DESIGNATION, 84 YORK BLVD, HAMILTON**

I write to object to the proposed designation of 84 York Blvd as a property of cultural heritage and to request that designation be reconsidered and revoked by council.

While the buildings at 84 York Blvd meet some of the criteria for designation as a heritage property, having specific styles of architecture designed by a prominent Hamilton architect, the importance of other criteria is overstated in the staff report. The association with the Christian Workers' Movement and Peter Philpott is respected and is well documented in our archives, but the building itself does not demonstrate that history, nor does it define or maintain the character of the area, nor is it linked to its surroundings physically, functionally or visually. The building is seen as a landmark because of its size, not because of its function; the appearance suggests a bank or offices rather than a church.

### **The most appropriate way to memorialize Peter Philpott and our history is by continuing and expanding the work he commenced 130 years ago, not by preserving a seriously deteriorated building.**

Our vigorous and growing congregation requires a newer and larger facility. We are currently in the midst of a relocation project redeveloping and extending an existing downtown building at 160 King St E, where our multiple ministries can grow and flourish.

The buildings at 84 York Blvd were thoroughly examined by MHBC Planning and building experts. Their report states: "Due to the condition of the building and conclusion of the technical studies, retention of the building and integration with the proposed development is not a feasible option". Their report follows three previous building assessments obtained by the church in 2011, 2014 and 2021.

### **Implications for Philpott church:**

In 2011, the congregation initiated actions to either rebuild on site or relocate, while maintaining our commitment to remain in the downtown core. Rebuilding on site proved financially problematic, and in 2021 we took the opportunity provided by the city's rezoning of this area for high rise development to sell the property and plan for relocation to a new facility. We are renovating the former Lincoln Alexander Centre (built originally as an Odeon theatre) at 160 King St East, and by adding a new building on the adjacent land (164 and 168 King St E) will have a facility much more suited to today's diverse needs. We anticipate continuing as a strong faith community serving the greater Hamilton community and especially the downtown core for decades to come. This facility will not only have a completely new 500 seat worship space but also has retained one of the original 350 seat theatres, making this complex a valuable asset to the city of Hamilton.

The sale of 84 York Blvd. to the developer was negotiated and signed in 2021 but has not yet closed. The proposed designation of 84 York Blvd has caused the developer to challenge the conditions of sale and to devalue the property if designation is confirmed. This threatens the financial viability of our proposed relocation. Furthermore, if development does not proceed, the congregation could be left holding a designated building. The legacy of Peter Philpott would then likely be a dwindling congregation struggling with an inadequate and aging building, seriously impacting the ability to continue the work begun over a century ago.

The buildings erected in 1901 and 1906 were designed for the needs of the church of that day. Churches today need facilities not only for worship and preaching, but for many other ministries not envisaged in 1906. The physical limitations of our current facility have significantly hampered essential aspects of the church's effectiveness. We were delighted to acquire new space in downtown Hamilton, but our plan to relocate to this improved facility is now seriously threatened by the heritage designation of our existing building.

**Implications for the city:**

Retaining the existing church building will also inhibit the necessary renewal of a vital part of the central city. York Blvd is a major thoroughfare into the city, and the much anticipated renovation of the arena will certainly enhance this area. Maintaining 84 York Blvd, with its fake stone façade covering up the seriously deteriorating brick, will limit redevelopment of the north side of the boulevard. It will also preclude a substantial part if not all of a proposed development which would contribute greatly needed additional housing in the downtown core.

**I urge council to deny the proposal to designate 84 York Blvd.**



Malcolm Sears,  
Chair, Building Committee, Philpott Church

May 6, 2024

**SULLIVAN | MAHONEY** LLP  
LAWYERS

May 13, 2024

Please Reply to St. Catharines Office  
**SARA J. PREMI**  
(905) 688-8039 (Direct Line)  
sjpremi@sullivanmahoney.com

VIA EMAIL TO [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Office of the City Clerk  
Attn: Ms. Janet Pilon, Acting Clerk  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario L8P 4Y5

Dear Ms. Pilon:

**RE: NOTICE OF OBJECTION**  
**City of Hamilton Notice of Intention to Designate**  
**84 York Boulevard as a property of cultural heritage value or interest under**  
**Part IV of the *Ontario Heritage Act*, R.S.O, 1990, Chapter O.18, (the "OHA")**  
**section 29(5)**  
**HC EC 89 Park LP**

We are counsel to HC EC 89 Park LP (the "Proponent") in connection with the above noted matter. Our clients have entered into an Agreement of Purchase and Sale (the "Agreement of Purchase and Sale") with the Trustees of Philpott Memorial Church, the owner of the lands referenced above (the "Subject Lands").

Please accept this correspondence as our client's notice under section 29(5) of the OHA of objection to the City's Notice of Intention to Designate the Subject Lands.

**The Subject Property**

The Subject Property is located at the northwest corner of York Boulevard and Park Street in the City of Hamilton. The Subject Property was constructed and used as a Place of Worship and consists of two portions: the northern most portion constructed circa 1901 and the larger portion at the corner constructed in 1906.

The owner supports redevelopment of the property as contemplated by HC EC 89 Park LP to a high-density mixed-use development. The development proposal contemplates that the existing buildings be removed and that elements be retained and integrated into the new development.

**Client Committed. Community Minded.**

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

7085 Morrison Street, Niagara Falls, ON L2E 7K5 t: 905.357.3334 f: 905.357.3336

[sullivanmahoney.com](http://sullivanmahoney.com)

## **Background and Relevant Facts**

The factual background to this matter includes the following:

1. 84 York Boulevard was added to the Hamilton Heritage Property Register in September, 2014.
2. The owner entered into an APS with 2847572 Ontario Inc. on August 4, 2021. It was their intention to vacate the church as it could no longer meet their needs as a congregation. Multiple investigations on how they could repurpose the building resulted in recommendations to sell.
3. 2847572 Ontario Inc. participated in a Formal Pre-Consultation with City staff on September 14, 2022. That pre-consultation resulted in the following feedback from staff:
  - i. redevelopment on site will require a re-zoning and site plan application;
  - ii. that a Cultural Heritage Impact Assessment would be required as part of a development application;
  - iii. that options to retain/reuse should be explored; and
  - iv. that the owner must give 60 days' notice to the City of their intent to demolish.
4. In January, 2023 EC (89 PARK) LP entered into a limited partnership with Hamilton Coliseum Place Inc (formerly 2847572 Ontario Inc.) now known as HC EC 89 Park LP.
5. On May 4, 2023 HC EC 89 PARK LP met with City staff to review the development proposal. Staff gave general direction that their preference is to maintain the whole building and indicated that if demolition were to be pursued the application would require strong technical support and the retention and reuse of salvageable items.
6. Between May and September, 2023 HC EC 89 PARK LP completed ongoing investigative testing to determine what, how, how much, if any, component of the building could be preserved and incorporated into a potential redevelopment.
7. On September 12, 2023 HC EC 89 PARK LP met with staff and the proponent's technical team to discuss the findings of the investigation and discussed preservation and re-use of certain elements of the building.
8. In September, 2023 HC EC 89 PARK LP submitted a draft CHIA Report that included:
  - a. A Feasibility Assessment Report from PJ Materials Consultants Limited which concluded that it would not be possible for the mortar to be removed without causing damage to the underlying brickwork, and that the damage in attempting to do so would likely to be considerable and extensive;
  - b. A Condition Assessment of Existing Structure (and Addenda) by Jablonsky, Ast and Partners Consulting Engineers, which concluded among other things that the

Park Street North and York Blvd. facades were in structurally reasonable condition, but that the façade would be unable to perform the function of a durable building envelope without significant repair of the exterior of the bricks; and

- c. Impact Assessments on Adjacent Properties by MHBC which concluded that the removal of the church and redevelopment at 84 York Blvd would not negatively impact the adjacent properties.
9. In November, 2023 the Proponent submitted its final CHIA and supporting documentation.
  10. On January 19, 2024 staff report PED24007 was released recommending designation of the Subject Lands. On January 26, 2024 the Hamilton Municipal Heritage Committee ("HMHC") considered the staff report. Notwithstanding a deputation made by the Proponent, the HMHC recommended designation.
  11. On February 23, 2024 Planning Committee considered the HMHC recommendation and moved a motion to adopt the minutes and recommendation to designate the Subject Lands.
  12. On March 27, 2024 the Planning Committee minutes were adopted by Council and the Notice of Intention to Designate was issued by staff on April 15, 2024.

### **Reasons for Objection**

We have reviewed the Notice of Intention to Designate and accompanying designation research report prepared by the City in support of designation of the Subject Property. The reasons for the objection to the proposed designation include the following:

a) **Heritage Integrity:**

Both portions of the building have been altered. The alterations have resulted in impact to the integrity of the heritage fabric of the buildings. Specifically, the building facades have been reclad in a stone veneer with cement-based mortar that has been applied over the original brick facade. The cladding was installed in 1952.

The owners retained a structural engineering consultant and a materials specialist with expertise in brick construction, restoration and repair. The conclusion of these experts is that the stone veneer cladding is starting to fail and repair and replacement will be required. They further conclude that the application of the cladding has damaged the underlying original brick façade to the extent that it is likely that significant portions of the brick facades will require replacement as well. While overall, the structure, as of today, is still sound, the consultants conclude that ultimately the facades will fail and that there is not sufficient useable brick within the existing building to feasibly repair the facades.

It is not reasonable to designate a building for long term retention and conservation, when it has been demonstrated that there is a need for considerable repairs to the building and that the repairs will result in further removal of heritage fabric and attributes that are part of the reason for designation. While the City staff report recommending designation

acknowledged the façade related issues, staff discounted the impact of the repairs that will be required.

b) **Contextual Value:**

The Statement of Cultural Heritage Value states that the property has contextual value because of the building's location near Market Square and because the building is considered a physical landmark. The City's research report and basis for the property meeting the contextual criteria of the O. Reg 9/06 is not supported by evidence that the site was purposely chosen or the building was purposely located to take advantage, be part of, or in any other way contribute to the surrounding area. Instead, it is clear from the historical evidence that the site was chosen because it was practical – it was an available lot at a price the church could afford.

The church may have been considered a landmark at the time of its construction. However, at two stories and with no bell tower or other noticeable architectural features, the building does not stand out from the surrounding context. In order for a property to be considered a landmark in the context of O. Reg 9/06, the property must be a well-known marker in the community that is used as a point of reference. First Ontario Centre is directly across the street from the subject property and the Hamilton Public Library is diagonally across the street. Both are more well known and more physically identifiable than the subject building. Therefore, it is unreasonable to believe that the community still considers the subject property to be a landmark.

c) **Listed Proposed Heritage Attributes:**

The draft designation lists contextual attributes related to the location and siting of the building. For the reasons stated above, these attributes cannot be supported and should be removed.

d) **Impediments to Reparation of the Façade**

In term of the prospect for repairs to the façade, it is the proponent's position, based on the Condition Assessment, that such work is not feasible given there are not enough original exterior wythe bricks of suitable quality.

Replacing exterior bricks with interior bricks is not recommended given that they are of lesser quality compared to the exterior façade. Any attempt to retain the façade and cover over the deteriorated face brick will likely result in a similar issue of trapping moisture and degrading the brick further. Therefore, the best option for conservation is to recommend dismantling the building and reuse of salvageable materials where possible and appropriate.

e) **Feasibility of long-term conservation:**

Section 29 of the *Ontario Heritage Act* states that a municipality may designate a property if it meets the criteria for designation. Section 29 does not require that a municipality designate.

The owner has determined the building can no longer meet its needs and plans to vacate the site in the fall of 2024. Given the alterations to the façade of the building and the cost of future repairs as a result of those alterations, the likelihood of re-use is diminished. With designation of the property and the consequent limits on ability to change or demolish the building, it is highly likely that the building will remain vacant. If so, long term conservation of the building is unlikely.

We respectfully request that Council consider this objection and withdraw the Notice of Intention to Designate the Subject Lands. We respectfully request that the City provide us with copies of all notices, meetings, reports and any decisions respecting designation of the Subject Lands.

Yours very truly,

**Sullivan Mahoney LLP**

Per:



Sara J. Premi

Sara J. Premi Professional Corporation

SJP:bj

cc--Municipal Heritage Planner  
cc--client

**From:** [Heidi Wilton](#)  
**To:** [Bent, Emily](#); [Pilon, Janet](#)  
**Subject:** Heritage Designation for 84 York Boulevard  
**Date:** Tuesday, May 14, 2024 10:55:20 PM

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**External Email: Use caution with links and attachments**

I am writing to document my objection to the proposed Heritage Designation of the current building at 84 York Boulevard.

The current motion is deeply concerning as it demonstrates the city's desire to **prioritize maintaining a shell of a building which is no longer fit for purpose over delivering essential housing to the community the council exists to support.**

If the Heritage Designation is passed, the gesture speaks volumes about the City's loss of vision and commitment to develop a vibrant and healthy city core with functional facilities to meet the needs of a growing population. It is undoubtedly hard to attract investment in the core and actions like this send a strong message that Hamilton is unwilling to be an active participant in working with those who are endeavoring to help the city develop and renew its identity as a desirable \*livable\* community.

The rationale provide in the statement of Cultural Heritage Value does not in my option make an argument that is strong enough to warrant the loss of functional housing which could not be developed with the demand to retain the existing structure.

- While I can appreciate the desire to have architecture that is diverse, this can be achieved with new built facilities creatively designed, but which are with new construction which is safe and to modern standards.
- Arguments that the building has long-standing historical value because of one individual who used to work at the facility for a short period of time is not persuasive. The exterior of a building façade is not instructive in any way. If desired, plaques could be incorporated to share historical value and context about a location the community identifies as a source of identity and pride, but a brick and mortar building does nothing to communicate this. One would expect significant support from the community to advocate for a location of long-standing historical value.
- Additionally the "*potential* to yield information that contributes to an understanding of the [Christian Workers] movement" is an even weaker rationale. It is interesting to note that a search for P.W. Philpott or even Hamilton on the Christian Workers Movement website yields no results. Clearly this organization doesn't feel any affinity to this facility, so any tie with the 84 York Boulevard location is extremely tenuous at best.

I understand that the core area has been designated for high rise development and the district encompassing the 84 York Boulevard address is in the process of being transformed to a new entertainment and residential hub. In this context the current facility is very misplaced and nothing about retaining the current structure will address that. The reality of the City's decision to zone the site for this new purpose demonstrates an incompatibility with this current push for designation of a facility in a state of serious decline that no longer meets the needs of the city in this current location.

I respectfully request the City reconsider this recommendation for designation. This site seems to provide a very simple and logical solution to provide needed housing, and it already has partners ready to put plans into action. If this door is closed through designation, can the City comment on what other strategies they are actively implementing NOW which will have tangible outcomes addressing the housing crisis that is afflicting the population?

Respectfully,  
Heidi Wilton



**From:** Tim Rosenberger [redacted]  
**Sent:** May 15, 2024 12:13 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** RE: NOTICE OF OBJECTION to City of Hamilton Notice of Intention to Designate 84 York Boulevard

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Dear Ms. Pilon:

**RE: NOTICE OF OBJECTION  
City of Hamilton Notice of Intention to Designate  
84 York Boulevard as a property of cultural heritage value or interest under  
Part IV of the *Ontario Heritage Act*, R.S.O, 1990, Chapter O.18, (the "OHA")  
section 29(5)**

My name is Tim Rosenberger, a resident of the Strathcona Neighbourhood, at 35 Head St.

For full disclosure, I am a member of Philpott Memorial Church and I currently serve on the board of elders, but the following comments are my own private reflections and I do not speak on behalf of the Elders, the trustees, the committee that oversees our facilities much less the congregation as a whole.

Please take this message as notice of objection to the designation of 84 Your Boulevard as being under heritage protection.

While there many grounds for opposition exist, I wish to highlight the following:

First, no building serves as an appropriate or effective representation of Peter Philpott or the Christian Worker's movement. That history is contained in the archives belonging to the congregation, which remains to this day as a live legacy of P.W. Philpott and the movement he led.

Second, the appearance of the building as it exists today is not representative of the original construction or architectural intent. The majority of the building which is subject to consideration is covered with a veneer that mimics stone but is in fact concrete, which shows signs of beginning to fail. This was placed over the original brick in the 1950's. If I understand the attachment process correctly, the original brick has been marred to anchor the overlaid façade. So while a protective designation may preserve the current appearance, that appearance is not that designed by Mills or associated with the times of Peter Philpott.

Thirdly, the interior of the building is also modified from the original, with extensive reconstruction over the years. Some original features may remain but apart from the vaulted ceiling, these features actually work against the conversion of the space in to a fully accessible space, one of the reasons the congregation chose to leave its long occupancy and to move to new spaces that could be constructed and modified to be fully accessible.

Finally, as much as the idea of preserving another piece of our built history may be appealing, I fear that it will become another white elephant, encumbering those associate with the property, locking up capital that was intended to achieve specific social goods for the community – housing, on the part of the developer and on Philpott Memorial Church's part, the funds to build

the accessible facility we want to use to continue to serve the community around us. I am concerned that a heritage designation will lead to the same sort of difficulties experienced by the owners of the Tivoli Theatre, another historic hall with a greater claim to uniqueness and the need to be preserved for its own sake, which languishes.

I respectfully request that Council consider this the objection and withdraw the Notice of Intention to Designate the Subject property. I request that the City provide with all notices including those of meetings, all reports and any decisions respecting designation of the Subject Property.

Yours truly,

Tim Rosenberger

**Appendix “F” to Report PED24077****Page 1 of 8**

**Authority:** Item X, Planning Committee  
Report 2X-XXX (PED24077)  
CM: date  
Ward: 2

**Bill No.****CITY OF HAMILTON****BY-LAW NO. 24-XXX****To Designate Property Located at 84 York Boulevard, City of Hamilton as  
Property of Cultural Heritage Value**

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

**AND WHEREAS** Council of the City of Hamilton has received and considered the recommendations of its Hamilton Municipal Heritage Committee pertaining to this by-law, arising from the meeting of the Hamilton Municipal Heritage Committee held on January 26, 2024;

**AND WHEREAS** the Council of the City of Hamilton, at its meeting held on March 27, 2024, resolved to direct the City Clerk to take appropriate action to designate the Property described as 84 York Boulevard in the City of Hamilton, and more particularly described in Schedule “A” hereto (the “Property”), as property of cultural heritage value or interest, which resolution was confirmed by By-law No. 24-044;

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

**AND WHEREAS** five (5) notices of objection to the notice of intention to designate 84 York Boulevard were served upon the Clerk of the municipality in accordance with subsection 29(5) of the *Ontario Heritage Act*, and the objections were considered by Council in accordance with subsection 29(6) of the *Ontario Heritage Act*;

**AND WHEREAS** Council has decided to designate the Property in accordance with section 29(8) of the *Ontario Heritage Act*;

**Appendix “F” to Report PED24077**  
**Page 2 of 8**

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

1. A statement explaining the cultural heritage value or interest of the Property, and a description of the heritage attributes of the Property are set out in Schedule “C” hereto.
2. The Property, together with its heritage attributes listed in Schedule “C” hereto, is hereby designated as property of cultural heritage value or interest.
3. The City Clerk is hereby authorized and directed,
  - a. to cause a copy of this By-law, together with the statement of cultural heritage value or interest and description of heritage attributes of the Property, to be served on the Ontario Heritage Trust, the owner of the Property, and any person who served an objection to the Notice of Intention to Designate, by a method permitted by the *Ontario Heritage Act*; and,
  - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton. Once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*, the City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the Property described in Schedule “A” hereto in the proper registry office.

**PASSED** this XXst/th day of June, 2024.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

**Appendix "F" to Report PED24077**

**Page 3 of 8**

**Schedule "A"**

**To**

**By-law No. 2X-XXX**

**84 York Boulevard  
Hamilton, Ontario**

PIN: 17586-0075 (LT)

Legal Description:

PT BLK 13 PL 39 PT 1, 2, 3 62R12184 & AS IN VM147689; CITY OF HAMILTON

## Schedule "B"

To

By-law No. 2X-XXX

84 York Boulevard  
Hamilton, Ontario**Notice of Intention to Designate  
84 York Boulevard, Hamilton (Philpott Memorial Church)**

The City of Hamilton intends to designate 84 York Boulevard, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

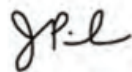
**Statement of Cultural Heritage Value or Interest**

84 York Boulevard, known as the Philpott Memorial Church, is comprised of a brick church building, which was originally constructed in two phases in 1901 and 1906. The property has design or physical value because it is comprised of representative examples of the Neo-Classical and Romanesque Revival styles of architecture and displays a high degree of craftsmanship. The property has historical value for its association with Peter Wiley (P.W.) Philpott and the Christian Workers' movement, because it has the potential to yield information that contributes to an understanding of the movement, and because it reflects the work of Charles Mills, a prominent Hamilton architect. The property also has contextual value because it is important in defining and maintaining the character of the area, is visually and historically linked to its surroundings and is considered a local landmark.

The Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes and supporting Cultural Heritage Assessment may be found online via [www.hamilton.ca](http://www.hamilton.ca) or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5, during regular business hours.

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

Dated at Hamilton, this 15th day of April, 2024.



**Janet Pilon**  
**Acting City Clerk**  
Hamilton, Ontario

**CONTACT:** Emily Bent, Cultural Heritage Planner,  
Phone: (905) 546-2424 ext. 6663,  
E-mail: [Emily.Bent@hamilton.ca](mailto:Emily.Bent@hamilton.ca)  
[hamilton.ca/heritageplanning](http://hamilton.ca/heritageplanning)



**Appendix “F” to Report PED24077  
Page 5 of 8**

**Schedule “C”**

**To**

**By-law No. 2X-XXX**

**84 York Boulevard  
Hamilton, Ontario**

**STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST, AND  
DESCRIPTION OF HERITAGE ATTRIBUTES**

**Description of Property**

The 1.18 acre property, municipally addressed as 84 York Boulevard, is comprised of an early-twentieth century church building constructed in between 1901 and 1906. The property is located at the northwest corner of York Boulevard and Park Street North in the Central Neighbourhood, within the downtown of the City of Hamilton

**Statement of Cultural Heritage Value or Interest**

84 York Boulevard, known as the Philpott Memorial Church, is comprised of a brick church building, which was originally constructed in two phases in 1901 and 1906. The property has design or physical value because it is comprised of representative examples of the Neo-Classical and Romanesque Revival styles of architecture and displays a high degree of craftsmanship. The property has historical value for its association with Peter Wiley (P.W.) Philpott and the Christian Workers’ movement, because it has the potential to yield information that contributes to an understanding of the movement, and because it reflects the work of Charles Mills, a prominent Hamilton architect. The property also has contextual value because it is important in defining and maintaining the character of the area, is visually and historically linked to its surroundings and is considered a local landmark.

The northern portion of the church, constructed in circa 1901, was the first purpose-built structure for the Christian Workers’ non-denominational congregation in Hamilton, Ontario, then known as the Gospel Mission. This original building established the orientation of the church towards Park Street North. Influenced by the Romanesque Revival style of architecture, the two-storey structure features a three-bay frontispiece with a gabled roof, a half-round window below the gable and flanking pinnacles. Within a few years, the Christian Workers’ congregation had outgrown the space at the Gospel Mission and began planning for a new addition which would accommodate a formal sanctuary and seating for approximately 1,200.

In 1906, a substantial addition was constructed at the corner of York Boulevard (then Merrick Street) and Park Street North. Designed by architect Charles Mills (1860-1934), the 1906 building was influenced by the Neo-Classical style of architecture, demonstrated by the building’s dramatic scale, including a symmetrical, two-storey

**Appendix “F” to Report PED24077****Page 6 of 8**

recessed entrance with Ionic fluted stone columns, which also demonstrate a high degree of craftsmanship. Mills, a prominent Hamilton architect, designed numerous commercial, industrial, ecclesiastical, and residential works in Hamilton, as well as nearby towns such as Dundas, Burlington, Niagara Falls and Brantford. Possibly, the most striking building still extant undertaken by Mills is the Classical Revival style Landed Banking and Loan Company (1907-1908). Mills' bank-related work led him to design ten new branches of the Bank of Hamilton in towns and cities in Manitoba, Saskatchewan, Ontario and British Columbia, including its headquarters in Hamilton (now demolished).

Peter Wiley (P.W.) Philpott (1865-1957) was the pastor of the Hamilton Christian Workers' Chapel in 1896, overseeing the fundraising and erection of a church in 1901, and a subsequent addition in 1906 due to rapid congregational growth. Philpott and his followers, all former Salvation Army officers, began the Christian Workers' movement in 1892. Christian Workers' associations were independent, non-denominational congregations meant to serve and reach the working class, which typically met in open air locations or public spaces across southwestern Ontario in the late-nineteenth century. In addition to a growing local following, Philpott's international influence began to reach other non-denominational churches, and in 1922, Philpott left Hamilton to serve at Moody Memorial Church in Chicago, Illinois. In 1929, he accepted a call to the Church of the Open Door in Los Angeles, California where he served until retirement in 1932. Returning to Toronto, Philpott remained an active and much requested speaker across North America until his death in 1957. Upon Philpott's death, to commemorate his contributions, the church re-named Philpott Memorial Church. In 1922, the Christian Worker's churches formally became recognized as a denomination, which in 1925 changed its name to the Associated Gospel Churches of Canada. Philpott Memorial Church is also associated with a network of other missions in the Hamilton, Burlington and Niagara area such as the West Hamilton Mission, Winona Gospel Church, New Testament Church, Lake Gospel Church, Freeman Mission, as well as affiliations with missionaries in Paraguay, India and Africa.

The property has significant contextual value due to its proximity of the Market Square located at the intersection of York Boulevard and James Street North, which is historically a central location for industry and commerce in Downtown Hamilton. The building's dramatic scale at a prominent intersection, together with the loss of building stock within the Central Neighbourhood from the late-nineteenth and early-twentieth centuries, make this property a physical landmark.

**Description of Heritage Attributes**

Key attributes that embody the historical value of the property related to its association with the Christian Workers' movement and P.W. Philpott, and the physical value of the property as a representative example of the Romanesque Revival style of architecture include the:



**Appendix “F” to Report PED24077****Page 7 of 8**

- Front (east) and side (north) elevations and roofline of the circa 1901 northern portion of the structure including its:
  - Two-storey massing;
  - Broad hipped front (east) and low gabled rear roof with a brick parapet to the west and dentilled cornice below the projecting eaves;
  - Brick construction, including what may remain under the stone veneer cladding on the front (east) elevation, and the exposed brick side elevation to the north with its segmentally-arched window openings with brick voussoirs, raised brick course in the second storey and brick pilasters;
  - Central three-bay frontispiece in the front (east) elevation, with a gabled roof, half-round window below the gable and flanking pinnacles;
  - Arched entry in the south end of the front (east) elevation with a half-round transom;
  - Two bays of windows flanking the central frontispiece; and,
  - Lug stone sills and continuous lug stone sills on the front (east) elevation.

Key attributes that embody the physical value of the property as a representative example of the Neo-Classical style of architecture, its association with the Christian Workers' movement and P.W. Philpott, and reflecting the works of prominent Hamilton architect, Charles Mills, include the:

- Front (east) and side (south) elevations, and all four roof elevations, of the circa 1906 southern portion of the structure including its:
  - Two-and-one-half storey massing;
  - Brick construction, including what may remain under the stone cladding on the front (east) and side (south) elevations, and the exposed brick in the north gable elevation;
  - Flat roof topped by a cross-gable roof with returning eaves and large ellipse window in the south, east and north gables and a brick parapet to the west;
  - Two-storey high recessed central portico in the front (east) elevation with its:
    - Two Ionic fluted stone columns;
    - Four stone plinths;

**Appendix “F” to Report PED24077****Page 8 of 8**



- Three bays of steps leading to three flat-headed openings with rectangular transoms and double doors; and,
- Flanking segmentally-arched window openings with stone lug sills on the recessed side walls;
- South elevation with its:
  - Central four bays separated by projecting column-like pilasters with stone caps, with flat-headed window openings and stone lug sills; and,
  - Eastern flat-headed entrance with transom and double door;
- Stone detailing throughout, including the large-block foundation, moulded stone cornice, continuous banding below the cornice.

Key attributes that embody the contextual value of the property and its visual and historic connection to the City of Hamilton’s downtown core, the centralized location of late-nineteenth and early-twentieth century industrialization, include the:

- Siting of the original 1901 northern portion of the structure and its orientation towards Park Street North; and,
- Siting and massing of the 1906 southern portion of the structure at the corner of York Boulevard and Park Street North, with its primary orientation towards Park Street North.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division  
 and  
**PUBLIC WORKS DEPARTMENT**  
 Environmental Services Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lauren Vraets (905) 546-2424 Ext. 2634 Kasey Livingston (905) 546-2424 Ext. 7734
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Cynthia Graham Director, Environmental Services Public Works Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the "Hamilton Biodiversity Action Plan", attached as Appendix "A" to Report PED21065(d)/PW24040, be approved as the guiding document for City of Hamilton actions to improve biodiversity across all communities in the City;
- (b) That the Consultation Summary Report, attached as Appendix "B" to Report PED21065(d)/PW24040, be received;
- (c) That the Planning and Economic Development Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "C" to Report PED21065(d)

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**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 2 of 18**

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- /PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (d) That the Planning Division staff complement be increased by 1 Full Time Equivalent position to support the implementation of actions outlined in the Planning and Economic Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "C" to PED21065(d)/PW24040, as well as other natural heritage policy related special projects, and that financial requirements associated with this new position be referred to the 2025 budget process;
  - (e) That the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "D" to PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
  - (f) That the Public Works Department staff complement be increased by 4 Full Time Equivalent positions to support actions outlined in the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "D" to PED21065(d)/PW24040, for a total annual cost of \$560,000.00, to be referred to the 2025 budget process;
  - (g) That Planning and Economic Development Department staff consider the findings of the Municipal Protected Areas Project and the Natural Areas Inventory Update in the Urban Hamilton Official Plan and Rural Hamilton Official Plan through future Official Plan Amendments;
  - (h) That Planning and Economic Development Department staff be authorized to undertake an interim role to assist in coordinating the implementation of the Biodiversity Action Plan until such a time that the Full Time Equivalent position in the Planning Division referred to in Recommendation (d) is created, and that financial resources in the amount of up to \$30,000.00 be allocated from the Planning Division, Sustainable Communities Section's existing Official Plan Review capital budget to support the administrative, communication and consultation expenses;
  - (i) That all future staff reports related to the Biodiversity Action Plan be referred to the General Issues Committee;
  - (j) That staff from the Planning and Economic Development Department and the Public Works Department be directed to coordinate an annual Communication

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**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 3 of 18**

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Update to Council regarding the status of the City's actions outlined in the Biodiversity Action Plan.

**EXECUTIVE SUMMARY**

- The Hamilton Biodiversity Action Plan (Appendix "A" attached to Report PED21065(d)/PW24040) is a multi-agency initiative that will guide strategic actions related to biodiversity improvement across the city. It is intended to outline actions by partner organizations that can be undertaken in the next five years to protect, restore, connect, and explore biodiversity in Hamilton.
- This report summarizes the community consultation that was led by the Biodiversity Action Plan Working Group during the summer and fall of 2023 (Appendix "B" attached to Report PED21065(d)/PW24040).
- One permanent position in the Planning and Economic Development Department is recommended, to be referred to the 2025 budget process, to ensure the successful implementation of the departmental actions and to oversee other natural heritage related special projects.
- Staff in the Planning and Economic Development Department will facilitate the development of a governance framework between the partner organizations and oversee the administrative coordination of the Biodiversity Action Plan on an interim basis until a permanent position is secured.
- Four positions in the Public Works Department are recommended, to be referred to the 2025 budget process, to ensure the successful implementation of the departmental actions. Staff resources and funding for any new Public Works Department actions will be required to begin work on projects and initiatives, and the intent is to start with a team that builds on the strategic plans, data and framework to support future actions. Future requests for staff to manage, implement and report on achievement will come in future years, and be dependent on timing of budgets and implementation.
- Annual reporting on the progress of the City of Hamilton actions, as well as any other related actions, will be coordinated between City departments, reporting back to the General Issues Committee.

**Alternatives for Consideration – See Page 17**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Financial implications for the City of Hamilton Actions are outlined in Appendix "C" and Appendix "D" to Report PED21065(d)/PW24040 respectively for the Planning and Economic Development Department and the Public Works Department. Requests for funding for projects related to the City of Hamilton actions in the Biodiversity Action Plan will be referred to future budget cycles in accordance with the projected project initiation

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**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 4 of 18**

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timeframes. The existing Official Plan Review capital budget for the Sustainable Communities Section of the Planning Division will be used to cover up to \$30,000 of administrative, consulting and communication expenses associated with development of the Biodiversity Action Plan governance model.

**Staffing:** The Planning and Economic Development Department will require one new Full Time Equivalent position to ensure successful implementation and reporting on the departmental actions outlined in Appendix "C" to Report PED21065(d) /PW24040, and coordination of other natural heritage related special projects. Consideration of this position will be included in the 2025 budget process.

Staff from the Planning and Economic Development Department in the Planning Division will assist on an interim basis in facilitating the development of the Biodiversity Action Plan governance model and other administrative and communications related duties related to implementation of the plan until a permanent, Full Time Equivalent position is considered through the 2025 budget process. These temporary duties are meant to bridge the gap between approval of the Biodiversity Action Plan and the creation of the long-term governance model. As this work is in addition to existing duties, there may be a delay in delivery of other projects.

Staffing resources for the Public Works Department will be required to undertake actions outlined in the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "D" to Report PED21065(d)/PW24040. A request to enhance the Public Works Department staff complement by 4 Full Time Equivalents for a total annual cost of \$560,000.00 will be referred to the 2025 budget process.

Additional staffing resources may be required for certain City of Hamilton actions contained in the Biodiversity Action Plan, and requests for these positions will come through future reports to the General Issues Committee.

**Legal:** There are no legal implications with the recommendations of this report currently. As staff in the Planning and Economic Development Department work to develop the Biodiversity Action Plan governance model with the partner organizations, Legal staff will need to be consulted on the development of any agreements for funding between the partner organizations.

**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 5 of 18**

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**HISTORICAL BACKGROUND**

The development of the Biodiversity Action Plan began in 2018 through an ad hoc working group of conservation community partner organizations, led by the Hamilton Naturalists' Club, as well as members of City of Hamilton staff from the Planning and Economic Development Department and Public Works Department.

A complete chronology of significant dates associated with the Biodiversity Action Plan development was provided in Report PED21065(c), presented to Planning Committee on May 2, 2023, with the draft Biodiversity Action Plan.

On May 9, 2023, Council approved the recommendations of Report PED21065(c), and the inclusion of two additional recommendations (e) and (f) as noted below:

- “(a) That Appendix “A” to Planning Committee Report 23-007, “Draft Biodiversity Action Plan – March 2023”, be received;
- (b) That Planning and Economic Development staff be authorized to assist the Hamilton Naturalists' Club and other Biodiversity Action Plan partners to undertake public and stakeholder consultation on the Draft Biodiversity Action Plan attached as Appendix “A” to Planning Committee Report PED21065(c);
- (c) That Planning and Economic Development staff be directed to report back to Planning Committee, summarizing the public input together with the final Hamilton Biodiversity Action Plan by Q4 of 2023;
- (d) That the Clerk provide written communication to the Ville de Montreal to confirm that the City of Hamilton will become a signatory to The Montreal Pledge – Cities United in Action for Biodiversity.
- (e) That the Biodiversity Action Plan partners include as part of the consultation on the draft Biodiversity Action Plan, the Global Biodiversity Framework (GBF) adopted at the 15th Conference of Parties to the UN Convention on Biological Diversity, and that the partners seek input from the public on the potential for including the 23 targets of the GBF as the community-wide targets for Hamilton's Biodiversity Action Plan; and,
- (f) That as part of the report back on the proposed final Biodiversity Action Plan, that staff include recommendations, including staffing and financial impacts, for a Biodiversity Action Plan governance and staffing structure that ensures a whole-of-community approach to implementation.”

**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 6 of 18**

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In addition to the recommendations associated with Report PED21065(c), Council also approved the following two motions at the same meeting:

**Draft Biodiversity Action Plan - City of Hamilton's Natural Areas Acquisition Fund**

- “(a) That \$150,000 from the Climate Change Reserve Account No. 108062 be allocated to the City of Hamilton's Natural Areas Acquisition Fund; and,
- (b) That staff be authorized and directed to initiate an intake for proposals under the Natural Areas Acquisition Fund based on the same Natural Areas Acquisition Fund Strategy Implementation Guidelines previously approved by Council through Report PED09007(b).”

**Draft Biodiversity Action Plan - Natural Areas Inventory for the City of Hamilton**

- “(a) That \$200,000 from the Climate Change Reserve (108062) be allocated to support the updating of the Natural Areas Inventory for the City of Hamilton, through field work during the next 2-3 field seasons, with a goal of producing an updated Natural Areas Inventory report by 2025 or 2026;
- (b) That City staff work with the Hamilton Naturalists' Club and other Biodiversity Action Plan partners to develop the scope and terms of reference for the update to the Natural Areas Inventory, including identification of other potential funding partners; and,
- (c) That the General Manager of Planning and Economic Development be authorized to enter into the necessary agreements with the Hamilton Naturalists' Club and any other Biodiversity Action Plan partners as required for the implementation of the Natural Areas Inventory.”

Since May 2023, staff have undertaken the following activities with respect to the report recommendations provided through PED21065(c) and the additional motions that were approved by Council:

- Community Engagement - Biodiversity Action Plan engagement and consultation were undertaken during the summer and early fall of 2023 with participation from the Biodiversity Action Plan Working Group (Working Group) partner organizations. Public, organizational, and Indigenous engagement is summarized in greater detail later in this report, with background information provided in Appendix “B” to Report PED21065(d)/PW24040.
- Montreal Pledge - The City of Hamilton signed the Montreal Pledge – Cities United in Action for Biodiversity by way of a letter to the Mayor of Montreal on June 15, 2023, attached as Appendix “E” to Report PED21065(d)/PW24040.



**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 7 of 18**

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- Global Biodiversity Framework – The Working Group included the 23 targets from the Global Biodiversity Framework adopted at the Conference of Parties to the United Nations Convention on Biological Diversity in community consultation. Consideration of how the targets could be integrated in a local context was contemplated in the revisions to the Biodiversity Action Plan and subsequent implementation.
- Governance Model Financial and Staffing implications – Staff in the Planning and Economic Development Department and Public Works Department, in coordination with the other Biodiversity Action Plan partner organizations, have considered the staffing and financial resources required to implement a governance model for the Biodiversity Action Plan. The development of a governance model needs a committed lead staff person and capacity for this coordination with existing staff resources was not available at any of the partner organizations since May of 2023.

Recommendation h) to Report PED21065(d)/PW24040 recommends that staff in the Planning and Economic Development Department Planning Division, take on a temporary role to facilitate the development of the Biodiversity Action Plan governance model with the partner organizations, including co-creation of cross-agency partnership agreements. Recommendation h) also includes the allocation of up to \$30,000.00 from the Sustainable Communities Section's existing Official Plan Review capital budget, set aside for policy review work related to the Official Plans, towards the administrative, communications and consultation expenses incurred through the temporary role the Planning Division until a new, permanent staff position in the Planning and Economic Development Department is considered through the 2025 budget process. A Biodiversity Action Plan coordinator role at one of the partner agencies will be considered through the development of the governance model.

- Natural Areas Acquisition Fund – \$150,000 in funds were transferred from the Climate Change Reserve to the Natural Areas Acquisition Fund. There has been one request for funds from a conservation organization for land acquisition since the funds were transferred. An agreement between the city and the conservation organization is in process at this time. Additional applications are expected as potential opportunities for land acquisition by conservation organizations present themselves.
- Natural Areas Inventory update – As directed by Council through the motions associated with Report PED21065(c), \$200,000.00 from the Climate Change Reserve Fund was allocated for the update to the city-wide Natural Areas Inventory project. The update to the Natural Areas Inventory is underway with the execution of a new partnership agreement between the City of Hamilton, the

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**SUBJECT: Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) - Page 8 of 18**

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Hamilton Naturalists' Club, and the Hamilton Conservation Authority. The Hamilton Conservation Authority will house the position for the Natural Areas Inventory Coordinator.

Since May 2023, the Working Group partners have been meeting bi-weekly to collaborate on the required changes to the draft Biodiversity Action Plan. The final version of the Hamilton Biodiversity Action Plan, presented as Appendix "A" to Report PED21065(d)/PW24040 is representative of the community consultation and is considerate of work programs of the community partner organizations involved.

Another initiative related to the Biodiversity Action Plan that has been undertaken since May 2023 is the City's participation in the Municipal Protected Areas Program by Ontario Nature. As a signatory to the Montreal Pledge, the city has been working with Ontario Nature to determine what City owned lands can count towards the federal target of protecting 30% of land and water habitats significant for biodiversity by the year 2030. Report PED23260 presented the work program for the project, with a recommendation that staff prepare a final report to deliver the results of which areas could count towards the federal target. Currently, the selected areas are being evaluated, and a final report is anticipated in Q3 2024.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The development of a Biodiversity Action Plan for Hamilton is not associated with any policy or legislative requirements. For the City of Hamilton, it is intended to build upon the policies of the Urban and Rural Official Plans with respect to the Natural Heritage System, and to guide future work plans across the organization, including future land use policy updates.

Staff from the Sustainable Communities section and Heritage and Urban Design section of the Planning Division have initiated the workplan for the Rural and Natural Heritage Municipal Comprehensive Review. This is a conformity review exercise, looking to Provincial policies and plans for guidance with policy updates. Certain actions outlined in the Biodiversity Action Plan are related to this work program, including mapping reviews of wildlife corridors.

In addition, Staff from the Sustainable Communities section of the Planning and Economic Development Department will be undertaking a review of current Official Plan policies through the Local Context Review work program to evaluate how policies for land development can be strengthened to work towards the goals set out in the Biodiversity Action Plan as well as other related City plans and strategies. The policy review through the Local Context Review presents the opportunity for a made-in-Hamilton approach to guide land use planning, including natural heritage policies for protection and enhancement.

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As implementation of City actions from the Biodiversity Action Plan are initiated, there may be review of internal operational policies in both the Planning and Economic Development Department and the Public Works Department. Any change to operational policies associated with implementation of City actions will be communicated to internal staff and, if required, through Communication Updates to Council.

**RELEVANT CONSULTATION**

Public engagement, community partner organization consultation and indigenous community consultation for the draft Biodiversity Action Plan took place in the spring of 2023, following the direction received through recommendations of Report PED21065(c) in May 2023. A Communication Update was provided to the Mayor and Members of City Council on June 5, 2023, outlining the planned consultation opportunities. The following section provides an overview of the methods undertaken, and key findings. Detailed summary of the Biodiversity Action Plan consultation activities is provided in Appendix "B" to Report PED21065(d)/PW24040.

**1.0 Public Engagement**

Public Engagement for the draft Biodiversity Action Plan was initiated in the Spring of 2023. The goals were to obtain feedback from the public and local environmental organizations about the content of the draft Biodiversity Action Plan presented as Appendix "A" to Report PED21065(c) in May of 2023. The partner organizations involved in the Biodiversity Action Plan also wanted to assess the base level of knowledge of the public about biodiversity generally, and any areas of interest that may improve their outreach and community stewardship programs.

It is important to note that the consultation on the Biodiversity Action Plan took place during a period when there were other Provincial discussions on-going about removal of lands from the Greenbelt Plan area and mandated expansions to the urban boundary to accommodate housing development. There were many comments made during all public engagement that signalled a strong desire for protection of the Greenbelt and rural lands to protect biodiversity. While it was not the intent to engage on questions about the Greenbelt Plan legislation or urban boundary expansions through the Biodiversity Action Plan consultations, there were comments made that used the terms "greenbelt" and "greenspace" interchangeably. Comments also aligned with a desire to protect biodiversity by limiting urban sprawl caused by decisions made to expand the City's urban boundary.

The following public engagement activities were undertaken and are summarized in detail in Appendix "B" to Report PED21065(d)/PW24040. Information about the engagement events was shared through newspaper advertisements, posters at City

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recreation facilities, municipal service centres and libraries, social media posts, and email communications through partner organization mailing lists.

- Engage Hamilton webpage - May 18, 2023 – July 23, 2023.
  - Engagement tools such as survey, online commenting on both the draft Biodiversity Action Plan and Kunming-Montreal Biodiversity Framework 2030 Targets, and stories submission;
  - 1,960 page visits;
  - 123 document downloads;
  - 144 engaged participants; and,
  - Survey was also available at all Hamilton Public Library locations.
  
- Virtual Public Information Meeting - June 8, 2023, through WebEx Webinar with a presentation by City staff and Hamilton Naturalists' Club. Other Biodiversity Action Plan partners attended to answer any questions that came up through the Q & A.
  - 39 registrants, 31 attendees; and,
  - Q & A questions related to collaboration with indigenous nations, exceeding provincial and federal targets, addressing invasive species, funding, and considerations for city initiatives related to pollinators and public education.
  
- In-Person Open Houses – two open house events were hosted by the Biodiversity Action Plan partners at City facilities. Presentation boards were arranged and staff from the partner organizations were in attendance with additional information about their respective initiatives.
  - Open House 1 – Gage Park Tropical Greenhouse – June 15, 2023; and,
  - Open House 2 – Dundas Town Hall – June 26, 2023.
  
- Open Streets – June 18, 2023, activation held at Bernie Morelli Recreation Centre location. Biodiversity Action Plan partners provided information about the draft plan and related initiatives, engaged in one-on-one discussions with community members, and provided activities for children related to aquatic species.
  - Over 120 community interactions between partner organization representatives and community members.
  
- Other engagement events – some engagement opportunities were coordinated by the partner agencies individually as part of their broader outreach initiatives.
  - Hamilton Naturalists' Club presentation at Action 13 events, and hosting of five Biodiversity in Action walk events; and,
  - Presentation to school classes as part of Grade 6 curriculum (Hamilton Naturalists' Club and City of Hamilton).

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The following key themes were identified by the Biodiversity Action Plan partner organizations following the public engagement events and outreach:

- Strong interest from the public in getting involved with on-the-ground action to improve biodiversity;
- Concern about funding for long-term implementation;
- Coordination with Indigenous nations and consideration of traditional knowledge;
- Desire to act quickly to address loss of habitats and corridors for species and to ensure climate change resiliency;
- Coordination needed to address threats of invasive species;
- Need to protect and improve natural areas for future generations; and,
- Strong commitment to decision making that protects ecosystems from development impacts.

## **2.0 External Organization Engagement**

A half-day workshop with local ecological organizations was coordinated by the Hamilton Naturalists' Club on May 23, 2023. The event was attended by 29 participants representing various local organizations who are involved in ecology and environmental outreach as part of their daily work programs. In addition to representatives from the Biodiversity Action Plan Partner organizations, this event included attendance from the Niagara Escarpment Commission, Grand River Conservation Authority, Bruce Trail Conservancy, Green Venture, Environment Hamilton, Royal Botanical Gardens, Conservation Halton, and Niagara Peninsula Conservation Authority. A volunteer facilitator led the attendees through small group discussions based on the seven key priorities in the draft Biodiversity Action Plan. Workshop attendees also were given the opportunity to provide any follow up comments through a short, open-ended questionnaire.

The following key themes were identified through the discussions at the workshop:

- Threat of political uncertainty (all levels of government) and commitment to biodiversity is concerning with respect to long term implementation;
- Need for consistent resourcing to coordinate the action plan amongst partners;
- What resources/funding can be made available for smaller organizations looking to do work aligned with actions, but not listed?;
- Incorporate more opportunities for academic research to understand baseline;
- Urgency to get started on the actions outlined in the plan; and,
- Consider further education and incentives for private landowners to improve biodiversity on their lands.

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City staff presented the draft Biodiversity Action Plan at the Development Industry Liaison Group on September 11, 2023. Attendees were provided a digital copy of the draft Biodiversity Action Plan with the meeting minutes and were asked to provide any comments by October 6, 2023. No comments were received by the October 6, 2023, deadline.

Hamilton Conservation Authority staff sought comments on the draft Biodiversity Action Plan from local agricultural sector representatives including from the Ontario Federation of Agriculture, Christian Farmers Federation of Ontario, and the Ecological Farms Association of Ontario. Representatives were provided a copy of the open-ended questionnaire that was provided to the ecological organization representatives. No comments from these organizations were received.

