



City of Hamilton

PLANNING COMMITTEE

AGENDA

Meeting #: 25-009
Date: July 8, 2025
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

	Pages
1. CALL TO ORDER	
2. CEREMONIAL ACTIVITIES	
3. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
4. DECLARATIONS OF INTEREST	
5. APPROVAL OF MINUTES OF PREVIOUS MEETING	
5.1 June 10, 2025	4
5.2 June 25, 2025 (Special - Urban Boundary Expansion)	24
6. DELEGATIONS	
6.1 Delegations respecting the Designation of 84 York Blvd. (Philpott Church) (Item 9.5)	
a. Registered Delegations:	
(i) Jackson Theune	

- b. Written Submissions: 37
- (i) Philpott Church Leadership
 - (ii) PJ Mercanti, HUPEG

7. ITEMS FOR INFORMATION

- 7.1 PED21097(g) 41
- Rental Housing Licensing Pilot Program - Information Report (Wards 1, 8 and part of 14)
- (To be Distributed)
- 7.2 PED25175 41
- Committee of Adjustment Initiatives (City Wide)

8. PUBLIC HEARINGS

- 8.1 PED25062 51
- Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Road East (Ward 9)
- a. Written Submissions: 154
- (i) Rachel Marshall
 - (ii) Bahareh & Shpendi Shaip
 - (iii) Apurv Shah
 - (iv) Mike Strecker
- 8.2 PED23164 168
- Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (Ward 13)
- (Deferred from the January 16, 2024 Planning Committee meeting)
- a. Written Submissions: 190
- (i) Mike Stone, Hamilton Conservation Authority
 - (ii) Anita Lauinger

9. ITEMS FOR CONSIDERATION

- 9.1 PED25165 193
- Demolition Permit –1123, 1131 and 1135 Stone Church Road East, Hamilton (Ward 6)

9.2	PED25172 Demolition Permit – 974, 980 Upper Paradise Road, Hamilton (Ward 14)	203
9.3	PED25176 City of Hamilton’s Response to Provincial <i>Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025</i> and Associated Ontario Regulations, and <i>Bill 30, Working for Workers Seven Act, 2025</i> (City Wide)	213
9.4	PED25181 Comments in Response to Bill 5, <i>Protect Ontario by Unleashing Our Economy Act, 2025</i>	241
9.5	PED24077(b) Recommendation to Pass a By-law to Designate 84 York Boulevard, Hamilton, (Philpott Memorial Church) under Part IV of the <i>Ontario Heritage Act</i> (Ward 2)	255
9.6	PED23044(b) Inclusionary Zoning – Market Feasibility Study and Peer Review (Wards 1, 2, 3, 4 and 5)	269
9.7	HMHC 25-007 Hamilton Municipal Heritage Committee Minutes dated June 27, 2025	407
9.8	Outstanding Business List Items to be Removed: 19P - Corporate Policy for Official Planning Notification During Mail Strikes (Addressed as Item 9.1 on Planning Committee Minutes 25-008)	

10. MOTIONS

10.1	Expediting Development of SCUBE Lands	415
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11. NOTICES OF MOTION

12. PRIVATE AND CONFIDENTIAL

13. ADJOURNMENT



PLANNING COMMITTEE MINUTES PLC 25-008

9:30 a.m.

June 10, 2025

Council Chambers (Hybrid), City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: Councillors T. Hwang (Chair), M. Tadeson (Vice-Chair) (virtual), J. Beattie, C. Cassar, M. Francis, T. McMeekin, N. Nann, E. Pauls, A. Wilson, M. Wilson

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

**Also in
Attendance:** Councillor T. Jackson

1. CALL TO ORDER

Committee Chair T. Hwang called the meeting to order at 9:30 a.m.

2. CEREMONIAL ACTIVITIES

There were no ceremonial activities.

3. APPROVAL OF AGENDA

(Pauls/Beattie)

That the agenda for the June 10, 2025 Planning Committee meeting, be approved, as presented.

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
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls

Please refer to the June 18, 2025 Council minutes for the disposition of these matters.

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. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. APPROVAL OF MINUTES OF PREVIOUS MEETING

5.1 May 23, 2025

(McMeekin/Cassar)

That the minutes of the May 23, 2025 Planning Committee, be adopted, as presented.

CARRIED

6. DELEGATIONS

(i) The following delegations addressed the Committee:

- (a) Matt Johnston / Scott Beedie respecting Class 4 - 121 Vansitmart Avenue (Item 9.11) (in-person) (Item 6.1)
- (b) Delegations respecting Demolition Permit for 85 Catharine St N (Item 9.8) (virtual) (Item 6.2)
 - (i) Kevin Freeman, Kaneff Group (in-person) (Item 6.2(a))
 - (ii) Mark Flowers, Davies Howe LLP (in-person) (Item 6.2(b))
- (c) Danielle Braemer, Valery Group, respecting Demolition Permits for 2, 4, 6 & 8 McDonalds Lane, 822 Barton St, and 829 Hwy 8 (Items 9.2, 9.3, 9.4 and 9.5) (virtual) (Item 6.3)

(Beattie/McMeekin)

That the Delegation from Danielle Braemar (Item 6.3) be extended by one minute.

CARRIED

- (d) Nicole Cimadamore, New Horizon Development Group Inc., respecting Demolition Permits for 1290 and 1294 Upper James Street (Items 9.6 and 9.7) (in-person) (Item 6.4)

- (e) Lyndon George, Hamilton Anti-Racism Resource Centre, respecting Class 4 Designation of 115 and 121 Vansitmart Avenue (Item 9.11) (in-person) (Item 6.5)

(ii) (Pauls/A. Wilson)

That the following delegations be received:

- (a) Matt Johnston / Scott Beedie respecting Class 4 - 121 Vansitmart Avenue (Item 9.11) (in-person) (Item 6.1)
- (b) Delegations respecting Demolition Permit for 85 Catharine St N (Item 9.8) (virtual) (Item 6.2)
 - (i) Kevin Freeman, Kaneff Group (in-person) (Item 6.2(a))
 - (ii) Mark Flowers, Davies Howe LLP (in-person) (Item 6.2(b))
- (c) Danielle Braemer, Valery Group, respecting Demolition Permits for 2, 4, 6 & 8 McDonalds Lane, 822 Barton St, and 829 Hwy 8 (Items 9.2, 9.3, 9.4 and 9.5) (virtual) (Item 6.3)
- (d) Nicole Cimadamore, New Horizon Development Group Inc., respecting Demolition Permits for 1290 and 1294 Upper James Street (Items 9.6 and 9.7) (in-person) (Item 6.4)
- (e) Lyndon George, Hamilton Anti-Racism Resource Centre, respecting Class 4 Designation of 115 and 121 Vansitmart Avenue (Item 9.11) (in-person) (Item 6.5)

CARRIED

7. ITEMS FOR INFORMATION

7.1 ARAC 25-002

Agriculture and Rural Affairs Sub-Committee Minutes - May 15, 2025

(McMeekin/A. Wilson)

That the Agriculture and Rural Affairs Sub-Committee Minutes, dated May 15, 2025, be received.

CARRIED

9. ITEMS FOR CONSIDERATION

9.1 PED25055

Updates to Public Notice Requirements for *Planning Act* Applications (City Wide)

Jennifer Haan, Business Facilitator – Development Planning, addressed the Committee respecting Updates to Public Notice Requirements for *Planning Act* Applications (City Wide), with the aid of a PowerPoint presentation.

(a) (Cassar/McMeekin)

That the staff presentation from Jennifer Haan, Business Facilitator – Development Planning, respecting Updates to Public Notice Requirements for *Planning Act* Applications (City Wide), be received.

CARRIED

(b) (A. Wilson/Pauls)

That the following written submission be received:

- (i) Anthony Salemi, West End Home Builders' Association

CARRIED

(c) (A. Wilson/Nann)

That Report PED25055, dated June 10, 2025, respecting Updates to Public Notice Requirements for *Planning Act* Applications (City Wide), be received and the following recommendations be approved:

- (a) That an increased public notice circulation radius from 120 metres to 240 metres for applications for Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivision, and Draft Plan of Condominium (Vacant Land), not including Official Plan Amendment applications for Urban Boundary Expansions, BE APPROVED.
- (b) That the By-law to amend By-law No. 12-282 (Respecting Tariff of Fees), as amended, to update application fees to cover the cost of an increased public notice circulation radius, BE APPROVED on the following basis:
 - (i) That public notice of the proposal to amend the Tariff of Fees By-law has been provided in accordance with By-law No. 07-351.
 - (ii) That the draft By-law, attached as Appendix A to Report PED25055 has been prepared in a form satisfactory to the City Solicitor.

- (c) That staff BE DIRECTED to update the Development Application Guideline titled “Public Consultation Summary and Comment Response” to increase the public notice circulation radius from 120 metres to 240 metres for applications for Official Plan Amendment, Zoning By-law Amendments, Draft Plan of Subdivision, and Draft Plan of Condominium (Vacant Land), not including Official Plan Amendment applications for Urban Boundary Expansions.
- (d) That the revised Public Notice sign template and revised Notice of Complete Application and Notice of Public Meeting letter templates, attached as Appendix B to Report PED25055, BE ENDORSED.
- (e) That the “Statutory and supplementary public notice requirements for Committee of Adjustment and *Planning Act* applications during Canada Post mail delivery service disruptions” Planning Division policy, attached as Appendix D to Report PED25055 BE APPROVED, and that item 19P be removed from the Outstanding Business List.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.2 PED25058

Demolition Permit – 2 McDonalds Lane, Stoney Creek (Ward 10)

(a) (Francis/Pauls)

That Report PED25058, dated June 10, 2025, respecting Demolition Permit – 2 McDonalds Lane, Stoney Creek (Ward 10), be received and the following recommendations be approved:

- (a) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 2 McDonalds Lane, Stoney Creek, BE DENIED since the building is in fair condition, boarded up and secure, and staff consider the application to be premature;

- (b) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 2 McDonalds Lane, Stoney Creek, in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* once final Site Plan Control approval has been granted for redevelopment of the property in accordance with section 6(b) of the Demolition Control Area By-law 22-101.

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

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

(b) (Beattie/Pauls)

That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 2 McDonalds Lane in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.3 PED25059
Demolition Permit – 6 McDonalds Lane, Stoney Creek (Ward 10)

(Beattie/McMeekin)

That Report PED25059, dated June 10, 2025, respecting Demolition Permit – 6 McDonalds Lane, Stoney Creek (Ward 10), be received and the following recommendation be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 6 McDonalds Lane in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.4 PED25060
Demolition Permit – 822 Barton Street, Stoney Creek (Ward 10)

(Beattie/McMeekin)

That Report PED25060, dated June 10, 2025, respecting Demolition Permit – 822 Barton Street, Stoney Creek (Ward 10), be received and the following recommendation be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 822 Barton Street in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.5 PED25061
Demolition Permit – 829 Highway No. 8, Stoney Creek (Ward 10)

(Beattie/McMeekin)

That Report PED25061, dated June 10, 2025, respecting Demolition Permit – 829 Highway No. 8, Stoney Creek (Ward 10), be received and the following recommendation be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 829 Highway No. 8 in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

**9.6 PED25153
Demolition Report - 1290 Upper James Street, Hamilton (Ward 8)**

(a) (Pauls/Beattie)

That Report PED25153, dated June 10, 2025, respecting Demolition Report - 1290 Upper James Street, Hamilton (Ward 8), be received and the following recommendation be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 1290 Upper James Street in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

Result: Motion DEFEATED by a vote of 5 to 5, as follows:

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

(b) (A. Wilson/Cassar)

That Report PED25153, dated June 10, 2025, respecting Demolition Report - 1290 Upper James Street, Hamilton (Ward 8), be received and the following recommendation be approved:

- (a) That the request to issue a demolition permit for 1290 Upper James Street, Hamilton BE DENIED as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

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
NO – Ward 5 Councillor M. Francis
NO – Ward 7 Councillor E. Pauls

NO – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
NO – Ward 15 Councillor T. McMeekin

9.7 PED25154
Demolition Permit - 1294 Upper James Street, Hamilton (Ward 8)

(a) (Pauls/Beattie)

That Report PED25154, dated June 10, 2025, respecting Demolition Permit - 1294 Upper James Street, Hamilton (Ward 8), be received and the following recommendation be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 1294 Upper James Street in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

Result: Motion DEFEATED by a vote of 5 to 5, as follows:

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

(b) (A. Wilson/Cassar)

That Report PED25154, dated June 10, 2025, respecting Demolition Permit - 1294 Upper James Street, Hamilton (Ward 8), be received and the following recommendations be approved:

- (a) That the request to issue a demolition permit for 1294 Upper James Street BE DENIED as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

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
 NO – Ward 5 Councillor M. Francis
 NO – Ward 7 Councillor E. Pauls
 NO – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO – Ward 15 Councillor T. McMeekin

**9.8 PED25155
 Demolition Permit - 85 Catharine Street North (Ward 2)**

(a) (McMeekin/Pauls)

That Report PED25155, dated June 10, 2025, respecting Demolition Permit - 85 Catharine Street North (Ward 2), be received and the following recommendation be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 85 Catharine Street North in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

Result: Motion DEFEATED by a vote of 5 to 5, as follows:

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

(b) (A. Wilson/M. Wilson)

That Report PED25155, dated June 10, 2025, respecting Demolition Permit - 85 Catharine Street North (Ward 2), be received and the following recommendation be approved:

- (a) That the request to issue a demolition permit for 85 Catharine Street North BE DENIED as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

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
 NO – Ward 5 Councillor M. Francis
 NO – Ward 7 Councillor E. Pauls
 NO – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO – Ward 15 Councillor T. McMeekin

9.9 PED25166

Demolition Report – 3078, 3168 and 3190 Regional Road 56 (Ward 11)

(Tadeson/Beattie)

That Report PED25166, dated June 10, 2025, respecting Demolition Report – 3078, 3168 and 3190 Regional Road 56 (Ward 11), be received and the following recommendations be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permits for 3078, 3168 and 3190 Regional Road 56 in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls

YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.10 PED25136
Contracted Parking Enforcement (City Wide)

(Beattie/Cassar)

That Report PED25136, dated June 10, 2025, respecting Contracted Parking Enforcement (City Wide), be received and the following recommendations be approved:

- (a) That a single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the provision of parking enforcement services for January 1, 2026 - December 31, 2030 BE APPROVED;
- (b) That the General Manager, Planning and Economic Development Department, BE DIRECTED to negotiate and execute an extension of services agreement and any ancillary documents required to give effect thereto with Imperial Parking Canada Corporation (Impark), in a form satisfactory to the City Solicitor.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.11 PED23172(a)

Request for Class 4 Designation for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (Ward 4)

(a) (A. Wilson/Hwang)

That Report PED23172(a), dated June 10, 2025, respecting Request for Class 4 Designation for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (Ward 4), be received and the following recommendations be approved:

- (a) That Council deem the lands located at 115 and 121 Vansitmart Avenue, Hamilton as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning) and that the Class 4 Area designation apply only to the development on the lands located at 115 and 121 Vansitmart Avenue, identified on Appendix A attached to Report PED23172(a).

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
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

9.12 PED25128

To Reestablish Last Recognized Use and/or Legally Established Non-Conforming Status within Zoning Verification Reports and Establish New Zoning Verification Report User Fees to Reflect New Level of Service (City Wide) - WITHDRAWN

9.13 PED25145

Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment Environmental Study Report (Ward 10)

Margaret Fazio, Senior Project Manager – Infrastructure Planning and Gavin Norman, Manager – Infrastructure Planning, addressed the Committee respecting Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment Environmental Study Report (Ward 10), with the aid of a PowerPoint presentation.

(a) (Beattie/A. Wilson)

That the staff presentation from Margaret Fazio, Senior Project Manager – Infrastructure Planning and Gavin Norman, Manager – Infrastructure Planning, respecting Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment Environmental Study Report (Ward 10), be received.

CARRIED

(b) (Beattie/A. Wilson)

That Report PED25145, dated June 10, 2025, respecting Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment Environmental Study Report (Ward 10), be received and the following recommendations be approved:

- (a) That the Environmental Study Report respecting the Municipal Class Environmental Assessments for Barton Street and Fifty Road Improvements (Phases 3 and 4), and Fifty Road / CN Rail Crossing (Phases 1 and 2), included as Appendix A to PED25145, BE APPROVED; and that the General Manager of Planning and Economic Development be authorized to place the Environmental Study Report out for minimum 30-day public review.

Result: Motion CARRIED by a vote of 8 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 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9.14 PED25147

Application to Deem Lands Being Lot 5 of Registered Plan 62M-671, known as 30 Parkmanor Drive, Stoney Creek, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* (Ward 10)

(Beattie/A. Wilson)

That Report PED25147, dated June 10, 2025, respecting Application to Deem Lands Being Lot 5 of Registered Plan 62M-671, known as 30 Parkmanor Drive, Stoney Creek, not to be Part of a Registered Plan of Subdivision for the Purposes of Subsection 50(3) of the *Planning Act* (Ward 10), be received and the following recommendations be approved:

- (a) That the application to deem Lot 5 of Registered Plan 62M-671, known as 30 Parkmanor Drive, Stoney Creek, as shown on Appendix "A" to Report PED25147, not to be Part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*, BE APPROVED; and,
- (b) That the draft By-law, attached as Appendix "D" to Report PED25147, which has been prepared in a form satisfactory to the City Solicitor, BE ENACTED.

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
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 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

(Hwang/Francis)

That the Committee Recess from 1:13 p.m. to 1:45 p.m.

CARRIED

9.15 PED25141

**Residential Drainage Assistance Program – 941 Mohawk Road East
(Ward 6)**

(Beattie/Cassar)

That Report PED25141, dated June 10, 2025, respecting Residential Drainage Assistance Program – 941 Mohawk Road East (Ward 6), be received and the following recommendations be approved:

- (a) That with respect to the property at 941 Mohawk Road East, the City implements and funds the construction of a rear yard catch-basin drainage system (Public Portion Only) as recommended in the report prepared by AECOM, dated March 15, 2022 attached in Appendix A1; to the Report PED25141, at a cost of \$19,500, including all applicable overhead and taxes) for works within the Right of Way.
- (b) That funding for work on the City Right of Way in Recommendation (a) estimated at \$19,500, be funded from Capital Account No. 518216, in accordance with the Residential Assistance Program (RDAP).
- (c) That all works on private property be at the sole expense of the property owner.
- (d) That prior to proceeding with any work on City property, appropriate agreements with the benefiting property owner namely 941 Mohawk Road East, are entered into, to the satisfaction of the City Solicitor.

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

9.16 PED25170

Approval of Funding for Request for Proposals: Review of Subdivision Process and Comprehensive Development Guidelines (City Wide)

(McMeekin/Francis)

That Report PED25170, dated June 10, 2025, respecting Approval of Funding for Request for Proposals: Review of Subdivision Process and Comprehensive Development Guidelines (City Wide), be received and the following recommendations be approved:

- (a) That the allocation of \$450,000 from the Development Fees Stabilization reserve (110086) to a new project ID which will be established to fund the forthcoming study being undertaken by the Growth Management Division on the Review of the Subdivision Process / Agreement and Comprehensive Development Guidelines, through a competitive Request for Proposals process, BE APPROVED.

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

9.17 HMHC 25-006

Hamilton Municipal Heritage Committee Minutes dated May 29, 2025

(A. Wilson/Tadeson)

That Hamilton Municipal Heritage Committee Minutes dated May 29, 2025, be received and the recommendations contained therein be approved.

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

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

10. MOTIONS

There were no Motions.

11. NOTICES OF MOTION

There were no Notices of Motion.

12. PRIVATE & CONFIDENTIAL

Committee determined that discussion of Item 12.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

12.1 Closed Session Minutes – May 23, 2025

(Francis/Tadeson)

That the Closed Session Minutes of the May 23, 2025 Planning Committee meeting, be approved and 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
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 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

13. ADJOURNMENT

There being no further business, the Planning Committee adjourned at 1:55 p.m.

Respectfully submitted,

Lisa Kelsey
Legislative Coordinator
Office of the City Clerk

Councillor T. Hwang,
Chair, Planning Committee



SPECIAL PLANNING COMMITTEE MINUTES PLC 25-009

9:30 a.m.

June 25, 2025

Council Chambers (Hybrid) and Room 264, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present:	Councillors T. Hwang (Chair), M. Tadeson (Vice-Chair), J. Beattie (virtual), C. Cassar, M. Francis (virtual), C. Kroetsch, N. Nann, T. McMeekin, E. Pauls, A. Wilson (virtual), M. Wilson
Also in Attendance:	Mayor A. Horwath (virtual), Councillors B. Clark, T. Jackson (virtual), M. Spadafora

1. CALL TO ORDER

Committee Chair T. Hwang called the meeting to order at 9:30 a.m.

2. CEREMONIAL ACTIVITIES

There were no ceremonial activities.

3. APPROVAL OF AGENDA

Item 6.1, Delegations respecting Urban Boundary Expansion, was moved to be heard under Public Hearings before Item 8.1.

(Kroetsch/Tadeson)

That the agenda for the June 25, 2025 Special Planning Committee meeting, be approved, as amended.

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

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

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

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. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. APPROVAL OF MINUTES OF PREVIOUS MEETING

None.

6. DELEGATIONS

The Delegations were moved to be heard under Public Hearings.

7. ITEMS FOR INFORMATION

7.1 How We Got to the Stage of Urban Boundary Expansion Applications and the June 25th Public Meeting

Dave Heyworth, Director & Senior Advisor Strategic Growth, addressed the Committee respecting How We Got to the Stage of Urban Boundary Expansion Applications and the June 25th Public Meeting, with the aid of a PowerPoint presentation.

(a) (Nann/McMeekin)

That the staff presentation from Dave Heyworth, Director & Senior Advisor Strategic Growth, respecting How We Got to the Stage of Urban Boundary Expansion Applications and the June 25th Public Meeting, be received.

CARRIED

8. PUBLIC HEARINGS

In accordance with the *Planning Act*, Chair T. Hwang advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

The Chair stated that if a person or public body would otherwise have an ability to appeal the decision of Council, City of Hamilton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body is not entitled to appeal the decision.

The Chair additionally advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body may not be added

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

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.

6.1 Various Delegations respecting Urban Boundary Expansion

The following Delegations addressed the Committee respecting Urban Boundary Expansion:

- (i) Mike Collins-Williams, West End Home Builders' Association (in-person)

The Committee recessed from 10:20 a.m. to 10:45 a.m and continued the meeting in Room 264.

- (ii) Greg Dunnett, Hamilton Chamber of Commerce (in-person)
- (iii) Mike Moffatt (virtual)
- (iv) Nicolas von Bredow, Cornerstone Association of Realtors (pre-recorded)
- (v) Ian Borsuk, Environment Hamilton (in-person)
- (vi) Phil Pothen, Environmental Defence (virtual)
- (vii) Miriam Sager (in-person)
- (viii) Kelly Pearce (virtual)
- (ix) Joan MacNeil (in-person)
- (x) Don McLean (virtual)

(M. Wilson/Cassar)

That the following Delegations and Written Submissions respecting Urban Boundary Expansion, be received:

(a) Delegations:

- (i) Mike Collins-Williams, West End Home Builders' Association – Opposed (to staff reports)
- (ii) Greg Dunnett, Hamilton Chamber of Commerce - Opposed (to staff reports)
- (iii) Mike Moffatt – Opposed (to staff reports)
- (iv) Nicolas von Bredow, Cornerstone Association of Realtors - Opposed (to staff reports)
- (v) Ian Borsuk, Environment Hamilton - In favour of the staff reports
- (vi) Phil Pothen, Environmental Defence - In favour of the staff reports
- (vii) Miriam Sager - In favour of the staff reports
- (viii) Kelly Pearce - In favour of the staff reports
- (ix) Joan MacNeil - In favour of the staff reports
- (x) Don McLean - In favour of the staff reports

(b) Written Submissions:

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

- (i) Anne Gabrielle Walker – In favour of staff reports
- (ii) David and Carol Moffatt – In favour of staff reports
- (iii) Elizabeth Kata - In favour of staff reports
- (iv) Jaime Anderson - In favour of staff reports
- (v) Lara Stewart-Panko - In favour of staff reports
- (vi) Maureen Arnold and Pierre Arnold - In favour of staff reports
- (vii) Melissa Smith - In favour of staff reports
- (viii) Michael Howie - In favour of staff reports
- (ix) Paula Grove - In favour of staff reports
- (x) Ruth Frager - In favour of staff reports
- (xi) Sarah Jenner - In favour of staff reports
- (xii) Seth Floyd - In favour of staff reports
- (xiii) Suzanne Zandbergen - In favour of staff reports
- (xiv) Josh Mitchell - In favour of staff reports
- (xv) Robin Cameron - In favour of staff reports
- (xvi) Liz Koblyk - In favour of staff reports
- (xvii) Gus Mihailovich - In favour of staff reports
- (xviii) Michel Proulx - In favour of staff reports
- (xix) Megan Saunders - In favour of staff reports
- (xx) Travis Kroeker and Grace Kehler - In favour of staff reports
- (xxi) Nonni Iler - In favour of staff reports
- (xxii) Susan Wortman - In favour of staff reports
- (xxiii) Sushant Tare and Aparna Rao - In favour of staff reports
- (xxiv) Nicole Doro - In favour of staff reports
- (xxv) Erica Hall - In favour of staff reports
- (xxvi) Robert Craig - Opposed (to staff report)
- (xxvii) Jennifer Henderson - In favour of staff reports
- (xxviii) Dino Di Sabatino, DCM INC. - Opposed (to staff report)
- (xxix) Elizabeth Knight – In favour of staff reports
- (xxx) David Lloyd - In favour of staff reports
- (xxxi) Ethan Patterson - In favour of staff reports
- (xxxii) Daniel Quaglia - In favour of staff reports
- (xxxiii) Laura Katz - In favour of staff reports
- (xxxiv) Jen Baker - In favour of staff reports
- (xxxv) Muhammad Almas Anjum and Hina Shakir - In favour of staff reports
- (xxxvi) Neal Bonnor - In favour of staff reports
- (xxxvii) Marco DeGirolamo, Deville Electrical Group – Opposed (to staff report)
- (xxxviii) Keisha Neoma Quinn - In favour of staff reports
- (xxxix) Vince Vigliatore, Bolton Railings – Opposed (to staff report)
- (xl) Nick DeLuca, Deluca Plumbing – Opposed (to staff report)
- (xli) Jeff Hewatt, JeldWen Windows – Opposed (to staff report)
- (xlii) Cynthia Meyer - In favour of staff reports
- (xliii) Heather Yoell - In favour of staff reports
- (xliv) Margaret Tremblay - In favour of staff reports
- (xlv) Jonathan Dushoff - In favour of staff reports

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

- (xlv) Scott Johnson - In favour of staff reports
- (xlvi) Denise Heddle - In favour of staff reports
- (xlvii) Peter Appleton - In favour of staff reports
- (xlviii) Katie Krelove, Wilderness Committee - In favour of staff reports
- (l) Rose Janson - In favour of staff reports
- (li) Steve Chalastra - In favour of staff reports
- (lii) Brian McHattie - In favour of staff reports
- (liii) Brian Wylie and Nancy Wylie - In favour of staff reports
- (liv) James Quinn - In favour of staff reports
- (lv) Sharon Hall - In favour of staff reports
- (lvi) Deborah Boyd - In favour of staff reports
- (lvii) Michelle Spoelstra, Hamilton-Wentworth Federation of Agriculture - In favour of staff reports
- (lviii) Yinze Xu - In favour of staff reports
- (lvix) TJ Rinomato, Torino Drywall Inc – Opposed (to staff report)
- (lx) Leanne Grieves - In favour of staff reports
- (lxi) Glenn Fletcher - In favour of staff reports
- (lxii) Denise Baker, WeirFoulds LLP on behalf of Carmen Chiaravalle and the Twenty Road East Landowners Group – Concerns with the application
- (lxiii) Mary Love - In favour of staff reports
- (lxiv) Caroline Hill Smith - In favour of staff reports
- (lxv) Marwan Murad - In favour of staff reports
- (lxvi) Chris Slye - In favour of staff reports
- (lxvii) Joshua Weresch - In favour of staff reports
- (lxviii) Michelle Tom - In favour of staff reports
- (lxix) Paul Flude - In favour of staff reports
- (lxx) Becky Ellis - In favour of staff reports
- (lxxi) Mike Majcher - In favour of staff reports
- (lxxii) Sonia Sanhueza, Seniors for Climate Action Now - In favour of staff reports
- (lxxiii) Jonathan Scholtens - In favour of staff reports
- (lxxiv) Randy Kay - In favour of staff reports
- (lxxv) Brittany Lauton - In favour of staff reports
- (lxxvi) Chris Cardey and Theresa Cardey - In favour of staff reports
- (lxxvii) Terri Willert - In favour of staff reports
- (lxxviii) Lyn Folkes - In favour of staff reports
- (lxxix) Alys De Bellis - In favour of staff reports
- (lxxx) Olivia O'Connor, ACORN Hamilton - In favour of staff reports

CARRIED

The Committee recessed at 1:00 p.m., and reconvened at 1:33 p.m.

8.1 PED25180

Official Plan Amendment to Expand the Urban Boundary to Include the White Church Lands (Ward 11)

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

Dave Heyworth, Director & Senior Advisor Strategic Growth, addressed the Committee respecting Official Plan Amendment to Expand the Urban Boundary to Include the White Church Lands (Ward 11), with the aid of a PowerPoint presentation.

(a) (Cassar/Tadeson)

That the staff presentation from Dave Heyworth, Director & Senior Advisor Strategic Growth, respecting Official Plan Amendment to Expand the Urban Boundary to Include the White Church Lands (Ward 11), be received.

CARRIED

Patrick Harrington with Aird & Berlis LLP, addressed the Committee and indicated they were not in support of the staff report.

(b) (Tadeson/Kroetsch)

That the presentation from Patrick Harrington with Aird & Berlis LLP, be received.

CARRIED

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

(c) (Nann/Kroetsch)

(a) That the following public submissions were received and considered by the Committee; and,

(1) Written Submissions:

- (i) Frank Deriet - In favour of staff report
- (ii) Megan DeVries, Mississaugas of the Credit First Nation – Concerns with the application

(b) That the public meeting be closed.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 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

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

(d) **(Tadeson/Cassar)**

That Report PED25180, dated June 25, 2025, respecting Official Plan Amendment to Expand the Urban Boundary to Include the White Church Lands (Ward 11), be received, and the following recommendations be approved:

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-25-004 by Urban Solutions Planning & Land Development Consultants Inc., on behalf of the Whitechurch Landowners Group Inc., for the lands shown in Appendix A to Report PED25180, to add the lands to the Urban Hamilton Official Plan to provide for an expansion of the City of Hamilton's Urban area and to establish a site-specific policy for the White Church Urban Expansion Area, **BE DENIED** on the following basis:
 - (i) The application is not consistent with the Provincial Planning Statement (2024); and,
 - (ii) does not align with the general intent of the Urban Hamilton Official Plan, as it has not been demonstrated that the development would be supported by sufficient existing or planned infrastructure and public service facilities, would be fiscally sustainable to 2051, would support the Council directed growth strategy for a firm urban boundary, would protect agricultural lands and natural heritage features, or would minimize climate impacts.
- (b) That Rural Hamilton Official Plan Amendment Application RHOPA-25-005 by Urban Solutions Planning & Land Development Consultants Inc., on behalf of the Whitechurch Landowners Group Inc., for the lands shown in Appendix A to Report PED25180, to remove the White Church lands from the applicable mapping and policies of the Rural Hamilton Official Plan, **BE DENIED** on the following basis:
 - (i) The application is not consistent with the Provincial Planning Statement (2024); and,
 - (ii) does not align with the general intent of the Rural Hamilton Official Plan, as it has not been demonstrated that the development would support the Council directed growth strategy for a firm urban boundary, would protect agricultural lands and natural heritage features, or would minimize climate impacts.

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

8.2 PED25179

Official Plan Amendment to Expand the Urban Boundary to Include the Elfrida Lands (Wards 9 and 11)

Dave Heyworth, Director & Senior Advisor Strategic Growth, addressed the Committee respecting A Official Plan Amendment to Expand the Urban Boundary to Include the Elfrida Lands (Wards 9 and 11), with the aid of a PowerPoint presentation.

(a) (Tadeson/Nann)

That the staff presentation from Dave Heyworth, Director & Senior Advisor Strategic Growth, respecting Official Plan Amendment to Expand the Urban Boundary to Include the Elfrida Lands (Wards 9 and 11), be received.

CARRIED

(Tadeson/McMeekin)

That the Delegation from David Falletta with Bousfields Inc. and Joe Hoffman with Goodmans LLP be extended to ten minutes.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 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

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

David Falletta with Bousfields Inc. and Joe Hoffman with Goodmans LLP, addressed the Committee and indicated they were not in support of the staff report.

(b) (Tadeson/McMeekin)

That the presentation from David Falletta with Bousfields Inc. and Joe Hoffman with Goodmans LLP, be received.

CARRIED

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

(c) (McMeekin/Tadeson)

(a) That the public submissions were received and considered by the Committee; and,

(1) Written Submissions:

- (i) Ray Rocci, 2084696 Ontario Inc. – Opposed (to staff report)
- (ii) Ralph Di Cenzo, Landtek Limited - Opposed (to staff report)
- (iii) Vince Cardinali, Cardi Construction Limited - Opposed (to staff report)
- (iv) Peter Oddi - Opposed (to staff report)
- (v) Lewis Morelli, Weld-Tech Products Inc. - Opposed (to staff report)
- (vi) Nando De Caria, Desozio Homes Limited – Opposed (to staff report)
- (vii) Philip Kuca - Opposed (to staff report)
- (viii) Jordan McCarter, TBD Advisors Inc. - Opposed (to staff report)
- (ix) Paul Castellan - Concerns
- (x) Paul Mariutti, Blair Blanchard Stapleton Limited - Opposed (to staff report)
- (xi) Steven Zecchin, Emco Corporation - Opposed (to staff report)
- (xii) Nelson Cabral, Form and Build Supply Inc. - Opposed (to staff report)
- (xiii) Marco Marchionda, Marcasa Homes Inc. – In favour of staff report
- (xiv) Dino Di Sabatino, DCM Inc. - Opposed (to staff report)
- (xv) George Shomali, EJS Engineering Inc.- Opposed (to staff report)
- (xvi) Sophia Gambale - Opposed (to staff report)
- (xvii) Jon Wagner, Turkstra Lumber - Opposed (to staff report)

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

- (xviii) Anthony Sciore, Harper's Landscapae and Supplies - Opposed (to staff report)
- (xix) Megan DeVries, Mississaugas of the Credit First Nation – Concerns with the application
- (xx) Dave Stala, Stala Building Solutions Opposed (to staff report)
- (xxi) John Fazari, The Bamco Group - Opposed (to staff report)
- (xxii) Dan Drori, Wyse Meter Group - Opposed (to staff report)
- (xxiii) Lisa Gambale and Rico Gambale - Opposed (to staff report)
- (xxiv) Mike Nardi, Nardi Electric Inc - Opposed (to staff report)
- (xxv) Christian Rinomato, Country Homes Ltd. - Opposed (to staff report)
- (xxvi) Frank Zoccoli, Stone Castle Realty - Opposed (to staff report)
- (xxvii) Ernie Rinomato, Country Homes Ltd. - Opposed (to staff report)
- (xxviii) Stephen Gayowsky, RTG Systems Inc. - Opposed (to staff report)
- (xxix) Tim McCabe - Opposed (to staff report)
- (xxx) Ashley Huckerby, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxi) Denise McConnell, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxii) Jim McConnell, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxiii) Ann McConnell, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxiv) James McConnell, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxv) Tina Greer, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxvi) Nicolas Calancea, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxvii) Matthew De Gooyer, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxviii) Marcus McConnell, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xxxix) Mike McMahon, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xl) John Laking, McConnell Plumbing and Heating Ltd. - Opposed (to staff report)
- (xli) Brad Clarke, A.J. Clarke and Associates Ltd. - Opposed (to staff report)
- (xlii) Raymond Lee - Opposed (to staff report)

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

- (xliii) David Dennis, KSL Industrial Supply Inc. - Opposed (to staff report)
- (xliv) Gerrie Loveys – In favour of staff report
- (xlv) Ken Rodrigues, Great White Wall Systems Ltd. - Opposed (to staff report)
- (xlvi) Tom Fiore, Glorious Exteriors - Opposed (to staff report)
- (xlvii) Laszlo Kormos, Great White Wall Systems Ltd. - Opposed (to staff report)
- (xlviii) Nader Ibied, JMR EFIS Wall Systems - Opposed (to staff report)
- (xlix) Elliot Hudecki, EJH Solutions Inc. - Opposed (to staff report)

(b) That the public meeting be closed.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 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) (Tadeson/Nann)

That Report PED25179, dated June 25, 2025, respecting Official Plan Amendment to Expand the Urban Boundary to Include the Elfrida Lands (Wards 9 and 11), be received, and the following recommendations be approved:

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-25-007 by Bousfields Inc., on behalf of the Elfrida Community Builders Group Inc., for the lands shown in Appendix A to Report PED25179, to add the subject lands to the Urban Hamilton Official Plan to provide for an expansion of the City of Hamilton's Urban area and to designate the majority of the Elfrida Lands 'Urban Expansion Areas – Neighbourhoods' and the balance 'Urban Expansion Area'; to establish the requirement for the preparation of a Secondary Plan prior to any urban development; and, to provide policies that permit only currently existing land uses and expansions

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

thereto and those planned through Rural Site Specific Area 21,
BE DENIED on the following basis:

- (i) The application is not consistent with the Provincial Planning Statement (2024); and,
 - (ii) does not align with the general intent of the Urban Hamilton Official Plan, as it has not been demonstrated that the development would be supported by sufficient existing or planned infrastructure and public service facilities, would be fiscally sustainable to 2051, would support the Council directed growth strategy for a firm urban boundary, would protect agricultural lands and natural heritage features, or would minimize climate impacts.
- (b) That Rural Hamilton Official Plan Amendment Application RHOPA-25-008 by Bousfields Inc., on behalf of the Elfrida Community Builders Group Inc., for the lands shown in Appendix A to Report PED25179, to remove the Elfrida lands from the applicable mapping and policies of the Rural Hamilton Official Plan, except for the site-specific mapping and policies of Rural Site Specific Area 21 as they relate to establishing permitted uses, **BE DENIED** on the following basis:
- (i) The application is not consistent with the Provincial Planning Statement (2024); and,
 - (ii) does not align with the general intent of the Rural Hamilton Official Plan, as it has not been demonstrated that the development would support the Council directed growth strategy for a firm urban boundary, protect agricultural lands and natural heritage features, and minimize climate impacts.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 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

Refer to the June 25, 2025 Special Council Minutes for the disposition of these matters.

10. MOTIONS

There were no Motions.

11. NOTICES OF MOTION

There were no Notices of Motion.

12. PRIVATE & CONFIDENTIAL

There were no Private and Confidential items.

13. ADJOURNMENT

There being no further business, the Planning Committee adjourned at 4:42 p.m.

Respectfully submitted,

Lisa Kelsey
Legislative Coordinator
Office of the City Clerk

Councillor T. Hwang,
Chair, Planning Committee



Philpott Church

84 York Blvd,
Hamilton, ON L8R 1R6

Phone: (905) 523-7000

Website: acomunityofgrace.org

E-mail: info@acomunityofgrace.org

PO Box 57073 RPO Jackson Square

Hamilton, ON L8P 4W9

June 29, 2025

City of Hamilton

Planning Committee & Cultural Heritage Planning Staff

Attention: Ken Coit, Director, Heritage and Urban Design

Dear Ken,

RE: Philpott Memorial Church – 84 York Blvd, Hamilton – Potential Heritage Designation and Easement

We are writing on behalf of Philpott Church to provide an update on the property at 84 York Blvd and to respectfully request reconsideration of the proposed heritage designation currently under consideration.

Over the past several years, there has been extensive discussion and documentation between the Church and the City concerning this matter. We believe it is important to clarify the background, as well as the Church's current circumstances and position.

At the outset, we wish to highlight these important facts before providing more detail below:

- (a) Philpott Church is thriving and growing. However the existing building cannot meet its congregation's needs, and after extensive consultation over several years we have determined that it is not feasible to update the building to meet our needs. We are in the process of relocating to another site in downtown Hamilton, and this relocation is heavily dependent on the sale of 84 York Blvd, Hamilton.
- (b) The only Cultural Heritage Impact Assessment (CHIA) that the Church is aware of for this property determined that, due to the poor condition of the building, it cannot feasibly be preserved, relocated, or integrated into new development.
- (c) The CHIA indicated that there are some specific heritage elements of the building worth protecting by salvage and reuse, which the Church was open to accepting through a narrow heritage easement.
- (d) The City's potential designation of the property has totally disrupted a firm and unconditional sale of the property. If the City does designate the property, the significant risks are that
 - (i) the 84 York Blvd property could become vacant, unused, unrepaired, and a major embarrassment to the City being right in the middle of the downtown and entertainment district; and
 - (ii) the Church may no longer be able to maintain its physical presence and ministry in the downtown.

History and Decision to Relocate

Philpott Memorial Church has been part of downtown Hamilton for over 120 years. Over this time, we have seen our neighbourhood evolve, and we are committed to continuing our presence and service in the downtown core. However, our existing building at 84 York Blvd has reached the end of its useful life. The structure is no longer safe, suitable, or economically viable to repair. A structural condition analysis concluded that the building should be demolished due to severe deterioration of the masonry envelope. The mortar is delaminating, and the underlying brick is too degraded to support any meaningful restoration. The City is well aware of these conditions.