### **3.0 Indigenous Consultation**

With assistance from the City's Indigenous Relations staff, Sustainable Communities staff from the Planning and Economic Development Department contacted representatives of the Indigenous communities that were identified as most likely to be interested in providing comments on the draft Biodiversity Action Plan. Staff contacted the Lands and Resources Department at Six Nations of the Grand River Elected Council, Missisaugas of the Credit First Nation, Hamilton Regional Indian Centre, Haudenosaunee Development Institute, Metis Nation of Ontario, and Huron-Wendat Nation. Correspondence was sent through email to the appropriate representatives in late April, mid-May and early June of 2023 advising of the draft Biodiversity Action Plan and asking for a meeting if they were interested in providing feedback.

In response, staff from the Wildlife and Stewardship Office at Six Nations of the Grand River Elected Council requested a meeting, which took place virtually on July 10, 2023. The discussion at the meeting included an overview of the draft Biodiversity Action Plan elements, the work programs of the different partner agencies, and general discussion about trends all are observing in their work related to managing wildlife and natural lands in the area. Wildlife and Stewardship Office staff provided comments on the draft Biodiversity Action Plan, and a follow up meeting was held on December 6, 2023, to go over all the comments received.

The following are highlights of the comments provided by Six Nations of the Grand River Elected Council staff in the Wildlife and Stewardship Office:

- The City of Hamilton's land acknowledgement is used in the draft Biodiversity Action Plan and partner organizations should be aware that there is a desire to see this reviewed in the future by the City's Indigenous Relations staff;

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- Biodiversity can include good and bad players in terms of ecology – invasive species are damaging, and distinction needs to be clearer that not all green is good;
- Putting nature as a primary focus should not be viewed only as an indigenous worldview, but a values-based worldview that respects nature and recognizes the interconnectedness between all life;
- Best management practices and long-term monitoring should be discussed, and action taken if not already planned; and,
- Request for Six Nations of the Grand River Elected Council staff to be circulated on development applications.

A short, virtual meeting was held with representatives from the Joint Stewardship Board of the Haudenosaunee Development Institute on July 26, 2023. A brief overview of the draft Biodiversity Action Plan was provided, and Haudenosaunee Development Institute representatives indicated the meeting would not be considered consultation. A formal application and review fee would be required. The City responded that currently the City's policy is not to remit a review fee.

Planning Division staff recognize the significance of meaningful consultation and relationship building with local Indigenous communities as part of land use policy and development approvals processes. Currently, staff are exploring a requirement for development proponents to demonstrate that consultation has occurred with Indigenous communities as part of a Formal Consultation application or prior to submission of a *Planning Act* application. More information about the implementation of this requirement will be provided through a subsequent report to Planning Committee.

Additional opportunities to learn about the importance of indigenous engagement and incorporation of Traditional Ecological Knowledge in conservation practice have been made available to staff from the various Biodiversity Action Plan partner organizations. These include a Cootes to Escarpment EcoPark System and Nature at McMaster University co-created event in August 2023, a Best Practices of Indigenous Engagement and Collaboration by McMaster University in February 2024, and a Traditional Ecological Knowledge summit in March of 2024.

City of Hamilton staff who have attended these events have created an internal working group to discuss how Traditional Ecological Knowledge can be incorporated into future plans and initiatives, and how City staff can engage meaningfully in two-eyed seeing through all projects by building greater relationships with the Indigenous communities. Indigenous Relations staff from the City are attending these meetings as well as staff from the Planning Division and the Office of Climate Change Initiatives, and Environmental Services in the Public Works Department.

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#### **4.0 Internal City Staff Consultation**

City of Hamilton staff from the Planning and Economic Development Department as well as the Public Works Department provided information about the draft Biodiversity Action Plan to other City staff to seek additional input. Sustainable Communities staff provided an overview of the draft Biodiversity Action Plan at the section's Technical Advisory Committee in February 2023. Comments received from internal City staff included:

- General support for the development of the plan as a positive step for local biodiversity;
- Concern about duplication of efforts from existing programs like the Cootes to Escarpment EcoPark System;
- A need to clearly consider all departments that may need to be involved in executing actions; and,
- The need to have stronger land use planning policies to protect biodiversity and have it be considered in local decision making.

Staff from the Public Works Department as well as the Planning and Economic Development Department have undertaken program specific discussions to clarify certain City-led actions in terms of work program needs, and any additional resources required. A summary of the actions and resourcing requirements for both Planning and Economic Development and Public Works Departments are provided as Appendix "C" and Appendix "D" attached to Report PED21065(d)/PW24040 respectively.

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

As discussed in the section below, staff recommends approval of the Biodiversity Action Plan and, in consultation with the Working Group, have identified next steps for the City to resource and implement its actions under the Plan.

##### **1.0 Biodiversity Action Plan Coordinator and Governance Model**

Coordinated implementation of the actions in the Hamilton Biodiversity Action Plan attached as Appendix "A" to Report PED21065(d)/PW24040 will require financial resourcing for a lead coordinator role at one of the partner organizations and development of a governance model.

The Biodiversity Action Plan outlines the expected role of the Coordinator position over the timeframe of the plan, and provides an outline of the expected governance model to be implemented. The Coordinator would be responsible for actions related to administration and communications about the Biodiversity Action Plan, facilitate meetings of the governance bodies, and provide regular reporting on the outcomes of the actions that are provided in the plan.



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The expected governance model for the implementation of the Biodiversity Action Plan is also outlined in the document and is expected to follow a similar structure to that of the Cootes to Escarpment EcoPark System. A Management Committee made up of key decision makers from the partner organizations would ensure that the financial and operational decisions about the action workplans are coordinated. A Steering Committee would include representatives from the partner organizations that are leading work programs outlined in the actions. The members of the Steering Committee will assist in providing metrics on the implementation of their respective actions to the Coordinator for reporting.

Limited resources attributed to the development and refinement of the final Biodiversity Action Plan by all partner organizations has meant that final decisions about the Biodiversity Action Plan Coordinator role placement and long-term governance model have not been formalized. Additional time is needed to develop an agreed upon funding model for the Coordinator role, and to execute a governance model that includes a whole of community approach. Partner organizations indicated that they did not wish to delay finalization of the Biodiversity Action Plan and slow down the implementation of their actions outlined to wait for a formal governance model to be developed.

As an interim measure to ensure that the implementation of the Biodiversity Action Plan is not delayed, staff in the Planning Division of the Planning and Economic Development Department are being recommended to temporarily take on limited duties of the coordinator role per Recommendation h) to Report PED21065(d)/PW24040. The limited duties that would be attributed to this role include:

- Facilitation of meetings, as required, with existing Biodiversity Action Plan partner agencies to discuss matters related to actions implementation and reporting, coordinated communications and engagement, and administrative matters;
- Coordination of the long-term Biodiversity Action Plan governance model and associated funding strategy with the existing partner agencies to ensure a whole of community approach to implementation;
- Development of a multi-partner agreement for the long-term governance and funding model between the Biodiversity Action Plan partner organizations to be presented to Council and the respective boards of partner organizations for future ratification;
- Delivery of the first Biodiversity Action Plan report card as an Information Report to Council in Q2 of 2025 on behalf of all partner organizations; and,
- Administrative support to the Biodiversity Action Plan partner organizations related to the above noted duties.

This temporary measure would assist in wrapping up the development of the agreement between partner organizations with respect to the governance model and long-term

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Coordinator position and develop a base framework for reporting on the actions annually to Council. Recommendation d) to Report PED21065(d)/PW24040 requests that a permanent, full-time position be created in the Planning Division to monitor the long-term implementation of the Planning and Economic Development Department actions and provide regular updates on these to Council.

**2.0 City of Hamilton Action Resourcing – see Appendices “C” and “D” attached to Report PED21065(d)/PW24040**

The City of Hamilton Biodiversity Action Plan actions are intended to build on the commitment made by the City as a signatory to the Montreal Pledge, and represent City initiatives that are planned over the next five years that will contribute positively to conserving and protecting nature. Staff from both the Planning and Economic Development Department and the Public Works Department will work to implement the respective actions in the Biodiversity Action Plan and will collaborate across the City Departments to achieve results.

The discreet actions to be undertaken by both the Planning and Economic Development Department and the Public Works Department are outlined in Appendices “C” and “D” respectively attached to Report PED21065(d)/PW24040. Actions where either department is noted as a supporting partner are also outlined, to ensure that there is clarity about any resources required.

To ensure there is shared knowledge and coordination between all City departments involved in protecting nature across the city, staff from the Planning and Economic Development Department have begun investigating opportunities for bringing various staff together more frequently to share about their work programs. No additional resources are required to facilitate this working group.

The work related to understanding the current state of natural areas including the biodiversity status of City owned lands, is not part of current Public Works Department work plans. To implement strategic master planning to understand the health of biodiversity across City-owned properties, and to guide plans in the future to improve biodiversity across the City, staffing resources will be required. Business cases will be brought forward to the 2025 budget process for consideration to create an initial team in the Environmental Services section. Future resources required to implement, maintain, and report on projects and progress will be identified as needed.

Just as nature is dynamic, the need for action to address change must also be dynamic as well as cooperative. Opportunities or needs for additional work programs that are not outlined in the Biodiversity Action Plan may also arise, in response to certain pressures like development or regulatory and policy change. Annual reporting on the progress of

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the City of Hamilton actions, as well as any other related actions undertaken, will be coordinated between Departments, reporting back to the General Issues Committee.

### **3.0 Consideration of the 23 Global Biodiversity Framework Targets**

Throughout the review and revision of the Biodiversity Action Plan, partner organizations have considered how to potentially integrate select targets from the Kunming-Montreal Global Biodiversity Framework developed at the 15<sup>th</sup> Conference of Parties to the UN Convention on Biological Diversity. A target of 30% protected areas to 2030 is often referred to as the 30 by 30 target and is considered for a national commitment. Currently, 33% of gross land area in Hamilton is identified as Natural Heritage System - Core Area in the Urban and Rural Hamilton Official Plans combined.

Partner organizations have identified that there should be consideration given to reviewing the City's existing targets for habitat restoration and natural cover. To determine what the appropriate target(s) may be and how they would be implemented will require consideration of the findings of both the Municipal Protected Areas Project and the Natural Areas Inventory Update. The findings of the Municipal Protected Areas Project are expected from Ontario Nature in Q2 of 2024, and the Natural Areas Inventory Update has just been initiated. The Natural Areas Inventory Update is anticipated to take approximately three years to complete. Should the recommendations of these studies indicate that a greater target for protected areas is necessary, Planning Division staff will consider the findings of both studies through a review of the policies in the Urban Hamilton Official Plan and Rural Hamilton Official Plan.

Simultaneously, there will be a background review done on all Natural Heritage System policies through the Rural and Natural Heritage conformity review workplan undertaken by the Planning Division of the Planning and Economic Development Department. Potential targets for natural area protection may also emerge from best practices in other similar jurisdictions which may further support the field work and findings from the Natural Areas Inventory Update.

As work progresses on both the Natural Areas Inventory Update as well as the Rural and Natural Heritage Systems conformity review, Planning and Economic Development Department Staff will provide updates to Council to advise on project status.

### **ALTERNATIVES FOR CONSIDERATION**

1. Additional City actions for the Biodiversity Action Plan may be recommended by Council. If this approach is taken, it is recommended that any additional actions be appropriately resourced. Staff do not recommend this alternative because the work programs to implement the City of Hamilton actions have been carefully

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considered by each Department, and additional actions may result in delays to implementation of committed actions, or other work programs.

2. Council may choose not to endorse the Biodiversity Action Plan. This alternative is not recommended, as the Biodiversity Action Plan represents a collaborative effort and a commitment by the city to be a partner with other conservation community organizations to achieve common goals. Since this alternative does not advance projects and programs that advance Council's priorities related to Priority 1, Outcome 4 – Protect green space and waterways, staff do not recommend this alternative.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED21065(d)/PW24040 – Hamilton Biodiversity Action Plan (2024)

Appendix "B" to Report PED21065(d)/PW24040 – Consultation Summary Report

Appendix "C" to Report PED21065(d)/PW24040 – Planning and Economic Development Department Biodiversity Action Plan Resourcing Plan

Appendix "D" to Report PED21065(d)/PW24040 – Public Works Department Biodiversity Action Plan Resourcing Plan

Appendix "E" to Report PED21065(d)/PW24040 – City of Hamilton letter for the Montreal Pledge

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# A Five-Year Biodiversity Action Plan for Hamilton, 2024





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Cover image – View from east Escarpment overlooking lower City of Hamilton. PHOTO Madolyn Armstrong

## Land Acknowledgement

The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas and is covered by the Dish with One Spoon Wampum Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. This land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

For thousands of years, Indigenous worldviews and stewardship have protected Mother Earth for future generations. With deep appreciation and in the name of Truth and Reconciliation, the contributing organizations who have helped to develop

the Biodiversity Action Plan are committed to working collectively to ensure our natural world will be protected so it can sustain future generations.

The Biodiversity Action Plan Working Group acknowledges the many First Nations and Indigenous peoples who have and continue to serve as caretakers of this land.

Each of the partner organizations are committed to building relationships with the traditional rights holders of the lands that Hamilton is situated upon. The Biodiversity Action Plan is an opportunity to learn and incorporate traditional knowledge into our work and practices.



Sunset over Cootes Paradise. PHOTO Lauren Vraets



## Preface

Hamilton is rich in biodiversity with many important natural features such as mature Carolinian forest and woodlands, the Niagara Escarpment, Lake Ontario, and numerous wetlands and watercourses that support an incredible diversity of common and at-risk species.

Organizations across Hamilton, including the City of Hamilton, have worked to protect nature through partnerships and collaborations with one another, resulting in conservation success stories like the ones shared throughout this document. Conservation experts, organizations and community members continue to work together to protect, enhance and restore biodiversity in Hamilton for a healthy and resilient environment.

Several partner organizations and the City of Hamilton have come together to develop Hamilton's first Biodiversity Action Plan which will guide the protection and enhancement of biodiversity across the city and build on the strong foundation formed by the local environmental community. Each partner organization provided staff time as in-kind support for the development of the document, community engagement, and technological and communications support.

Development of the Biodiversity Action Plan was funded by the City of Hamilton and ArcelorMittal Dofasco Corporate Community Investment Fund.



Dundas Valley. PHOTO City of Hamilton



# Partner Profiles



[bayarearestoration.ca](http://bayarearestoration.ca)

Formed in 1991, the Bay Area Restoration Council (BARC) is a registered charitable corporation that represents the public interest in the revitalization of Hamilton Harbour and its watershed. For more than 30 years, the Bay Area Restoration Council has played a pivotal role in helping the community see the potential of a Harbour where nature can thrive.

The Bay Area Restoration Council leads and promotes collective action to revitalize Hamilton Harbour and its watershed through education and community engagement. Our vision is a thriving, healthy and accessible Harbour for all.



[hamilton.ca](http://hamilton.ca)

The City of Hamilton is home to approximately 570,000 residents spread across an area of approximately 1,118 km<sup>2</sup>. The City of Hamilton is a diverse landscape of natural areas as well as rural and urban geographies. Set out in the *2016–2025 Strategic Plan*, the City's Vision "To be the best place to raise a child and age successfully" is a reflection of the kind of city that Hamiltonians can collectively strive for. Hamilton's Council and staff are tasked with ensuring that this vision is implemented in all aspects of planning and decision making for constituents.

The 2022-2026 Council priorities are: Sustainable Economic and Ecological Development; Safe and Thriving Neighbourhoods; and Responsiveness and Transparency. Participation in the development and implementation of the Biodiversity Action Plan touches on each of these Council priorities and is a positive step in establishing the City of Hamilton as a municipal leader in natural heritage protection and enhancement.



Albion Falls. PHOTO Lauren Vraets



[cootestoescarpmentpark.ca](http://cootestoescarpmentpark.ca)

The Cootes to Escarpment EcoPark System is a collaboration among nine government and not-for-profit agencies that collectively protect nearly 2,200 ha of open space and nature sanctuary between Cootes Paradise Marsh, Hamilton Harbour and the Niagara Escarpment.

Since 2007, the collaboration has evolved as a voluntary park alliance in which the participating agencies own and manage their lands individually but collaborate on areas of mutual interest.

The partners of the Cootes to Escarpment EcoPark System are Royal Botanical Gardens, Hamilton Naturalists' Club, Hamilton Conservation Authority, Conservation Halton, Bruce Trail Conservancy, McMaster University, City of Burlington, City of Hamilton and Halton Region.



[conservationhamilton.ca](http://conservationhamilton.ca)

Conservation authorities are local, community-based public sector organizations that are provincially legislated by the Conservation Authorities Act which was originally passed in 1946. Conservation authorities are Ontario's community-based environmental experts who use integrated, ecologically sound environmental practices to manage Ontario's water resources on a watershed basis, maintain secure supplies of clean water, protect communities from flooding and contribute to municipal planning processes that protect water.

There are four conservation authorities with jurisdiction in Hamilton: Hamilton Conservation Authority, Niagara Peninsula Conservation Authority, Grand River Conservation Authority and Conservation Halton.

Hamilton Conservation Authority (HCA), located at the western end of Lake Ontario, is the area's largest environmental management agency and is dedicated to the conservation and enjoyment of watershed lands and water resources.

The HCA's Mission is to lead in the conservation of our watershed and connect people to nature. As of 2023, the HCA holds or manages 4,400 hectares (10,872 acres) in public trust and is responsible for approximately 56,800 hectares (140,355 acres) of watershed area, much of it is home to rare plants, birds and mammals whose existence depends on an environment that is not pressured by human activity.



Ravine Road Trail, Royal Botanical Gardens. PHOTO Lauren Vaets





[npca.ca](http://npca.ca)

The Niagara Peninsula Conservation Authority (NPCA) watershed is uniquely situated between two Great Lakes, with the Niagara River as a boundary shared with the United States of America. NPCA's jurisdiction includes the entire Niagara Region and portions of Haldimand County and City of Hamilton. Like other conservation authorities, NPCA is a community-based natural resource management agency that protects, enhances and sustains healthy watersheds.

With more than 63 years of experience, NPCA offers watershed programs and services that focus on flood and hazard management, source water protection, species protection, ecosystem restoration, community stewardship and land management. The NPCA's jurisdiction covers approximately 21% of Hamilton. The NPCA provides services related to numerous surface water quality initiatives, groundwater monitoring, floodplain mapping, conservation lands, landowner education and engagement programs, watershed strategies and several special agreements with the City of Hamilton and its respective partners.

Hamilton waterfront area. PHOTO City of Hamilton



[hamiltonnature.org](http://hamiltonnature.org)

Hamilton Naturalists' Club is a non-profit, volunteer-led organization dedicated to the study, appreciation and conservation of our wild plants and animals. Since its founding in 1919 the Club has been working to protect and restore biodiversity in Hamilton and beyond. HNC's focus is to permanently protect and steward natural lands through its system of nature sanctuaries, while also working to enhance biodiversity in urban areas by creating habitats in public spaces with native plants.



Community tree planting. PHOTO Hamilton Naturalists' Club

# Executive Summary

Biodiversity is the variety of life on Earth. Hamilton is a biodiversity hotspot with many unique habitats that support hundreds of common and many **at-risk species**. This biodiversity of life and the interactions that occur between species support vital ecosystem services that all life depends on such as cleaning our air and water and providing spaces for us to explore and engage with nature.

Unfortunately, biodiversity is in decline globally and locally due to a growing number of threats including climate change, habitat loss, fragmentation and alteration, pollution and invasive species. As a response to these threats at a global scale, Canada is a signatory to the United Nations Convention on Biological Diversity.

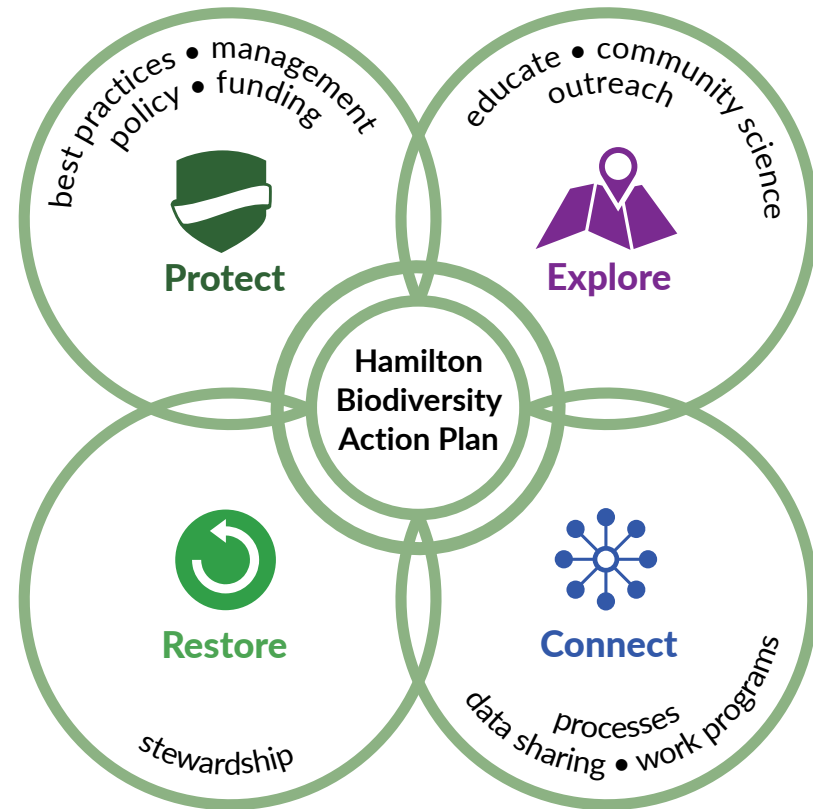
Hamilton’s unique geography supports regional biodiversity by providing critical habitats for many common and at-risk species.

Hamilton’s first five-year Biodiversity Action Plan (BAP) has been developed to address biodiversity loss on a regional scale. The BAP is a city-wide, multi-partner plan that will guide the collaborative protection and restoration of biodiversity through a set of strategic **goals**, **key priorities** and associated **actions** related to policy, regulatory and on-the-ground programs.

Because flexibility and adaptability are key to ensuring positive outcomes for Hamilton’s biodiversity, additional collaborations will need to be undertaken that are not listed in this plan. Regular reporting on the implementation of the Biodiversity Action Plan will help everyone know what work is happening across the City.

The BAP envisions “A Hamilton that is resilient to climate change, celebrates nature and provides a healthy environment for all life.”

## Hamilton’s Biodiversity Action Plan’s Goals



Everyone has a role to play in helping to implement the BAP and now is the time to act. The “What Can You Do” section provides suggestions for how anyone can get involved – **what will you do to protect, explore, connect and restore Hamilton’s biodiversity?**

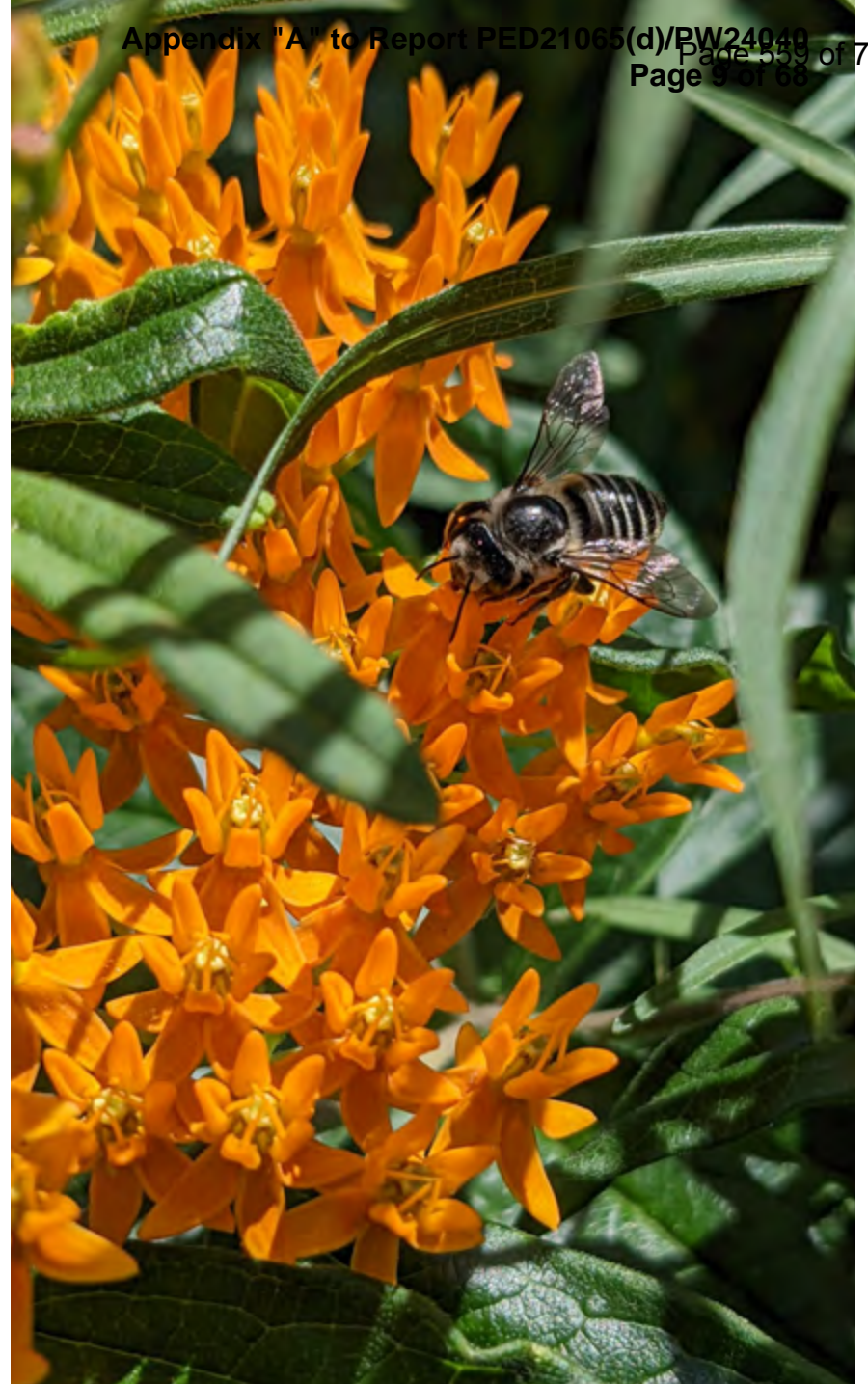
# Introduction

Biodiversity is the variety of life on Earth. It includes the complex relationships and interactions that all living things, including people, plants, animals, fungi and bacteria, have with one another and their environment. All species, including humans, are connected and depend on one another to survive. Places with high biodiversity are healthier, more resilient and more resistant to short- and long-term threats.

Biodiversity is everywhere. It's on land and in water, in forests, in parks and around our homes. You'll find biodiversity not only on protected and rural lands but also in the most densely populated and developed areas of a city, including spots like balcony planters and garden beds. Biodiversity is interconnected and even the smallest spaces in a city can provide habitat and connections for local plants, insects and wildlife.

Healthy biodiverse areas provide ecosystem services, such as flood management by storing water, climate change mitigation by sequestering carbon, clean air and water by filtering harmful particulates and food production through pollination. Biodiverse areas also provide recreational and spiritual opportunities that support the health and well-being of the community.

Ecosystem services are complex, invaluable and very difficult to assign a monetary value to. As an example, Hamilton's urban forest has been conservatively estimated to provide \$8.2 million annually through ecosystem services, including avoided runoff, oxygen production, pollution removal, carbon storage and sequestration, and energy savings ([Hamilton's Urban Forest Strategy](#)). We must do more to protect and enhance biodiversity, not only for nature's sake but to ensure



Leafcutter Bee on Butterfly Milkweed. PHOTO Hamilton Naturalists' Club





View of Hamilton's City Hall through the canopy of trees. STOCK PHOTO



Caterpillar of Monarch Butterfly.  
PHOTO Hamilton Naturalists' Club

we continue to receive these important services that add resiliency to Hamilton's future.

Unfortunately, we are experiencing a global biodiversity crisis.

The *Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* (IPBES\*) (#6, page 46, 2019) states that "around 1 million species already face extinction, many within decades, unless action is taken to reduce the intensity of drivers of biodiversity loss." Sir Robert Watson, chair of the IPBES and former chair of the Intergovernmental Panel on Climate Change, pointedly titled his associated op-ed "Loss of biodiversity is just as catastrophic as climate change."

**Scientists agree** that anthropogenic (human) activities have led us into the midst of the sixth mass extinction event in Earth's history. Consistent with global and provincial trends, Hamilton's biodiversity is threatened primarily by habitat loss and fragmentation, invasive species, pollution and climate change.

Globally biodiversity loss continues to accelerate, resulting in the breakdown of natural systems and threatening humanity's existence. Canadians are facing a growing list of complex issues associated with global biodiversity loss in addition to the loss of species: food insecurity, reduced water quality, poor human health, reduced municipal resilience to natural disasters and climate emergencies, and **significant harm to economies**.

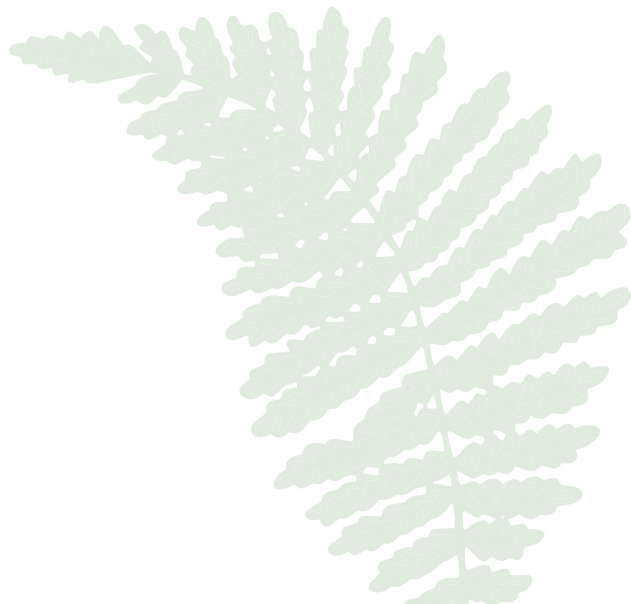
However, there is hope. The 2019 IPBES report ends on this key message, urging us to take immediate action for our

environment: “Nature can be conserved, restored and used sustainably while other global societal goals are simultaneously met through urgent and concerted efforts to fostering transformative change.”

By working collaboratively we have the ability to conserve and enhance biodiversity. Hamilton needs to be resilient to climate change and biodiversity loss in order to protect local biodiversity for future generations. A multi-partnered Biodiversity Action Plan (BAP) for Hamilton has been created to guide collective organizational and individual actions that will benefit local biodiversity for the long-term.

Whether you live, work, or play in Hamilton you can have a positive impact on biodiversity by helping to implement the BAP.

**Let's take action together.**



## Brief History of Global Biodiversity Initiatives

To recognize the global impacts of biodiversity loss, the United Nations Convention on Biological Diversity was initiated in 1993 to conserve biological diversity. In 1992 Canada was the first industrialised nation to join the Convention, even before it was fully ratified by all nations. Loss of biodiversity and degradation of ecosystems is one of the top threats facing humanity and the United Nations is continuing work on biodiversity to reach the goal of the 2050 Vision for Biodiversity, “living in harmony with nature.”

Canada has committed to protecting 25% of our lands and waters by 2025 and 30% by 2030. The targets build upon prior commitments set under the Convention on Biological Diversity in 2010. Known as the Aichi Biodiversity Targets, these included a commitment to protect 17% of our lands and inland waters by 2020.

The UN Biodiversity Conference – COP15 was held in Montreal in December 2022 and the Kunming Montreal Framework was developed to specify 23 targets to address biodiversity impacts by 2030. Inspired by these targets, the Montreal Pledge asks Canadian municipalities to commit to 15 areas of action ([Ville de Montreal, 2022](#)), many of which are represented in the actions of Hamilton’s Biodiversity Action Plan. **At the time of writing, Hamilton is one of five Canadian cities to sign the Montreal Pledge and many of the actions in the Biodiversity Action Plan align with the commitments in the pledge.**





# Where We Are

View of Hamilton Harbour. PHOTO Hamilton Naturalists' Club

## What is Biodiversity?

**Nature** and **biodiversity** are often used interchangeably and although their meanings are similar, they are not quite the same. Without biodiversity, nature could not function.

**Nature** is all the plants, animals, geological features, natural events and processes that occur in the environment.

**Biodiversity**, or biological diversity, refers to all living things. It is the variety and variability of life on Earth. It is a term that is as wide-ranging and vast as the life that it looks to define. Biodiversity encompasses every individual plant, animal, fungi

and single-celled life form. It also includes the genes and DNA that make each living thing unique.

A group of organisms that share similar genes and can produce fertile offspring are called **species**. Biodiversity measures both the number of individuals of each species and the number of different species in an area. For example, on a property with tallgrass prairie we might count 62 individual Butterfly Milkweed (*Asclepias tuberosa*) plants, which is one of the 46 plant species found there.





## Did You Know?

An **ecoregion** is an ecologically and geographically defined area. Hamilton falls within the Lake Erie Lowland ecoregion. A 2020 study in the journal *Biodiversity and Conservation* determined that southern Canadian ecoregions are in a deep biodiversity conservation crisis ([Kraus & Hebb, 2020](#)). Due to habitat loss these ecoregions represent less than 5% of Canadian lands and inland waters but provide habitat for over 60% of Canada's species at risk.

## Did You Know?

Hamilton makes up a sizeable portion of Ontario's Greenbelt. This area is the world's largest greenbelt and protects farmland, forests, wetlands, rivers and lakes. Two million acres of protected land work together to provide fresh air, clean water, local food and drink, and outdoor recreation opportunities.

According to the report *Ontario's Good Fortune: Appreciating the Greenbelt's Natural Capital*, the Greenbelt delivers \$3.2 billion in ecosystem services every year, making it an irreplaceable resource critical for the future of the province ([Friends of the Greenbelt Foundation, 2016](#)).

An **ecosystem** is a community of different species (plants, animals, fungi, bacteria, etc.) in a specific area that interact with individuals of their own species, with other species and with abiotic (non-living) things in their environment.

Over time, these interactions influence the behaviours and physical characteristics of each species and the changes are passed down genetically from one generation to the next. This genetic diversity between individuals or populations allows species to adapt to and survive environmental changes.

Biodiversity measures the variability of life, like the genetic differences between individuals or populations and the various interactions that occur in an ecosystem.

A healthy, thriving environment has a wide range of species with genetically diverse populations that engage in complex interactions and relationships that form resilient and biodiverse ecosystems. Biodiversity is the foundation for a healthy environment and is essential to all life.

## The Benefits of Biodiversity

Everyone benefits from healthy ecosystems and the services they provide. Ecosystem services are essential to our health, environment and economy. These services include filtering harmful microscopic particles from our air and water, supplying oxygen, mitigating climate change through carbon storage in plants and soil, mitigating flooding and erosion with water storage, decomposing waste and cycling nutrients and

providing the natural resources humans use every day including food, water, medicine and materials. The natural world also provides us with recreational (hiking, camping, birdwatch, fishing, etc.) and spiritual connections.

Both urban and rural communities benefit from a healthy environment.

- **Healthy forests** store a lot of carbon and help to mitigate against climate change.
- **Nature provides habitat** for many species, including at-risk species.
- **We depend, directly and indirectly, on biodiversity** for clean air, water, food and uplifting nature experiences.
- **Green streetscapes** and natural features make urban commercial spaces more appealing, which stimulates local economic growth, lowers energy costs for businesses and residents.
- **Passive experiences**, like viewing nature from an office window or walking by trees, parks and gardens, can help people recover from daily and chronic stress.
- **75% of our food crops** depend on pollination. Pollinators need healthy biodiverse areas to thrive.
- **Biodiversity invigorates** Hamilton's tourism industry and allows us to host a variety of adventure and tourism experiences.
- **Spending time in nature** can decrease stress and anxiety, boost our attention, and improve our physical health by helping to prevent disease and boosting our immune function.
- **Access to nature** provides children in cities with tremendous benefits that are essential to their development.

Nature also has its own value outside of the services it provides to humans. It provides food, water, shelter and resources to countless species that are all connected to each other in some way. Species and ecosystems continue to change and evolve over time as the delicate balance of life ebbs and flows. Each species has its own place and role in an ecosystem, though with enough disturbance species may become threatened or endangered. Healthy, biodiverse areas are more resilient to threats and provide important habitat for species at risk.

### Nature in Urban Areas

In urban communities, nature provides services like managing stormwater and buffering traffic noise. The relationship between green streetscapes and positive health outcomes is notable. Small actions – such as creating parkettes, applying street-side landscaping and planting front yard rain gardens – can yield big results. Trees shade both buildings and streets during the summer, reducing energy costs and temperature in urban areas. Through the application of a climate change lens, natural assets can enhance the resiliency of the city over time.

Unfortunately, urban areas often lack adequate, healthy tree canopy, parks and gardens. Protection and enhancement of Hamilton’s biodiversity can assist in rehabilitating urban areas, making them more resilient to the pressures of the urban environment while providing the community with a nearby natural space.

### Nature in Rural Areas

In addition to agricultural lands, rural areas have large, vegetated natural ecosystems like forests, wetlands and meadows that provide food, water and shelter for many species. These areas also contribute to surface water and

groundwater quality and quantity by slowing down, storing and filtering stormwater runoff. These areas filter the air, store water to mitigate flooding and are often connected, providing wildlife corridors – uninterrupted habitat for wildlife movement.

These natural areas support biodiversity, which in turn supports a healthy agriculture industry as 75% of our food crops depend on pollination by a wide diversity of pollinators. Biodiversity also invigorates our tourism industry, allowing individuals and businesses to host a variety of adventure experiences and nature-based activities.

According to the Organisation for Economic Co-operation and Development (OECD) report Biodiversity: Finance and the Economic and Business Case for Action, ecosystem services delivered by biodiversity, such as crop pollination, water purification, flood protection and carbon sequestration, are worth an estimated \$125–140 trillion USD per year, more than 1.5x the global gross domestic product (GDP) (OECD, 2019).

The 2016 report Ontario’s Good Fortune: Appreciating the Greenbelt’s Natural Capital estimates the value derived from the natural capital of the Greenbelt. This is used to establish a baseline natural capital accounting framework that can be maintained and built upon over time to support decision making and advocacy work related to the Greenbelt. It also presents a natural capital accounting framework that demonstrates to decision makers how to identify and measure the benefits derived from natural capital.



# Biodiversity Policy Context

Grindstone Marsh. PHOTO Hamilton Naturalists' Club

## Global Biodiversity Initiatives

In 1992, Canada was an early signatory of the United Nations Convention on Biological Diversity which was created to recognize and mitigate the global impacts of biodiversity loss being witnessed. The Convention came into effect in late 1993 and has been ratified by an overwhelming majority of countries. Its main objectives are “to conserve biological diversity, to sustainably use its components and to share equitably the benefits arising from the use of genetic resources” (UN, 2000).

As part of the Convention of Biological Diversity Strategic Plan for Biodiversity 2011-2020, an ambitious set of 20 targets known as the Aichi Biodiversity Targets were proposed to meet five overarching goals to preserve global biodiversity. The targets included protecting lands and waters, ensuring species-at-risk populations remain secure, and that biodiversity consideration is incorporated into planning of

major municipalities across Canada. Canada submitted a National Biodiversity Strategy and Action Plan with the goal of protecting 17% of terrestrial areas and inland waters and 10% of coastal and marine areas by 2020.

In December 2022 the UN Biodiversity Conference: COP15 met in Montreal and participants agreed to the historic Kunming-Montreal Global Biodiversity Framework which aims to halt and reverse biodiversity loss by 2050. The framework “sets out an ambitious plan to implement broad-based action to bring about a transformation in our societies’ relationship with biodiversity by 2020...and ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled” (UN, COP 15). Within the framework there are 23 targets for 2030 and four goals for 2050. Building off the Aichi Biodiversity Targets, Canada now aims to protect 25% of its lands and oceans by 2025 and 30% of each by 2030.



Female cardinal. PHOTO Peter Kelly



Pollinator meadow planting. PHOTO Peter Kelly

## Canada's 2030 National Biodiversity Strategy

Canada's 2030 Strategy will build on existing initiatives in all regions and sectors across the country and follow seven guiding pillars. The seven guiding pillars are:

1. Recognizing, upholding and implementing the rights of Indigenous Peoples and advancing reconciliation.
2. Committing to urgent, ambitious and transformative action.
3. Ensuring a whole-of-government approach.
4. Fostering a whole-of-society approach.
5. Empowering on-the-ground action.
6. Using the best available science and knowledge.
7. Applying an ecosystem approach and holistic perspectives.

Canada's National Biodiversity Strategy will outline how each target will be achieved in 23 implementation plans. To ensure accountability, progress will be measured through Canada's Domestic Biodiversity Monitoring Framework. The final 2030 Strategy will be available in 2024, prior to the sixteenth

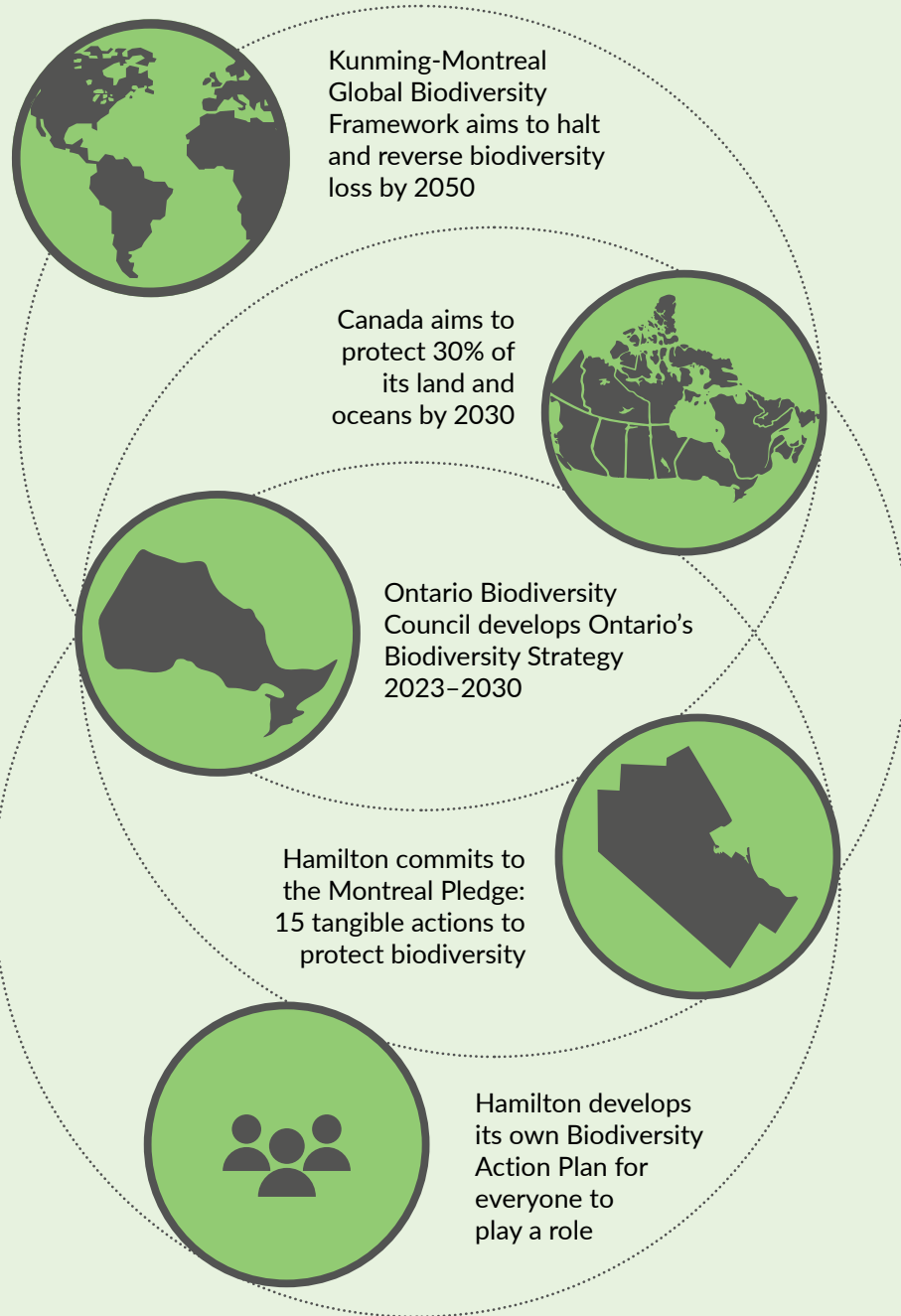
meeting of the Conference of the Parties to the Convention on Biological Diversity.

The Montréal Pledge was brought forth at COP 15 in 2022 to encourage cities around the world to commit to tangible actions for protecting biodiversity. The City of Hamilton has committed to the Montréal Pledge alongside many other cities worldwide. Further in this document we outline key priorities and actions for Hamilton, and many of these actions reflect those outlined in the Montreal Pledge.

Hamilton's BAP will help work towards these international and national commitments and goals. Actions within this document address many of the actions in the Montréal Pledge and 13 of the 23 Kunming-Montreal Global Biodiversity Framework targets for 2030, helping Hamilton and Canada meet the national and international targets for preserving and enhancing biodiversity.



## Global to individual biodiversity strategies



Tews Falls. PHOTO Hamilton Conservation Authority

## Ontario Biodiversity Strategy

[Ontario's Biodiversity Strategy](#) guides conservation across the province. It's like a "to-do" list to help us take actions that will benefit biodiversity, address climate change, improve human health, make our communities stronger and safer and support the economy. Five strategic directions reflect the key components required to conserve biodiversity at a provincial level:

- Empower people
- Enhance resilience
- Reduce threats
- Improve knowledge
- Transform investments

Each strategic direction includes targets and actions to focus efforts and guide actions and activities from all sectors. The Ontario Biodiversity Strategy was recently updated in 2023.

## Niagara Escarpment Commission

The Niagara Escarpment spans the City of Hamilton, providing a ribbon of green that separates the lower and upper city. It is an internationally recognized landform and was designated as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve in 1990. Biosphere reserves are intended to promote solutions to live, work and play in and around important natural areas so that biodiversity is conserved and enjoyed sustainably.

On a provincial level the escarpment is protected by the Niagara Escarpment Commission (NEC). NEC is a statutory body that operates at arm's length from the Ontario Government and is mandated to develop, interpret and apply [Niagara Escarpment Plan](#) policies that maintain and enhance the vitality of the Niagara Escarpment's unique environmental and landscape features.

## Provincial Policy Statement – Natural Heritage System

The Provincial Policy Statement (PPS) provides specific direction for land use planning and development in Ontario, including natural heritage. Policies have been developed within the PPS to ensure natural features and areas shall be protected for the long term. Local decision making for development must be consistent with direction provided in the PPS.

Ontario's Natural Heritage System is defined in the Provincial Policy Statement as "a system made up of natural heritage features and areas and linkages intended to provide connectivity (at the regional or site level) and support natural

processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrological functions and working landscapes that enable ecological functions to continue." ([Provincial Policy Statement 2020](#))

These natural heritage features and areas include significant wetlands, woodlands, valley lands, fish habitat, habitat of endangered and threatened species, and Areas of Natural and Scientific Interest on public and private lands.

The City's Official Plan policies implement the policies of the PPS with respect to all matters, including Natural Heritage.

## Greenbelt Plan – Natural Heritage System

The [Greenbelt Plan](#), implemented in 2005, provides policies for where urban activities should and should not occur in the Greater Golden Horseshoe areas. It builds upon the ecological protections outlined in the Provincial Policy Statement and works together with the policies of the Niagara Escarpment Plan.

Within the Protected Countryside of the Greenbelt Plan, Natural Heritage System policies speak to core areas of ecological significance, and the requirement that these areas not be subjected to negative impacts as a result of development. Policies of the City's Official Plans must conform with the policies in the Greenbelt Plan.



Hamilton, north-west view from Sam Lawrence Park. STOCK PHOTO

## Hamilton’s Natural Heritage System

Hamilton contains many natural areas and features that contribute to the municipality’s beauty, unique character and quality of life. These areas include, but are not limited to, the Niagara Escarpment, Lake Ontario shoreline and Eramosa Karst.

Hamilton has a long-standing history of protecting natural features. Historically, this has been through the establishment of Environmentally Significant Areas (ESAs) within the former Region of Hamilton-Wentworth. It is now contemplated through a more landscape-level approach, known as a Natural Heritage System (NHS). The City-wide NHS recognizes the importance of both a natural feature and its functions. While the NHS slightly differs between the rural and urban landscapes, the building blocks of this system, Core Areas and Linkages, remain the same. A connected NHS is important for maintaining biodiversity and the long-term health and viability of natural systems.

The [City of Hamilton Urban](#) and [Rural Official Plans](#) contain policies and definitions for the City’s NHS. Specifically, Core

Areas and Linkages of natural lands across Hamilton are mapped and form the NHS in the Official Plan. The NHS has specific protections through land use policy in both the Rural and Urban context.

### What is a Core Area?

A Core Area is a natural area that is considered highly valuable for providing many irreplaceable benefits. Core Areas include Significant Woodlands, Environmentally Significant Areas (ESAs), Areas of Natural and Scientific Interest (ANSIs), Significant Wildlife Habitat, Significant Habitat for Threatened and Endangered Species, wetlands and watercourses. These areas are the most important component of the NHS in terms of biodiversity (sustains species populations), productivity and ecological functions (provides breeding habitat and foraging habitat for wildlife) and hydrological functions (groundwater recharge and discharge, flood and erosion control). They are necessary for improving Hamilton’s resiliency to a changing climate and providing a healthy environment for all life. Hamilton’s Core Areas provide habitats for many species and opportunities for people to experience nature.



**What is a Linkage?**

A Linkage is a natural area within the landscape that ecologically connects Core Areas. These can include old fields, meadows, thickets and hedgerows. Linkages provide plants and wildlife with the opportunity to move to new areas in response to environmental changes and life cycle requirements. Linkages can be important natural features on their own, or degraded habitat which can be improved through restoration to enhance biodiversity.

**Targets for Natural Cover**

The City recognizes that to expand the existing natural heritage system in the long-term, restoration may be required. Within the City’s Official Plans, targets, based on Environment Canada’s 2004 report *Framework for Guiding Habitat Restoration in the Great Lakes Area of Concern*, have been identified. The targets have been identified as:

Natural Cover Type	Existing Cover	City-wide Target
Forest cover	17.7%	30%
Interior forest cover (100 m from edge)	4.2%	10%
Interior forest cover (200 m from edge)	1.4%	5%
Riparian vegetation (>30 m wide)	34.7%	75% of stream length naturally vegetated
Wetland cover	8.3%	10%

It is important to note that through other City initiatives, such as the *Urban Forest Strategy (UFS)*, additional targets have been identified, e.g. in the 2023 UFS an urban tree canopy target of 40% by 2050 was approved. Canopy enhancements can include street trees, private trees and urban forests.



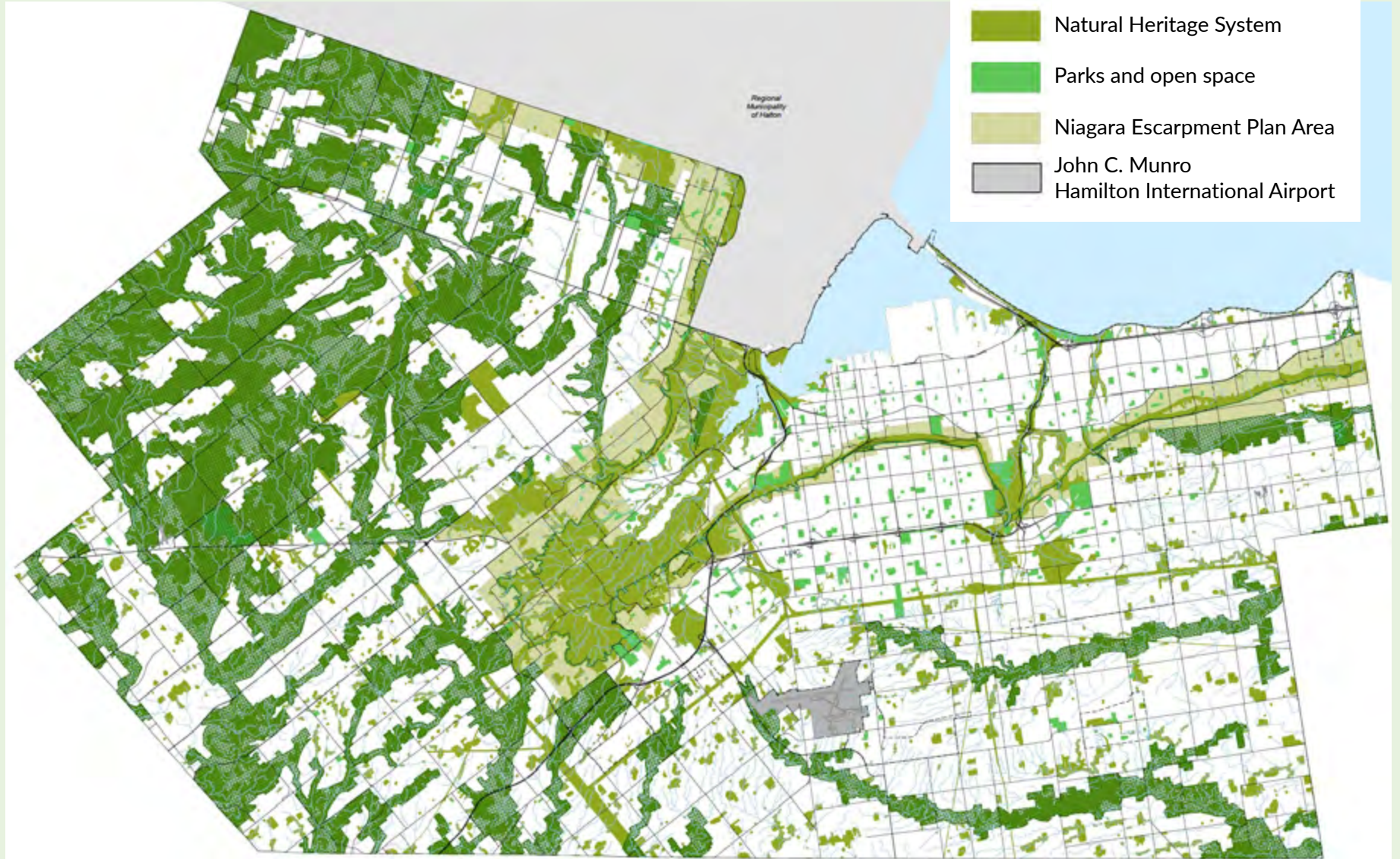
Recreational trails. PHOTO City of Hamilton



Bioswale in Gage Park. PHOTO City of Hamilton



## Policy Context: Hamilton's Natural Heritage System



Composite map derived from Schedule B - "Natural Heritage System" contained within the Urban Hamilton Official Plan and Rural Hamilton Official Plan

## Hamilton's Biodiversity

Hamilton's biodiversity is rich with an incredibly diverse variety of species due to its unique climate and geography. The shoreline features of Lake Ontario, including Hamilton Harbour and Cootes Paradise Marsh, lie below the cliffs, waterfalls, gorges and valleys of the Niagara Escarpment — a 725 km long landform stretching through the United States and Ontario. Hamilton is home to one of the few sections of the Niagara Escarpment with south-facing cliffs.

The city lies within the [Carolinian zone](#), a transition zone between southern and northern forests where the winters are mild and the average temperatures are warmer than anywhere else in Ontario. It is also situated along the [Atlantic Flyway](#), one of four major pathways followed by migratory birds from the Arctic to South America.



Niagara Escarpment. PHOTO Conservation Halton

### Did You Know?

The [Carolinian zone](#) stretches from Toronto to Windsor and supports over 2,000 plant species, 70 tree species, almost 400 bird species, 27 reptile species, over 20 amphibian species and a large portion of threatened or endangered species in Canada, all while being called home by ~25% of Canadians.



Map of Carolinian zone





Peregrine Falcon.  
PHOTO Brian Wylie



Monarch.  
PHOTO Hamilton Naturalists' Club



Jefferson Salamander.  
PHOTO Conservation Halton



American Columbo.  
PHOTO Public domain



Eastern Flowering Dogwood.  
PHOTO Hamilton Naturalists' Club



Blanding's Turtle.  
PHOTO David Smith

The unique habitats created by these geographic and climate conditions support a wide diversity of species. In addition to housing some of our more common species of plants and animals, these habitats also support species at risk such as the Bald Eagle, Peregrine Falcon, Blanding's Turtle, Jefferson Salamander, Brook Trout, Monarch, American Columbo and Eastern Flowering Dogwood.

Across Hamilton there are numerous sites and ecosystems with national and provincial environmental designations like Important Bird Area (IBA), Area of Natural and Scientific Interest (ANSI), Environmentally Sensitive Area (ESA), Provincially Significant Wetland (PSW) and Important Amphibian and Reptile Areas (IMPARA). These areas have significant environmental value, but it does not necessarily mean the site has environmental protections.

Due to its geography, location amongst the Great Lakes and rich diversity, the landscape has been strongly influenced by human settlement and land use activities. Local Indigenous peoples have been stewards and caretakers of this land for thousands of years. These natural areas of Hamilton continue to be essential to local Indigenous people that collect plants and other medicines and exercise their hunting and fishing rights.





Black-crowned Night Heron. STOCK PHOTO



## Success Story: Hamilton Harbour Remedial Action Plan

In 1987 the International Joint Commission designated Hamilton Harbour as one of 43 Areas of Concern on the Great Lakes. The site was and continues to experience significant environmental challenges due to pollution. The Hamilton Harbour Remedial Action Plan is a formal process that guides the clean up the Hamilton Harbour Area of Concern through the identification and implementation of remedial actions to address environmental issues resulting from historical human activities in the area. One successful restoration project from the Hamilton Harbour Remedial Action Plan and its partners involved creating several small nesting islands. These nearshore island habitats have supported successful nesting of colonial waterbirds such as Black-crowned Night Herons, Caspian Terns, Common Terns, Double-crested Cormorants, Herring Gulls and Ring-billed Gulls.

## Highlighting Hamilton's Biodiversity

- Hamilton has many unique habitats, including a south-facing segment of the Niagara Escarpment and Cootes Paradise, a large river-mouth marsh.
- Carolinian life-zone stretches from Toronto to Windsor and its forests provide habitat for one-third of the country's species at risk, many of which are found in Hamilton.
- Royal Botanical Garden's natural areas hold the highest number of spontaneous plant species (i.e. growing there on their own, not planted) of any area in Canada.
- Biological inventories have identified 98 species of damselflies and dragonflies.
- The Dundas Valley contains important interior forest habitat and supports a nationally significant community of forest birds. During recent years, about 100 species of breeding birds have been recorded within the valley, making it one of the most species rich areas in southern Ontario.
- Confederation Park, Fifty Point Conservation Area and the west end of Lake Ontario are all considered important areas for migratory birds.
- Eramosa Karst Conservation Area is an Area of Natural and Scientific Interest and has the largest number of unique karst features in the province, providing habitats which support a diverse number of species.

## Threats to Biodiversity

Scientists agree that anthropogenic (human) activities are the greatest threat to biodiversity, putting the complex ecosystems of Earth at risk of collapse at a rate unseen in human history. Biodiversity loss is not caused by a single threat, but by the cumulative effects of many, such as habitat loss and fragmentation, climate change, pollution, invasive species, industrial agriculture, unsustainable building practices and energy production, policy changes and overharvesting of resources. Across all levels of government, the political landscape can favourably or unfavourably influence policy development and implementation that makes protecting biodiversity challenging.

The repercussions of unsustainable human activity cannot be understated. The negative impacts of each threat overlap and



Bayfront Trail flooding. PHOTO City of Hamilton

compound with each other to intensify impacts. For example, human activities like deforestation degrade the environment, which impacts the water cycle and contributes to climate change. Climate change takes a toll on these degraded forests that are less biodiverse and less resilient to change, resulting in further environmental degradation that worsens the climate crisis and so on.

According to the 2019 IPBES report, three-quarters of the world's land-based environment and about two-thirds of the marine environment have already been significantly altered by humans. Negative trends in nature will continue to 2050 and beyond in all the policy scenarios explored in the 2019 IPBES report – except those that include transformative changes that ensure biodiversity is protected and enhanced.

Hamilton is no exception to the global biodiversity crisis. Hamilton's biodiversity is primarily threatened by **invasive species, habitat loss, fragmentation and alteration, climate change and pollution**. Since the arrival of Europeans to North America, there have been significant changes to the landscape. Rural, urban and industrial development in Hamilton and the surrounding area has destroyed, degraded and fragmented our wetlands, forests, meadows and prairie ecosystems. As an industrial hub, toxic pollutants have been introduced to our soil, air and waterways along with numerous invasive species throughout the region. Urbanization has reduced the amount of natural vegetation cover across Hamilton's watersheds and increased the amount of hard surfaces, resulting in a landscape unable to adequately capture stormwater. These conditions have led to an increased risk of flooding during storm events that are accelerating in frequency and intensity.



## Invasive Species

**Invasive species** are “plants, animals, insects and pathogens that are introduced to an area and cause harm to the environment, economy, or society” ([Invasive Species Centre, 2023](#)). They can outcompete native species for resources, damage ecosystems and impair ecosystem services, threaten infrastructure, reduce crop yields, impact human health and negatively impact recreational and cultural activities. Overall, invasive species negatively impact our native species and decrease biodiversity.

**Native species** are indigenous to an area and occur naturally without intervention or introduction by settlers. Native species have evolved alongside one another for millennia. The relationships between them, from predator-prey interactions to providing forage, nesting habitat and shelter, are intricate and deeply entrenched. Some species have become so specialized that they only interact with a small number of other species, like the Monarch caterpillar’s dependence on Milkweed plants for food and habitat. When one native species is lost it can set off a cascade of changes in the ecosystem that result in greater biodiversity loss. Preserving a diversity of native species is vitally important for the health of Hamilton’s environment.

Hamilton has many established invasive species in our natural areas. It is common for invasive plants to spread from gardens to natural areas. Some examples are Garlic Mustard, Common Buckthorn, Invasive Honeysuckles, Japanese Knotweed, Dog-strangling Vine, Periwinkle, Goutweed, Spongy Moth, Emerald Ash Borer and Beech Bark Disease. Unfortunately, it is very difficult and costly to manage invasive species once they have established in an area, so prevention is key.



Invasive Phragmites. PHOTO Hamilton Conservation Authority

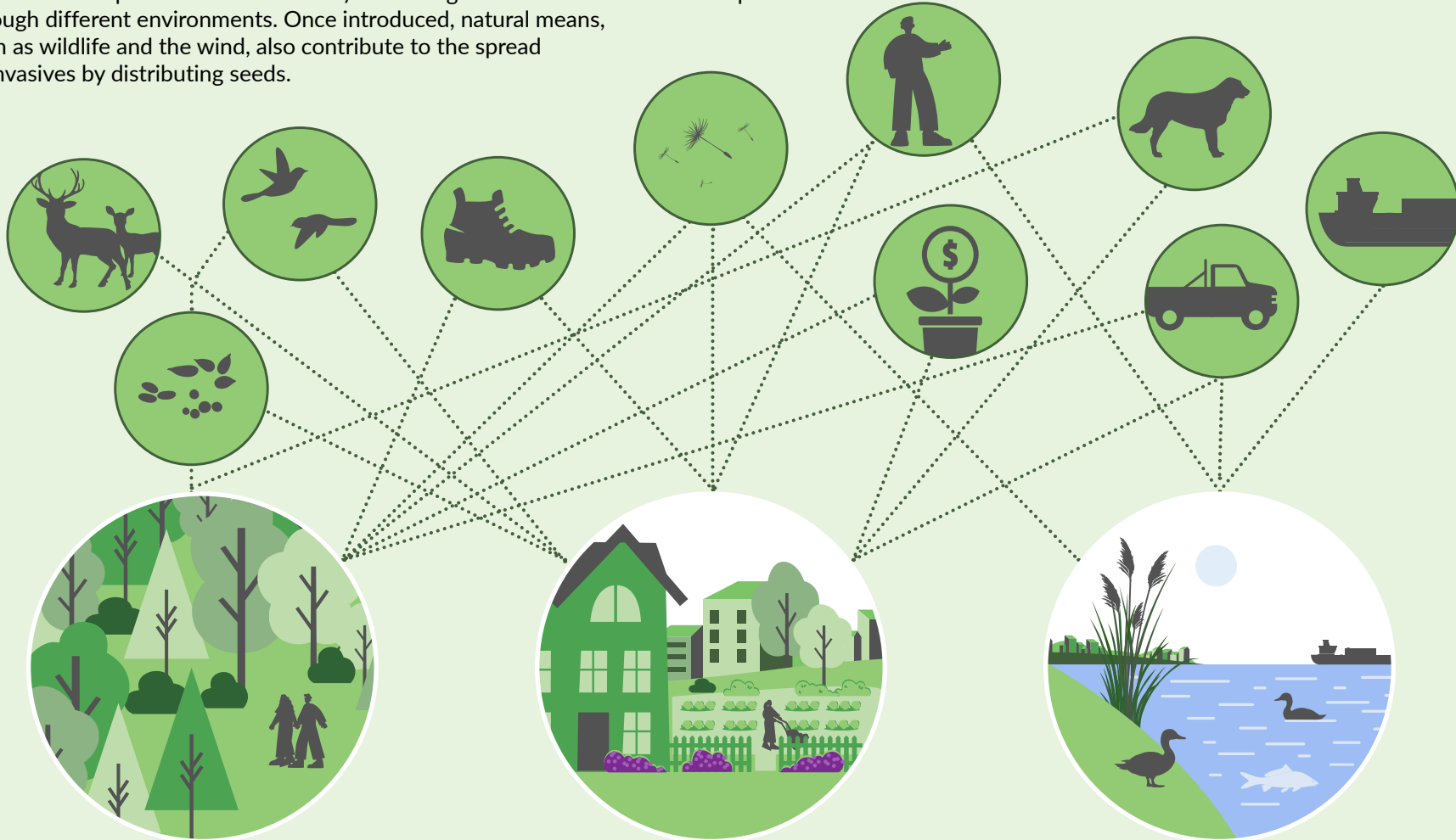


### Success Story: Managing Invasive *Phragmites*

Organizations across Hamilton have been working to manage invasive European Common Reed (*Phragmites australis* subsp. *australis*), one of the most aggressive invasive plant species in Ontario. *Phragmites* is a tall perennial grass that damages wetland ecosystems by outcompeting native plants for water and nutrients, reducing habitat quality for wildlife and decreasing biodiversity. The Hamilton Conservation Authority and Royal Botanical Gardens are two examples of organizations that have been working hard to manage *Phragmites* in Cootes Paradise. After many years their hard work is paying off, as the population has dramatically decreased and native plants are returning to the area.

## Some ways invasive species get around

Human activity – from international shipping, construction, home gardening (invasive plants sold and planted as ornamentals) to walking on trails – moves invasive species through different environments. Once introduced, natural means, such as wildlife and the wind, also contribute to the spread of invasives by distributing seeds.



### Forest/Terrestrial Natural Areas

Examples of invasive species:

- Hemlock Woolly Adelgid, *Adelges tsugae*
- Common Buckthorn, *Vincetoxicum rossicum*
- Honeysuckle, *Lonicera* spp.
- Dog Strangling Vine, *Vincetoxicum nigrum*
- Oak Wilt, *Bretziella fagaearum*

### Home/Private

Examples of invasive species:

- Garlic Mustard, *Alliaria petiolata*
- Goutweed, *Aegopodium podagraria*
- Periwinkle, *Vinca minor*
- Norway Maple, *Acer platanoides*
- Jumping worms, *Amyntas* spp., *Metaphire* spp., *Pheretima* spp

### Water/Aquatic Natural Areas

Examples of invasive species:

- Carp, *Cyprinus carpio*
- Reed, *Phragmites australis* subsp. *australis*
- Flowering Rush, *Butonus ubellatus*
- Goldfish, *Carassius auratus*
- Zebra Mussel, *Dreissena polymorpha*
- Marbled Crayfish, *Procambarus virginalis*



## Habitat Loss, Fragmentation and Alteration

**Habitat loss** is a predominant threat to biodiversity worldwide and it is happening here in Hamilton. It occurs when natural habitats are destroyed or converted for human uses like agriculture, urban development and infrastructure, such as roads. Habitat loss is especially detrimental to species at risk, who may have a limited range, an inability to move, or rely on a specific habitat for one or more of their life stages.

Loss of habitat can happen rapidly, like when an area is prepared for development, or slowly over time. As invasive species establish in an area, they will begin to degrade the habitat quality, which can eventually alter the habitat so severely that wildlife can no longer use it. Human disturbances like off-trail use compact the soil in natural areas, destroying sensitive native plants and changing how easily the ground can absorb water. Even the types of land management activities undertaken at a site can shift a habitat from one type to another. What may seem like an inconsequential issue or action will quickly compound into a larger issue if not addressed.

**Fragmentation** occurs when habitats or ecosystems are broken into smaller areas by infrastructure like roads and paths or by development. These fragmented areas may be too small to sustain populations of species that require large spaces and many species face barriers when travelling between areas. In waterways, dams can impede the movement of fish upstream to their spawning sites. Large forests that have been divided into smaller woodlots over time are not able to spread seeds between the sites. Roads are especially deadly for wildlife – amphibians, snakes, turtles, birds and mammals must risk their life crossing the road through their home to reach important habitat.



Blanding's Turtle in a subdivision. PHOTO Sarah Richer



Urban development. STOCK PHOTO

Even when a natural space is protected, the activities on surrounding lands can cause **habitat alterations**. For example, a healthy watershed will have good vegetation coverage and many natural areas that can absorb or catch water during storm events, slowly trickling it through the waterways to larger waterbodies. However, widespread development has created large areas of impermeable surfaces, like concrete and buildings, that cannot absorb or catch water, resulting in major hydrological changes. Water instead flows quickly across these surfaces and into stormwater systems, simultaneously moving water away from some areas and moving too much water to others. Protected areas may receive too little or too much water, causing issues like erosion, sedimentation and changes to plant communities.



Burlington Heights looking south. PHOTO Royal Botanical Gardens

## Cootes to Escarpment EcoPark System Vision Map



### ✓ Success Story: Cootes to Escarpment EcoPark System

The Cootes to Escarpment EcoPark System is a collaboration among nine local government and not-for-profit agencies that was formed, in part, to help “fight the fragmentation” of natural lands and to ensure a green corridor exists between Cootes Paradise and the Niagara Escarpment.

Since 2012, the EcoPark System partners and neighbouring landowners have been taking actions to enhance ecological corridors between Cootes Paradise Marsh, Hamilton Harbour and the Niagara Escarpment, including:

- Private landowner stewardship projects.
- Restoration of critical habitat in natural areas.
- Looking for opportunities to permanently protect and connect more natural areas.
- Enhancing roadways and buildings to ensure wildlife can move freely and safely between habitats.
- Inviting Indigenous experts to participate and share knowledge regarding the land and its management.



## Climate Change

Climate change and biodiversity are interconnected. Even small changes in average temperature and precipitation have a significant effect on ecosystems and the wildlife that rely on them. Biodiversity loss, particularly at the ecosystem level, greatly aggravates climate change impacts.

According to the [City of Hamilton's Climate Action Strategy](#), the local impacts of climate change include:

- Increased frequency and severity of heat waves resulting in heat-related illnesses and drought conditions;
- Increased severity and frequency of storms, including heavy precipitation leading to flooding, shoreline and escarpment erosion;
- Increased frequency and severity of temperature and precipitation leading to the increased replacement and maintenance costs of roads and transportation infrastructure.

Climate change is causing extreme weather events with increased rainfall that challenge the combined sewer system in the older parts of the city. Combined sewer systems contain pipes that carry both sewage and stormwater and the system can be overwhelmed with large volumes of stormwater. As a result, the tanks discharge the excess mixture of sewage and stormwater directly into waterways, impacting aquatic organisms. As these extreme weather events are becoming more frequent, the number of discharge events has increased.

## Addressing Hamilton's Aging Combined Sewer Network

In 2022 staff from Hamilton's Public Works Department presented a Flooding and Drainage Improvement Framework to the Public Works Committee. This report focuses on the City's legacy combined sewer network area, outlining an overarching strategy and next steps to address short-term risk and long-term resiliency. In essence, it is a "stormwater gap" report with recommendation strategies focused on managed Sewer Separation, an effort to build separated storm sewer infrastructure within the Combined Sewer System.

### Did You Know?

Climate change mitigation can begin in and around your home. Addressing stormwater management challenges by using landscape-based development and green infrastructure, including rain gardens and green roofs, opens the door to creating more native habitat and helps boost local biodiversity while, at the same time, helps slow stormwater flows.

Nature-based climate solutions — like protected areas and restoration — can help address multiple threats to biodiversity while mitigating climate change by sequestering and storing carbon in natural ecosystems ([Living Plants Report Canada, 2020](#)).

## Pollution

**Pollution** is the global issue of harmful materials being released into the environment that damage land, water and air quality. All forms of pollution threaten biodiversity. Locally, particulate pollution and other contaminants emitted from the industrial sector and vehicles negatively impact Hamilton's environment and human health. Stormwater runoff carries excess phosphorous, road salt, per- and polyfluoroalkyl substances (PFAS) and heavy metals across the landscape. Plastics are an increasing concern due to their ability to infiltrate not only remote environments but every level of the food chain.

Hamilton's historic industrial roots and its associated pollution are still present today. Prior to modern pollution laws, industrial waste was released directly into Hamilton Harbour. Today the same waste continues to threaten public health, contaminate fish and wildlife and restrict the full use of the waterfront. Sediment on the bottom of the Harbour has been contaminated by metals, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs) and other hazardous chemicals. Due to the damage caused by this historical pollution and population growth throughout the watershed, Hamilton Harbour was designated as a Great Lakes Area of Concern through the binational Great Lakes Water Quality Agreement ([Government of Canada, Great Lakes: Areas of Concern](#)).

Significant work has been done to remediate the Harbour and have it delisted as an Area of Concern using a Remedial Action Plan. The Hamilton Harbour Remedial Action Plan is a formal process that guides the clean up of the Hamilton Harbour Area of Concern through the identification and implementation of remedial actions to address environmental issues resulting from historical human activities in the area. Hamilton Harbour Remedial Action Plan partners have been working diligently for over 30 years to return Hamilton Harbour to the vibrant centrepiece of our community.



Randle Reef, aerial view of cap.  
PHOTO Environment and Climate Change Canada



### Success Story: Randle Reef in Hamilton Harbour

The construction of the Randle Reef containment facility is the most significant step forward in containing toxic sediment in Hamilton Harbour and delisting the Harbour as an Area of Concern. The sediment is successfully being contained in a steel box that was built around much of the most heavily contaminated material. Although not the only step, the clean-up will lead to further reductions in exposure to and the effects of toxic deposits. Importantly, according to the [2017 Bay Area Restoration Council Report Card](#), contamination levels of fish and wildlife are slowly improving overall.



Cootes Paradise Marsh, Thomas B. McQueston High Level Bridge in the distance. PHOTO Peter Kelly

## Where We've Come From

Hamilton's unique natural environment, geography and biodiversity have long provided humans the resources needed for survival, but at various points in time it has been put at risk by overuse, exploitation and mistreatment. Thankfully, many efforts have since been undertaken to steward and protect it. Hamilton has an opportunity to become a biodiverse, resilient and green city.

The lands of this region were cared for by centuries by Indigenous peoples before being profoundly impacted by colonization. While we work to understand and, where we can, remedy these impacts, we owe a debt of gratitude to forward thinking and ambitious environmental stewards, leaders and Hamiltonians who have worked to conserve local biodiversity.

Early settlers were often required under the terms of their agreement with the Crown to clear land they obtained. Over the course of a century, Southern Ontario's forests were cleared, mills were built and towns and cities were born. The general mindset of the time was: nature is bountiful, plentiful and needs to be contained. At the turn of the 20<sup>th</sup> Century, observant and passionate farmers, hunters, naturalists and

individuals were pushing to change this mindset as poor land management practices led to wide-spread soil erosion, habitat loss, species loss and habitat fragmentation. The general mindset developed to: nature needs to be conserved.

Despite being at the epicentre of the Golden Horseshoe, large and remnant natural areas have persisted in Hamilton thanks to civic leaders like Thomas McQueston and organizations like the Hamilton Naturalists' Club, Royal Botanical Gardens and the Hamilton Conservation Authority, who focused on acquiring lands to provide natural spaces and areas to protect biodiversity.

Collectively, these efforts have given rise to many nature sanctuaries, conservation areas and parks that have protected the land in a natural state. Hamilton is home to incredible natural spaces like the 1200-hectare Dundas Valley Conservation Area, the UNESCO Niagara Escarpment Biosphere Reserve, Cootes Paradise – the largest remaining coastal wetland in western Lake Ontario – and the surrounding Royal Botanical Gardens.





# Where We Are Going

Monitoring Hamilton's biodiversity. PHOTO Hamilton Conservation Authority

## Our Vision

A Hamilton that is resilient to climate change, celebrates nature and provides a healthy environment for all life.

Hamilton's Biodiversity Action Plan's vision statement acknowledges that the state of local biodiversity will continually adapt over time. However, if Hamilton's biodiversity is prioritized, healthy ecosystems can play a role in mitigating the effects of climate change. Celebrating nature by building public knowledge of and appreciation for the unique environment of Hamilton is key to prioritizing biodiversity. Finally, a healthy natural environment is essential for all life, not just human life.

# A Biodiversity Action Plan for Hamilton

Hamilton's Biodiversity Action Plan outlines the actions needed to protect and enhance the biodiversity within Hamilton to ensure our community remains a healthy, biodiverse place for people to live, work, visit, or invest and for plants and animals to thrive.

The BAP is our opportunity to create a Hamilton that is resilient to climate change impacts, protects nature and provides a healthy environment for all life. Everyone that lives, works, travels to, or relies on Hamilton and the health of its ecosystems has a role to play in its implementation. Government, institutional, industry and not-for-profit organizations have a particularly important role to play.

Achieving the identified key priorities and actions in this Plan (page 39–60) will build on Hamilton's successful history of collaboration, innovation and project scaling to protect biodiversity from the impacts of a growing city.

The BAP fills existing gaps and complements existing strategies, plans and activities including the *Natural Heritage System in the City of Hamilton's Official Plan*, the *City's 2016–2025 Strategic Plan*, *Our Future Hamilton*, the *Urban Forest Strategy* and the *Hamilton Climate Action Strategy*.

It will also support the work of current projects by local environment-focused organizations like the Hamilton Conservation Authority, Environment Hamilton, the Hamilton Naturalists' Club, Hamilton 350, Action 13, the Bay Area

Climate Change Council, along with the City of Hamilton's Office of Climate Change Initiatives.

Hamilton's Biodiversity Action Plan aligns with existing local, provincial, federal and international goals and commitments that move toward global sustainability. Some examples include the United Nations Convention on Biological Diversity and the Great Lakes Water Quality Agreement. These guiding frameworks, along with special legislation to protect Species at Risk at both the provincial and federal level, form the foundation of biodiversity sustainability.

This plan is ambitious but achievable with collaboration. It includes actions to be initiated in the next five years that will have a significant positive impact on Hamilton's biodiversity.



Barn Swallow. PHOTO Hamilton Naturalists' Club



# Outreach and Engagement

The BAP is intended to guide collective action over the next five years and so it is important that it reflect the values and concerns of the broader Hamilton community.

Over the spring and summer of 2023, the BAP working group partners undertook a series of engagement and outreach activities to hear from members of the public, community and environmental organizations and Indigenous communities. A variety of opportunities were made available for individuals and groups to learn about why the BAP was being developed, review the draft BAP document and provide feedback for the final plan. Methods of engagement included:

- Engage Hamilton webpage (survey, comment submission tools)
- In-person Open House events
- Paper surveys through the Hamilton Public Library branches
- Information tables at local events
- Virtual public information meeting
- Presentations to local schools
- Social media video series – BiodiverSTORIES
- Topic-based walking group events
- Workshop with local ecology experts
- One-on-one meetings (virtual and in-person)
- Presentation to development industry representatives
- Intra-organization knowledge sharing

## What we heard from the public

There was broad engagement from the public from both urban and rural Hamilton on the draft BAP material. From those that responded to the survey and participated in local events, most identified that they had a good working knowledge of what biodiversity means and how it impacts their experiences in the city.

Protecting habitats of local species, climate change mitigation and adaptation, and improved air and water quality were the top reasons selected for protecting Hamilton's biodiversity. There was also a strong focus on a collective duty to protect ecosystem functions for future generations, preventing urban sprawl and improving public health outcomes through access to greenspace. Concerns about invasive species were raised frequently and there was a strong preference for learning opportunities through hands-on stewardship and restoration work.



Volunteers planting trees. PHOTO Hamilton Naturalists' Club



## What we heard from interested community partners

Local environmental experts and community partner organizations were engaged in a facilitated, half-day workshop, focused follow-up meetings and continued correspondence with BAP project partners. The focus of these interactions and conversations were the draft BAP's key priorities and actions as well as how the BAP will be implemented.

Those that participated noted that they found the draft very ambitious and suggested that it should be better connected to broader federal and provincial strategies. Resourcing for the BAP coordinator role and governance structure came up frequently and there was consensus that this role will be critical in ensuring connected workplans and data sharing across partner organizations.

There was a strong desire for clear land use policies that are enforceable and that are not wavered upon if political preferences shift. Goals need to be set and acted upon for the long term. Outreach and education coupled with stewardship opportunities were noted as the foundation to build public, business and developer awareness about how their actions impact local biodiversity.

## What we heard from Indigenous communities

Opportunities to discuss the draft BAP were extended to the Six Nations of the Grand River, Mississaugas of the Credit First Nation, Huron-Wendat Nation, Métis Nation of Ontario and the Haudenosaunee Development Institute Joint Stewardship Board. Staff from Six Nations of the Grand River met virtually with BAP project partners on two occasions and provided comments on the draft BAP. Comments and discussions focused on how the BAP could improve education about the presence and impact of invasive species in all natural contexts, as well as protection measures for restored areas and education about Best Management Practices for certain species to ensure their long-term survival. There was a strong desire for Hamilton's BAP to signal commitment to going beyond legislative requirements for protection of species and habitats.

In the following section of the BAP, the **goals, key priorities and actions** have been reviewed against the comments received and revised accordingly. The BAP project partners extend sincere thanks to all those individuals and representatives who took the time to comment and engage with the draft BAP.

# Goals, Key Priorities and Actions

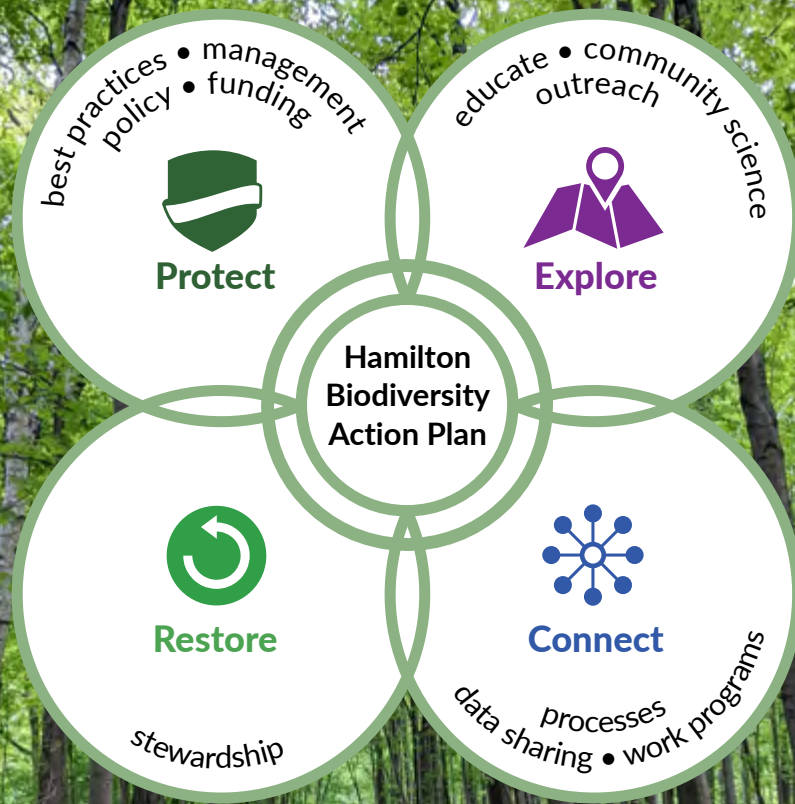
The following **goals, key priorities** and **actions** have been identified as strategic areas of focus to address local threats and protect biodiversity in Hamilton.

## Goals

The **goals** are the overarching themes of the document that have guided the development of the BAP and its **key priorities**. The goals are:

- **Protect** biodiversity by incorporating best practices to protect natural areas and greenspaces in policy, guidelines and land management plans and by identifying funding strategies that support the protection and enhancement of the natural environment.
- **Explore**, educate and exchange information about biodiversity through partnerships, community science and outreach.
- **Connect** partner policies, processes, data and workflows to streamline efforts to support biodiversity in Hamilton.
- **Restore** biodiversity across Hamilton by implementing nature-based stewardship activities on public and private land.

HOW WE GET THERE



# How We Get There







PHOTO City of Hamilton

## Seven Key Priorities

The **key priorities** provide a high-level description of the specific areas of focus for the BAP that are required to ensure the long-term protection, enhancement and restoration of biodiversity in Hamilton. The key priorities are:

- **Key Priority 1: Administration and Governance**  
To maintain momentum of the Biodiversity Action Plan and ensure implementation of the Actions is successful, an on-going governance framework and long-term funding are needed. This will help ensure that Actions committed to by BAP partners are executed in a coordinated way and that their implementation is communicated to the public effectively.
- **Key Priority 2: Evaluation and Monitoring**  
It is necessary to continue to identify gaps in the collection and sharing of data about biodiversity between conservation community partners in Hamilton. The actions under this Key Priority will assist in establishing the baseline information about the state of biodiversity across Hamilton. This baseline data will inform future monitoring reports which will measure the effectiveness of the collective actions.

## ✓ Success Story: Natural Areas Inventory (NAI)

The Natural Areas Inventory (NAI) is a partnership between the City of Hamilton, Hamilton Conservation Authority (HCA) and Hamilton Naturalists' Club to collect data on plants, mammals, birds, butterflies, moths, reptiles, amphibians and fish. Previous inventories (1993, 2003, 2014) have focused on Environmentally Significant Areas (ESAs) within the City of Hamilton. This has led to inclusion of these areas within the City's Natural Heritage System.

Through this initiative the City, in conjunction with its partners, has developed a Natural Heritage Database. The HCA is the depository of this information.



Churchill Park rain garden. PHOTO Lauren Vraets



Wildlife need safe passage. PHOTO Royal Botanical Gardens



## Success Story: Wildlife Roadkill Mitigation Fencing

Royal Botanical Gardens and Hamilton Conservation Authority have installed special wildlife roadkill mitigation fences along parts of Cootes Drive to reduce road mortality and increase ecological connectivity between important natural areas. The fences guide turtles and other small wildlife to safer crossings under the road, helping them avoid dangerous road crossings on their journey between Spencer Creek and Cootes Paradise Marsh. This kind of nature-first infrastructure helps protect local biodiversity.

- Key Priority 3: Long-Term Protections and Connections**  
 There are spaces around Hamilton that are important for the overall health and long-term stability of local biodiversity, but which may not have protections from threats for the long-term. This key priority focuses on investigating options for permanently protecting natural lands and ensuring their connectivity for species movement and migration.
- Key Priority 4: Education and Stewardship**  
 The BAP partners recognize that everyone must play in protecting and enhancing Hamilton's biodiversity. Public education and awareness of the importance of biodiversity will be enhanced through learning opportunities and hands-on stewardship activities with partner agencies. Through the actions in this key priority, community members and private landowners will be given opportunities to learn and undertake actions to address threats to biodiversity.



### Did You Know?

BAP partners follow best management practices (BMPs) to restore or improve habitat for species at risk. The BMPs provide important information about the species and the measures that can be taken for Hamilton's rare species that also help to protect and enhance biodiversity for all species. For more information about BMPs, visit [Recovery of species listed under the Species at Risk Act: backgrounder – Canada.ca](#) and [Help protect or recover a species at risk | ontario.ca](#).



### Did You Know?

There are incentive programs to help residents enhance biodiversity on their properties. One example is the Water Quality and Habitat Improvement Program (WQHIP) administered through the Hamilton Watershed Stewardship Program (HWSP), a program of the Hamilton Conservation Authority. The HWSP works with landowners to help them undertake conservation projects on their properties. For more information, visit [conservationhamilton.ca/hwsp-homepage](http://conservationhamilton.ca/hwsp-homepage).





Cootes Paradise Marsh. PHOTO Lauren Vraets



Native bee on annual sunflower. PHOTO Hamilton Naturalists' Club



### Success Story: Classroom Mini Marsh Program

Each year, hundreds of teachers register their class to receive one of the Bay Area Restoration Council (BARC) Classroom Mini Marsh kits. Students are given a close-up look at how marsh ecosystems function – the kit is filled with native plants, soil and a much beloved snail. The classes care for their Mini Marsh over several months, learning about wetlands, Hamilton Harbour and environmental issues along the way. The kits are then returned to BARC, who plant them into Cootes Paradise Marsh as part of the restoration efforts.

In 2023 alone, BARC distributed over 400 kits, planted 1,350 plants into Cootes Paradise and engaged over 10,000 students from 84 schools/organizations!



### Success Story: Pollinator Paradise Certification

Since 2015, Environment Hamilton and the Hamilton Naturalists' Club have been building a Pollinator Paradise of certified gardens across the city to provide food and shelter for native pollinators, strengthening and enhancing Hamilton's unique biodiversity. Over 450 residents have certified their garden helping to build the pollinator network.

This project has contributed to Hamilton being certified as a Bee City through Pollinator Partnership Canada's Bee City Canada program.

- **Key Priority 5: Invasive Species Management**

A focused effort is needed to manage invasive species and is critical for the protection and enhancement of local biodiversity. Management of invasive species will be challenging, and collaboration will involve sharing data and expertise as well as careful coordination of on-the-ground interventions. Addressing the threat of invasive species will improve the quality of local habitats, and lessen the threat of habitat loss, fragmentation and alteration on local biodiversity.

- **Key Priority 6: Aquatic Habitat Restoration and Enhancement**

Opportunities to improve the health of aquatic habitats and source water are critical to addressing the threat of pollution in Hamilton’s ecosystems. Implementation of the Actions in this key priority will assist with delisting Hamilton Harbour as an Area of Concern ([Government of Canada, Hamilton Harbour: Area of Concern](#)), investigate opportunities for enhancing on-site stormwater management practices, and providing public education programs on sustainable stormwater management practices.

- **Key Priority 7: Local Decision-making**

Prioritizing biodiversity in all planning, development, and municipal decision making will help to ensure that impacts on biodiversity are consistently considered, with negative impacts avoided or minimized. All threats to biodiversity should be considered in decision making, with outcomes focused on achieving the four goals of the Biodiversity Action Plan (protect, restore, connect, explore).



Cootes Paradise Fishway. PHOTO Royal Botanical Gardens

✓ **Success Story: Project Paradise**

Project Paradise is an innovative freshwater marsh restoration venture encompassing a range of conservation projects for two large river mouth wetland systems. The project began in 1993 as part of the Hamilton Harbour Fish and Wildlife Habitat Restoration Project, stemming from the Hamilton Harbour Remedial Action Plan. The work has been undertaken by Royal Botanical Gardens. The Fishway, located between Cootes Paradise and Hamilton Harbour, was the first two-way fishway structure on the Great Lakes. It functions as a carp barrier, helping to keep carp out of the marsh while facilitating the migration of native fish species. It also serves as an educational site for the public.



## Actions

The **actions** listed under the **key priorities** were developed to be tangible activities that can be reasonably initiated within the next five years to address gaps in local conservation efforts. They are intended to compliment and build upon current initiatives within the community. Each action can support more than one key priority – for the purposes of this document, each action is listed under one main key priority. The actions are further categorized by the goal they help to address.

As part of this five-year plan, each action has been assigned an anticipated timeframe to initiate the action: Immediate (0–1 year), mid-term (1–3 years) and long-term (3–5 years). These timeframes are dynamic in nature and may be adjusted as the project evolves, collaboration occurs, or priorities emerge.

For each action a lead organization and potential partner(s) have been identified. This is not an exhaustive list of partners and it is anticipated that additional support will be identified throughout the implementation of the BAP.



Churchill Park tree planting day organized by Royal Botanical Gardens.  
PHOTO Lauren Vraets

# Monitoring and Governance

## BAP Coordinator

In order for the BAP to be effective, regular reporting and monitoring of the committed actions needs to be undertaken. To achieve this, a BAP Coordinator is needed to support and provide leadership to the partner organizations in moving forward with their committed actions. In the immediate and short term (1–3 years), the BAP Coordinator will fulfil these reporting and administrative duties, while also communicating to and sharing resources with the broader community about Hamilton’s biodiversity. The BAP Coordinator will also organize and facilitate the governance structure for the BAP, ensuring a whole-of-community approach.

As the role of the BAP Coordinator becomes more established (3–5 years), there may be potential for expanding the role and responsibilities associated with this position, including leading related workplans to implement certain BAP actions.

Committed funding from multiple sources will be needed to establish the foundation for this role and ensure its longevity.

### BAP Coordinator

A role that will support the administration, collaboration and reporting of the BAP actions. This role will be housed at one of the BAP partner organizations.

## BAP Governance

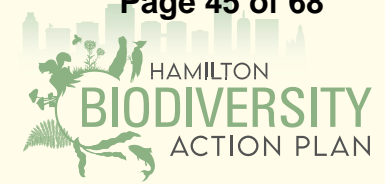
BAP Governance will be determined by the BAP partners as an initial key priority for action (see Key Priority 1). Initial discussions have proposed the following framework.

The BAP may require the creation of a Management Committee and Steering Committee. The BAP Management Committee may include key decision makers from the partner organizations with the objective to ensure that financial and operational decisions about the BAP Action workplans are coordinated.

The BAP Steering Committee may include representatives from partner organizations who have Actions stated in the BAP. The objective of the membership of the BAP Steering Committee is to regularly report to other partners about the status of actions that are underway, share resources and facilitate further collaboration. The BAP Steering Committee will assist the BAP Coordinator in producing regular reports of the BAP actions.

To ensure that a whole-of-community approach is included in the BAP governance model, the BAP Steering Committee will seek out representation from local community biodiversity champions, academics and grassroots organizations. The intention is that community representation on the BAP Steering Committee will further enhance the actions being undertaken by both the partner organizations and those at the individual or neighbourhood scale. A focus of engaging community in the governance of the BAP is to build connections with those who may not have already been involved, or who may be represented by the Actions in the current version of the BAP.







# Key Priorities

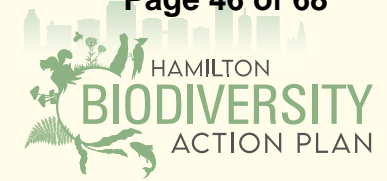
## Key Priority 1: Administration and Governance

### OBJECTIVE

Develop a governance framework and funding strategy to ensure effective and coordinated implementation of the Biodiversity Action Plan partners' actions over the long term.