After careful study and extensive consultation, the congregation made the decision to relocate. We are currently investing in a new home for the Church at 160 King Street East – a project that will allow us to remain in the heart of Hamilton and continue our mission. The funding for this new facility will only be made possible through the sale of 84 York Blvd. As such, we entered into an Agreement of Purchase and Sale in 2021, with closing scheduled for late 2024. Significant deposits were made by the purchaser and released to the Church for use toward construction, secured by a mortgage on the property.

The City's Heritage Review

In 2023, before the Church could conclude its sale transaction, a single member of the public submitted a heritage request in respect of the property, and the City began examining heritage designation options for the property. In relation to this, a Cultural Heritage Impact Assessment (CHIA) was prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), which was submitted to City staff in October 2023. The CHIA concluded that, among other things:

- The building cannot feasibly be preserved, relocated, or integrated into new development;
- The appropriate conservation strategy is commemoration and the salvage and reuse of select elements; and
- The only elements worth preserving are (i) the exterior columns, (ii) the wood double doors in the portico, (iii) the date stone, (iv) the lunette window in the frontispiece gate, and (v) the stained-glass windows.

After extensive investigations and building assessments, and representations by the developer and the Church to the Planning Committee, the City determined that the proper avenue to protect the heritage elements of the property was by way of a “heritage easement”. While the draft easement proposed by the City rightly required the preservation of the architectural features set out in the CHIA, it went beyond that by also including very specific and onerous building requirements that are not related to heritage preservation, namely that the developer must include a specific number of family units and affordable units.

As a direct result of the potential heritage designation with inclusion of these building conditions, the buyer refused to close the sale transaction – a complex transaction that took years to develop and may now be financially very difficult to unwind.

As a congregation, we applaud the intent of the city to provide affordable housing for its marginalized people, but in this instance, adding this requirement to the heritage easement has had the opposite effect of threatening the viability of a church whose key ministries include assisting these needy people.

While a future owner may be able to repair, improve or redevelop the property within the bounds of a narrow and appropriate heritage easement, the specific and onerous building conditions proposed by the City would handcuff the site, depress its market value, and render the property much more difficult to sell.

Ultimately, if the City proceeds with a heritage designation, or insists on the overreaching heritage easement building requirements, it creates a very real risk that the Church will be left in a financial position that may be difficult to recover from, potentially jeopardizing its long-standing presence and mission in Hamilton.

Requested Outcomes

Accordingly, we respectfully submit two clear requests:

1. Primary Request – Discontinuation of the Heritage Process:

We ask that the City withdraw from the heritage designation and easement process at this time and allow these matters to be revisited only in the context of a future planning application.

This approach would preserve the opportunity for meaningful input while not prematurely binding the future of the property.

2. Alternative Request – Narrowing of the Easement to Heritage Preservation

If the City determines that immediate protection is necessary, we urge that any heritage easement be strictly limited to the actual heritage related architectural requirements set out in the CHIA prepared by MHBC and recommended by City staff in paragraph 12(a) of Planning Committee Minutes 24-010.

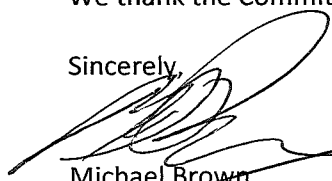
This limited easement would properly reflect the cultural heritage value of the building while respecting the dire structural condition and the site's future potential. It would also align with the recommendations of the CHIA.

Additionally, our legal counsel has raised concerns about whether the City has the authority under Section 37 of the Ontario Heritage Act to impose affordable housing requirements in a heritage easement. The Act authorizes easements only "for the conservation of property of cultural heritage value or interest." A requirement to build affordable housing units is not a conservation measure. It is a planning condition, and not one appropriately included into a Section 37 easement agreement.

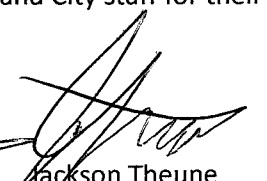
Philpott Church remains committed to downtown Hamilton. We are not asking to erase the past — only to be given the opportunity to build a viable future. The present path risks undermining that future entirely, with no clear benefit to the City or its citizens.

We thank the Committee and City staff for their continued time and attention.

Sincerely,



Michael Brown
Chair, Board of Elders



Jackson Theune
Interim Lead Pastor



Ralph Benedict
Chair, Finance Committee



Malcolm Sears
Chair, Building Committee



Mayor Andrea Horwath and Hamilton City Council Members
 City of Hamilton
 71 Main St W, Hamilton, ON
 L8P 4Y5

June 27, 2025

Re: Letter of Support - Redevelopment of 84 York Boulevard

Dear Mayor and Members of Council,

We understand that the leaders of Philpott church are applying to you to request the removal of any Heritage constraints against their property located at 84 York Boulevard. We have been in dialogue with them as a consequence of our work with the Salvation Army and our collaboration with OVG on the revitalization of the area around the arena. This request is in aid of efforts to accelerate the redevelopment of this site and this is an interest we share.

The redevelopment of this site is not only timely it's essential. It will enhance the surrounding streetscape, introduce much-needed residential density, and provide active ground-floor uses along York Boulevard that can serve as dynamic gathering places before and after events. Restaurants, retail, and a growing residential community will contribute to the safety, vibrancy, and economic health of the district creating an environment that is welcoming, lively, and walkable.

The church site sits directly across from the newly rebranded TD Coliseum, which now features Matty Matheson's Iron Cow Public House, a major new culinary destination within the arena. A key factor in the long-term success of Iron Cow, the arena and the full potential of the broader entertainment district, will be a vibrant, safe, and active corner at York Boulevard and Park Street.

Removing the heritage constraints and allow development to happen, reflects the kind of thoughtful urban development that aligns with the City's goals for a more inclusive and prosperous downtown and it's 10 Year Downtown Revitalization Strategy. It builds on momentum, adds critical mass to the area, and reinforces the public-private collaboration that continues to shape a more dynamic Hamilton.

We believe this redevelopment is a natural and valuable complement to our investment in the arena and the surrounding precinct. HUPEG fully supports the church's proposal and the significant private investment it represents for Downtown Hamilton.

Sincerely,

A handwritten signature in black ink, reading 'P.J. Mercanti', is placed over a light grey rectangular background.

PJ Mercanti
 President, HUPEG



City of Hamilton Report for Information

To:	Chair and Members Planning Committee
Date:	July 8, 2025
Report No:	PED25175
Subject/Title:	Committee of Adjustment Initiatives
Ward(s) Affected:	City Wide

Recommendations

1. That Report PED25175, respecting Committee of Adjustment Initiatives, **BE RECEIVED** for information.
2. That the Committee of Adjustment public notice signage template, attached as Appendix B to Report PED25175, **BE ENDORSED**.

Key Facts

- The purpose of this report is to inform Council of several initiatives staff have identified to improve processes and procedures, which are in the process of or have already been implemented, within the Committee of Adjustment section.
- The Zoning and Committee of Adjustment section has undergone a change in staffing this year, with a new Manager, Secretary-Treasurer, Assistant Secretary-Treasurer, and Planning Technician.
- The new team has begun to identify areas for improvement within the Committee of Adjustment section.
- Current initiatives include new signage, sign posting guidelines, interested party form, a formalized update process for tabled applications, consistency in redacted information, improvements in minute taking, and information sharing between staff and the Chair and members of the Committee of Adjustment.

Financial Considerations

Not applicable.

Background

In keeping with the City's cultural pillar of Courageous Change, once the hiring of the new Secretary-Treasurer, Assistant Secretary-Treasurer, and Planning Technician in the Committee of Adjustment section was completed, staff began looking at potential improvements to existing processes and procedures within the Committee of Adjustment section. Seven areas were identified:

1. Signage;
2. Sign Posting Guidelines;
3. Interested Party Form;
4. Process for Tabled Applications;
5. Consistency in Redacted Information;
6. Improvements in Minute Taking; and,
7. Information Sharing with the Committee of Adjustment Members.

Analysis

Staff have either begun to explore the implementation of the initiatives or have already implemented them. These initiatives are discussed in detail below.

Signage

The current template utilized for public notice signage required under Section 45(5) of the *Planning Act* for a minor variance or consent application, attached as Appendix A to PED25175, was noted to be lacking any identifiable City of Hamilton logo or information. The notice appears in one large block of text which indicates that the property is the subject of a minor variance or consent notice, the application number, the time, and date of the hearing at which the application will be heard and contact information for Committee of Adjustment staff. To the average person, the purpose of the signage may not be obvious, fully understood, or confusing.

Pursuant to Ontario Regulation 200/96 (Minor Variance Applications), a posted notice for a minor variance application shall include "an explanation of the purpose and effect of the proposed minor variance or permission." Similarly, pursuant to Ontario Regulation 197/96 (Consent Applications), a posted notice for a consent application shall include "an explanation of the purpose and effect of the application". The current signage for minor variance and consent applications lacks this information, which would provide further clarity to the reader.

With the assistance of the Communications and Strategic Initiatives section of the City Manager's Office, staff developed a new sign template which is more user friendly, digestible, and provides the information required under Ontario Regulation 200/96 and Ontario Regulation 197/96. The City of Hamilton logo appears at the top of the signage for recognition purposes, as well as the hearing date, time, location, file number, Committee of Adjustment contact information, and the purpose and effect of the minor variance or consent application. The signage is compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

Staff are targeting the July 17, 2025, Committee of Adjustment meeting to begin using the new signage for the applications scheduled on that meeting agenda. An example of the new signage is attached as Appendix B to Report PED25175.

Sign Posting Guidelines

Staff have initiated the development of Sign Posting Guidelines to better inform applicants of the requirements under Ontario Regulation 200/96 and Ontario Regulation 197/96 to post notice for minor variance or consent. Pursuant to both Ontario Regulations, the posted notice shall be clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject land or in the area to which the application applies, or, where posting on the property is impractical, at a nearby location chosen by the Secretary-Treasurer.

The draft Sign Posting Guidelines contain instructions on where the sign is to be located on suburban, rural, and curb side urban areas, the minimum required size of the sign, and the materials of the sign. Additionally, the sign guidelines require that the applicant email a clear photograph of the sign in place to provide proof that the sign has been posted in accordance with the *Planning Act* requirements. The applicant is further warned that if a photograph is not received, the Committee of Adjustment will be informed and that this may negatively impact their decision or delay the process, as the requirements for posting notice will not have been met.

It is intended that the Sign Posting Guidelines will be finalized and rolled out by the end of June 2025. They will be provided to every applicant or agent for a minor variance or consent application. The draft Sign Posting Guidelines are attached as Appendix C to Report PED25175.

Interested Party Contact Form

To better track interested parties who delegate to the Committee of Adjustment, staff have created an Interested Party Contact Form which must be filled out by anyone who is making an in-person delegation to the Committee of Adjustment. The purpose of this form is so that staff have a record of interested parties for the following reasons:

- To send interested parties a Notice of Decision;
- An appeal of an application to the Ontario Land Tribunal; and/or,
- A tabled application is rescheduled to a future Committee of Adjustment hearing that they may be interested in attending.

Corporate Privacy staff were engaged to ensure and confirm that the information staff are collecting is appropriate and in accordance with the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Planning Act*. This form was first piloted at the Committee of Adjustment meeting of May 8, 2025.

It should be noted that persons who delegate to the Committee of Adjustment virtually must pre-register and as such, staff have an accurate and complete record of these interested parties.

Process for Tabled Applications

There are several tabled applications for both minor variance and consent applications which remain outstanding, some of which date back to 2012. Currently, the onus is on the applicant to notify Committee of Adjustment staff when they wish to have a tabled application added back onto a Committee of Adjustment meeting agenda.

Staff consulted with Legal Services to determine options for moving forward with tabled applications. Several possibilities were identified:

- If public notice was previously provided and no decision was made, staff could have the Committee of Adjustment deem the applications denied at a future meeting; or,
- Staff could provide public notice again and hold another hearing for a decision to be made.

It has been determined and is proposed that the best practice would be to send a letter to the owner/applicant listed on the application form to have them reactivate the application and give them a deadline to respond. If the deadline passes with no response, the application would be deemed denied by the Committee of Adjustment, and proceeding with the application after that date would require a new application form and fee.

If the applicant remains interested in bringing the application forward, staff will provide public notice again and the application would be scheduled to a future Committee of Adjustment agenda. It should be noted that there may be a fee associated with the recirculation of a tabled application. Due to the numerous changes in the Zoning By-law and other applicable policies and legislation, the application may need to be re-reviewed by staff to ensure the previous minor variance notice write-up is current, or that consent comments and conditions are still applicable, especially if the application has been tabled for some time.

Staff will need to define the length of time after an application is tabled to send out a letter to the owner/applicant (for example, after the application has been tabled for one year) and will work on further refining and finalizing this process in the coming months. After the process is finalized, staff will begin to address the backlog of tabled consent and minor variance applications and apply it to future tabled applications.

Consistency in Redacted Information

Information of persons submitting comments relating to an application for minor variance or consent is collected under the authority of the *Planning Act* and becomes part of the public record. As such, this information can be made available to the applicant and the public, if requested. This information may include name, telephone number, address, and/or email address. Although permitted, this practice is inconsistent with other application types that are submitted to the City. For example, public comments submitted regarding proposed Zoning By-law Amendment applications have all personal information redacted, except for the name of the person who is submitting the comments.

Staff have begun redacting all personal information submitted with public comments for minor variance and consent applications (except for names) such as addresses, telephone numbers, and email addresses. Staff will continue not to post or provide any public comments received from an anonymous source.

Improvements in Minute Taking

Currently, the minutes for each Committee of Adjustment meeting outline, at a very high level, the discussion which took place for each application, and who spoke. These minutes are for internal use only and are not available to the public. Staff are looking into creating more formal meeting minutes, including noting the attendees (both public and staff), and having the Committee of Adjustment members ratify the minutes of each meeting. Additionally, staff will be exploring the option of posting the minutes to eScribe for the public to have access to them. This is in addition to video of each Committee of Adjustment meeting already being available for viewing via the City's YouTube channel.

Information Sharing

Starting with the meeting of May 29, 2025, staff have added an additional agenda item, "Chair and Staff Announcements", onto the end of each Committee of Adjustment after all applications have been heard. This is an opportunity for staff to share information with the Committee of Adjustment members regarding:

- Ontario Land Tribunal decisions relating to Committee of Adjustment applications for minor variance and consent; and,
- Updates on Zoning By-law changes or legislative changes which may impact or be of interest to the members of the Committee of Adjustment.

This agenda item will also give the Chair of the Committee of Adjustment an opportunity to share any applicable or relevant information with staff and/or the members of the Committee of Adjustment.

Alternatives

Not applicable.

Relationship to Council Strategic Priorities

3. Responsiveness & Transparency
 - 3.1. Prioritize customer service and proactive communication
 - 3.2. Get more people involved in decision making and problem solving
 - 3.3. Build a high performing public service
 - 3.4. Modernize City systems

Consultation

Consultation has been undertaken with staff in the following Departments:

- City Manager's Office (Social Media Marketing and Creative Services)

- Office of the City Clerk (Records and Freedom of Information)
- Planning and Economic Development (Development Planning)
- Corporate Services (Legal Services)

Appendices and Schedules Attached

Appendix A: Current Committee of Adjustment Public Notice Signage

Appendix B: New Committee of Adjustment Public Notice Signage

Appendix C: Draft Sign Posting Guidelines for Committee of Adjustment Public Notice Signage

Prepared by: Emily Coe, Manager, Zoning and Committee of Adjustment
Planning and Economic Development, Planning Division

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development, Planning Division

NOTICE

APPLICATION FOR VARIANCE FROM THE ZONING BY-LAW

HYBRID HEARING DATE – January 19, 2023

Online or Room 222. 2nd Floor, Hamilton City Hall

**For information and how to register for the hybrid hearing,
contact the Committee of Adjustment:**

Email: cofa@hamilton.ca Phone: 905-546-2424 x4221

www.hamilton.ca/committeeofadjustment

Refer to File: HM/A-22:160

Information is being collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and/or opinions will become part of the public record and will be made available to the Applicant and the general public.

Committee of Adjustment

Hearing Date

Sunday, December 25, 2025

Time

13:00 (1:00 PM)

Location

Council Chambers, City Hall
(2nd Floor) or online

Proposed Change

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File Number

A-25:000

For more information about this matter, contact:

(905) 123-1456 x 7890

cofa@hamilton.ca

hamilton.ca/committeeofadjustment

SIGN POSTING INSTRUCTIONS

Planning Act Requirements (Section 45 - Minor Variance): The sign must be posted a minimum ten 10 days prior to the scheduled hearing date. **(Section 53 - Consent):** The sign must be posted a minimum 14 days prior to a hearing.

The Sign must be posted at a location that is clearly visible and legible from every public highway (i.e., road, street, etc.) or other place to which the public has access.

1. Please print the sign no smaller than 11" x 17". The sign must be clearly visible and legible from the public highway or place to which the public has access. If the sign is not visible and legible, please produce a larger sign.
2. The sign(s) must be laminated or enclosed in a waterproof sheet to protect it from the elements.
3. On properties where it can be accommodated, the signs must be erected on the subject property approximately three (3) metres from the property line fronting onto a public highway or place to which the public has access.



Curbside urban properties must prominently front-facing windows or doorways.



It is the applicant's responsibility to ensure that the sign remains posted on the subject property in accordance with Planning Act requirements. If the sign is damaged or removed, replace the sign immediately to avoid delays in processing.

4. Once the sign is posted in accordance with the instructions above, please e-mail the Committee of Adjustment (cofa@hamilton.ca) a clear photograph of the sign in place, showing it in relation to the point of public view and indicating its legibility.
5. If the Committee of Adjustment does not receive the photograph by the due date, the Committee will be informed of the absence of the required sign when the file is heard, and this may negatively impact their decision with regard to the file in question.



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: July 8, 2025

Report No: PED25062

Subject/Title: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Road East

Ward(s) Affected: Ward 9

Recommendations

- 1) That **Amended Official Plan Amendment Application UHOPA-24-008, by MHBC Planning Ltd. (c/o Dave Aston) on behalf of 2324780 Ontario Inc. (c/o Dianne Ramos), Owner**, to amend the Urban Hamilton Official Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Neighbourhoods” designation and to amend the Trinity West Secondary Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Low Density Residential 2” designation and adding a new “Site Specific Policy – Area X” to permit the development of four mixed use buildings with building heights up to 12 storeys with residential and commercial uses and a block for future low density residential development, for lands located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, as shown in Appendix A attached to Report PED25062, **BE APPROVED** on the following basis:
 - a) That the draft Official Plan Amendment, attached as Appendix B to Report PED25062, be adopted by City Council;
 - b) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024).
- 2) That **Amended Zoning By-law Amendment Application ZAC-24-026, by MHBC Planning Inc. (c/o Dave Aston) on behalf of 2324780 Ontario Inc. (c/o Dianne**

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Road East (PED25062) (Ward 9)

Page 2 of 7

Ramos), Owner, for a change in zoning from the Mixed Use Medium Density (C5) Zone, the Mixed Use Medium Density (C5, 589) Zone and the Mixed Use Medium Density (C5, 604, H98) Zone to the Mixed Use Medium Density (C5, 928) Zone and the Low Density Residential – Small Lot (R1a) Zone, to permit four 12 storey mixed use buildings, two blocks of two storey townhouse dwellings and a block for future low density residential, for a total of 812 units, 2,650 square metres of ground floor commercial area, 575 underground parking spaces, and 113 surface parking spaces, for lands located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, as shown in Appendix A attached to Report PED25062, **BE APPROVED** on the following basis:

- a) That the draft By-law, attached as Appendix C to Report PED25062, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- b) That the proposed changes in zoning are consistent with the Provincial Planning Statement (2024) and comply with the Urban Hamilton Official Plan and the Trinity West Secondary Plan upon adoption of the Official Plan Amendment.

Key Facts

- The proposal is for four 12 storey mixed use buildings, two blocks of two storey townhouse dwellings, and a block for future low density residential. A total of 812 units are proposed along with a total ground floor commercial area of approximately 2,650 square metres. One level of underground parking with 575 parking spaces and 113 surface parking spaces, for a total 688 parking spaces is proposed. Two vehicular accesses to the site are proposed from Rymal Road East. A concept plan is shown in Appendix E to Report PED25062.
- The purpose of the Official Plan Amendment is to amend the Urban Hamilton Official Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Neighbourhoods” designation and to amend the Trinity West Secondary Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Low Density Residential 2” designation and adding a new “Site Specific Policy – Area X” to permit four mixed use buildings with building heights up to 12 storeys with residential and commercial uses, two blocks of two storey townhouse dwellings, and a block for future low density residential.
- The purpose of the Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5) Zone, the Mixed Use Medium Density (C5, 589) Zone and the Mixed Use Medium Density (C5, 604, H98) Zone to the Mixed Use Medium Density (C5, 928) Zone and the Low Density Residential – Small Lot (R1a) Zone, to permit four 12 storey mixed use buildings, two blocks of two storey townhouse dwellings, and a block for future low density residential.
- The lands are identified as “Buried Eramosa Escarpment” within the Trinity West Secondary Plan. A geotechnical study was required to determine if karst formations exist and whether sinkholes should be protected. The proponents

prepared a Karst Assessment, which was reviewed by the Hamilton Conservation Authority. The Karst Assessment concluded that no karst hazards were identified at the surface, however there may be small karstic features beneath the site and further monitoring and assessment is required which will occur at the future Site Plan Control stage.

- Staff recommends approval of the proposed Official Plan Amendment and Zoning By-law Amendment as included in Appendix B and Appendix C attached to Report PED25062.

Financial Considerations

Not applicable.

Analysis

The proposal is to facilitate the development of four 12 storey mixed use buildings with a ground floor commercial area of approximately 2,650 square metres, two blocks of two storey townhouse dwellings, and one level of underground parking with 575 parking spaces and 113 surface parking spaces, for a total 688 parking spaces, and a block to be severed for future low density residential development, as shown in Appendix E to Report PED25062. The subject lands are municipally known as 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, Stoney Creek, and are located on the north side of Rymal Road East between Upper Red Hill Valley Parkway and Columbus Gate. The existing and surrounding land uses are provided in Appendix A1 to Report PED25062.

A full review of the applicable Provincial Policy Statement (2024), Urban Hamilton Official Plan Amendment, and Trinity West Secondary Plan is provided in Appendix F attached to Report PED25062.

Provincial Planning Statement (2024)

The proposal is for a range of residential units and commercial uses, contributing to a range and mix of uses. Hamilton Street Railway operates bus route 44 on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Summit Park, Bishop Ryan Catholic Secondary School, and the Eramosa Karst Conservation Area are located within walking distance (400-500 metres) of the subject lands. The proposed development will provide a greater range of housing types and achieves the planned urban structure. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Road East (PED25062) (Ward 9)

Page 4 of 7

Urban Hamilton Official Plan and Trinity West Secondary Plan

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are further designated “Mixed Use – Medium Density” on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix F attached to Report PED25062.

The purpose of the amended Official Plan Amendment is to amend the Urban Hamilton Official Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Neighbourhoods” designation and to amend the Trinity West Secondary Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Low Density Residential 2” designation and adding a new “Site Specific Policy – Area X” to permit multiple dwellings with a maximum height of 12 storeys. Staff have proposed to further amend the Official Plan Amendment to permit a block for future low density residential located at the rear of 1841 and 1843 Rymal Road East. This block measures approximately 43 metres along Columbus Gate and has a depth of 30.5 metres. The applicant is in support of the changes proposed by staff.

The proposed amendments can be supported as the proposed development will provide a range of housing types and achieve the planned urban structure. Areas identified as “Secondary Corridor” are intended to accommodate retail and mixed use forms in small clusters. The “Mixed Use – Medium Density” designation is intended to support urban nodes and corridors by attracting people and creating a vibrant area. The proposed mixed use buildings and two storey townhouse dwellings in the “Mixed Use – Medium Density” designation are assessed under the applicable policies of the Trinity West Secondary Plan as outlined in Appendix F attached to Report PED25062. The proposed modification to add “Site Specific Policy – Area X” is supported by both the “Secondary Corridor” and “Mixed Use – Medium Density” policies. The block for the future townhouse dwellings is intended to be severed. The proposed amendment for this block can be supported as the proposed uses are low density, in keeping with the surrounding land uses on Columbus Gate, and will have access to Columbus Gate only.

The proposed building height of 12 storeys (45 metres) can be supported as the proposed development meets the criteria to permit additional height above six storeys. The proposed development contains a mix of unit sizes and incorporates sustainable building and design principles, which will be implemented through a future Site Plan Control application. The proposal does not have any adverse shadow impacts, provides stepbacks from adjacent residential development, and provides minimized height appearance from the street, as outlined in Appendix F attached to Report PED25062.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and Trinity West Secondary Plan upon adoption of the Official Plan Amendment.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5) Zone, the Mixed Use Medium Density (C5, 589) Zone and the Mixed Use Medium Density (C5, 604, H98) Zone to the Mixed Use Medium Density (C5, 928) Zone and the Low Density Residential – Small Lot (R1a) Zone to permit four 12 storey mixed use buildings with a ground floor commercial area of approximately 2,650 square metres, two blocks of two storey townhouse dwellings, and one level of underground parking with 575 parking spaces and 113 surface parking spaces, for a total 688 parking spaces. Staff have amended the application to permit a block for future low density residential located at the rear of 1841 and 1843 Rymal Road East, fronting onto Columbus Gate, which will be zoned Low Density Residential – Small Lot (R1a) Zone. The applicant is in support of the changes proposed by staff.

Modifications to the Mixed Use Medium Density (C5, 928) Zone are required to facilitate the proposed development. Appendix I attached to Report PED25062 provides a table outlining the modifications proposed.

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and Trinity West Secondary Plan upon adoption of the Official Plan Amendment; and,
 - (iii) It 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, provides additional housing units in the area, achieves the planned urban structure, and supports developing a complete community.

2. Official Plan Amendment

The Official Plan Amendment, as amended by staff, can be supported as the proposal supports the development of healthy, liveable, and safe communities. The proposed mixed use development represents a compatible form of development. It will provide a range of housing types and achieves the planned urban structure. The increased height is appropriate at this location as shadowing does not impact adjacent residential uses. Privacy and overlook impacts have been mitigated through the introduction of building setbacks and stepbacks above the fourth floor. The increased density will support the use of existing and planned transit and commercial uses.

Staff have proposed that a portion of the property be redesignated to permit Low Density Residential uses. This is supported as it meets function, scale, and design policies by providing low density residential within the interior of a neighbourhood and will provide a transition from low density to higher density from the interior of a neighbourhood to its periphery.

Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density (C5, 589) Zone, and Mixed Use Medium Density (C5, 604, H98) Zone in City of Hamilton Zoning By-law No. 05-200. The Zoning By-law Amendment application, as amended by staff, proposes to change the zoning to the Mixed Use Medium Density (C5, 928) Zone and the Low Density Residential – Small Lot (R1a) Zone. Staff are satisfied that the proposal meets the intent of the “Mixed Use – Medium Density” and the “Neighbourhoods” designation policies in the Urban Hamilton Official Plan and the “Mixed Use – Medium Density” and “Low Density Residential 2” designation policies in the Trinity West Secondary Plan upon adoption of the proposed Official Plan Amendment, and the applicable urban design policies of the Urban Hamilton Official Plan as outlined in Appendix F attached to Report PED25062. The proposed Zoning By-law includes building setbacks and stepbacks above the fourth floor to mitigate any privacy and overlook impacts. The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in attached Appendix I attached to Report PED25062.

There is currently a Holding Provision ‘H98’ which requires that the lands subject to the provision (1831 Rymal Road East) be consolidated with adjacent lands to a minimum of 1500 square metres or until such time as the owner / applicant has applied for and received final approval of a Site Plan Control application demonstrating a viable development. In this case the lands are being consolidated to achieve a total lot area of 2.39 hectares and will exceed the 0.15 hectare requirement of lot consolidation and therefore this Holding Provision is no longer required and will not be carried forward.

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

Alternatives

Should the applications be denied, the subject property can be used in accordance with the Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density (C5, 589) Zone and Mixed Use Medium Density (C5, 604, H98) Zone in City of Hamilton Zoning By-law No. 05-200.

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Road East (PED25062) (Ward 9)

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Relationship to Council Strategic Priorities

Priority 1: Sustainable Economic & Ecological Development

- Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. A comment summary and response are provided in Appendix G attached to Report PED25062.

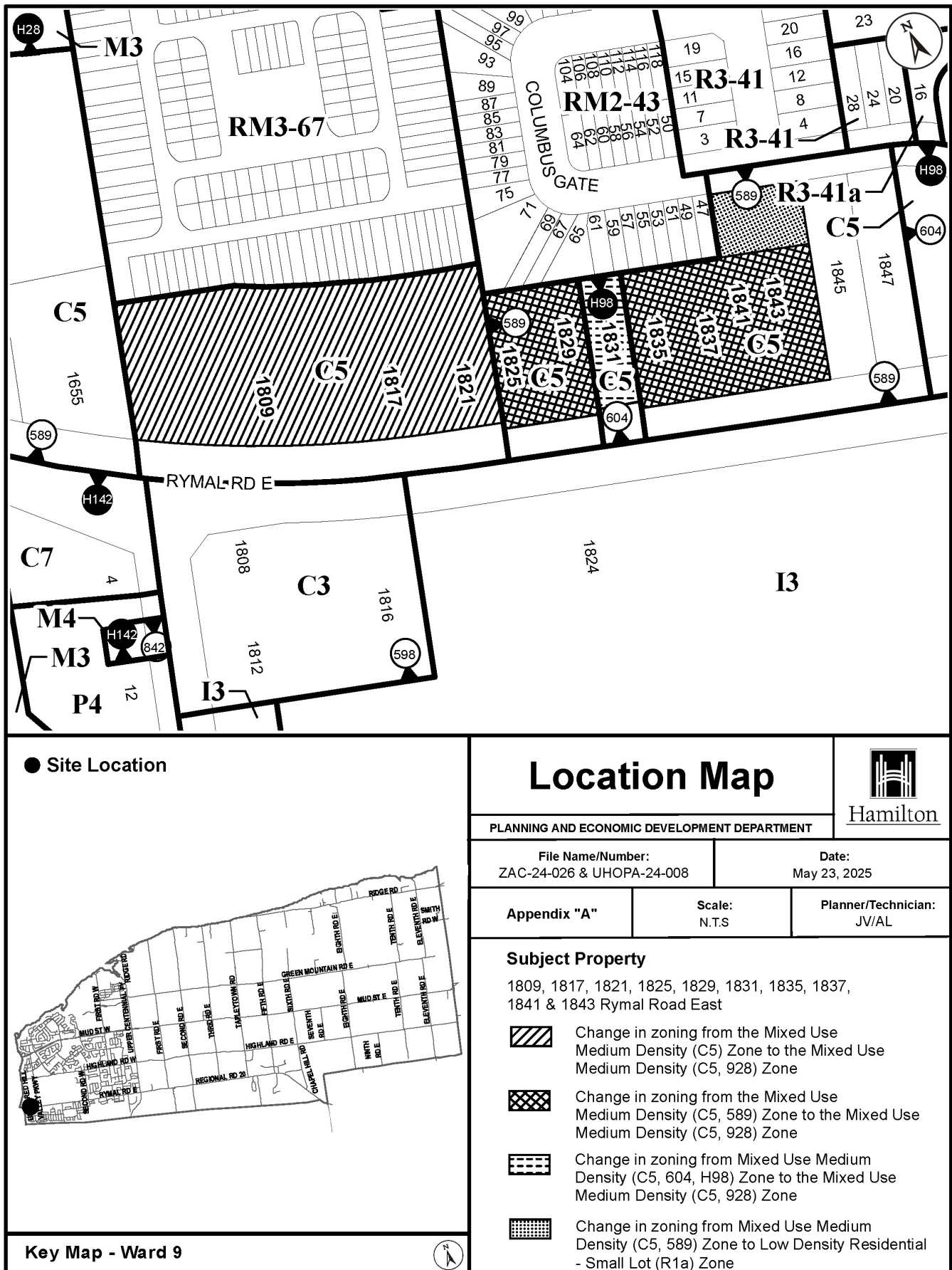
The applicants submitted a Public Consultation Strategy with the supporting materials. A Neighbourhood Information Meeting was hosted virtually on June 21, 2023, and the summary response to comments received are included in Appendix H to Report PED25062.

Appendices and Schedules Attached

Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Amendment to Urban Hamilton Official Plan
Appendix C:	Amendment to Zoning By-law No. 05-200
Appendix D:	Historical Background Report Fact Sheet
Appendix E:	Concept Plan
Appendix F:	Policy Review
Appendix G:	Department and Agency Comments
Appendix H:	Public Comments and Summary of Public Consultation
Appendix I:	Zoning Modification Table

Prepared by: James Van Rooi, Senior Planner
Planning and Economic Development Department,
Development Planning

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development Department



Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Commercial building, vacant land, and single detached dwellings.	Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density (C5, 589) Zone and Mixed Use Medium Density (C5, 604, H98) Zone.
Surrounding Lands:		
North	Two and three storey townhouse dwellings.	Multiple Residential "RM3-67" Zone, Modified, Multiple Residential "RM2-43" Zone, Modified, and Single Residential "R3-41" Zone, Modified.
South	Bishop Ryan Catholic Secondary School and Commercial Plaza.	Community Commercial (C3, 598) Zone, Major Institutional (I3) Zone, and Arterial Commercial (C7, H142) Zone.
East	Vacant.	Mixed Use Medium Density (C5, 589) Zone.
West	Single detached dwelling	Mixed Use Medium Density (C5, 589) Zone.

Schedule “1”

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

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Urban Hamilton Official Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Neighbourhoods” designation and to amend the Trinity West Secondary Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Low Density Residential 2” designation and adding a new “Site Specific Policy – Area X” to permit the development of four mixed use buildings containing residential and commercial uses with building heights up to 12 storeys and a block to be severed for future low density residential development on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, 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 the Trinity West Secondary Plan, as it is a compact and efficient urban form, supports the development of a complete community, and contributes to the planned urban structure;
- The proposed development supports the Residential Intensification policies of

the Urban Hamilton Official Plan; and,

- The Amendment is consistent with the Provincial Planning Statement, 2024.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.2 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Mixed Use – Medium Density” to “Neighbourhoods”, 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.7.7 – Trinity West Secondary Plan

- a. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan, be amended by adding a new Site Specific Policy as follows:

“Site Specific Policy – Area X

B.7.7.13.X For lands identified as Site Specific Policy – Area X on Map B.7.7-1 – Trinity West Secondary Plan, designated “Mixed Use – Medium Density”, and known as 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, the following policy shall apply:

- a) Notwithstanding Policy B.7.7.4.1 b) ii), a maximum building height of 12 storeys shall be permitted provided compliance with criteria a) through e) of Policy E.4.6.8 of Volume 1 is demonstrated.”

Maps and Appendices

4.2.2 Map

- a. That Volume 2: Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan be amended by redesignating the subject lands from “Mixed Use – Medium Density” to “Low Density Residential 2”, as shown on Appendix “B”, attached to this Amendment.
- b. That Volume 2: Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan be amended by identifying the subject lands as Site Specific Policy – Area “X”, as shown on Appendix “B”, attached to this Amendment.

5.0 Implementation:

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

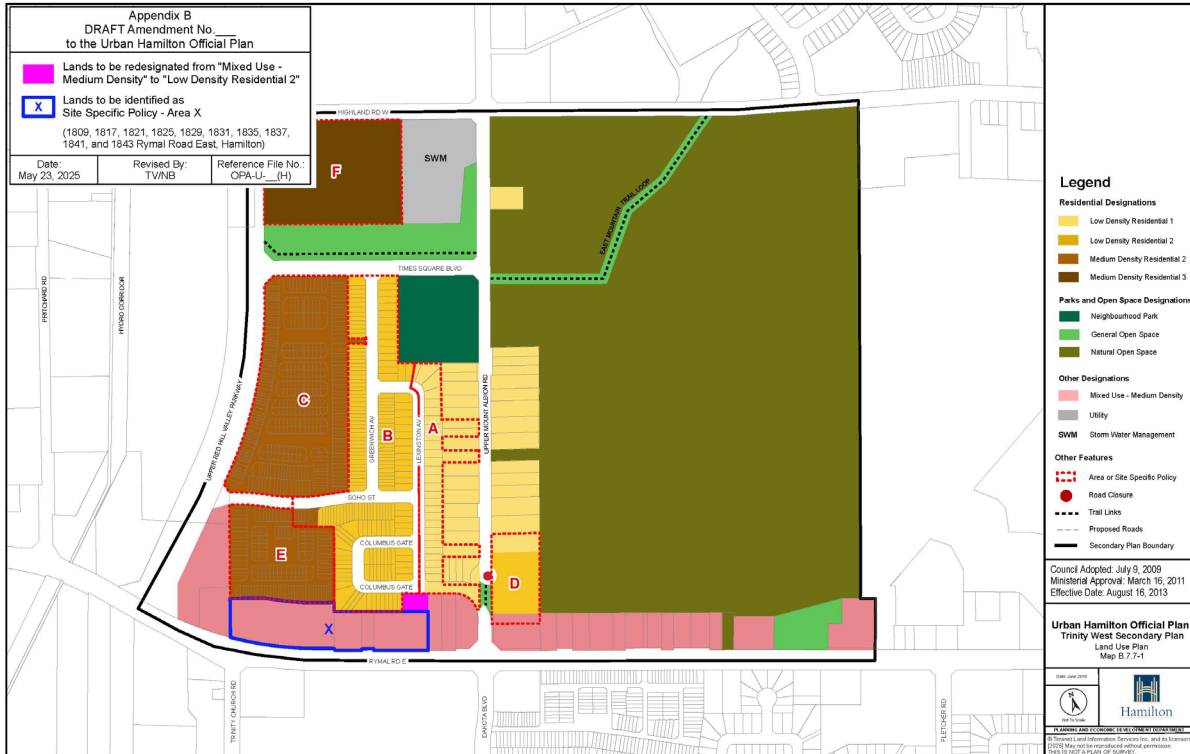
This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ____th day of ___, 2025.

The City of Hamilton

A. Horwath
Mayor

M. Trennum
City Clerk





Authority: Item,
Report (PED25062) CM:
Ward: 9

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To amend Zoning By-law No. 05-200 with respect to lands located at 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, 1843 Rymal Road East, Stoney Creek

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on May 28, 2025;

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

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

1. That Schedule “A” – Zoning Maps, Map No. 1548 is amended by changing the zoning as follows:

- a) from the Mixed Use Medium Density (C5) Zone, the Mixed Use Medium Density (C5, 589) Zone, and the Mixed Use Medium Density (C5, 604, H98) Zone to the Mixed Use Medium Density (C5, 928) Zone; and,
- b) from the Mixed Use Medium Density (C5, 589) Zone to the Low Density Residential – Small Lot (R1a) Zone;

for the lands known as 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, 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:

“928. Within the lands zoned Mixed Use Medium Density (C5, 928) Zone, identified on Map Nos. 1548 and 1593 of Schedule “A” – Zoning Maps and described as 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841, and 1843 Rymal Road East, the following special provisions shall apply:

- a) In addition to Section 3: Definitions the following definition shall also apply:

Stacked Townhouse	Shall mean a multiple dwelling containing five or more dwelling units divided by common walls preventing internal access between units, with each dwelling unit having an independent entrance provided from outside the building.
----------------------	--

- b) That notwithstanding Section 3 as it relates to the definition of “Rear Lot Line”, “Rear Lot Line” shall mean any lot lines opposite the front lot line.
- c) That in addition to Section 3 as it relates to the definition of “Planting Strip”, an enclosed stair structure leading to an underground parking garage shall be permitted within a Planting Strip.
- d) That notwithstanding Section 4.6 e), a balcony may encroach into any required yard to a maximum of 1.5 metres.
- e) That notwithstanding Section 5.7.1 a) as it relates to a Multiple Dwelling, the following shall apply:
 - i) Multiple Dwelling In PRA 3, 0.7 parking spaces per unit for residents, plus 0.1 visitor parking spaces per unit.
- f) That notwithstanding Section 5.7.5 a) i) as it relates to Multiple Dwellings and Retail Uses, the following shall apply:
 - i) Short Term Bicycle Parking – Multiple Dwelling In PRA 3, 0.05 per unit.
 - ii) Short Term Bicycle Parking – Retail In PRA 3, 0.20 for each 100 square metres of gross floor area.
- g) That notwithstanding Section 5.7.5 a) ii) as it relates to Multiple Dwellings and Retail Uses, the following shall apply:
 - i) Long Term Bicycle Parking – Multiple Dwelling In PRA 3, 0.60 per unit.
 - ii) Long Term Bicycle Parking – Retail In PRA 3, 0.10 for each 100 square metres of gross floor area.

h) That notwithstanding Section 10.5.3 a) ii), 10.5.3 b) 10.5.3 c), and 10.5.3 d) ii), the following shall apply:

- | | |
|--|---|
| a) Building Setback from a Street Line | Maximum 5.1 metres for multiple dwellings, except no maximum for townhouses and stacked townhouses. |
| d) Minimum Rear Yard | <p>i) 5.0 metres for townhouses and stacked townhouses;</p> <p>ii) 7.5 metres for multiple dwellings, except:</p> <ol style="list-style-type: none"> 1. 12.0 metres for any portion of a building greater than 12.0 metres in height; 2. 22.0 metres for any portion of a building greater than 22.0 metres in height; and, 3. 28.0 metres for any portion of a building exceeding a height of 30.0 metres in height; and, <p>iii) Underground parking stairs may be permitted within the rear yard.</p> |
| e) Building Height | Maximum 44.0 metres. |
| f) That Sections 10.5.1.1 i) 1. and 10.5.3 d) iii) shall not apply.” | |

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 Mixed Use Medium Density (C5, 928) Zone and the Low Density Residential – Small Lot (R1a) 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*.

PASSED this _____ , 2025

A. Horwath
Mayor

UHOPA-24-008
ZAC-24-026

M. Trennum
City Clerk



This is Schedule "A" to By-law No. 25-

Passed the day of, 2025

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 25-_____

to Amend By-law No. 05-200
Map 1548

Scale:

N.T.S

File Name/Number:

ZAC-24-026 & UHOPA-24-008

Date:

May 23, 2025

Planner/Technician:

JV/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property

1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837,
1841 & 1843 Rymal Road East



Change in zoning from the Mixed Use
Medium Density (C5) Zone to the Mixed Use
Medium Density (C5, 928) Zone



Change in zoning from the Mixed Use
Medium Density (C5, 589) Zone to the Mixed Use
Medium Density (C5, 928) Zone



Change in zoning from Mixed Use Medium
Density (C5, 604, H98) Zone to the Mixed Use
Medium Density (C5, 928) Zone



Change in zoning from Mixed Use Medium
Density (C5, 589) Zone to Low Density Residential
- Small Lot (R1a) Zone

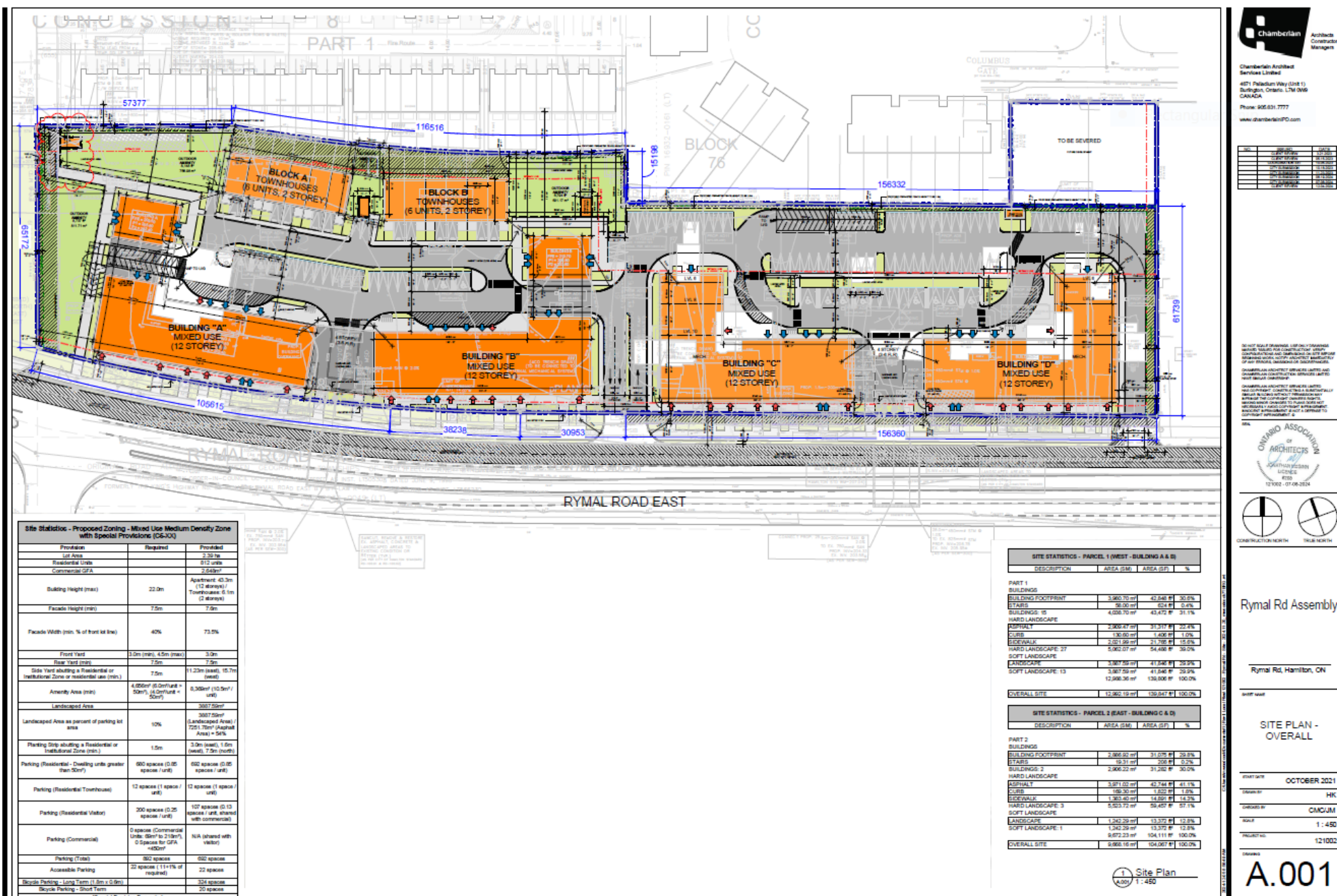
HISTORICAL BACKGROUND**Report Fact Sheet**

Application Details	
Owner:	2324780 Ontario Inc. (c/o Dianne Ramos).
Applicant:	MHBC Planning Ltd. (c/o Dave Aston).
File Number:	UHOPA-24-008 and ZAC-24-026.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The purpose of the staff amended Official Plan Amendment is to amend the Urban Hamilton Official Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Neighbourhoods” designation and to amend the Trinity West Secondary Plan by redesignating a portion of the subject lands from the “Mixed Use – Medium Density” designation to the “Low Density Residential 2” designation and adding a new “Site Specific Policy – Area X”.</p> <p>The purpose of the staff amended Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5) Zone, the Mixed Use Medium Density (C5, 589) Zone, and the Mixed Use Medium Density (C5, 604, H98) Zone to the Mixed Use Medium Density (C5, 928) Zone and the Low Density Residential – Small Lot (R1a) Zone.</p> <p>The effect of these applications is to facilitate the development of four 12 storey mixed use buildings, two blocks of two storey townhouse dwellings, and a block to be severed for future low density residential. A total of 812 units are proposed along with a total ground floor commercial area of approximately 2,650 square metres. One level of underground parking with 556 parking spaces and 123 surface parking spaces, for a total 679 parking spaces is proposed. Two vehicular accesses to the site are proposed from Rymal Road East. The development is proposed to include 524 one bedroom units (64.5%) and 276 two bedroom units (34%). The two storey block townhouses are proposed to have 12 units in total; and while bedroom count was not specified for these units, it is likely they will be two or more bedrooms (1.5%).</p> <p>The existing buildings will be demolished.</p>

Property Details	
Municipal Address:	1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Road East.
Lot Area:	2.39 ha.
Servicing:	Existing full municipal services.
Existing Uses:	Commercial building, vacant lands, and existing single detached dwellings.
Documents	
Provincial Planning Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	“Secondary Corridor” on Schedule E – Urban Structure and “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	Redesignation to “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations for a portion of the subject lands fronting Columbus Gate.
Secondary Plan Existing:	“Mixed Use Medium Density” on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan.
Secondary Plan Proposed:	Redesignation to “Low Density Residential 2” on the northwest portion of the subject lands and add a new “Site Specific Policy – Area X” on the balance of the subject lands within the Trinity West Secondary Plan to permit building heights up to 12 storeys.
Zoning Existing:	Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density (C5, 589) Zone and Mixed Use Medium Density (C5, 604, H98) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 928) Zone and Low Density Residential – Small Lot (R1a) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the applicant and are supported by staff:</p> <ul style="list-style-type: none"> • To provide a definition for “Stacked Townhouses”; • To deem the rear lot line as lot lines opposite the front lot line; • To permit encroachment of stairs to underground parking within the planting strip; • To increase the permitted encroachment for balconies into any required yard from a maximum of 1 metre to a maximum of 1.5 metres;

<p>Modifications Proposed: (continued)</p>	<ul style="list-style-type: none"> • To reduce the parking requirement for Multiple Dwellings from 0.85 per unit for residents, plus 0.25 for visitors to 0.7 per unit for units for residents, plus 0.1 for visitors; • To establish a minimum short term bicycle parking requirement of 0.05 per unit for multiple dwellings and 0.20 per 100 square metres of gross floor area for retail uses; • To establish a minimum long term bicycle parking requirement for of 0.60 per unit multiple dwellings and 0.10 per 100 square metres of gross floor area for retail uses; • To remove the requirement for finished floor elevation of any unit to be a minimum of 0.9 metres above grade; • To increase the maximum building setback from the street line from 4.5 metres to 5.1 metres for multiple dwellings and remove the requirement for townhouses; • To reduce the minimum rear yard setback from 7.5 metres to 5 metres for townhouses and stacked townhouses; • To maintain a minimum rear yard setback of 7.5 metres for multiple dwellings, with an exception to permit a stair enclosure with a minimum rear yard setback of 0.77 metres; • To establish a stepback from the rear lot line of 12.0 metres for any portion of a building greater than 12.0 metres in height; 22.0 metres for any portion of a building greater than 22.0 metres in height; 28.0 metres for any portion of a building greater than 30.0 metres in height; and, • To increase the building height from 22.0 metres to 44.0 metres. <p>The following modification to Zoning By-law No. 05-200 was proposed by the applicant but is not supported by staff:</p> <ul style="list-style-type: none"> • To not require electric vehicle parking for the multiple dwelling use or retail use.
Processing Details	
Received:	August 23, 2024.
Deemed Complete:	August 29, 2024.
Notice of Complete Application:	Sent to 203 property owners within 120 m of the subject property on September 5, 2024.
Public Notice Sign:	Posted September 5, 2024, and updated April 30, 2025.
Notice of Public Meeting:	Sent to 203 property owners within 120 m of the subject property on May 9, 2025.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix G attached to Report PED25062.

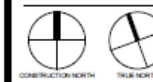
Public Consultation:	In addition to the requirements of the <i>Planning Act</i> , the applicants submitted a Public Consultation Strategy with the supporting materials. A Neighbourhood Information Meeting was hosted virtually on June 21, 2023. The summary response to comments received are included as Appendix H attached to Report PED250652.
Public Comments:	To date, a total of 22 comments in objection have been received and are included in Appendix H attached to Report PED25062.
Processing Time:	320 days, 202 days since resubmission, and 53 days from the amendment to include low density residential fronting Columbus Gate.



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NO.	REVISION	DATE
1	ISSUED FOR PERMIT	2021-09-01
2	REVISION	2021-09-01
3	REVISION	2021-09-01
4	REVISION	2021-09-01
5	REVISION	2021-09-01

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Rymal Rd Assembly

Rymal Rd, Hamilton, ON

SITE PLAN - OVERALL

DATE: OCTOBER 2021
DRAWN BY: HK
CHECKED BY: CMJUM
SCALE: 1:450
PROJECT NO: 121002

A.001

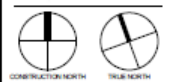


Chamberlain Architects
Services Limited
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Burlington, Ontario L7M 3M9
CANADA
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NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/08/2021
2	REVISED FOR COMMENTS	10/08/2021
3	REVISED FOR COMMENTS	10/08/2021

DO NOT SCALE DIMENSIONS. USE THE DIMENSIONS
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CHAMBERLAIN ARCHITECTS SERVICES LIMITED AND
CHAMBERLAIN CONSTRUCTION SERVICES LIMITED
WARRANTY STATEMENT



Rymal Rd Assembly

Rymal Rd, Hamilton, ON

DATE: 10/08/2021

UNDERGROUND
PARKING PLAN

DATE: 10/08/2021
DRAWN BY: HK
CHECKED BY: CMG/JM
SCALE: As Indicated
PROJECT NO: 121002

DRAWING

A.200



PARKING SCHEDULE - BY USE		
Comments	Count	
BUILDINGS A&B	588	
BUILDINGS C&D	118	
TOWNHOUSE	12	
	698	

PARKING SCHEDULE - OVERALL		
TYPE	DESCRIPTION	COUNT
TYPICAL	5.0M X 2.5M	681
VANBOX	5.0M X 2.5M	5
ACCESSIBLE	5.0M X 4.0M	32
	698	

PARKING SCHEDULE - OVERALL BY FLOOR		
TYPE	DESCRIPTION	COUNT

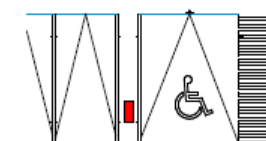
TO GROUND FLOOR		
ACCESSIBLE	5.0M X 4.0M	12
TYPICAL	5.0M X 2.5M	103
	115	
UNDERGROUND P1		
ACCESSIBLE	5.0M X 4.0M	12
VANBOX	5.0M X 2.5M	5
TYPICAL	5.0M X 2.5M	580
	597	
	698	

PARKING SCHEDULE - BUILDING A & B		
TYPE	DESCRIPTION	COUNT

TO GROUND FLOOR		
ACCESSIBLE	5.0M X 4.0M	4
TYPICAL	5.0M X 2.5M	25
	29	
UNDERGROUND P1		
ACCESSIBLE	5.0M X 4.0M	5
VANBOX	5.0M X 2.5M	5
TYPICAL	5.0M X 2.5M	524
	534	

PARKING SCHEDULE - BUILDING C & D		
TYPE	DESCRIPTION	COUNT

TO GROUND FLOOR		
ACCESSIBLE	5.0M X 4.0M	8
TYPICAL	5.0M X 2.5M	80
	88	
UNDERGROUND P1		
ACCESSIBLE	5.0M X 4.0M	5
ACCESSIBLE	5.0M X 2.5M	30
TYPICAL	5.0M X 2.5M	118
	153	



1 UNDERGROUND P1
A.200 1:500



2 BUILDINGS A&B - NORTH ELEVATION
A&B 1:225



1 BUILDINGS A&B - SOUTH ELEVATION
A&B 1:225



4 BUILDING B - WEST ELEVATION
1:225



5 BUILDING B - EAST ELEVATION
1:225

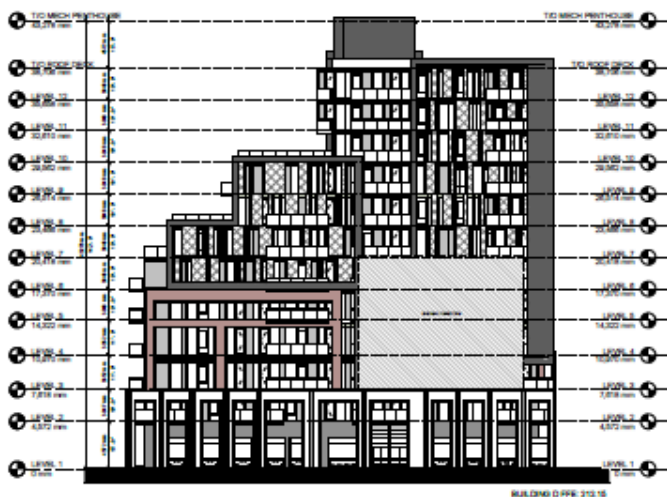


3 BUILDING A - EAST ELEVATION
1:225



1 BUILDING A - WEST ELEVATION
1:225

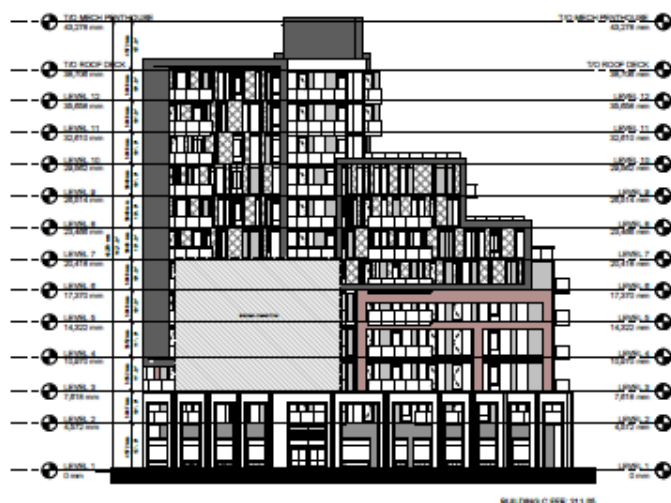




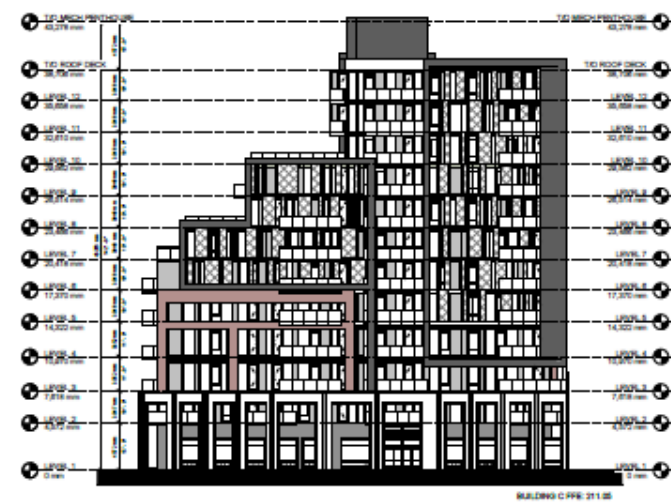
4 BUILDING D - WEST ELEVATION
A-304 1:225



2 BUILDING D - EAST ELEVATION
A-304 1:225



3 BUILDING C - EAST ELEVATION
A-304 1:225



1 BUILDING C - WEST ELEVATION
A-304 1:225



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SUMMARY OF POLICY REVIEW

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

Provincial Planning Statement (2024)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Management of Land Use, Settlement Area, Housing, Transportation Systems, Long-Term Economic Prosperity Policies: 2.2.1 c), d), 2.3.1.1, 2.3.1.2, 2.3.1.3, and 2.4.3	<p>Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation.</p> <p>Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.</p> <p>Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.</p> <p>Land use patterns within settlement areas should be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate; and e) are freight-supportive. <p>Supporting general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the</p>	<p>The proposed development supports active transportation and is an efficient use of land. The subject site is adjacent to Rymal Road East which is identified as “Secondary Corridor” on Schedule E – Urban Structure of the Urban Hamilton Official Plan, which is intended to develop at a higher density and as a transit supportive location. The lands are within the urban boundary which is considered a settlement area. Commercial uses are located on the subject property and there are nearby parks, schools and employment uses in the surrounding area. Hamilton Street Railway operates bus route 44 on Rymal Road East and the corridor is identified as a potential rapid transit route.</p> <p>The proposed development will provide a greater range of housing types, achieve the planned urban structure and the increased density will support the use of existing and planned transit and commercial uses.</p> <p>A Karst Hazard Assessment, prepared by Terra-Dynamics dated June 4, 2024, and a Geotechnical Investigation, prepared by Soil-Mat Engineers and Consultants Ltd. dated April 2, 2024, were submitted in support of the applications. The Karst Hazard Assessment concluded that no karst hazards were identified at the surface, however there may be small karstic features beneath the site and further monitoring and assessment is required. The Hamilton Conservation Authority have reviewed these studies and indicated that further measures will need to be addressed at the Site Plan Control stage. The subject property is regulated by the Hamilton Conservation Authority and a permit will be required from them.</p> <p>The proposal is consistent with these policies.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Management of Land Use, Settlement Area, Housing, Transportation Systems, Long-Term Economic Prosperity Policies: 2.2.1 c), d), 2.3.1.1, 2.3.1.2, 2.3.1.3, and 2.4.3 (continued)	<p>necessary infrastructure and public service facilities.</p> <p>Promoting intensification on lands that are adjacent to existing and planned frequent transit corridors, where appropriate.</p> <p>Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites, and manage development in these areas in accordance with provincial guidance.</p>	
Urban Hamilton Official Plan		
Urban Design Policies – General Policies and Principles Policies: B.3.3.2.2 – B.3.3.2.10	<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"> • Fostering a sense of community pride and identity; • Creating quality spaces; • Creating places that are safe, accessible, connected, and easy to navigate; • Enhancing the character of the existing environment; • Creating places that are adaptable to future changes; • Promoting the reduction of greenhouse gas emissions and protecting and enhancing the natural environment; • Enhancing physical and mental health; and, • Designing streets as a transportation network and as public spaces. 	<p>An Urban Design Brief, prepared by MHBC Planning Ltd. dated July 2024, was submitted in support of the proposed development. The proposal creates a pedestrian oriented environment, creates an active street frontage, and integrates the public and private realm which are consistent with the City's Urban Design Principles. A Concept Landscape Plan, prepared by MHBC Planning Ltd. dated November 2024, shows soft landscape features, outdoor amenity area and sidewalks throughout the site that contribute to the pedestrian experience. The proposed mixed use buildings are sited towards Rymal Road East with ground floor retail unit entrances facing the street, creating an active street frontage, and integrating the public and private realm. The proposal provides access to bike storage and storage lockers. Long term bicycle parking is provided, encouraging the use of active transportation for future residents and employees. Short term bicycle parking spaces are provided at grade near residential entrances for visitors.</p> <p>Design details, such as landscaping, building material and lighting will be addressed through a future Site Plan Control application.</p> <p>The proposal complies with these policies.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification Criteria</p> <p>Policies: B.2.4.1.4, B.2.4.2.2 and E.3.2.4</p>	<p>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.</p>	<p>The proposed development represents a compatible form of infill within the neighbourhood and will provide a greater range of housing types and achieve the planned urban structure. The residential intensification can be supported since there are a number of amenities within the surrounding area.</p> <p>Commercial uses are located on the subject property and a mix of institutional, employment, and park use are in proximity to the proposal. Hamilton Street Railway operates bus route 44 on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route.</p> <p>The proposed development consists of 812 dwelling units and 2,648 square metres of ground floor commercial space within four 12 storey mixed use buildings. The proposed development will provide a greater range of housing types and achieve the planned urban structure. The increased density will support the use of existing and planned transit and commercial uses.</p> <p>The Zoning By-law Amendment includes building stepback requirements above the fourth floor and increased setbacks (see Appendix C attached to Report PED25062). With these requirements the proposed development will provide a transition in height that is compatible with the surrounding area.</p> <p>Staff are recommending an amendment on the northeastern portion of the lands along Columbus Gate as the applicant has confirmed their intent to use this land for street townhouses. This portion is to be redesignated from "Mixed Use – Medium Density" to "Neighbourhoods" in the Urban Hamilton Official Plan, Schedule E-1 and redesignated from "Mixed Use – Medium Density" to "Low Density Residential 2" in the Trinity West Secondary Plan. The lands are also recommended by staff to be rezoned from Mixed Use Medium Density (C5, 589) Zone to Residential – Small Lot (R1a) Zone. The applicant is in support of the staff proposed changes.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification Criteria Policies: B.2.4.1.4, B.2.4.2.2 and E.3.2.4 (continued)		<p>The Residential – Small Lot (R1a) Zone permits a variety of low density residential uses including but not limited to singles, duplexes, semis, and street townhouse dwellings. The applicants have indicated that street townhouse dwellings are expected to be developed. The Residential – Small Lot (R1a) Zone includes a maximum height of 10.5 metres.</p> <p>The redesignation/rezoning of the land fronting Columbus Gate will allow for a transition in height from low to higher density forms from the interior of the neighbourhood to its periphery. Implementing this also respects and maintains the existing streetscape along Columbus Gate and provides for a use and built form that is compatible with the interior of the neighbourhood.</p> <p>The proposal is consistent with these policies.</p>
Transportation 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 Study, prepared by Stantec dated May 2024 and updated December 2024, has been submitted and staff determined that the local transportation network can support the proposed development.</p> <p>The proposal complies with this policy.</p>
Infrastructure Policy: C.5.3.6	All redevelopment within the urban area shall be connected to the City's water and wastewater system.	<p>A Functional Servicing Report, prepared by S. Llewellyn & Associates Limited dated May 2024 and revised December 2024, was submitted. Development Engineering staff have reviewed the Functional Servicing Report and concur with the report recommendations and support the proposed Zoning By-law Amendment. The applicant shall submit a detailed Functional Servicing Report including Grading and Servicing Plans, among other studies, through a future Site Plan application.</p> <p>The proposal complies with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Archaeology 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 under the <i>Planning Act</i> , R.S.O., 1990 c. P.13.	<p>The subject property meets five of the 10 criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared Stage 1 and Stage 2 Archaeological Assessments (P1024-002-2015, P1024-0091-2015) which examined the archaeological potential of 1809-1817 and 1821 Rymal Road East. Staff received a copy of the letter from the Ministry dated January 27, 2016 and March 2, 2016 confirming that archaeological matters have been addressed. A Stage 1-2 archaeological assessment (P038-1340-2023) for 1817-1843 Rymal Road, Hamilton, completed by Amick Consultants Limited and dated February 7, 2024, was submitted to the City and the Ministry of Citizenship and Multiculturalism. Staff concur with the conclusions of the report and request a copy of the Ministry letter when available.</p> <p>The proposal complies with this policy.</p>
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.	<p>The proposed development is located along Rymal Road East, which is classified as a major arterial road in the Urban Hamilton Official Plan and there are existing commercial uses on the subject property.</p> <p>A Noise Impact Assessment, prepared by RWDI, dated October 2023, was submitted with the applications. Staff determined that the potential for noise impact from road traffic or stationary noise sources is below Ministry of the Environment, Conservation, and Parks limits with recommended mitigation measures.</p> <p>The report recommends mitigation measures including requiring air conditioning for the four mixed use buildings, warning clauses registered on title and/or in rental agreements, and special building components. These measures will be addressed through the future Site Plan Control application and Building Permit stages.</p> <p>The proposal complies with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Hazard Lands Policy: B.3.6.5.12	Development approvals shall not be granted within hazard lands or on lands adjacent to hazard lands that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.	<p>A Karst Hazard Assessment, prepared by Terra-Dynamics dated June 4, 2024, and a Geotechnical Investigation, prepared by Soil-Mat Engineers and Consultants Ltd. dated April 2, 2024, were submitted in support of the applications. The Hamilton Conservation Authority have reviewed these studies and indicated that further measures such as karst remediation measures, clearance in foundation design, monitoring of excavation works, and erosion and sediment control will need to be addressed at the Site Plan Control stage. The subject property is regulated by the Hamilton Conservation Authority and prior to any site alteration or building permit issuance a permit will be required from them.</p> <p>The proposal complies with this policy.</p>
Trees Policy: C.2.11.1	The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.	<p>A Tree Inventory, Preservation and Management Plan Report has been prepared by Jackson Arboriculture Inc. dated July 10, 2024. A total of 92 trees have been inventoried on the subject lands of which 72 are proposed to be removed. The decision to retain trees is to be based on condition, aesthetics, age, and species. It is recognized that there are limited opportunities to retain all trees on site due to trees conflicts with grading, building locations, and underground parking. Further evaluation of the Tree Protection Plan and Landscape Plan will be required as part of the Site Plan Control process with a 1 to 1 compensation required for any trees (10 cm DBH or greater) that are proposed to be removed.</p> <p>The proposal complies with this policy.</p>
Urban Corridors – Scale and Design Policies: E.2.4.10, E.2.4.11, E.2.4.14, and E.2.4.16	The built form along the Urban Corridors shall generally consist of low to mid rise forms. The Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters. Urban Corridors shall be a focus for intensification and provide a comfortable pedestrian experience. New development shall respect the existing built form of adjacent	The subject site fronts Rymal Road East which is identified as a “Secondary Corridor” and the proposed midrise mixed use buildings are consistent with the planned land uses along “Secondary Corridors”. The proposal has been designed to promote a comfortable and attractive pedestrian experience. The buildings are located close to the street and designed with massing that contributes to the pedestrian experience of the streetscape. To address potential privacy and overlook concerns with the residential uses on adjacent properties to the north,

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Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Corridors – Scale and Design Policies: E.2.4.10, E.2.4.11, E.2.4.14, and E.2.4.16 (continued)	neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.	<p>building setbacks and stepbacks have been incorporated into the Zoning By-law (see Appendix C attached to Report PED25062).</p> <p>The proposal complies with these policies.</p>
Urban Corridors – Design Policy: E.2.4.17	Reductions in parking requirements shall be considered to encourage a broader range of uses and densities to support existing and planned transit routes.	<p>The proposed reduction in parking spaces by the applicant is supported by staff to encourage active transportation and use of transit.</p> <p>The proposal complies with this policy.</p>
Neighbourhoods – General Policies Policies: E.3.2.1, E.3.2.4, 3.3.1, and E.3.3.2	<p>Areas designated “Neighbourhoods” shall function as complete communities including a full range of residential dwelling types.</p> <p>The existing character of established areas designated “Neighbourhoods” shall be maintained. Residential intensification shall be compatible to the scale and character of the surrounding neighbourhood.</p> <p>Lower density residential uses and built forms shall generally be located in the interior of neighbourhood areas with higher density dwelling forms located along the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.</p> <p>Development adjacent to areas of lower density shall ensure compatibility with existing and future uses.</p>	<p>Staff have proposed an amendment to establish the “Neighbourhoods” designation for the rear portion of the lands located at 1841 and 1843 Rymal Road East. It has been confirmed by the applicants that street townhouses are going to be proposed along Columbus Gate following a severance application which is consistent with the envisioned uses for lands designated “Neighbourhoods”, as per policy E.3.2.1.</p> <p>In accordance with Policy E.3.2.4, the staff proposed amendment will allow for townhouses in a height, massing, and building arrangement that is compatible with existing uses within the interior of the neighbourhood. The lands being redesignated to “Neighbourhoods” will allow for low density residential uses that transition from low to higher densities from the interior of the neighbourhood to the periphery.</p> <p>A Sun Shadow Study prepared by MHBC Planning Ltd., dated May 2024, shows that the severed lands will not be impacted by shadowing. The severed lands will have roughly six hours of sunlight during the March 21st spring equinox, whereas a minimum of three hours is required for private amenity areas (e.g. rear yards) per the City’s Sun Shadow Study guidelines.</p> <p>The proposed amendment complies with the policies.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Low Density Residential</p> <p>Policies: E.3.4.3, E.3.4.4 and E.3.4.5</p>	<p>Uses permitted in low density residential areas:</p> <p>a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)</p> <p>b) may include multiple dwellings containing a maximum of 6 units for lots in proximity to collector roads or arterial roads (OPA 167)</p> <p>For low density residential areas the maximum net residential density for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans shall be 60 units per hectare. (OPA 167)</p> <p>For low density residential areas, the maximum height shall be three storeys.</p>	<p>Street townhouses are proposed for the lands fronting Columbus Gate, and the uses proposed and implemented through the Low Density Residential – Small Lot (R1a) Zone comply with this policy.</p> <p>The purpose of Policy E.3.4.4 is to provide direction for the development of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans rather than privately initiated development applications.</p> <p>The maximum building height of the Low Density Residential – Small Lot (R1a) Zone is 10.5 metres (three storeys). The proposal complies with these policies.</p>
<p>Mixed Use – Medium Density</p> <p>Policies: E.4.6.1, E.4.6.5, and E.4.6.8</p>	<p>The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.</p> <p>The uses permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations include commercial uses and multiple dwellings.</p> <p>Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:</p>	<p>The proposal provides commercial units that will serve the surrounding community. The proposed development consists of multiple dwelling units with commercial space on the ground floor.</p> <p>Subject to approval of the proposed Official Plan Amendment, the proposed site specific policy in the Trinity West Secondary Plan, as discussed below, would have the effect of reinstating Policy E.4.6.8.</p> <p>The proposed building height of 12 storeys can be supported as the increase in height meets the criteria established for permitting additional height above six storeys. The recommended Zoning By-law includes a maximum height of 44 metres (see Appendix C attached to Report PED25062).</p> <p>The proposed development contains 812 dwelling units, which will consist of 524 one bedroom units, 276 two bedroom units within the mixed use multiple dwellings, and 12 dwelling units in the</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Mixed Use – Medium Density Policies: E.4.6.1, E.4.6.5, and E.4.6.8 (continued)	<p>a) The development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels;</p> <p>b) The development shall incorporate sustainable building and design principles;</p> <p>c) there are no adverse shadow impacts created on existing residential uses;</p> <p>d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods; and,</p> <p>e) buildings are stepped back from the street.</p>	<p>two storey block townhouses. The dwelling units represents a mix of small to large unit types to support various household sizes and income levels.</p> <p>An Urban Design Brief by MHBC Planning Ltd, dated July 2024 indicates a number of sustainable design elements such as recycled steel, concrete or reclaimed wood, installation of low-flow toilets, faucets, high-efficiency heating, ventilation and air conditioning systems, and incorporation of green roofs to provide insulation and reduce heat island effect. Details of the sustainable building and design features will be addressed through a future Site Plan Control application. A Shadow Study, prepared by MHBC Planning Ltd., dated May 2024, was submitted and staff are satisfied that the development will not cause adverse impacts on existing residential uses.</p> <p>The proposed Zoning By-law Amendment (Appendix C attached to Report PED25062) includes building stepback requirements above the fourth floor and increased setbacks. With these requirements the proposed development will provide an appropriate transition in height. The proposed 44 metre height has been incorporated into the recommended Zoning By-law and no further stepbacks are required to respect the angular plane.</p> <p>The Zoning By-law Amendment does not include stepback requirements from the street line as staff do not anticipate negative visual impacts as the ultimate right-of-way width of Rymal Road East is greater than 36 metres wide.</p> <p>The proposal complies with these policies.</p>
Secondary Plans – General Policies Policy: B.1.5 a)	<p>a) Notwithstanding Policies B.1.2, B.1.5, and the policies contained in Sections B.2.0 to B.7, and Volume 1 Policy F.1.2.2, for all lands designated Low Density Residential 1, 1 a, 1 b, 2, 2a, 2b, 2e, and 2f on the land use plans appended to each secondary plan area, and for lands designed Low Density Residential 3 on Map B.6.6-1 Strathcona</p>	<p>As per Policy B.1.5 a), policies E.3.4.3, E.3.4.4 and E.3.4.5 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. Please see staff analysis for these policies earlier in this Policy Review.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Secondary Plans – General Policies Policy: B.1.5 a)	Secondary Plan: Land Use Plan, Policies E.3.4.3, E.3.4.4, and E.3.4.5 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. (OPA 202)	
Trinity West Secondary Plan		
Low Density Residential 2 Policy: B.7.7.3.5	In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 2 on Map B.7.7-1 – Trinity West - Land Use Plan, the following policy shall apply: a) The net residential density of development shall be greater than 20 units per hectare, and shall not exceed 40 units per hectare (uph)	This specific policy of the Trinity West Secondary Plan no longer applies as policy B.1.5 a) overrides this policy.
Mixed-Use – Medium Density Policy: B.7.7.4.1	In addition to Section E.4.6 – Mixed-Use – Medium Density of Volume 1, the following policies shall apply to the lands designated Mixed-Use – Medium Density on Map B.7.7-1 – Trinity West – Land Use Plan: a) In addition to Policy E.4.6.6 – Prohibited Uses, the following uses shall be prohibited on lands designated Mixed-Use - Medium Density on Map B.7.7-1 – Trinity West – Land Use Plan: i) Hospitals; and, ii) Hotels. b) Notwithstanding Policies E.4.6.7 and E.4.6.8, the following policies shall apply: i) Within the Mixed-Use - Medium Density designation adjacent to the Natural Open Space, which is the	The subject lands are adjacent to the Low Density Residential 2 designation which is to the north. An Official Plan Amendment is proposed to the Trinity West Secondary Plan to add a site specific policy to a portion of the subject lands permitting an increase in maximum height to 12 storeys whereas a maximum of four storeys is currently permitted. A staff proposed amendment also includes redesignating the rear portions of 1841 and 1843 Rymal Road East from “Mixed Use – Medium Density” to “Low Density Residential 2”. The Trinity West Secondary Plan was approved and adopted under the Urban Hamilton Official Plan in 2010. On June 8, 2022, Council approved Urban Hamilton Official Plan Amendment No. 167 which strengthened policies to facilitate residential intensification throughout the urban area, with an emphasis on intensification, redevelopment, and compact built form, and expanded criteria promoting transit-supportive development. The proposal implements setbacks above the fourth storey to achieve angular plane requirements and provides a transition of height from low rise to midrise built form. A separation of 20 metres is provided from the 12 storey mixed use buildings to the

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Mixed-Use – Medium Density</p> <p>Policy: B.7.7.4.1 (continued)</p>	<p>Eramosa Karst Conservation Area, on Map B.7.7-1 – Trinity West – Land Use, the maximum building height shall be three storeys. (OPA 64)</p> <p>i) Within the Mixed-Use Medium Density Designation adjacent to Low Density Residential, the maximum building height shall be four storeys.</p> <p>c) Notwithstanding Policy E.4.6.11, the amount of retail and service commercial space within each area designated Mixed-Use – Medium Density in Trinity West may be less than 25,000 square metres of floor area.</p> <p>d) Direct access to individual properties or units from Rymal Road shall be discouraged; shared or combined common access points and rear lane arrangements shall be provided, where possible, through land consolidation and/or rights-of-way.</p> <p>e) The Upper Red Hill Valley Parkway shall function as a controlled access arterial with limited access points. Access to the land uses adjacent to the Upper Red Hill Valley Parkway shall be from internal local and collector roads.</p> <p>f) Where Core Areas and Area Specific Policy – USC-1 areas occur within the Mixed-Use – Medium designation, as shown on Map B.7.7.2 – Trinity West – Natural Heritage System, the policies in Section 2.0 – Natural Heritage System of Volume 1 and USC-1 of Volume 3 shall also apply.</p>	<p>Low Density Residential uses providing an appropriate buffer. As mentioned previously, the proposal does not result in shadowing impacts to residential properties to the north. A landscape strip is also included along the shared boundary between the proposal and residential uses to the north and a fence and visual screening will be required at the future Site Plan Control stage.</p> <p>The proposal includes 2,648 square metres of commercial floor area, which is permitted by the Secondary Plan. The development proposes two access locations to limit the number of access points to Rymal Road East. One access is proposed centrally between the four 12 storey mixed use building, and another is proposed at the eastern end of the site.</p> <p>The subject lands will be consolidated prior to development.</p> <p>Amenity areas included with the proposed development include private balconies, indoor amenity areas, private terrace amenity and outdoor amenity areas. The combined area of the amenity exceeds the amenity requirements of the Zoning By-law. The development will allow for the separation of amenity areas for exclusive use for the residential units.</p> <p>Parking will be provided at grade and within one level of underground. The majority of resident parking will be provided underground where the commercial component will not have access. The access to underground parking is provided internal to the site.</p> <p>Subject to the approval of the proposed Official Plan Amendment, the proposal complies with these policies.</p>

Appendix F to Report PED25062
Page 12 of 12

Theme and Policy	Summary of Policy or Issue	Staff Response
Mixed-Use – Medium Density Policy: B.7.7.4.1 (continued)	<p>g) Any buildings containing both residential and commercial uses shall be subject to the following:</p> <ul style="list-style-type: none"> i) Amenity areas shall be provided exclusively for the residential component, and shall be separated from public areas associated with the commercial component; and, ii) Customer parking areas for the commercial component shall be separated from residential uses and shall not interfere with the safe and efficient use of residential parking areas. 	
Environment Policies - Sinkholes Policies: B.7.7.9.1 e) B.7.7.9.1 g)	<p>The area identified as “Buried Eramosa Escarpment” on Map B.7.7-2 – Trinity West – Natural Heritage System, is an area of shallow soil depth over karstic bedrock. Development of buildings and structures which require extensive intrusions into bedrock, such as apartment buildings, shall be supported by a site-specific geotechnical study. The geotechnical study shall be prepared in support of Site Plan applications, and any specific design measures resulting from the study shall be implemented.</p> <p>The location of Sinkholes is identified on Map B.7.7-2 – Trinity West – Natural Heritage System. Prior to approval of development applications, a geotechnical study shall be required to determine whether or not the sinkholes should be protected and, if so, what protection measures are to be used.</p>	<p>A Karst Assessment was submitted by Terra-Dynamics Consulting Inc, dated June 2024. The report found no karst hazards were identified at the surface within the site. Additional geotechnical monitoring is recommended to assess the groundwater flow and groundwater levels.</p> <p>A Geotechnical Investigation, prepared by Soil-Mat Engineers and Consultants Ltd. dated April 2, 2024, was submitted in support of the applications. An updated geotechnical report will be required at the future Site Plan Control stage. A groundwater construction dewatering study is recommended with focus on potential karst based flow. Karst based inspection should be completed on the bedrock sidewalls and base of the excavation once all rock is exposed and a karst based permit will be required from the Hamilton Conservation Authority.</p> <p>The proposal complies with the policies.</p>

CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Corporate Real Estate, Economic Development Division, Planning and Economic Development Department; and, • Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department. 	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>Development Engineering staff have reviewed the Preliminary Grading Plan, Servicing Plan, Functional Servicing and Stormwater Management Report, prepared by S. Llewellyn & Associates Limited updated December 19, 2024, and Watermain Hydraulic Analysis, prepared by CIMA+ dated December 11, 2024. Further comments with regards to the civil design drawings will be provided at the Site Plan Control stage.</p> <p>Development Engineering recommends approval for this rezoning application.</p>	<p>Noted.</p> <p>A detailed Functional Servicing Report, Grading Plan, and Servicing Plan will be required during a future Site Plan Control application.</p>

Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning supports the Official Plan Amendment and Zoning By-law Amendment applications and have no objection to the proposed reduced vehicular parking supply provided the recommended Transportation Demand Management measures are included:</p> <ul style="list-style-type: none"> Increased parking supply of short and long term bicycle parking spaces based on a rate of 0.05 and 0.60 spaces per multiple dwelling unit, respectively, and 0.20 and 0.10 spaces per 100 m² retail gross floor area. The establishment of a minimum 3.0 metre access easement across the severed lands from the subject site to Columbus Gate. Unbundling the cost of a parking stall from the purchase of an individual residential unit. 	<p>Transportation Planning staff have approved the submitted Transportation Impact Study, including the Transportation Demand Management measures.</p> <p>The Transportation Demand Management measures and infrastructure improvements to Rymal Road East will be addressed through a future Site Plan Control application as a condition of approval. The Zoning By-law Amendment introduced a modification for long term bicycle parking at a rate of 0.5 spaces per unit, this has been amended to 0.6 spaces per multiple dwelling unit.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<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 mixed use, multi-residential buildings will require front-end bin service for collection of garbage, recyclable material, and organic waste.</p>	<p>Specific design details will be addressed through a future Site Plan Control application.</p>

Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department (continued)	Additional details have been provided in the comments to ensure the municipal requirements are met, which include the specifics such as 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.	Noted.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry approves of the tree preservation and management plans, prepared by Jackson Arboriculture Inc. dated July 10, 2024, and revised October 23, 2024. The landscape concept plan is approved in theory, although a detailed landscape plan will be required at the Site Plan approval stage.	Noted. The detailed Landscape Plan will be addressed through a future Site Plan Control application.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>It should be determined if there are any implications arising from the adjacent Registered Plans of Subdivision, 25T-201609 (62M-1277), 25T-200716 (62M-1154) and 25T-201401 (62M-1250), e.g. cost recoveries relating to the registered plan or any reserves to be lifted.</p> <p>It should be confirmed if tenure for the subject proposal will be a Condominium. If Condominium it should be determined if there will be one Condominium Corporation or multiple. Please note a PIN Abstract would be required with the submission of a future Draft Plan of Condominium application</p>	<p>Cost recoveries have been identified and are further discussed in response to Budgets and Fiscal Policy Section, Financial Planning Administration and Policy Division, Corporate Services Department comments on page four of this summary.</p> <p>These comments will be addressed through a Site Plan Control and/or Draft Plan of Condominium application(s).</p>

Department/Agency	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department (continued)	Municipal addressing for the subject proposal will be determined after conditional Site Plan approval is granted.	
Budgets and Fiscal Policy Section, Financial Planning Administration and Policy Division, Corporate Services Department.	There are outstanding <i>Municipal Act</i> charges under By-law No. 07-299 for 1825, 1829 and 1835 Rymal Road East totaling \$56,109.15. This amount is applicable until October 23, 2025. Please note that the property located at 1835 Rymal Road East has been consolidated with 1843 Rymal Road East; 1835-1843 Rymal Road East and 1825 Rymal East has been consolidated with 1829 Rymal Road East; 1825-1829 Rymal Road East.	Cost recoveries will be paid at the future Site Plan Control stage.
Landscape Architectural Services, Strategic Planning Division, Public Works Department.	Cash-in-lieu of parkland dedication will be requested at a future application. Please note that private outdoor amenity space will not count towards parkland dedication.	The Cash-in-lieu payment will be addressed during the Building Permit stage.
Alectra Utilities	Reviewed the applications and provided information for the developer's electrical service requirements.	Noted.
Hamilton Conservation Authority	The Provincial Planning Statement (2024) generally directs development to areas outside of hazardous lands. While the subject property is not affected by flooding and erosion hazards, karst related hazards will need to be addressed as part of the future Site Plan Control Application: 1. The karst conduit should be clearly labeled on the grading and servicing drawings with a clear explanation of, and a reference to the karst hazard assessment;	Noted. Further measures such as karst remediation measures, clearance in foundation design, monitoring of excavation works, and erosion and sediment control will need to be addressed at the Site Plan Control stage.