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>1.1</b> Identify long-term funding strategies to implement the BAP for the protection and enhancement of the natural environment to improve biodiversity.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>BAP Steering Committee</li> </ul>	City of Hamilton (Planning and Economic Development – Planning Division)
	 Connect	<b>1.2</b> Establish a BAP Coordinator position within a partner agency to support the BAP partners in implementing the BAP actions and public communications.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>BAP Steering Committee</li> </ul>
	<b>1.3</b> Formalize and continue the BAP partnership to ensure coordinated actions and ongoing communication between all partner organizations.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>BAP Steering Committee</li> </ul>	City of Hamilton (Planning and Economic Development – Planning Division)





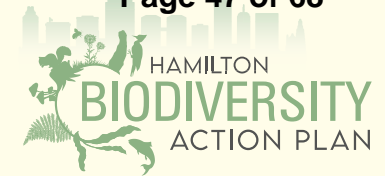


## Key Priority 2: Evaluation and Monitoring

### OBJECTIVE

Understand the current baseline state of Hamilton's biodiversity to inform future monitoring and priorities

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 <p><b>Connect</b></p>	<p><b>2.1</b> Prepare a State of Environment report to track and report the City's progress towards achieving the City's natural heritage protection goals. The basis of this report would be the Natural Areas Inventory.</p>	<p>Mid-term (1–3 years)</p>	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	<p>City of Hamilton (Planning and Economic Development – Office of Climate Change Initiatives)</p>
	<p><b>2.2</b> Centralize and standardize the collection and sharing of biodiversity data.</p>	<p>Mid-term (1–3 years)</p>	<ul style="list-style-type: none"> <li>BAP Steering Committee</li> </ul>	<p>City of Hamilton (Planning and Economic Development – Planning Division)</p>
	<p><b>2.3</b> Develop a process for updating and maintaining the Natural Areas Inventory database.</p>	<p>Mid-term (1–3 years)</p>	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority</li> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> <li>Hamilton Naturalists' Club</li> </ul>	
	<p><b>2.4</b> Develop a Report Card to be completed by Biodiversity Action Plan partners to report on Actions and to assist in writing future progress reports.</p>	<p>Mid-term (1–3 years)</p>	<ul style="list-style-type: none"> <li>BAP Coordinator</li> </ul>	<p>City of Hamilton (Planning and Economic Development – Planning Division)</p>
 <p><b>Explore</b></p>	<p><b>2.5</b> Organize an annual biodiversity workshop to discuss monitoring, results, ongoing and future projects and collaborations related to the BAP, and to share progress on the BAP actions with the public.</p>	<p>Mid-term (1-3 years)</p>	<ul style="list-style-type: none"> <li>BAP Coordinator</li> </ul>	<p>City of Hamilton (Planning and Economic Development – Planning Division and Office of Climate Change Initiatives)</p>



## Key Priority 3: Long-term Protection and Connection

### OBJECTIVE

Protect, restore and enhance natural areas within Hamilton to support biodiversity, establish and enhance core areas, connect fragmented habitats, and enhance ecosystem functions.





Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>3.1</b> Investigate, identify and prioritize wildlife corridors particularly where roads bisect Core Areas identified within the Natural Heritage System and respond by investigating appropriate best management practices and tools.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>3.2</b> Review existing inventories of protected lands to identify additional key areas (e.g. alvars, Niagara Escarpment, water quality improvement areas, wildlife corridors) that should part of an overall land securement strategy.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>Hamilton Naturalists’ Club</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> <li>City of Hamilton (Planning and Economic Development - Planning Division)</li> </ul>
	<b>3.3</b> Review the Natural Heritage policies of the Rural and Urban Hamilton Official Plans and investigate options for amendments to strengthen protection of biodiversity in both rural and urban contexts.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	
	<b>3.4</b> Develop a Conservation Organization Working Group comprised of the City of Hamilton and conservation organizations to determine and understand acquisition priorities, assist in the evaluation of applications, and to further communicate the availability of the Natural Areas Acquisition Fund.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division and Office of Climate Change Initiatives)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>

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### Key Priority 3: Long-term Protection and Connection

HOW WE GET THERE

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>3.5</b> Review the findings of the Natural Areas Inventories to determine which species at risk depend on City of Hamilton owned lands and develop a plan to undertake recovery and protection activities.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Service – Parks and Cemeteries)</li> </ul>	City of Hamilton (Planning and Economic Development – Planning Division)
	<b>3.6</b> Identify options to enhance the function of existing greenspaces to increase connectivity (e.g. actively managing existing woodland areas for biodiversity, increasing buffer areas, restoring /creating new habitat connection).	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>BAP Steering Committee</li> </ul>	City of Hamilton (Planning and Economic Development – Planning Division)
 Explore	<b>3.7</b> Continue to support opening vistas at key areas along the escarpment to deter unauthorized trails which result in negative impact to sensitive escarpment habitat.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works Environmental Services – Parks and Cemeteries)</li> </ul>	
 Restore	<b>3.8</b> Preserve and enhance City managed dune habitat along the Lake Ontario shoreline by reducing erosion through maintaining dedicated beach access, leaving deadwood and developing a Dune Management Plan.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works Environmental Services – Parks and Cemeteries)</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> </ul>



## Key Priority 4: Education and Stewardship

### OBJECTIVE

Enhance public awareness of the importance of biodiversity and engage them in stewardship actions through partner agencies.



Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 <b>Protect</b>	<b>4.1</b> Include consideration of biodiversity in the evaluation of submissions for the City of Hamilton’s Urban Design and Architecture Awards.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	
 <b>Explore</b>	<b>4.2</b> Develop a community science program to educate and engage residents in collecting information about Hamilton’s biodiversity and to learn more about previously inventoried areas.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>BAP Coordinator to facilitate</li> <li>Bay Area Restoration Council</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>4.3</b> Encourage increased use of natural burial in City of Hamilton cemeteries that will consider biodiversity through landscape design, species selection and maintenance approach.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services – Parks and Cemeteries)</li> </ul>	
	<b>4.4</b> Develop tools that will support biodiversity friendly plantings on cemetery properties by cemetery patrons.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services – Parks and Cemeteries)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>4.5</b> Investigate opportunities with the local school boards to determine existing activities to manage invasive plants and enhance biodiversity, as well as opportunities for additional activities including curriculum components.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>BAP Coordinator</li> <li>Bay Area Restoration Council</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>

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## Key Priority 4: Education and Stewardship


Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 <p>Explore</p>	<b>4.6</b> Provide education and awareness programs to reduce bird deaths from outdoor cat populations.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development, Licensing and By-law Services)</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> </ul>
	<b>4.7</b> Provide pollinator education within the McMaster community, with a specific focus on native bees within Hamilton.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>McMaster University (Nature at McMaster)</li> </ul>	
	<b>4.8</b> Provide public outreach and education on invasive species and other environmental concerns as they relate to the Ancaster Creek Watershed, Cootes Paradise and the McMaster University community.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>
	<b>4.9</b> Target outreach and education to landowners who have property boundaries adjacent to natural areas.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>BAP Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>
	<b>4.10</b> Investigate the potential of hosting workshops for rural landowners on topics, such as manure runoff and well decommissioning.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> <li>Conservation Halton</li> </ul>
	<b>4.11</b> Encourage regular use of native plants in all planting projects led by BAP partners to maximize the resilience of greenspaces and to support habitats.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>BAP Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Bay Area Restoration Council</li> <li>Niagara Peninsula Conservation Authority</li> </ul>

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## Key Priority 4: Education and Stewardship



Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Connect	<b>4.12</b> Establish a working group to develop and implement a communications plan to raise awareness about biodiversity in Hamilton and the role everyone has to play in protecting and celebrating it. Undertake a public survey to determine if biodiversity understanding has changed in this first five-year BAP.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>• BAP Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Bay Area Restoration Council</li> <li>• Green Venture</li> <li>• City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>
	<b>4.13</b> Draw on the education, marketing, and communication expertise of local education partners such as Hillfield Strathallan College, Mohawk College Fennell Campus and McMaster University.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>• BAP Coordinator</li> <li>• Bay Area Restoration Council</li> </ul>	
	<b>4.14</b> Seek opportunities to work with institutional and industrial landowners to enhance biodiversity on their lands.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>• Hamilton Naturalists' Club</li> </ul>	<ul style="list-style-type: none"> <li>• Green Venture</li> <li>• Environment Hamilton</li> </ul>
 Restore	<b>4.15</b> Host volunteer and community events to manage invasive species, plant native species on public lands to increase biodiversity, connect fragmented landscapes, and create new natural areas.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>• Hamilton Conservation Authority (Hamilton Watershed Stewardship Program, Outdoor Education Program, Capital Projects and Strategic Services, Conservation Area Services)</li> <li>• Hamilton Naturalists' Club</li> <li>• Bay Area Restoration Council</li> </ul>	<ul style="list-style-type: none"> <li>• Green Venture</li> <li>• Conservation Halton</li> </ul>

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## Key Priority 4: Education and Stewardship



Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Restore	<b>4.16</b> Develop and maintain a focal habitat creation site on public lands in each Ward by planting native trees, shrubs and wildflowers to demonstrate the potential to increase biodiversity in the urban area.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>Hamilton Naturalists' Club</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Niagara Peninsula Conservation Authority</li> <li>Conservation Halton</li> </ul>
	<b>4.17</b> Install trial pollinator gardens in areas of the City to promote increased pollination with native species of plants and pollinating insects.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services, Forestry &amp; Horticulture and Parks &amp; Cemeteries)</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>4.18</b> Create naturalized areas in selected parks by planting native perennials and low growing shrubs.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services: Parks &amp; Cemeteries, Facilities, Forestry &amp; Horticulture, Landscape Architectural Services)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>4.19</b> Host community tree plantings through volunteer groups to plant native species of container stock trees to enhance biodiversity. (Coordinate strategic plantings across the city, and map, monitor and commit to stewardship of all past and future sites. Develop stewardship strategies for all new native planting areas, including providing training and resources for volunteer stewards, municipal support for watering, monitoring protocols, invasive species removal and disposal best practices assistance.)	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services: Parks &amp; Cemeteries, Forestry &amp; Horticulture)</li> <li>Hamilton Naturalists' Club</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Niagara Peninsula Conservation Authority</li> </ul>

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## Key Priority 4: Education and Stewardship

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Restore	<b>4.20</b> Identify opportunities for invasive species management, ecological restoration, enhancement, and connectivity on private properties, and offer technical and financial assistance (if applicable) to private property owners to enhance or create new connections.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Niagara Peninsula Conservation Authority</li> <li>Conservation Halton</li> </ul>
	<b>4.21</b> Complete native tree and plant plantings across McMaster-owned and private lands within the lower Ancaster Creek watershed.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>McMaster University (Nature at McMaster)</li> </ul>	
	<b>4.22</b> Undertake stewardship events on past tree planting sites and urban pollinator garden sites focusing on replanting and invasive species removal in degraded woodlands. Create new and expanded woodlands with native trees and plants.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>Green Venture</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>4.23</b> Celebrate local biodiversity excellence through initiatives, such as the Monarch Awards and Pollinator Paradise certification programs. Integrate natural function into Trillium Awards program and modify program to celebrate sustainable gardening.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>Hamilton Naturalists' Club</li> <li>City of Hamilton (Public Works - Environmental Services - Business Programs)</li> </ul>	



## Key Priority 5: Coordinated Invasive Species Management

### OBJECTIVE

Protect Hamilton's biodiversity by implementing coordinated, city-wide efforts to manage invasive species.




Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>5.1</b> Offer technical, volunteer, and (if applicable) financial assistance to private property owners to manage invasive species on private lands.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> <li>Conservation Halton</li> </ul>
	<b>5.2</b> Adopt in-field and workshop-based protocols for the cleaning and sanitization of equipment and machinery on Hamilton Conservation Authority lands.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Terrestrial Ecology)</li> </ul>	<ul style="list-style-type: none"> <li>Hamilton Naturalists' Club</li> </ul>
	<b>5.3</b> Support the efforts underway to ban the sale of noxious invasive species identified in Noxious Weed Act and Auditor General's report, <i>Management of Invasive Species – Audit at a Glance</i> ( <a href="http://auditor.on.ca">auditor.on.ca</a> ), following the Town of Oakville's motion to the Federal government.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>Hamilton Naturalists' Club</li> </ul>	
	<b>5.4</b> Strengthen working group of local organizations and agencies undertaking invasive species management in Hamilton to share data and expertise and to collaborate on management initiatives and maximize resources, where possible.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Terrestrial Ecology)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> <li>Conservation Halton</li> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>

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## Key Priority 5: Coordinated Invasive Species Management

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>5.5</b> Expand the Adopt-a-Park Program to include support for adopting natural open spaces, pollinator patches, seed banks, habitat structures, and invasive species management on Parks properties.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services – Business Programs)</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Hamilton Naturalists' Club</li> </ul>
	<b>5.6</b> Implement an Invasive Species Strategy and identify goals related to mapping and management of invasive species in priority areas.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Terrestrial Ecology)</li> <li>Hamilton Naturalists' Club</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
 Restore	<b>5.7</b> Host invasive species removals across McMaster University-owned and private lands within the lower Ancaster Creek watershed.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>McMaster University (Nature at McMaster)</li> </ul>	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>





## Key Priority 6: Aquatic Habitat Restoration and Enhancement

### OBJECTIVE

Enhance local aquatic habitats through sustainable stormwater management practices and restoration of degraded watercourses, waterbodies and wetlands.

HOW WE GET THERE


Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>6.1</b> Develop a Watershed Action Plan to meet the expectations for a cleaner aquatic environment. Build on the City-assembled consortium of agencies with a common goal of improving harbour conditions and ultimately delisting Hamilton Harbour as an Area of Concern, as well as looking at barriers to fish movement and possible mitigation opportunities.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Hamilton Water)</li> </ul>	<ul style="list-style-type: none"> <li>Bay Area Restoration Council</li> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>6.2</b> Develop City-wide Low Impact Development Guidelines and consider landscape-based stormwater infiltration techniques for enhancement of on-site local biodiversity in accordance with area-specific environmental reviews and sub-watershed study recommendations.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Growth Management)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>6.3</b> Consider lot level stormwater management, green infrastructure, and grey water reuse opportunities at the design stage of park and cemetery projects.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services, Landscape Architectural Services and Parks &amp; Cemeteries)</li> </ul>	
	<b>6.4</b> Develop and implement the new stormwater fee program.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>City of Hamilton, Financial Planning &amp; Administration</li> </ul>	

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## Key Priority 6: Aquatic Habitat Restoration and Enhancement




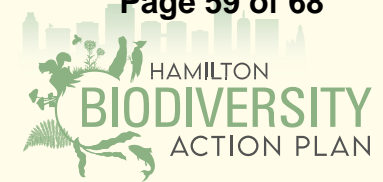
Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>6.5</b> Deliver technical and (where applicable) financial assistance to private property owners implementing agricultural Best Management Practices (BMPs) and Stormwater Low Impact Development (LID) practices on private properties.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Hamilton Watershed Stewardship Program)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> <li>Conservation Halton</li> </ul>
	<b>6.6</b> Assess opportunities to reduce water consumption through monitoring, maintenance, and implementing best practices.	Mid-term (1-3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works - Environmental Services - Parks &amp; Cemeteries)</li> </ul>	
	<b>6.7</b> Implement the Hamilton Salt Management Plan as it applies to public roads, bicycle infrastructure, sidewalks, and pathways.	Mid-term (1-3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works - Environmental Services - Parks &amp; Cemeteries)</li> </ul>	
	<b>6.8</b> Identify opportunities to enhance biodiversity at stormwater management facilities by establishing maintenance procedures and practices.	Long-term (3-5 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Watershed Management Services)</li> </ul>	
 Explore	<b>6.9</b> Deliver education programs about stormwater management to the public and businesses to increase stormwater management on private lands.	Immediate (0-1 year)	<ul style="list-style-type: none"> <li>Bay Area Restoration Council</li> </ul>	<ul style="list-style-type: none"> <li>Green Venture</li> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>6.10</b> Initiate conversations with institutional landowners about installing stormwater management systems (rain gardens, bioswales, rain barrels, etc) in schools and businesses.	Long-term (3-5 years)	<ul style="list-style-type: none"> <li>BAP Coordinator to facilitate</li> </ul>	<ul style="list-style-type: none"> <li>Bay Area Restoration Council</li> </ul>

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## Key Priority 6: Aquatic Habitat Restoration and Enhancement

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Restore	<b>6.11</b> Mitigate flooding and erosion risks and improve water quality in the lower urban area of Stoney Creek by increasing stormwater retention via the installation of constructed wetlands in the upper watershed area of Battlefield and Stoney Creek.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Watershed Management Services)</li> </ul>	
	<b>6.12</b> Install Seabins and litter traps in catch basins surrounding the Harbour to collect litter. Include regular maintenance to ensure they continue to work as designed.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services – Parks &amp; Cemeteries)</li> </ul>	<ul style="list-style-type: none"> <li>Bay Area Restoration Council</li> </ul>





## Key Priority 7: Local Decision-making

### OBJECTIVE


Ensure impacts on or improvements to local biodiversity are clearly considered in all municipal decision making related to the development or use of urban and rural lands.

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>7.1</b> Develop an Open Space Management Plan to guide City of Hamilton natural open space stewardship.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services – Parks &amp; Cemeteries)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>7.2</b> City-wide Green Building Standards to be implemented through review of development applications.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	
	<b>7.3</b> Perform an initial review of Parks By-law for areas for improvement from a biodiversity perspective to ensure remnant forest habitats are zoned consistently.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Environmental Services – Parks and Cemeteries)</li> </ul>	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>
	<b>7.4</b> Incorporate biodiversity in the Non-Public Facing Yards Review as a guiding principle for any new projects.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Public Works – Corporate Facilities and Energy Management)</li> </ul>	
	<b>7.5</b> Consider the Biodiversity Action Plan when initiating City projects and studies, looking for opportunities for mitigation of key threats to local biodiversity.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>

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## Key Priority 7: Local Decision-making

HOW WE GET THERE

Goal	Action	Timeframe	Leading Partner(s)	Supporting Partner(s)
 Protect	<b>7.6</b> Undertake a revision of existing Master Plans and compose new Master Plans as needed for Hamilton Conservation Authority owned Conservation Areas and natural areas. Incorporate the protection and enhancement of biodiversity into planned land management activities.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Capital Projects and Strategic Services)</li> </ul>	
	<b>7.7</b> Review existing landscape planting and restoration guidelines to ensure that recommended species will be able to persist and provide invaluable ecological connections for local pollinators, breeding birds and insects despite higher average temperatures and shifting precipitation.	Immediate (0–1 year)	<ul style="list-style-type: none"> <li>Hamilton Conservation Authority (Terrestrial Ecology, Climate Change Coordinator)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>7.8</b> Initiate a City-wide Ecosystem Services Study to better understand the valuable benefits provided by natural assets in both rural and urban areas of Hamilton.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development – Planning Division)</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> </ul>
	<b>7.9</b> Develop a procedure for undertaking wildlife sweeps ahead of new developments.	Long-term (3–5 years)	<ul style="list-style-type: none"> <li>Hamilton Naturalists' Club</li> </ul>	<ul style="list-style-type: none"> <li>Niagara Peninsula Conservation Authority</li> <li>City of Hamilton (Planning and Economic Development - Planning Division)</li> </ul>
	<b>7.10</b> Review and revise the Yard Maintenance By-law to clarify regulations related to naturalized areas of private yards.	Mid-term (1–3 years)	<ul style="list-style-type: none"> <li>City of Hamilton (Planning and Economic Development - Licensing and By-law Enforcement)</li> </ul>	



## What Can You Do?

Whether you live, work, or play in Hamilton, everyone has a role to play in achieving the four main Goals of the BAP.

This section of the BAP focuses on actions that individuals, community groups and organizations can take to have a positive impact on Hamilton's biodiversity. The list of actions in this section is not meant to be prescriptive or static, and community-level actions should respond to the unique circumstances, geographies and local contexts.

Over time, it is expected that individual and community actions will need to evolve, and the BAP partner organizations are committed to supporting community level actions. For coordination on additional actions, or to see how you and your community can be supported in implementing your own actions, contacting the BAP partner organizations is encouraged.

### Did You Know?

An incentive program to help residents manage stormwater on their property is the NATURhoods rebate program administered by Green Venture. The program helps residents manage stormwater on their property by slowing it down so that it soaks into the ground instead of running over the surface into the stormwater system. Additional benefits include beautification of your property, a built-in pollinator garden, shade and a place to gather, and flood protection. For more information visit [greenventure.ca/naturhoods](https://greenventure.ca/naturhoods)



Installing interpretive signage. PHOTO Hamilton Naturalists' Club



# Community-level Actions



## Protect

### Actions

- Encourage your workplace to donate time or funds towards local biodiversity enhancement efforts.
- Do not release live aquatic plants and animals, including live bait, into rivers, streams and lakes.



## Explore

### Actions

- Share information from the BAP with friends, family, co-workers and community groups.
- Follow the BAP partners on social media to learn about opportunities to get involved in volunteer opportunities or local events.
- Support existing efforts to promote and enhance biodiversity by participating in learning events, workshops, campaigns and stewardship initiatives.
- Engage with community science initiatives like iNaturalist and eBird to record the species you see around Hamilton.
- Use iNaturalist to share where you see wildlife, alive or deceased, at road crossings.
- Learn how to identify Hamilton's invasive species and stop their spread. Learn how to manage and dispose of invasive species at home through resources such as the Ontario Invasive Plant Council and their "Grow Me Instead" guide.
- Learn about and implement techniques like a rain garden or rain barrel to manage stormwater at home.



## Connect

### Actions

- Participate in municipal planning approvals processes to understand how natural areas are being protected in decision-making.
- Get in touch with your Councillor to let them know what your concerns are about biodiversity and natural spaces in your community.



## Restore

### Actions

- Provide habitat for nature by planting native trees, shrubs, and wildflowers to enhance biodiversity on your property. In agricultural areas, use agricultural best management practices to improve water quality and wildlife habitats.
- Participate in invasive species management activities through volunteer events hosted by BAP partners.
- Stop the spread of invasive species: clean boots and equipment regularly, particularly between visits to different natural areas.
- Protect drinking water by decommissioning abandoned water wells and making sure that your well and septic are upgraded to current standards and in good working condition.
- Participate in local recycling, waste reduction, composting and hazardous waste removal programs to reduce litter and pollution.



## Become a Community Scientist!

Scientists cannot be everywhere at once, so they rely on community members to gather data to help understand where species are found, what habitats they use and how their populations are doing. iNaturalist is a free app and website where naturalists of all levels share photos of their observations and the online community works together to identify what you've found. Every observation contributes to science, from the rarest butterfly to the most common weed. As of 2023, the City of Hamilton has over 190,000 observations of around 7,100 species recorded on iNaturalist!





## Conclusion: The Future of Biodiversity in Hamilton

Biodiversity is in crisis globally, internationally, federally, provincially and locally.

Hamilton's biodiversity needs to be protected, enhanced and conserved to support healthy ecosystems. Protecting biodiversity will provide Hamiltonians with the ecosystem services that are crucial to support not only human lives, but all species.

This Biodiversity Action Plan proposes both immediate and long-term, individual and collaborative actions to address threats to biodiversity stemming from habitat loss, alteration and fragmentation, pollution, invasive species and climate change.

The partners who have developed Hamilton's Biodiversity Action Plan are no strangers to environmental action. Each

of us work respectively within our influence to enhance biodiversity, and over the years, collaboratively tackle environmental issues and challenges.

We are committed to protecting and enhancing Hamilton's biodiversity.

We recognize that the strength and resiliency of Hamilton's biodiversity and the success of this plan depends not only the actions outlined, but also on an engaged and interested public, as well as policies in place to protect biodiversity at municipal, provincial, and federal levels.

Most importantly, we recognize that everyone has a role to play in protecting biodiversity. It is our sincere hope that the conservation efforts currently underway and the actions described here inspire you to action too.



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# CONSULTATION SUMMARY REPORT

May 2023 - September 2023

Prepared by City of Hamilton, Planning and Economic Development Dept.

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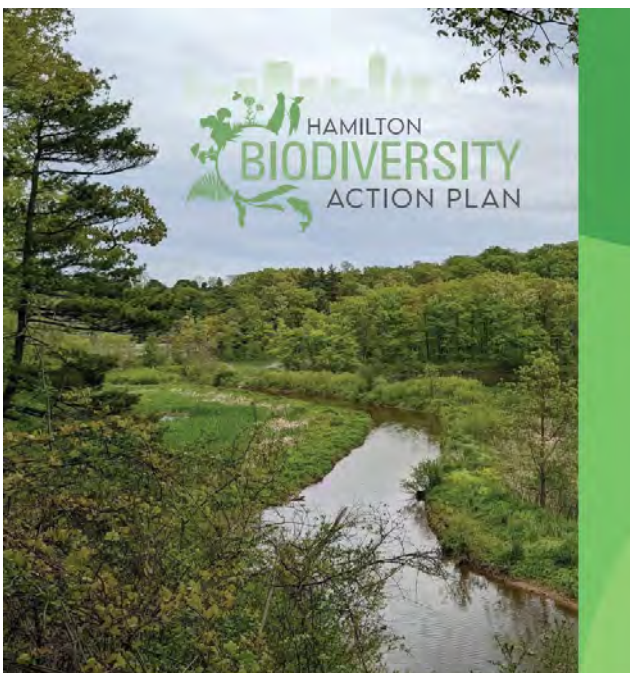
## Background

Hamilton's Biodiversity Action Plan is a collaborative initiative between local conservation community partners and the City of Hamilton. Community partner organizations involved in developing the Biodiversity Action Plan include, but are not limited to the Hamilton Naturalists' Club, Hamilton Conservation Authority, Cootes to Escarpment Eco Park System, Bay Area Restoration Council, and Niagara Peninsula Conservation Authority. These organizations are referred to in this document as the "Working Group" as they have undertaken the majority of the work to develop the Biodiversity Action Plan.

The Working Group partner organizations have committed to working towards the vision of "A Hamilton that is resilient to climate change, celebrates nature and provides a healthy environment for all life". The intention of the Biodiversity Action Plan is to coordinate actions across the partner organizations over the next 5 years to protect, restore, connect and explore local biodiversity. The plan will be reviewed and updated after the first 5 year term.

A draft version of Hamilton's Biodiversity Action Plan was presented to City of Hamilton Planning Committee on May 2, 2023. Staff from the Planning and Economic Development Department as well as the Public Works Department were directed to consult on the draft plan with the public, interested community organizations, and Indigenous communities. Consultation also included consideration for how the 23 Global Biodiversity Framework (GBF) targets adopted at the 15th Conference of Parties to the UN Convention on Biological Diversity could be integrated as local targets.

The consultation work was initiated in May 2023, and this report provides a summary of the consultation activities and what was heard.



1 Cover of the draft Biodiversity Action Plan for Consultation

## Consultation Plan

The consultation plan for the Biodiversity Action Plan was developed by the partner organizations with assistance from Public Engagement and Communications staff at the City of Hamilton.

The target audience for the public consultation was City-wide, including residents from urban and rural areas. Community partner organizations targeted for engagement were those who participate in the space of conservation and ecology as part of their daily work programs. Indigenous consultation was directed to those communities which are recognized in the City's Land Acknowledgement as having traditional territory in Hamilton.

## Level of Engagement

The level of engagement that was determined to be appropriate was "**Consult**", in accordance with the IAP2 Public Participation Spectrum<sup>1</sup>. This level of engagement was chosen because the intent of the Biodiversity Action Plan consultation was to obtain feedback on the project, inform the public about the plan and the decisions being made, and provide a summary of how the input was used to inform changes to the final document.

## Goals

- Share information about the importance of biodiversity and the threats that are having an impact locally;
- Gather feedback about the structure and content of the draft Biodiversity Action Plan including the Vision, Key Priorities and Actions;
- Understand what programming and stewardship opportunities members of the public and other local organizations would be interested in participating in in the future;
- Gather feedback on the potential application of the Global Biodiversity Framework 2030 targets locally;
- Provide a chance for people to meet the Biodiversity Action Plan partner representatives and learn about their on-going programming.

## Methods

Interactive public engagement opportunities for the public included one virtual public information session, two in-person Open House events, and activation at Open Streets 2023. An Engage Hamilton webpage was created and included a survey tool, document mark-up tool for the draft Biodiversity Action Plan and the Global Biodiversity

<sup>1</sup> Source: [https://iap2canada.ca/resources/Documents/IAP2%20Canada-Foundations-Spectrum\\_revised\\_june\\_orange.pdf](https://iap2canada.ca/resources/Documents/IAP2%20Canada-Foundations-Spectrum_revised_june_orange.pdf)

Framework targets, and an opportunity for individuals to share their stories about why biodiversity was important to them.

For consultation with external ecological and conservation organizations consultation methods included an in-person workshop, questionnaire, and one-on-one virtual meetings with the Working Group partners.

Consultation with Indigenous communities included virtual meetings with the Working Group partners on multiple occasions, and comment submission on the draft Biodiversity Action Plan.

### Communications and Outreach

- Social media posts through City and Working Group partner channels;
- Local newspaper advertisements;
- Signage on City digital billboards;
- Biodiversity Action Plan webpage;
- Posters with engagement dates and QR code to Engage Hamilton webpage at all Municipal Service Centres, recreation centres and libraries, and at Hamilton Conservation Authority main office (see Appendix A – Biodiversity Action Plan Poster);
- Communication Update to the Mayor and Members of Council on June 5, 2023 to advise of the public engagement opportunities; and,
- Public library locations across the City were provided paper copies of the public survey to distribute to patrons.

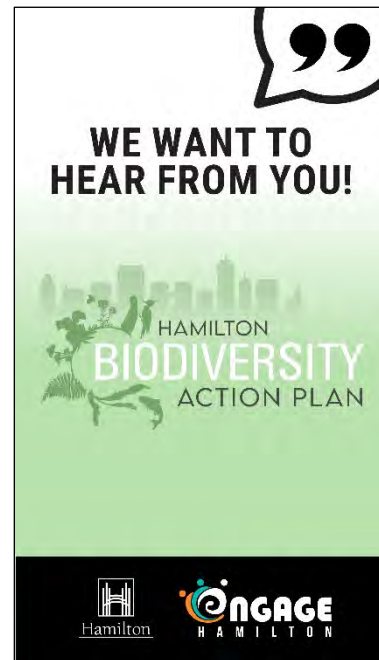


2 Example of social media post shared about the Biodiversity Action Plan

## Summary of Public Engagement Activities

### Engage Hamilton

An Engage Hamilton webpage for the Biodiversity Action Plan (<https://engage.hamilton.ca/biodiversityplan>) was published on May 18, 2023 with engagement tools available through to July 23, 2023. The Engage Hamilton webpage received 1,960 visits during the engagement period. Visitors to the webpage were encouraged to provide their feedback about the Biodiversity Action Plan through the Konvio document mark-up tool, complete a brief survey about biodiversity preferences and programs in Hamilton, and to comment on the 23 Kunming-Montreal Global Biodiversity Framework targets adopted at the 15th Conference of Parties to the UN Convention on Biological Diversity. Paper copies of the Biodiversity Action Plan survey that was available on Engage Hamilton were also made available through Hamilton Public Library locations, and results for the online survey and paper surveys are combined in the results.



### Biodiversity Action Plan Survey

For a full summary of all statistics and responses associated with Biodiversity Action Plan Survey, see Appendix B – Biodiversity Action Plan Survey – Results Summary. The key details and findings from the survey are as follows:

- A total 154 completed surveys were received.
- Response were received from across the City, with Wards 1, 2, 3, 4, and 13 having the greatest numbers of responses.
- Results indicate that most respondents had a general knowledge about biodiversity, and that they felt that protection of biodiversity was very important.
- Most responses indicated that protection of habitats for local species, climate change mitigation and adaptation, and improved air and water quality were the most important reasons to protect biodiversity in Hamilton. Additional comments made noted that there is an intrinsic responsibility to preserve the environment for long term quality of life, protection of greenspace, and for future generations.
- Commentors indicated that, in addition to the threats outlined in the draft Biodiversity Action Plan, urban sprawl because of political decision making and changes to urban boundaries were seen as a threat.
- Of the seven Key Priorities listed in the draft Biodiversity Action Plan, most respondents felt that protection of natural areas and their functions within Hamilton over the long-term was the most important to address the threats to biodiversity locally. Consideration of biodiversity in local decision making and



enhancement of local aquatic habitats were also highly ranked as a top priorities. Many respondents indicated that it was difficult to rank the Key Priorities because they all seemed to be of equal importance.

- Many respondents noted which activities that they are doing or plan to undertake to have a positive impact on biodiversity. Planting native species, not releasing aquatic plants or animals into waterbodies, and identifying and removing invasive species at home were the top activities that individuals identified that they were already undertaking.
- Additional actions suggested for consideration in the Biodiversity Action Plan included a focus on more native species plantings across the city, and more education and action taken on invasive species. Respondents also indicated that native species and invasive species education are topics that they want to learn more about through involvement in programming with local environmental organizations.

#### Konveio Comments – Draft Biodiversity Action Plan

A total of 160 comments were made on the draft Biodiversity Action Plan through the Konveio markup tool. The following section includes highlights from the comments including general feedback, threats to biodiversity, and the key priorities and actions:

- **General Comments:**
  - Concern about balancing priorities of developing plans like this with infrastructure repair costs.
  - More education needed for residents about what they can do to help, especially with planting native species.
  - Integration of more natural spaces in parks, and making natural spaces accessible to residents to explore and learn and connect with nature.
  - Concern about lack of Indigenous lens in the draft plan, and consideration of traditional ecological knowledge.
  - Greater emphasis on the impact of climate emergency is needed.
  - Protection of biodiversity is in the greater public interest and the plan should mention humans are part of nature.
  - Compensation for loss of biodiversity through monetization should not be accepted since it allows for loss of biodiversity as a principle. Biodiversity should not be lost for private gain.
  - Updates are needed to the City’s Natural Heritage System mapping to integrate more recent inventories and policies should be clearly explained.
- **Comments about Threats to Biodiversity:**
  - Invasive Species: Need to remove invasive species broadly, and not allow them to be sold for landscaping. Regulation about introduction of invasive species needs to be developed and enforced locally. Education campaign is needed to increase awareness of impacts of invasive species and to stop people from buying them, or moving them to sensitive areas accidentally.

- Habitat Loss and Fragmentation: encourage connections through conversion of private lawns to native plantings. Concern about development of natural lands by way of urban expansion – Greenbelt protections should remain.
  - Climate Change: Manage stormwater by reducing impervious surfaces and provide incentives. Ensure trees are protected through enforcement of a tree by-law that does not allow removal for development. Biodiversity loss also aggravates climate change impacts.
  - Pollution: Need to hold industries accountable for environmental contamination. Vehicle use broadly is contributing to pollution as well and more needs to be done to encourage sustainable mobility in Hamilton.
- **Comments on Key Priorities and Actions:**
    - Key Priority 1 – Policy change needed to end destruction of biodiversity for profit, and need to centre the public good.
    - Key Priority 2 – focus on promoting iNaturalist and educate about proper use so that data is high quality. Need to understand more about how the data will be used by the organizations, and how it can be accessed. Consider how Indigenous knowledge can be incorporated into developing a framework for collecting data.
    - Key Priority 3 – Invasive plants are limiting biodiversity and need incentives for people to change behaviours on plantings. Create opportunities for naturalization on a wide range of scales – from small lots to big institutional properties. Consider an analysis of where land needs to be protected and acquisition approaches.
    - Key Priority 4 – Incentives should be provided for landowners to plant more native species and create ecologically sustainable landscapes. School lands could be improved for more biodiversity and opportunities for ecological education.
    - Key Priority 5 – Need stronger and enforceable invasive species legislation and requirement for action locally. A public change on reducing invasive plantings for invasives, needs to be led by municipal, provincial and federal bodies.
    - Key Priority 6 – Encourage management of water run-off on private properties through raingardens etc. and provision of financial incentives. Explore rainwater/watershed education on all school properties with examples like bioswales and other landscape based low impact development techniques.
    - Key Priority 7 – Make sure all the policies are in place to take action and avoid guidelines since they may not be seen as requirements. Maintain a firm urban boundary and greenbelt. Ensure policies are stringent and do not permit degradation of natural areas at all.



## Konveio Comments – Kunming-Montreal Global Biodiversity Framework 2030 Targets

Visitors to the Biodiversity Action Plan Engage Hamilton webpage were asked to consider how the Kunming-Montreal Global Biodiversity Framework 2030 Targets could be considered in a local context and provide comments. The target descriptions that were posted (see Appendix C – Global Biodiversity Framework 2030 Targets for Engage Hamilton) were adapted from the original framework on the United Nations Convention on Biological Diversity webpage<sup>2</sup>. A total of 23 comments were made on the Kunming-Montreal Biodiversity Framework Targets through the Konveio markup tool. Comments are summarized below:

**Targets:**

- Target 1: Biodiversity inclusive spatial planning – Establish infrastructure for implementation with a Coordinator and designated teams to guide decisions, secure funding, and monitor progress.
- Target 2: Restoration of degraded terrestrial and aquatic ecosystems – Prioritize restoration efforts in the 5 or 6 worst degraded areas, focusing on terrestrial and inland water habitats in Hamilton. Obtain buy-in from all partners, arrange funding, and develop restoration plans for each targeted area.
- Target 3: Conservation and management of terrestrial and aquatic ecosystems – Required buffers to aquatic habitats that improve their biodiversity and protect them from impacts. Direct development away from sensitive waterbodies. Define the standards that are going to be used to determine if something is being effectively conserved.
- Target 4: Recovery of species at risk – Address the impact of roaming cats on native wildlife through education, humane removal, and responsible pet ownership. Protect 'at risk' and endangered species with measures like wildlife corridors and habitat restoration. Address threats to biodiversity, such as habitat fragmentation from roadways and urban development.
- Target 5: Sustainable harvesting and trade of wild species – Focus on education and sharing information about biodiversity in the school curriculums. Respect the native species that are in the area.
- Target 6: Managing invasive species – publicize lists of invasive species in the area and do not allow sales of these species. Organize volunteers to remove invasives and provide education.
- Target 7: Pollution reduction – Use of plastics by public entities like utilities companies and schools. Incorporate reusable, long-lasting alternatives wherever possible. Engage golf courses in pesticide reduction and water conservation efforts.

<sup>2</sup> <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>

- Target 8: Minimize climate change impacts – no comments.
- Target 9: Sustainable management of wild species – Indigenous consultants with expertise in wild species management should be included in discussions about planning/permitting that could threaten wild species.
- Target 10: Sustainable management of agriculture, aquaculture, fisheries – protect farmland from development to ensure local food production.
- Target 11: Enhance nature-based contributions – no comments.
- Target 12: Improve access to natural spaces in urban areas – educate municipal staff about benefits of native plants and respect efforts by citizens to plant these as part of their landscaping.
- Target 13: Sharing benefits from genetic resources – no comments.
- Target 14: Integration in policy and planning processes – Advocate for more federal government involvement in biodiversity conservation and climate action. Prioritize actions that align with climate change goals and that reduce greenhouse gas emissions.
- Target 15: Monitoring impacts from industry – Promote transparent labeling and supply chain information for consumer goods to enable informed choices.
- Target 16: Reduce global footprint of consumption – Implement EU-inspired recommendations for waste reduction, sustainable product design, and green industries. Industrial polluters must pay for cleanups. Educate about waste derived from over-consumption, namely online ordering. Push big retailers to reduce waste and build to green standards.
- Target 17: Ensure biosafety measures – Learn about new technologies to measure biodiversity in natural areas.
- Target 18: Reforming incentives harmful to biodiversity – no comments.
- Target 19: Fund and implement national biodiversity strategies – no comments.
- Target 20: Sharing science and technology related to biodiversity – no comments.
- Target 21: Access to data and knowledge for decision makers – Decision makers need to be aware of false information. Utilize peer-reviewed research and local knowledge from community organizations like the Hamilton Naturalists' Club and RBG.

- Target 22: Inclusive representation in decision-making – no comments.
- Target 23: Gender responsive implementation – no comments.

#### **General comments:**

- Consider local specific targets that are in “How Much Habitat is Enough” for Great Lakes-specific targets, as well as Ontario Biodiversity Strategy.
- Ensure Indigenous representation and consultation in planning processes, respecting traditional knowledge and land stewardship.

#### Story Submissions

Visitors to the Engage Hamilton webpage were given the option to share a story about Hamilton’s Biodiversity, how it has impacted them, and what their hopes are for the future. Two submissions were received, each highlighting the work that local homeowners are doing to encourage biodiversity on their properties, and how impactful they have found their efforts even in a short time. The stories submitted are provided below:

#### **Story 1:**

*“It all started because I didn't want to have to cut or water a lawn, that would dry into hard pan Red Hill clay in the summer anyways. So my husband and I decided to naturalize our yard. We started with putting some manure and rehabbing the soil with mulch and clover. We got two free beeches from the City. We planted as much native plants as possible. We created a rain garden and re-routed drainage to keep the water on our yard. We created a small path for wildlife to be able to cross in between the houses.*

*The results in a very short time has been nothing short of astounding. We now have a ton and a huge variety of insects. That brings a ton of a variety of birds, including rare warblers in the spring on the spruce during the hatch. We have a skunk, a possum, a groundhog, and have had a coyote drink from our birdbath. Raccoons and squirrels and rabbits, which brings the raptors.*

*The aphids and caterpillars are now kept in check by ladybugs, blue mud wasps and ants instead of pesticide. Everyone loves coming by our yard and experiencing the naturalized yard - but there is a different expectation of what a yard and/or garden is. We don't trim the plants over the winter, we leave plant material on the ground, and while we try to keep it relatively tidy for the neighbours, it is a different way of thinking of a yard. It's not for everyone. But I will say, our yard is way less work than having a lawn. We just sort of let it do it's thing. And it's thing is amazing.”*

**Story 2:**

*“Lose the grass mom.” I heard this over and over from my then 14 year old. “It’s a desert that does nothing for biodiversity. And your geraniums are useless too.” I resisted and persisted with weedy grass full of dandelions for a couple more years until one spring my sister gifted me a native bee house from a local hardware store. “Cute” I thought as I propped it up against my deck railing and forgot about it. I knew nothing about native bees and thought they were the same as honeybees back then. Next spring rolled around and to my surprise I found a few of those bee tubes plugged with clay. “What’s that?” I asked my now 17 year old who had blossomed into a walking environmental encyclopaedia. That’s when I learned about mason bees, leafcutter bees, sweat bees and the over 800 species of native solitary bees in Canada! I learned how they are such efficient pollinators and about their life cycle of laying eggs, leaving a pollen loaf for the larvae, plugging the cell with clay or leaf pieces and repeating till the tube was full. Amazed I watched new bees emerge, mate and immediately begin to nest in neighbouring tubes.*

*It dawned on me pretty quickly at that point that my daughter was right. I needed to lose the grass and turn my lawns into native gardens to help support these little guys. Over the last four years we’ve done just that, and my front yard is now full of Ontario native plants, bees, butterflies, hummingbirds, caterpillars, birds, fungi, milkweed and all sorts of mammals. We saw a weasel last week! Thank you Summer, for finally convincing me to get rid of our ‘lawn desert’ and replace it with native pollinators so that little bee would have a buffet to enjoy in this urban space.”*

### Virtual Information Meeting

On June 8, 2023 a Virtual Public Information Meeting was held at 5:30pm through the City of Hamilton’s WebEx Webinar platform. A total of 39 registrations were received in advance, and 31 individuals attended. An overview of the draft Biodiversity Action Plan was presented by City of Hamilton staff as well as staff from the Hamilton Naturalists’ Club. A Questions & Answers tool was available to attendees to ask questions during the meeting to the presenters and the other Biodiversity Action Plan partner organization representatives.

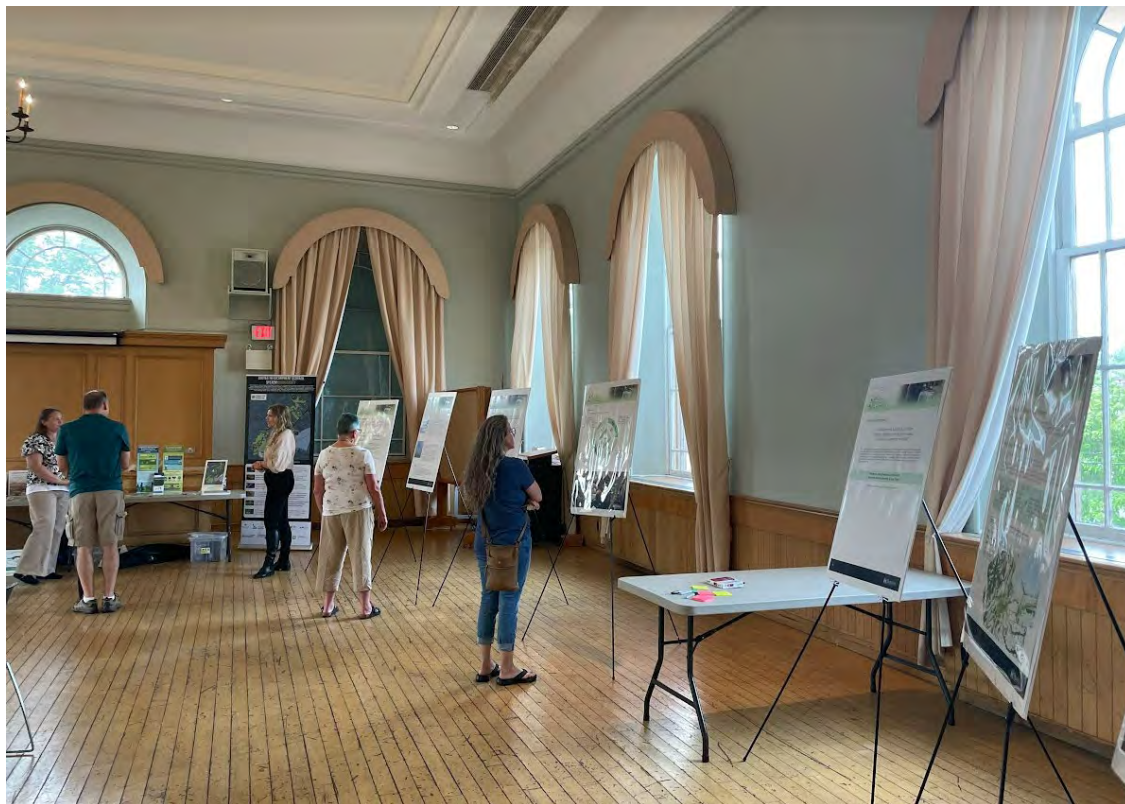
The comments and questions made at the Virtual Information Meeting touched on the following themes:

- A multifaceted approach to biodiversity conservation in Hamilton is needed.
- Consideration of collaboration with Indigenous Nations.
- Desire for more community engagement and learning opportunities.
- Concern about regulatory measures and effective implementation of actions long-term.
- Concerns about government decision making impacting sustainable management practices.

The recording of the Virtual Public Information Meeting was made available on the Biodiversity Action Plan Engage Hamilton webpage following the meeting.

### In-Person Open House Events

Two in-person Open House events were held in June 2023. Open House 1 was held at Gage Park Tropical Greenhouse, Hamilton, on June 15, 2023 from 6pm-9pm and was attended by 9 people. Open House 2 was held at Dundas Town Hall, Dundas, on June 26, 2023 from 4pm-8pm and was attended by 21 people. Presentation panels outlining the content of the draft Biodiversity Action Plan were provided, and representatives from the Working Group partner organizations attended both events. To review the Open House presentation panels, see Appendix D.



*3 Open House 2 event at Dundas Town Hall*

The following sections provide a summary of comments provided on some of the presentation panels at each Open House event:

- Draft Vision Statement:
  - Need to be more ways to address invasives by citizens.
  - Hopeful.
  - A good starting point to work from.
  
- First Impressions of the draft Biodiversity Action Plan:
  - Wording may be too complex for the average reader.

- Desire for more details about potential citizen-led actions.
  - Very thoughtful.
  - Ambitious and inspiring.
  - Desire for measurable outcomes/reporting.
  - Need for connection with other community groups.
- Global Biodiversity Framework Targets – for this panel, visitors were asked to add a sticky dot to the targets they think could potentially be adapted for Hamilton. The original target descriptions were shortened for the engagement panels. The responses are summarized in the following table:

Target	Count
1. Biodiversity inclusive spatial planning	1
2. Restoration of degraded terrestrial and aquatic ecosystems (30% x 2030)	12
3. Conservation and management of terrestrial and aquatic ecosystems (30% x 2030)	10
4. Recovery of species at risk	8
5. Sustainable harvesting and trade of wild species	2
6. Managing invasive alien species	9
7. Pollution reduction	6
8. Minimize climate change impacts	3
9. Sustainable management of wild species	2
10. Sustainable management of agriculture, aquaculture, fisheries and forestry	5
11. Enhance nature-based contributions	1
12. Improve access to natural spaces in urban areas	5
13. Sharing benefits from genetic resources	0
14. Integration in policy and planning processes	3
15. Monitoring impacts from industry	10
16. Reduce global footprint of consumption	7
17. Ensure biosafety measures	0
18. Reforming incentives harmful to biodiversity	5
19. Fund and implement national biodiversity strategies	8
20. Sharing science and technology related to biodiversity	1
21. Access to data and knowledge for decision makers	8
22. Inclusive representation in decision-making	2
23. Gender responsive implementation	0

The results illustrate there was a strong preference by attendees for consideration of integration of targets 2, 3, and 10 as part of local targets or actions in the Biodiversity Action Plan. Other notable targets to consider were targets 4, 6, 19, and 21.



## Open Streets 2023



4 Biodiversity Action Plan partners at Open Streets 2023

Biodiversity Action Plan Working Group partners attended Open Streets and created an event activation at Bernie Morelli Recreation Centre, 876 Cannon Street East, Hamilton. This event occurred on June 18, 2023, 10am-2pm.