Department/Agency	Comment	Staff Response
<p>Hamilton Conservation Authority</p> <p>(continued)</p>	<ol style="list-style-type: none"> 2. Any karst conduit remediation measures that may be required for the foundation construction should be identified. The rationale and detailed remediation procedure should be prepared by a licensed karst specialist and provided for Hamilton Conservation Authority review and approval; 3. In case the foundation does not interfere with the karst conduit, a clearance from the foundation design engineer, together with section and plan drawings of the underground parking should be provided as per the geotechnical consultant's recommendations listed in the latest Geotechnical Investigation and the conduit damage or collapse is not an issue as a result of the proposed development. All final drawings must be stamped and signed by a qualified P.Eng; 4. All excavation works should be monitored and inspected by licensed geotechnical and hydrogeology professionals; 5. If loose bedrock or cavities are found during the foundation excavation of utility lines trenching, a detailed contingency plan clarifying details of the safe remediation should be provided for our review and approval; and, 6. A detailed erosion and sediment control plan should be provided. 	

SUMMARY OF PUBLIC COMMENTS RECEIVED

Comments Received	Staff Response
Concerns that notice was not received by others in the same neighbourhood.	In accordance with the <i>Planning Act</i> requirements, notices are sent to residents within 120 metres of the subject lands and a sign is posted on the subject lands.
Concerns with the height of the four mixed use buildings.	Concern with height is related to privacy/overlook, shadowing, and character concerns. Responses are provided to each of these concerns further on in this table.
Concerns that the proposal will add to parking issues in the area.	A Transportation Impact Study, prepared by Stantec, dated May 31, 2024, and updated December 2024, was submitted in support of the development and included a Parking Analysis/Study component. Transportation Planning staff are satisfied that the proposed parking supply for the overall development can be accommodated within its own boundaries. The site is on a future rapid transit corridor, well serviced by existing transit, and offers additional modes of transportation.
Concern that this will impact emergency services with increased response times.	Staff are not aware of any empirical evidence to suggest emergency service response times will increase.
Concerns that this will add to congestion of traffic in the area.	Transportation Planning supports the Zoning By-law Amendment as the traffic generated by the proposed development is not anticipated to significantly impact the transportation network. The proposed development is projected to generate approximately 283 new two-way trips during the weekday AM peak hour (95 inbound and 188 outbound), and 397 new two-way trips during the weekday PM peak hour (226 inbound and 171 outbound). The traffic generated from the subject development during peak hours is not expected to result in any new operational concerns at the study intersections requiring mitigation beyond signal timing adjustments at several of the surrounding signalized intersections.
Concerns that the subject lands were previously understood to be developed for ground-level retail.	Proponents may apply for Official Plan and Zoning By-law Amendments, and each application must be assessed on its own merits. The intent of the original proposal is maintained by virtue of the mixed-use nature of the proposal. The proposal provides ground floor commercial use envisioned for the area designated "Mixed Use – Medium Density" in the Trinity West Secondary Plan.

<p>Concerns with density or overpopulation and increases in crime, extra demand on the school system and daycares.</p>	<p>The Official Plan encourages intensification within the built up area. The proposal is an appropriate form of intensification along an arterial road on the periphery of a neighbourhood.</p> <p>Staff are not aware of any empirical evidence to suggest crime rates would rise.</p> <p>Staff have circulated to all the required school boards. No comments or concerns have been received from any school board.</p>
<p>Concerns with strain on infrastructure, such as roads and sewers.</p>	<p>Development Engineering supports the Zoning By-law Amendment. The proponent has demonstrated through the Preliminary Servicing Report, prepared by Urbex Engineering Limited dated July 2022, and Stormwater Management Report, prepared by Lamarre Consulting Group Inc. dated July 2022, submitted in support of the development, that the proposed development can be serviced without adverse impacts to the existing City infrastructure. A detailed review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy will be conducted at the Site Plan Control stage to confirm compliance with City standards and by-laws prior to issuance of the water and sewer permit.</p>
<p>Concerns with loss of privacy.</p>	<p>The amending by-law includes setbacks and stepbacks to reduce impact on the surrounding area and will not create negative overlook or privacy impacts.</p> <p>Through the Site Plan Control process visual barriers and landscaping will be further reviewed to mitigate privacy concerns.</p>
<p>Concerns with lack of sunlight and increased shadowing.</p>	<p>A Shadow Impact Study, prepared by MHBC Planning Ltd, dated May 23, 2024, was submitted in support of the proposal. Staff are satisfied that the development proposed by the applicant will not cause adverse impacts on existing residential uses to the north. The proposed stepping back of the development limits the shadowing on adjacent residential lands so that shadow impacts during morning, daytime and afternoon hours is less than the as-of-right height of four storeys. When measured on March 21st, the adjacent public spaces, including the sidewalks along Rymal Road East, Bishop Ryan Catholic Secondary</p>

	School, and townhouse common amenity area to the north, all receive a minimum of six hours of sunlight.
Concerns with the development contributing to increased noise.	The development is subject to the Hamilton Noise By-law No. 11-185. A Noise Study by RWDI, dated October 2023, was submitted in support of the applications. The potential noise effect of the commercial component of the development is recommended to be reviewed during detailed design. Through the Site Plan Control stage an updated noise study will be required.
Concerns with environmental impact or increased pollution and long term consequences on wildlife and local environment.	<p>The proposed applications are a compact form of development located adjacent to a planned rapid transit corridor. The proposed mixed-use form of development will support active transportation and reduce the number of vehicle trips of future and existing residents. The development proposes landscaping across the site and within roof top amenity spaces contributing to the vegetation within the settlement area.</p> <p>Further sustainability measures will be considered through the Site Plan Control process.</p>
Concerns with character or that this area is not the appropriate location for the large buildings.	<p>Staff reviewed the application for compatibility, which is defined in the Urban Hamilton Official Plan as land uses and built forms that are mutually tolerant and capable of existing together in harmony within an area. 'Compatibility' or 'compatible' should not be narrowly interpreted to mean "the same as" or even as "being similar to".</p> <p>An Urban Design Brief was submitted. Staff reviewed the Urban Design Brief and are satisfied that the proposed development is compatible with the character of the surrounding area. The proposal provides an appropriate transition in built form, providing low profile buildings adjacent to existing low profile, buildings to the north and increases height towards Rymal Road which is a Major Arterial road.</p>
Concerns that the proposal will lower property values.	Staff are not aware of any empirical evidence to suggest property values will decrease.
Concern with light pollution.	A lighting plan will be required through the Site Plan Control process.
Concerns with loss of existing trees.	A Tree Management Plan, prepared by Jackson Arboriculture Inc., dated October 23, 2024, was submitted

	<p>in support of the development. A total of 92 individual trees were inventoried and 72 of these trees are proposed to be removed. It is recognized that there are limited opportunities to retain trees on site.</p> <p>Compensation plantings are required at a 1:1 ratio for trees over 10 cm diameter at breast height proposed to be removed.</p>
Concerns with renderings and how the project is portrayed.	As part of the application process renderings are often submitted to visualize massing and show how a project fits within the context of an area. The renderings are prepared by qualified individuals. In addition to the renderings scaled site plan and elevations have been provided in accordance with their respective terms of reference.
Concerns with construction, such as debris and dust.	A Construction Management Plan will be required to be completed as part of the Site Plan Control application.
An online petition was received.	<p>A link to the petition, with 289 signatures at the time of preparing this report, is found here:</p> <p>https://www.change.org/p/stop-zoning-amendments-1809-to-1843-rymal-road-east</p>

COPY OF PUBLIC COMMENTS RECEIVED

Van Rooi, James

From: [REDACTED]
Sent: Wednesday, September 18, 2024 6:33 PM
To: Van Rooi, James
Subject: File UHOPA-24-008 ZAC-24-026 - Zoning By-law Amendment

External Email: Use caution with links and attachments

Good Evening James,

My name is [REDACTED] and I took possession of [REDACTED] on July 11.

Just today, I was informed by a neighbour that behind my townhouse there are plans to build four 12 storey mixed-use buildings and two blocks of 2-storey townhouse dwellings.

When I looked into moving into the area, from Burlington, one real estate agent said there were no plans to build anything behind these houses. My own agent nor my seller's agent mentioned any of these plans either. And so I never questioned it because the area didn't seem that big to begin with that anything huge would be built there.

Then last week I was curious about what may be going back there, I thought maybe a road leading from the complex into Rymal, as that's what it looks like right now, and so I emailed Losani, the builder. I was purely curious. They got back to me this week advising of a "mixed-use building", and that nothing was for sure. I can forward the email to you, if you'd like.

I honestly had to Google mixed-use building as I had never heard of such a structure. At first I thought it was big, but not like a high rise, and that it might be better than looking at the gas station & busy Rymal road. So I left it alone.

Losani said nothing about four 12 storey buildings or townhouses.

Today a neighbour presented me with a September 5th notice, which I've never received, detailing the applications to permit the 4 buildings & townhouses. I was shocked, first how would they all fit there, and second, what an eye sore & lack of privacy I'll be facing. I don't have an issue with the townhouses, but I do with the 12 storey structures, and not just one, two or three, but FOUR. Was the notice ever sent to me? To unit 32?

I'm not sure that I'm going about this correctly or using the correct verbage as I've never dealt with anything like this before, but my feedback is to request that the application for the 4 buildings be declined, out of consideration for the residents already backing onto Rymal & surrounding area.

I'm interested to know what comes out of the plans & any other feedback you may receive from my neighbours.

Any updates & reconsideration will be greatly appreciated.

Thank you very much for your time!

[REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

Van Rooi, James

From: [REDACTED]
Sent: Friday, September 13, 2024 6:55 PM
To: Van Rooi, James
Subject: Zoning by-law amendment (ZAC-24-026) change to Losani property

External Email: Use caution with links and attachments

Good evening James,

I am a resident of [REDACTED] in StoneyCreek and recently recieved a letter expressing Losani's desire to build four 12 storey mixed use buildings and two blocks of 2 storey town house dwellings.

I would like to express my opposition towards this proposal for the following reasons.

- 1) Soho St and Greenwich st are very congested during off-work hours and parking is a constant issue. With these proposed buildings, there would not be enough parking for the suggested amount of units which would create further congestion in the area.
- 2) This will create dangerous situations for emergency services tasked with responding to the area who already have a difficult time navigating the congested streets. Response times would increase, leading to the potential loss of life.
- 3) During the morning rush hours from 7 to 9 am, getting onto the Redhill Valley Parkway or Lincoln Parkway is trying at the best of times. Traffic is so backed up from the QEW up the Redhill that it can take 30 mins to merge onto the QEW. With this proposed influx of residents it would make this situation that much more difficult in terms of congestion and commute times, and it would have a negative impact on the environment.
- 4) When we purchased the townhome we were informed that the property owner was interested in building 2 mixed use medium density buildings not 4. This seems like the same bait-and-switch Losani is trying to accomplish in Paris that I read about in the Hamilton Spectator, "They were promised townhouses in their Paris subdivision. They could get a highrise instead" by Celeste Percy-Beauregard. I'd encourage you to read this to see the similarities.
- 5) Losani is yet to complete the 2 condominiums that are under construction on Highland Road, and the completion of those new buildings will have an impact on the issues mentioned above.
- 6) We have had multiple instances where Hamilton police has responded to our area and our complex. There was a recent issue where police responded to a firearm being discharged in the afternoon in the summer when kids and families were playing on the street. More notably, this area was featured in the Hamilton spec where a man barricaded himself in his home after driving his semi truck into a townhouse here and terrorized motorists in the surrounding area. When you have this many people living so closely together, it is only a matter of time before bystanders get injured.
- 7) Losani does not do it's due diligence to plan communities according taking into account emergency services and response times as mentioned above, but they lack the foresight to plan for proper waste removal. Our complex at 61 Soho St has to pay for private garbage collection because the city of Hamilton is unable to fit their waste removal trucks in our neighborhood. So not only do we pay municipal taxes for garbage collection to the city that doesn't occur, but collectively we thousands to a private corporation to come pick up our waste.

Id like to again express my opposition to this proposal and urge the council to rule against it. Thank you for your consideration.

Van Rooi, James

From: [REDACTED]
Sent: Wednesday, September 18, 2024 9:12 PM
To: Van Rooi, James; clerk@hamikton.ca
Cc: Valerie Francis
Subject: Application uhopa-24-008 zac-24-026

External Email: Use caution with links and attachments

Hi Mr, Van Rooi,

My name is [REDACTED] and I am resident at [REDACTED] in Stoney Creek. I have received the letter that there are plans to make 2 large buildings right behind my home. I am emailing as I am opposed to this as this radius is very close to my home which will cause less privacy , no sunlight , more traffic in a small area and a lot more noise to the area. These things are not ideal when raising a family and were not mentioned when I purchased the home. If the units were to be developed across the upper red hill in the empty land that would be more feasible in my opinion as it is not right beside any residential homes , to place 2 large buildings meetings away from these homes would make living here uncomfortable. For example I will not be able to enjoy my backyard or go on my deck without someone being able to see what myself or family are doing at any given time. As I know I'm not the only neighbour with this concern I hope your team and the city of Hamilton reconsider placing any buildings in this location

Thanks,
[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Wednesday, September 11, 2024 11:25 AM
To: Van Rooi, James
Subject: Questions

External Email: Use caution with links and attachments

Hello Mr. Vanrooi,

I hope you're doing well. I received a letter from your department and a specifics with your name on it and I was hoping we could have a chat to clarify some of my questions in regards to a plan amendment and zoning byelaw application that was put forward. Could you please give me a call today at your earliest convenience at 905-719-0809.

I would appreciate it.

Thank you,

[REDACTED]

Sent from my iPhone

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 12, 2024 11:43 AM
To: Van Rooi, James
Subject: Zoning By- Law Amendment

External Email: Use caution with links and attachments

Hello Mr. Van Rooi,

I hope you're well today. I would like to speak to you in regards to an important topic that you are a part of in regards to a zoning and amendment of an official plan.

Can you please give me a call at [REDACTED] so I can get some clarification from you.

Thank you,

[REDACTED]
Sent from my iPhone

Van Rooi, James

From: [REDACTED]
Sent: Tuesday, September 17, 2024 4:14 PM
To: Van Rooi, James
Subject: Comments Plan Amendment & Zoning By- Law Amendment

External Email: Use caution with links and attachments

Hello Mr. Van Rooi,

I hope your well. Thank you for sending me all the information last week. In regards to the file number UHOPA- 24-008 for a plan amendment and By-Law Amendment ZAC-24-026, I am completely opposing this proposal.

I am an owner of the townhouses that are backing onto Rymal Road. I purchased this property, with the understanding and agreement that a maximum four-story building would be built adjacent to us. We currently have sunlight and privacy and a view of rymal road.

Here are the reasons I am opposing this amendment:

1. A twelve story high building would completely breach our privacy in our backyard and building tenants would be able to see into our backyards as we have stood in our backyard and have direct view of of where the building would go with potential tenants on balconies. This is absolutely not acceptable.
2. A twelve story building would block direct sunshine going into our homes and especially evident during winter months when seasonal depression and mental health are high.
3. Adding 812 units plus parking would completely slow down traffic and add noise to our backyard and homes for enjoyment. We would be able to hear tenants on their balconies and all the extra car noise from the parking lots directly adjacent.
4. Adding a condo building next to expensive townhouses will lower the value of our homes in the future. After speaking to multiple realtor agents, they have advised that most buyers do not want to be next to apartment or condo buildings, and that the value of these properties drop over time. We have spent a lot of money buying these properties, And it is not ok to have their values drop, because the builder Losani wants to be greedy and sell more units. This information should've been told to us from the beginning when we bought with this builder, so we could've made informed decisions.
5. There will be extra kids and population will impact school systems nearby. Also crime will increase due to increased in lower income tenants.

This is not the area to put 12 story buildings where all local community is houses and townhouses and families. The maximum height that would be tolerated and not affecting nearby homes would be 4-6 stories max.

Please confirm you have received this ok.

Thank you,

[REDACTED]

Sent from my iPhone

> On Sep 12, 2024, at 2:05 PM, Van Rooi, James <James.VanRooi@hamilton.ca> wrote:

>

> [REDACTED], thank you for the email and phonecall earlier, as you have requested please see the attached concept plan for 1809-1843 Rymal Road East.

>

> Below is also a link to the information and materials submitted by the applicants.

>

> <https://ln5.sync.com/dl/f5bf4f8f0/s7qvzwgm-4453s9ca-ardzwyd-2niaxrdr>

>

> Thank you.

>

>

> James Van Rooi, MCIP, RPP (he/him)

> Senior Planner (East Team)

>

> Development Planning,

> Planning & Economic Development Department City of Hamilton

> 71 Main Street West, 5th Floor

> Hamilton ON L8P 4Y5

> James.VanRooi@hamilton.ca

>

>

>

> -----Original Message-----

> From: [REDACTED]

> Sent: Thursday, September 12, 2024 11:43 AM

> To: Van Rooi, James <James.VanRooi@hamilton.ca>

> Subject: Zoning By- Law Amendment

>

> External Email: Use caution with links and attachments

>

> Hello Mr. Van Rooi,

>

> I hope you're well today. I would like to speak to you in regards to an important topic that you are a part of in regards to a zoning and amendment of an official plan.

>

> Can you please give me a call at 905-719-0809 so I can get some clarification from you.

>

> Thank you,

>

> [REDACTED]

> Sent from my iPhone

> <02_ConceptualSitePlan_v3_240819.pdf>

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 5:41 PM
To: Van Rooi, James
Subject: Fwd: Commentary for Official Plan Amendment - File No UHOPA-24-008/ZAC-24-026

External Email: Use caution with links and attachments

Hello James,

Here is the Email and Petition from over 270 neighbours in the area.

Regards

[REDACTED]
 Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: September 19, 2024 at 5:22:45 PM EDT
To: [REDACTED]
Subject: Fwd: Commentary for Official Plan Amendment - File No UHOPA-24-008/ZAC-24-026

----- Forwarded message -----

From: [REDACTED]
Date: Mon, Sep 16, 2024 at 1:47 PM
Subject: Commentary for Official Plan Amendment - File No UHOPA-24-008/ZAC-24-026
To: <james.vanrooi@hamilton.ca>
CC: [REDACTED]

Good Afternoon,

I'm sending in comments regarding the potential rezoning [of 1809-1843 Rymal Road East](#) - please include these with the application for this rezoning plan.

- File No: Urban Hamilton Official Plan Amendment - UHOPA-24-008
- File No: Zoning By-Law Amendment – ZAC-24-026
- Owner: 2324780 Ontario Inc.
- Agent: MHBC Planning LTD. C/O Dave Aston
- Statutory Public Meeting Date: December 3, 2024
- Address: 1809,1817, 1825,1829,1831,1835,1837,1841,[1843 Rymal Road East, Stoney Creek \(Ward 09\)](#)

I had sent the below email prior to an earlier meeting. I am forwarding it on with any additional comments below to make it easy to keep track of.

I'm sure anyone taking notes from the resident information meeting gathered most of the additional comments that were put forth on top of the below email, but to summarize on behalf of the residents of this area - we disagree with the plan to rezone this strip of land for a multitude of reasons.

Residents of the area have signed a petition for this when it was first announced. You can find it here: [Petition · Stop Zoning Amendments - 1809 to 1843 Rymal Road East · Change.org](#)

- 287 families/households as of September 2024 have signed.

- Many of the residents on Lexington Avenue, who stand to be most impacted by increased traffic, were not even aware of this plan - and are very displeased.

Additional notes below for our disagreement with this plan that we would like presented to decision makers:

- First and foremost, the families and persons who purchased the homes on Columbus Gate did so with the express description that LOW LEVEL COMMERCIAL was all that would be built behind them. We were specifically given brochures and information with this detailed - photo included **below** showing the physical brochure given to us that I still have. "Future Retail Space" was deemed only as low level commercial, with a retaining wall that was to be placed between our homes and said commercial space.

In fact - even the retaining wall was bypassed because I was told Losani "didn't deem it necessary" at the time. Losani has misrepresented the intention for this land and sold its customers property on false pretenses of what was to be built there. **This is fraudulent inducement.** This move is forcing the existing residents to have to consider moving (when some planned to retire here upon purchase), in a market with high interest rates and at a time they hadn't planned to - causing incurred, unplanned fees, school changes (if they can even get in), daycare changes (where they won't be able to get in), and upheaval. Some of the residents of this area have already moved due to just the potential of this plan. If they choose to stay and this moves forward, it will in all likelihood depreciate the value of our properties immensely - a huge hit to the largest investment you can make. This would also depreciate the quality of living for any residents adjacent to the site in PRIVACY. Our blinds would need to be closed at all times to keep our privacy, and any backyard privacy we had would be gone. NOISE and LIGHT pollution would be added to all existing residents. Current residents are reviewing their legal right with a real estate lawyer in this matter due to the depreciated quality of living we would incur.

- **Traffic is an enormous concern.** Per our city councillor on the original call, the city is not ready to extend the Red Hill Valley Parkway (RHVP), and at this time it is already extremely bottlenecked at peak hours, and even during regular traffic times. The closing of Upper Mount Albion, due to already existing traffic concerns with Bishop Ryan, have made Central Park the "cut through" for existing traffic coming off the RHVP and looking to avoid the Rymal lights. Adding another 700+ families, on top of the apartment building already slated to be built beside Bishop Ryan, will make the streets of Central Park and Rymal Road dangerous and incredibly busy with through traffic. This is irresponsible to consider placing more families in this area that is already "bursting at the seams". Our Maps and GPS also already tell us when driving even close to rush hour to not even attempt to go the approximately 600 metres down Rymal Road from the upper red hill valley parkway end at Rymal to Columbus gate. It sends us through the subdivision already because it's so busy in that short stretch. This means the same route for the additional 700+ families and commuters - again causing stress and burden on the existing area and your already paid customers via more traffic for everyone and a much busier and more dangerous neighbourhood environment.

- **Space for these structures.** **The conceptual drawings that were put forth DO NOT represent the actual space available for structures of this size and the required parking.** They also showcase dozens of fully developed trees in the drawings that are **not** present (and would not be able to fit anywhere in the final space) - just to make it look "nicer", we assume, for presenting to the city. In fact, any existing trees that have been there for decades and decades would be ripped out. Considering this area is directly adjacent to a conservation area, this also seems irresponsible. Additionally, it showcases the homes behind these structures as SIGNIFICANTLY farther away from them than they will be - and not even the proper layout of the existing homes is present. It shows only small clusters of a few homes together, and not the tight layout of the existing neighborhood as it is. **If a proper review of this project is to be done, then TO SCALE and MEASURED drawings should be submitted, not a beautiful mockup that does not at all represent the available space, landscaping and layout of existing homes and surrounding area.** This is misrepresentative and should not be submitted as what this project would look like in finality - **this is unfair to submit something for approval based on images that falsely outline what the area looks like and its available capacity.**

- **Parking** is another concern. The parking in Central Park is barely existent as it is. Parking during the winter when it snows is almost impossible. Current residents have a hard time having visitors at all - and now 700+ new families and their visitors are to be introduced. I am aware there is parking, above and below ground, slated for this project - but I also know that visitor parking for 700+ families is VERY unlikely to fit here. Overflow parking will surely land on Columbus Gate and adjacent streets where the only viable parking for our guests currently is. This is poor planning on behalf of Losani to introduce a neighborhood with this little parking, and then additionally to plan to cram more families into this space. They knew the parking in this neighborhood would be tight - this was in our contract. We agreed to this knowing that all that would be added behind us was low level commercial buildings - NOT another entire neighbourhood - and yet they are trying to cram more into the space surrounding them. **Photo again attached of this in our contract. Highlighted with a red star.**

- **Infrastructure/Services:** as mentioned below, I will clarify here again that surrounding schools and daycares are OVER capacity. Schools are not even reviewing out of catchment requests due to capacity constraints. Daycare lists are so long that I had my one year old on 7 waitlists, and

have never heard back from any for a space for him – he was only luckily accepted as a favour in the one his brother had been in due to being a family relation. The same happened with my now 4.5 year old. The only daycare he was able to get into was one that was not in the directory yet, and opening the month I required space. I had him enlisted on 8 other lists and only ONE called me back, 7 months after I required his care to start. This area has been FULL at school level for quite some time, and with an apartment building being built already beside Bishop Ryan, AND SOHO adding what appears to be 7 more levels of families, there will be no where for additional families to go without driving out of the area - adding MORE traffic and environmental impact (pollution) to an area that is already supposed to be protected with the conservation area.

- **Pollution:** Finally, this entire stretch of property in question is full of decade old trees. Losani even went to the length when we moved here of including in their contract (**image attached, highlighted with a red star**) that we could not remove ANY trees from the property - now there is proposal to remove dozens of decade old trees from the area without concern? For a company promoting Central Park as a Nature Focused area (next to Eramosa as a selling feature, “tree lined paths through a lit park”, CENTRAL PARK being the only green space in NYC that comparison was drawn to for marketing purpose - this is a far departure from what was promised to your customers. This is also disappointing considering the entire worlds dedication and required help to aid the environment in being further decimated. Additionally, another 700+ families on top of the other apartments slated for the area will be an unimaginable amount of noise and light pollution. Rymal road already is considered a level 3 noise zone for this area – on top of pollutants from all the traffic it already sees. Now right beside a conservation area there will be thousands more humans added? It is irresponsible.

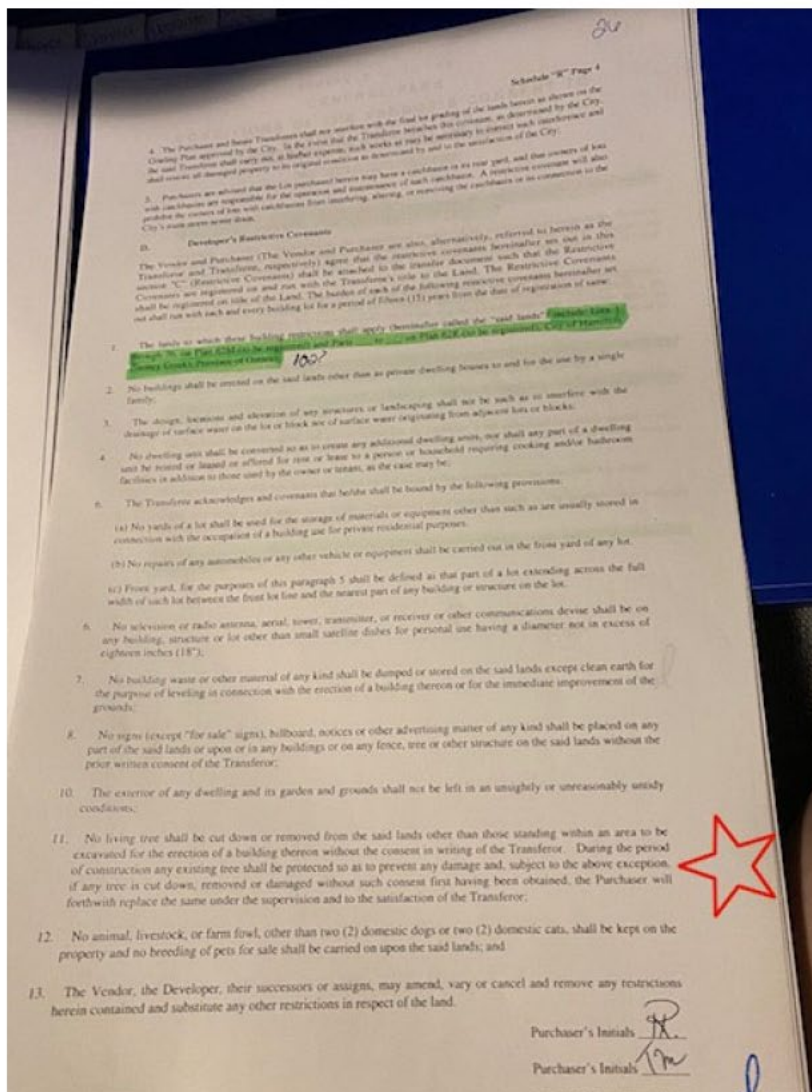
We understand as a city that we need to build "UP AND NOT OUT" and we know that the current housing climate is abysmal - but moving ahead with this many residents added to this neighborhood is not fair to the existing residents OR the new ones. This is setting the area up for failure, a decreased quality of living, and environmental pollution and impact.

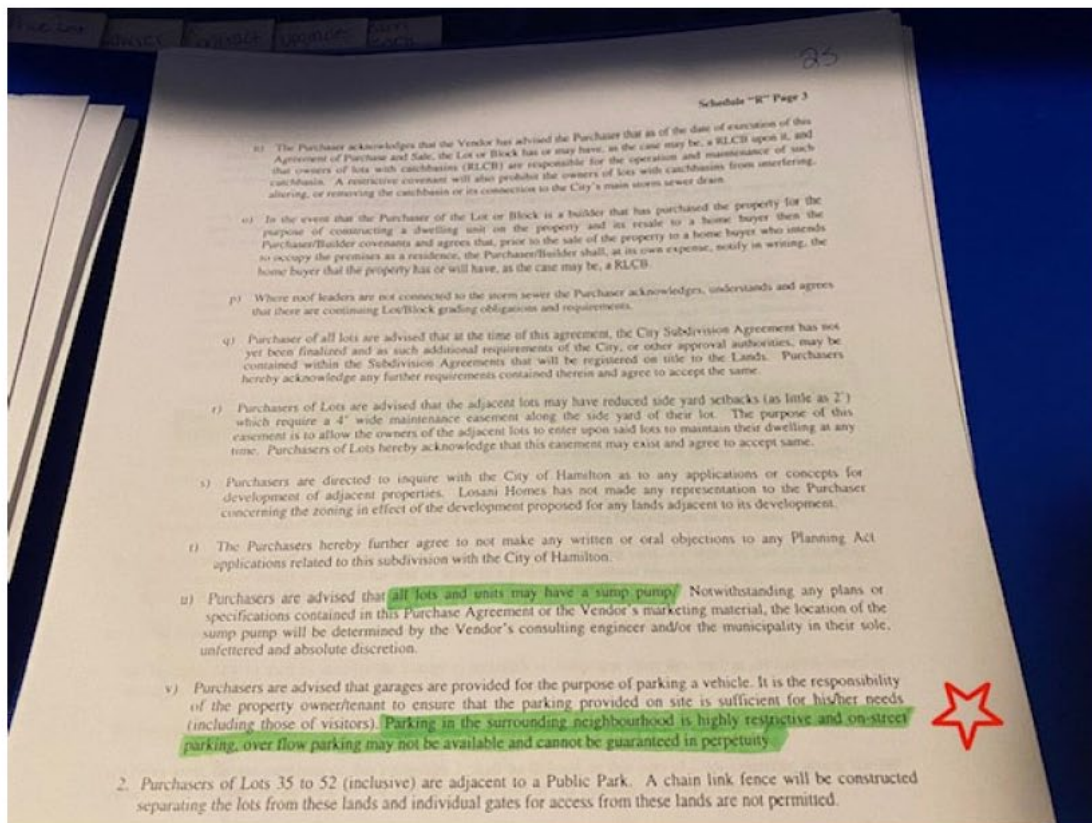
All we can hope is that the city and our representatives can understand that this is NOT what is best for this community and its existing residents (both in this neighborhood and surrounding area). This plan is a blatant misrepresentation of what was promised (and still has not been delivered with unfinished services outstanding) to Central Park residents. This rezoning stands to make this entire community, not just the one Losani owns, difficult to travel in, noisier, more polluted, and dangerous. It also serves to depreciate the quality of living for this and surrounding neighborhoods that DO NOT belong to Losani Homes.

Thank you for your consideration.

Regards,







Van Rooi, James

From: [REDACTED]
Sent: Friday, September 20, 2024 5:50 PM
To: Van Rooi, James
Subject: Fwd: Opposition to Zoning By-law Amendment for Increased Density in Stoney Creek (File No. ZAC-24-026)

External Email: Use caution with links and attachments

My wife and I also support this take on the new building. We were out of town on shift work and missed the deadline but we wanted to still voice our support for this view point. As individuals who invested in the local housing market and plan to live in the neighbourhood and raise a family here, we believe it's most beneficial to the area to keep the high rises to a minimum for a variety of reasons, many of which are listed in the email below. Thank you for the time taken to read this email.

Thank you and best regards,

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Sep 19, 2024 at 13:30
Subject: Fwd: Opposition to Zoning By-law Amendment for Increased Density in Stoney Creek (File No. ZAC-24-026)
To: [REDACTED]

Thank you,

Begin forwarded message:

From: [REDACTED]
Date: September 10, 2024 at 5:46:54 PM EDT
To: james.vanrooi@hamilton.ca
Cc: [REDACTED]
Subject: Opposition to Zoning By-law Amendment for Increased Density in Stoney Creek (File No. ZAC-24-026)

Dear Mr. Van Rooi,

I am writing to express my strong opposition to the proposed zoning by-law amendment (File No. ZAC-24-026) concerning the properties on Rymal Road East in Stoney Creek. The amendment to permit the construction of multiple condominium buildings will, in my view, significantly and negatively affect the quality of life for residents in the surrounding area.

Firstly, the increased density resulting from this development will worsen traffic congestion in an

already fast-growing area of the city. Hamilton is struggling to keep pace with population growth, and the infrastructure challenges are becoming more pronounced. With a condominium project already under construction nearby, adding another high-density development will further burden our roads, which are not designed to accommodate the influx of vehicles in an already car-dependant area. This will inevitably lead to increased noise, pollution, and traffic delays.

Moreover, the height and proximity of the proposed buildings will severely impact the privacy and natural light for existing residents. The overshadowing of nearby homes will diminish sunlight and reduce the sense of personal space that residents expect in a suburban neighborhood.

Additionally, the City of Hamilton does not require further high-density condominium projects. Based on my research, there is already a surplus of condominiums, and many older residents are choosing to remain in their larger homes, as the market does not offer a suitable return on investment for downsizing. This highlights the need for more traditional housing options, such as single-family or semi-detached homes, which better accommodate the needs of both new and long-standing community members.

Instead of contributing to overpopulation and placing further strain on local infrastructure, I believe the City should prioritize green spaces and lower-density housing that fosters a balanced, sustainable community. Such developments would better align with the character of the neighborhood while promoting a healthier living environment for residents.

In conclusion, I urge you to reject the proposed zoning change and advocate for more thoughtful, sustainable development that enhances our community's livability. We need growth that serves the best interests of residents, not projects focused solely on maximizing developer profits.

Thank you for your time and consideration. I look forward to hearing how the community's concerns will be addressed.

Thank you,

A large black rectangular redaction box covering the signature of the first person.

Thank you,

A small black rectangular redaction box covering the signature of the second person.

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 11:56 PM
To: Van Rooi, James
Subject: Application UHOPA-24-008 and ZAC-24-026 Concerns from Local Resident and Business Owner

External Email: Use caution with links and attachments

Hello James,

Firstly, thank you for your work you do with the city. I am Hamilton born-and-raised and recently moved to the affected area RM2-43 in January. I am happy to be able to continue to work and give back to the community that I grew up in.

I'll try to keep my concerns short. I am a millennial that understands and feels the housing crisis, I would argue better than my peers, as I am a healthcare professional with a relatively high income that struggled for a very long time to purchase a home. Thus I greatly appreciate the federal and municipal government's recent action plans for housing. Mixed use residential buildings on our major streets would be phenomenal, especially so close to our medium density block of townhouses where residents love to walk around.

My concerns with plans to build 4 12-storey buildings so close to our homes (I would be just north of these new buildings) are thus:

1) Basically I worry about the local infrastructure's ability to take on that great an increase in population. If you look at my signature below, you will see I work central mountain on Rymal. Rymal is a (relative in Hamilton) bit of a disaster for traffic I imagine because of the 1 lane section from Dartnall to Upper James. I see it slow down from my office, especially if any issue hits the Linc, and I experience it slow down on my commutes (I would greatly appreciate further plans for Rymal for lane expansions and even an LRT!). I would also imagine further congestion at the bend/conversion from Linc to Red Hill at the local onramp. I worry for the local small schools as I think about my infant daughter's future years at Janet Lee Elementary. I worry for our small parks in our neighbourhood. 800 units seems like quite a stress on this budding community.

2) In a more selfish concern, I worry about 4 12 storey buildings obscuring needed sunlight from my home and neighbourhood. As our block RM2-43 is primarily townhouse units, getting proper sunlight into homes is essential through our limited windows. Especially as the buildings would be south of us and therefore between us and the path of the sun, I worry that we would constantly be in the shadow of 1 of 4 buildings depending on the sun's location. Lack of sunlight in a home is a growing concern for myopia/near sightedness as it is the primary environmental factor in this growing epidemic (see signature on my expertise).

3) Lastly, community safety concerns do arise in increased population density. Doorbell videos of porch pirates in our neighbourhood are already common. Lack of security presence I worry with more people would only further increase problems.

In summary, while I agree housing is definitely needed and apartments and mixed use is essential, I ask that you reconsider increasing the capacity so greatly and so quickly. Thank you again for your service to our city and your essential role in solving the housing crisis.

[REDACTED]
Doctor of Optometry

Van Rooi, James

From: Kelsey, Lisa
Sent: Tuesday, September 24, 2024 12:31 PM
To: Van Rooi, James
Subject: FW: Zoning amendment Stoney creek ward 9

Hello James,

Is this relating to 1809-1843 Rymal Road West?

I assume these comments will be included in the Staff Report. I will add him to the list of people to be notified.

Thank you,
Lisa Kelsey
Legislative Coordinator
City of Hamilton, Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5
Ph. (905) 546-2424
Fax. (905) 546-2095

Vision:

The Legislative Division is Dedicated to Excellence in the Provision of Service to the Community, Corporation & Council with Integrity, Accuracy and Transparency.

Mission:

The Legislative Division aims to strengthen and promote local government by facilitating the proceedings of City Council and its Committees, fulfilling the requirements of various Provincial statutes and educating the public to make it understandable and accessible.

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

From: clerk@hamilton.ca <clerk@hamilton.ca>
Sent: Friday, September 20, 2024 11:14 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Cc: Carson, Katie <Katie.Carson@hamilton.ca>
Subject: FW: Zoning amendment Stoney creek ward 9

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

From: Eben Samuel <ebensamuel@outlook.com>
Sent: Thursday, September 19, 2024 2:42 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: clerk@hamilton.ca
Subject: Zoning amendment Stoney creek ward 9

Hello James

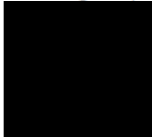
I am writing to express my strong opposition to the proposed rezoning of the land located at Rymal road east , Stoney creek (ward 09) part C5 to allow for the construction of multilevel buildings up to 12 floors. I have serious concerns about the impact this development would have on the local community, including:

1. ****Shadowing Effect:**** A 12-floor building would cast a significant shadow over my property, particularly during the afternoon and evening. This would greatly reduce natural sunlight, affecting both the comfort and energy efficiency of my home. The prolonged shadowing could also negatively impact my garden and the overall ambiance of my living space.
2. ****Loss of Privacy:**** The increased height of the proposed buildings would result in direct lines of sight into my home and yard, severely compromising my privacy. I am concerned that this will make it difficult to enjoy my property without the feeling of being constantly overlooked by numerous residents.
3. ****Increased Traffic and Congestion:**** Allowing such high-density development would lead to an influx of residents and visitors, exacerbating traffic congestion and posing safety risks to pedestrians, especially children and elderly members of our community.
4. ****Strain on Local Infrastructure:**** The existing infrastructure, including roads, sewage systems, and public services, may not be capable of supporting the increased demand that a high-rise development would bring, resulting in potential service disruptions and a decline in the quality of life for current residents.
5. ****Change in Community Character:**** The construction of tall buildings would drastically alter the character of our neighborhood, which currently consists of low-rise structures that promote a sense of openness and community. This change could negatively impact property values and the overall aesthetic of the area.
6. ****Environmental Impact:**** Large-scale developments often lead to reduced green spaces and increased pollution, which could have long-term consequences for the local environment and wildlife.

I urge the planning board to consider these issues seriously and to take into account the concerns of current residents before making any rezoning decisions. Maintaining the community's character and ensuring the well-being of its residents should be the priority in any development plans.

I would welcome the opportunity to discuss my concerns further and participate in any community meetings on this matter. Thank you for your attention and consideration.

Best regards,



Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 2:42 PM
To: Van Rooi, James
Cc: clerk@hamilton.ca
Subject: Zoning amendment Stoney creek ward 9

Hello James

I am writing to express my strong opposition to the proposed rezoning of the land located at Rymal road east , Stoney creek (ward 09) part C5 to allow for the construction of multilevel buildings up to 12 floors. I have serious concerns about the impact this development would have on the local community, including:

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I urge the planning board to consider these issues seriously and to take into account the concerns of current residents before making any rezoning decisions. Maintaining the community's character and ensuring the well-being of its residents should be the priority in any development plans.

I would welcome the opportunity to discuss my concerns further and participate in any community meetings on this matter. Thank you for your attention and consideration.

Best regards,

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 6:12 PM
To: Van Rooi, James
Subject: Proposal for building at Rymal and Columbus Gate

External Email: Use caution with links and attachments

Sir, I moved here this June and find this kind of massive development outrageous! At least consider making a smaller footprint than proposed. Don't allow Losani to do this!

Regards,

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 8:04 PM
To: Van Rooi, James
Cc: [REDACTED]
Subject: UHOPA-24-008 ZAC-24-026

External Email: Use caution with links and attachments

Subject: Objection to Official Plan Amendment and Zoning By-law Amendment Application

Dear James Van Rooi,

I hope this message finds you well.

I am writing in response to the notice I received regarding the application for an Official Plan Amendment and Zoning By-law Amendment in my neighborhood. As a property owner in Leckie Park (Columbus Gate), I strongly object to the proposed amendment that would allow for the development of multiple 12-storey mixed-use buildings.

My primary concern is that this type of development will drastically alter the character of our community, which is currently known for its tranquility, green spaces, and serene environment. The introduction of condominiums and high-density housing will lead to increased traffic, noise pollution, and changes to the landscape that will negatively impact the quality of life for current residents. The proposed development is not in harmony with the existing residential fabric of the area, which comprises single-family homes and lower-density structures.

Moreover, such a project may alter property values, potentially causing financial strain on long-term residents and eroding the sense of community that we have carefully cultivated over the years.

I kindly request that the City reconsider the approval of this amendment and take into account the concerns of local residents like myself who are deeply invested in preserving the character and peacefulness of our neighborhood.

Thank you for your attention to this matter. I look forward to hearing from you and hope that the City will prioritize the needs and wishes of its current residents.

Sincerely,

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Van Rooi, James](#)
Cc: [REDACTED]
Subject: Zoning By Law Amendment (File NO. ZAC-24-026)
Date: Wednesday, September 18, 2024 8:18:17 PM

External Email: Use caution with links and attachments

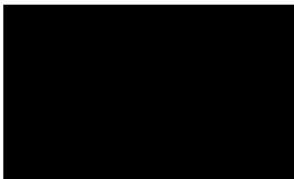
Mr James Rooi

We received city of Hamilton notice of our input to amend (Urban Hamilton Official Plan Amendment (File NO. UHOPA-24-008)) to replace medium density accommodation designation to four of 12 stories high rise buildings along with more town houses.

We have concerns about this by law amendment on following reasons:

1. At present we have so many vehicles parking issues which are unimaginable. Residents are parking on both side of the roads. Adding 12 stories high-rise structures going to add more fuel to this chaotic situation.
2. It will increase crime rates and drug trafficking in the area.
3. It will also increase traffic accidents in school children as high school is nearby.
4. It will be more difficult to accommodate more visitors in the area.

Thanks



Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 10:28 PM
To: Van Rooi, James
Subject: Re: notice of complete application file no. UHOPA-24-008

External Email: Use caution with links and attachments

Good evening,

I am in receipt of your letter dated September 5th, 2024.

It is extremely disappointing receiving this letter the day after the response deadline. I check my mailbox daily. There was no mail yesterday. Today there is a letter from the city explaining the amendment with a deadline to respond prior to today.

The proposed official plan amendment and zoning by-law has taken no consideration to the existing neighbourhood. The traffic and speeding is unbearable as it is. Not only will this increase traffic, but our neighbourhood is filled with children as well as a brain injury clinic. Our safety is jeopardized daily with dangerous drivers not paying attention to pedestrians.

Where are all of these new residents parking? Where are they going to school? Our local schools are already at capacity and the losani condos haven't even been occupied yet. Can you imagine the issues with population that will arise with this additional proposal.

Furthermore, our properties have pools with backyards we would like to enjoy. The 12 story buildings you're proposing will be looking right into our backyard where our children are swimming. Will you also be responsible for purchasing and planting privacy trees to protect our home from invasion?

This is very concerning.

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 9:04 PM
To: Van Rooi, James
Subject: Public opinion for file # UHOPA-24-008 ZAC-24-026

External Email: Use caution with links and attachments

Not seeing this ridiculous thing happening again. How many times city needs to be reminded of the sufferings they cause to peace loving residents of this city of Hamilton. Who in the right mind would think of building four 12 storey apartments just in front of a peaceful townhouses development. This is a total invasion of privacy converting a residential area into waste development area. How can anyone in the right mind allow this kind of nonsense happening where people from 12 storey buildings get a perfect view of watching everyones backyards and even in the houses and their families. Take this nonsense idea somewhere far from people's houses.

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 6:05 PM
To: Van Rooi, James
Subject: Comments on Rezoning Application for 1809-1843 Rymal Road East

External Email: Use caution with links and attachments

Good Afternoon,

I am submitting comments regarding the potential rezoning of 1809-1843 Rymal Road East. Please ensure these are included with the application for this rezoning plan.

File No: UHOPA-24-008 (Urban Hamilton Official Plan Amendment) File No: ZAC-24-026 (Zoning By-Law Amendment)
 Owner: 2324780 Ontario Inc. Agent: MHBC Planning LTD, Attn: Dave Aston Statutory Public Meeting Date: December 3, 2024 Address: 1809-1843 Rymal Road East, Stoney Creek (Ward 09)

The residents of this area strongly oppose the rezoning plan for several reasons:

1. **Resident Expectations and Property Value:** Homebuyers on Columbus Gate were assured that only low-level commercial development would be built behind their properties. This rezoning forces current residents to consider moving unexpectedly, at a time of high interest rates and unplanned costs, including school and daycare disruptions. If residents stay, this rezoning will likely depreciate property values and significantly impact privacy, as well as introduce increased noise and light pollution. Residents are reviewing legal options to address this.
2. **Traffic Concerns:** The area is already facing severe traffic issues, with no immediate plans to extend the Red Hill Valley Parkway (RHVP). Traffic bottlenecks are common, and Central Park has become a cut-through route for drivers. Adding over 700 new families and an apartment building next to Bishop Ryan will only exacerbate these issues, creating a more dangerous and congested neighborhood.
3. **Parking Shortages:** Current parking options in Central Park are insufficient, especially during winter. With the addition of 700+ families, the problem will worsen, and overflow parking will likely affect Columbus Gate and nearby streets. This was not accounted for when residents agreed to initial contracts, which only promised low-level commercial development.
4. **Strained Infrastructure and Services:** Local schools and daycares are already over capacity, with out-of-catchment requests being denied. Additional families will be forced to travel outside the area, adding to traffic and environmental strain in a zone that is supposed to be protected by its proximity to the conservation area.
5. **Environmental Impact:** The plan conflicts with the city's marketing of Central Park as a nature-focused area. Adding thousands of residents will increase noise, light pollution, and traffic in an area already classified as a noise zone, further degrading the environment near the conservation area.

While we understand the need for housing development, this rezoning places an undue burden on both current and future residents, reducing the quality of life and negatively impacting the environment.

Sincerely,

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 6:24 PM
To: Van Rooi, James
Cc: [REDACTED]
Subject: UHOPA-24-008, ZAC-24-026

External Email: Use caution with links and attachments

Hi James,

My name is [REDACTED] I'm the owner of townhouse [REDACTED] Hamilton, ON, Canada. I'm reaching out to register my complaint and deep concern regarding proposed 12 stories apartment buildings near Columbus Gate and Lexington Ave intersection.

If the this proposed construction happens that will make the place unlivable for existing households anticipating significant increase in traffic and breach of privacy. Therefore, All the households in neighborhood are deeply concerned and completely against this proposed construction.

Kindly request you to intervene and help us win this fight 🙏

Warm Regards,
[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 5:45 PM
To: Van Rooi, James
Subject: Uhopa-24-008 zac-24-026

External Email: Use caution with links and attachments

Hi James,
I live in Central Park off Rymal Road. The proposed building behind my house poses many issues- privacy, street traffic and parking and congestion. This area is already experiencing a high volume of people and congestion. The building behind my house was supposed to be a small scale building, not what is being proposed. I purchased this house under this impression. Please carefully consider the situation of the current residents.
Regards,
[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Monday, September 16, 2024 1:48 PM
To: Van Rooi, James
Cc: [REDACTED]
Subject: Commentary for Official Plan Amendment - File No UHOPA-24-008/ZAC-24-026

External Email: Use caution with links and attachments

Good Afternoon,

I'm sending in comments regarding the potential rezoning [of 1809-1843 Rymal Road East](#) - please include these with the application for this rezoning plan.

- File No: Urban Hamilton Official Plan Amendment - UHOPA-24-008
- File No: Zoning By-Law Amendment – ZAC-24-026
- Owner: 2324780 Ontario Inc.
- Agent: MHBC Planning LTD. C/O Dave Aston
- Statutory Public Meeting Date: December 3, 2024
- Address: 1809,1817, 1825,1829,1831,1835,1837,1841,[1843 Rymal Road East, Stoney Creek \(Ward 09\)](#)

I had sent the below email prior to an earlier meeting. I am forwarding it on with any additional comments below to make it easy to keep track of.

I'm sure anyone taking notes from the resident information meeting gathered most of the additional comments that were put forth on top of the below email, but to summarize on behalf of the residents of this area - we disagree with the plan to rezone this strip of land for a multitude of reasons.

Residents of the area have signed a petition for this when it was first announced. You can find it here: [Petition · Stop Zoning Amendments - 1809 to 1843 Rymal Road East · Change.org](#)

- 287 families/households as of September 2024 have signed.

- Many of the residents on Lexington Avenue, who stand to be most impacted by increased traffic, were not even aware of this plan - and are very displeased.

Additional notes below for our disagreement with this plan that we would like presented to decision makers:

- First and foremost, the families and persons who purchased the homes on Columbus Gate did so with the express description that LOW LEVEL COMMERCIAL was all that would be built behind them. We were specifically given brochures and information with this detailed - photo included **below** showing the physical brochure given to us that I still have. "Future Retail Space" was deemed only as low level commercial, with a retaining wall that was to be placed between our homes and said commercial space.

In fact - even the retaining wall was bypassed because I was told Losani "didn't deem it necessary" at the time. Losani has misrepresented the intention for this land and sold its customers property on false pretenses of what was to be built there. **This is fraudulent inducement.** This move is forcing the existing residents to have to consider moving (when some planned to retire here upon purchase), in a market with high interest rates and at a time they hadn't planned to - causing incurred, unplanned fees, school changes (if they can even get in), daycare changes (where they won't be able to get in), and upheaval. Some of the residents of this area have already moved due to just the potential of this plan. If they choose to stay and this moves forward, it will in all likelihood depreciate the value of our properties immensely - a huge hit to the largest investment you can make. This would also depreciate the quality of living for any residents adjacent to the site in PRIVACY. Our blinds would need to be closed at all times to keep our privacy, and any backyard privacy we had would be gone. NOISE and LIGHT pollution would be added to all existing residents. Current residents are reviewing their legal right with a real estate lawyer in this matter due to the depreciated quality of living we would incur.

- **Traffic is an enormous concern.** Per our city councillor on the original call, the city is not ready to extend the Red Hill Valley Parkway (RHVP), and at this time it is already extremely bottlenecked at peak hours, and even during regular traffic times. The closing of Upper Mount Albion, due to already existing traffic concerns with Bishop Ryan, have made Central Park the "cut through" for existing traffic coming off the RHVP and looking to avoid the Rymal lights. Adding another 700+ families, on top of the apartment building already slated to be built beside Bishop Ryan, will make the streets of Central Park and Rymal Road dangerous and incredibly busy with through traffic. This is irresponsible to consider placing more families in this area that is already "bursting at the seams". Our Maps and GPS also already tell us when driving even close to rush hour to not even attempt to go the approximately 600 metres down Rymal Road from the upper red hill valley parkway end at Rymal to Columbus gate. It sends us through the subdivision already because it's so busy in that short stretch. This means the same route for the additional 700+ families and commuters - again causing stress and burden on the existing area and your already paid customers via more traffic for everyone and a much busier and more dangerous neighbourhood environment.

- **Space for these structures.** The conceptual drawings that were put forth **DO NOT** represent the actual space available for structures of this size and the required parking. They also showcase dozens of fully developed trees in the drawings that are **not** present (and would not be able to fit anywhere in the final space) - just to make it look "nicer", we assume, for presenting to the city. In fact, any existing trees that have been there for decades and decades would be ripped out. Considering this area is directly adjacent to a conservation area, this also seems irresponsible. Additionally, it showcases the homes behind these structures as SIGNIFICANTLY farther away from them than they will be - and not even the proper layout of the existing homes is present. It shows only small clusters of a few homes together, and not the tight layout of the existing neighborhood as it is. If a proper review of this project is to be done, then TO SCALE and MEASURED drawings should be submitted, not a beautiful mockup that does not at all represent the available space, landscaping and layout of existing homes and surrounding area. This is misrepresentative and should not be submitted as what this project would look like in finality - **this is unfair to submit something for approval based on images that falsely outline what the area looks like and its available capacity.**

- **Parking** is another concern. The parking in Central Park is barely existent as it is. Parking during the winter when it snows is almost impossible. Current residents have a hard time having visitors at all - and now 700+ new families and their visitors are to be introduced. I am aware there is parking, above and below ground, slated for this project - but I also know that visitor parking for 700+ families is VERY unlikely to fit here. Overflow parking will surely land on Columbus Gate and adjacent streets where the only viable parking for our guests currently is. This is poor planning on behalf of Losani to introduce a neighborhood with this little parking, and then additionally to plan to cram more families into this space. They knew the parking in this neighborhood would be tight – this was in our contract. We agreed to this knowing that all that would be added behind us was low level commercial buildings – NOT another entire neighbourhood - and yet they are trying to cram more into the space surrounding them. **Photo again attached of this in our contract. Highlighted with a red star.**

- **Infrastructure/Services:** as mentioned below, I will clarify here again that surrounding schools and daycares are OVER capacity. Schools are not even reviewing out of catchment requests due to capacity constraints. Daycare lists are so long that I had my one year old on 7 waitlists, and have never heard back from any for a space for him – he was only luckily accepted as a favour in the one his brother had been in due to being a family relation. The same happened with my now 4.5 year old. The only daycare he was able to get into was one that was not in the directory yet, and opening the month I required space. I had him enlisted on 8 other lists and only ONE called me back, 7 months after I required his care to start. This area has been FULL at school level for quite some time, and with an apartment building being built already beside Bishop Ryan, AND SOHO adding what appears to be 7 more levels of families, there will be no where for additional families to go without driving out of the area - adding MORE traffic and environmental impact (pollution) to an area that is already supposed to be protected with the conservation area.

- **Pollution:** Finally, this entire stretch of property in question is full of decade old trees. Losani even went to the length when we moved here of including in their contract (**image attached, highlighted with a red star**) that we could not remove ANY trees from the property - now there is proposal to remove dozens of decade old trees from the area without concern? For a company promoting Central Park as a Nature Focused area (next to Eramosa as a selling feature, “tree lined paths through a lit park”, CENTRAL PARK being the only green space in NYC that comparison was drawn to for marketing purpose - this is a far departure from what was promised to your customers. This is also disappointing considering the entire worlds dedication and required help to aid the environment in being further decimated. Additionally, another 700+ families on top of the other apartments slated for the area will be an unimaginable amount of noise and light pollution. Rymal road already is considered a level 3 noise zone for this area – on top of pollutants from all the traffic it already sees. Now right beside a conservation area there will be thousands more humans added? It is irresponsible.

We understand as a city that we need to build "UP AND NOT OUT" and we know that the current housing climate is abysmal - but moving ahead with this many residents added to this neighborhood is not fair to the existing residents OR the new ones. This is setting the area up for failure, a decreased quality of living, and environmental pollution and impact.

All we can hope is that the city and our representatives can understand that this is NOT what is best for this community and its existing residents (both in this neighborhood and surrounding area). This plan is a blatant

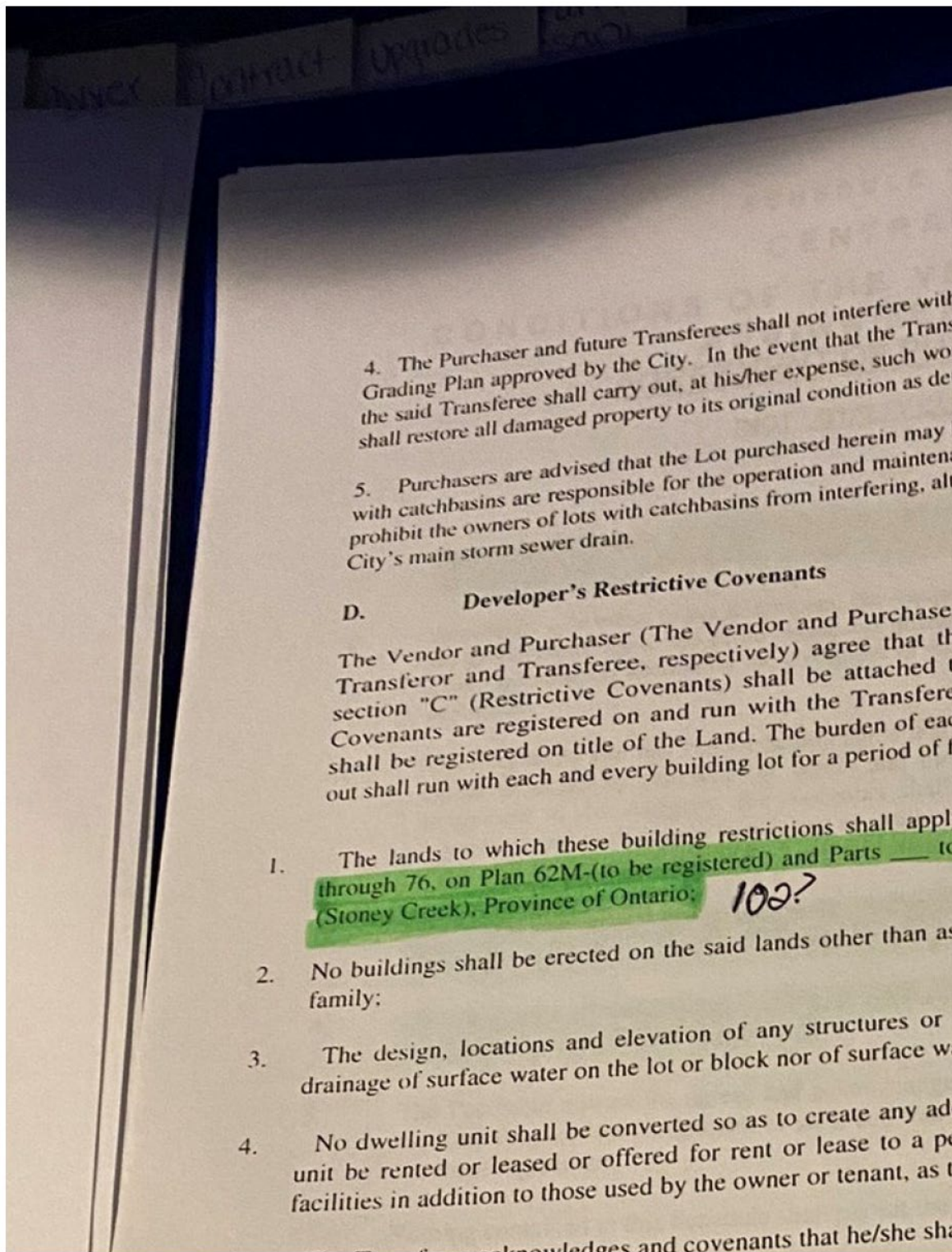
misrepresentation of what was promised (and still has not been delivered with unfinished services outstanding) to Central Park residents. This rezoning stands to make this entire community, not just the one Losani owns, difficult to travel in, noisier, more polluted, and dangerous. It also serves to depreciate the quality of living for this and surrounding neighborhoods that DO NOT belong to Losani Homes.

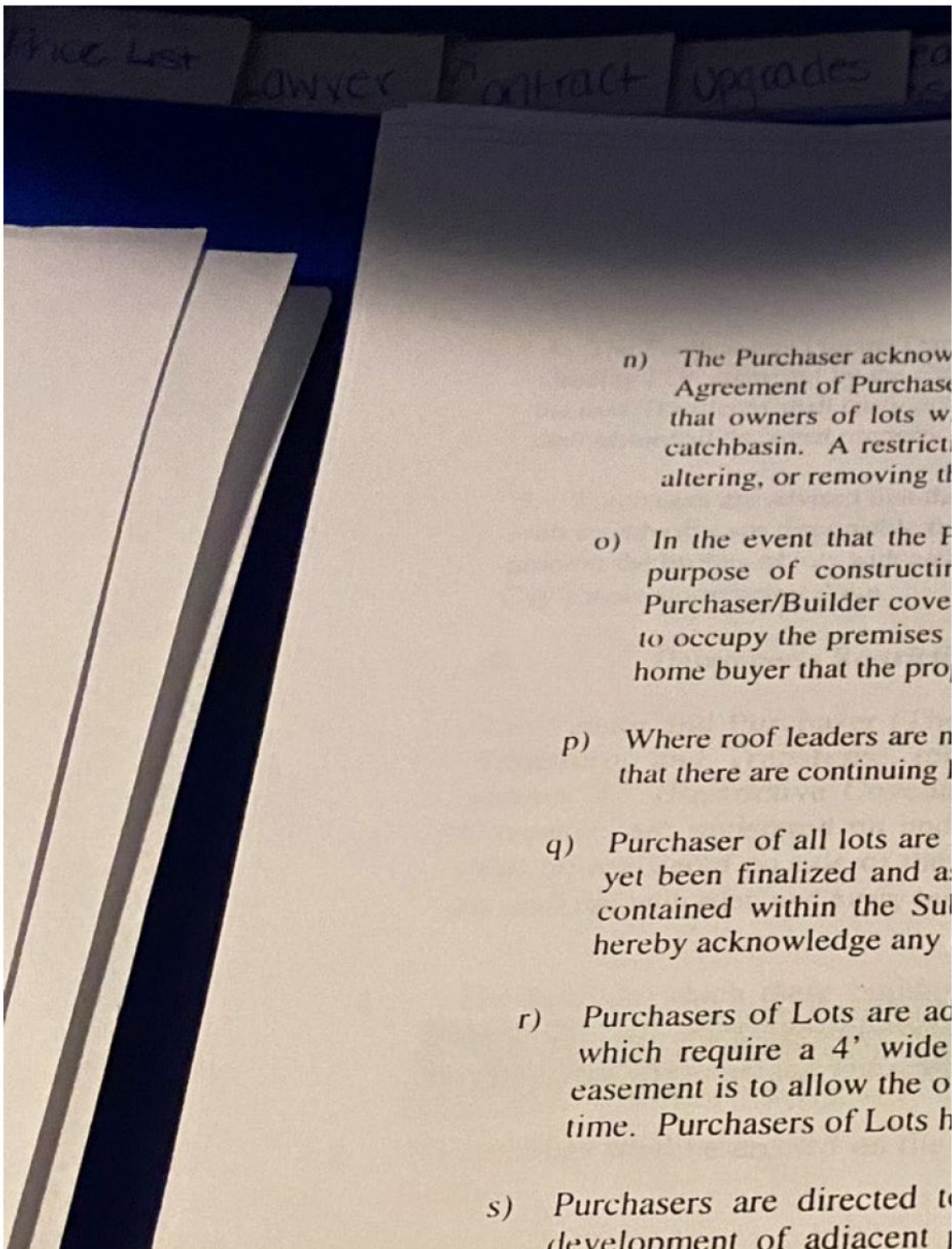
Thank you for your consideration.

Regards,

[REDACTED]







Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 10:11 PM
To: Van Rooi, James
Subject: Regarding Appl. File No UHOPA-24-008, ZAC-24-026

External Email: Use caution with links and attachments

Dear Mr. Van Rooi,

We are writing to you as homeowners on [REDACTED] located just east of Rymal Rd E and Upper Redhill Valley Pkwy, directly north of the proposed site for zone amendment UHOPA-24-008, ZAC-24-026.

Having lived in this neighborhood since its inception in 2017/2018, we have some concerns regarding the proposed project. We anticipated that a newly built neighborhood would involve ongoing construction, noise, and pollution. When we purchased our home, we were informed about the planned Soho buildings on Highland Rd between Upper Redhill Valley Pkwy and Upper Mount Albion Rd. However, the current proposed development was not disclosed, and had we known, it may have influenced our decision to buy. We are disappointed to learn that construction, noise, and pollution will continue for many more years. For context, last summer, the fire department visited our home to check our fire alarms, which kept going off. They advised us to close our windows due to dust from nearby construction affecting the alarm system. Additionally, we have experienced damage to our vehicle tires from nails and debris left by construction vehicles. We were relieved to expect the end of construction in our neighborhood, but now see that further disruptions are planned.

Our second concern involves the existing traffic and parking congestion in the area, which will only worsen with the proposed commercial space and four 12-storey mixed-use buildings, along with two blocks of townhomes. While the developer refers to this as a medium-density amendment, it effectively functions as a high-density land use change in our neighborhood. We already live near a busy high school, an elementary school, and several commercial spaces, and are adjacent to two main connecting roads and a major artery to the Linc. Many parents currently use Columbus Gate and Upper Mount Albion for school drop-offs and pick-ups, while others use Lexington St, Greenwich, and Times Square Boulevard to bypass Rymal Rd congestion. The developer is providing only about 65% of the required parking spaces for these units, which will likely overflow into our neighborhood. Finding street parking is already challenging, as most homes have at least two vehicles. Additionally, traffic congestion worsens during planned or unplanned closures of the Linc and Redhill, often resulting in severe delays. We have experienced 30-minute drives for a 500-meter distance to our neighborhood during such situations. Adding four 12-storey buildings and commercial areas will only exacerbate these traffic issues.

Finally, we have concerns about aesthetics, shadowing, and reduced light. The proposed four 12-storey buildings, situated so close to our neighborhood, will clash with its existing architectural style and character, as there are currently no buildings of such height nearby. The newly built Soho buildings are more aesthetically pleasing, with a park space and walkway separating them from the neighborhood, whereas the proposed site will overshadow our homes.

We hope you will take these concerns seriously in your considerations for the next steps in the process. We understand the need for additional housing amid the current housing crisis; however, this location does not seem appropriate for such a development. We strongly oppose this rezoning.

Thank you for your time.

Sincerely,

J

From: [REDACTED]
To: [Van Rooi, James](#)
Cc: [REDACTED]
Subject: Opposition to Zoning By-law Amendment for Increased Density in Stoney Creek (File No. ZAC-24-026)
Date: Tuesday, September 10, 2024 5:46:59 PM

External Email: Use caution with links and attachments

Dear Mr. Van Rooi,

I am writing to express my strong opposition to the proposed zoning by-law amendment (File No. ZAC-24-026) concerning the properties on Rymal Road East in Stoney Creek. The amendment to permit the construction of multiple condominium buildings will, in my view, significantly and negatively affect the quality of life for residents in the surrounding area.

Firstly, the increased density resulting from this development will worsen traffic congestion in an already fast-growing area of the city. Hamilton is struggling to keep pace with population growth, and the infrastructure challenges are becoming more pronounced. With a condominium project already under construction nearby, adding another high-density development will further burden our roads, which are not designed to accommodate the influx of vehicles in an already car-dependant area. This will inevitably lead to increased noise, pollution, and traffic delays.

Moreover, the height and proximity of the proposed buildings will severely impact the privacy and natural light for existing residents. The overshadowing of nearby homes will diminish sunlight and reduce the sense of personal space that residents expect in a suburban neighborhood.

Additionally, the City of Hamilton does not require further high-density condominium projects. Based on my research, there is already a surplus of condominiums, and many older residents are choosing to remain in their larger homes, as the market does not offer a suitable return on investment for downsizing. This highlights the need for more traditional housing options, such as single-family or semi-detached homes, which better accommodate the needs of both new and long-standing community members.

Instead of contributing to overpopulation and placing further strain on local infrastructure, I believe the City should prioritize green spaces and lower-density housing that fosters a balanced, sustainable community. Such developments would better align with the character of the neighborhood while promoting a healthier living environment for residents.

In conclusion, I urge you to reject the proposed zoning change and advocate for more thoughtful, sustainable development that enhances our community's livability. We need growth that serves the best interests of residents, not projects focused solely on maximizing developer profits.

Thank you for your time and consideration. I look forward to hearing how the community's concerns will be addressed.

Thank you,
[REDACTED]

Thank you,
[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Wednesday, September 18, 2024 10:59 PM
To: Van Rooi, James
Subject: Urgent: Concerns Regarding Ward 09 High-Rise Developments

External Email: Use caution with links and attachments

Dear James Van Rooi,

I hope this message finds you well. I am writing to express my significant concerns regarding the recent proposal to construct four 12-storey mixed-use buildings, totaling 812 units, on the property directly behind my townhouse located at [REDACTED].

As a resident of this area, I believe this development poses several issues that warrant serious consideration:

1. Impact on Local Infrastructure:

The proposed development is substantial and could overwhelm our current infrastructure, including roads, public transportation, and utilities. There is a concern that the increased population density could strain our local resources and services.

2. Environmental and Aesthetic Concerns: The construction of such large high-rise buildings would significantly alter the character and aesthetics of our neighborhood. This change could also have adverse effects on local wildlife and green spaces.

3. Privacy and Quality of Life: The proximity of these buildings to existing homes raises concerns about reduced privacy and potential negative impacts on the quality of life for current residents. Specifically, residents whose backyards face Rymal Road will experience a significant loss of privacy, as the high-rise buildings will overlook their private outdoor spaces, disrupting the serene environment we currently enjoy.

4. Traffic and Parking Issues: The increase in residential units is likely to lead to higher traffic volumes and parking shortages, exacerbating current traffic problems and impacting the safety of our streets.

5. Community Input: It is crucial that the community's voice is considered in this matter. I urge you to ensure that thorough public consultations and impact assessments are conducted before making any decisions. I respectfully request that you consider these concerns and advocate for a review of the proposal. Ensuring that the development aligns with the needs and preferences of our community is essential for maintaining the quality and livability of our neighborhood.

Best regards,

[REDACTED]

From: [REDACTED]
To: [Van Rool, James](#)
Subject: Re: Plan Amendment & Zoning By - Law Amendment
Date: Thursday, September 19, 2024 10:12:42 AM

External Email: Use caution with links and attachments

Dear James,

Regarding the file number UHOPA- 24-008 for plan amendment and By-Law Amendment ZAC-24-026, I would like to address my complete opposition to this proposal.

I own one of the townhouses currently backing onto Rymal Road. At the time I had purchased this property, I was advised that a maximum of a four-story building would be built behind our dwelling.

Considering I am totally opposed to this planned amendment, please note the following reasons:

- Reduced Privacy - The 12 story high building will take away the privacy I am currently enjoying, since all the north facing balconies and/or windows would have a direct view into my backyard, and deck.
- Blocking Sunlight - The proposed twelve story building would block direct sunlight into our homes during the winter months when the sun is in the south side of the sky.
- Resale Value - Adding a condo building next to expensive townhouses will lower the value of all homes in that area over time.
- Higher population density - There will be extra kids and population will impact school systems and emergency services in the area.
- Crime has already increased and will further increase due to lower income tenants.
- 12 story buildings do not belong this far south of the escarpment, as it will destroy the natural landscape of the area.

Please confirm receipt of this email.

Thanks,

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Thursday, September 19, 2024 5:41 PM
To: Van Rooi, James
Cc: [REDACTED]
Subject: UHOPA-24-008 ZAC-24-026 Opposed to bulding plan

External Email: Use caution with links and attachments

Hello,

My name [REDACTED] and my wife is [REDACTED]. We own the home on [REDACTED] and are opposed to the proposed building plan. As of today it is **unsafe** in winters due to overpopulation and parking and this will increase that issue. In addition during school months the traffic in our area is unsafe for children and growing the population by this amount will increase that problem.

In addition the plan goes directly against what the land was zoned for when we purchased this property and will dramatically affect our experience here in terms of not only sunlight, but also eliminate the privacy in our backyard by anyone living in upper levels in the proposed building. I think this is poorly planned and irresponsible.

If you have any questions you can also reach me by phone at [REDACTED]

Regards,

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: Tuesday, September 17, 2024 2:16 PM
To: Van Rooi, James
Subject: Zoning By-law Amendment (File No. ZAC-24-026)

External Email: Use caution with links and attachments

Dear Mr. Rooi,

We would like to express our concerns towards Zoning By-law Amendment (File No. ZAC-24-026) the rezoning of the Mixed Use Medium Density land on Rymal Rd. E. To allow for an increase from 4 story low rises to Four 12 story High-rises.

While we are strong advocates to "stop urban sprawl" "build up not out" and "save the greenbelt" we believe that this area is not yet properly prepared for such a large housing increase and we would argue that the zoning amendment does not properly address some of these concerns.

While anecdotal. Our experience shows that the schools in the surrounding area are already over crowded and I have not been made aware of any plans to build another in the area. There is a plan to build a new elementary school at 3105 Fletcher Rd. which could theoretically remove some of Binbrooks overflow students from our local area schools thereby giving them the space needed but this doesn't address the issues of Highschools of which there are only 2 that cover all the way out to the entire Binbrook community. One of which being a Catholic school.

The more immediate concern we found, that was not addressed in the amendment was the egregious lack of parking. 679 parking spaces for 812 dwellings and ground floor commercial space is completely unacceptable, in our view. In Canada there are currently 1.5 vehicles per household. And you may argue that these dwellings do not hold the same amount of occupancy as a typical single family household and therefore would not have as many vehicles but. Canada's vehicle per capita as of 2023 was 870 passenger vehicles for every 1000 people. That's an average of nearly .9 vehicles for every person. So by very simple math it should be obvious that these 12 story dwellings and townhomes would require no less then 1412 parking spaces assuming just TWO residents per dwelling despite the Ontario average being 2.6 residents per dwelling. This also does not account for any additional parking to accommodate the ground floor commercial units. Furthermore the local streets are already plagued by a severe lack of parking and simply cannot handle any overflow from these units.

We feel strongly that the rezoning should not be promoted to move forward without addressing these, and some of the other very important issues our community has raised.

Thank you for your time and consideration.

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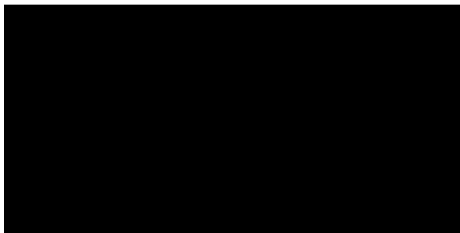
From: [REDACTED]
To: [Van Rooi, James](#)
Subject: Official Plan Amendment
Date: Friday, November 22, 2024 1:20:25 PM
Attachments: [image001.jpg](#)

External Email: Use caution with links and attachments

Hello James

Can you please forward me the proposed Official Plan Amendment and Zoning By-law Amendment for 1809, 1817, 1821, 1825, 1829, 1831, 1835, 1837, 1841 and 1843 Rymal Rd East, Stoney Creek.

Thanks



Our mission is to completely satisfy customers, build lasting relationships, and earn long-term loyalty.

**SUMMARY OF PUBLIC CONSULTATION
CONDUCTED BY MHBC PLANNING LTD.**

4.2 Summary of Comments Received

A record of the comments received prior to, during and after the meeting are included within **Appendix E** to this report. The following provides a summary of the key comments received:

General Comments

- Residents expressed that they previously understood that the lands were going to be developed with ground-level retail and expressed concerns with the change in the plans for development to residential.
- Residents expressed concerns with current crime levels in the area and are concerned with how the additional residential density will impact crime.
- Residents asked when Central Park would be completed.
- Residents asked when final asphalt paving would be completed for Central Park neighbourhood.

Height and Design

- Residents expressed concerns with the proposed height adjacent to the townhouses to the north.
- Residents wanted to understand if shadowing will impact existing backyards.
- There were concerns of privacy into backyards and residents asked if a privacy wall or fence will be provided.

Density

- Residents expressed that additional units may be better placed within the SOHO apartment development on Highland Road.

School Services

- Residents noted that schools are currently at capacity and had concerns with how schools will accommodate the additional residents.

Tree Retention

- Residents noted that there are existing mature trees on the lands and asked if trees will be protected.

Access, Traffic & Parking

- Residents had concerns with existing traffic levels through the neighbourhood and on Rymal Road East
- Residents expressed concerns with current on-street parking availability and are concerned with overflow parking caused by the development.
- There were comments on the increased traffic during morning and afternoon during school hours.
- Residents noted that there are other developments planned in the area and asked that traffic from these developments be reviewed.

4.3 Response to Public Comments & Revised Concept Plan

The comments received through the neighbourhood information meeting were considered in the revised development concept. Since the neighbourhood meeting, technical reports have been completed providing additional input into the design of the development. The following provides a summary of the concept plan revisions that have been incorporated since the neighbourhood meeting:

- Stepbacks are incorporated on the proposed apartment buildings to the rear of the site to address resident concerns for a transition of height from 12-storeys to the existing 3-storey townhouse dwellings to the north.
- Townhouse units have been added to the proposed concept to further assist in the transition of height between the proposed 12-storey buildings and the existing 3-storey townhouse dwellings to the north.
- Parking has been modified to be located at grade and within one level of underground parking.
- The residential unit count has been modified to 812 units.
- A pedestrian access has been added to the northwest corner of the site to provide an active transportation linkage to the existing residential development to the north. The pedestrian connection will provide access to the proposed retail uses on the site.

Proposed Site Specific Modifications to the Mixed Use Commercial (C5, 928) Zone Supported by Staff

Regulation	Required	Modification	Analysis
Section 3 Definition – Stacked Townhouse	Multiple Dwelling – shall mean a building or part thereof containing five or more dwelling units but shall not include a street townhouse dwelling.	“Stacked Townhouse” shall mean a multiple dwelling containing five or more dwelling units divided by common walls preventing internal access between units, with each dwelling unit having at least one exclusive access to the exterior of the building.	The two storey townhouses proposed on the subject lands are considered “Multiple Dwellings”. The modification introduces a definition for “Stacked Townhouse” to apply to the two storey townhouses for the purposes of the site specific development regulations. Staff support the modification.
Section 3 Interpretation – Rear Lot Line	Shall mean the lot line farthest and opposite to the front lot line and whereas in the case of a triangular shaped lot, the rear lot line will be the intersection point of the side lot lines.	The rear lot line are the lot lines opposite to the front lot line.	This is an irregular lot and some of the rear lot lines along the back ends of 1825-1843 Rymal Road East are being interpreted as side lot lines. A revised definition is being included so that all lot lines opposite the front lot line along Rymal Road East are considered rear lot lines. Staff support the proposed modification.
Section 3 Interpretation – Planting Strip	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.	That in addition to Section 3 as it relates to the definition of “Planting Strip”, an enclosed stair structure leading to an underground parking garage may be permitted within a Planting Strip.	The intent of the definition is to ensure planting strips provide a consistent buffer of planting materials with minimal interruption of pavement or structures. The proposal shows one stairwell to the underground parking which encroaches 0.77 metres into the required planting strip. Staff find the stairwell encroachment to be minimal and does not adversely impact the intent of providing an appropriate planting strip buffer. Therefore, staff support the proposed modification.