- Event attendance included select presentation panels that were prepared for the Open House events, co-location with Office of Climate Change Initiatives staff, and interactive activities for parents and children focused on aquatic habitats and biodiversity presented by the Bay Area Restoration Council.
- Over 120 interactions with event participants were recorded at the Biodiversity Action Plan activation.
- General observations:
  - Not many people knew about the draft plan before coming to the event, but happy to hear that it is happening.
  - Engage Hamilton handout was an effective means to remind people to do the survey later.
  - Event was a great opportunity to go where people were, instead of asking them to come to a specific location for a project specific event.
- Conversation notes:
  - Questions/concerns about how strong the Biodiversity Action Plan can be in the current political landscape that prioritizes development.

- Questions about getting involved with local volunteering opportunities, and “how can we help?”.

### Other Public Engagement Activities

The Biodiversity Action Plan Working Group partners collaborated on many events to reach a broad public audience, but some partners also engaged with membership from their organizations directly through independent events. The following highlights some of the outreach activities that were undertaken by the Hamilton Naturalists’ Club specifically:

- Social media - shared information from Engage Hamilton and provided weekly posts to highlight local biodiversity or the action plan.
- BiodiverSTORIES video series (31 videos) – were shared through HNC social media.
- Presentation to six Grade 6 classes.
- Biodiversity in Action walk series (5 events).
- BAP presentation at Action 13 event (2 events).
- City of Hamilton staff also presented to a Grade 6 class, presenting concepts about biodiversity as well as activities related to managing stormwater through various landscape based low impact development techniques.



## BiodiverSTORIES

Exploring biodiversity in Hamilton



5 Ward 1 walk with Hamilton Naturalists' Club



## External Agency Consultation Activities

### Local Ecological Partners Workshop

The Hamilton Naturalists' Club organized a workshop for local agency representatives who work in the ecology or environmental stewardship field. The event took place in-person on May 23, 2023 at the Dundas Town Hall Auditorium. Representatives from the following organizations were present:

- Environment Hamilton;
- Green Venture;
- Niagara Escarpment Commission;
- Bay Area Restoration Council;
- Grand River Conservation Authority;
- Cootes to Escarpment EcoPark System;
- Hamilton Conservation Authority;
- Royal Botanical Gardens;
- Niagara Peninsula Conservation Authority;
- Conservation Halton;
- City of Hamilton; and,
- Hamilton Naturalists' Club.

Sheelah Dunn Dooley, a trained facilitator and active participant in the Hamilton Naturalists' Club, volunteered to facilitate the workshop event and guide the group. Participants gathered in small groups and circulated throughout the room over the course of the afternoon to discuss the draft Biodiversity Action Plan elements, including Threats, Key Priorities, and Actions. Groups were asked to provide their thoughts on poster paper so that could be reviewed by others who were participating in the space. The following is a summary of the comments received through the workshop:

#### **Threats:**

- Political processes threaten biodiversity protection. Need stability to allow improvements to take place.
- Policies should be firm and clear.
- Overharvesting and other human influences should be considered.

#### **Key Priorities and Actions:**

- Key Priority 1: Develop an administrative framework to manage the on-going implementation of the Biodiversity Action Plan's Actions.
  - Use existing local report cards as template for action reporting.
  - Be sure that roles of each agency is defined.
  - Consider targets for each key priority as part of reporting.
  - Need resources for governance framework – grants?
- Key Priority 2: Understand the current baseline state of Hamilton's biodiversity to inform future monitoring and priorities.

- Narrowed scope for Natural Areas Inventory to report on indicator species.
- Integrate academic institutions into research.
- Identify a strategy to assess private lands.
- Make sure there is no duplication of efforts between organizations.
- Key Priority 3: Protect natural areas and their functions within Hamilton over the long-term to support diversity and connectivity.
  - Focus first on protecting forests and Environmentally Significant Areas.
  - Provide financial incentives to landowners for naturalization.
  - Look at Core Areas that are fragmented by roads and prioritize connection.
  - Make sure organizations know about all the funding opportunities for land acquisition for natural space protection.
  - Policy should be directive and not subjective – words matter “shall” vs “should”.
- Key Priority 4: Enhance public awareness of the importance of biodiversity and explore opportunities to enhance biodiversity through stewardship.
  - Coordinator role may be over-stretched trying to also take on stewardship actions.
  - Need to involve representatives from horticultural industry and education system to be sure there is consideration for biodiversity not just aesthetics.
  - Community data collection and tracking should be monitored carefully for accuracy.
  - There is a need to provide education and awareness about the threats.
- Key Priority 5: Protect Hamilton's biodiversity by implementing coordinated, city-wide efforts to control, remove, and manage invasive species.
  - Need a proactive approach to reducing introduction of invasive species involving industries that move between ecologies (ie. Shipping).
  - Strengthen local by-laws for yard maintenance and proactive enforcement.
  - Provincial corridors need to be considered as vectors for invasives too.
  - Focus on data sharing across organizations and jurisdictions – invasives don't recognize political boundaries.
- Key Priority 6: Enhance local aquatic habitats through sustainable stormwater management practices and restoration of degraded watercourses, waterbodies and wetlands.
  - Stormwater fee communication to residents to clarify intent.
  - Concern about conservation authorities having to scale back on environmental protections planning in watersheds due to regulations.
  - Provide financial incentives for property owners to install low impact development techniques, and for those near watercourses to steward them with naturalized buffers.

- Key Priority 7: Ensure impacts on, or improvements to local biodiversity are clearly considered in all municipal decision making related to the development or use of urban and rural lands.
  - More policies may lead to more confusion, better to make existing stronger and clear.
  - Look at landscape-wide protections, more than just single properties.
  - Climate lens should also be applied to all decision making.
  - Fund positions at the City to make sure commitments are acted upon.
  - Determine how to fund other land acquisition strategies.
  - Continuous outreach and education so residents know why certain decision are being made to protect biodiversity.

### **Wrap Up:**

A wider group discussion was held at the end to go over what people thought were insightful takeaways from the event. Overall, the participants were excited that there was so much collaboration underway to get the project going and recognized that it is difficult to make plans that affect many different organizations. Participants felt the City seemed to be understaffed for Natural Heritage, and need more staff to implement the actions. There was also an acknowledgement that, as the plan progresses, there needs to be a commitment to working more with Indigenous knowledge keepers to be sure there is opportunity to collaborate using a two-eyed-seeing framework.

### [Local Ecological Partners Survey](#)

Following the local ecological partners workshop, a questionnaire was sent out to the organizations that were invited to attend, asking a series of follow up questions about the draft Biodiversity Action Plan, potential for future collaborations, and resource sharing. Responses to the questionnaire were received from most organizations that attended. Comments received ranged from: suggestions for grammatical and typographical updates to the draft document; to general comments about why they felt the action plan should be developed in the first place; to and specific responses to the survey questions. The key themes of the general comments and responses to the questionnaire are summarized below:

### **General Comments:**

- Creation of the plan is generally well received and welcome by those who commented.
- A landscape-based approach is needed to protect and enhance biodiversity in priority areas.
- Environmentally Significant Areas identified in the Natural Areas Inventory update need to be protected through acquisitions and strong policies.
- Target of protecting at least 30% of natural areas by 2030 in Hamilton is recommended.
- Coordinator position needs to be funded and consideration for City to take this on.

- Regular public reporting and engagement events are needed alongside education on using the iNaturalist app.
- Commitment is needed from the City to steward natural areas, manage invasive species, restore open spaces, and promote native plantings and sustainable stormwater management practices.
- Migratory birds are threatened by light pollution and outdoor cats and more needs to be done to reduce these threats.
- Engagement and outreach with youth could be fostered through collaborations with other local agencies that do work in schools and community youth groups.
- Agencies are interested to get involved in actions as they are implemented as there are shared goals.

**Threats:**

- Most agreed that the threats were identified correctly.
- Habitat loss and fragmentation were noted as being significant because of competing land use priorities; habitat alteration should be added to this threat.
- Political decisions and regulatory changes could also be seen as a threat.
- Lack of knowledge about biodiversity by the public seen as a threat.

**Key Priorities and Actions:**

- Consider targets to measure the effectiveness of each Key Priority.
- Ensure coordination with Federal and Provincial plans.
- Involve Indigenous knowledge keepers in actions where they have an interest in participating.
- Funding for all actions should be in place, and additional funding source for strategic land acquisitions is needed.
- Make reporting on the actions easy for the public to understand.
- Wildlife corridors protections are needed broadly, and education about the value of corridors to local wildlife needs to be provided.
- The Key Priorities rely on each other in many cases, and need to ensure strategic delivery of actions so that others aren't held up.
- Accurate GIS data is crucial to understanding changes in biodiversity and need to ensure partnerships between agencies.

**Actions alignment with other agencies:**

- Organizations have strong ties to community and can help to share resources, promote opportunities for learning, and co-deliver programming with partners.
- Data collected about other agencies work can be considered in reporting on community-wide efforts for biodiversity in annual report.
- Rehabilitation of certain natural areas can be supported by more involvement from partner organizations and broader network of conservation organizations.

**Resource contributions towards actions:**

- Data contributions in the form of statistics of programming and GIS data could be shared with partners to implement certain actions.

- Community outreach and education programs could include reference to actions being undertaken, including promotion of ways to get involved.

**Current barriers to projects related to biodiversity:**

- Connectivity related projects require coordination between agencies, landowners etc. and this can be a challenge to timely implementation.
- Accuracy of data and mapping can cause challenges with identifying/prioritizing sites for restoration or rehabilitation.

**Desired impact of the Biodiversity Action Plan to work:**

- Provides common ground for agencies to prioritize work and will help focus conversations when issues arise and decisions need to be made.
- Can be used to inform comments through development review processes and can be made stronger through implementation into policy.
- Provides a sound rationale for more robust data collection and management across local organizations.

The comments from the conservation agencies were reviewed by the working group and edits to the final Biodiversity Action Plan were made through a collaborative and iterative editing process. Since many of the comments addressed similar themes, changes were integrated to address core themes in various areas of the document. Suggestions for actions were considered and where appropriate, added in or revised into existing actions. Follow up conversations with the agencies that provided comments took place and included a review of how their comments were incorporated, where possible.

[Development Industry Liaison Group](#)

City staff presented the draft Biodiversity Action Plan at the Development Industry Liaison Group on September 11, 2023. Attendees were provided a digital copy of the draft Biodiversity Action Plan with the meeting minutes and were asked to provide any comments by October 6, 2023. No comments were received from the Development Industry Liaison Group by the October 6, 2023 deadline.

[Agricultural Sector](#)

Hamilton Conservation Authority staff sought comments on the draft Biodiversity Action Plan from local agricultural sector representatives including from the Ontario Federation of Agriculture, Christian Farmers Federation of Ontario, and the Ecological Farms Association of Ontario. Representatives were provided a copy of the open-ended questionnaire that was provided to the ecological organization representatives. No comments from these organizations were received.

## Indigenous Consultation

With assistance from the City's Indigenous Relations staff, Sustainable Communities staff from the Planning and Economic Development Department contacted representatives from the following Indigenous communities:

- Six Nations of the Grand River Elected Council - Lands and Resources Department;
- Mississauga's of the Credit First Nation;
- Hamilton Regional Indian Centre;
- Haudenosaunee Development Institute;
- Metis Nation of Ontario; and,
- Huron-Wendat Nation.

Correspondence was sent through email to the appropriate representatives in late April, mid-May and early June advising of the draft Biodiversity Action Plan and asking for a meeting if they were interested in providing feedback.

In response to the communications sent, staff from the Wildlife and Stewardship Office at Six Nations of the Grand River Elected Council requested a meeting, which took place virtually on July 10, 2023. The discussion at the meeting included an overview of the draft Biodiversity Action Plan elements, the work programs of the different partner agencies, and general discussion about trends all are observing in their work related to managing wildlife and natural lands in the area. Wildlife and Stewardship Office staff provided comments on the draft Biodiversity Action Plan, and a follow up meeting was held on December 6, 2023 to go over all the comments received.

The following are highlights of the comments provided by Six Nations of the Grand River Elected Council staff in the Wildlife and Stewardship Office:

- The City of Hamilton's land acknowledgement is used in the draft Biodiversity Action Plan and partner organizations should be aware that there is a desire to see this reviewed in the future by the City's Indigenous Relations staff.
- Biodiversity can include good and bad players in terms of ecology – invasive species are damaging, and distinction needs to be clearer that not all green is good.
- Putting nature as a primary focus should not be viewed only as an indigenous worldview, but a values-based worldview that respects nature and recognizes the interconnectedness between all life.
- Best management practices and long-term monitoring should be discussed, and action taken if not already planned.
- Request for Six Nations of the Grand River Elected Council staff to be circulated on development applications.

A short, virtual meeting was held with representatives from the Joint Stewardship Board of the Haudenosaunee Development Institute on July 26, 2023. A brief overview of the draft Biodiversity Action Plan was provided, and Haudenosaunee Development Institute representatives indicated the meeting would not be considered consultation. A formal application and review fee are required. The City responded that currently the City's policy is not to remit a review fee.

Additional opportunities to learn about the importance of indigenous engagement and incorporation of Traditional Ecological Knowledge in conservation practice have been made available to staff from the various Biodiversity Action Plan partner organizations. These include a Cootes to Escarpment EcoPark System and Nature at McMaster University co-created event in August 2023, a Best Practices of Indigenous Engagement and Collaboration by McMaster University in February 2024, and a Traditional Ecological Knowledge summit in March of 2024.

City of Hamilton staff who have attended these events have created an internal working group to discuss how Traditional Ecological Knowledge can be incorporated into future plans and initiatives, and how City staff can engage meaningfully in two-eyed seeing through all projects by building greater relationships with the Indigenous communities. Indigenous Relations staff from the City are attending these meetings as well as staff from the Planning Division and the Office of Climate Change Initiatives, and Environmental Services in the Public Works Department.

## Summary of Key Findings

Throughout the various consultation activities for the draft Biodiversity Action Plan, there were several key messages that were heard consistently and were considered carefully by the Biodiversity Action Plan working group partners as the document was being edited. The key messages and responses are outlined below:

Key message/theme	Response
<p>Actions need funding and funding is needed for a governance model.</p>	<ul style="list-style-type: none"> <li>• Each agency involved in the Biodiversity Action Plan has outlined actions that they are committed to undertaking, with appropriate funding over the next five years.</li> <li>• A role at the City of Hamilton will carry-on the work of developing the governance model and finalizing the funding model. Agreements between agencies take time to develop and more work is needed to determine a funding model that is reasonable for all partner agencies.</li> </ul>
<p>Habitats are threatened by being neglected or significantly altered through human activities, and further threatened by political pressure for development.</p>	<ul style="list-style-type: none"> <li>• Habitat alteration was added to the threat of habitat loss and fragmentation to acknowledge that successive changes to natural areas by way of invasive species, climate change, and human activities may alter the natural areas that local species need.</li> <li>• While political pressures for development cannot be dissuaded by the creation of the plan, the coordinated effort on the Biodiversity Action Plan creates a strong voice for local concerns and can be used as a reference to collaborative efforts and common priorities when advocating for protection.</li> </ul>
<p>Targets for measuring the success of the plan, including alignment with the Global Biodiversity Framework 2030 targets, should be considered and reported on regularly.</p>	<ul style="list-style-type: none"> <li>• Consideration was for integration of the Global Biodiversity Framework 2030 targets into the local context. Partner agencies agreed that a natural areas protection target should be informed by understanding the current baseline state of biodiversity. Many of the groups involved in developing the Biodiversity Action Plan are also involved in the Natural Areas Inventory update, and have agreed that the target for natural areas protection should be determined based on the outcomes of the study. A future report on the findings of the Natural Areas Inventory will provide guidance on what an appropriate target would be.</li> </ul>



Key message/theme	Response
<p>Environmental knowledge from local Indigenous communities needs to be integrated into the Biodiversity Action Plan and how actions are implemented.</p>	<ul style="list-style-type: none"> <li>• The partner organizations involved in the Biodiversity Action Plan have each approached their relationship building with Indigenous communities separately and in consideration of the work that they are looking to do. All partners have recognized that there is an opportunity to come together to begin to establish more collective relationships with Indigenous communities and approach the understanding of biodiversity with a two-eyed-seeing framework.</li> <li>• Opportunities for City of Hamilton staff to strengthen relationships with Indigenous communities, notably with respect to integration of Traditional Ecological Knowledge will be facilitated through collaboration with the Indigenous Relations Office.</li> </ul>
<p>Urgency is needed to address threats to biodiversity and take action.</p>	<ul style="list-style-type: none"> <li>• The Biodiversity Action Plan actions are broken down into timeframe categories – immediate (0-1 year), mid-term (1-3 years), and long-term (3-5 years). The timeframes specify when the actions are anticipated to be initiated and provides transparency to the reader to know what is planned and when.</li> <li>• The Biodiversity Action Plan is a five-year plan and will be reviewed for new actions when a new plan is being developed.</li> </ul>
<p>Opportunities for community-level engagement are needed to help spread awareness of biodiversity and understanding of threats.</p>	<ul style="list-style-type: none"> <li>• Through the public engagement events, participants noted regularly that they wanted to have more opportunities to get involved to protect biodiversity.</li> <li>• Agencies who were consulted on the draft Biodiversity Action Plan provided excellent examples of the community outreach efforts that are already underway. It was recognized that there was a need to support the work that is already being done by these organizations (ie. Green Venture, Environment Hamilton, Nature at McMaster) by working more collaboratively, and involving them in the future governance model of the plan.</li> </ul>

## Conclusion

The Biodiversity Action Plan Working Group sincerely appreciates all the individuals and organizational representatives who took the time to participate in the consultation activities related to the draft Biodiversity Action Plan. There is a clear enthusiasm for the project from those that took the time to give feedback, and all the working group partners look forward to collaboration with the community, conservation agencies, and Indigenous communities through the implementation of the actions over the next five years.

Implementation of the Biodiversity Action Plan is designed to ensure that there will be opportunities for education and outreach by all project partners. More opportunities for engagement and consultation will be available as progress is made on the work plans for various actions.

For regular updates about the Biodiversity Action Plan, please visit the Biodiversity Action Plan webpage on the City of Hamilton's website <https://www.hamilton.ca/city-council/plans-strategies/strategies/biodiversity-action-plan>, or visit the webpages of the following project partners for additional resources and opportunities to get involved locally:

Hamilton Naturalists' Club: <https://hamiltonnature.org/>

Hamilton Conservation Authority: <https://conservationhamilton.ca/>

Bay Area Restoration Council: <https://bayarearestoration.ca/>

Cootes to Escarpment EcoPark System: <https://cootestoescarpmentpark.ca/>

Niagara Peninsula Conservation Authority: <https://npca.ca/>

## Appendix A – Biodiversity Action Plan Poster



The poster features a green header with a stylized tree and bird illustration. The main title 'HAMILTON BIODIVERSITY ACTION PLAN' is centered in white and green text. Below the header, the text 'Hamilton is creating a Biodiversity Action Plan!' is displayed in bold, with 'Biodiversity Action Plan!' in green. A paragraph explains the partnership between local organizations and the City of Hamilton. A section titled 'WE WANT TO HEAR FROM YOU!' includes 'WAYS TO ENGAGE:' with a list of activities: visiting the Engage Hamilton webpage, attending an information session (virtual or in-person), and participating in three open houses. A QR code is provided for more information. The bottom right lists partner organizations: Hamilton Naturalists Club, Bay Area Restoration Council, Hamilton Conservation Authority, Coates to Escarpment, Environment Hamilton, and ArcelorMittal. The footer contains the website 'engage.hamilton.ca', the City of Hamilton logo, and the Engage Hamilton logo.

# HAMILTON BIODIVERSITY ACTION PLAN

**Hamilton is creating a Biodiversity Action Plan!**

Local community environmental organizations and the City of Hamilton have partnered to develop a draft Biodiversity Action Plan. The goal is to create a guiding framework of actions across organizations so that we are all working together to protect Hamilton's biodiversity against threats.

## WE WANT TO HEAR FROM YOU!

### WAYS TO ENGAGE:

- **Engage Hamilton** - Visit the Engage Hamilton webpage: [engage.hamilton.ca/biodiversityplan](https://engage.hamilton.ca/biodiversityplan) to review the Biodiversity Action Plan, complete a survey and provide comments (commenting closes July 16, 2023)
- Attend an **information session online or in-person:**
  - **Virtual Information Meeting:**  
June 8, 2023 – 6pm-8pm  
(Webex registration is required. Register through Engage Hamilton: [engage.hamilton.ca/biodiversityplan](https://engage.hamilton.ca/biodiversityplan))
  - **Open House #1:**  
Gage Park Tropical Greenhouse, 1000 Main Street East, Hamilton  
June 15, 2023 – 6pm-8pm
  - **Open House #2:**  
Dundas Town Hall, 60 Main Street, Dundas, June 26, 2023 – 4pm-8pm
  - **Open Streets Pop-up!**  
Bernie Morelli Recreation Centre, 876 Cannon Street East, Hamilton  
June 18, 2023, 10am-2pm

*\* Note: The survey will be available at Hamilton Public Library locations until July 16, 2023. If you wish to complete the survey over the phone, please contact project staff.*

**QUESTIONS?** Would you like to be added to the project mailing list? Contact us at [biodiversityactionplan@hamilton.ca](mailto:biodiversityactionplan@hamilton.ca)

**Do you have any accessibility requirements** in order to be able to review the material and provide comments? Please contact Lauren Vraets via email at [Lauren.Vraets@hamilton.ca](mailto:Lauren.Vraets@hamilton.ca) or by phone at 905-546-2424 Ext. 2634.

*Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.*


**Partner organizations:**

- Hamilton Naturalists Club
- BAY AREA RESTORATION COUNCIL
- Hamilton Conservation Authority
- Coates to Escarpment EcoLink System
- Environment Hamilton
- ArcelorMittal

[engage.hamilton.ca](https://engage.hamilton.ca)

## Appendix B - Biodiversity Action Plan Survey – Results Summary



# **Biodiversity Action Plan Survey**

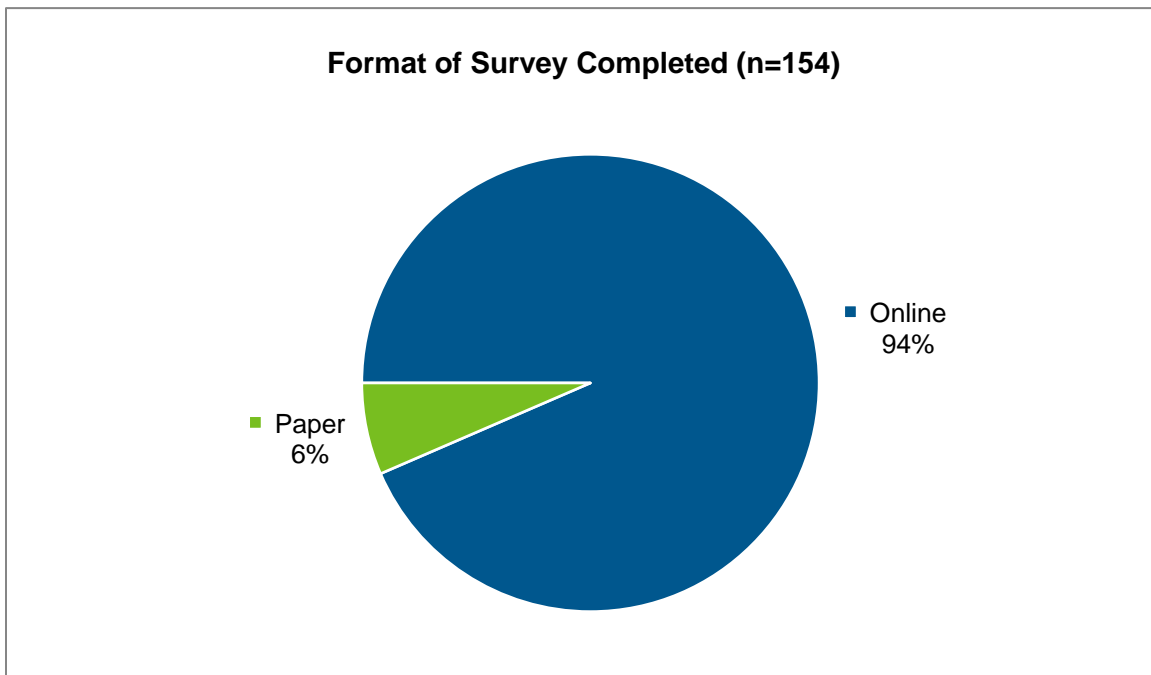
## **~ Results Summary**

## Survey Summary

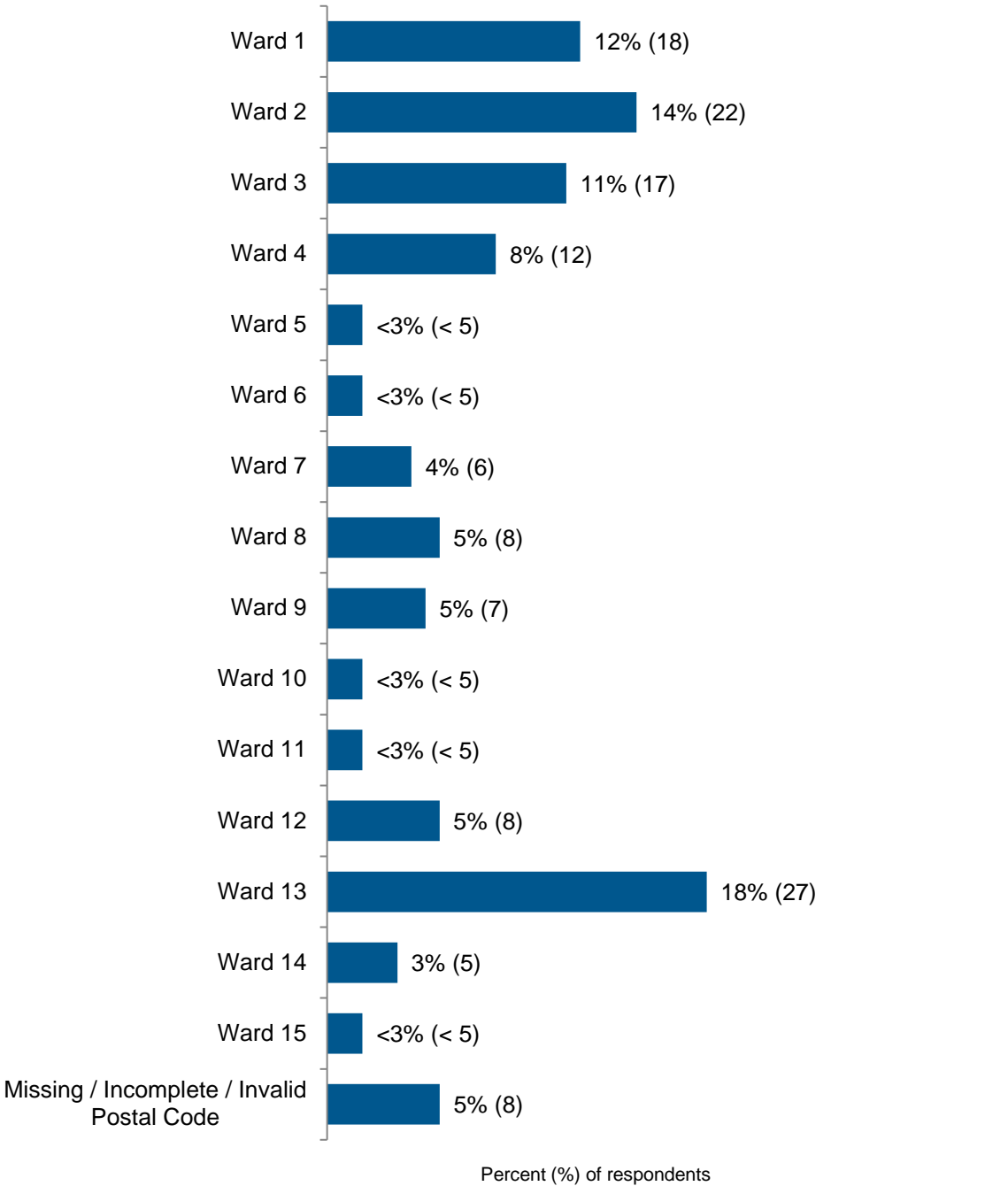
This document provides a summary of the responses collected for the Biodiversity Action Plan Survey. The survey was hosted on Engage Hamilton from May 18, 2023 to July 18, 2023. Hard copies were made available through Hamilton Public Libraries and related in-person engagement events. The survey tool is provided in Appendix A.

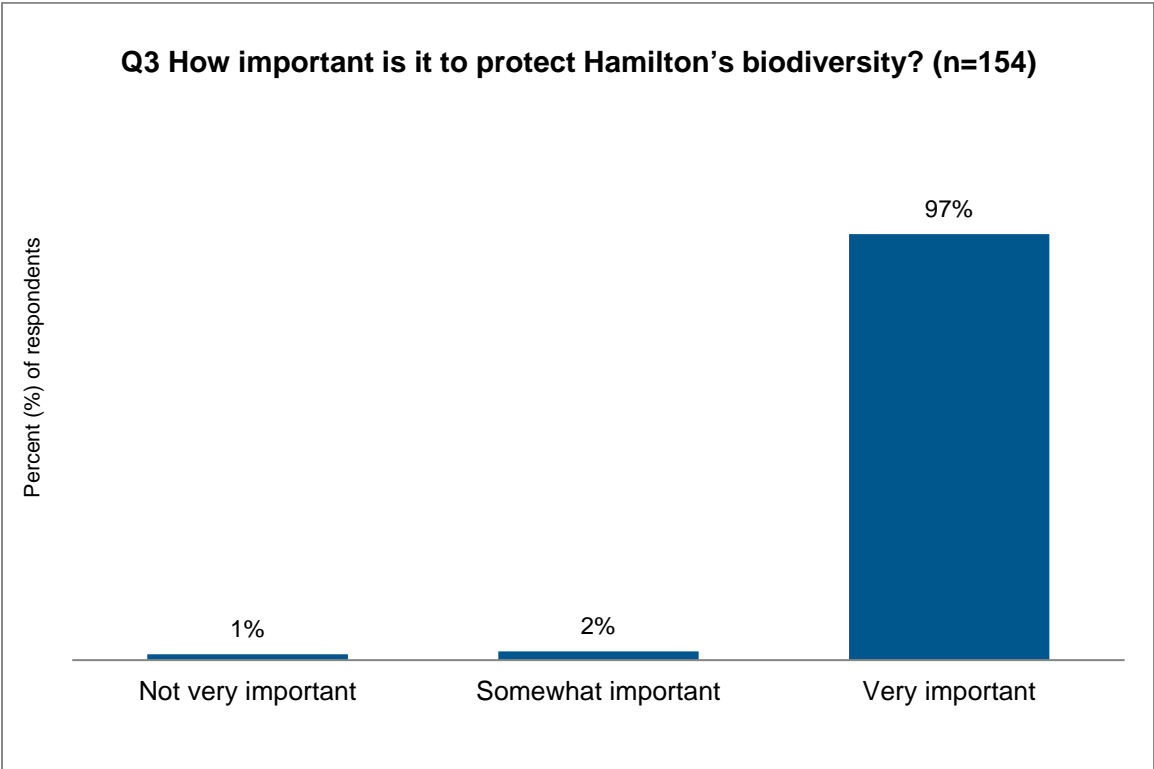
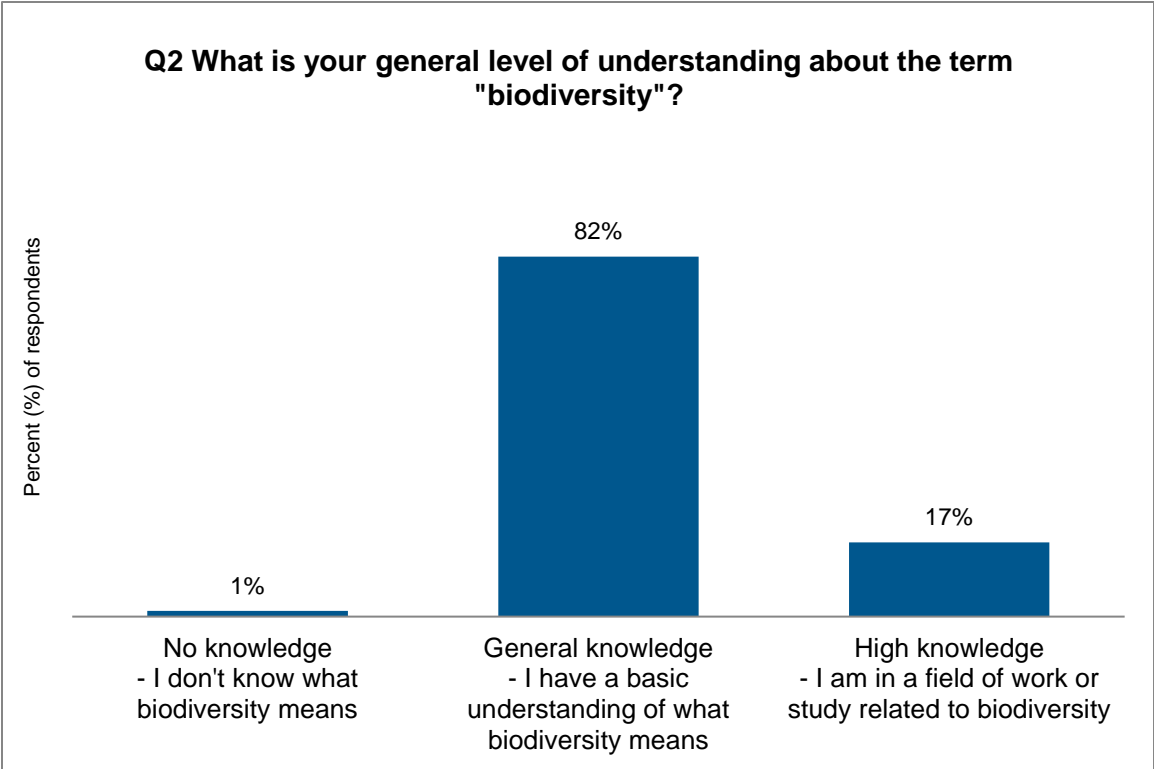
### Notes:

- Respondents did not always provide a response to every question. The universe of respondents (n) is provided for each question.
- Data shown may not add up to 100% due to rounding. For some questions, respondents were allowed to select multiple responses in which case totals would exceed 100%.
- Text responses to open-ended questions were coded into themes or categories. The more common themes or categories are provided in this document and do not represent all expressed ideas. A complete set of verbatim responses to open text questions is provided in Appendix B.

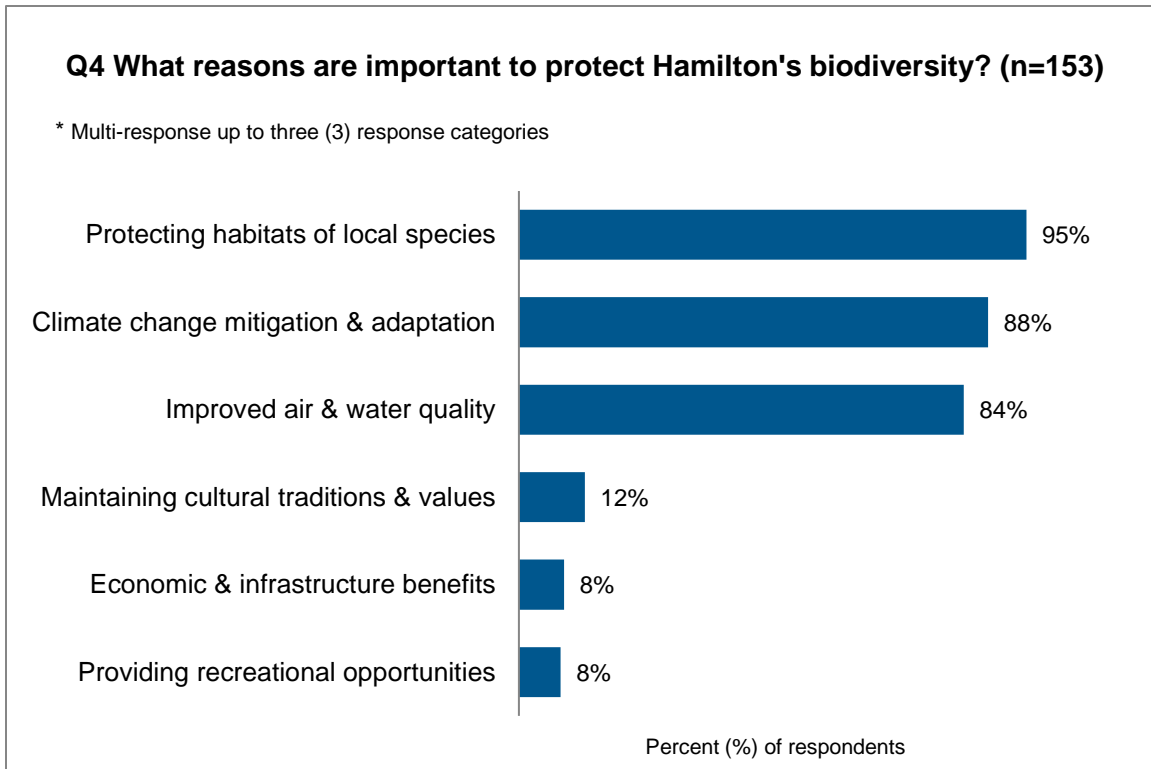


**Ward of respondent based on Q1: What is your postal code?**





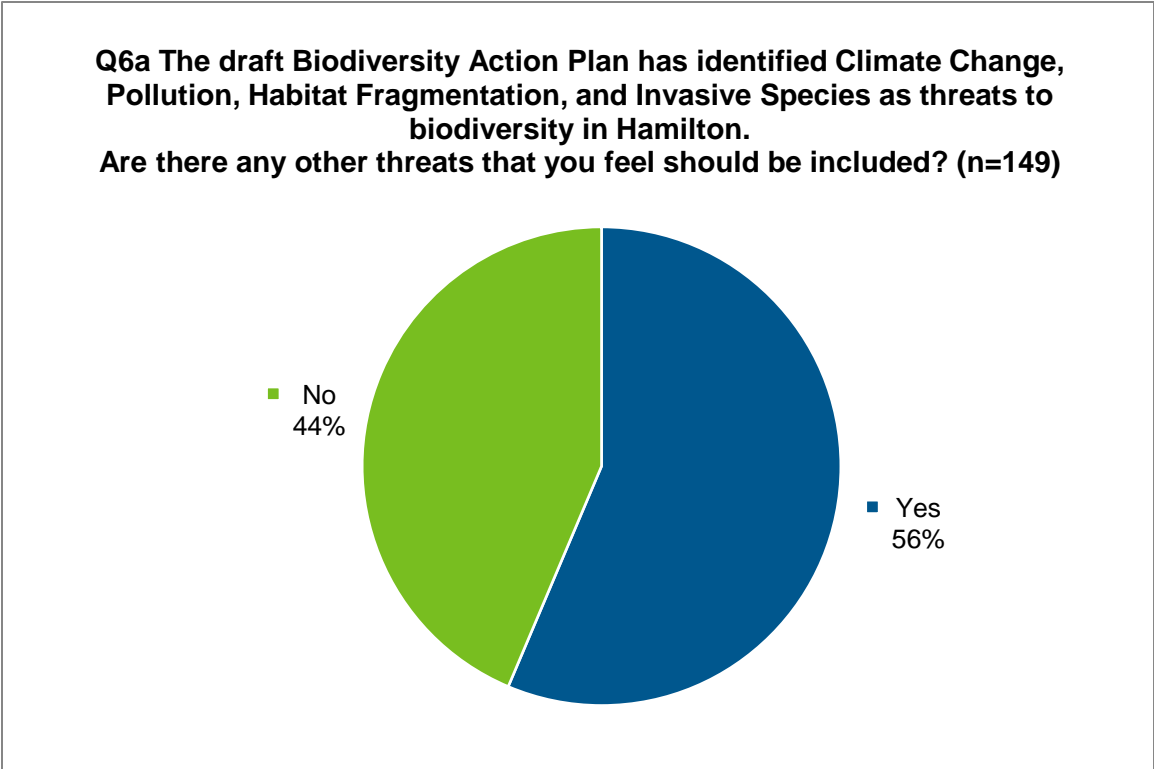




**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you?**

Based on 101 text responses, the following are the most common additional reasons specified by respondents about why protecting Hamilton's biodiversity is important, listed with the more common reasons first.

- protecting and/or preserving the ecosystem/nature/species is essential/important/fundamental
- quality of life, healthy community, physical and/or mental health and well-being
- protect climate, air and/or water
- protect green space, prevent urban sprawl
- sense of responsibility/morals, right thing to do
- for future / future generations



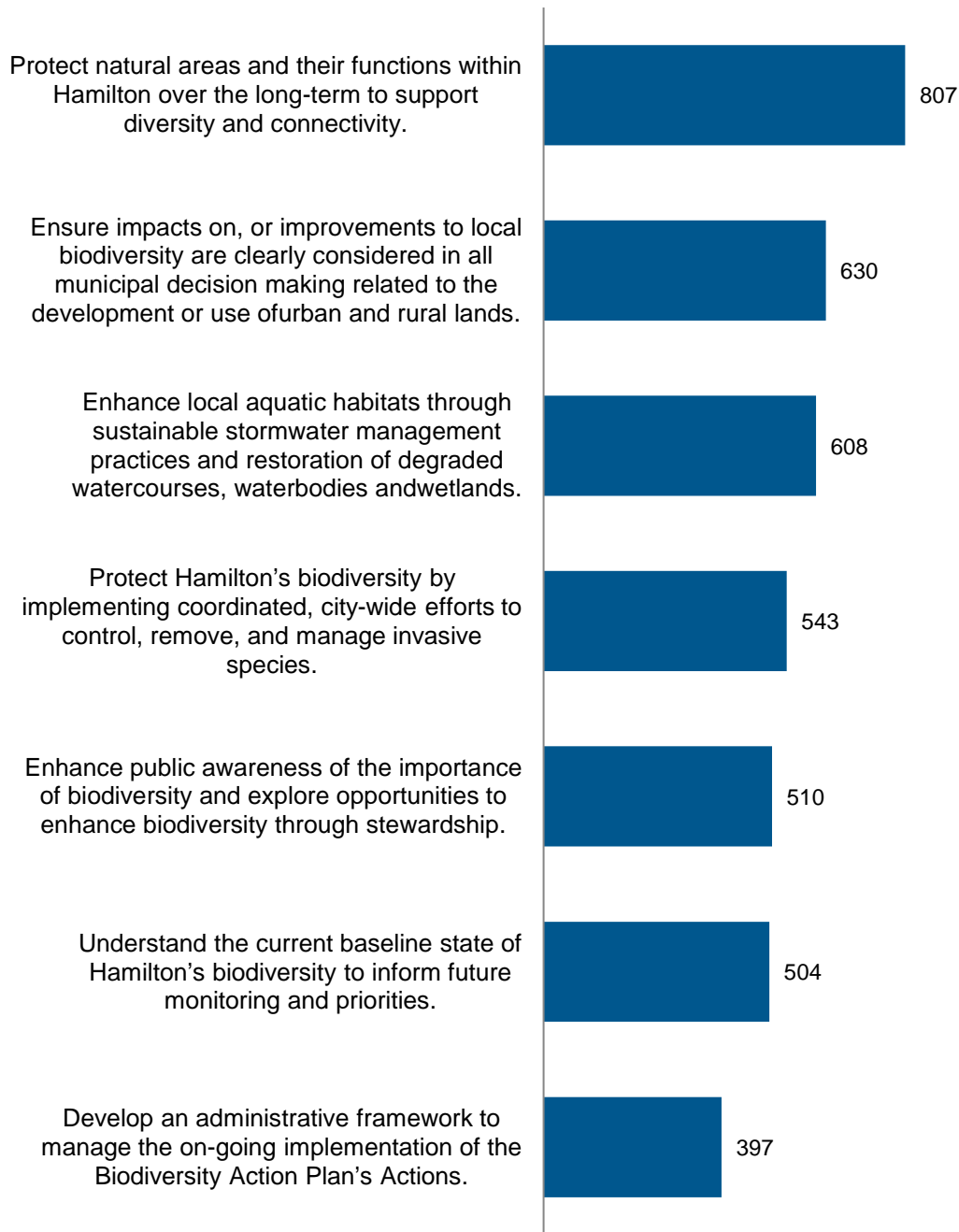
**Q6b Are there any other threats that you feel should be included? Please specify other threats.**

The following are the most common additional threats identified from the 84 text responses to this question, listed with the more common ones first.

- urban sprawl and development, developers and government decisions/policies related to urban boundaries/expansion
- destruction of green space and/or protected green space, natural lands etc.
- habitat loss

**Q7 The draft Biodiversity Action Plan outlines 7 Key Priorities to address the threats to biodiversity and organize actions from the partner organizations.**

**Rank these priorities in order of importance. (n=145)**



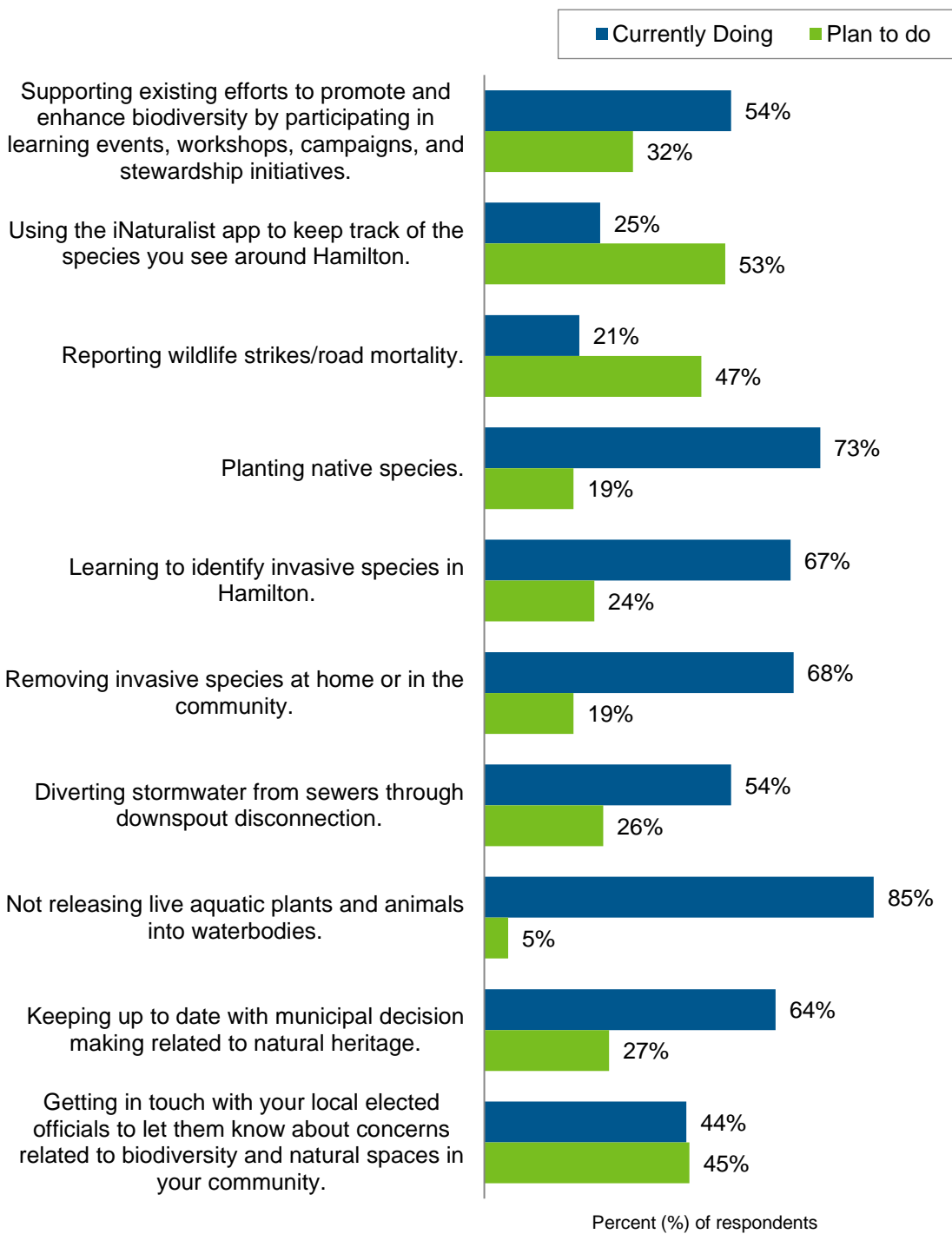
Ranked Score (maximum score 1,015)

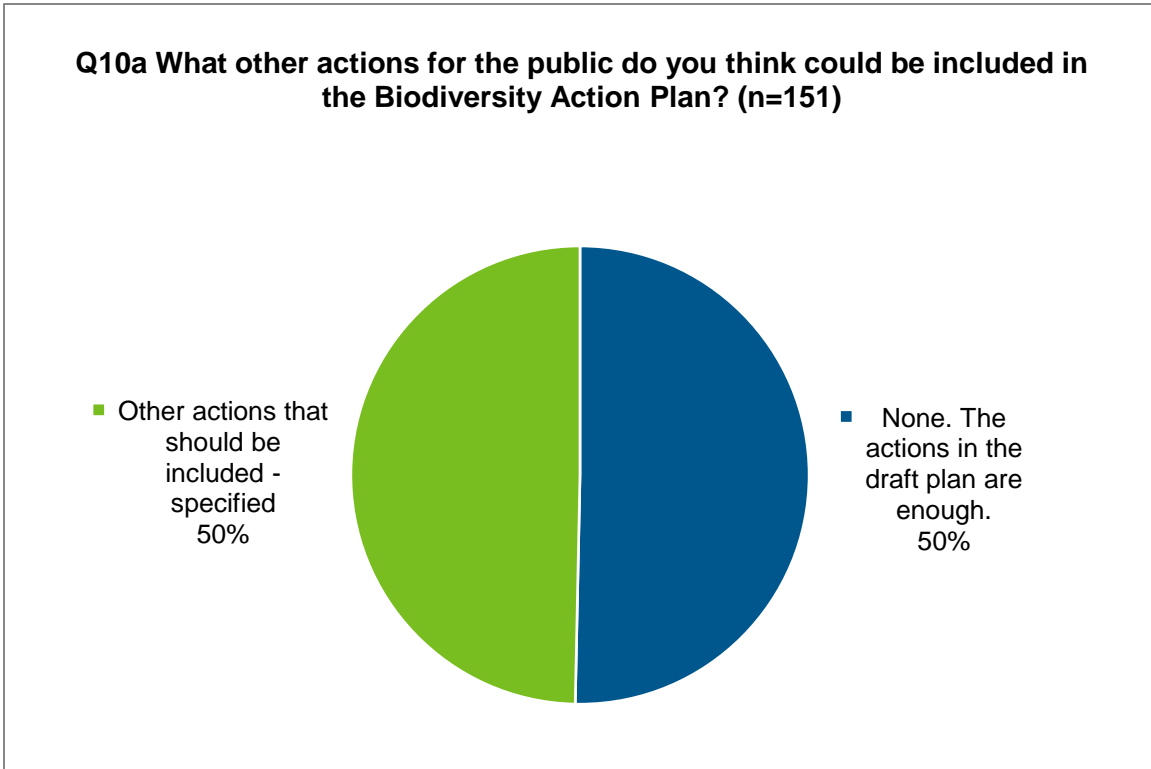
**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan?**

The following are the most common themes from the 62 text responses to this question, listed with the more common ones first.