Regulation	Required	Modification	Analysis
Section 4.6 e) Permitted Yard Encroachments	A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser; and	A balcony may encroach into any required yard to a maximum of 1.5 metres.	<p>The site specific permission is requested to recognize that the building is situated at the minimum street line setback to encourage an active street frontage. The request for an additional 0.5 metres for balcony encroachment will allow for additional outdoor amenity space for future residents, while maintaining the street character intended for the area.</p> <p>Therefore, staff support the proposed modification.</p>
Section 5.7.1 a) Parking for Multiple Dwelling Unit, Mixed Use, where the total number of such units is 5 or greater	In PRA 3, 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit.	0.7 parking spaces per unit for residents, plus 0.1 visitor parking spaces per unit	<p>An updated Transportation Impact Study, prepared by Stantec Ltd. dated December 9, 2024, was submitted in support of a reduced parking rate. Transportation Planning staff have no objection to the proposed reduced vehicular parking supply provided various Transportation Demand Management strategies are implemented on the site, including providing an increased supply of short and long term bicycle spaces, which are being implemented through the proposed Zoning By-law Amendment (see below). Other Transportation Demand Management strategies will be further reviewed at the future Site Plan Control stage.</p> <p>Parking Rate Area 3 is a geographically based approach to City of Hamilton, whereby parking standards were developed in mind for people with less access to multimodal transportation and who depend more on private vehicles for transportation. The subject site is located along the western border of Parking Rate Area 3, immediately adjacent to Parking Rate Area 2. The proposed parking rate of 0.7 resident spaces per unit is the midpoint rate between the Area 2 and 3 rates and represents a blended rate between the two areas.</p>

Regulation	Required	Modification	Analysis
			<p>The site is on an arterial road with direct bicycle and pedestrian access to the site provided by a multi-use path. The proposal encourages multi-modal transportation and is consistent with the Urban Hamilton Official Plan.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Section 5.7.5 a) i) and ii) Bicycle Parking</p>	No requirement.	<p>Short Term:</p> <p>Multiple Dwellings: In PRA 3, 0.05 per unit.</p> <p>Retail Uses: In PRA 3, 0.20 for each 100 square metres of gross floor area.</p> <p>Long Term:</p> <p>Multiple Dwellings: In PRA 3, 0.60 per unit.</p> <p>Retail Uses: In PRA 3, 0.10 for each 100 square metres of gross floor area.</p>	<p>The current standards do not require short or long term bicycle parking for multiple dwellings or retail uses in this area. The implementing by-law provides short term bicycle parking and encourages active transportation. Transportation Planning requested the proposed modification of 0.5 long term bicycle parking spaces per unit be increased to 0.6 long term spaces per unit.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Section 10.5.1.1 i) Restriction of Residential Uses within a Building</p>	<p>Restriction of Residential Uses within a Building</p> <p>1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade;</p>	Shall not apply.	<p>The intent of "Urban Corridors" is to provide a comfortable and attractive pedestrian experience. The first floors of the 12 storey mixed use buildings provide retail along the frontage of Rymal Road East. There are residential units that are at the rear of the buildings (located away from Rymal Road East) and the residential units on the ground floor will not detract from the pedestrian experience</p>

Regulation	Required	Modification	Analysis
			<p>along Rymal Road East. Further, the residential units are afforded privacy as they are not located along the street.</p> <p>Therefore, staff support these proposed modifications.</p>
<p>Section 10.5.3 a) ii) Building Setback from a Streetline</p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;</p>	<p>Maximum 5.1 metres for multiple dwellings, except no maximum for townhouses and stacked townhouses.</p>	<p>The intent of a maximum setback from a streetline is to ensure an active and consistent streetscape. The purpose of removing the maximum setback requirement is to allow for the townhouse dwellings located to the rear of the site. The mixed use buildings are articulated along the street frontage, however due to the curve in the street, an increased setback of 5.1 metres is provided for the east corner of Building B. All other mixed use buildings are proposed between the minimum and maximum setback of the zoning by-law, being between 3 and 4.5 metres.</p> <p>Therefore, staff support these proposed modifications.</p>
<p>Section 10.5.3 b) Minimum Rear Yard</p>	<p>i) 7.5 metres</p> <p>ii) Notwithstanding Section 10.5.3 b) i), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.5.3 a) shall apply.</p> <p>(NOT FINAL & BINDING: By-law No. 24-137, July 12, 2024)</p>	<p>5 metres for townhouses and stacked townhouses; and,</p> <p>7.5 metres for multiple dwellings, except:</p> <ul style="list-style-type: none"> 12 metres for any portion of a building greater than 12 metres in height; 22 metres for any portion of a building 	<p>The introduction of the rear setback combined with stepbacks, address the concern with overlook and privacy with existing residential uses on adjacent properties to the north.</p> <p>Architectural Drawings, prepared by Chamberlain Architect Services Limited dated October 18, 2023, include elevations that illustrate a progressive stepback starting at the fifth floor. These stepbacks keep the majority of building outside of the 45 angular plane with the exception of mechanical penthouses.</p>

Regulation	Required	Modification	Analysis
		greater than 22 metres in height; and, <ul style="list-style-type: none"> 28 metres for any portion of a building exceeding a height of 30 metres in height. 	Therefore, staff supports these modifications.
		Underground parking stairs may be permitted within the rear yard.	The proposed amending by-law provides an additional clarification for a stairwell within the rear yard. Staff support the modification.
Section 10.5.3 d) Building Height	ii) Maximum 22.0 metres; and, iii) 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.	Maximum 44.0 metres; and, Subsection iii) shall not apply.	The proposed building height of 43.3 metres (12storeys) can be supported, as the development meets the criteria for height above six storeys. As discussed in Appendix D attached to Report PED25062, the proposed development provides a mix of unit sizes, incorporates sustainable building and design principles, does not cause adverse shadow impacts, provides stepbacks from existing residential uses, and provides an appropriate stepback from the street. The intent of Section 10.5.3 d) is to encourage a building height that is sympathetic to neighbouring Residential and Institutional land uses. The stepbacks introduced into the minimum rear yard above support the removal of this regulation. Therefore, staff supports these modifications.

Proposed Site Specific Modifications to the Mixed Use Commercial (C5, 928) Zone Not Supported by Staff

Regulation	Required	Modification	Analysis
Section 5.7.4 a) Minimum Electric Vehicle Parking Rate Schedule Multiple Dwelling	100% of all parking spaces. (NOT FINAL & BINDING: By-law No. 24-052, April 10, 2024)	No electric vehicle parking spaces shall be required.	The City's zoning standards for Electric Vehicle parking are not yet in force and effect. Staff are not in support of the proposed modification. Should the regulations be approved by the Ontario Land Tribunal, the proponents will be required to conform with the Zoning Regulations in effect or seek other remedies in accordance with the <i>Planning Act</i> .
Minimum Electric Vehicle Parking Rate Schedule All Other Uses	50% of all parking spaces. (NOT FINAL & BINDING: By-law No. 24-052, April 10, 2024)	No electric vehicle parking spaces shall be required.	

From: **Rachel Marshall**

Date: Mon, Sep 16, 2024 at 1:47 PM

Subject: Commentary for Official Plan Amendment - File No UHOPA-24-008/ZAC-24-026

To: <james.vanrooi@hamilton.ca>

CC: Rachel Marshall

Good Afternoon,

I'm sending in comments regarding the potential rezoning [of 1809-1843 Rymal Road East](#) - please include these with the application for this rezoning plan.

- File No: Urban Hamilton Official Plan Amendment - UHOPA-24-008
- File No: Zoning By-Law Amendment – ZAC-24-026
- Owner: 2324780 Ontario Inc.
- Agent: MHBC Planning LTD. C/O Dave Aston
- Statutory Public Meeting Date: December 3, 2024
- Address: 1809,1817, 1825,1829,1831,1835,1837,1841,[1843 Rymal Road East, Stoney Creek \(Ward 09\)](#)

I had sent the below email prior to an earlier meeting. I am forwarding it on with any additional comments below to make it easy to keep track of.

I'm sure anyone taking notes from the resident information meeting gathered most of the additional comments that were put forth on top of the below email, but to summarize on behalf of the residents of this area - we disagree with the plan to rezone this strip of land for a multitude of reasons.

Residents of the area have signed a petition for this when it was first announced. You can find it here: [Petition · Stop Zoning Amendments - 1809 to 1843 Rymal Road East · Change.org](#)

- 287 families/households as of September 2024 have signed.

- Many of the residents, who stand to be most impacted by increased traffic, were not even aware of this plan - and are very displeased.

Additional notes below for our disagreement with this plan that we would like presented to decision makers:

- First and foremost, the families and persons who purchased the homes on Columbus Gate did so with the express description that LOW LEVEL COMMERCIAL was all that would be built behind them. We were specifically given brochures and information with this detailed - photo included **below** showing the physical brochure given to us that I still have. "Future Retail Space" was deemed only as low level commercial, with a retaining wall that was to be placed between our homes and said commercial space.

In fact - even the retaining wall was bypassed because I was told Losani "didn't deem it necessary" at the time. Losani has misrepresented the intention for this land and sold its customers property on false pretenses of what was to be built there. **This is fraudulent inducement.** This move is forcing the existing residents to have to consider moving (when some planned to retire here upon purchase), in a market with high interest rates and at a time they hadn't planned to - causing incurred, unplanned fees, school changes (if they can even get in), daycare changes (where they won't be able to get in), and upheaval. Some of the residents of this area have already moved due to just the potential of this plan. If they choose to stay and this moves forward, it will in all likelihood depreciate the value of our properties immensely - a huge hit to the largest investment you can make. This would also depreciate the quality of living for any residents adjacent to the site in PRIVACY. Our blinds would need to be closed at all times to keep our privacy, and any backyard privacy we had would be gone. NOISE and LIGHT pollution would be added to all existing residents. Current residents are reviewing their legal right with a real estate lawyer in this matter due to the depreciated quality of living we would incur.

- **Traffic is an enormous concern.** Per our city councillor on the original call, the city is not ready to extend the Red Hill Valley Parkway (RHVP), and at this time it is already extremely bottlenecked at peak hours, and even during regular traffic times. The closing of Upper Mount Albion, due to already existing traffic concerns with Bishop Ryan, have made Central Park the "cut through" for existing traffic coming off the RHVP and looking to avoid the Rymal lights. Adding another 700+ families, on top of the apartment building already slated to be built beside Bishop Ryan, will make the streets of Central Park and Rymal Road dangerous and incredibly busy with through traffic. This is irresponsible to consider placing more families in this area that is already "bursting at the seams". Our Maps and GPS also already tell us when driving even close to rush hour to not even attempt to go the approximately 600 metres down Rymal Road from the upper red hill valley parkway end at Rymal to Columbus gate. It sends us through the subdivision already because it's so busy in that short stretch. This means the same route for the additional 700+ families and commuters - again causing stress and burden on the existing area and your already paid customers via more traffic for everyone and a much busier and more dangerous neighbourhood environment.

- **Space for these structures.** The conceptual drawings that were put forth **DO NOT** represent the actual space available for structures of this size and the required parking. They also showcase dozens of fully developed trees in the drawings that are **not** present (and would not be able to fit

anywhere in the final space) - just to make it look "nicer", we assume, for presenting to the city. In fact, any existing trees that have been there for decades and decades would be ripped out. Considering this area is directly adjacent to a conservation area, this also seems irresponsible. Additionally, it showcases the homes behind these structures as SIGNIFICANTLY farther away from them than they will be - and not even the proper layout of the existing homes is present. It shows only small clusters of a few homes together, and not the tight layout of the existing neighborhood as it is. **If a proper review of this project is to be done, then TO SCALE and MEASURED drawings should be submitted, not a beautiful mockup that does not at all represent the available space, landscaping and layout of existing homes and surrounding area.** This is misrepresentative and should not be submitted as what this project would look like in finality - **this is unfair to submit something for approval based on images that falsely outline what the area looks like and its available capacity.**

- **Parking** is another concern. The parking in Central Park is barely existent as it is. Parking during the winter when it snows is almost impossible. Current residents have a hard time having visitors at all - and now 700+ new families and their visitors are to be introduced. I am aware there is parking, above and below ground, slated for this project - but I also know that visitor parking for 700+ families is VERY unlikely to fit here. Overflow parking will surely land on Columbus Gate and adjacent streets where the only viable parking for our guests currently is. This is poor planning on behalf of Losani to introduce a neighborhood with this little parking, and then additionally to plan to cram more families into this space. They knew the parking in this neighborhood would be tight – this was in our contract. We agreed to this knowing that all that would be added behind us was low level commercial buildings – NOT another entire neighbourhood - and yet they are trying to cram more into the space surrounding them. **Photo again attached of this in our contract. Highlighted with a red star.**

- **Infrastructure/Services:** as mentioned below, I will clarify here again that surrounding schools and daycares are OVER capacity. Schools are not even reviewing out of catchment requests due to capacity constraints. Daycare lists are so long that I had my one year old on 7 waitlists, and have never heard back from any for a space for him – he was only luckily accepted as a favour in the one his brother had been in due to being a family relation. The same happened with my now 4.5 year old. The only daycare he was able to get into was one that was not in the directory yet, and opening the month I required space. I had him enlisted on 8 other lists and only ONE called me back, 7 months after I required his care to start. This area has been FULL at school level for quite some time, and with an apartment building being built already beside Bishop Ryan, AND SOHO adding what appears to be 7 more levels of families, there will be no where for additional families to go without driving out of the area - adding MORE traffic and environmental impact (pollution) to an area that is already supposed to be protected with the conservation area.

- **Pollution:** Finally, this entire stretch of property in question is full of decade old trees. Losani even went to the length when we moved here of including in their contract (**image attached, highlighted with a red star**) that we could not remove ANY trees from the property - now there is

proposal to remove dozens of decade old trees from the area without concern? For a company promoting Central Park as a Nature Focused area (next to Eramosa as a selling feature, "tree lined paths through a lit park", CENTRAL PARK being the only green space in NYC that comparison was drawn to for marketing purpose - this is a far departure from what was promised to your customers. This is also disappointing considering the entire worlds dedication and required help to aid the environment in being further decimated. Additionally, another 700+ families on top of the other apartments slated for the area will be an unimaginable amount of noise and light pollution. Rymal road already is considered a level 3 noise zone for this area – on top of pollutants from all the traffic it already sees. Now right beside a conservation area there will be thousands more humans added? It is irresponsible.

We understand as a city that we need to build "UP AND NOT OUT" and we know that the current housing climate is abysmal - but moving ahead with this many residents added to this neighborhood is not fair to the existing residents OR the new ones. This is setting the area up for failure, a decreased quality of living, and environmental pollution and impact.

All we can hope is that the city and our representatives can understand that this is NOT what is best for this community and its existing residents (both in this neighborhood and surrounding area). This plan is a blatant misrepresentation of what was promised (and still has not been delivered with unfinished services outstanding) to Central Park residents. This rezoning stands to make this entire community, not just the one Losani owns, difficult to travel in, noisier, more polluted, and dangerous. It also serves to depreciate the quality of living for this and surrounding neighborhoods that DO NOT belong to Losani Homes.

Thank you for your consideration.

Regards,

Rachel Marshall



Schedule "R" Page 4

4. The Purchaser and future Transferees shall not interfere with the final lot grading of the lands herein as shown on the Grading Plan approved by the City. In the event that the Transferee breaches this covenant, as determined by the City, the said Transferee shall carry out, at his/her expense, such works as may be necessary to correct such interference and shall restore all damaged property to its original condition as determined by and to the satisfaction of the City.

5. Purchasers are advised that the Lot purchased herein may have a catchbasin in its rear yard, and that owners of lots with catchbasins are responsible for the operation and maintenance of such catchbasin. A restrictive covenant will also prohibit the owners of lots with catchbasins from interfering, altering, or removing the catchbasin or its connection to the City's main storm sewer drain.

D. Developer's Restrictive Covenants

The Vendor and Purchaser (The Vendor and Purchaser are also, alternatively, referred to herein as the Transferor and Transferee, respectively) agree that the restrictive covenants hereinafter set out in this section "C" (Restrictive Covenants) shall be attached to the transfer document such that the Restrictive Covenants are registered on and run with the Transferee's title to the Land. The Restrictive Covenants shall be registered on title of the Land. The burden of each of the following restrictive covenants hereinafter set out shall run with each and every building lot for a period of fifteen (15) years from the date of registration of same:

1. The lands to which these building restrictions shall apply (hereinafter called the "said lands") include Lots 1 through 76, on Plan 62M-(to be registered) and Parts to on Plan 62R-(to be registered), City of Hamilton (Stoney Creek), Province of Ontario; 109?
2. No buildings shall be erected on the said lands other than as private dwelling houses to and for the use by a single family;
3. The design, locations and elevation of any structures or landscaping shall not be such as to interfere with the drainage of surface water on the lot or block nor of surface water originating from adjacent lots or blocks;
4. No dwelling unit shall be converted so as to create any additional dwelling units, nor shall any part of a dwelling unit be rented or leased or offered for rent or lease to a person or household requiring cooking and/or bathroom facilities in addition to those used by the owner or tenant, as the case may be;
6. The Transferee acknowledges and covenants that he/she shall be bound by the following provisions:
 - (a) No yards of a lot shall be used for the storage of materials or equipment other than such as are usually stored in connection with the occupation of a building use for private residential purposes.
 - (b) No repairs of any automobiles or any other vehicle or equipment shall be carried out in the front yard of any lot.
 - (c) Front yard, for the purposes of this paragraph 5 shall be defined as that part of a lot extending across the full width of such lot between the front lot line and the nearest part of any building or structure on the lot.
6. No television or radio antenna, aerial, tower, transmitter, or receiver or other communications device shall be on any building, structure or lot other than small satellite dishes for personal use having a diameter not in excess of eighteen inches (18");
7. No building waste or other material of any kind shall be dumped or stored on the said lands except clean earth for the purpose of leveling in connection with the erection of a building thereon or for the immediate improvement of the grounds;
8. No signs (except "for sale" signs), billboard, notices or other advertising matter of any kind shall be placed on any part of the said lands or upon or in any buildings or on any fence, tree or other structure on the said lands without the prior written consent of the Transferor;
10. The exterior of any dwelling and its garden and grounds shall not be left in an unsightly or unreasonably untidy conditions;
11. No living tree shall be cut down or removed from the said lands other than those standing within an area to be excavated for the erection of a building thereon without the consent in writing of the Transferor. During the period of construction any existing tree shall be protected so as to prevent any damage and, subject to the above exception, if any tree is cut down, removed or damaged without such consent first having been obtained, the Purchaser will forthwith replace the same under the supervision and to the satisfaction of the Transferor;
12. No animal, livestock, or farm fowl, other than two (2) domestic dogs or two (2) domestic cats, shall be kept on the property and no breeding of pets for sale shall be carried on upon the said lands; and
13. The Vendor, the Developer, their successors or assigns, may amend, vary or cancel and remove any restrictions herein contained and substitute any other restrictions in respect of the land.

Purchaser's Initials

Purchaser's Initials

Schedule "R" Page 3

- 25
- n) The Purchaser acknowledges that the Vendor has advised the Purchaser that as of the date of execution of this Agreement of Purchase and Sale, the Lot or Block has or may have, as the case may be, a RLCB upon it, and that owners of lots with catchbasins (RLCB) are responsible for the operation and maintenance of such catchbasin. A restrictive covenant will also prohibit the owners of lots with catchbasins from interfering, altering, or removing the catchbasin or its connection to the City's main storm sewer drain.
 - o) In the event that the Purchaser of the Lot or Block is a builder that has purchased the property for the purpose of constructing a dwelling unit on the property and its resale to a home buyer then the Purchaser/Builder covenants and agrees that, prior to the sale of the property to a home buyer who intends to occupy the premises as a residence, the Purchaser/Builder shall, at its own expense, notify in writing, the home buyer that the property has or will have, as the case may be, a RLCB.
 - p) Where roof leaders are not connected to the storm sewer the Purchaser acknowledges, understands and agrees that there are continuing Lot/Block grading obligations and requirements.
 - q) Purchaser of all lots are advised that at the time of this agreement, the City Subdivision Agreement has not yet been finalized and as such additional requirements of the City, or other approval authorities, may be contained within the Subdivision Agreements that will be registered on title to the Lands. Purchasers hereby acknowledge any further requirements contained therein and agree to accept the same.
 - r) Purchasers of Lots are advised that the adjacent lots may have reduced side yard setbacks (as little as 2') which require a 4' wide maintenance easement along the side yard of their lot. The purpose of this easement is to allow the owners of the adjacent lots to enter upon said lots to maintain their dwelling at any time. Purchasers of Lots hereby acknowledge that this easement may exist and agree to accept same.
 - s) Purchasers are directed to inquire with the City of Hamilton as to any applications or concepts for development of adjacent properties. Losani Homes has not made any representation to the Purchaser concerning the zoning in effect of the development proposed for any lands adjacent to its development.
 - t) The Purchasers hereby further agree to not make any written or oral objections to any Planning Act applications related to this subdivision with the City of Hamilton.
 - u) Purchasers are advised that all lots and units may have a sump pump. Notwithstanding any plans or specifications contained in this Purchase Agreement or the Vendor's marketing material, the location of the sump pump will be determined by the Vendor's consulting engineer and/or the municipality in their sole, unfettered and absolute discretion.
 - v) Purchasers are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the property owner/tenant to ensure that the parking provided on site is sufficient for his/her needs (including those of visitors). Parking in the surrounding neighbourhood is highly restrictive and on-street parking, over flow parking may not be available and cannot be guaranteed in perpetuity.
2. Purchasers of Lots 35 to 52 (inclusive) are adjacent to a Public Park. A chain link fence will be constructed separating the lots from these lands and individual gates for access from these lands are not permitted.



From: BAHAREH SHAIPI

Sent: Tuesday, May 13, 2025 4:00 PM

To: Van Rooi, James <James.VanRooi@hamilton.ca>; clerk@hamilton.on <clerk@hamilton.on>

Subject: Re: Notice for Rescheduled Public Meeting for an Official Plan Amendment and Zoning By-law Amendment Application at 1809-1843 Rymal Road East, Stoney Creek (Ward 9)

Hello,

Here are the reasons why we are opposed to the Official Plan Amendment and Zoning By-law Amendment Application at 1809-1843 Rymal Road East, Stoney Creek (Ward 9).

- First and foremost, the families and persons who purchased the homes on Columbus Gate did so with the express description that LOW LEVEL COMMERCIAL was all that would be built behind them. We were specifically given brochures and information with this detailed - photo included **below** showing the physical brochure given to us that I still have. "Future Retail Space" was deemed only as low level commercial, with a retaining wall that was to be placed between our homes and said commercial space.

In fact - even the retaining wall was bypassed because I was told Losani "didn't deem it necessary" at the time. Losani has misrepresented the intention for this land and sold its customers property on false pretenses of what was to be built there. **This is fraudulent inducement.** This move is forcing the existing residents to have to consider moving (when some planned to retire here upon purchase), in a market with high interest rates and at a time they hadn't planned to - causing incurred, unplanned fees, school changes (if they can even get in), daycare changes (where they won't be able to get in), and upheaval. Some of the residents of this area have already moved due to just the potential of this plan. If they choose to stay and this moves forward, it will in all likelihood depreciate the value of our properties immensely - a huge hit to the largest investment you can make. This would also depreciate the quality of living for any residents adjacent to the site in PRIVACY. Our blinds would need to be closed at all times to keep our privacy, and any backyard privacy we had would be gone. NOISE and LIGHT pollution would be added to all existing residents. Current residents are reviewing their legal right with a real estate lawyer in this matter due to the depreciated quality of living we would incur.

- **Traffic is an enormous concern.** Per our city councillor on the original call, the city is not ready to extend the Red Hill Valley Parkway (RHVP), and at this time it is already extremely bottlenecked at peak hours, and even during regular traffic times. The closing of Upper Mount Albion, due to already existing traffic concerns with Bishop Ryan, have made Central Park the "cut through" for existing traffic coming off the RHVP and looking to avoid the Rymal lights. Adding another 700+ families, on top of the apartment building already slated to be

built beside Bishop Ryan, will make the streets of Central Park and Rymal Road dangerous and incredibly busy with through traffic. This is irresponsible to consider placing more families in this area that is already "bursting at the seams". Our Maps and GPS also already tell us when driving even close to rush hour to not even attempt to go the approximately 600 metres down Rymal Road from the upper red hill valley parkway end at Rymal to Columbus gate. It sends us through the subdivision already because it's so busy in that short stretch. This means the same route for the additional 700+ families and commuters - again causing stress and burden on the existing area and your already paid customers via more traffic for everyone and a much busier and more dangerous neighbourhood environment.

- **Space for these structures.** The conceptual drawings that were put forth **DO NOT** represent the actual space available for structures of this size and the required parking. They also showcase dozens of fully developed trees in the drawings that are **not** present (and would not be able to fit anywhere in the final space) - just to make it look "nicer", we assume, for presenting to the city. In fact, any existing trees that have been there for decades and decades would be ripped out. Considering this area is directly adjacent to a conservation area, this also seems irresponsible. Additionally, it showcases the homes behind these structures as **SIGNIFICANTLY** farther away from them than they will be - and not even the proper layout of the existing homes is present. It shows only small clusters of a few homes together, and not the tight layout of the existing neighborhood as it is. **If a proper review of this project is to be done, then TO SCALE and MEASURED drawings should be submitted, not a beautiful mockup that does not at all represent the available space, landscaping and layout of existing homes and surrounding area.** This is misrepresentative and should not be submitted as what this project would look like in finality - **this is unfair to submit something for approval based on images that falsely outline what the area looks like and its available capacity.**

- **Parking** is another concern. The parking in Central Park is barely existent as it is. Parking during the winter when it snows is almost impossible. Current residents have a hard time having visitors at all - and now 700+ new families and their visitors are to be introduced. I am aware there is parking, above and below ground, slated for this project - but I also know that visitor parking for 700+ families is **VERY** unlikely to fit here. Overflow parking will surely land on Columbus Gate and adjacent streets where the only viable parking for our guests currently is. This is poor planning on behalf of Losani to introduce a neighborhood with this little parking, and then additionally to plan to cram more families into this space. They knew the parking in this neighborhood would be tight – this was in our contract. We agreed to this knowing that all that would be added behind us was low level commercial buildings – **NOT** another entire neighbourhood - and yet they are trying to cram more into the space surrounding them. **Photo again attached of this in our contract. Highlighted with a red star.**

- **Infrastructure/Services:** as mentioned below, I will clarify here again that surrounding schools and daycares are **OVER** capacity. Schools are not even reviewing out of catchment requests due to capacity constraints. Daycare lists are so long that I had my one year old on 7 waitlists, and have never heard back from any for a space for him – he was only luckily

accepted as a favour in the one his brother had been in due to being a family relation. The same happened with my now 4.5 year old. The only daycare he was able to get into was one that was not in the directory yet, and opening the month I required space. I had him enlisted on 8 other lists and only ONE called me back, 7 months after I required his care to start. This area has been FULL at school level for quite some time, and with an apartment building being built already beside Bishop Ryan, AND SOHO adding what appears to be 7 more levels of families, there will be no where for additional families to go without driving out of the area - adding MORE traffic and environmental impact (pollution) to an area that is already supposed to be protected with the conservation area.

- **Pollution:** Finally, this entire stretch of property in question is full of decade old trees. Losani even went to the length when we moved here of including in their contract (**image attached, highlighted with a red star**) that we could not remove ANY trees from the property - now there is proposal to remove dozens of decade old trees from the area without concern? For a company promoting Central Park as a Nature Focused area (next to Eramosa as a selling feature, "tree lined paths through a lit park", CENTRAL PARK being the only green space in NYC that comparison was drawn to for marketing purpose - this is a far departure from what was promised to your customers. This is also disappointing considering the entire worlds dedication and required help to aid the environment in being further decimated. Additionally, another 700+ families on top of the other apartments slated for the area will be an unimaginable amount of noise and light pollution. Rymal road already is considered a level 3 noise zone for this area – on top of pollutants from all the traffic it already sees. Now right beside a conservation area there will be thousands more humans added? It is irresponsible.

We understand as a city that we need to build "UP AND NOT OUT" and we know that the current housing climate is abysmal - but moving ahead with this many residents added to this neighborhood is not fair to the existing residents OR the new ones. This is setting the area up for failure, a decreased quality of living, and environmental pollution and impact.

All we can hope is that the city and our representatives can understand that this is NOT what is best for this community and its existing residents (both in this neighborhood and surrounding area). This plan is a blatant misrepresentation of what was promised (and still has not been delivered with unfinished services outstanding) to Central Park residents. This rezoning stands to make this entire community, not just the one Losani owns, difficult to travel in, noisier, more polluted, and dangerous. It also serves to depreciate the quality of living for this and surrounding neighborhoods that DO NOT belong to Losani Homes.

Thank you for your consideration.

Bahareh & Shpendi Shaipi

From: Apurv Shah

Sent: May 22, 2025 7:42 PM

To: clerk@hamilton.ca

Subject: Objection to Rezoning Proposal – 1809–1843 Rymal Road East (ZAC-24-026/UHOPA-24-008)

External Email: Use caution with links and attachments

Hello Legislative Coordinator,

I hope this message finds you well. I am writing as a deeply concerned resident regarding the proposed zoning amendment for 1809–1843 Rymal Road East, which seeks approval to construct four 12-storey high-rise buildings and two blocks of townhouses directly behind my home. As a homeowner whose property directly borders this proposed development, I want to express my strongest opposition to this plan and outline the serious consequences it poses to the integrity and livability of our neighbourhood.

When we purchased our homes, we were clearly told that this land was zoned for low-rise, low-impact mix retail—specifically capped at a maximum of four storeys. The current proposal to allow buildings that are three times that height is not only shocking, but feels like a betrayal of the assurances we received. It is, frankly, an act of bad faith by the developer, who seems to be reshaping the community after selling homes under an entirely different premise.

This push for a zoning amendment would radically alter the character of our peaceful, low-density residential neighbourhood. It is not simply a matter of growth or urban intensification—this is a complete transformation of our environment, one that comes at the direct expense of the families who have already made this community their home.

My key concerns include:

1. **Loss of Privacy and Sunlight:**

These 12-storey towers will loom directly over our backyards, destroying any sense of privacy and drastically reducing natural sunlight. While shadow studies were submitted, they fail to account for the real human impact—this is not a natural or respectful transition in height or density. The so-called "step-down" design with townhouses is merely cosmetic and does little to mitigate the overwhelming scale of these buildings.

2. **Traffic and Parking Overload:**

Our roads already struggle with congestion. Adding 812 residential units will significantly increase traffic volume and place impossible strain on local infrastructure. Parking is already limited, and overflow into our streets is inevitable.

3. **Inadequate Space for Such Density:**

The lot simply does not support this scale of construction. If this proposal were for the north side of Central Park—where there is open space and buffer zones—perhaps it would be more suitable. But in this location, hemmed in by existing homes and a school, the scale is completely out of place. This is not thoughtful urban planning—it's overdevelopment.

4. **Noise, Light, and Community Disruption:**

We already contend with noise from Rymal Road. A massive increase in residents, lighting from parking lots, and around-the-clock activity will further erode our quality of life.

5. **Public Safety and Crime Risk:**

We are already seeing break-in issues in and around the community. Increasing density at this scale—without proportional increases in security or infrastructure—will likely exacerbate safety concerns.

6. **Breach of Community Trust:**

Many residents bought their homes in good faith, relying on the developer's clear representations about the nature and future of the surrounding area. This rezoning proposal feels like a classic bait-and-switch—an abrupt shift that disregards the commitments made to homeowners and

fundamentally alters the character of our neighbourhood after families have already invested their lives here.

Additionally, I have reviewed the city's previous design review process held in December 2023, where concerns about the proposed height were already raised. It is deeply disappointing that the updated design still does not reflect a meaningful reduction in scale. Instead, it tries to repackage the same excessive density with superficial changes.

We are not alone in this concern.

There is an active online petition signed by numerous residents:

 <https://www.change.org/p/stop-zoning-amendments-1809-to-1843-rymal-road-east>

I respectfully urge you and your fellow members to reject this rezoning application. Please stand with the residents of this community—people who trusted the city's zoning plans and invested their futures here—and help preserve the livability, trust, and character of our neighbourhood.

Thank you for your time and attention. I would appreciate being kept informed of any public meetings or consultations related to this proposal.

Sincerely,
Apurv Shah

From: Mike Strecker
Sent: May 17, 2025 9:52 AM
To: clerk@hamilton.ca
Subject: Resident Comments: ZAC-24-026

External Email: Use caution with links and attachments

As a resident of Ward 6 along the southeast Rymal Road corridor I am appalled by the lack of cohesive planning around transit, infrastructure and public services to support the swath of density requests and approvals in the current plan.

Along with the subject 12 story development being proposed in ZAC 24-026, there are also multiple other medium density proposals/developments occurring in the immediate vicinity:

- a. ZAC-16-064 @ Highland/Upper Mt Albion/Upper Redhill (construction near complete)
- b. ZAC-24-006 @ Rymal and Dakota Blvd
- c. ZAC-23-026 @ Upper Mt Albion/Artfrank - 9 stories, 232 units

The current state of infrastructure and services are inadequate **prior** to adding thousands of more residents in the immediate area:

- inadequate transit capacity: Redhill Valley Parkway and Linc are already significant bottlenecks with large lineups backing onto upper redhill, stonechurch, mud street and surrounding areas during commute hours
- inadequate daycare/childcare capacity with unattainable waitlists
- inadequate primary and secondary school capacity with high volumes of portables already on site
- inadequate parks capacity as the central park playground is already undersized for the current residents
- inadequate police presence - driveby shooting, drugs, vehicular B&E's already problematic in Central Park
- inadequate parking and dangerous visibility levels throughout Central Park

The studies conducted on behalf of the developers of these sites do not contemplate the implications of other proposed developments in the immediate area and are producing flawed results and recommendations.

Not only should the city reject the 12 story density request for ZAC 24-026, the city needs to halt progress on these proposed developments to commission a study that is comprehensively simulating the impact this level of density will have in such a small area.

Thank you
Mike Strecker



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Shaival Gajjar (905) 546-2424 Ext. 5980
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-044, by WEBB Planning Consultants (c/o James Webb), on behalf of 64 Hatt St Investments Inc. (c/o Forge & Foster), owner**, for a change in zoning from General Industrial (I.G) Zone to Mixed Use Medium Density (C5, 863, H156) Zone and from Open Space – Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7) to Conservation/Hazard Land (P5, 863) Zone, to permit the adaptive reuse of existing industrial buildings on the lands located at 64 Hatt Street, as shown on Appendix "A" attached to Report PED23164, be **APPROVED**, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED23164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding 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 Mixed Use Medium Density (C5, 863, H156) Zone as shown on Schedule "A" of Appendix "B" attached to Report PED23164 and shall be lifted conditional upon the following:

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 2 of 15

- (i) That the Owner submits and receives approval of a Functional Servicing Report to demonstrate that the change in land use can be serviced without adverse impacts to the existing infrastructure, to the satisfaction of the Director of Development Engineering;
- (ii) That the owner acknowledges and agrees that, as part of a future Site Plan Control application, the owner will enter into and register on title an External Works Agreement with the City for the design and construction of any required infrastructure upgrades at the owner's expense, to the satisfaction of the Director of Development Engineering;
- (c) 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.

EXECUTIVE SUMMARY

The subject lands are located at the south-east corner of Hatt Street and McMurray Street and are bound by Spencer Creek to the south. The property contains a former industrial building, known as the Gartshore Building (c. 1846) which was originally constructed as a foundry and used for manufacturing. The Applicant, WEBB Planning Consultants (c/o James Webb), has applied for a Zoning By-law Amendment to permit commercial uses within the existing industrial building, as shown on Appendix "C" attached to Report PED23164.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from General Industrial (I.G) Zone to Mixed Use Medium Density (C5, 863, H156) Zone and from Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) to the Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of the existing buildings. The proposed Zoning By-law Amendment includes modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone to restrict additions or expansions to existing buildings and to allow uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200.

Additionally, a Holding 'H' Provision is recommended for the amending By-law for a Functional Servicing Report, to demonstrate that the change in use can be serviced without adverse impacts to the existing infrastructure.

On October 25, 2023, Council passed By-law No. 23-200, designating the property under Part IV of the *Ontario Heritage Act* (see Report PED23124). Designated properties require Heritage Permit Applications for any proposed changes to the

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 3 of 15

heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the 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 intensification, and function of the “Mixed Use – Medium Density” designation, Urban Design, and Core Area policies; and,
- The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, and represents good planning by, among other things, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets and contributing to the economic vitality of downtown Dundas.

Alternatives for Consideration – See Page 15

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.

HISTORICAL BACKGROUND

Application Details	
Owner:	64 Hatt St Investments Inc. (c/o Forge & Foster).
Applicant/Agent:	WEBB Planning Consultants (c/o James Webb).
File Number:	ZAC-22-044.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the adaptive reuse of the existing buildings on the property by allowing a mix of commercial uses such as retail, restaurant, offices, etc.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 4 of 15

Property Details	
Municipal Address:	64 Hatt Street, Dundas
Lot Area:	± 1.09 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant industrial buildings.
Proposed Use:	Mixed use buildings.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<p>“Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations</p> <p>“Dundas Two Zone Floodplain Area” on Map D-1 - Dundas Area Specific Policies.</p> <p>“Lands located along Spencer Creek” on Map D-2 - Dundas Area Specific Policies.</p>
Zoning Existing:	General Industrial (I.G) Zone; Open Space – Conservation Zone (OS); and, Open Space – Conservation Zone (OS/S-7).
Zoning Proposed:	<p>Mixed Use Medium Density (C5, 863, H156) Zone.</p> <p>Conservation/Hazard Land (P5, 863) Zone.</p> <p>Staff amended the application to rezone those portions of the lands that are Open Space - Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7) to Conservation/Hazard Land (P5, 863) Zone.</p>
Modifications Proposed:	<p>To modify the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone to:</p> <ul style="list-style-type: none"> • permit the buildings existing on the date of the passing of this By-law with no further additions or expansions; and, • permit the uses in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 5 of 15

Processing Details	
Received:	June 10, 2022.
Deemed complete:	July 7, 2022.
Notice of Complete Application:	Sent to 269 property owners within 120 metres of the subject lands on July 11, 2022.
Public Notice Sign:	Posted July 22, 2022 and updated with the Public Meeting date on October 16, 2023.
Notice of Public Meeting:	Sent to 269 property owners within 120 metres of the subject lands on October 27, 2023.
Public Comments:	No public comments received.
Processing Time:	523 days from the date of receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Industrial buildings	General Industrial (I.G) Zone, Open Space - Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7)

Surrounding Land Uses:

North	Commercial uses	Mixed Use Medium Density (C5, 304) Zone, Mixed Use Medium Density (C5) Zone and Mixed Use Medium Density (C5, 594) Zone
South	Spencer Creek	Open Space - Conservation Zone (OS/S-7) and Open Space - Conservation Zone (OS)

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Surrounding Land Uses Continued:

East	Medical Offices, Vacant / Parking Lot, and Apartment Building.	Mixed Use Medium Density (C5) Zone, Open Space - Conservation Zone (OS) and High Density Multiple Dwelling (RM4/S-83) Zone
West	Physiotherapy Clinic, and Outdoor Vehicle Storage	Mixed Use Medium Density (C5, 709) Zone and Mixed Use Medium Density (C5, 581) 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: Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019, as amended).

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

As the application for 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);
- 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 "Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations and located within "UD-1" Dundas Two Zone Floodplain

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 7 of 15

Area of Map D-1 and "UD-6" Lands Located Along Spencer Creek of Map D-2 in Volume 3: Area Specific Policies. The following policies, amongst others, apply to the proposal.

Mixed Use – Medium Density

- "E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1.1. (OPA 65) (OPA 142)
- E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site."

The proposal is to rezone the property from an industrial zone to a mixed use zone to permit the adaptive reuse of existing heritage designated buildings by allowing a range of commercial uses such as retail, restaurant, and offices that serves the surrounding community.

Cultural Heritage

- "B.3.4.1.4 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.
- B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
 - g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.
 - h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development

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and site alteration activities that protect, maintain and enhance these areas within the City.

- B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The subject property comprises the former Dundas Foundry / Valley City Manufacturing complex, which contains 12 historic structures constructed between the mid-nineteenth and mid-twentieth centuries, the oldest of which were built circa 1846. On October 25, 2023, Council passed By-law No. 23-200, designating the property under Part IV of the *Ontario Heritage Act* (see Report PED23124). Designated properties require Heritage Permit Applications for any proposed changes to the heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property.

Health and Public Safety

- “B.3.6.1.1 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.”

The proposal will establish a mix of uses on the site which previously had industrial uses. The *Environmental Protection Act* requires a Record of Site Condition be submitted prior to a change in property use from commercial or industrial to a residential use. A Record of Site Condition shall be required when an application for Site Plan Control and/or Building Permit is submitted for any residential or other similar use.

Core Areas

- “C.2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 9 of 15

- C.2.11.1 The City recognized 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.”

The subject lands are abutting Spencer Creek which is designated as a Key Hydrologic Feature Stream on Schedule B of the Urban Hamilton Official Plan. It is noted that the subject property is already disturbed, and no new construction is proposed on the property. Staff have requested correspondence from the Ministry of the Environment, Conservation and Parks providing instruction and mitigation measures with respect to the at-risk Chimney Swift species that have been identified on site. There is an existing fence along the top of bank that restricts new construction towards the creek. The proposed Zoning By-law Amendment includes rezoning a portion of the lands to Conservation/Hazard Land (P5, 863) Zone which will continue to protect and restrict new development adjacent to Spencer Creek. The proposed modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone protect the existing buildings by restricting further additions or expansions to the existing buildings and allows uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of Zoning By-law No. 05-200.

The applicant has indicated that trees will not be removed, and staff are of the opinion that the Tree Protection Plan requirement for a future Site Plan Control application may be waived in lieu of the applicant adding a detail to any future site plan drawing that tree protection fencing will be installed during construction activities.

Infrastructure

- “C.5.3.17 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

While existing buildings on the property has historically been industrial and currently zoned to allow a range of service intensive uses including food processing and manufacturing, staff have not determined there is adequate water and wastewater capacity to service the range of commercial uses proposed. Staff are recommending that a Holding ‘H’ Provision be placed on the property, which can be lifted once the owner submits and receives approval of a Functional Servicing Report that demonstrates that the proposed development can be serviced without adverse impacts to the existing network.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 10 of 15

Volume 3: Area Specific Policies

Dundas Two one Floodplain Area (UD-1)

- “B.1.0 Council recognizes the inherent dangers to development in areas subject to flooding and the constraints required to minimize the loss of life and property. Accordingly, the following policies shall apply within the floodplain area shown on Map D-1 as Area Specific UD-1:
- b) Where a proposal is made for development or redevelopment within or in proximity to UD-1, the City shall request the proponent to contact the Hamilton Conservation Authority to determine if and what flood protection measures are necessary, or other limitations to development.
 - g) Non-residential development within the flood fringe area may be permitted on the basis of limited or no fill and subject to adequate flood proofing.
 - h) Paved day-use parking lots may be permitted within the flood fringe without the necessity of flood protection measures.”

The Zoning By-law Amendment application has been circulated to the Hamilton Conservation Authority who noted that in 2018 a previous owner of the property had applied for a permit to undertake floodproofing of the existing building but did not follow through with the application and a permit was not issued. Should the Zoning By-law Amendment application be approved, the applicant would be required to obtain a permit from the Hamilton Conservation Authority to complete this floodproofing prior to the City issuing Building Permits.

Lands Located Along Spencer Creek (UD-6)

- “B.1.0 In addition to the policies of Volume 1, the following policy shall apply to lands located along Spencer Creek, shown as Area Specific UD-6 on Map D-2:
- a) Development or redevelopment proposals on sites adjacent to Spencer Creek shall be required to provide public access to the creek, and to make necessary improvements to complete the trail system along Spencer Creek to the satisfaction of the City and the Hamilton Conservation Authority.”

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 11 of 15

Currently, there is no public access to Spencer Creek from the subject lands. If the site is redeveloped, staff would seek improvements to ensure public access to Spencer Creek in association with the Hamilton Conservation Authority.

Based on the foregoing, the proposal complies with the policies of Volume 1 and 3 of the Urban Hamilton Official Plan, subject to the Holding Provision.

Town of Dundas Zoning Bylaw No. 3581-86

The subject lands are zoned General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) in the former Town of Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits general manufacturing, assembling and fabricating industries, and related wholesale and retail commercial uses. The intent of the Open Space - Conservation Zone (OS) is to protect lands that are unsuitable for general urban development due to their physiographic characteristics or their ecological significance. The Open Space - Conservation Zone (OS/S-7) permits the existing parking lot as an accessory use to the industrial use to the north.

Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment is to rezone the subject lands to Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of existing buildings with a range of commercial uses including retail and restaurant and to continue to protect the natural features. Modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone restricts further additions or expansions to the existing buildings and allows uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200. The applicant is not in agreement with the amended By-law.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> • Landscape Architectural Services, Strategic Planning Division, Public Works Department; • Commercial District and Small Business Section, Planning & Economic Development Department; • Corporate Real Estate, Planning & Economic Development Department; • Canada Post Corporation; and, • Alectra Utilities. 	No Comments.

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	Comment	Staff Response
Growth Management Division, Planning and Economic Development Department	<p>A Functional Servicing Report is required containing sanitary design calculations to demonstrate that the flows generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system. The Functional Servicing Report shall also show that the municipal watermains can provide the required fire flow and domestic flow to support the proposed development.</p> <p>It should be determined if a Draft Plan of Condominium application will be required in the future.</p> <p>The owner and agent should be made aware that the municipal addresses for this proposal will be determined after conditional Site Plan approval is granted.</p>	<p>A Holding Provision requiring the submission of a Functional Servicing Report has been added to the amending by-law.</p> <p>The proposal tenure has not been confirmed by the applicant.</p> <p>Should a Site Plan Control application be required, municipal addressing will be a condition of approval.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>A Tree Management Plan will be required, and a permit will be issued upon approval of the Tree Management Plan and applicable fees.</p> <p>A detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on City property is required.</p>	<p>Should a Site Plan Control application be required, a Tree Management Plan and a Landscape Planting Plan will be conditions of approval.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>To protect the existing and future pedestrian realm, cycling infrastructure and road Network, Transportation Planning shall require site plan revisions.</p>	<p>Should a Site Plan Control application be required, revisions will be required to address Transportation Planning comments.</p>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<p>The development is ineligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p>	<p>Noted.</p>

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 13 of 15

	Comment	Staff Response
Infrastructure Renewal, Public Works Department	Hatt Street is scheduled for reconstruction in 2026 including watermain replacement along the frontage of the subject lands. Any works within the Hatt Street right-of-way should be completed prior to this time or coordinated with the Public Works Department to prevent the need to cut into the reconstructed road after that time.	Noted.
Hamilton Conservation Authority	<p>Hamilton Conservation Authority noted that in 2018, the previous owner of the property had applied for a permit to undertake floodproofing of the existing building but did not follow through with the application and a permit was not issued.</p> <p>The applicant would be required to obtain a permit from Hamilton Conservation Authority to complete this floodproofing prior to the City issuing a change of use permit for internal renovations.</p>	This will be addressed at the future Building Permit stage.
Public Consultation: No submissions from the public.		

Public Consultation

In accordance with the Council's Public Participation Policy, the Zoning By-law Amendment application was circulated as part of the Notice of Complete Application and Preliminary Circulation to 269 property owners within 120 metres of the subject lands on July 11, 2022. A Public Notice Sign was installed on the property on July 22, 2022 and updated with the Public Meeting date on October 16, 2023. To date, there have been no public submissions received by the City. Finally, Notice of the Public Meeting was given on October 27, 2023 in accordance with the requirements of the *Planning Act*.

A Public Consultation Strategy was submitted with the initial submission of the application. The applicant proposed to contact the Ward Councillor to determine whether a Neighbourhood Open House was required in advance of the Statutory Public Meeting.

An online Neighbourhood Open House was scheduled for Thursday, September 21, 2023. Notice was provided in the Dundas Star News newspaper on September 7, 2023. There were no members of the public in attendance at the Neighbourhood Open House.

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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 Urban Hamilton Official Plan, in particular, the intensification, Mixed Use – Medium Density and Cultural Heritage policies; and,
 - (iii) It is considered to be compatible with, and complementary to the existing surrounding neighbourhood and represents good planning by, among other things, reusing existing buildings (with heritage value) that would provide for an increase in businesses that offer employment opportunities within the community of Dundas.
2. Zoning By-law Amendment

The subject lands are currently zoned General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) in the former Town of Dundas Zoning By-law No. 3581-86. The subject lands are proposed to be rezoned to the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of existing buildings and protect the existing natural features. The proposed Zoning By-law Amendment includes modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone that protect the existing buildings by restricting additions or expansions to the existing buildings and to allow uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200. The existing buildings predates the adoption of Zoning By-law No. 05-200, making them legal non-conforming buildings. As the property is being rezoned to the Mixed Use Medium Density (C5) Zone with the intent of adaptive reuse of the existing buildings, these modifications will restrict any further additions or expansions to the existing buildings and allow the uses of Mixed Use – Medium Density (C5) Zone within the portion of the building that is encroaching into the Conservation/Hazard Land (P5) Zone.

Staff support above-mentioned modifications as the buildings existed prior to the adoption of Zoning By-law No. 05-200 and recognizes an existing situation. Staff are also satisfied that the proposed Zoning By-law Amendment complies with the policies of the “Mixed Use - Medium Density” designation and Mixed Use Medium Density (C5) Zone through the adaptive reuse of existing heritage

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 15 of 15

buildings, proposing to provide commercial uses such as office, retail, and restaurant that serves the surrounding community, and to continue to protect the natural features through the Conservation/Hazard Land (P5, 863) Zone.

Staff are in support of the proposed Zoning By-law Amendment, subject to the Holding 'H' Provision.

3. Holding Provision

A Holding 'H' Provision is recommended to be added to the Zoning By-law Amendment to address the submission and approval of a Functional Servicing Report to demonstrate that a change in use will not have any adverse impacts on the existing network.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject lands could be utilized in accordance with the existing General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) within the Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits general manufacturing, assembling and fabricating industries, and related wholesale and retail commercial uses. The Open Space - Conservation Zone (OS) is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. The Special Exception – 7 attached to the Open Space - Conservation Zone (OS/S-7) is to permit the existing parking lot as an accessory use to the industrial use to the north.

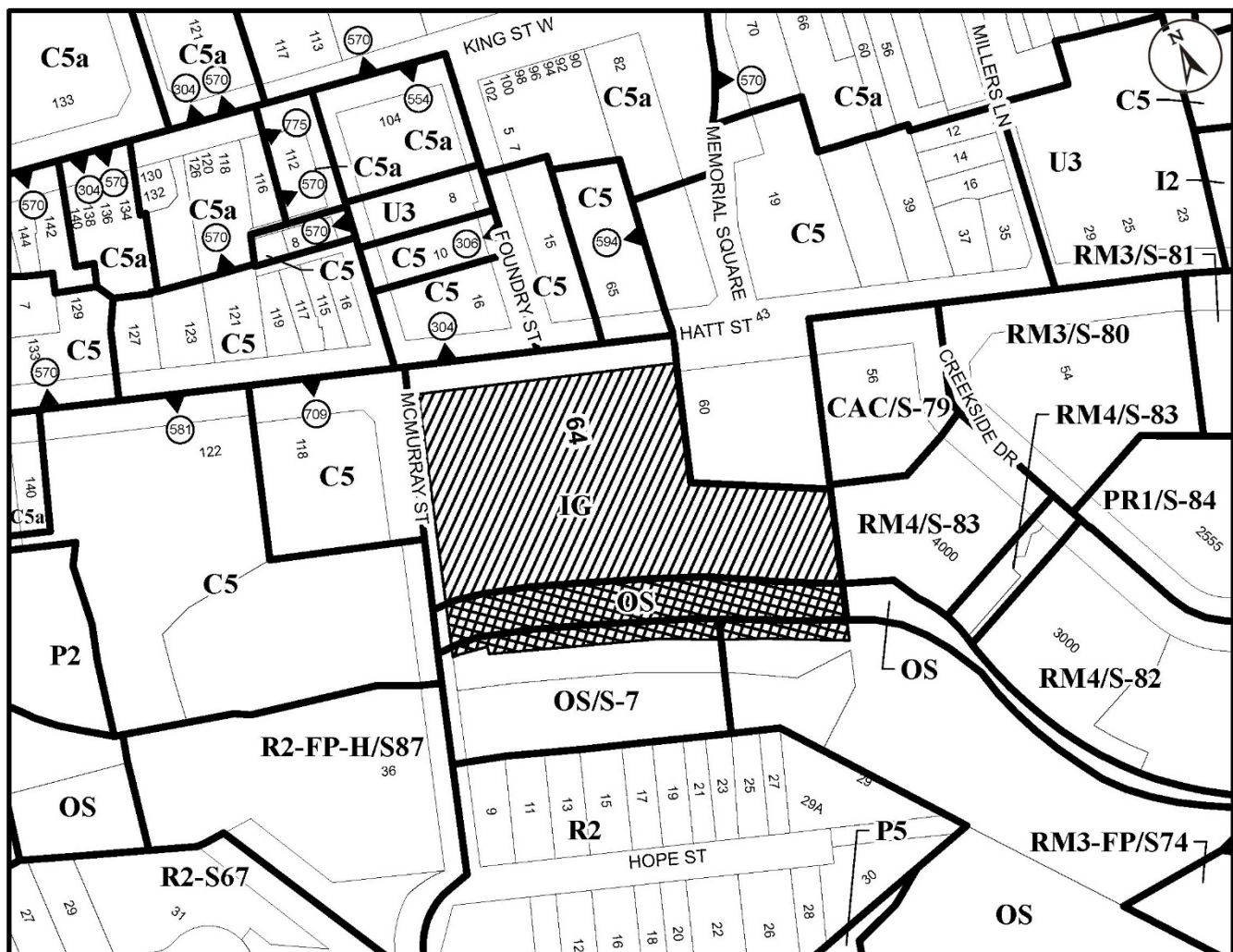
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23164 – Location Map
 Appendix "B" to Report PED23164 – Draft Zoning By-law Amendment
 Appendix "C" to Report PED23164 – Concept Floor Plans
 Appendix "D" to Report PED23164 – Site Specific Modifications

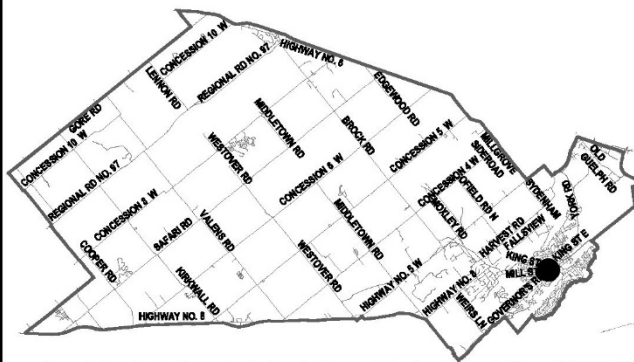
SG:sd

Appendix "A" to Report PED23164

Page 1 of 1



● Site Location



Key Map - Ward 13

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-044Date:
October 19, 2023

Appendix "A"

Scale:
N.T.SPlanner/Technician:
SG/NB

Subject Property

64 Hatt Street, Dundas (Ward 13)

Lands to be added as Mixed Use Medium Density
(C5, 863, H156) ZoneLands to be added as Conservation/Hazard Land
(P5, 863) Zone

Authority: Item,
Report (PED23164)
CM: July 16, 2025
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO. 25-XXX

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 64 Hatt Street (Dundas)

WHEREAS Council approved Item ____ of Report PED23164 of the Planning Committee, at its meeting held on _____, 2025.

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

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

1. That Map Nos. 860 and 902 of Schedule “A” – Zoning Maps are amended by adding the Mixed Use Medium Density (C5, 863) Zone and Conservation/Hazard Land (P5, 863) Zone, for the lands known as 64 Hatt Street, the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions be amended by adding the following new Special Exception:

“863. In addition to Section 7.5 and notwithstanding Section 10.5.3, on those lands zoned Conservation/Hazard (P5, 863) Zone and Mixed Use Medium Density (C5, 863) Zone identified on Map Nos. 860 and 902 of Schedule "A" - Zoning Maps, and described as 64 Hatt Street, Dundas, the following special provision shall apply:

 - a) The buildings existing on the date of passing of this By-law shall be permitted and no further additions or expansions to the existing buildings shall be permitted and the uses therein shall be permitted in accordance with Sections 10.5.1, 10.5.1.1 and 10.5.2.
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 Mixed Use Medium Density (C5, 863,) Zone and Conservation/Hazard (P5, 863) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.

Appendix “B” to Report PED23164

Page 2 of 3

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*.

PASSED this _____ , 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-22-044

Appendix "B" to Report PED23164

Page 3 of 3



This is Schedule "A" to By-law No. 25-

Passed the day of, 2025

Mayor-----
Clerk**Schedule "A"**Map forming Part of
By-law No. 25-_____to Amend By-law No. 05-200
Map 860 & 902**Subject Property**

64 Hatt Street, Dundas (Ward 13)

Lands to be added as Mixed Use Medium Density
(C5, 863) ZoneLands to be added as Conservation/Hazard Land
(P5, 863) ZoneScale:
N.T.SFile Name/Number:
ZAC-22-044Date:
June 10, 2025Planner/Technician:
AG/NB

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





Appendix “D” to Report PED23164
Page 1 of 1

Site Specific Modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Section 7.5: Conservation/Hazard Land (P5) Zone	<p>No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land (P5) Zone for any purpose other than one or more of the following uses or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:</p> <p>7.5.1 PERMITTED USES</p> <p style="padding-left: 40px;">Conservation Flood and Erosion Control Facilities Recreation, Passive</p>	In addition to Section 7.5, the building existing on the date of passing of this By-law shall be permitted and no further additions or expansions to the existing building shall be permitted in the Conservation/Hazard (P5) Zone and the uses therein shall be permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2.	The existing building is encroaching into the existing Open Space – Conservation Zone (OS) which is being rezoned to the Conservation/Hazard Land (P5) Zone. Since the building and site layout existed prior to the adoption of Zoning By-law No. 05-200, the proposed modification can be supported recognizing an existing situation.
Section 10.5.3: Regulations	The regulations required for a development are setback from all property lines, building height, gross floor area, amenity, planting strip, visual barriers, and, outdoor storage.	Notwithstanding Section 10.5.3, no further additions or expansions to the existing buildings shall be permitted.	The intent of the Zoning By-law Amendment application is to support adaptive reuse of the existing buildings to permit commercial uses such as restaurants, retail, and offices that serves the community. Staff are supportive of the proposed modification.



A Healthy Watershed for Everyone

BY E-MAIL

November 9, 2023

ZAC-22-044

Lisa Kelsey
Legislative Coordinator
Planning Committee
City of Hamilton
City Hall, 71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Ms. Kelsey:

**Re: Notice of Public Meeting of the Planning Committee
Zoning By-law Amendment Application by 64 Hatt St Investments Inc. (c/o
Forge & Foster) for Lands Located at 64 Hatt Street, Dundas (Ward 13)**

The Hamilton Conservation Authority (HCA) is in receipt of the Notice of Public Meeting of the Planning Committee on November 14, 2023 in regards to the Zoning By-law Amendment (ZBA) application by 64 Hatt St Investments Inc. (c/o Forge & Foster) for Lands Located at 64 Hatt Street, Dundas. HCA understands the purpose of this application is to rezone the subject lands from the General Industrial (I.G) Zone to a modified Mixed Use Medium Density (C5, H156) Zone and from Open Space – Conservation Zone (OS), and Open Space – Conservation Zone (OS/S-7) to the Conservation/Hazard Land (P5, 863) Zone. The effect of this zoning change would allow the adaptive reuse of the existing building by permitting commercial uses within the existing industrial building.

HCA has provided earlier comments on the proposed ZBA application in a letter dated August 26, 2022. In those comments HCA identified concerns with the proposed change in land use given the property is affected by flooding and erosion hazards associated with Spencer Creek. Provincial policy (PPS) generally directs *development* to areas outside of hazardous lands, but does provide for flexibility in some cases, including where a Special Policy Area (SPA) has been approved. The subject property is located within the Dundas Two Zone Floodplain Area (UD-1) SPA. The policies of the SPA allow for limited development and redevelopment within the flood fringe portion of the floodplain subject to providing protection from flooding through the placement of fill and/or floodproofing.

In HCA staff's opinion the proposed development (change in land use) would have to meet the requirements of the SPA to be consistent with provincial policy related to natural hazards. Given no floodproofing of the existing building has been completed, HCA suggests the proposed change in land use to allow for commercial uses in the building would be inappropriate. The floodproofing requirements should be addressed now through the land use planning process to ensure compliance with the SPA policies of the City's Official Plan and the PPS. As such, HCA requests that consideration of the ZBA application for approval be deferred until such time as this issue has been resolved.

HCA kindly requests to be notified of the decision on the proposed ZBA application.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. Stone', with a long horizontal flourish extending to the right.

Mike Stone MA, MCIP, RPP
Manager, Watershed Planning Services

Cc: Steve Robichaud, Chief Planner and Director of Planning, Planning & Economic Development
Jennifer Catarino, Area Planning Manager, West Team, Planning & Economic Development
Shaival Gajjar, Development Planner II, Planning & Economic Development

From: Anita Lauinger
Sent: November 21, 2023 9:42 AM
To: clerk@hamilton.ca
Subject: 64 hatt st /File ZAC-22-044

Good morning

My mother recently received your information regarding above location.
It seemed very positive but my mother's first words after reading this notice was "What are the City planners going to be doing about parking???"
I completely agreed with her and promised I'd send the City an email to ask the question.

We look forward to hearing from you on this matter.

Regards

A



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: July 8, 2025

Report No: PED25165

Subject/Title: Demolition Permit – 1123, 1131 and 1135 Stone Church Road East, Hamilton (Ward 06)

Ward(s) Affected: Ward 6

Recommendations

- 1) That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 1123 Stone Church Road East in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.
- 2) That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 1131 Stone Church Road East in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.
- 3) That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 1135 Stone Church Road East in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

Key Facts

- Demolition permit applications have been submitted to the Building Division.
- The buildings, while currently vacant, previously contained residential occupancies and are subject to the Demolition Control By-law.

- The Chief Building Official does not have delegated authority to issue the demolition permits as the applications do not meet the conditions for delegated authority.
- The buildings are in poor condition from an exterior inspection only.
- The owner has not submitted plans for redevelopment of the properties.

Financial Considerations

n/a

Background

Under the Demolition Control Area By-law, Council delegates the Chief Building Official it's authority to issue Demolition Control Approval to demolish Residential Property under certain scenarios. The most common scenario, which is applicable in this situation, is where the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions, which are required to be registered on title, apply. Another scenario is where final Site Plan approval has been granted.

The owner has submitted the required demolition building permit applications; however, they do not meet the conditions for delegated authority and has requested council approval to demolish the buildings.

PRESENT ZONING: C6, District Commercial, By-law 05-200.

PRESENT USE: Vacant Single Detached Dwellings.

PROPOSED USE: Church

BRIEF DESCRIPTION: 1123 Stone Church Road East, Hamilton is a secure, vacant, 1-storey single detached dwelling in poor condition (from an exterior inspection).
See Appendix "A" to report PED25165 for photos.

1131 Stone Church Road East, Hamilton is a secure, vacant, 1-storey single detached dwelling in poor condition (from an exterior inspection).
See Appendix "A" to report PED25165 for photos.

1135 Stone Church Road East, Hamilton is a secure, vacant, 1-storey single detached dwelling in poor condition (from an exterior inspection).
See Appendix "A" to report PED25165 for photos.

This land is located in Ward 6. Please see Appendix “B” to report PED25165 for a location map.

Analysis

The owner of 1123, 1131 and 1135 Stone Church Road East has submitted the required demolition permit applications and is proposing to demolish the existing vacant, 1-storey, residential buildings.

These properties have no heritage status under the *Ontario Heritage Act*, nor are they on Hamilton’s inventory of heritage properties. As such there are no concerns from built heritage perspective.

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential, but there is no applicable law under the *Ontario Heritage Act* preventing issuance of a Building Permit related to potential disturbance of an area of archaeological potential. Therefore, Heritage staff recommend that the owner be advised of the following:

- The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MCM.
- Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-2128886).
- In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)

There are no active Site Plan applications at this time. The owner has indicated that they are working towards a final design and timeline for the new construction, but they are not planning on applying for a building permit in the foreseeable future. While the owner has secured the buildings and hired security for twice nightly patrols on the property to ensure safety the buildings are continually being broken into.

Although the Chief Building Official does not have delegated authority to issue a building permit in this case—since the applications do not meet the necessary criteria for such delegation—the buildings in question are in a severe state of disrepair and are uninhabitable. Restoring them to a habitable condition would not appear to be economically feasible. Therefore, Building Division staff concur that demolition is the most appropriate course of action.

Alternatives

- 1) That the request to issue a demolition permit for 1123 Stone Church Road East, Hamilton **BE DENIED** as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.
- 2) That the request to issue a demolition permit for 1131 Stone Church Road East, Hamilton **BE DENIED** as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.
- 3) That the request to issue a demolition permit for 1135 Stone Church Road East, Hamilton **BE DENIED** as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

Relationship to Council Strategic Priorities

1. Sustainable Economic & Ecological Development
 - 1.1. Reduce the burden on residential taxpayers
2. Safe & Thriving Neighbourhoods
 - 2.1. Increase the supply of affordable and supportive housing and reduce chronic homelessness
3. Responsiveness & Transparency
 - 3.2 Get more people involved in decision making and problem solving

Previous Reports Submitted

n/a

Consultation

Anita Macias, Administrative Secretary, Planning and Economic Development
Lisa Christie, Cultural Heritage Planner, Heritage & Urban Design, Planning and
Economic Development
Kevin Smith, Building Inspector, Building Division, Planning and Economic
Development

Appendices and Schedules Attached

Appendix A: Photos of Buildings

Appendix B: Location Map

Prepared by: Joyanne Beckett, Manager, Building Engineering
Planning and Economic Development, Building Division

**Submitted and
recommended by:** Robert Lalli, P.Eng., Director, and Chief Building Official
Planning and Economic Development, Building Division

Photos of 1123 Stone Church Road E, Hamilton, taken on May 7, 2025





Photos of 1131 Stone Church Road E, Hamilton, taken on May 7, 2025

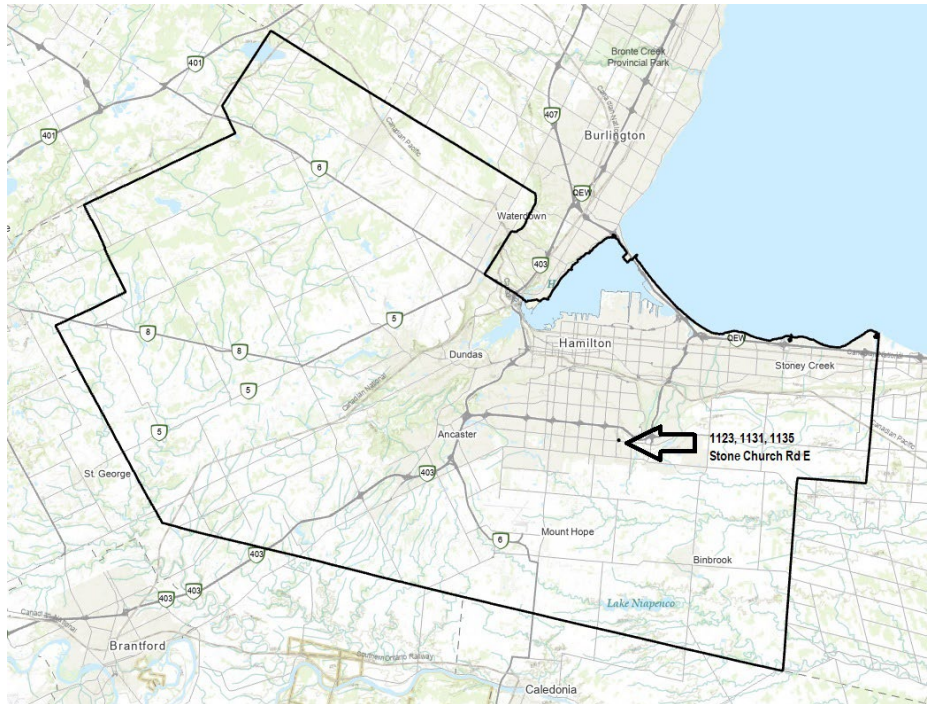




Photos of 1135 Stone Church Road E, Hamilton, taken on May 7, 2025



LOCATION MAP



1123, 1131, 1135 Stone Church Road, Hamilton



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: July 08, 2025

Report No: PED25172

Subject/Title: Demolition Permit – 974, 980 Upper Paradise Road
Hamilton (Ward 14)

Ward(s) Affected: Ward 14

Recommendations

1. That the request to issue a demolition permit for 974 Upper Paradise Road, Hamilton **BE DENIED** as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.
2. That the request to issue a demolition permit for 980 Upper Paradise Road, Hamilton **BE DENIED** as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

Key Facts

- Demolition permit applications have been submitted to the Building Division.
- The buildings, while currently vacant, previously contained residential occupancies and are subject to the Demolition Control By-law.
- The Chief Building Official does not have delegated authority to issue the demolition permits as the applications do not meet the conditions for delegated authority.
- The buildings are in fair to good condition from an exterior inspection only.
- The owner has not submitted plans for redevelopment of the properties.

Financial Considerations

n/a

Background

Under the Demolition Control Area By-law, Council delegates the Chief Building Official it's authority to issue Demolition Control Approval to demolish Residential Property under certain scenarios. The most common scenario, which is applicable in this situation, is where the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions, which are required to be registered on title, apply. Another scenario is where final Site Plan approval has been granted.

The owner has submitted the required demolition building permit applications; however, they do not meet the conditions for delegated authority and has requested council approval to demolish the buildings.

PRESENT ZONING: C/S-1822, Hamilton Zoning By-Law 6593

PRESENT USE: Vacant Single Detached Dwelling

PROPOSED USE: Townhouses

BRIEF DESCRIPTION: 974 Upper Paradise Road, Hamilton is a secure, vacant, 1-storey single detached dwelling in good condition (from an exterior inspection) and is vacant.
See Appendix "A" to report PED25172 for photos.

980 Upper Paradise Road, Hamilton is a secure, vacant, 1-storey single detached dwelling in fair condition (from an exterior inspection) and is vacant.
See Appendix "A" to report PED25172 for photos.

This land is located in Ward 14. Please see Appendix "B" to report PED25172 for a location map.

Analysis

The owner of 974 and 980 Upper Paradise Road has submitted the required demolition permit applications and is proposing to demolish the existing vacant, 1-storey, residential buildings.

There are no built heritage interests or comments for these properties and staff consider that the municipal interest in the archaeology of this site has been satisfied.

These properties were part of Zoning By-law Amendment application ZAC-19-021. While there was a formal consultation for this site in 2023 to rezone the lands to Low Density Residential (R1) under Zoning By-law 05-200 there are no Zoning By-law Amendment applications nor an active Site Plan application for the property(ies).

The owner indicates that the homes have been vacant since 2020 and are in disrepair. In their view, the current state of these homes is a liability (loitering, breaking and entering, and vandalism), the homes are uninhabitable and are asking to expedite issuance of the demolition permit as quickly as possible. The owner has also indicated that the neighbours have made it known that their preference is to have the dwellings demolished as they have been attracting undesirable activity and nuisances.

Staff are of the opinion that the request to demolish the dwellings is premature without an active Site Plan application and therefore staff are recommending that Council deny issuance of the demolition permits until such time that the owner complies with Section 6 of Demolition Control Area By-law 22-101.

Alternatives

Should the Committee wish to approve the demolition of the building at 974 and 980 Upper Paradise Road the following recommendation would be appropriate:

That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 974 Upper Paradise Road in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 980 Upper Paradise Road in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

Relationship to Council Strategic Priorities

1. Sustainable Economic & Ecological Development
 - 1.1 Reduce the burden on residential taxpayers.
2. Safe & Thriving Neighbourhoods
 - 2.1 Increase the supply of affordable and supportive housing and reduce chronic homelessness.
3. Responsiveness & Transparency
 - 3.1 Get more people involved in decision making and problem solving

Previous Reports Submitted

n/a

Consultation

Anita Macias, Administrative Secretary, Planning and Economic Development
Jennifer Catarino, Area Planning Manager, Planning and Economic Development
Scott Dickinson, Cultural Heritage Planner, Heritage & Urban Design, Planning and Economic Development
Robyn Clarke, Building Inspector I, Building Division, Planning and Economic Development

Appendices and Schedules Attached

Appendix A: Photos of Buildings

Appendix B: Location Map

Prepared by:	Joyanne Beckett, Manager, Building Engineering Planning and Economic Development, Building Division
Submitted and recommended by:	Robert Lalli, P.Eng., P.Eng., Director Chief Building Official Planning and Economic Development, Building Division

Photos of 974 Upper Paradise Road





Photos of 980 Upper Paradise Road

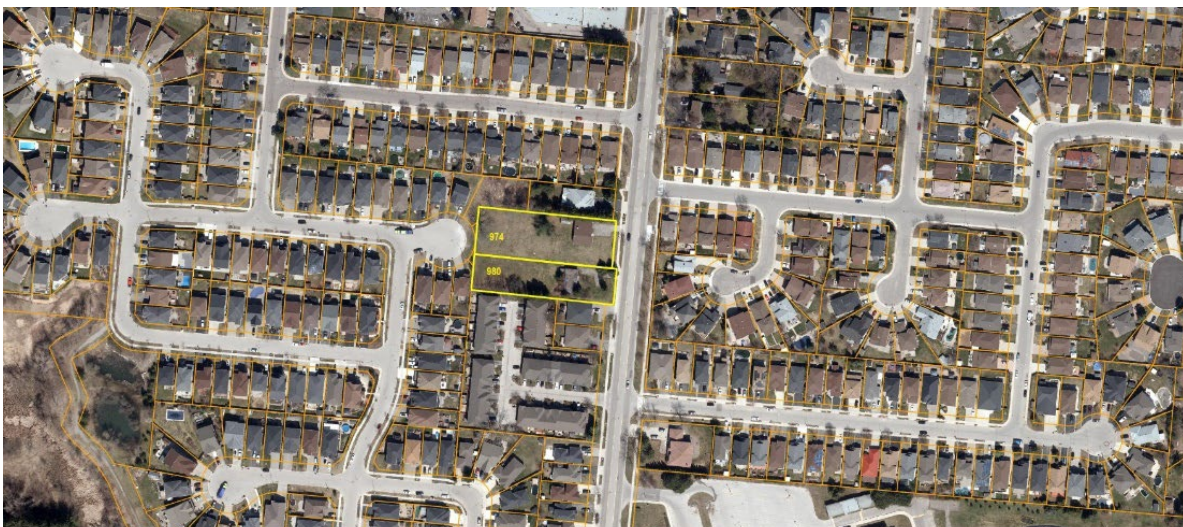
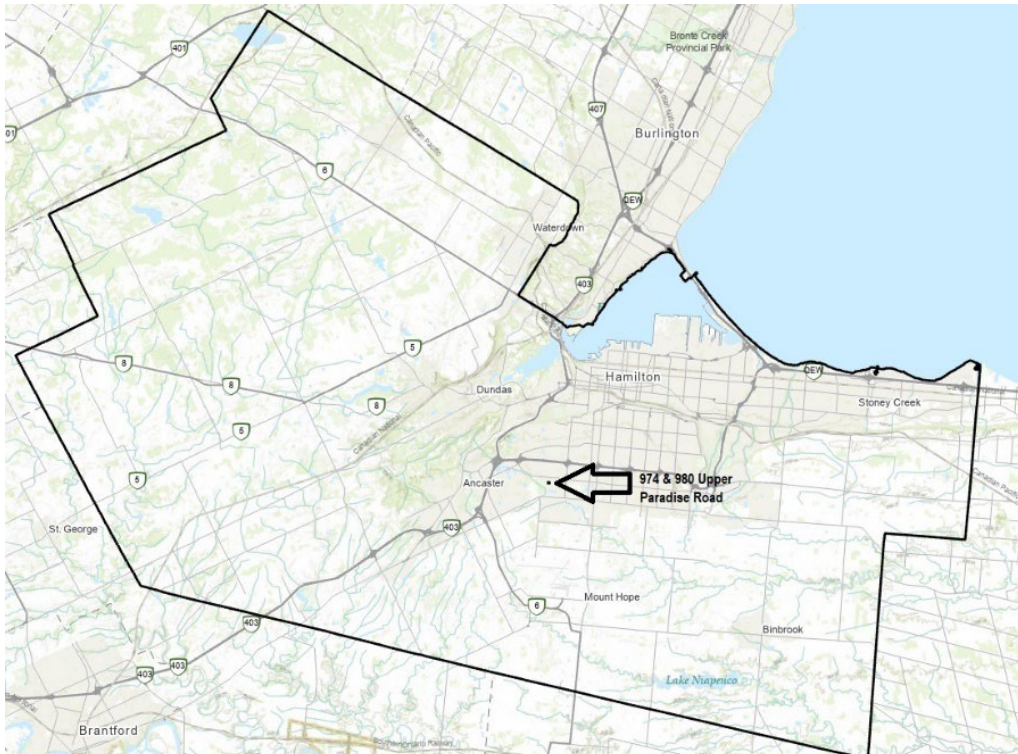






LOCATION MAP

974 & 980 Upper Paradise Road, Hamilton





City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: July 08, 2025

Report No: PED25176

Subject/Title: City of Hamilton's Response to Provincial *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025* and Associated Ontario Regulations, and *Bill 30, Working for Workers Seven Act, 2025*

Ward(s) Affected: City Wide

Recommendations

- 1) That the submissions and recommendations as provided in Report PED25176 regarding Schedules 1, 2, 3, 5, 6, 7, and 8 of proclaimed *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025* and Associated Ontario Regulations attached as Appendix "A" and "B" to Report PED25176 **BE APPROVED**;
- 2) That the Director of Planning and Chief Planner **BE DIRECTED** to confirm the submissions made to the province attached as Appendix "A" and "B" to Report PED25176.
- 3) That staff **BE DIRECTED** to report back to Council on any required process, fee, and By-law changes, as well as any financial impacts resulting from *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025*, and of *Bill 30, Working for Workers Seven Act, 2025* should Bill 30 be proclaimed; and,
- 4) That staff **BE DIRECTED** to prepare the necessary draft amendments to the Urban and Rural Hamilton Official Plans, and any impacted municipal Zoning by-laws, and schedule a Statutory Public Meeting, as well as update any required policies and procedures to give effect to the proposed changes, and undertake an analysis on any financial implications, for Council's consideration at a future Planning Committee resulting from the proclamation of *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025* Schedule 7 Amendments to the *Planning Act*, and *Bill 30*,

City of Hamilton's Response to Provincial *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025* and Associated Ontario Regulations, and *Bill 30, Working for Workers Seven Act, 2025* (City Wide)

Page 2 of 12

Working for Workers Seven Act, 2025 Schedule 6 Amendments to the *Planning Act*, should Bill 30 be proclaimed.

Key Facts

- On May 12, 2025, the province introduced *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025*. Bill 17 received royal assent on June 5, 2025. On May 28, 2025, the Province introduced *Bill 30, Working for Workers Seven Act, 2025*.
- Bills 17 and 30 represent the latest legislative amendments proposed addressing matters of land use planning, development, and municipal regulatory powers. The proposed amendments include changes to a variety of legislative acts, and two proposed Ontario Regulations that implement proposed changes to the *Planning Act*.
- The deadline for comments on *Bill 17* was June 11, 2025, and the deadline for the associated regulations was June 26, 2025. Given the timing, staff level comments have been submitted to the province, which are contained in Appendix "A" and "B" attached to Report PED25176. The province has not solicited feedback on *Bill 30*, or the Technical Briefing released with Bill 17. Staff anticipate further consultation will occur on the changes identified within the Technical Briefing, but not contained within Bill 17.
- Staff request authorization to schedule a statutory public meeting of the Planning Committee to consider draft Urban and Rural Hamilton Official Plan amendments and Zoning By-law amendments to address the changes resulting from the proclamation of Bill 17 and Bill 30, should it be proclaimed, and to report back to Council of any recommended policies and procedures to give effect to the proposed changes.

Financial Considerations

At this time there are no immediate financial impacts associated with the recommendations contained in Report PED25176. However, if changes to City policies and procedures are required to align with Bill 17 and Bill 30, the impacts will be assessed in more detail.

Background

Bill 17 passed first reading on May 12, 2025, was debated for second reading on May 15, 2025, passed third reading on June 3, 2025, and received royal assent on June 5, 2025. The omnibus Bill is intended to streamline approvals and accelerate the construction of homes and provincial transit projects. Bill 30 passed first reading on May 28, 2025.

The province was seeking comments by June 11, 2025, on proposed amendments to the various acts as part of Bill 17 and by June 26, 2025, on the associated new Ontario

City of Hamilton's Response to Provincial *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025* and Associated Ontario Regulations, and *Bill 30, Working for Workers Seven Act, 2025* (City Wide)

Page 3 of 12

Regulations. This feedback was provided through submissions under several postings to the Environmental Registry of Ontario (postings 025-0450, 025-0461, 025-0462, 025-0463, and 025-0504).

Analysis

Staff support the general intent of the province to streamline processes to assist in increasing the supply of housing and meeting the province's goal of building 1.5 million homes. The City has demonstrated its commitment to meeting these targets through the Housing Pledge (PED23056) signed in March 2023, implementing policy and regulatory changes to provide more flexibility for infill and intensification options, and implementation of a new streamlined process to accelerate development approvals.

Further, additional actions aimed at streamlining processes and increasing the efficiency of the development approvals process are planned or forthcoming. In 2025 / 2026, the Growth Management Division is undertaking a review of two key components of the development approvals process: the Plan of Subdivision Process and Subdivision Agreements; and the Comprehensive Development Guidelines and Financial Policies Manual.

In addition to ensuring that the City's processes, agreements, and guidelines are up to date and reflective of best practices, a key objective in undertaking this review is to reduce approval times for the development community and enhance the customer experience in navigating the development approvals process. The review of the subdivision process will examine multiple aspects of the approvals process including subdivision draft plan approval, engineering review, release for grading / servicing, registration, and construction / inspections. The review of the Comprehensive Development Guidelines will include updates to existing engineering guidelines and the creation of new guidelines to address emerging requirements such as servicing in intensification areas, financial policies, new standardized agreements, and review and approval of engineering plans for all types of development applications. It is anticipated that updates identified through this review will play a key role in assisting the City with meeting its objectives to streamline development approvals and spur new and expedited growth and development.

Bill 17 includes amendments to eight pieces of legislation including the *City of Toronto Act, 2006*, *Building Transit Faster Act, 2020*, *Building Code Act, 1992*, *Development Charges Act, 1997*, *Transit-Oriented Communities Act, 2020*, *Ministry of Infrastructure Act, 2011*, *Metrolinx Act, 2006* and the *Planning Act*. Bill 30 includes amendments to various acts, including the *Planning Act* and the *Municipal Act*.

The following is a summary of the changes to the various acts introduced in Bill 17 and the associated regulatory changes, which are described in detail in Appendix "A" and "B" attached to Report PED25176. This section also provides a summary of the future changes identified by the province in the associated Technical Briefing, that are not contained within Bill 17, but have been identified for preliminary comment by the province. The proposed changes to the *Planning Act* and *Municipal Act* under Bill 30 are

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also discussed below. City staff did not provide comments on any changes relating to the *City of Toronto Act*.