- all key priorities are equally important, difficult to rank
- need education and awareness for public, corporations etc.
- protecting native species, removing invasive species, planting of native species on City maintained/owned property
- advocate/protect green space/greenbelt, prevent urban sprawl

**Q9 These are some examples of actions in the Biodiversity Action Plan that everyone can do to help make a positive impact. Which actions are you currently doing or plan to do? (n=154)**

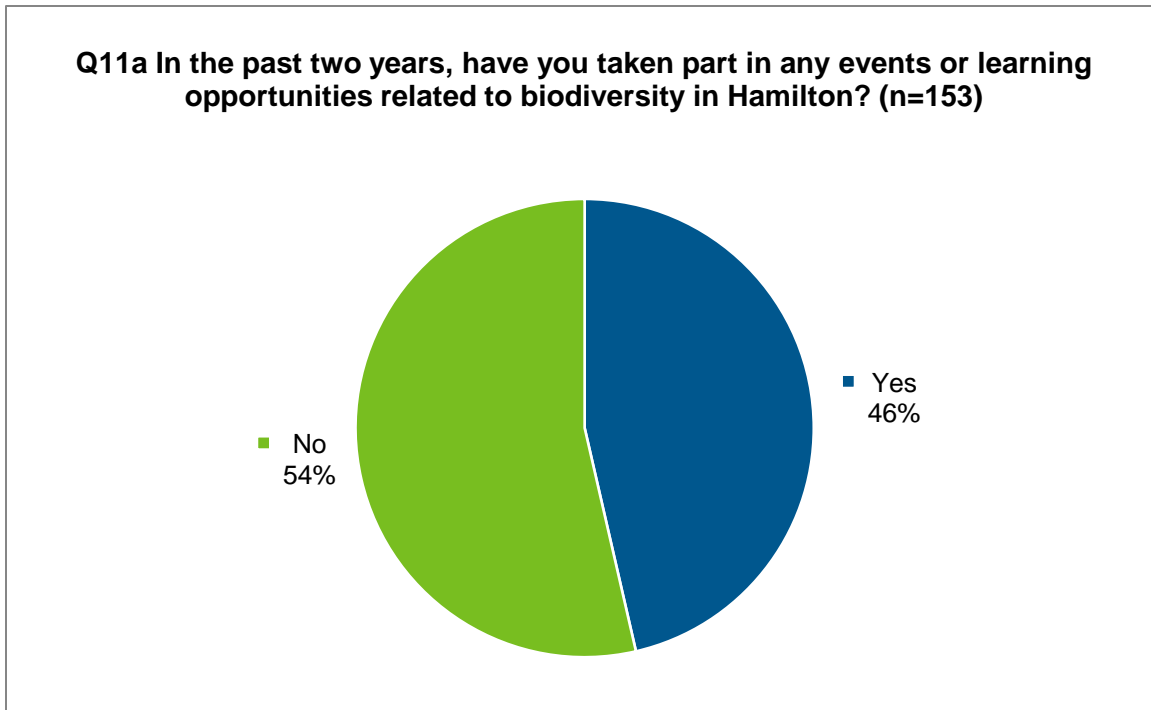




**Q10b Tell us what other actions that should be included.**

Based on 75 text responses, the following are the most common additional actions for the public that could be included in the Biodiversity Action Plan identified by respondents, listed with the more common ones first.

- education and awareness
- native species - encourage City and public to plant, encourage nurseries to sell
- having policies, bylaws and/or enforced bylaws for invasive species, removing trees or green space
- invasive species - removal, education, ensuring not being sold



**Q11b Please briefly describe the event and hosting organization.**

The following are the most common events and hosting organizations from the 71 text responses to this question, listed with the more common ones first.

Hosting Organizations:

- Royal Botanical Gardens
- Hamilton Naturalists' Club
- Green Venture
- Butterflyway Hamilton
- Action 13
- Environment Hamilton

Events and activities

- tree and/or native species planting, gardening, pollinator gardens
- garbage/litter clean-up
- invasive species workshops or removal

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover?**



The following are the most common learning topics from the 84 text responses to this question, listed with the more common ones first.

- invasive species
- native species
- ways to help/support biodiversity
- gardening and tree planting



## Appendix A: Survey Tool

# WE WANT TO HEAR FROM YOU!

## Draft Biodiversity Action Plan Survey

*(Note: This is a paper version of the survey that is available on [engage.hamilton.ca/biodiversityplan](http://engage.hamilton.ca/biodiversityplan))*

Everyone has a role to play to protect, restore, enhance, and explore Hamilton's biodiversity. Before completing this survey, please review the draft Biodiversity Action Plan at [engage.hamilton.ca/biodiversityplan](http://engage.hamilton.ca/biodiversityplan), or consult a reference copy, where available at library locations.

Your response to the survey will help the partner organizations understand what is important to the public in terms of Hamilton's biodiversity, determine if we are on the right track with the draft document, and identify changes that may need to be made for the final BAP. It will also help us understand how you want to be involved in biodiversity related actions and community activities in the future.


1. What is your postal code? \_\_\_\_\_
2. What is your general level of understanding about the term "biodiversity"?


<input type="checkbox"/> No knowledge (I don't know what biodiversity means)	<input type="checkbox"/> General knowledge (I have a basic understanding of what biodiversity means)	<input type="checkbox"/> High knowledge (I am in a field of work or study related to biodiversity)
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3. How important is it to protect Hamilton's biodiversity?

<input type="checkbox"/> Not very important	<input type="checkbox"/> Somewhat important	<input type="checkbox"/> Very important
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4. What reasons are important to protect Hamilton's biodiversity? Select your top 3 reasons.

<input type="checkbox"/> Climate change mitigation & adaptation	<input type="checkbox"/> Protecting habitats of local species	<input type="checkbox"/> Maintaining cultural traditions & values
<input type="checkbox"/> Improved air & water quality	<input type="checkbox"/> Providing recreational opportunities	<input type="checkbox"/> Economic & infrastructure benefits

[engage.hamilton.ca](http://engage.hamilton.ca)

  
Hamilton

  
ENGAGE  
HAMILTON

5. Are there other reasons why protecting Hamilton's biodiversity is important to you?

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6. The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included?

- No     If Yes, please specify other threats:

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7. The draft Biodiversity Action Plan outlines 7 Key Priorities to address the threats to biodiversity and organize actions from the partner organizations. Rank these priorities in order of importance (where 1 is most important, 7 is least important)

- \_\_\_\_\_ Develop an administrative framework to manage the on-going implementation of the Biodiversity Action Plan's Actions
- \_\_\_\_\_ Understand the current baseline state of Hamilton's biodiversity to inform future monitoring and priorities
- \_\_\_\_\_ Protect natural areas and their functions within Hamilton over the long-term to support diversity and connectivity
- \_\_\_\_\_ Enhance public awareness of the importance of biodiversity and explore opportunities to enhance biodiversity through stewardship
- \_\_\_\_\_ Protect Hamilton's biodiversity by implementing coordinated, city-wide efforts to control, remove, and manage invasive species
- \_\_\_\_\_ Enhance local aquatic habitats through sustainable stormwater management practices and restoration of degraded watercourses, waterbodies and wetlands
- \_\_\_\_\_ Ensure impacts on, or improvements to local biodiversity are clearly considered in all municipal decision making related to the development or use of urban and rural lands.

8. Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan?

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9. The draft Biodiversity Action Plan is meant to be a document that everyone can look to for guidance on how to make a positive impact on biodiversity in Hamilton. The following are some examples of actions in the Biodiversity Action Plan that everyone can do to help make a positive impact. Which actions are you currently doing or plan to do? Check all that apply:

	Currently Doing	Plan to do
Supporting existing efforts to promote and enhance biodiversity by participating in learning events, workshops, campaigns, and stewardship initiatives	<input type="checkbox"/>	<input type="checkbox"/>
Using the iNaturalist app to keep track of the species you see around Hamilton	<input type="checkbox"/>	<input type="checkbox"/>
Reporting wildlife strikes / road mortality	<input type="checkbox"/>	<input type="checkbox"/>
Planting native species	<input type="checkbox"/>	<input type="checkbox"/>
Learning to identify invasive species in Hamilton	<input type="checkbox"/>	<input type="checkbox"/>
Removing invasive species at home or in the community	<input type="checkbox"/>	<input type="checkbox"/>
Diverting stormwater from sewers through downspout disconnection	<input type="checkbox"/>	<input type="checkbox"/>
Not releasing live aquatic plants and animals into waterbodies	<input type="checkbox"/>	<input type="checkbox"/>
Keeping up to date with municipal decision making related to natural heritage	<input type="checkbox"/>	<input type="checkbox"/>
Getting in touch with your local elected officials to let them know about concerns related to biodiversity and natural spaces in your community	<input type="checkbox"/>	<input type="checkbox"/>

10. What other actions for the public do you think could be included in the Biodiversity Action Plan?

None. The actions in the draft plan are enough.       Tell us what other actions should be included:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. In the past two years, have you taken part in any events or learning opportunities related to biodiversity in Hamilton?

No       If Yes, please briefly describe the event and hosting organization: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover?

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13. Let's keep in touch! Provide your email address if you would like to be added to the City of Hamilton's mailing list to receive updates about the progress of the Biodiversity Action Plan:

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14. Would you like to receive additional emails from the partner organizations involved in the Biodiversity Action Plan for future learning or volunteering opportunities? (eg. Hamilton Naturalists' Club, Hamilton Conservation Authority, Environment Hamilton, Bay Area Restoration Council, Cootes to Escarpment EcoPark System, City of Hamilton)

- Yes, please share my email with all the Biodiversity Action Plan partner organizations
- No, please don't share my email address
- Only share my email address with these organizations:
  - Hamilton Naturalists' Club
  - Cootes to Escarpment EcoPark System
  - Bay Area Restoration Council
  - Hamilton Conservation Authority
  - City of Hamilton

**Thank you for completing the Biodiversity Action Plan survey!**

To submit this paper survey, you can:

- Provide it to staff at any **Hamilton Public Library** location;
- **Deliver to the City Hall dropbox** (back of City Hall) in a sealed envelope addressed to "Planning Division"; or
- **Send it by Mail** to: "Planning Division, 71 Main Street W, 4<sup>th</sup> floor, Hamilton ON, L8P 4Y5



Please call City of Hamilton staff if you have questions or need assistance completing the survey:  
905-546-2424 ext. 2634

[engage.hamilton.ca](http://engage.hamilton.ca)



## Appendix B: Verbatim Responses

### Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you?

*(Note: text responses have not been modified in any way for grammar, spelling and/or content with the exception of references to names/personal identifiers that have been redacted.)*

- A focus on building condos and inflating police budgets to protect corporate investments is going to affect the health of the people, animals, and ecosystems of the Hamilton area specifically, the core. Lastly by not maintaining a balance in the ratio of natural spaces to urban development elements the land itself will change and can lead to structural unpredictably and unbearable conditions for civilians in Hamilton. Specifically the low income and empoverished Hamiltonians that are often neglected intentionally through policy.
- A functioning ecosystem should not be optional.
- A future for children to enjoy
- A healthy city is a good place to live.
- A precipitous mass extinction has begun. Attempting to preserve what remains is morally the least we can do. I hope that future generations will discern that some of us tried.
- A sense of responsibility towards the planet and all of its creatures. Biodiversity is fundamentally important. Each species has a value and a right to exist. We should embrace all living creatures and the whole of nature in its beauty.
- After the three reasons I chose above which are directly related to improving life on earth for our own species, of course maintaining healthy ecosystems for all of our wildlife is just as important because it also supports human survival. Everything else can fall into place if we work on these four reasons with the highest priority on solving the climate emergency. If we fail at that then nothing else will matter much because we'll all just be struggling to survive. It was 48C in Texas today, that's scary!
- All life forms must be protected to insure balanced interaction within ecospheres. We need to dialogue with indigenous groups to tap into their ancient knowledge
- All the others listed above
- As a bird advocate, I understand the significance of a thriving bird population and it's relationship to biodiversity and a healthy climate.

**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you? (cont'd)**

- All of the other options from question 4 that I was unable to select; also, mental health, physical health of humans (we're not separate from our environment), and I also strongly believe that protecting biodiversity is connected to working toward and upholding Truth and Reconciliation.
- All of the above are important reasons. I also think biodiversity, and more nature, period, is crucial for Hamilton's population - in terms of physical and mental health - as well as its economy and identity. Hamilton can be a 21st century city that its residents admire, enjoy, and take pride in calling home, if we bring nature back into and around the city and value it accordingly. As a lakefront city, enhancing biodiversity to make the shorefront safe to enjoy and play near should be a priority.
- As all created species from mineral vegetable animal humankind are all interrelated what injures one injures all.
- As caretakers of this land it is our duty to protect the biodiversity.
- Beautify city, quality of air and water
- Because as a 56 year old I can see, hear and smell the decline of biodiversity even in my own lifetime. Levels are falling and people are not even aware because they don't know what we had.
- Because once we lose it, it's gone forever.
- because we'll create a hellscape for our children in the future if we don't protect it.
- Behind my home in Ancaster there is nice natural habitat and water creek which I would like to protect
- Biodiversity contributes to the health and wellbeing of our world and ourselves. The ecosystem provides our air, water and food. Nevermind the potential for medicines that can be developed from each and every organism.
- Biodiversity gives all residents the opportunity for a fuller, richer lifestyle.
- Biodiversity in general is required for food security, clean water and clean air. These are global goals which are enabled by local action.
- Changing minds / habits of citizens is key to success of this project. One thing the city must do is replace all slip lanes with rainwater gardens, not rely on citizens to do it themselves. Look at cities all across the United States that have replaced general traffic lanes with rainwater gardens / basins. Why is Canada, and Hamilton, so behind?

**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you? (cont'd)**

- Climate change, medication, and adaptation is also another important reason, and in addition, increasing education and awareness of the general public of what native species are, and what they provide an hour, local imperator environment
- Commercial interests have managed to destroy our natural places. It is time to reclaim what belongs to all of us. We need to oppose [redacted] who has passed laws to destroy our ecosystems and farmland to allow developers to make billions.
- Community health.
- Cultural and recreational benefits.
- Economic benefits
- Economic impact
- Educate the public on invasive species and the importance to not purchase such species (Lily of the Valley, Periwinkle, Ivy, Creeping Jenny) Many nurseries continue to sell invasive species! Also correct strategies for remediation of invasive species.
- Everything depends on maintaining biodiversity and a healthy ecosystem
- For future generations to be able to experience seeing wildlife in a near urban setting, to walk for hours in a conservation area within their city, to experience the joy of being outdoors surrounded by nothing but nature!!
- For the species themselves. The Strategy is strongly biased to human-focused benefits. We are just one species, indeed at the root of the 6th Mass Extinction, so we need to more focused on benefits for the species themselves (inherent right to exist and pursue their evolutionary potential).
- Future generation's access to nature
- Hamilton is poised to avoid the destruction of agricultural lands and the greenbelt in the name of urban sprawl in a way that many cities are either too far gone or uninterested to do so. Acting against the provinces wishes is tough but by building a reputation as a 'green city', a place of nature, etc it encourages wider public support of protecting biodiversity, making actions against the greenbelt too distasteful for those seeking \$\$\$
- Honestly, it can be cheaper. Let natural wild plants take over the grass portion of hwys it looks pretty and we won't have to pay maintenance. We can do the same for most public land we pay to maintain grass.
- Human activities should not necessarily mean loss of biodiversity. We can learn to do better.

**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you? (cont'd)**

- Humans are also part of the ecosystem and need somewhere to live.
- I enjoy watching pollinators do their bees-ness. It's relaxing.
- I live in a condo community with many ponds. The decision makers who are maintaining these ponds do not consider things like biodiversity. Just like our [redacted] who is also uneducated and making bad decisions. It is unfortunate that these people cannot ask for help without risking being forced to act with timelines that they feel are too expensive. Their information is coming from those providing services instead of the scientists who might have a better plan of action.
- I moved to Hamilton because of its biodiversity and easy access to green spaces. Would like to see it as a leader in protecting it and improving it. Other municipalities along the golden horseshoe are not doing a good job of doing so.
- I provide my family meat in a traditional manner by hunting for most of it.
- I think we are increasingly seeing the impact of "creep" into our natural spaces, not only on other species such as pollinators and wildlife but also human beings in terms of our physical and mental health. Well planned environmental policies must promote green spaces that leverage native plants and natural landscapes, it is good for us, for the world around us and our pocketbooks (e.g., more shade less air conditioners)! I will say I think Hamilton is doing an amazing job in terms of trails across the city, and I love the tree planting program (only native trees please) - let's build on and boost that success with not only more green spaces but better green spaces (with less lawn)!
- I think we owe it to future generations to leave this city and planet in better shape than we found it.
- I want the younger generations to be able to observe nature in all its biodiversity or at least as it is now before humans destroy more and more of the land, trees, habitat around us. The level of extinction is alarming. Can we work harder to mitigate this problem?
- I want to live and work in a healthy community.
- I'd like to avoid having to move in 20-40 years because the area's become inhospitable, and focusing on the actions that improve, maintain, and protect biodiversity are key to this.
- Improve air and water quality
- Improve the physical and mental health of the people.



**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you? (cont'd)**

- Improved air & water quality Providing recreational opportunities Economic & infrastructure benefits
- Improved health of people and the ecosystem
- Improvement of peoples physical and mental health
- intrinsic value - other species deserve to exist!
- It is essential to the overall health of our community.
- It is integral part of our ecosystem.
- It is vital to human survival
- It leads to well-thought development that needs to be followed by monitoring and mitigation measures.
- It would help create a healthier environment for not only animals but also people.
- It's important for future generations to have a livable planet.
- [redacted] not reports spills.
- Losing species at an alarming rate
- Many of my currant bushes have not fruited due to lack of pollinators . I need more native plants that will flower earlier in the spring to attract more pollinators .. it's a sad loss over what should be a bumper crop.
- My young grandchildren live in Hamilton and I want them to grow up here in a healthy and functional environment, understanding the importance of stewardship of the land, water, and air.
- No
- No
- None at the moment but protect the species n water
- Not all community spaces needs to paved in concrete and asphalt
- Overall benefit to human health. When ticks and mosquitos dont have predators, they spread more disease.
- part of being a decent human
- Preserving native species
- Protecting our native species in natural areas

**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you? (cont'd)**

- Policies and programs that increase or protect biodiversity also improve the aesthetic of a region. This is not only important in parklands but in the urban core. More diverse and abundant natural space will improve Hamilton's pedestrian traffic, draw people into the city for local shopping and dining, and reduce car traffic. The benefits of this are obvious.
- Preventing extinction of keystone species, saving local pollinators to protect the food chain for humans and animals, preventing monocultures of invasive species from taking over
- Promoting biodiversity is part of a larger and even more essential need : protecting our natural lands and farmlands from development.
- Providing recreational and educational value. Restore sense of community and mitigate ecological impacts.
- Providing recreational opportunities
- Quality of life for all people and all living things.
- Recreation in nature for physical and mental health.
- Red Valley Flying Squirrels went extinct I think
- The amount of urban sprawl I've witness is devastating.
- The benefits of a healthy, balanced ecosystem affect every local citizen. Our physical & mental health, safety, property, access to food & water all rely on the complex ecosystem that has evolved over millions of years.
- The Dundas Valley, Cootes Paradise, Niagara Escarpment, west Flamborough watersheds, Halton watershed, and Lake Ontario shoreline are my home, and home to an incredible diversity of plants and wildlife.
- The economic (including recreational) and infrastructure benefits should be strongly emphasized especially to developers; I feel that most folks are unaware of such things. Indigenous cultural traditions and values have had the most profound respect for their environment. The history of their attitudes toward our natural heritage are lessons that need to be studied and learned, especially now.
- The other three above.
- The reduction of biodiversity is the result of settler lifestyles and industry, and protecting and increasing biodiversity is a step toward reconciliation with the Indigenous people on Turtle Island.

**Q5 Are there other reasons why protecting Hamilton's biodiversity is important to you? (cont'd)**

- The right thing to do.
- To create connection with the land we live on and change our behaviour and mindset towards responsible stewardship
- To educate children and have a worthwhile, caring, healthy city for future generations to live in.
- To educate young students about nature.
- To enjoy hiking and discovering nature
- to promote and ensure the sustainability of future generations of natural wildlife and human beings in partnership/stewardship
- Urban biodiversity has a special place in my heart. Most people live in cities; therefore, most people connect with nature in an urban context. If we don't value urban biodiversity, we remove our relationship with the natural world.
- We have a responsibility to be good stewards of the ecosystems in our region for the intrinsic value they have and also our reliance on them for clean air and water.
- We have a responsibility, given how bio-diverse this area is. Also, given the interconnectedness of all living things, we don't know when the loss of one species will cause a negative cascade.
- We have removed so much of natural habitat and that has had serious effects. With impending climate change we must have a coordinated approach to help/ preserve what is left
- We have taken away too much of natural habitat and engaged in too much sprawl. We need to stop the destruction before it's too late
- We share this earth with all creatures and plants so we must protect all living things. We are all interconnected and a loss of one affects the whole ecosystem.
- Without a healthy ecosystem we have nothing. We rely on this.
- Yes it seems money is more important. Lower city should not have skyscrapers, no more view of bay from mountain way too many people for space provided driving will not help environment because cars are stalled due to everyday traffic no more city flow lol what a joke
- yes, leading with Indigenous stewardship and knowledge of the land and species
- Yes. Ecosystem health creates health and wellness for plants, animals and human beings. Without a healthy ecosystem we as a human species will perish.

**Q6b The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included?**

*(Note: text responses have not been modified in any way for grammar, spelling and/or content with the exception of references to names/personal identifiers that have been redacted.)*

- Action by the provincial government promoting urban sprawl and discouraging activities by conservation authorities must be addressed.
- Agricultural land around Hamilton should be preserved. We're building strip malls and condos on some of the best farmland on the planet. It's moronic and short sighted
- Air pollution is bad here. A hydrolic explosion polluted my land where children play. Unsafe vehicles spewing rotten eggs smells. Immense amount of truck traffic.
- All other human disturbances, and there are many that cause habitat degradation. Improper uses of toxic chemicals on private property, illegal encroachment into public-owned conservation lands by residents living adjacent to them, people removing native plants from the wild to add to their gardens or sell at businesses, people hunting and fishing over the legal limits, etc., etc...
- All these threats should state how our overall quality of life is impacted by these threats at every level - physical, mental, even spiritual.
- Apologies if it's already included under habitat fragmentation: we need to focus on reducing urban sprawl.
- Birds are threatened by many things but window collisions and outdoor cats have not been effectively addressed in Hamilton. Hamilton lags years behind Toronto, New York and Chicago and many other cities and jurisdictions regarding bird-friendly measures in construction. The solutions have been available for well over a decade. Hamilton should also join almost 50 other North American cities and implement a meaningful Lights Out program to protect migrating birds.
- Building and rezoning protected areas, such as green belts etc. is one of the biggest threats we face today.
- Building over all of our natural spaces, allowing use of herbicides and pesticides
- capitalism and corporations, government corruption
- capitalism.
- Cars, speeding
- Consider identifying overconsumption as a root cause of climate change, pollution and habitat fragmentation.
- Conventional Agriculture.

**Q6b The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included? (cont'd)**

- Continued human encroachment & development through policies and vaguely worded, non-binding legislations that don't put ecology at the forefront of a decision regarding future developments, for example. Systemic issues and pressures from captains of industry a world away whose wealth is accumulating from practices that continue to plunder the planet and further exasperate the the crisis on a scale not even a whole city compares. The industry captains' resistance to change and power to maintain the status quo of a world reliant on fossil fuel extraction and the economic myth of ever-expanding growth on a finite planet is a threat. The threat of leaders with no initiative or tenacity to take bold steps and actually do something to stop all further expansion into undeveloped spaces, or impose real programs like free city buses to get people out of the habit of using cars, or switching from the use of monoculture lawns to native pollinator gardens on city properties. Because really the greatest threat is all of us being idle; subject to the bystander effect while a grim version of the butterfly effect sweeps over the rest of our days. Except there will be no butterflies. Because they will have gone extinct.
- Corporate development and infringing on the greenbelt which was promised to be protected
- Cutting grass too short! Cutting down too many trees for housing, which increases heat in cities etc
- Cutting up the green belt
- Decisions to build/develop without attention to ancestors' knowledge and species' living patterns.
- Destruction if wetlands and other natural habitat.
- Detrimental quality of life
- Developer, urban and suburban expansion, resource mining, industrial development
- developers, landlords, [redacted], car-centric infrastructure
- Development of existing protected green space.
- Development on protected lands.
- Development on protected or existing natural land (for housing, commercial use, etc.)
- Development. Sprawl
- Direct human interaction.
- Direct human interference, loss of maintenance, lack of knowledge are some of the ones I can think of.

**Q6b The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included? (cont'd)**

- [redacted] and associated provincial legislation that threatens protection of natural areas, eg. Greenbelt, endangered species, conservation authorities, urban boundary expansion.
- Driver Culture. The City needs to replace all slip lanes with Rainwater Gardens ASAP, while increasing the cycling network and bike share program up the escarpment and into the suburbs. Ward 1 alone has fifteen slip lanes! Why is the city putting motorist comfort above its biodiversity goals?
- Expansion of urban boundaries
- Food, structural ex water damage, water quality
- General anthropocentric bias among Hamilton residents; not acknowledging human role in biodiversity.
- Greed
- Greed, ignorance and power
- Green grass requirements - get rid of them.
- Habitat destruction, roadkil, bylaws regarding type & size of plants allowed in yards
- Habitat loss not just fragmentation, loss of tree canopy, noise and light pollution, chemicals/insecticides etc that are still allowed....human choice (and I would say here it is because people aren't aware of what they are choosing (eg non native plants), better info for people is key to better choices (this likely takes advocating to feds and province)
- Habitat Loss should be included if it's not already covered by Habitat Fragmentation
- Habitat loss through sprawl. Infrastructure threats like light pollution, road hazards and reflective glass that injure wildlife.
- Habitat loss within the city due to lack of urban ecological corridors and natural spaces within the built up area. New subdivisions should include green corridors and natural spaces for wildlife and not just built for humans.
- Habitat loss, 'fragmentation' implies that there is still space for habitats, just that they are separated.
- Habitat loss, specifically for the species-at-risk Barn Swallow.
- Hamilton has no private property restrictions on the destruction of old, indigenous trees. Oakville for example, restricts indiscriminate cutting on private property.
- Hamilton roads and road parking.
- Housing and commercial:warehouse construction on the wetlands, greenbelt and farmland!!

**Q6b The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included? (cont'd)**

- I strongly feel a lack of awareness about our local environments is a great threat. People won't protect something they don't know anything about.
- I would like more info.
- Intentional removal of important native flora and fauna by humans.
- Invasive species - preventing people from buying, planting and/or releasing them into the wild
- Lack of education and understanding of the health and economic benefits of true diversity.
- Lack of greenspace with biodiversity
- Lawns and the protection of traditional lawn aesthetics. Currently, the by-law allows one person who doesn't like a biodiversity-protecting garden to call in a complaint, triggering a visit from a by-law enforcement office who does not have complete training in distinguishing noxious weeds from native plants. Having received a complaint, and discovering I had three days to comply (and it wasn't clear whether that was three business days or calendar days), it felt safer to cut down my garden than to get into a debate with by-law enforcement. It sounds as though the Halton Master Gardeners are potentially willing to offer free training to by-law officers, to help them distinguish between weeds and native plants. I realize that this is a tricky topic, as people like knowing that there's a complaint process, so I'm not necessarily suggesting getting rid of the by-law, but rather updating it, since one person's visual preferences don't outweigh the importance of protecting biodiversity.
- Light pollution and reflective glass, which impact bird populations (as well as bats)
- Loss of habitat or lack of buffer space Impacts to water bodies or groundwater vulnerable areas (I.e loss of recharge or base flow due to overexploitation or increase in the impervious areas)
- MZO. Ministerial zoning orders where the Ontario government overrules the local planning and ignore the environment. Our provincial government who is pressuring the city to expand into the greenbelt instead of intensifying and using vacant land within the city.
- Off leash dogs. Homeless encampments on escarpment.
- Over population of a one way out area not enough roads for cars and not enough parking
- Over population of certain species such as deer, geese etc . When the carrying capacity is exceeded the ecosystem struggles
- Overdevelopment

**Q6b The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included? (cont'd)**

- Overuse of natural areas for recreation. Lack of safe wildlife crossings of roads. Poor infrastructure choices such as windows that do not reduce bird strikes.
- Poor/poorly informed public policy having a detrimental effect of biodiversity ( ie.. weak by law/by law enforcement, lack of incentive to install native gardens etc)
- Preserving rare or endangered native species
- Rampant Development
- Removing the powers of conservation authorities to oversee applications for development that impact surrounding waterways, ensure no building on flood plains, etc.
- Sewage leakage damaging water.
- Suburban development; biological simplification and standardization in agriculture (see the work of [redacted])
- Suburban sprawl
- Suburban sprawl, automobiles, toxic chemicals found in products, plastics, deforestation, waste, coal/gas, carnivore diet
- Sustainable farmland (ie a plot of farmland does not exist in a vacuum)
- The [redacted] government is a major threat. We must take legal action to stop his destruction. We need to target developers who are using their financial power to destroy what belongs to all of us. This requires taking the government to court and overturning his decisions.
- The outdoor cat population; there are far too many cats let out that pose a risk to biodiversity. University of Guelph is doing a study on cats and their impact.
- Tourism is having a major (negative) impact on local natural areas
- Tree removal.
- Under utilization of current green space.
- Urban Boundary Changes which are forced by higher levels of Government and insult the local democratic process.
- Urban development
- urban sprawl
- Urban sprawl
- Urban Sprawl
- Urban Sprawl



**Q6b The draft Biodiversity Action Plan has identified Climate Change, Pollution, Habitat Fragmentation, and Invasive Species as threats to biodiversity in Hamilton. Are there any other threats that you feel should be included? (cont'd)**

- Urban sprawl, illegal garbage dumping
- We should stop too Much urban development happening in city

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan?**

*(Note: text responses have not been modified in any way for grammar, spelling and/or content with the exception of references to names/personal identifiers that have been redacted.)*

- Add private property restrictions to the destruction of trees and habitat. This I believe is critical to reduce habitat fragmentation and screen for indiscriminate "clear-cutting".
- Adding more administration and rule is not helpful, get rid of green grass requirements
- Adequate funding must be committed. Indigenous knowledge and communities should be included in all planning.
- Again, learn from indigenous wisdom sources
- All are equally important.
- All of the above are equally important.
- All of them are important and necessary. Planting on City property should prioritize native trees and a variety of pollinator-friendly species. Property owners - residential, commercial, religious and industrial could be actively encouraged to do the same.
- All the sudden massive growth and new businesses being established with public consultation on a farm in the green belt. My area is going industrial. Why Stoney Creek Airport is no longer for planes but illegal garages and trucking companies
- An ounce of prevention is worth a pound of cure.
- Biodiversity cannot thrive in a city infamous for sewage leaks. Hamilton's infrastructure must be reviewed and improved to avoid further incidents that have left Cootes Paradise - what should be our biodiversity and recreational hotspot - severely degraded.
- City Council has to oppose any change in boundaries and prevent any development on the greenbelt. Take [redacted] to court and get any injunctions needed. [redacted] is using his power to benefit developers and this is a conflict of interest.

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan? (cont'd)**

- Consult with local conservation groups for current actions and concerns and local Native plant nurseries for barriers and suggestions. For example, Butterflyway, Hamilton Naturalists Group, Network of Nature, Kayanese . I'd like to see native plants used through out the city plantings in boulevards and parks, bird/bee/bat houses set up.
- Create a free, publicly accessible database of species native to this area and encourage the public to plant native species. Come up with guides for residents for creating native gardens that help protect our local biodiversity to make it easier for residents to participate. Encourage local greenhouses and nurseries to carry more native species, and do more events like the free tree giveaway to make native species more easily accessible to residents who may not know where to start. Offer free programs about starting native gardens and promoting biodiversity at the public library.
- Create an educational 'kit' for elementary and high school students, whereby they can gain an understanding of the importance of biodiversity and get involved in protecting their future; perhaps provide some grants for teachers/schools to implement this.
- CREATE new habitat, acquire new land, purchase and set aside new areas which already are/can be green space. Preserve the Urban Boundary.
- Do not allow [redacted] Government to build any type of buildings on these lands and to respect the Greenbelt, waterways and farmland!!
- Encouraging/educating citizens to support/create healthy biodiversity on their own private properties is important to the city as a whole. Pollinator gardents on public properties should include signs with information about the plants and the insects and other wildlife that rely on them.
- Focus on litter enforcement that is suffocating the ecosystem and causing animals to become ill.
- I am a strong advocate of educating the public, but the public \*knows\* and most don't or won't care. We have to just start implementing protections.
- I hesitated doing a ranking as all of the priorities are important as each one is required for the plan to succeed. My ranking is based in part on emphasizing actions that the City can/should lead as opposed to the other agencies and groups. For example, understanding the current baseline state is very important to evaluate the success of the action plan; however, I have ranked it #6 since the initiative is better led by the Conservation Authorities then the City. The initiative however should be supported by municipal funding.

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan? (cont'd)**

- I really like these priorities; however, I would love to see some energy and attention directed towards the socio-cultural aspects of biodiversity conservation to address equity concerns. For example, it is well documented that pollution and environmental degradation disproportionately affects lower income and BIPOC communities (e.g., environmental racism). How will this biodiversity plan address these realities in Hamilton? I also really appreciated that aquatic habitats are specifically targeted. Freshwater conservation and protection should be strongly emphasized given that Hamilton is deeply connected to the Lake Ontario waterfront and is known as the city of waterfalls. Freshwater ecosystems are among the most threatened on the planet (as a result of multiple stressors, isolated habitats, and high human pressures) and Hamilton has a real opportunity to become a leader in freshwater biodiversity conservation. Smaller comments: - Page 6: Definition of nature: "...processes that exist independently of people." I would argue that people are a part of nature and that it serves us well to consider humans to be a part of nature. Perhaps a more inclusive definition could be included here instead. There was a recent Nature article on the subject here: <https://www.nature.com/articles/s41599-020-0390-y> - In Target 7: Incorporate native tree planting into cycling infrastructure planning and other developments.
- I was surprised not to see anything about prioritizing diversity and native species in the land management activities the city has responsibility for (e.g., parks, road edges, street trees, city building properties, etc.) Some institutions have taken really impressive steps in this regard - see, for example, the University of Toronto's extensive native plantings, which have almost all been planted in the last three years. The city should do better on its own turf (literally). It would also be helpful for the city to provide native plants specific to this ecoregion (and grown locally) to local residents for free or at cost.
- I would like to see education on these priorities with local landscaping companies and garden centers. Help for people to remove invasives on personal property especially when it borders natural protected areas.
- Identify areas that the City can continue to enhance biodiversity by making minor short-term adjustments to existing initiatives. For example, center medians on roads should be planted with perennial pollinator gardens rather than annual plants. Possibly eliminate mowing of grasses in areas where there are known habitats (ex. turtles) and either replace with other native grasses or just not mow. Plant more trees alongside highways and roads. These minor adjustments could also save the City money in maintenance costs over the long term.

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan? (cont'd)**

- Increase the urban tree canopy and make it mandatory that every property has as many trees as can be accommodated.
- Invasive species are a major threat to our woodlands and demand a concerted effort by our municipalities.
- It would be nice to include a framework for individuals to increase biodiversity in their communities.
- It's really hard to actually prioritize from 1 - 7. My choices are all tied for #1. All I know is that all actions must be inclusive and that any and all government actions must be crystal-clear in transparency.
- Just wanted to add the public education might be best accomplished by asking local schools to add a teaching unit in about this topic, hopefully with a take home task, then kids can spread it to their parents.
- Knowledge transition - Act on what you learn
- KP1: need to conduct a formal review of City staff's capacity to implement the Plan (i.e., natural heritage planning staff capacity woefully inadequate, including vs other municipalities, need to hire one or more ecologists given provincial rules on conservation authorities...). KP2: need to develop a "State of Biodiversity Report to serve as a baseline by which to measure actions. KP3: Need to review natural heritage policies against best practices from other municipalities noting that Ontario Nature has done this and can assist. KP6: mention that Hamilton has XX Seabins, noting that there are new, more effective versions of this technology now available from Poralu (also note the other term is "Litta Traps" vs litter). KP7: need to establish measurable targets using more local examples vs U.N. targets.
- Less spending on auditing, administration and planning and more spending on legitimately things that will help.
- Money talks in this city. Growth is not a inner city gift it's a curse, if you can't move in the city car, bus, nobody will come here, but house around and keep the view from mountain then people will want to enjoy our lower city it's no longer unique lol what a joke born and raise in the north end family of 5 ran with the Canada game torch over 50 years ago when Vic Copps was mayor like I said before think before way too many buildings in the lower city, what a joke nobody cares money will ruin us more homeless because pushing poor out for Ritch lol tell me you can't see it turn your blind eye until the next problem you create 😊
- Need to have (measurable) achievable targets

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan? (cont'd)**

- No political consequences to Chedoke pollution years past
- No. Well described, all are important. I did not like having to prioritize.
- Pass legislation to prevent sale of invasive species Maintain the Green belt!!!!!!!
- Plant more native trees & water them so they survive. Plant native plants, bushes etc. on city properties. Give talks so people can become more knowledgeable about the importance of native species. .
- Please don't waste too much time on elaborate protocols only city staff will read.
- prepare for jurisdictional issues and advocacy amongst different levels of government
- Provide economic benefit information of biodiversity as public education and guiding principle in decision making regarding land/water use.
- public awareness is important but ranking them, it came out last because I felt that conducting the other priorities would create public awareness. idk
- Public awareness wil come as a result of having already taken action and improving policy..there doesn't need to be a separate time consuming and expensive campaign..Intakena 'Build it and they will come 'approach to protecting biodiversity
- Push back against provincial actions that encourage sprawl and discourage action by conservation authorities.
- Question number 7 is extremely difficult to answer as all of the points are important.
- Sad to see building and development is priority#7 in the current plan
- Spending more money on admin is a waste of resource. The city needs to work with the assets at hand . Fiscal responsibility and proper allocation of funds is not antithetical Bio Action Plan. More emphasis on volunteer ship.
- start with action, then focus on education. People care more about actions than abstract ideas. Get going with something, than monitor and talk about it.
- The city budget to enhance and protect biodiversity needs to be sacrosanct.
- The city should stop growing exotic/introduced species in public garden beds and should start planting native plants instead.
- The Key Priorities below are ALL a priority. It's impossible to rank them.
- The priorities are a mix of goals and actions. I don't know enough about the current state to comment on what is a priority

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan? (cont'd)**

- The priorities will have to be implemented in a coordinating effort rather than in isolation or at different times.
- The sale of invasive species needs to stop. More education on why these species should not be planted or shared is needed. Also needed is education on the benefits of planting native plants. I have seen many non native trees and plants installed on city porperties where natives could have been used instead.
- There is a overwhelming amount of huge rats on the East Mountain so doing something about this would be fantastic..our neighborhood has reported this for the last 3 years
- There is too much talk and not enough action on the ground in almost every administration in Canada these days. The city needs staff to ensure that the BAP is followed by all departments of our local government but that should be done quickly by hiring more local knowledgeable people like [redacted]. Look to organizations like the Hamilton Naturalists' Club that have been studying local biodiversity in Hamilton for decades and many of its members know our natural areas better than almost anyone else. Get the staff in order quickly to organize action on the ground asap. Enough talking.
- There needs to be actual consequences for folks who do environmental damage.
- These priorities are part and parcel... I'm not sure what the point of rating them is all about. All are necessary.
- They are all important actions.
- This isn't a check list, as these all need to be done in cohesive and tangible, transformative ways.
- Tough to rank - and while I would like to put establishing a baseline first, I also think that baseline establishment, intervention, and public awareness raising could function in cycles, as a baseline can be outdated by the time it's firmly established. It sounds like the City has working with [redacted] on adopting Lean Six Sigma practices. How about establishing a baseline per initiative, and simultaneously rolling out an intervention and public engagement/distributed stewardship plan? Repeat the process per initiative, with likely impact on biodiversity (based on extant evidence from other cities) considered in municipal decision making before GHA baselines are established - replaced with more firmly evidence-based approaches as the City's own evidence becomes available.

**Q8 Do you have any additional comments on the 7 Key Priorities identified in the Biodiversity Action Plan? (cont'd)**

- Use all of the management tools available. Remove the Sunday gun hunting ban like so many other communities have so that this tool can be better deployed to manage species and provide residents a healthy and secure source of food

**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan?**

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- Working from the list above (can't recall the specific public actions in the document): - Not throwing yard waste into natural areas (this is a problem in the EcoPark, for sure) - Having less lawn - Working towards earning a "Monarch Award" for your garden - turn off lights and close blinds at night; install "dark sky compliant" outdoor light fixtures - removing invasive species from your property - planting native species INSTEAD OF non-natives (this is a bit of a stronger request) - planting the "keystone plants" that are crucial to the food web and ecosystem because they support many other plants, animals and insects throughout their life cycles - remove lawn from under trees and let the leaf litter accumulate
- Under Priority #7 - Update City's Yard Maintenance By-law to allow for naturalization of urban lots legally, including initiatives like No Mow May. 2) Under Priority #7 - Strengthen Official Plan policies and Zoning By-laws to conserve and even improve biodiversity. 3) Under Priority #7 - Consider refining or adding actions for City departments to reduce their footprint of consumption. 4) Consider including specific actions to strengthen learning from and collaboration with local Indigenous groups
- A much more comprehensive and detailed approach to the protection of birds. The adoption of all bird-friendly measures that are mandated in the Toronto Green Standard. The implementation of a meaningful Lights Out program for all municipal properties. The BAP should consult with the Fatal Light Awareness Program (FLAP) Canada, the experienced and knowledgeable global leaders in this area.
- Actions that must be included are working with H.S.B. and community gardens to include all schools and with residents who require adequate funding to insure their food needs are met.
- Adjust the Trillium Awards to recognize those gardens which conform to the BAP and ensure awards are not given to those with invasive plants!

**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan? (cont'd)**

- Air quality monitors at junk yards.
- An element of the plan that was not emphasised enough was the greening of economically depressed areas of the city, areas where homelessness, unemployment are common.
- As noted above, Identify areas that the City can continue to enhance biodiversity by making minor short-term adjustments to existing initiatives. For example, center medians on roads should be planted with perennial pollinator gardens rather than annual plants. Possibly eliminate mowing of grasses in areas where there are known habitats (ex. turtles) and either replace with other native grasses or just not mow. Plant more trees alongside highways and roads. These minor adjustments could also save the City money in maintenance costs over the long term.
- Ask nurseries and garden centers to stop selling invasive plants and start selling more native plants.
- Boulevard plantings of native trees and native wildflowers instead of lawns. Encouragement to replace lawns with wildflowers or vegetable gardens
- City Council must provide funds fo a massive publicity campaign. It is a soery fact that most people in Hamilton do not understand how important our eco systems are to all people. Uae bill boards, go on tv and radio shows to educate the people, conbect with school boards to engage the students, put use signs in all our natural places indicating its a protected area, publisize the results of COP15 held in Montreal in 2022 which mandated the protection of biosystems and reclaming damaged areas.
- Community gardening events, free native plant giveaways, information packets, etc.
- Demonstrate biodiversity in action by planting native 'meadows' in city-owned greenspaces: for example, in the boulevard gardens along York Rd., etc.
- Develop policies to increase green infrastructure such as green roof areas. Commit to include Traditional Environmental Knowledge amd First Nations in all decisions.
- Discourage local garden centers from selling invasive species Plant native perennials instead of exotic annuals on city medians, etc Narrow streets to allow for the planting of street trees
- Driving Less, using active and/or transportation more often.
- Education on our native and invasive species. For example- when feeding birds to try and prevent feeding or attracting invasives. Not encouraging nesting of invasives. Protecting our native species through education



**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan? (cont'd)**

- Encourage garden centres to carry more native plants. & people to understand their importance in ecosystem. Have people talk about this important topic in schools, to educate the young. Offer workshops at garden clubs etc.
- End over expansion of lower city
- Ensure a city wide ban of all sale of invasive species from nurseries. Ban all use of synthetic lawn fertilizer. Ban dragnet and other "mosquito" fumigation that is a treat to all vertebrae. Create a directory for the public to search when in need of landscapers that support biodiversity in design and maintenance. Mandatory rain catchment on all households or extra tax. Implementation of biodiversity tax. Rate is based on how well individual dwelling supports biodiversity-measured in native plants cover, storm water catchment, tree cover etc.
- Establish new green spaces with urban areas and community gardens - forbid all further encouraging on any natural space or wetlands.
- Hamilton Councillors and staff to educate the public and adhere to the current building codes!!
- Have a strong communication plan. How are you sharing info with hamilton residents? Need strong awareness and presence. Outreach to schools, recreation centres, libraries - involve/engage the next generation.
- Having a wildlife rescue center with an educational exhibit for the area.
- I don't have any other ideas but I'm not going to say the draft plan is enough. However, it's enough for now, and this is a great initiative.
- I don't have a good answer, but I don't think the action plan is good enough
- I think one of the most powerful actions that an individual can do is get involved with local, community initiatives. If there were ways for this action plan group to help people connect with each other and with their local natural spaces, that would be great (I know some suggestions are already included but I just wanted to emphasize the importance here). Perhaps opportunities for kids to get engaged through school activities? Nature Canada had a great report called "Race and Nature in the City" based on engaging youth of colour in Toronto's ravines: <https://naturecanada.ca/race-and-nature-in-the-city/>
- I think the City should enforce developers to maintain healthy trees instead of allowing widescale cutting of old growth trees.
- I think there should be a citizen committee

**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan? (cont'd)**

- I would add some actions for businesses and also add something about removing dead zones like concrete patios or even lawns and roofs (vs green roof) beyond just planting native species
- I'm sure that there's always more that can be included, but perhaps we shouldn't 'bite more than we can chew' for now.
- I'm sure there are several ideas than "enough"
- If there was a suggested list of plants to add to their garden it would eliminate the extra research step for them. Would be even better if there was a native seed/seedling give away by the city.
- Just noting that there a number of existing I Naturalist projects - should note those in the Strategy and how to access them.
- Listen to groups that know the area and its history. Learn about older ways to manage the land (e.g., controlled burning)
- Make a more explicit codified commitment to protecting ecological spaces from "development", especially with the threat posed by the [redacted] government.
- Make Hamilton car free
- Maybe this goes with planting native species or learning events but "learning to identify native species" and "learning how to spread native plant seeds", "replacing monoculture grass lawns with native plant pollinators and kale and stuff :)"
- Might have missed this, but school reach out/ educational visits.
- Monitoring and/or reporting bird-building glass collision fatalities. Turning off or dimming essential lighting during spring and fall bird migration. Keeping cat(s) indoors.
- More about reducing car traffic and improving roads with planting more trees and creating more bike lanes
- More publicity!
- Natural yards with native plants, replacing grass where possible with clover, wild flowers and other natural plants, utilize rain water and purification, focus on green energy on micro scales, incorporate it into every project(need new street lights? Add solar power tops maybe), plant more trees and focus less on carbon and more on what we can put back into the environment
- Plant based/vegan/vegetarian diets, walk/cycle/transit, compost/reduce/reuse/recycle
- Please see document with links sent to [redacted] and [redacted].

**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan? (cont'd)**

- Ongoing education and reminders of when/how to take action in bite-sized pieces. Report seems overwhelming making it hard to know where to start. Joining clubs or buying conservation authority and Royal Botanical Gardens memberships are other actions that could be taken.
- Obviously, I'd like a by-law change to prioritize biodiversity above lawns. Even small tax rebates may encourage people to adopt positive practices, like including more diversity in gardens, getting rid of invasive species - but that's tricky and creates a savings option for land owners only). If the document is intended as a guide, how about making a public-facing executive summary? The action plan doesn't appear until the second half of the 50+ page report, and action steps for individuals are in the appendix, at the bottom of each page, in text that isn't highlighted. Could there be rotating calls to action - one at a time - that link back to the longer plan, but are in really easy-to-digest form? Maybe Green Venture and/or other sustainability-focused local organizations could partner with the City on that, to reach more people? Partnerships kind of help to restore trust in institutions, too, since it implies that the City's initiatives have earned the approval of partner organizations.
- Please put something more concrete in the plan! Some actual measures to attain. And shorten it! The plan should be the plan not an educational document.
- Prevent planting of invasive plants and encourage/mandate removal.
- Protect the greenbelt
- Provide a directory for home gardeners of nurseries that focus on native plant species.
- Public education forums as well as leaflets attached to taxpayer property tax bills. Highlighted in yellow to draw attention to this. Same thing could apply to recycling education.
- Regular review of actions to determine effectiveness and implement changes as necessary.
- Regular updates, or Newsletter via as many mediums as possible to keep these initiatives in front and centre of everyone.
- Removal of trees on private property should be limited.
- Restrictions on reductions to the biodiversity within private properties. (I have seen too many large old trees destroyed in Dundas on private property) \*birds need the insects on Indigenous trees "National Audubon society:
- See above

**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan? (cont'd)**

- See above.
- Set much more strict limits on the area of a property than can be made impermeable. I was shocked to find out that when my neighbour, who operates a business, expanded their paved driveway to almost double the area, that was perfectly acceptable to the City of Hamilton because they had a big enough side yard. Increasing the area of impermeable surfaces in our city greatly increases the chance that our homes will flood -- especially with climate change bringing much more intense precipitation events to our area. Adding any new impermeable surfaces in Hamilton should be illegal unless approved by the BAP. The same goes for areas of lawn where native plants could be used instead.
- Setting targets
- Stiffer fines if people are doing things that threaten or remove biodiversity
- Stop cutting down hundreds of trees! Plant more trees in the city and on islands in the cities itself. My area is horrible and has a lack of trees all over.
- Stop garden centres from selling invasive species and educate the general public on the dangers of same - i.e., lily of the valley, periwinkle and barberry - see lots of people offering to give these away on facebook.
- Strict measures for policy violations. Hold people accountable for violations. Not okay to do harmful actions and just get a slap on the wrist after the fact. That isn't a deterrent.
- Stronger bylaw enforcement to protect our natural spaces.
- Sunday gun hunting
- Taxing poor environmental choices, rewarding good ones. Strengthening by laws and implementing for example a mandatory tree planting program
- Terminating sales of invasive and harmful plants in greenhouses and nurseries
- The City has done an atrocious job of maintaining important stopover habitat for migratory songbirds on the Lake Ontario shoreline. Paletta Park (private), Confederation Park (city) have both undergone significant changes resulting in destruction or modification of habitat. The city also failed to preserve land along the waterfront trail, instead opening it for aggressive development.
- The distribution of physical materials that can better inform the public about Hamilton's biodiversity

**Q10b What other actions for the public do you think could be included in the Biodiversity Action Plan? (cont'd)**

- The importance of increasing biodiversity on private property and reducing invasive species grown in home gardens
- The public needs to be educated but not sure how to do that.
- Think before you kill.
- Update city bylaws such that it isn't read and up to interpretation for things like planting naturalized gardens.
- Work with garden centres to ensure invasive plants are not sold. Encourage citizens to plant native, pollinator-friendly plants & trees on their properties.

**Q11b In the past two years, have you taken part in any events or learning opportunities related to biodiversity in Hamilton?**

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- Action 13 - native species, pollinators, food security Environment Hamilton webinars Applied to city for funding to support initiatives related to biodiversity
- Action 13 and Green Block Dundas... Several events. naturalist club and butterfly way.
- Action 13 Butterfly way Conservation authority and Bruce Trail magazine and info
- At Royal botanical gardens
- CFUW had a speaker from the Hamilton Naturalist club speak about the Pollinator Paradise project
- Community Permaculture Lab workshops; volunteered with master gardener Bev Wagar and Jean Jacobs. ; attended Green Block Growing lessons on native plants; U. Of Guelph Org. Growers Conference., RBG talks
- Cootes paradise clean up
- Created three native pollinator gardens in the community and provided information to the public. Seed started many native plants and have shared them with community members
- Educational walks, invasive species removal, planting native species, collecting seed and growing native plants, volunteering with HNC.

**Q11b In the past two years, have you taken part in any events or learning opportunities related to biodiversity in Hamilton? (cont'd)**

- E-workshops hosted by Environment Hamilton, Acton 13.
- Environment Hamilton air quality
- Events/information from Environment Hamilton, Royal Botanical Gardens, Hamilton Naturalists club and conservation Hamilton
- Flamborough Horticultural Society meetings
- Gage Park tour with Environment Hamilton and Hamilton Naturalists Society.
- Grassroots invasive species workshop
- Green venture events
- Green Venture Organization open house.
- Green Venture, Action 13, Hamilton Butterflyway
- Green Venture rain garden installation. Hamilton Butterfly Rangers installing pollinator gardens. Action 13 learning events. Paul OHara Forrest walks. Environment Hamilton storm water watch. Hamilton Water Walk.
- Halton not hamilton - conservation halton
- Hamilton Naturalists Club Cootes to Escarpment Eco-Park
- Hamilton Naturalists Club events
- Hamilton Naturalists Club, plant tour
- Helping to organize pollinator gardens. Picking up trash at the Bayfront
- I am a member of Halton Master Gardeners (which includes Hamilton) and in addition to our regular education sessions for our members we provide consultations to homeowners and institutions such as schools and public libraries focused on supporting biodiversity. This summer we are organizing an open garden event focused on gardens that support biodiversity. <https://haltonmastergardeners.com/garden-journeys-open-days/>
- I don't count covid but part of David Suzuki Foundation for butterfly way
- I followed COP15 in Montreal and presented results to achools and school board. I am a supporter of Conservation Authorities.
- I have done research and been in touch with the organizers of the Hamilton Pollinator Project
- I turned a large portion of my lawn into a garden.

**Q11b In the past two years, have you taken part in any events or learning opportunities related to biodiversity in Hamilton? (cont'd)**

- I am a member of the Hamilton Naturalists' Club, the Royal Botanical Gardens, I'm on the executive of the new Hamilton Bird Friendly City group, and I'm a member of Hamilton350.org as well. I also support many other action oriented public groups to address the climate emergency and keep [redacted] in check as much as possible. I take part in the community improving events that all these groups provide. I have done research to help organizations like Environmental Defense and Ecojustice organize to save precious local habitats here like the Beverly Swamp, from our province's terrible planning ideas. I am a member of and financially support any organizations and political bodies that do good work to tackle the climate emergency. For example: my children and I planted trees with Blue Dot in the Dundas Valley to widen the natural buffer zone habitat between an urban park and the shore of Cootes Paradise; we planted trees in the Fletcher Creek watershed in Hamilton's east end with our local Green Party candidate; I participate in the Longwatch migratory bird monitoring project on RBG lands with many friends; I was one of the first women to become a Hawk Watch Official Counter at Beamer CA; my husband and I often take part in Hamilton Naturalists' Club community events including being the rock climbers who placed hacked Peregrine Falcon chicks from Alberta into an active wild Peregrine nest on the Sheraton Hotel in downtown Hamilton (1980s), bird counts throughout the year, invasive species removal events in the forest behind Westview Public School, and Falcon Watch; I am also a Principal Atlasser in the Mount Hope area for the "Ontario Breeding Bird Atlas" project. The latter is a 5-year project done 20 years apart, and this is the third and most significant and important OBBA to date. I'm hoping that all these efforts will help to combat the climate emergency.
- I have volunteered for the 'Dundas Turtle Watch' to cover turtle nests, increase turtle nesting sites and mitigation fencing in Dundas.
- I volunteer regularly at RBG
- I volunteer with FalconWatch.
- I was the founding co-chair for the Bird Friendly Hamilton Burlington team, a Nature Canada project, for about sixteen months. I'm now founding co-chair for Birdsong Hamilton, an independent bird advocacy team.
- I've organized tree planting projects for my department on the grounds of McMaster University.
- Increasing my knowledge by joining groups on Facebook and Instagram and learning from others. FB's Ontario Native Plant Gardening is an excellent grass roots group. Butterflyway Hamilton is also a great local non profit organization.
- Invasive removal at RBG Natural Lands

**Q11b In the past two years, have you taken part in any events or learning opportunities related to biodiversity in Hamilton? (cont'd)**

- Listen to City Council meetings on this topic
- McMaster
- Meeting about urban boundaries and invasive plant identification
- Mini-forest planting, virtual talks by different speakers on biodiversity, proposed park garden pilot to City.
- Monarch awards Butterflyway Environment Hamilton Green venture Online events and in person events
- Mostly webinars and sessions from Green Venture or RBG.
- Native planting and depaving. Green venture, Env. Hamilton, HNC.
- Native species info session/sales community gardens and clean up projects
- Native tree plantings around Waterdown.
- On-line information sessions of Environmental Defense.
- Ongoing activities educating school children and the general public about the benefits of biodiversity through education programs at Conservation Halton, which encompass parts of Hamilton and through the Hamilton Naturalists' Club.
- Plantings, litter clean up events, workshops
- Pollinator friendly garden participant Recycle with knowledge of end results
- RBG expo or talks, activities at the children's garden in Gage Park
- RBG Natural Lands volunteer, Westdale Butterflyway volunteer, native plant gardener
- RBG Readings-Audubon/Bird conservancy etc.
- RBG/EcoPark activities; Halton CA watershed stewardship
- Royal Botanical Gardens - Invasive Species Removal / Biodiversity Guardians volunteer @ Churchill Park area
- Royal Botanical Gardens, presentation about reptiles
- Seed exchanges Pollinator workshops
- Species count..tree canopy through Green Venture
- Talks at the RBG, involvement with the HCA re. Storm water, active participation in Falconwatch. HNC talks and walks. Bruce Trail activities.
- The Biodiversity Action Plan booth at Open Streets 2023



**Q11b In the past two years, have you taken part in any events or learning opportunities related to biodiversity in Hamilton? (cont'd)**

- Through Green Venture. Also Crown Point Garden Club
- Through RBG and Cootes to Escapment
- Tree event
- Tree planting Garbage clean up
- Unitarian church.
- Various events around gage park and through the Bruce trail network
- Volunteering with stewards of cootes regularly
- We have planted several native trees and shrubs from the free giveaway sponsored by Trees for Life (I think?)
- Weekly meetings
- Within Hamilton seniors building many seniors work together to encourage sharing food, clothing and furniture items which assists many who may not have available funds to meet their basic daily needs.I would
- World Migratory Bird Day with Bird Friendly Hamilton Burlington

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover?**

*(Note: text responses have not been modified in any way for grammar, spelling and/or content with the exception of references to names/personal identifiers that have been redacted.)*

- 1. Enhancing and maintaining our urban tree canopy. 2. The possibility of utilizing highway boulevards (Cootes Drive, the Linc) for planting trees and plants. 3. The priority use of trees and shrubs as architectural 'soft' elements (windbreaks, visual screening, traffic direction) as an alternative to 'hard' elements (brick, concrete, steel, etc.) in urban developments.
- Freshwater fishes - Migrations (birds, butterflies, fishes) - Where our water goes and how it is treated (runoff, storms, sewage, drinking water) - Urban forage plants - How renters can engage with biodiversity conservation (we often don't have yards for planting native species, or control over property choices like downspouts)

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover? (cont'd)**

- Actions the public can take and actions they can demand the different levels of government to take
- Air and ground water responsibilities for end of life businesses. Who don't report disaster's
- Air and water pollution
- All
- Backyard pond maintenance and plantings
- Beginners guides on how to help protect our biodiversity, including info on native species and invasive species, how to most effectively incorporate native species into our gardens to do the most good, etc.
- Biodiversity and natural assets
- Birding, invasive species identification (land and aquatic), pollinator gardening promotion, effective alternatives to using pesticides, bug promotion (how to make bug hotels)
- Birds, Reptiles, Amphibians, Insects
- clean pure water
- Clean air and clean water
- Dealing with invasive tree species (E.g. tree of heaven, Siberian elm, Norway maple). What can homeowners do?
- Easy access to info about reporting, invasive species, where to find native plants etc.
- Education of the public.
- Endangered animals and species etc
- Garden plants that should not be planted
- Gardening - plants, land management
- Green and sustainable housing developments!!
- How I can help
- How to effectively intervene in municipal land use planning processes.
- How to engage neighbours who are ignorant and dismissive

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover? (cont'd)**

- How to get rid of invasive species in the garden, what to do if you spot invasive species on Hamilton trails, benefits of a greener garden (i.e. helping make it more socially acceptable to have a lush garden).
- How to improve water quality
- I think focusing on making more locally-tailored information on biodiversity and how to help contribute to it easily accesible would be more effective. Creating short and long form video content (Tik Tok and YouTube), assembling a wiki, and promoting such resources.
- I think it should cover the values of stewardship and provide resources for young people on how to respect nature
- I was not aware of opportunities so I say make opportunities more widely known.
- I would gladly share knowledge & ideas with residents in my building to enhance their quality of life as residents of Hamilton.
- I would like to know what I can do as an individual to help with increasing biodiversity.
- I would personally like to educate the city of hamilton landscape workers on how to identify a turtle nest so they do not drive over them or level the baseball diamonds if a turtle has just nested. I would like them to be able to identify an invasive species so they know which plants to cut and which ones to leave. I would like people to learn why it is not a good idea to feed wildlife. I would like to see our garbages secured so wildlife does not access them.
- I would sit in on the board,bio mass wastewater treatment
- Indigenous relationships with the land, water, and environment; the relationship between environmental degradation and for-profit/corporatized development; sustainable food systems
- Insects
- invasive species and planting native species
- Invasive species management and updates of new risks and mitigation (tree pests, Asian jumping worm).
- invasive species removal
- Invasive species, wildlife identification and native & invasive plant species identification.
- Invasive species.

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover? (cont'd)**

- Know how to better support existing initiatives; What's being done about invasive species and if there are reporting tools available to the public; Significance of native species re: climate change
- Landscape restoration, especially for Hamiltons most polluted areas
- Learn more about Hamilton's endangered species and how we can support them.
- Learn stewardship initiatives from older generations
- Lol we will have no more bio down here will all be dead keep expanding
- Maybe
- More about gardens and landscaping that is environmentally sustainable and help maintain and grow the ecosystem.
- More about native species and biodiversity generally, talks by Indigenous Peoples about their historical relationship with this land and things we can do to make a difference - a general newsletter here and there about some of the items noted above would likely be helpful as many wouldn't have heard about it - it would also be nice to have a council and city update on actions they are taking and how biodiversity has been considered in policy/programs (in a short publicly accessible format people will read!)
- More awareness of the many threats to bird populations and the available solutions.
- Most offending non-native plants we are buying from garden centres? Are some terrible and others just not ideal? Also: Hi [redacted]! We used to pump gas together at Harbour West 20ish years ago :)
- N/A
- Native planting and planting gardens for insects and birds
- Native Plants, Invasive Species, Fungi:)
- Native species - flora/fauna Water saving tips Gardening the ecofriendly way
- Native species and the benefits they provide, top five invasive, terrestrial and aquatic species, and what residents can do about them, tours of revitalization or stewardship projects, workshops, and tours of important natural areas in Hamilton, opportunities to participate in invasive, specie, removals, or other hands-on projects to support biodiversity in Hamilton
- No
- No. I'd like some action though.

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover? (cont'd)**

- Not sure
- Our protected natural habitats
- Planting native front yards; replacing monoculture lawns; creating wildlife corridors with our home gardens
- Planting native species, ecological corridors, climate change.
- Pollinator garden workshops
- Re-wilding of waste spaces and street boulevards Water conservation Green roofs Hair mats and booms for soaking up spills and protecting storm sewers
- Role of TEK in urban areas Urban landscapes as wildlife corridors Coexisting with wildlife
- Species diversity and ID.
- Species identification, indigenous teachings and sharing knowledge of local regions (paying the indigenous teachers), edible plant species (with a focus on what invasives plants are edible when removing them)
- species native to Hamilton and how we can further enhance what the City plants, or handles biodiversity.
- Storm water pond management
- Studying all the cities and towns across the United States who have installed rainwater gardens across their municipalities over the past few years. Why is Canada, a 'world leader' on climate change initiatives, so behind the U.S.?
- Supporting local wildlife - birds, insects, reptiles etc, beautifying your property with gardens that support local biodiversity, alternatives to turf grasses
- Sustainable urban and suburban development
- There is plenty going on already. Keep encouraging groups like the HNC and RBG.
- Tips about how an average citizen can help out.
- Tree planting, invasive species, remediation.
- Trees, gardens, wildlife corridors, pollinator corridors, effects of lawns, water health
- Value of trees in sustaining life of songbirds. Keeping cats indoors and hte science behind this. The unique biodiversity within Hamilton in general. American Bird Conservancy research - 2.4 billion birds/year killed by cats.

**Q12 If more opportunities were made available in the future to learn about Hamilton's biodiversity, what topics would you want to cover? (cont'd)**

- We need to have monthly open houses well publicized to feature information on all aspects of biodiversity.
- What an individual could do within their own property. Having individual contact available to assist with answering questions specific to one's own environment.
- What are the areas of concern in Hamilton and plan for protect
- What can you do in your home to improve biodiversity and what resources may be available to support you, how to identify which/when businesses are making permit requests to go above environmental set limits that can have a direct impact on the biodiversity and what is the process to prevent it from happening
- What ways to address issue with children through curriculum or child-friendly events.
- Whatever will help to solve the climate emergency.
- Where to source native plants.
- Which Native plants that will blossom to have some blossoms continuous qthroughout the season
- Why we need more trees and native plants and animals

## Appendix C – Global Biodiversity Framework 2030 Targets for Engage Hamilton

This information has been adapted from the Convention on Biological Diversity website regarding the [2030 Global targets](#) contained in the [Kunming-Montreal Global Biodiversity Framework](#).

# Kunming-Montreal Global Biodiversity Framework - 2030 Targets

## Section H. Global targets for 2030

13. The Kunming-Montreal Global Biodiversity Framework has 23 action-oriented global targets for urgent action over the decade to 2030. The actions set out in each target need to be initiated immediately and completed by 2030. Together, the results will enable achievement towards the outcome-oriented goals for 2050. Actions to reach these targets should be implemented consistently and in harmony with the Convention on Biological Diversity and its Protocols, and other relevant international obligations, taking into account national circumstances, priorities and socioeconomic conditions.

### **1. Reducing threats to biodiversity**

#### **TARGET 1 - biodiversity inclusive spatial planning**

Ensure that all areas are under participatory, integrated and biodiversity inclusive spatial planning and/or effective management processes addressing land- and sea-use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities.

#### **TARGET 2 – restoration of degraded terrestrial and aquatic ecosystems**

Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.

#### **TARGET 3 – conservation and management of terrestrial and aquatic ecosystems**

Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.



#### **TARGET 4 – recovery of species at risk**

Ensure urgent management actions to halt human induced extinction of known threatened species and for the recovery and conservation of species, in particular threatened species, to significantly reduce extinction risk, as well as to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential, including through in situ and ex situ conservation and sustainable management practices, and effectively manage human-wildlife interactions to minimize human-wildlife conflict for coexistence.

#### **TARGET 5 – sustainable harvesting and trade of wild species**

Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spillover, applying the ecosystem approach, while respecting and protecting customary sustainable use by indigenous peoples and local communities.

#### **TARGET 6 – managing invasive alien species**

Eliminate, minimize, reduce and or mitigate the impacts of invasive alien species on biodiversity and ecosystem services by identifying and managing pathways of the introduction of alien species, preventing the introduction and establishment of priority invasive alien species, reducing the rates of introduction and establishment of other known or potential invasive alien species by at least 50 per cent by 2030, and eradicating or controlling invasive alien species, especially in priority sites, such as islands.

#### **TARGET 7 – pollution reduction**

Reduce pollution risks and the negative impact of pollution from all sources by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: (a) by reducing excess nutrients lost to the environment by at least half, including through more efficient nutrient cycling and use; (b) by reducing the overall risk from pesticides and highly hazardous chemicals by at least half, including through integrated pest management, based on science, taking into account food security and livelihoods; and (c) by preventing, reducing, and working towards eliminating plastic pollution.

#### **TARGET 8 - minimize climate change impacts**

Minimize the impact of climate change and ocean acidification on biodiversity and increase its resilience through mitigation, adaptation, and disaster risk reduction actions, including through nature-based solution and/or ecosystem-based approaches, while minimizing negative and fostering positive impacts of climate action on biodiversity.

## **2. Meeting people's needs through sustainable use and benefit-sharing**

### **TARGET 9 – sustainable management of wild species**

Ensure that the management and use of wild species are sustainable, thereby providing social, economic and environmental benefits for people, especially those in vulnerable situations and those most dependent on biodiversity, including through sustainable biodiversity-based activities, products and services that enhance biodiversity, and protecting and encouraging customary sustainable use by indigenous peoples and local communities.

### **TARGET 10 – sustainable management of agriculture, aquaculture, fisheries**

Ensure that areas under agriculture, aquaculture, fisheries and forestry are managed sustainably, in particular through the sustainable use of biodiversity, including through a substantial increase of the application of biodiversity friendly practices, such as sustainable intensification, agroecological and other innovative approaches, contributing to the resilience and long-term efficiency and productivity of these production systems, and to food security, conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services.

### **TARGET 11 – enhance nature-based contributions**

Restore, maintain and enhance nature's contributions to people, including ecosystem functions and services, such as the regulation of air, water and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters, through nature-based solutions and/or ecosystem-based approaches for the benefit of all people and nature.

### **TARGET 12 – improve access to natural spaces in urban areas**

Significantly increase the area and quality, and connectivity of, access to, and benefits from green and blue spaces in urban and densely populated areas sustainably, by mainstreaming the conservation and sustainable use of biodiversity, and ensure biodiversity-inclusive urban planning, enhancing native biodiversity, ecological connectivity and integrity, and improving human health and well-being and connection to nature, and contributing to inclusive and sustainable urbanization and to the provision of ecosystem functions and services.

### **TARGET 13 – sharing benefits from genetic resources**

Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030, facilitating a significant increase of the benefits shared, in accordance with applicable international access and benefit-sharing instruments.

### **3. Tools and solutions for implementation and mainstreaming**

#### **TARGET 14 – integration in policy and planning processes**

Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, and fiscal and financial flows with the goals and targets of this framework.

#### **TARGET 15 – monitoring impacts from industry**

Take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions:

- (a) Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains, and portfolios;
- (b) Provide information needed to consumers to promote sustainable consumption patterns;
- (c) Report on compliance with access and benefit-sharing regulations and measures, as applicable;

in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.

#### **TARGET 16 – reduce global footprint of consumption**

Ensure that people are encouraged and enabled to make sustainable consumption choices, including by establishing supportive policy, legislative or regulatory frameworks, improving education and access to relevant and accurate information and alternatives, and by 2030, reduce the global footprint of consumption in an equitable manner, including through halving global food waste, significantly reducing overconsumption and substantially reducing waste generation, in order for all people to live well in harmony with Mother Earth.

#### **TARGET 17 – ensure biosafety measures**

Establish, strengthen capacity for, and implement in all countries, biosafety measures as set out in Article 8(g) of the Convention on Biological Diversity and measures for the handling of biotechnology and distribution of its benefits as set out in Article 19 of the Convention.

## **TARGET 18 – reforming incentives harmful to biodiversity**

Identify by 2025, and eliminate, phase out or reform incentives, including subsidies, harmful for biodiversity, in a proportionate, just, fair, effective and equitable way, while substantially and progressively reducing them by at least \$500 billion per year by 2030, starting with the most harmful incentives, and scale up positive incentives for the conservation and sustainable use of biodiversity.

## **TARGET 19 – fund and implement national biodiversity strategies**

Substantially and progressively increase the level of financial resources from all sources, in an effective, timely and easily accessible manner, including domestic, international, public and private resources, in accordance with Article 20 of the Convention, to implement national biodiversity strategies and action plans, mobilizing at least \$200 billion per year by 2030, including by:

- (a) Increasing total biodiversity related international financial resources from developed countries, including official development assistance, and from countries that voluntarily assume obligations of developed country Parties, to developing countries, in particular the least developed countries and small island developing States, as well as countries with economies in transition, to at least \$20 billion per year by 2025, and to at least \$30 billion per year by 2030;
- (b) Significantly increasing domestic resource mobilization, facilitated by the preparation and implementation of national biodiversity finance plans or similar instruments according to national needs, priorities and circumstances;
- (c) Leveraging private finance, promoting blended finance, implementing strategies for raising new and additional resources, and encouraging the private sector to invest in biodiversity, including through impact funds and other instruments;
- (d) Stimulating innovative schemes such as payment for ecosystem services, green bonds, biodiversity offsets and credits, and benefit-sharing mechanisms, with environmental and social safeguards;
- (e) Optimizing co-benefits and synergies of finance targeting the biodiversity and climate crises;
- (f) Enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions [1] and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity;
- (g) Enhancing the effectiveness, efficiency and transparency of resource provision and use;

**TARGET 20 – sharing science and technology related to biodiversity**

Strengthen capacity-building and development, access to and transfer of technology, and promote development of and access to innovation and technical and scientific cooperation, including through South-South, North-South and triangular cooperation, to meet the needs for effective implementation, particularly in developing countries, fostering joint technology development and joint scientific research programmes for the conservation and sustainable use of biodiversity and strengthening scientific research and monitoring capacities, commensurate with the ambition of the goals and targets of the Framework.

**TARGET 21 – access to data and knowledge for decision makers**

Ensure that the best available data, information and knowledge are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent,[2] in accordance with national legislation.

**TARGET 22 – inclusive representation in decision-making**

Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.

**TARGET 23 – gender responsive implementation**

Ensure gender equality in the implementation of the Framework through a gender-responsive approach, where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity.

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[1] Mother Earth Centric Actions: Ecocentric and rights-based approach enabling the implementation of actions towards harmonic and complementary relationships between peoples and nature, promoting the continuity of all living beings and their communities and ensuring the non-commodification of environmental functions of Mother Earth.

[2] Free, prior and informed consent refers to the tripartite terminology of "prior and informed consent" or "free, prior and informed consent" or "approval and involvement."

## Appendix D – Open House Display Panels



# WELCOME



**OPEN HOUSE**



## What is Hamilton's Biodiversity Action Plan?

The Biodiversity Action Plan (BAP) is a city-wide, multi-stakeholder strategy that will protect Hamilton's future generations by enhancing and protecting the natural environment around us. The BAP will guide the protection and restoration of biodiversity through a set of proposed actions, focused on addressing the key threats to biodiversity.

The BAP contains actions related to policy, regulatory and on-the-ground programs across multiple organizations. The Biodiversity Action Plan will also expand on activities already taking place and fill gaps in areas where action is needed.

## Why is biodiversity important?

Biodiversity is important because the interactions that occur between species create the functioning ecosystems that keep us and our planet healthy. Ecosystems that have a high level of biodiversity are more resistant to long and short-term threats and are generally more resilient to change over time. A biodiverse, healthy landscape provides critical benefits to Hamiltonians such as managing flooding by storing water, reducing air pollution by filtering out harmful air particulates, and sequestering carbon.

## BAP Partners



## What is "Biodiversity"?

"Biodiversity" is the combination of the words "biological" and "diversity." Biodiversity means the variety of life on earth. It refers to the diversity of all species within an ecosystem and the ways they interact with each other and their environment. It includes everything from plants, fish, insects, bacteria, wildlife, and humans – because we are part of nature as well. Biodiversity is about the connection between all species, and how they depend on each other to survive.

## 3 Categories of Biodiversity:

- SPECIES DIVERSITY:** the different types of species that are present in a region or habitat.
- GENETIC DIVERSITY:** the amount of variety, genetically, within the same species.
- ECOSYSTEM DIVERSITY:** the variety of habitats in a certain area.





## Hamilton’s Biodiversity Context

Hamilton has a diversity of habitats across the rural and urban areas, including Dundas Valley, Cootes Paradise, Lake Ontario shoreline, Beverly Swamp, the Niagara Escarpment, Eramosa Karst, Copetown Bog, and Ancaster Prairie. Hamilton’s unique geography contributes to the City being a regionally significant area with respect to biodiversity.

## Natural Heritage System

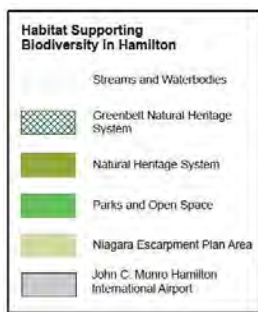
Through the development of a Natural Heritage System within the City’s Official Plans, Hamilton has established a strong policy framework for the identification and protection of natural heritage.

The Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) contain policies and definitions which address the City’s Natural Heritage System (NHS). The NHS is comprised of the Greenbelt Natural Heritage System, the Niagara Escarpment, Core Areas, and Linkages.

**Core Areas** are natural features that are considered critical for sustaining local species and providing essential ecological functions. Approximately 36,750 hectares of land is identified as Core Area across the urban and rural areas combined.



**Linkages** are corridors which allow movement of plant and animal species between larger natural areas. Examples of linkages are meadows, hedgerows, and streams.



**Map of Hamilton’s Natural Heritage System**  
(as modified from the UHOP and RHOP, dated Nov. 2022)





## Vision Statement

“A Hamilton that is resilient to climate change, celebrates nature, and provides a healthy environment for all life”

The draft vision statement acknowledges that the state of Hamilton’s biodiversity will continually adapt over time, including in the presence of the known implications of climate change. However, if Hamilton’s biodiversity is prioritized, healthy ecosystems can play a role in mitigating the effects of climate change. Celebrating nature is key to prioritizing biodiversity – by building public knowledge of, and appreciation for the unique environment of Hamilton. Finally, a healthy natural environment is essential for all life, not just human life.



**What are your thoughts on the draft  
Vision for the Biodiversity Action Plan?**

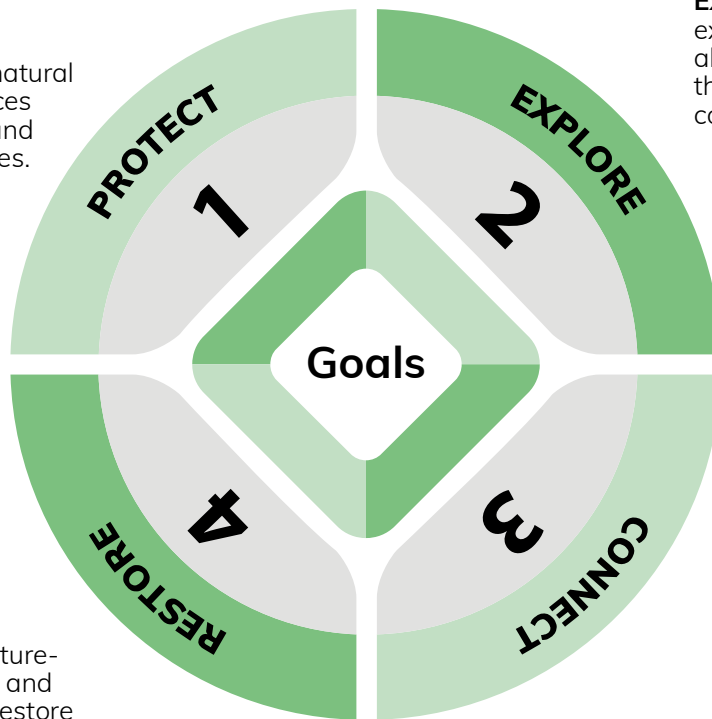
Feel free to add your thoughts with a sticky note below:



## Goals

The draft Biodiversity Action Plan has 4 main goals:

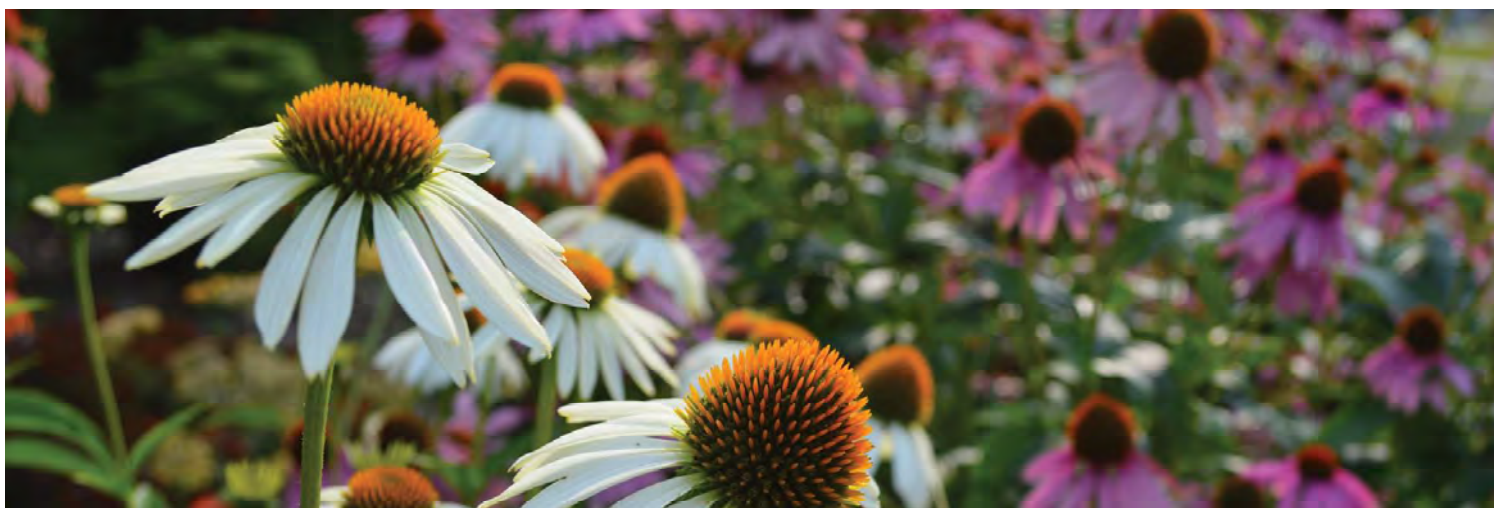
**Protect** – protect biodiversity by incorporating best practices to protect natural areas and greenspaces through policy and land management activities.



**Explore** – encourage exploration and education about biodiversity through partnerships and community science.

**Restore** – utilize nature-based stewardship and other initiatives to restore biodiversity resilience throughout Hamilton.

**Connect** – establish connections between partner agencies through policies, processes, data and work programs to streamline efforts that support Hamilton's biodiversity.







## Threats to Biodiversity

Human activities are threatening biodiversity and putting the complex ecosystems of Earth at risk of collapse at a rate unseen in human history. Hamilton is no exception to the global biodiversity crisis. The threats to biodiversity currently occurring within Hamilton include **invasive species, habitat loss and fragmentation, climate change, and pollution.**



### Invasive Species

An invasive species is an organism or plant that is not native to a particular area and whose introduction has a negative impact on the natural environment, society, or human health.

Invasive species can outcompete native species for habitat and forage, spread disease, and cause significant damage to isolated areas and broader geographies.

Invasive species in Hamilton include garlic mustard, common buckthorn, Japanese knotweed, phragmites, spongy moth, emerald ash borer, carp, beech bark scale, dog strangling vine, periwinkle, goutweed among many others. Invasive species can be found in forests, grasslands, ravines, and very commonly in gardens.



### Habitat Loss and Fragmentation

Habitat loss is a predominant threat to species diversity, and is happening here in Hamilton. Habitat loss occurs when natural habitats are converted to agriculture or urban uses. Habitat loss also occurs because of invasive species making areas less suitable for wildlife.

Fragmentation occurs when habitats are cut into smaller pieces of land or water because of roads and development, as an example. Fragmentation interrupts essential wildlife corridors and eliminates habitats for species that require large natural areas of a specific habitat type.



#### Did you know?

The Cootes to Escarpment EcoPark System was created by a collaborative that was formed, in part, to help “fight the fragmentation” of the natural lands in the Dundas and Aldershot area and ensure a green corridor exists between Cootes Paradise and the Niagara Escarpment. EcoPark System partners have permanently protected over 200 acres of natural lands to help connect the 9,600 acres that are already protected. The Partners continue to acquire natural lands as they become available.

## Threats to Biodiversity (cont'd)



### Climate Change

Climate change and biodiversity are interconnected. Even small changes in average temperature and precipitation have a significant effect on ecosystems and the wildlife that rely on them.

Species are sensitive to changes in average temperatures and their ranges may change to adapt to climate changes, new species may migrate further north, extreme precipitation events can cause damage to terrestrial habitats through erosion while also overwhelming water treatments systems resulting in impact to aquatic environments.

A strong healthy ecosystem can help to mitigate the impacts of climate change. The Biodiversity Action Plan focuses on maintaining and enhancing biodiversity, as well as ecosystem health, to increase resiliency to climate change.



### Pollution

All forms of pollution threaten biodiversity. Pollutants in terrestrial and aquatic ecosystems from human activities lead to unsuitable conditions for plant, animal and insect species to thrive, and contributes to species decline where environments are toxic.

For example, acid rain can lead to excess levels of acid in waterways and can damage soil, affecting aquatic life and causing unsuitable growing conditions. Pollutants, including fertilizer, road salt and heavy metals are absorbed into the ground and transported into natural systems via stormwater runoff where they damage aquatic ecosystems.

Locally, particulate pollution and other air contaminants emitted from our industrial sector and trucks and cars negatively impact Hamilton's terrestrial life and human health. Air deposition of contaminants into waterways is a problem for aquatic ecosystem health.



#### Did you know?








The construction of the Randle Reef containment facility is the single most significant step forward in containing toxic sediment in the Harbour. It is not, however, the only step. Importantly, according to the 2017 Bay Area Restoration Council Report Card, the contamination of fish and wildlife is slowly declining overall (Bay Area Restoration Council, 2017). The clean-up will lead to further reductions in exposure to and the effects of toxic deposits.



## Key Priorities

The Biodiversity Action Plan’s draft Vision, Goals and identification of Threats, provide a strong foundation for categorizing the planned actions of partner organizations over the next five years.

The following Key Priorities have been identified as strategic areas of focus to enhance biodiversity conservation in Hamilton. The Key Priorities provide a high-level description of the areas of focus that are required to ensure the long-term protection, enhancement, and restoration of biodiversity in Hamilton.

-  **1** Develop an administrative framework to manage the on-going implementation of the Biodiversity Action Plan’s Actions.
-  **2** Understand the current baseline state of Hamilton’s biodiversity to inform future monitoring and priorities.
-  **3** Protect natural areas and their functions within Hamilton over the long term to support diversity and connectivity.
-  **4** Enhance public awareness of the importance of biodiversity and explore opportunities to enhance biodiversity through stewardship.
-  **5** Protect Hamilton’s biodiversity by implementing coordinated, city-wide efforts to control, remove, and manage invasive species.
-  **6** Enhance local aquatic habitats through sustainable stormwater management practices and restoration of degraded watercourses, waterbodies and wetlands.
-  **7** Ensure impacts on, or improvements to local biodiversity are clearly considered in all municipal decision making related to the development or use of urban and rural lands.

Each Key Priority is listed with a summary of the guiding actions that are to be undertaken by the BAP partners. To review a detailed list of the actions to be undertaken, their anticipated timeframes, and the lead organizations, please refer to Appendix A of the draft BAP.

## An Action Plan for Everyone

Everyone has a role to play in protecting and enhancing biodiversity. Each Key Priority includes ideas for action that any person or organization can take to improve Hamilton’s local biodiversity.





## Key Priority 1

### Develop an administrative framework to manage the on-going implementation of the Biodiversity Action Plan's Actions.

To maintain momentum of the Biodiversity Action Plan and ensure implementation of the Actions is successful, an on-going administrative framework is needed. This will help ensure that Actions committed to by participants are executed in a coordinated way and that their implementation is communicated to the public effectively.

#### Guiding Actions

- Form a Biodiversity steering committee, which includes representatives from contributing partners and the community-at-large, that is responsible for monitoring progress and tracking the implementation of BAP Actions and identifying gaps.
- Secure funding for an administrative coordinator position for central management of the BAP for all contributing partners.
- Develop and implement a communications plan to help raise awareness about biodiversity in Hamilton and the role everyone can play in protecting and celebrating it

#### What can you do?

- Share information from the BAP with friends, family, co-workers, and community groups.
- Follow the BAP project partners on social media to stay informed about opportunities to get involved in volunteer opportunities or local events.
- Support existing efforts — to promote and enhance biodiversity by participating in learning events, workshops, campaigns, and stewardship initiatives.





## Key Priority 2

Understand the current baseline state of Hamilton's biodiversity to inform future monitoring and priorities.

This Key Priority and its Actions will assist in identifying the gaps in the collection and sharing of data about biodiversity between partners involved in collection of biodiversity data in Hamilton. It also sets the baseline information about the state of biodiversity across Hamilton so that future monitoring reports can measure the effectiveness of the Actions.

### Guiding Actions

- Develop a biodiversity report and monitoring framework to depict the baseline state of Hamilton's biodiversity health, and determine the methods for how it will be assessed in the future.
- Improve coordination of biodiversity data collection and monitoring efforts across local partnering organizations.
- Collect additional information about Hamilton's biodiversity through community science programs, including the free iNaturalist app.
- Plan opportunities to bring together experts in ecology and biology to discuss local biodiversity issues and successes with the community.
- Report regularly on the progress of BAP action implementation.

### What can you do?

- Review and share the BAP report.
- Download iNaturalist and start recording the species you see around Hamilton.







## Key Priority 3

Protect natural areas and their functions within Hamilton over the long term to support diversity and connectivity.

There are spaces around Hamilton that are important for the overall health and long-term stability of local biodiversity, but which may not have protections from development for the long-term. This Key Priority and its Actions focus on investigating public, institutional, or private lands that could be permanently protected to enhance opportunities for biodiversity and provide safe passage for wildlife movement.

### Guiding Actions

- Assess local wildlife corridors to understand current patterns of movement of local species.
- Investigate options for protected wildlife corridors to promote habitat connectivity.
- Identify terrestrial and aquatic habitats that require further protection.

### What can you do?

- Help identify wildlife corridors by sharing where you see wildlife at road crossings as well as road mortality sightings by contributing to iNaturalist.





## Key Priority 4

Enhance public awareness of the importance of biodiversity and explore opportunities to enhance biodiversity through stewardship.

This Key Priority and its Actions focus on the role that everyone must play in protecting and enhancing Hamilton's biodiversity, including opportunities for urban and rural biodiversity enhancement projects at the watershed and neighbourhood scale.

### Guiding Actions

- Increase outreach opportunities to educate the public on the importance of biodiversity in Hamilton.
- Provide increased opportunities for planting native species to connect fragmented landscapes, and create new, biodiverse natural areas.
- Celebrate local biodiversity excellence through award and certification programs.

### What can you do?

- Provide habitat for nature by planting native trees, shrubs, and wildflowers to enhance biodiversity and on your property.
- In rural areas, use agricultural best management practices to improve water quality and wildlife habitats.
- Participate in native species planting events.





## Key Priority 5

Protect Hamilton's biodiversity by implementing coordinated, city-wide efforts to control, remove, and manage invasive species.

This Key Priority and its Actions build on existing initiatives to pool resources and expertise to manage invasive species collaboratively. Invasive species are prevalent in Hamilton and are one of the key threats to biodiversity. A focused effort is needed to manage invasive species and is critical for the protection and enhancement of local biodiversity.

### Guiding Actions

- Share data and expertise and collaborate on management initiatives and maximize resources where possible with organizations involved with managing invasive species.

### What can you do?

- Learn to identify Hamilton's invasive species and how to curb their spread. Learn how to manage and dispose of invasive species at home through resources such as the Ontario Invasive Plant Council and their "Grow Me Instead" guide (2020).
- Participate in invasive species management activities such as garlic mustard pulls and buckthorn removal. Visit partners' websites and social media channels for upcoming opportunities.







## Key Priority 6

Enhance local aquatic habitats through sustainable stormwater management practices and restoration of degraded watercourses, waterbodies and wetlands.

This Key Priority and its Actions investigate opportunities to improve the health of aquatic habitats and source water protection through the adoption of innovative stormwater low impact development practices, noted agricultural Best Management Practices and mitigating the effects of stormwater run-off into the local ecosystem.

### Guiding Actions

- Investigate opportunities for enhancing on-site stormwater management practices through redevelopment.
- Deliver education programs to the public about sustainable stormwater management practices.
- Install sea bins and litter traps in catch basins surrounding the Harbour to collect litter entering the Harbour.

### What can you do?

- Learn about and implement techniques to manage stormwater at home, for example creating a rain garden or installing a rain barrel to slow down or eliminate the flow of storm water to the municipal sewer system.
- Disconnect your downspout from the sewer system and, instead, direct flow to a permeable area of your yard.
- Do not release live aquatic plants and animals, including live bait, into rivers, streams, and lakes





## Key Priority 7

Ensure impacts on, or improvements to local biodiversity are clearly considered in all municipal decision making related to the development or use of urban and rural lands.

This Key Priority and its Actions focus on prioritizing biodiversity in all planning, development, and decision making. It will help to ensure that developments consider and minimize their impact on biodiversity by reducing habitat fragmentation, managing stormwater innovatively, and providing opportunities for enhancements to the local ecosystem.

### Guiding Actions

- Create development standards and site plan design guidelines that protect biodiversity and improve local habitats.
- Protect biodiversity and consider enhancement during all project planning by ensuring the BAP's Key Priorities and Actions are upheld in this context.
- Investigate potential for wildlife sweeps and plant salvages ahead of development when impact on natural areas cannot be avoided.

### What can you do?

- Participate in municipal planning approvals processes to understand how natural areas are being protected in decision making.
- Get in touch with your local Councillor to let them know what your concerns are about biodiversity and natural spaces in your community.
- Contribute your thoughts on the Biodiversity Action Plan, and other important City initiatives, on the Engage Hamilton website. Your ideas and feedback will ensure Hamilton is an even better place to live, work, and play







## Global Biodiversity Framework Targets to 2030

The United Nations Convention on Biological Diversity (CBD) is an international legal instrument to conserve biodiversity worldwide that was initiated at the Earth Summit in Rio de Janeiro in 1992. The CBD has been ratified by 196 nations, including Canada.

The City of Montreal hosted the fifteenth Conference of the Parties (COP-15) of the CBD in December of 2022. At this meeting, the **Kunming-Montreal Global Biodiversity Framework (GBF)** was agreed upon as the strategic plan for the implementation of 23 targets for the 2022-2030 time period.

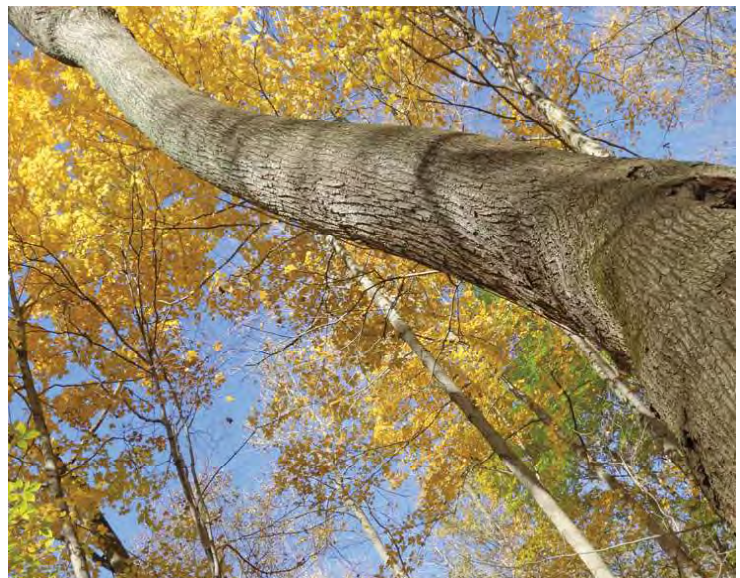
On May 2, City Council added an additional recommendation to Report PED21065(c) to include the 23 GBF targets in the public consultation for the Biodiversity Action Plan.

On the following panels, we want to hear what you think about including the GBF targets through the BAP.

### GBF 2030 Objectives

- Reducing threats to biodiversity (Targets 1-8)
- Meeting people's needs through sustainable use and benefit sharing (Targets 9-13)
- Tools and solutions for implementing and mainstreaming (Targets 14-23)

Scan the QR code below to read the targets online:





Place up to **5 dot stickers** on the targets you want to prioritize being reviewed for potential inclusion in the Biodiversity Action Plan.

<p><b>TARGET 1 – biodiversity inclusive spatial planning</b>                  Ensure that all areas are under participatory, integrated and biodiversity inclusive spatial planning and/or effective management processes addressing land- and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities.</p>	
<p><b>TARGET 2 – restoration of degraded terrestrial and aquatic ecosystems</b>                  Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.</p>	
<p><b>TARGET 3 – conservation and management of terrestrial and aquatic ecosystems</b>                  Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.</p>	
<p><b>TARGET 4 – recovery of species at risk</b>                  Ensure urgent management actions to halt human induced extinction of known threatened species and for the recovery and conservation of species, in particular threatened species; to significantly reduce extinction risk, as well as to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential, including through in situ and ex situ conservation and sustainable management practices, and effectively manage human-wildlife interactions to minimize human-wildlife conflict for coexistence.</p>	
<p><b>TARGET 5 – sustainable harvesting and trade of wild species</b>                  Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spillover, applying the ecosystem approach, while respecting and protecting customary sustainable use by indigenous peoples and local communities.</p>	
<p><b>TARGET 6 – managing invasive alien species</b>                  Eliminate, minimize, reduce and or mitigate the impacts of invasive alien species on biodiversity and ecosystem services by identifying and managing pathways of the introduction of alien species, preventing the introduction and establishment of priority invasive alien species, reducing the rates of introduction and establishment of other known or potential invasive alien species by at least 50 per cent by 2030, and eradicating or controlling invasive alien species, especially in priority sites, such as islands.</p>	
<p><b>TARGET 7 – pollution reduction</b>                  Reduce pollution risks and the negative impact of pollution from all sources by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: (a) by reducing excess nutrients lost to the environment by at least half, including through more efficient nutrient cycling and use; (b) by reducing the overall risk from pesticides and highly hazardous chemicals by at least half, including through integrated pest management, based on science, taking into account food security and livelihoods; and (c) by preventing, reducing, and working towards eliminating plastic pollution.</p>	
<p><b>TARGET 8 – minimize climate change impacts</b>                  Minimize the impact of climate change and ocean acidification on biodiversity and increase its resilience through mitigation, adaptation, and disaster risk reduction actions, including through nature-based solution and/or ecosystem-based approaches, while minimizing negative and fostering positive impacts of climate action on biodiversity.</p>	
<p><b>TARGET 9 – sustainable management of wild species</b>                  Ensure that the management and use of wild species are sustainable, thereby providing social, economic and environmental benefits for people, especially those in vulnerable situations and those most dependent on biodiversity, including through sustainable biodiversity-based activities, products and services that enhance biodiversity, and protecting and encouraging customary sustainable use by indigenous peoples and local communities.</p>	



Place up to **5 dot stickers** on the targets you want to prioritize being reviewed for potential inclusion in the Biodiversity Action Plan.

<p><b>TARGET 10 – sustainable management of agriculture, aquaculture, fisheries</b>                  Ensure that areas under agriculture, aquaculture, fisheries and forestry are managed sustainably, in particular through the sustainable use of biodiversity, including through a substantial increase of the application of biodiversity friendly practices, such as sustainable intensification, agroecological and other innovative approaches, contributing to the resilience and long-term efficiency and productivity of these production systems, and to food security, conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services.</p>	
<p><b>TARGET 11 – enhance nature-based contributions</b>                  Restore, maintain and enhance nature's contributions to people, including ecosystem functions and services, such as the regulation of air, water and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters, through nature-based solutions and/or ecosystem-based approaches for the benefit of all people and nature.</p>	
<p><b>TARGET 12 – improve access to natural spaces in urban areas</b>                  Significantly increase the area and quality, and connectivity of, access to, and benefits from green and blue spaces in urban and densely populated areas sustainably, by mainstreaming the conservation and sustainable use of biodiversity, and ensure biodiversity-inclusive urban planning, enhancing native biodiversity, ecological connectivity and integrity, and improving human health and well-being and connection to nature, and contributing to inclusive and sustainable urbanization and to the provision of ecosystem functions and services.</p>	
<p><b>TARGET 13 – sharing benefits from genetic resources</b>                  Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030, facilitating a significant increase of the benefits shared, in accordance with applicable international access and benefit-sharing instruments.</p>	
<p><b>TARGET 14 – integration in policy and planning processes</b>                  Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, and fiscal and financial flows with the goals and targets of this framework.</p>	
<p><b>TARGET 15 – monitoring impacts from industry</b>                  Take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions:</p> <ul style="list-style-type: none"> <li>(a) Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains, and portfolios;</li> <li>(b) Provide information needed to consumers to promote sustainable consumption patterns;</li> <li>(c) Report on compliance with access and benefit-sharing regulations and measures, as applicable;</li> </ul> <p>in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.</p>	
<p><b>TARGET 16 – reduce global footprint of consumption</b>                  Ensure that people are encouraged and enabled to make sustainable consumption choices, including by establishing supportive policy, legislative or regulatory frameworks, improving education and access to relevant and accurate information and alternatives, and by 2030, reduce the global footprint of consumption in an equitable manner, including through halving global food waste, significantly reducing overconsumption and substantially reducing waste generation, in order for all people to live well in harmony with Mother Earth.</p>	
<p><b>TARGET 17 – ensure biosafety measures</b>                  Establish, strengthen capacity for, and implement in all countries, biosafety measures as set out in Article 8(g) of the Convention on Biological Diversity and measures for the handling of biotechnology and distribution of its benefits as set out in Article 19 of the Convention.</p>	





Place up to **5 dot stickers** on the targets you want to prioritize being reviewed for potential inclusion in the Biodiversity Action Plan.

<p><b>TARGET 18 – reforming incentives harmful to biodiversity</b>                  Identify by 2025, and eliminate, phase out or reform incentives, including subsidies, harmful for biodiversity, in a proportionate, just, fair, effective and equitable way, while substantially and progressively reducing them by at least \$500 billion per year by 2030, starting with the most harmful incentives, and scale up positive incentives for the conservation and sustainable use of biodiversity.</p>	
<p><b>TARGET 19 – fund and implement national biodiversity strategies</b>                  Substantially and progressively increase the level of financial resources from all sources, in an effective, timely and easily accessible manner, including domestic, international, public and private resources, in accordance with Article 20 of the Convention, to implement national biodiversity strategies and action plans, mobilizing at least \$200 billion per year by 2030, including by:</p> <ul style="list-style-type: none"> <li>a) Increasing total biodiversity related international financial resources from developed countries, including official development assistance, and from countries that voluntarily assume obligations of developed country Parties, to developing countries, in particular the least developed countries and small island developing States, as well as countries with economies in transition, to at least \$20 billion per year by 2025, and to at least \$30 billion per year by 2030</li> <li>b) Significantly increasing domestic resource mobilization, facilitated by the preparation and implementation of national biodiversity finance plans or similar instruments according to national needs, priorities and circumstances</li> <li>c) Leveraging private finance, promoting blended finance, implementing strategies for raising new and additional resources, and encouraging the private sector to invest in biodiversity, including through impact funds and other instruments</li> <li>d) Stimulating innovative schemes such as payment for ecosystem services, green bonds, biodiversity offsets and credits, and benefit-sharing mechanisms, with environmental and social safeguards</li> <li>e) Optimizing co-benefits and synergies of finance targeting the biodiversity and climate crises,</li> <li>f) Enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions<sup>13</sup> and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity;</li> <li>g) Enhancing the effectiveness, efficiency and transparency of resource provision and use.</li> </ul>	
<p><b>TARGET 20 – sharing science and technology related to biodiversity</b>                  Strengthen capacity-building and development, access to and transfer of technology, and promote development of and access to innovation and technical and scientific cooperation, including through South South, North-South and triangular cooperation, to meet the needs for effective implementation, particularly in developing countries, fostering joint technology development and joint scientific research programmes for the conservation and sustainable use of biodiversity and strengthening scientific research and monitoring capacities, commensurate with the ambition of the goals and targets of the Framework.</p>	
<p><b>TARGET 21 – access to data and knowledge for decision makers</b>                  Ensure that the best available data, information and knowledge are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent,<sup>[2]</sup> in accordance with national legislation.</p>	
<p><b>TARGET 22 – inclusive representation in decision-making</b>                  Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.</p>	
<p><b>TARGET 23 – gender responsive implementation</b>                  Ensure gender equality in the implementation of the Framework through a gender-responsive approach, where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity.</p>	



## Final Comments



**What are your first impressions of Hamilton's draft Biodiversity Action Plan?**

Leave a comment on a sticky note and let us know what you think!



# THANK YOU FOR COMING!

**Have your say!**



Visit **Engage Hamilton** to complete a survey, share your story about Hamilton's Biodiversity, and to comment directly on the draft Biodiversity Action Plan and the 23 Global Biodiversity Framework targets.

**Questions?**

Reach out to project staff at:

**[biodiversityactionplan@hamilton.ca](mailto:biodiversityactionplan@hamilton.ca)**



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**Planning and Economic Development Department Biodiversity Action Plan Resourcing Plan**

The following table outlines the Biodiversity Action Plan actions where leadership or support from Planning and Economic Development Department staff is needed.

<b>Key Priority</b>	<b>Action</b>	<b>Action Text</b>	<b>Time</b>	<b>Lead</b>	<b>Supporting Partner(s)</b>	<b>City of Hamilton Resources Required</b>
<b>1. Administration and Governance</b>	1.1	Identify long-term funding strategies to implement the BAP for the protection and enhancement of the natural environment to improve biodiversity.	0-1 Year	BAP Steering Committee	City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff to temporarily assist in developing partnership agreement and funding model.  Financial: One FTE to be referred to the 2025 Operating budget.
	1.2	Establish a BAP Coordinator position within a partner agency to support the BAP partners in implementing the BAP actions and public communications.	0-1 Year	BAP Steering Committee	City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff to temporarily assist in facilitation between the partner agencies to develop the funding model for the permanent position and scoping the role and responsibility of the coordinator.  Financial: One FTE to be referred to the 2025 Operating budget.
	1.3	Formalize and continue the BAP partnership to ensure coordinated actions and ongoing communication between all partner organizations.	0-1 Year	BAP Steering Committee	City of Hamilton (Planning and Economic Development Planning Division)	Planning Division staff to facilitate communication between partner organizations in development of a partnership agreement and to assist with internal communications across various City departments.  Financial: One FTE to be referred to the 2025 Operating budget
<b>2. Evaluation and Monitoring</b>	2.1	Prepare a State of Environment report to track and report the City’s	1-3 Years	City of Hamilton (Planning and	City of Hamilton (Planning and	An update to the Natural Area’s Inventory is currently on the Departmental workplan. The project will

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
		progress towards achieving the City’s natural heritage protection goals. The basis of this report would be the Natural Areas Inventory.		Economic Development - Planning Division)	Economic Development - Office of Climate Change Initiatives)	require Planning Division staff to prepare a report on the Natural Areas Inventory results. Assistance from Development Planning staff may be required to report on trends related to development and natural heritage through the development approvals process. Assistance from the Office of Climate Change Initiatives will be provided to assist in the preparation of the report and communications materials.  Financial: None
	2.2	Centralize and standardize the collection and sharing of biodiversity data.	1-3 Years	BAP Steering Committee	City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff will assist with any data or related policies as part of this action.  Financial: None - this work will be incorporated into already established work programs related to natural heritage planning, and long-term policy review through the Natural Heritage and Rural Municipal Comprehensive Review work program.
	2.3	Develop a process for updating and maintaining the Natural Areas Inventory database.	1-3 Years	City of Hamilton (Planning and Economic Development - Planning Division)		Planning Division staff to co-lead this action with other partners. Planning Division staff to contribute to this work plan as a component of the Natural Areas Inventory workplan.  Financial: None - this work is related to the Natural Areas Inventory workplan

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
				Hamilton Naturalists' Club  Hamilton Conservation Authority		which has already been initiated. Staff from the Planning Division who have been involved will continue to work with project partners on the procedure for updating the Natural Area Inventory database and other mapping (Official Plan, Zoning) to reflect findings.
	2.4	Develop a Report Card to be completed by Biodiversity Action Plan partners to report on Actions and to assist in writing future progress reports.	1-3 Years	BAP Coordinator	City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff to contribute assistance on development of the report card, and provision of information related to PED actions.  Financial: No additional funds required.
	2.5	Organize an annual biodiversity workshop to discuss monitoring, results, ongoing and future projects and collaborations related to the BAP, and to share progress on the BAP actions with the public.	1-3 Years	BAP Coordinator	City of Hamilton (Planning and Economic Development - Planning Division, and Office of Climate Change Initiatives)	Planning Division and Office of Climate Change initiatives staff to assist in organizing workshop logistics in coordination with other BAP partners.  Financial: In-kind support, including the use of City facilities.
<b>3. Long-term Protection and Connection</b>	3.1	Investigate, identify and prioritize wildlife corridors particularly where roads bisect Core Areas identified within the Natural Heritage System and respond by investigating appropriate	3-5 Years	City of Hamilton (Planning and Economic Development -Planning Division)	Niagara Peninsula Conservation Authority	Planning Division staff will be undertaking this review through the review of the Official Plan Natural Heritage policies, which is a project that is already planned and staffed accordingly.  Financial: Costs to undertake the investigation of potential corridors and

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
		best management practices and tools.				determination of best management practices is considered through the Official Plan Review costs. Any additional costs to implement wildlife protection measures will need to be referred to future capital budgets.
	3.2	Review existing inventories of protected lands to identify additional key areas (ex. alvars, Niagara Escarpment, water quality improvement areas, wildlife corridors) that should part of an overall land securement strategy.	3-5 Years	Hamilton Naturalists' Club	City of Hamilton (Planning and Economic Development - Planning Division)  Niagara Peninsula Conservation Authority	Planning Division staff may contribute time towards providing information to assist the Hamilton Naturalists' Club.  Financial: In-kind support.
	3.3	Review the Natural Heritage policies of the Rural and Urban Hamilton Official Plans and investigate options for amendments to strengthen protection of biodiversity in both rural and urban contexts.	1-3 Years	City of Hamilton (Planning and Economic Development - Planning Division)		Planning Division staff will be undertaking this review. Staff from other Departments across the corporation will be consulted.  Financial: Costs are covered under existing workplans.

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
	3.4	Develop a Conservation Organization Working Group comprised of the City of Hamilton and conservation organizations to determine and understand acquisition priorities, assist in the evaluation of applications, and to further communicate the availability of the Natural Areas Acquisition Fund.	1-3 Years	City of Hamilton (Planning and Economic Development - Planning Division, and Office of Climate Change Initiatives)	Niagara Peninsula Conservation Authority	<p>Planning Division staff will initiate this work program related to the Natural Areas Acquisition Fund and may require additional staff support from the Office of Climate Change Initiatives once the scope of the working group is determined.</p> <p>Financial: Covered by existing Departmental budgets for initiation. If additional funds are required to further develop this action, including requirements for staff resources, this request will come through a future budget request.</p>
	3.5	Review the findings of the Natural Areas Inventories to determine which species at risk depend on City owned land and develop a plan to undertake recovery and protection activities.	3-5 Years	City of Hamilton (Public Works – Enviro. Services)	City of Hamilton (Planning and Economic Development – Planning Division)	<p>Planning Division staff will provide feedback to Public Works Department staff who are reviewing any potential sites and will make recommendations for potential mitigation techniques to ensure no negative impact. Planning Division staff will review the results of the Natural Areas Inventory and apply appropriate designations and identifications to city owned lands to protect species, as required.</p> <p>Financial: None.</p>
	3.6	Identify options to enhance the function of existing greenspaces to increase connectivity (e.g.	1-3 Years	BAP Steering Committee	City of Hamilton (Planning and Economic	Planning Division staff will consider options for connections of greenspaces through ongoing review of official plan



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<b>Key Priority</b>	<b>Action</b>	<b>Action Text</b>	<b>Time</b>	<b>Lead</b>	<b>Supporting Partner(s)</b>	<b>City of Hamilton Resources Required</b>
		actively managing existing woodland areas for biodiversity, increasing buffer areas, restoring /creating new habitat connection.			Development - Planning Division)	mapping, and secondary plan review and development.  Financial: Covered through existing project workplans.
<b>4. Education and Stewardship</b>	4.1	Include consideration of biodiversity in the evaluation of submissions for the City of Hamilton's Urban Design Awards.	1-3 Years	City of Hamilton (Planning and Economic Development – Planning Division)		Existing staff resources in the Planning Division will assist in developing criteria to consider through the Urban Design Awards process as it relates to Biodiversity Action Plan goals.  Financial: Covered through existing budgets.
	4.6	Provide education and awareness programs to reduce bird deaths from outdoor cat population.	1-3 Years	City of Hamilton (Planning and Economic Development - Licensing and By-law Services, Animal Control)		As the scope of this project is defined, and supporting partner agencies are identified, staff resourcing will be determined, and, if needed, requests for additional staffing will be referred to the appropriate budget cycle.  Financial: Once the scope of the education and awareness campaign is defined by the lead agency and supporting partners, financial resources related to advertising or communications costs will be referred to the appropriate capital budget cycle, if required.

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<b>Key Priority</b>	<b>Action</b>	<b>Action Text</b>	<b>Time</b>	<b>Lead</b>	<b>Supporting Partner(s)</b>	<b>City of Hamilton Resources Required</b>
	4.9	Target outreach and education to landowners who have property boundaries adjacent to natural areas.	1-3 Years	BAP Coordinator	City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff can assist in providing natural heritage system policy descriptions and zoning information to the BAP Coordinator that may be helpful to provide to property owners.  Financial: In-kind support.
	4.12	Establish a working group to develop and implement a communications plan to raise awareness about biodiversity in Hamilton and the role everyone has to play in protecting and celebrating it. Undertake a public survey to determine if biodiversity understanding has changed in this first five-year BAP.	1-3 Years	BAP Coordinator	Niagara Peninsula Conservation Authority  Green Venture  City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff can assist in providing communications materials about the policies of the Urban and Rural Hamilton Official Plan and supporting development of a survey.  Financial: Covered through existing Departmental budgets.
<b>5. Coordinated Invasive Species Management</b>	5.4	Strengthen working group of local organizations and agencies undertaking invasive species management in Hamilton to share data and expertise and to collaborate on management initiatives	0-1 Year	Hamilton Conservation Authority	City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff to provide support to the working group in the form of information about invasive species collected through environmental studies submitted during the development application processes. Staff will undertake collection and review of data to be distributed to partners.

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
		and maximize resources, where possible.				Financial: Covered through existing Departmental budgets.
<b>6. Aquatic Habitat Restoration and Enhancement</b>	6.2	Develop City-wide Low Impact Development Guidelines and consider landscape-based stormwater infiltration techniques for enhancement of on-site local biodiversity in accordance with area-specific environmental reviews and sub-watershed study recommendations.	0-1 Year	City of Hamilton (Planning and Economic Development – Growth Management Division)	Niagara Peninsula Conservation Authority  City of Hamilton (Public Works - Corporate Asset Management, Environmental Services, Engineering Services, Transportation Operations & Management, Hamilton Water)	This is an existing work program that is planned to be completed in the near term. No additional Planning and Economic Development resources are anticipated to be required.  Financial: None.
<b>7. Local Decision Making</b>	7.2	City-wide Green Building Standards to be implemented through review of development applications.	0-1 Year	City of Hamilton (Planning and Economic Development - Planning Division)		This is an existing work program that is planned to be completed in the near term. No additional Planning Division resources are anticipated to be required.  Financial: Recommendations for any financial requirements will come through reports related to the Green Building Standards.

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
	7.3	Perform an initial review of Parks By-law for areas for improvement from a biodiversity perspective to ensure remnant forest habitats are zoned consistently.	1-3 Years	City of Hamilton (Public Works – Environmental Services)	City of Hamilton (Planning and Economic Development - Planning Division)	<p>Planning Division staff will provide required policy and zoning information any properties that have been identified by Public Works.</p> <p>Financial: In-kind support.</p>
	7.5	Consider the Biodiversity Action Plan when initiating City projects and studies, looking for opportunities for mitigation of key threats to local biodiversity.	1-3 Years	City of Hamilton (Planning and Economic Development - Planning Division)	City of Hamilton (Public Works - Corporate Facilities & Energy Management, Environmental Services, Engineering Services, Transit, Transportation Operations & Management, Waste Management)	<p>No additional resources required. Project leads will integrate consideration of the Biodiversity Action Plan into individual project charters and provide the plan as a resource to consulting teams hired through procurement processes.</p> <p>Financial: This can be incorporated into future workplans.</p>
	7.8	Initiate a City-wide Ecosystem Services Study to better understand the valuable benefits provided by natural assets in both rural and urban areas of Hamilton.	1-3 years	City of Hamilton (Planning and Economic Development - Planning Division)	City of Hamilton (Public Works – Environmental Services, and Hamilton Water)	<p>Additional staff resources in the Planning Division will be required. An external consulting team will also be needed to undertake technical review.</p> <p>Financial: Approx. \$325,000 for fees related to this work program in accordance with the estimate provided in</p>

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Key Priority	Action	Action Text	Time	Lead	Supporting Partner(s)	City of Hamilton Resources Required
						Report PED23048. 1 Full Time Equivalent position will be required in the Planning Division to assist with this and other related work programs. This will be referred to the 2025 budget process.
	7.9	Develop a procedure for undertaking wildlife sweeps ahead of new developments.	3-5 Years	Hamilton Naturalists' Club	Niagara Peninsula Conservation Authority  City of Hamilton (Planning and Economic Development - Planning Division)	Planning Division staff will work with the Hamilton Naturalists' Club to determine how a procedure may be developed.  Financial: In-kind support.
	7.10	Review and revise the Yard Maintenance By-law to clarify regulations related to naturalized areas of private yards.	1-3 Years	City of Hamilton (Planning and Economic Development - Licensing and By-law Enforcement)		This work will be undertaken with existing staff resources.  Financial: Covered by existing Departmental budget for planned work.

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**Public Works Department Biodiversity Action Plan Resourcing Plan**

The following table outlines the Biodiversity Action Plan actions where leadership or support from Public Works Department staff is needed.

The 2025 Budget request for 4 (four) full time equivalent (FTE) staff members for the Public Works Department, Environmental Services Division, are required to set up the framework by gathering data and creating systems and processes, in order to move future biodiversity actions forward. The annualized cost to support four new full-time equivalents is \$560,000.00. Financial resources noted in the following table are premised on receiving the four new full-time equivalent staff.

<b>Key Priority</b>	<b>Action</b>	<b>Action Text</b>	<b>Time</b>	<b>Lead</b>	<b>Public Works Divisional Support</b>	<b>City of Hamilton Resources Required</b>
<b>1. Administration and Governance</b>	1.1	Identify long-term funding strategies to implement the BAP for the protection and enhancement of the natural environment to improve biodiversity.	0 – 1 year	BAP Steering Committee	Corporate Asset Management	Staff: Corporate Asset Management staff to work with BAP team in developing the long-term financial plan.  Financial: None.
<b>2. Evaluation and Monitoring</b>	2.1	Prepare a State of Environment report to track the and report the City’s progress towards achieving the City’s natural heritage protection goals. The basis of this report would be the Natural Areas Inventory.	1 – 3 years	City of Hamilton (Planning and Economic Development - Planning Division)	Corporate Asset Management, Environmental Services	Staff: Corporate Asset Management staff to provide relevant information. Environmental Services will require additional staff members to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	2.2	Centralize and standardize the collection and sharing of biodiversity data.	1 – 3 years	BAP Steering Committee	Environmental Services	Staff: Environmental Services will require additional staff to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
	2.3	Develop a process for updating Natural Areas Inventory database along with ongoing maintenance.	1 – 3 years	City of Hamilton (Planning and Economic Development - Planning Division)  Hamilton Naturalists' Club  Hamilton Conservation Authority	Corporate Asset Management, Environmental Services, Hamilton Water	Staff: Corporate Asset Management staff will support what inventory information should be collection to ensure alignment with the larger asset management program. Environmental Services will require additional staff to complete this action. Hamilton Water staff will coordinate this action with the Watershed Action Plan.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	2.4	Develop a Report Card to be completed by Biodiversity Action Plan partners to report on Actions and to assist in writing future progress reports.	1 – 3 years	BAP Coordinator	Environmental Services	Staff: Environmental Services will require additional staff to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	2.5	Organize an annual Biodiversity workshop to discuss monitoring, results, ongoing and future projects, and collaborations related to the BAP, and to share progress on the BAP actions with the public.	1 – 3 years	BAP Coordinator	Corporate Asset Management, Environmental Services	Staff: Corporate Asset Management staff will work with asset owners to develop and track key performance indicators which would be presented at the workshop. Environmental Services will require additional staff to complete this action.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						Financial: FTE to support this work to be referred to the 2025 Operating budget.
<b>3. Long-term Protection and Connection</b>	3.1	Investigate and prioritize wildlife corridors and identify wildlife corridors, particularly where roads bisect Core Areas identified within the Natural Heritage System and respond by investigating appropriate best management practices and tools.	3 – 5 years	City of Hamilton (Planning and Economic Development - Planning Division)	Corporate Asset Management, Engineering Services	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Engineering Services staff will work with the Planning Division to investigate.  Financial: Any additional costs to implement wildlife protection measures will need to be referred to future budgets.
	3.2	Review existing inventories of protected lands to identify additional key areas (ex. alvars, Niagara Escarpment, water quality improvement areas, wildlife corridors) that should part of an overall land securement strategy.	3 – 5 years	Hamilton Naturalists' Club	Corporate Asset Management, Environmental Services	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services will require additional staff to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	3.3	Review the Natural Heritage policies of the Rural and Urban Hamilton	1 – 3 years	City of Hamilton (Planning and	Environmental Services	Staff: Environmental Services will require additional staff to complete this action. This has impacts on the



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<b>Key Priority</b>	<b>Action</b>	<b>Action Text</b>	<b>Time</b>	<b>Lead</b>	<b>Public Works Divisional Support</b>	<b>City of Hamilton Resources Required</b>
		Official Plans and investigate options for amendments to strengthen protection of biodiversity in both the rural and urban contexts.		Economic Development - Planning Division)		development of parks and might see some overlap with the strategic goals of the Parks Master Plan.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	3.4	Develop a Conservation Organization Working Group comprised of the City of Hamilton and Conservation Organizations to determine and understand acquisition priorities, assist in the evaluation of applications, and to further communicate the availability of this fund.	1 – 3 years	City of Hamilton (Planning and Economic Development - Planning Division, and Office of Climate Change Initiatives)	Environmental Services	Staff: Environmental Services will require additional staff to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	3.5	Review the findings of the Natural Areas Inventories to determine which Species at Risk depend on City of Hamilton owned lands and develop a plan to undertake recovery and protection activities.	3 – 5 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services, Hamilton Water	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services will require additional staff to complete this action. Hamilton Water staff will coordinate this action with the Watershed Action Plan.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						Financial: FTE to support this work to be referred to the 2025 Operating budget.
	3.6	Identify options to enhance the function of existing greenspaces to increase connectivity. e.g. actively managing existing woodland areas for biodiversity, increasing buffer areas, restoring /creating new habitat connection.	1 – 3 years	BAP Coordinator	Corporate Asset Management, Environmental Services, Hamilton Water	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services will require additional staff to complete this action. Hamilton Water staff will coordinate this action with the Watershed Action Plan.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	3.7	Continue to support opening vistas at key areas along the escarpment to deter unauthorized trails which result in negative impact to sensitive escarpment habitat.	0 – 1 year	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services staff will continue to work on this action.  Financial: None
	3.8	Preserve and enhance City managed dune habitat along the Lake Ontario shoreline by reducing erosion through	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services,	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
		maintaining dedicated beach access and leaving Deadwood following a Dune Management Plan that will be developed.			Engineering Services	Plans. Environmental Services will require additional staff to complete this action. Staff will coordinate this action with the Hamilton Beach Shoreline Protection Strategy and the Confederation Beach Park Master Plan. Engineering Services staff will coordinate this action with a Hamilton Water shoreline erosion study.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
<b>4. Education and Stewardship</b>	4.3	Encourage increased use of natural burial in City of Hamilton cemeteries that will consider biodiversity through landscape design, species selection and maintenance approach.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services.	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services staff will reseed the site and will coordinate with a controlled burn professional.  Financial: Funding to be referred to a future budget process.
	4.4	Develop tools that will support biodiversity friendly plantings on cemetery properties by cemetery patrons.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services.	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						Plans. Environmental Services staff will develop brochures to share with interment rights holders to guide plantings.  Financial: Funding to be referred to a future budget process.
	4.9	Target outreach and education to landowners who have property boundaries adjacent to natural areas.	1 – 3 years	BAP Coordinator	Hamilton Water	Staff: Hamilton Water staff will coordinate this action with the Watershed Action Plan. Hamilton Water staff will support Hamilton Conservation Authority with existing resources.  Financial: None.
	4.10	Investigate the potential of hosting workshops for landowners on topics including manure runoff and well decommissioning.	1 – 3 years	Hamilton Conservation Authority	Hamilton Water	Staff: Hamilton Water staff will coordinate this action with the Watershed Action Plan. Hamilton Water staff will support Hamilton Conservation Authority with existing resources.  Financial: None.
	4.11	Encourage regular use of native plants in all planting projects led by BAP partners to maximize the resilience of greenspaces and to support habitats.	0 – 1 year	BAP Coordinator	Waste Management, Hamilton Water	Staff: Waste Management staff have planted pollinator plants in open and closed landfill properties. Hamilton Water will coordinate this action with the Watershed Action Plan. Will support the BAP Coordinator using existing resources.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						Financial: None.
	4.12	Establish a working group to develop and implement a communications plan to raise awareness about biodiversity in Hamilton and the role everyone has to play in protecting and celebrating it. Undertake a public survey to determine if biodiversity understanding has changed in this first 5 year BAP.	1 – 3 years	BAP Coordinator	Environmental Services, Waste Management	Staff: Environmental Services will require additional staff to complete this action. Waste Management staff is working on proper and safe disposal communications through multiple channels. Have worked with By-law to ensure proper legislation for disposal of noxious weeds and invasive species.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	4.15	Host volunteer and community events to manage invasive species, plant native species on public lands to increase biodiversity, connect fragmented landscapes, and create new natural areas.	0 – 1 year	Hamilton Conservation Authority, Hamilton Naturalist’s Club, Bay Area Restoration Council	Corporate Facilities & Energy Management, Environmental Services	Staff: Corporate Facilities staff will provide space for invasive removals and native species plantings for still-to-be-selected locations. Environmental Services staff will require additional staff to complete this action. Will coordinate with partners to determine sites.  Financial: FTE to support this work to be referred to the 2025 Operating budget.
	4.16	Develop and maintain a focal habitat creation site on public lands in each Ward to demonstrate the	3 – 5 years	Hamilton Naturalist’s Club	Corporate Asset Management,	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
		potential to increase biodiversity in the urban area by planting native trees, shrubs and wildflowers.			Environmental Services	<p>respective Asset Management Plans. Environmental Services staff will coordinate with partners and in some cases will aid with site preparation, plant materials, and soil.</p> <p>Financial: FTE to support this work to be referred to the 2025 Operating budget. Program funding to be requested in a future budget process.</p>
	4.17	Install trial pollinator gardens in areas of the City designed to promote increased pollination and are focused on native species of plants and pollinating insects (i.e. bees, butterflies etc.).	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services	<p>Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services staff will coordinate with partners and in some cases will aid with site preparation, plant materials, and soil.</p> <p>Financial: Funding to be requested in a future budget process.</p>
	4.18	Create naturalized areas in selected parks by planting native perennials and low growing shrubs.	3 – 5 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Environmental Services	<p>Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services staff</p>

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						<p>will coordinate with partners and in some cases will aid with site preparation, plant materials, and soil.</p> <p>Financial: FTE to support this work to be referred to the 2025 Operating budget. Program funding to be requested in a future budget process.</p>
	4.19	Community tree planting through volunteer groups planting native species of container stock trees to rehabilitate public lands within the City.	0 – 1 year	City of Hamilton – Public Works (Environmental Services), Hamilton Naturalist’s Club	Corporate Facilities & Energy Management, Environmental Services	<p>Staff: Corporate Facilities staff will provide space for community tree plantings for still-to-be-selected locations. Environmental Services staff will coordinate this action with the Urban Forest Strategy and identify “no-go” zones to preserve development/re-development opportunities of the parkland.</p> <p>Financial: FTE to support this work to be referred to the 2025 Operating budget.</p>
	4.22	Undertake stewardship events on past tree planting sites and urban pollinator garden sites focusing on replanting and invasive species removal in degraded woodlands and creating new and	0 – 1 year	Green Venture	Environmental Services	<p>Staff: Environmental Services will require additional staff to complete this action. Will coordinate with partners to determine sites.</p> <p>Financial: FTE to support this work to be referred to the 2025 Operating budget.</p>

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
		expanding existing woodlands with native trees and plants.				
	4.23	Celebrate local biodiversity excellence through initiatives including the Monarch Awards, Pollinator Paradise certification programs, and others. Integrate natural function into Trillium Awards program, modify program to celebrate sustainable gardening.	0 – 1 year	City of Hamilton – Public Works (Environmental Services)  Hamilton Naturalists’ Club		Staff: Environmental Services staff will be training judges, designing new awards, and creating new brochures as part of the communication plan for the expansion of the Trillium program.  Financial: Funding to be requested in a future budget process.
<b>5. Coordinated Invasive Species Management</b>	5.4	Strengthen working group of local partners and agencies undertaking invasive species management in Hamilton to share data and expertise and to collaborate on management initiatives and maximize resources, where possible.	0 – 1 year	Hamilton Conservation Authority	Environmental Services, Transportation Operations & Management, Hamilton Water	Staff: Environmental Services will require additional staff to complete this action. Transportation staff will collect invasive species data and collaborate with local partners for management resources (including creation of pilot programs where feasible). Hamilton Water will coordinate this action with the Watershed Action Plan and support the action with existing resources.  Financial: FTE to support this work to be referred to the 2025 Operating budget. Program funding to be requested in a future budget process.



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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
	5.5	Expand the Adopt-a-Park Program to include support for adopting natural open spaces, pollinator patches, seed banks, habitat structures, and invasive species management on Parks properties.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)		Staff: Environmental Services will require an additional staff to complete this action. Forestry and Landscape Architectural staff will support the action using resources.  Financial: Funding for additional staff to be requested in a future budget process.
	5.6	Implement Invasive Species Strategy and identify goals related to mapping and management of invasive species in priority areas.	0 – 1 year	Hamilton Conservation Authority  Hamilton Naturalists’ Club	Environmental Services	Staff: Environmental Services will require additional staff to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget. Program funding to be requested in a future budget process.
<b>6. Aquatic Habitat Restoration and Enhancement</b>	6.1	Develop a Watershed Action Plan to meet the expectation for a cleaner aquatic environment. Build on the City-assembled consortium of agencies with a common goal of improving harbour conditions and ultimately delisting Hamilton Harbour as an Area of Concern.	1 – 3 years	City of Hamilton (Public Works - Hamilton Water)	Environmental Services, Waste Management	Staff: Environmental Services will require additional staff to complete this action. Waste Management staff will complete this action through monitoring programs. Hamilton Water staff will coordinate this action with the Watershed Action Plan.  Financial: FTE to support this work to be referred to the 2025 Operating budget.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
	6.2	Through the development of City-wide Low Impact Development Guidelines, the City will consider landscape-based stormwater infiltration techniques for enhancement of onsite local biodiversity in accordance with area specific EIS and sub watershed study recommendations.	0 – 1 year	City of Hamilton (Planning and Economic Development – Growth Management Division)	Corporate Asset Management, Environmental Services, Engineering Services, Transportation Operations & Management, Hamilton Water	<p>Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services staff will coordinate these guidelines with existing operational guidelines. Engineering Services staff will assist with the guideline preparation and incorporate the new guidelines with the Public Works Design guidelines. Transportation staff will ensure guideline compliance in future projects. Hamilton Water staff will ensure compliance in future projects.</p> <p>Financial: FTE to support this work to be referred to the 2025 Operating budget. Additional funding to be requested in a future budget process.</p>
	6.3	Consider lot level stormwater management, green infrastructure, and grey water reuse opportunities at the design stage of park and cemetery projects.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)		<p>Staff: Environmental Services staff will ensure these water management techniques are incorporated into designs.</p> <p>Financial: FTE to support this work to be referred to the 2025 Operating budget.</p>

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
	6.4	Develop and implement stormwater fee program.	0 – 1 year	City of Hamilton (Financial Planning & Administration)	Hamilton Water	Staff: Hamilton Water staff will coordinate this action with the Watershed Action Plan. Hamilton Water will support City of Hamilton Finance with existing resources.  Financial: None.
	6.5	Deliver technical and (where applicable) financial assistance to private property owners implementing agricultural Best Management Practices (BMPs) and Stormwater Low Impact Development (LID) practices on private properties.	0 – 1 year	Hamilton Conservation Authority	Hamilton Water	Staff: Hamilton Water staff will coordinate this action with the Watershed Action Plan. Hamilton Water will support Hamilton Conservation Authority with existing resources.  Financial: None.
	6.6	Assess opportunities to reduce water consumption through monitoring, maintenance, and implementing best practices.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Corporate Facilities & Energy Management, Environmental Services.	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Corporate Facilities staff will look for opportunities through facility maintenance and new builds (smart/sensory plumbing fixtures, rain barrels, and rainwater harvesting/collection). Environmental Services staff will

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						support existing meters using existing resources.  Financial: None.
	6.7	Implement the Hamilton Salt Management Plan as it applies to public roads, bicycle infrastructure, sidewalks, and pathways.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Facilities & Energy Management, Environmental Services, Transportation Operations & Management, Hamilton Water.	Staff: Corporate Facilities staff will ensure Salt Management Plan compliance. Environmental Services staff will ensure Salt Management Plan compliance. Transportation staff will ensure compliance to plan. Staff will investigate alternative products and best practices. Salt Management Plan is to be updated by December 2026 as per the Hamilton/Halton Source Protection Plan. Hamilton Water staff will coordinate this action with the Watershed Action plan. Staff will use existing resources.  Financial: Potential funding to be requested in a future budget process.
	6.8	Enhance biodiversity at stormwater management facilities by establishing maintenance procedures and practices.	1 – 3 years	City of Hamilton – Public Works (Watershed Management Services)	Corporate Asset Management	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Hamilton Water staff are currently following an existing

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						Planting Plan for Stormwater Management ponds.  Financial: Will require a roster consultant assignment to identify any opportunities for pond enhancement and coordination with existing Ontario stormwater management pond legislation.
	6.9	Deliver education programs about stormwater management to the public and businesses to increase stormwater management on private lands.	0 – 1 year	Bay Area Restoration Council	Hamilton Water	Staff: Hamilton Water staff will coordinate this action with the Watershed Action plan. Staff will use existing resources.  Financial: None.
	6.10	Initiate conversations with institutional landowners about installing stormwater management systems (rain gardens, bioswales, rain barrels, etc) in schools and businesses.	1 – 3 years	BAP Coordinator	Hamilton Water	Staff: Hamilton Water staff will coordinate this action with the Watershed Action plan. Staff will use existing resources.  Financial: None.
	6.11	Mitigate flooding and erosion risks and improve water quality in the lower urban area of Stoney Creek by increasing stormwater retention via the installation of	1 – 3 years	Hamilton Conservation Authority	Corporate Asset Management, Hamilton Water	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Hamilton Water staff will coordinate this action with the

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
		constructed wetlands in the upper watershed area of Battlefield and Stoney Creek.				Watershed Action plan. Staff will use existing resources.  Financial: None.
	6.12	Install Seabins and litter traps in catch basins surrounding the Harbour to collect litter entering the Harbour. This will also include regular maintenance to ensure they continue to work as designed.	1 – 3 years	City of Hamilton – Public Works (Environmental Services)	Corporate Asset Management, Engineering Services, Transportation Operations & Management, Hamilton Water	Staff: Corporate Asset Management staff will support asset owner to document the action in the appropriate section of the respective Asset Management Plans. Environmental Services staff currently maintain litter traps and sea bins.  Financial: Funding for additional litter traps and/or sea bins to be requested in a future budget process.
<b>7. Local Decision-making</b>	7.1	Develop an Open Space Management Plan to guide City of Hamilton natural open space stewardship.	3 – 5 years	City of Hamilton – Public Works (Environmental Services)		Staff: Environmental Services will require additional staff to complete this action.  Financial: FTE to support this work to be referred to the 2025 Operating budget. Project funding to support roster consultant assignment will be referred to a future budget process.
	7.3	Perform an initial review of Parks Bylaw for areas for improvement from a biodiversity perspective.	1 – 3 years	City of Hamilton – Public Works		Staff: Environmental Services will require additional staff to complete this action.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
				(Environmental Services)		Financial: FTE to support this work to be referred to the 2025 Operating budget.
	7.4	Incorporate biodiversity in the Non-Public Facing Yards Review as a guiding principle for any new projects.	3 – 5 years	City of Hamilton – Public Works (Corporate Facilities & Energy Management)	Environmental Services, Transportation Operations & Management, Waste Management	Staff: Environmental Services staff will include biodiversity in new projects. Waste Management staff will ensure observations and maintenance at site will be included in associated contract.  Financial: None.
	7.5	Consider the BAP when initiating City projects and studies, looking for opportunities for mitigation of key threats to local biodiversity.	1 – 3 years	City of Hamilton (Planning and Economic Development – Planning Division)	Corporate Facilities & Energy Management, Environmental Services, Engineering Services, Transit, Transportation Operations & Management, Waste Management	Staff: Corporate Facilities staff will ensure new projects will include biodiversity. Environmental Services will require a staff to be a representative in the BAP Steering Committee. Engineering Services staff will provide additional staff time for each project to ensure biodiversity is protected. Transit staff have ensured biodiversity in new projects (i.e. MSF) and will consider biodiversity in new projects. Transportation staff will consider biodiversity in new projects. Waste Management staff will ensure to continue to monitor biodiversity in open and closed landfills.

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Key Priority	Action	Action Text	Time	Lead	Public Works Divisional Support	City of Hamilton Resources Required
						Financial: FTE to support this work to be referred to the 2025 Operating budget.
	7.8	Initiate a City-wide Ecosystem Services Study to better understand the valuable benefits provided by various natural assets in both the rural and urban areas of Hamilton.	1 – 3 years	City of Hamilton (Planning and Economic Development – Planning Division)	Environmental Services, Hamilton Water	Staff: Environmental Services will require additional staff to complete this action. Hamilton Water staff will support PED with existing resources.  Financial: FTE to support this work to be referred to the 2025 Operating budget.





Office of the City Clerk  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario Canada

Hamilton

June 15, 2023

Mayor Valerie Plante  
155 Rue Notre-Dame Est  
Suite 210  
Montreal, QC H2Y 1C6

Dear Mayor Plante:

City Council, at its meeting held on May 10, 2023, approved Item #1 of Planning Committee Report 23-007 which reads as follows:

1. **Draft Biodiversity Action Plan for Consultation (PED21065(c)) (City Wide) (Item 8.1)**
  - (d) That the Clerk provide written communication to the Ville de Montreal to confirm that the City of Hamilton will become a signatory to The Montreal Pledge – Cities United in Action for Biodiversity.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Holland".

Andrea Holland  
City Clerk

# THE MONTREAL PLEDGE CITIES UNITED IN ACTION FOR BIODIVERSITY



Cities are at the forefront in observing biodiversity loss and being impacted by its effects. As local governments, they are also well placed to take rapid, concrete action to halt this decline.

At the COP-15 conference on biodiversity, taking place in Montréal from December 7 to 19, 2022, the countries of the world will adopt the Post-2020 Global Biodiversity Framework. As this major event approaches, Montréal Mayor and ICLEI Global Ambassador for Local Biodiversity Valérie Plante is calling on cities to continue and accelerate their actions towards protecting biodiversity and ecosystems.

Cities are invited to commit to 15 concrete actions, in coherence with the Post-2020 Global Biodiversity Framework. These actions are also coherent with the CitiesWithNature initiative and the C40 Urban Nature Accelerator.

With this strong commitment, the signatory cities of the Montréal Pledge will demonstrate the leadership and ambition of cities around the world to act swiftly and influence their partners to do the same, in order to reverse the trend and protect our biodiversity.

## REDUCE THREATS TO BIODIVERSITY

- 1 Integrate biodiversity into territorial and regulatory planning
- 2 Restore and rehabilitate ecosystems and their connectivity
- 3 Conserve existing natural environments through protected areas and other effective and equitable measures
- 4 Ensure the conservation and recovery of vulnerable species, both wild and domestic, and effectively manage their interactions with humans
- 5 Control or eradicate invasive alien species to eliminate or reduce their impacts
- 6 Reduce pollution from all sources to levels that do not adversely affect biodiversity, ecosystem functions or human health
- 7 Aim to eliminate plastic waste
- 8 Aim to reduce pesticide use by at least two-thirds
- 9 Contribute to climate change mitigation and adaptation measures through ecosystem-based approaches

**THE MONTREAL PLEDGE** In order to inspire other cities to follow in taking bold action for biodiversity, Pledge signatory cities will be invited to voluntarily track their progress towards the Pledge commitments on the [CitiesWithNature Action Platform](#), a platform recognized by the [CBD](#) to report on cities' commitments to global biodiversity target.

## SHARE THE BENEFITS OF BIODIVERSITY

- 10 Aim to ensure that urban agriculture, aquaculture and forestry zones are accessible, sustainably managed and contribute to food security
- 11 Prioritize nature-based solutions to protect against extreme weather events and hazards and to regulate air and water quality
- 12 Increase the amount of green and blue spaces and improve equitable access to them

## SOLUTIONS, GOVERNANCE, MANAGEMENT AND EDUCATION

- 13 Integrate biodiversity into governance frameworks and public policies, and increase financial resources allocated to its conservation and sustainable use.
- 14 Through citizen education and participation, help ensure that people and businesses are encouraged to make responsible choices toward biodiversity and have the resources and knowledge to do so
- 15 Ensure the equitable and effective participation of Indigenous peoples and local communities in decision-making and in the process of knowledge acquisition and transmission