Note that the changes to the *Development Charges Act* implemented through Schedule 4 of Bill 17 were discussed in Report FCS25033 which went before the Audit, Finance and Administration Committee on May 22, 2025.

Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025

Building Code Act, 1992

1. Restrictions on Building Materials Evaluation Commission

Amendments to the *Building Code Act, 1992*, provide for restrictions on the Building Materials Evaluation Commission's powers in certain circumstances. This change states that if the Canadian Construction Materials Centre of the National Research Council of Canada has examined or has expressed its intention to examine an innovative material, system or building design, the Building Materials Evaluation Commission shall not exercise its powers under subsection 28 (4) in respect of that material, system or building design. This would remove the need to secondary provincial approval of innovative construction materials where federal approval has been obtained.

Staff Comment Summary: City staff are supportive of this change as it will assist with streamlining this process and removes additional regulatory steps for innovative materials, systems or building designs that have already been reviewed and approved at the federal level.

2. Restrictions on Municipalities to Pass By-laws Respecting the Construction or Demolition of Buildings

A new subsection of the *Building Code Act, 1992*, clarifies that certain sections of the *Municipal Act, 2001*, and the *City of Toronto Act, 2006*, do not authorize a municipality to pass by-laws respecting the standard of construction or demolition of buildings. Staff note that this change does not appear to prevent the use of demolition control pursuant to Section 33 of the *Planning Act*. This would, however, have the effect of restricting a municipality's ability to pass any by-laws under the *Municipal Act* that requires builders/developers to exceed the minimum requirements established under the *Ontario Building Code*, which is currently addressed through Section 97 of the *Municipal Act*.

Staff Comment Summary: City staff do not support this change. The City should be empowered to enact standards and by-laws related to construction and demolition if these measures do not conflict with the Ontario Building Code, in particular, if these standards address a gap in provincial standards such as sustainable building design and implement the policies of the City's Official Plans.

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Building Transit Faster Act, 2022

3. Building Transit Faster Act Applies to all Provincial Transit Projects

The definition of “provincial transit project” is added to the *Building Transit Faster Act, 2020*, and makes related changes. “Provincial transit project” means a transit project that Metrolinx has authority to carry out. This has the effect of defining all provincial transit projects as priority transit projects for the purposes of the *Act*.

Staff Comment Summary: City Staff are supportive of this change and note that Hamilton's LRT was already identified as a “priority transit project” for the purposes of the *Building Transit Faster Act* under an Ontario Regulation.

Metrolinx Act, 2006

4. Information From Municipalities to Support Provincial Transit Projects

The *Metrolinx Act, 2006*, is amended to provide that the Minister may direct a municipality or its municipal agencies to provide the Minister or the corporation (Metrolinx) with information and data that may be required to support the development of a provincial transit project or transit-oriented community project.

Staff Comment Summary: City Staff are supportive of this change and the establishment of an information and data sharing framework between the province and municipalities to support the development of a provincial transit project or transit-oriented community project.

Ministry of Infrastructure Act, 2011

5. Information From Municipalities to Support Provincial Transit Projects

Similar to the proposed changes to the *Metrolinx Act*, the *Ministry of Infrastructure Act, 2011*, is amended to provide that the Minister may direct a municipality or its municipal agencies to provide the Minister or a corporation (Metrolinx) with information and data that may be required to support the development of a provincial transit project or transit-oriented community project.

Staff Comment Summary: City Staff are supportive of this change as it will allow for greater collaboration between the province and municipalities on the development and implementation of priority transit projects to expedite their delivery.

Planning Act

6. Schools Permitted on All Parcels of Urban Residential Land

These provisions provide for restrictions on official plans and zoning by-laws with respect to prohibiting the use of a parcel of urban residential land for an elementary school, a secondary school, or a use ancillary to such schools. This would have the effect of permitting elementary or secondary schools of a school board “as-of-right” on a “parcel of urban residential land” in the City, as defined under the *Planning Act*.

Staff Comment Summary: City staff have concerns that permitting schools and ancillary uses on any urban residential lands, being any zone where a residential use

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is permitted could undermine the City's current integrated school planning process, and result in schools being in sub-optimal locations and the loss of the associated benefits.

7. Minister Approve Changes to Official Plan with Respect to Complete Application Requirements

The *Planning Act* is amended to require that the council of a municipality shall obtain written approval from the Minister before adopting an amendment to an official plan that adds, amends, or revokes the requirements of "other information or material" as part of a complete application under the *Planning Act* for an Official Plan Amendment application, Zoning By-law Amendment application, Site Plan Control application, Draft Plan of Subdivision application, or Consent application.

Staff Comment Summary: City staff do not support this change. Municipalities should be given the discretion to determine what studies are required based on locally specific conditions. A one-size-fits-all approach does not appropriately account for local conditions and may lead to inefficient, and potentially unsafe development.

8. Regulation Making Authority on What Can and Cannot be Considered for a Complete Application

The *Planning Act* is amended to allow the Minister to make regulations on what can and cannot be considered as required information or material for a complete application under the *Planning Act*. This change is further implemented through a proposed Ontario Regulation, which is discussed further below.

Staff Comment Summary: City Staff are not supportive of this change as it could result in City staff losing the ability to identify the information or materials for development applications they determine are needed to review, evaluate, and make sound planning recommendations. This could also result in City staff being unable to effectively evaluate development applications against the policies of the City's Official Plans.

9. Complete Application Materials and Person Authorized to Practice a Prescribed Profession

The *Planning Act* is amended to state that if required information or material is prepared by a person authorized to practice a prescribed profession (as identified under an Ontario Regulation) then the information or material is deemed to meet the applicable requirement for the purposes of deeming Official Plan Amendment applications, Zoning By-law Amendment applications, Site Plan Control applications, Draft Plan of Subdivisions applications, or Consent applications complete under the *Planning Act*.

Staff Comment Summary: Staff generally support this change. The *Planning Act* requires the City to deem an application complete within 30 days of receipt, which means that City staff typically do not have time to evaluate the details of submitted materials prior to deeming development applications complete. City staff note that the City has not implemented a "pre-submission" screening process where staff complete

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a preliminary review of submission materials and provide feedback on the content prior to deeming the application complete. Accordingly, there is no impact on the City's current process for deeming an application complete.

10. As-of-right Variations to Zoning By-law

The *Planning Act* is amended to state that the minimum setback distance is deemed to be the prescribed percentage of the setback distance. This is implemented through a proposed regulation that allows an as-of-right variation of up to 10% for zoning setback requirements which is discussed in detail below.

Staff Comment Summary: City Staff are not supportive of this change as proposed. Please refer to detailed comments on the associated proposed Ontario Regulation change, below.

11. Removal of Site Plan Control for the Placement of Portable Classrooms

The *Planning Act* is amended to remove the timing restrictions with respect to when a school was built for the placement of a portable classroom on a school site for the purposes of the definition of development in subsection 41 (1) of the Act. This change exempts all portable classrooms from Site Plan Control regardless of timing of the construction of the school.

Staff Comment Summary: City Staff are generally supportive of this change. The impacts of such a change are considered minor. The *Planning Act* currently exempts the placement of portable classrooms on a school site if the school was in existence prior to January 1, 2007. This proposed change would exempt the placement of all portable classrooms regardless of the age of the school site.

12. Conditional Minister's Zoning Orders

The *Planning Act* is amended to allow the Minister, in certain orders made under that section (Minister's Zoning Order), to impose conditions on the use of land or the erection, location or use of buildings or structures.

Staff Comment Summary: Staff are supportive of the province having the ability to condition Minister's Zoning Orders to ensure commitments related to matters like housing affordability and development timeframes are met. While staff are supportive of the province having the ability to condition Minister's Zoning Orders to ensure commitments related to matters like affordability and development timeframes are met. There has been an increased use of Minister's Zoning Orders in Ontario in place of development being considered under existing provincial policies, Official Plans and Zoning By-laws.

Transit-Oriented Communities Act, 2020

13. All Provincial Transit Projects are Priority Transit Projects

Similar to the changes proposed to the *Building Transit Faster Act, 2022*, the *Transit-Oriented Communities Act* is also amended by expanding the list of projects included

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in the definition of "priority transit project". This would include all provincial transit projects.

Staff Comment Summary: City Staff are generally supportive of this change. Staff note that Hamilton's LRT was already identified as a "priority transit project" for the purposes of the *Building Transit Faster Act, 2022*, under an Ontario Regulation.

14. Order in Council to Be Removed in Certain Provisions

The requirement for an Order in Council is proposed to be removed in certain provisions of the *Transit-Oriented Communities Act, 2020*, to further accelerate the creation of transit-oriented communities.

Staff Comment Summary: City staff are supportive of this change.

15. Minister May Enter Into Agreements

A new section of the *Transit-Oriented Communities Act* is added that relates to agreements that are considered necessary to support a transit-oriented community project.

Staff Comment Summary: City staff are supportive of this change.

Proposed Regulatory Changes Under the *Planning Act*

As-of-right Variations from Setback Requirements

The proposed regulation would allow variations to be permitted "as-of-right" if a proposal is within 10% of setback requirements applicable to parcels of urban residential lands outside of the Greenbelt Area. For example, if the local zoning by-law requires a 5 metre front yard setback from the property line, this would effectively reduce the setback to 4.5 metres and the property owner would be permitted to build 0.5 metres into that 5 metre setback as-of-right, without a minor variance or zoning by-law amendment.

Staff Comment Summary: City Staff are not supportive of this Ontario Regulation as proposed as it may result in unintended consequences, including those related to public health and safety resulting from insufficient access and/or buffering/separation distances to potential hazards. As an alternative, City staff recommend that decision making authority for minor variations to setback provisions within a certain threshold be delegated to staff as opposed to being "as-of-right". This would allow staff to complete an expedited review of the potential impacts associated with the relief, while avoiding the time and cost associated with bringing the item to the Committee of Adjustment for a decision. The province could also consider the development of a regulation for Conditional Zoning, which could provide flexibility in zoning regulations where certain municipally specific conditions are addressed.

Complete Application Requirements

The proposed regulation seeks to limit the other information and material that may be required by a municipality as part of an Official Plan Amendment application, Zoning By-law Amendment application, Site Plan Control application, Draft Plan of Subdivision

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application, or Consent application. The proposed regulation states that technical materials related to sun/shadow, wind, urban design, and lighting could not be required as part of a complete planning application. The province is also seeking feedback on topics or studies that should be permitted to be required by municipalities as part of a complete planning application.

The province is also seeking feedback on which certified professionals should be included in the list of professionals whose reports/studies would be required to be accepted by a municipality as part of a complete application.

Staff Comment Summary: City Staff do not support the proposed Ontario Regulation related to complete application materials. Matters related to urban design, shadow, wind, and lighting are all critical considerations when reviewing a development application. Neglecting the review and consideration of these items can have serious impacts, including those related to public health and safety. Furthermore, this change prejudices staff's ability to complete a thorough review of development applications against the City's Official Plan policies and provide sound recommendations to Council. This would also limit staff's ability to review and assess development applications against the City's various terms of references and guidelines that implement Official Plan policy.

As an alternative, City staff recommend that the province work with municipalities and other stakeholders to develop provincial guidelines, criteria, or terms of reference for certain technical studies to ensure consistency on the preparation and evaluation of such studies across all municipalities, while also maintaining some regional flexibility.

Staff generally support the proposed Ontario Regulation related to prescribed certified professionals. The City has not implemented a "pre-submission" screening process where staff complete a preliminary review of submission materials and provide feedback on the content prior to deeming the application complete. Accordingly, there is no impact of this regulatory change on the City's current process for deeming an application complete.

Additional Matters for Consultation Identified in the Technical Briefing Not Contained Within Bill 17 or Associated Regulations

The province also released a Technical Briefing with Bill 17 that included several proposed future changes that they identified for future public consultation. The changes identified include:

- review of the corridor management permitting process and standards for development adjacent to Ministry of Transportation corridors;
- a framework for the harmonization of road construction standards across municipalities;
- making provincial policy tests inapplicable for a Minister's decision under the *Planning Act*, including decisions related to the approval of municipal Official Plans;
- a framework for streamlining municipal official plans for simplified, standardized, and inclusive land use designations;

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- requiring that municipal official plans align with the Ministry of Finance's October 2024 population forecasts;
 - exploring the standardization of municipal data tracking in the land use planning, building code and permit application spaces, and leveraging technology (e.g. artificial intelligence, enhanced digitization, and Building Code) to better automate planning and permitting processes and improve transparency;
 - providing more flexible design and construction options for four-storey townhouse units with respect to the Ontario Building Code and Ontario Fire Code;
 - streamlining municipal consents for the development of communal water/sewage systems and permissions for distributed, modular "off-grid" water treatment facilities; and,
 - exploring a public utility model for municipal water and wastewater infrastructure.

When the province releases more information on the proposed future changes, or reaches out to municipalities for preliminary feedback, City staff will review these proposed changes in more detail and provide detailed feedback to the province. City staff will also provide an update to Council should the province seek further consultation on these matters.

Bill 30, Working for Workers Seven Act, 2025

Municipal Act

1. Regulation Making Authority Limiting the Powers of a Municipality Under the Act Related to Training or Skills Development

The *Municipal Act* is proposed to be amended to authorize the Lieutenant Governor in Council to make regulations imposing limits and conditions on the power of a municipality under the *Act* in relation to a development or redevelopment to be used for training and skills development purposes, where there is a funding agreement entered into by the Ministry of Labour, Immigration, Training and Skills Development.

Staff Comment Summary: The proposed change would establish regulation making authority to limit the powers of a municipality in specified circumstances. Staff note that the province has not identified how this regulation making authority would be used. Exemptions from the *Municipal Act* could be used for a wide range of purposes, including exemptions from municipal by-laws, including those related to property tax, development charges, and other local requirements with no clear purpose or rationale. Staff are unable to support the proposed change until such time as the rationale and purpose is clarified.

Planning Act

2. Exemption of Development or Redevelopment Related to Training or Skills Development from the Act

The *Planning Act* is proposed to be amended to exempt development or redevelopment for training and skills development purposes, where there is a funding

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agreement entered into by the Ministry of Labour, Immigration, Training and Skills Development. An exception to this exemption is included for the Greenbelt Area.

Staff Comment Summary: Whereas the Province has exempt certain classes of development from the Act previously, these exemptions were targeted at public entities. Staff have concerns with extending expedited planning processes and exemptions from municipal authorities to private entities without the robust accountability and regulatory frameworks that characterize broader public sector bodies, solely by virtue of their qualification to access a source of provincial funding with broad eligibility. The lack of a regulatory framework and accountability for such private entities could lead to undesirable outcomes. Staff also note that such an exemption could lead to an increase in land use conflicts, where training and skills schools could be incompatibly located adjacent to heavy industrial facilities, leading to an increase in adverse impacts and the resulting municipal and ministry complaints.

Alternatives

Council may amend the staff-level comments submitted to the province contained in Appendix "A" and "B" attached to Report PED25176 or supplement the staff-level comments with additional comments.

Council may direct staff to not assess the financial or process changes that may result from the proposed changes included in Bill 17 and Bill 30. Staff advise against this option to ensure the City will be in a position to implement the proposed changes to the various acts modified through Bill 17 and Bill 30.

Relationship to Council Strategic Priorities

Priority 1: Sustainable Economic & Ecological Development

- 1.2: Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Previous Reports Submitted

[Report FCS25033](#) - Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025* as it relates to the *Development Charges Act, 1997*

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Consultation

The proposed changes through Bill 17 were circulated to all City departments for comment. Refer to the summarized comments provided in Appendices A and B attached to Report PED25176.

Appendices and Schedules Attached

Appendix "A": City Staff Comments on Legislative Changes proposed through *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025*

Appendix "B": City Staff Comments on Proposed Ontario Regulations Associated with *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025*

Prepared by: Spencer Skidmore, Area Planning Manager, Development Planning, Planning and Economic Development Department

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner, Planning and Economic Development Department

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City Comments for Proposed Legislative Changes Proposed by Ontario Bill 17	
Affected Legislation and Sections	Comments
Proposed Changes to the <i>Building Code Act</i>, 1992 (Schedule 1 of Bill 17)	
Restrictions on Building Materials Evaluation Commission New Subsection 28 (6) of the Act and repeal of Clause 29 (1) (a) of the Act.	<p>City staff are supportive of this change as it will assist with streamlining this process and removes additional regulatory steps for innovative materials, systems or building designs that have already been reviewed and approved at the federal level.</p> <p>City staff are supportive of this change.</p>
Restrictions on Municipalities to Pass By-laws Respecting the Construction or Demolition of Buildings New subsection 35 (1.1) of the Act.	<p>The proposed changes mean that the city will no longer be able to rely on its general powers to regulate construction or demolition and to create local requirements that differ from the Building Code. This amendment would prohibit municipalities from imposing green standard requirements, through passing a by-law under the Municipal Act on the construction of buildings.</p> <p>City staff note that this proposed amendment is very broad. The City should be empowered to enact standards and by-laws related to construction and demolition if these measures do not conflict with the Ontario Building Code such as Green Building Standards. Hamilton City Council very recently endorsed Green Building Standards for new industrial, commercial, institutional, and residential development within Hamilton's urban area that is subject to a plan of subdivision or site plan control application. While the City's approach did not include passing a by-law under the Municipal Act, this proposed change, and the direction of the province to limit a municipality's power, could impact the ability of municipalities to implement standards and objectives intended to mitigate climate change. The City further suggests that comprehensive green building standards should be integrated into the Ontario Building Code to provide consistency across the province, while recognizing the importance of municipally specific climate change mitigation strategies.</p> <p>Staff note that the City's Urban Hamilton Official Plan contains many policies that require development to incorporate sustainable building and design elements. The City's Green Building Standards were intended to inform and provide guidance on how these policy goals could be achieved. In the absence of Green Building Standards, how these policies can be complied with is less clear and more ambiguous for applicants and developers.</p> <p>City staff are not supportive of this change.</p>

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Proposed Changes to the <i>Building Transit Faster Act, 2022</i> (Schedule 2 to Bill 17)	
<i>Building Transit Faster Act</i> Applies to all Provincial Transit Projects Addition of definition of “provincial transit project”	City staff are currently preparing a proposed Official Plan Amendment to implement the Major Transit Station Area policies of the Provincial Planning Statement and the Protected Major Transit Station Area requirements of the <i>Planning Act</i> . The proposed change to the <i>Building Transit Faster Act, 2022</i> does not impact this work. Hamilton’s LRT was already identified as a “priority transit project” for the purposes of the <i>Building Transit Faster Act</i> under an Ontario Regulation. Accordingly, the proposed change will not impact the City’s LRT project. City staff are supportive of this change.
Proposed Changes to the <i>City of Toronto Act, 1997</i> (Schedule 3 to Bill 17)	
Removal of Site Plan Control for the Placement of Portable Classrooms Amendment to Subsection 114 (1.1) of the Act.	City staff have no comments on this change as it relates to the <i>City of Toronto Act</i> . Please refer to the related change to the <i>Planning Act</i> for further comment.
Complete Application Materials and Person Authorized to Practice a Prescribed Profession Subsection 4.4.1 is added, and Subsections 114 (23) are amended.	City staff have no comments on this change as it relates to the <i>City of Toronto Act</i> . Please refer to the related change to the <i>Planning Act</i> for further comment.

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Proposed Changes to the <i>Metrolinx Act, 2006</i> (Schedule 5 to Bill 17)	
Information From Municipalities to Support Provincial Transit Project Definition of “agencies” repealed. Subsection 1 (a) of the Act is amended. Section 31.0.1 of the Act is added. Section 46 of the Act is amended.	City staff are supportive of this change and the establishment of an information and data sharing framework between the province and municipalities to support the development of a provincial transit project or transit-oriented community project. This will allow for greater collaboration between the province and municipalities on the development and implementation of priority transit projects to expedite their delivery. City staff are supportive of this change.
Proposed Changes to the <i>Ministry of Infrastructure Act, 2011</i> (Schedule 6 to Bill 17)	
Information From Municipalities to Support Provincial Transit Project Amends the <i>Ministry of Infrastructure Act, 2011</i> by repealing Section 7.1 and paragraph 2.1 of subsection 19 (2). New Section 10.1 is added to the Act.	City Staff are supportive of this change and the establishment of an information and data sharing framework between the province and municipalities to support the development of a provincial transit project or transit-oriented community project. This will allow for greater collaboration between the province and municipalities on the development and implementation of priority transit projects to expedite their delivery. City staff are supportive of this change.
Proposed Changes to the <i>Planning Act</i> (Schedule 7 to Bill 17)	
Schools Permitted on All Parcels of Urban Residential Land Section 16 of the Act is amended and new Section 35.1.1 is added to the Act	The City of Hamilton’s present official plan and zoning structure for elementary and secondary school sites and ancillary uses does not restrict the appropriate delivery of school sites to the community, as the Official Plan generally permits school sites across the “Neighbourhoods” designation, which encompasses the city’s low, medium and high density residential areas, provided they generally have access to a collector or major or minor arterial road to ensure accessibility for cars and buses and to encourage the use of public transit. The City of Hamilton and the local school boards have developed an integrated planning process, based on early engagement that ensures the appropriate and efficient delivery of school sites. This includes the identification of new school sites early in the planning process, typically through a

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	<p>Secondary Planning process, and an expedited site plan process. This integrated process requires that school sites are considered early in the process and provides predictability for the developer, school boards, the public, and the city and ensures that schools are in optimal locations, such as co-located adjacent to municipal parks and facilities.</p> <p>City staff have concerns that permitting schools and ancillary uses on any urban residential lands, being any zone where a residential use is permitted, could result in schools being in sub-optimal locations and the loss of the associated benefits.</p> <p>Should elementary and secondary school permissions be extended to all lands permitting urban residential uses in the city, a comprehensive review will be required of the official plan policies and zoning provisions across the range of designations and zones which permit residential uses, to appropriately permit elementary and secondary school uses.</p> <p>Staff note that the City's institutional zones also permit uses that are typically ancillary to school sites, such as day nurseries. City staff would require further clarity from the province on what uses ancillary uses to a school are required to be permitted on parcels of urban residential land.</p> <p>City staff do not support this change and request further clarity on what ancillary uses are to be permitted.</p>
<p>Minister Approve Changes to Official Plan with Respect to Complete Application Requirements</p> <p>Regulation Making Authority on What Can and Cannot be Considered for a Complete Application</p> <p>New subsections 17 (21.1) and (21.2) of the Act. Amendments to</p>	<p>The City does currently have a comprehensive list of technical studies within its Urban Hamilton Official Plan and Rural Hamilton Official Plan to address complete application requirements. The City is also currently developing Terms of References for these studies to provide certainty and clarity to applicants on what the studies should evaluate, as well as the opportunity to scope the studies in collaboration with City staff.</p> <p>However, new studies and reports may be required as new issues/concerns arise in the future that need to be addressed in the evaluation of an application. Municipalities need to retain the authority and have the discretion to determine what studies should be required based on locally-specific conditions. A one-size-fits-all approach does not appropriately account for local conditions and may lead to inefficient, and potentially unsafe development. This is compounded by previous Provincial changes that removed mandatory pre-consultation, where the City previously was able to provide guidance on required submission materials, and the scope and details of those required studies and materials. Municipalities are losing the ability to identify the materials for development applications they determine are needed to review, evaluate, and make sound recommendations.</p>

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<p>Subsection 22 (5), 34 (10.2), 41 (3.4), 51 (18) or 53 (3).</p>	<p>Furthermore, by restricting new reports/studies from being added to Official Plans, there is a risk that new trends/best management practices, including those related to public health and safety, may not be captured and that administrative changes to these Official Plan policies may take longer with the required Ministerial approval.</p> <p>City staff do not support this change.</p> <p>As an alternative, City staff recommend that the province work with municipalities and other stakeholders to develop Provincial criteria or terms of reference for certain technical studies to ensure consistency and transparency for the preparation and evaluation of such studies across the province, while also allowing some contextual flexibility.</p>
<p>Complete Application Materials and Person Authorized to Practice a Prescribed Profession</p> <p>New Subsections 22 (6.0.1), 34 (10.3.1), 41 (3.5.1), 51 (19.0.1), and 53 (4.0.1)</p>	<p>The <i>Planning Act</i> requires a municipality to deem an application complete within 30 days of receipt, which means that City staff typically do not have time to evaluate the details of submitted materials prior to deeming development applications complete. City staff note that the city has not implemented a “pre-submission” screening process where staff complete a preliminary review of submission materials and provide feedback on the content prior to deeming the application complete. City staff deem an application complete based on the study or plan being submitted and not on the quality of the study or plan. City staff note that it has not experienced any significant issues with unqualified parties submitting materials for review and relies on the expertise of all professionals retained on an application. Accordingly, there is no impact of this legislative change on the City’s current process for deeming an application complete.</p> <p>The City has prepared detailed terms of references for the materials and studies required for a complete application that identify which professionals can prepare each type of technical study or plan for submission. What is important is the quality of the study or plan that is reviewed after an application is deemed complete and in making a recommendation for Council to consider, however this is not part of the Bill 17 changes.</p> <p>City staff are supportive of this change.</p> <p>City staff also recommend that the province work with municipalities and other stakeholders to develop Provincial criteria or terms of reference for certain technical studies to ensure consistency on the preparation and evaluation of such studies across the province, while also allowing some regional flexibility.</p>

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<p>As-of-right Variations to Zoning By-law</p> <p>New subsections 34 (1.4) to (1.7) of the Act</p>	<p>Zoning by-law setbacks are a critical tool in achieving safe and healthy neighbourhoods. These changes were reviewed in conjunction with the associated proposed Ontario Regulation.</p> <p>City staff are concerned that the proposed changes will undermine the purpose of the zoning by-law regulations as all new development might potentially be designed at 90% of the required setbacks. In constrained urban sites, a reduction in sideyards may affect the ability to get construction, maintenance, or life-saving equipment to the rear of a building. This could also affect separation distances between buildings, which is of a concern for mid-rise and tall buildings as the effect of decreasing setbacks could lead to units at the lower levels not achieving sufficient access to daylight (public health issue). Appropriate setbacks also protect sensitive areas such as natural heritage features and natural hazards, and provide adequate space for grading, drainage, and stormwater management.</p> <p>Zoning regulations are context specific. Just as province-wide performance standards are unable to address context specific conditions, a province-wide regulation permitting a 10% as-of-right variance to a setback requirement is unable to address the context specific evaluation that occurs with each application for minor variance. Further, a 10% variance will have different impacts depending on the nature of and the size of the existing setback requirement. There may be certain setback requirements that have been established at the minimum standard required such that even a 10% deviation from this minimum requirement may have negative impacts, particularly if impacts are compounded by successive reductions in setbacks e.g. adequate drainage, maintenance access, etc. With climate change and impacts from storm events an increasing concern, the need for adequate pervious surfaces and drainage flows may be hindered by this change.</p> <p>Furthermore, setbacks related to pipelines, railways, Provincial highways, hazard lands, land use compatibility separation distances in accordance with Provincial guidelines, and others are typically prescribed by other agencies and incorporated into the Zoning By-law. A 10% reduction in such a setback would conflict with those requirements.</p> <p>City staff will be providing further comments on the associated proposed Ontario Regulation under separate cover.</p> <p>City Staff do not support this change.</p> <p>As an alternative, City staff recommend that minor variations to a setback provision within a certain threshold be delegated to Staff as opposed to being “as-of-right”. This would allow</p>
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	<p>staff to complete an expedited review of the potential impacts associated with the relief, while avoiding the time and cost of bringing the item to the Committee of Adjustment for approval.</p> <p>In addition, City staff recommends the development of a regulation for Conditional Zoning, which could provide flexibility in zoning regulations where certain municipally specific conditions are addressed. This would also avoid the time and cost of bringing applications to the Committee of Adjustment.</p>
<p>Removal of Site Plan Control for the Placement of Portable Classrooms</p> <p>Section 41 (1) of the Act was amended.</p>	<p>Currently, only portable classrooms that existed on January 1, 2007, are excluded and the proposed change is to extend the exemption to all portable classrooms. City staff are supportive of this change, however staff note that it is anticipated that impacts from the proposed site plan control exemption for portable classrooms would generally be minor, though cumulative impacts related to grading, increase of impervious surfaces, and stormwater management should be considered particularly on a property with multiple portables.</p> <p>City Staff are supportive of this change.</p>
<p>Conditional Minister's Zoning Orders</p> <p>Section 47 of the Planning Act is amended by adding Subsections (1.0.1), (1.0.2), (1.0.3), (1.0.4), and (1.0.5),</p>	<p>Staff are supportive of the province having the ability to condition Minister's Zoning Orders to ensure commitments related to matters like housing affordability and development timeframes are met. Staff also note that conditional Minister's Zoning Orders could be used to address comments received through Environmental Registry of Ontario postings related to a specific proposed Minister's Zoning Order. However, City staff caution that this could lead to the increased use of Minister's Zoning Orders in place of development being considered under existing provincial policies, Official Plans and Zoning By-laws which is not supported.</p> <p>City staff are supportive of this change.</p>

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Proposed Changes to the <i>Transit-Oriented Communities Act, 2020</i> . (Schedule 7 to Bill 17)	
<p>All Provincial Transit Projects are Priority Transit Projects</p> <p>Section 1 of the Act is amended.</p>	<p>Staff are currently preparing a proposed Official Plan Amendment to implement the Major Transit Station Area policies of the Provincial Planning Statement and the Protected Major Transit Station Area requirements of the <i>Planning Act</i>. The proposed changes to the <i>Transit-Oriented Communities Act, 2020</i> does not impact this work.</p> <p>Hamilton's LRT was already identified as a "priority transit project" for the purposes of the <i>Building Transit Faster Act</i> under an Ontario Regulation. Accordingly, the proposed change will not impact the City's LRT project.</p> <p>City staff are supportive of this change.</p>
<p>Order in Council to Be Removed in Certain Provisions Minister May Enter Into Agreements</p> <p>Section 4 of the Act is amended.</p> <p>New section 4.1 of the Act.</p>	<p>These changes would allow the Minister to enter into agreements related to supporting or developing transit-oriented community projects without the need to obtain the Lieutenant Governor's approval by way of an Order in Council. This would include agreements with municipalities. This would allow the province to expedite the administration and approval of agreements, including those agreements with municipalities related to transit-oriented community projects.</p> <p>City staff are supportive of this change.</p>

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City Comments for Proposed Regulatory Changes Associated with Ontario Bill 17	
Proposed Change and Affected Legislation and Sections	Comments
<p>As-of-right Variations from Setback Requirements –</p> <p>Proposed Regulation Implements changes proposed to Section 34 of the Planning Act through Bill 17.</p> <p>(ERO 025-0463)</p>	<p>City's Current Minor Variance Process</p> <p>The City of Hamilton efficiently processes applications and applicants receive a decision from the Committee of Adjustment within 4 to 8 weeks from the date the application was submitted. City staff seek to identify zoning deficiencies early in the review process so a minor variance or design solution can be achieved. In the event a minor variance is required, City staff seek to streamline the process and expedite a decision. City staff note that zoning regulations are often interrelated, and applicants often require relief from more than one provision. For example, relief for a side yard setback often results in corresponding relief to lot coverage or landscaped area requirements. Accordingly, the reduction in individual variations being reduced by making certain variations "as-of-right" may not have a corresponding reduction for other zone provisions and will result in the need for a minor variance application.</p> <p>Intent of Setback Provisions</p> <p>Zoning setback provisions ensure sufficient space for access and maintenance, protect sensitive areas such as natural heritage features, protect development from natural hazards, can be used to protect trees, and provide adequate space for grading, drainage, and stormwater management. City staff are concerned that the proposed changes will undermine the purpose and intent of zoning setback regulations. In constrained urban sites, a reduction in a side yard may affect the ability to get construction, maintenance, or life-saving equipment to the rear of a building. This could also affect separation distances between buildings, which is of a concern for mid-rise and tall buildings as the effect of decreasing setbacks could lead to units at the lower levels not achieving sufficient access to daylight (public health issue). This could also result in confusion on behalf of applicants where the setback under the Zoning By-law conflicts with fire separation requirements under the Ontario Building Code.</p> <p>Setbacks Are Context Specific</p> <p>Zoning regulations are context specific. Just as province-wide performance standards are unable to address context specific conditions, a province-wide regulation permitting a 10% as-of-right variance to a setback requirement is unable to address the context specific evaluation that occurs with each</p>

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application for minor variance. Further, a 10% variance will have different impacts depending on the nature of and the size of the existing setback requirement. There may be certain setback requirements that have been established at the minimum standard required such that even a 10% deviation from this minimum requirement may have negative impacts, particularly if impacts are compounded by successive reductions in setbacks e.g. adequate drainage, maintenance access, etc. With climate change and impacts from storm events an increasing concern, the need for adequate pervious surfaces and drainage flows may be hindered by this change.

City staff also note that certain setbacks are the result of context specific items, or the implementation of other land use guidelines, including compatibility guidelines published by the province. Setbacks related to pipelines, railways, provincial highways, hazard lands, land use compatibility separation distances in accordance with provincial guidelines, and others are typically prescribed by other agencies and incorporated into the zoning by-law. A 10% reduction in such a setback would conflict with those requirements. This may result in confusion where an applicant obtains as-of-right variations under the Zoning by-law but does not meet the underlying regulatory requirements. In instances where zoning setbacks implement a specific requirement prescribed by another agency, City staff may need to consider increasing the required setback (110% of prescribed requirement) so that the underlying requirement is still being met, even when the as-of-right reduction is applied.

Applicability and Exception

City staff are also seeking clarification on the applicability of the as-of-right setback reductions. Staff note that the *Planning Act* changes identify that the as-of-right reduction will apply to development on a parcel of urban residential land. Would these as-of-right reductions apply to all types of development on such parcels, even for mixed use development where setbacks would be to a commercial use, or only to residential uses?

Furthermore, the *Planning Act* changes identify that areas prescribed for the purposes of 41 (1.2) would be exempt. Staff are unsure if this is referring that lands with 10 or fewer residential units would not be subject to the as-of-right reduction. However, staff anticipate that this exception was referring to the exemptions prescribed under Ontario Regulation 254/23.

City Staff are not supportive of the proposed Regulation.

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	<p>For the reasons noted above, City staff are not supportive of the proposed Regulation. As an alternative, City staff recommend that decision making authority on minor variations to a setback provision within a certain threshold be delegated to Staff as opposed to being “as-of-right”. This would allow staff to complete an expedited review of the potential impacts associated with the relief, while avoiding the time and cost of bringing the item to the Committee of Adjustment for approval.</p> <p>In addition, City staff recommends the development of a regulation for Conditional Zoning, which could provide flexibility in zoning regulations where certain municipally specific conditions are addressed. This would also avoid the time and cost of bringing applications to the Committee of Adjustment.</p> <p>ERO posting 025-0463 also requested feedback on opportunities to incorporate as-of-right variations for other zoning regulations, such as building height. City staff would generally not be supportive of such as-of-right variations for similar reasons as those identified above. Granting as-of-right variations without any review of the context or site-specific impacts could result in unintended consequences.</p>
<p>Complete Application Requirements - Proposed Regulations</p> <p>Implements changes to Sections 22, 34, 41, 51 and 53 of the <i>Planning Act</i> through Bill 17.</p> <p>(ERO 025-0462)</p>	<p>Complete Application Materials</p> <p>City staff have significant concerns with the proposed Ontario Regulation that would limit the City’s ability to require materials related to urban design, sun shadow, wind, or lighting as part of a complete application, among other possible study exemptions. The City does support streamlining processes including the standardization of application requirements and submission materials at the municipal level and has completed significant work to produce a comprehensive set of Terms of References to guide applicants and professionals. However, standardizing these requirements across the province and removing the City’s ability to require certain materials risks creating gaps in application materials. This gap can impact the City’s ability to review development applications against the policies of our Official Plans and associated guidelines, which can lead to delays in processing applications, and ultimately potential health and safety risks post construction.</p> <p>Urban Design</p> <p>Urban design represents a foundational aspect of successful community building and sustainable development. It includes essential elements for the creation of healthy, safe, resilient, and sustainable cities. Well-designed communities attract investment, support local businesses, reduce infrastructure maintenance costs, increase property values, and create distinctive places that drive economic vitality.</p>

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	<p>Good planning practice recognizes the important role of urban design in providing value and identity to a community. The design and placement of buildings, infrastructure, open spaces, landscaping, and other community amenities, as well as how these features are connected and work together, affects how people live and interact with each other. Attention to physical design creates attractive, lively, and safe communities where people want to live and visit and where businesses want to establish and grow. A city that values good urban design is a city that is successful socially, economically, and environmentally.</p> <p>The City's Urban Hamilton Official Plan contains extensive policy guidance on how to achieve these objectives and identifies the importance of urban design in establishing compatible development that enhances neighbourhoods. The City of Hamilton has an important role in ensuring these objectives are met and balanced with other City objectives throughout the development approvals process. The City requires urban design submission materials so an applicant can demonstrate how their development achieves the vision set out the City's Official Plans.</p> <p>Revoking the City's ability to require materials related to urban design as part of a complete application will mean that a proposed development could not effectively be evaluated against the City's Official Plans. This could result in development being approved that does not incorporate sound principles of urban design that contributes to the creation of a healthy, safe, resilient, and sustainable City, and that does not comply with the City's Official Plans. This also creates a fundamental tension between the City's requirement to undertake technical evaluation of development proposals against the City's Official Plans, while being unable to require the appropriate technical materials to complete that evaluation.</p> <p>Sun/Shadow Studies</p> <p>Sun Shadow Studies ensure that an adequate amount of natural light is maintained to the municipal right-of-way, to public parks and spaces, and to adjacent private properties. Natural light is essential for both physical and mental health, and to allow plants to grow in the natural environment and in public and private spaces. The City's Urban Hamilton Official Plan contains policy guidance on the mitigation of shadow impacts and access to light to establish land use compatibility. Removing these studies does not allow for these matters to be comprehensively evaluated through the development application process, which could lead to development being approved that imposes significant undue impact on adjacent properties related to physical and mental health, the viability of vegetation, reduction of solar energy potential, and the enjoyment of property. Alternatively, development may be denied on the basis of insufficient information being provided to establish Official Plan compliance.</p>
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	<p>Wind Studies</p> <p>Wind Studies ensure that proposed mid-rise and high-rise buildings do not impose undue adverse impacts on the municipal right-of-way, on public parks and spaces, on adjacent private properties, and on themselves. The adverse impact associated with wind includes matters of public health and safety, where anticipated wind speeds can create dangerous and unsafe conditions. The City's Urban Hamilton Official Plan contains policy guidance on the mitigation of adverse wind impacts to establish land use compatibility. These matters need to be considered and evaluated as a part of the development of a site and the granting of land use approvals. Removing this study requirement does not allow for these matters to be comprehensively evaluated through the development application process, which could lead to development being approved that imposes significant public health and safety risks and creates dangerous and unsafe conditions. Alternatively, development may be denied on the basis of insufficient information being provided to establish Official Plan compliance.</p> <p>Lighting Plans</p> <p>Lighting Plans are required to ensure that the proposed lighting design of a development does not impact or trespass on nearby/adjacent properties, public spaces and the municipal right-of way. Lighting Plans are typical requirements to ensure compatible development and that the principles of Crime Prevention Through Environmental Design are being considered. The City's Urban Hamilton Official Plan contains policy guidance on the importance of lighting design to establish land use compatibility. The City's Site Plan Guidelines provide more detailed guidance on how site lighting can be designed to mitigate impacts on adjacent properties. Removing these plans as a potential requirement does not allow for these matters to be comprehensively evaluated through the development application process, which could lead to development being approved that generates light trespass on adjacent lands and that does not implement the principles of Crime Prevention Through Environmental Design. Alternatively, development may be denied on the basis of insufficient information being provided to establish Official Plan compliance. Staff also note that Lighting Plans are also required by other agencies, such as the Ministry of Transportation, when adjacent to provincial corridors.</p> <p>Concerns of Implementation</p>
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	<p>By streamlining the requirements for complete applications (with the intent of creating a consistent approach), the unique attributes and matters of importance to a specific community are not being recognized. In addition, it is unclear how this would address matters of Provincial Interest that have been identified within the <i>Planning Act</i>.</p> <p>An applicant is required, through their Planning Act application, to demonstrate compliance with the City's Official Plan policies, and the City must review proposals including from a shadow, wind, urban design, and lighting perspective, in accordance with Official Plan policies and municipal guidelines and Council approved terms of references. The City's inability to require these studies as part of a complete application would impact staff's ability to determine the compliance of development planning applications with the City's Official Plans through the review and processing of an application.</p> <p>If the City cannot require the appropriate technical studies to review the applications, there may be instances where these materials will instead be required/reviewed through conditions of approval or through Holding Provisions. This would have the potential impact of "back ending" the municipal review process and slowing down the approvals process for new housing and economically significant projects. Alternatively, development may be denied based on insufficient information being provided to establish Official Plan compliance.</p> <p>More concerning, is the potential public health and safety risks that may be generated as a result of not having the ability to request and review technical studies.</p> <p>The Ontario Professional Planners Institute's Professional Code of Practice outlines a Registered Professional Planner's (RPP) ethical obligations to the profession, the public, and their employer. Under Section 1.2 of the Code, an RPP has an obligation to "provide full, clear and accurate information on planning matters to decision makers and members of the public". If an RPP is aware of a potential impact imposed by a development application, in particular if it relates to public health and safety, there is an obligation to appropriately investigate and, if necessary, mitigate that potential impact.</p> <p>City Staff are not supportive of the proposed Regulation.</p> <p>As an alternative, City staff recommend that the province work with municipalities and other stakeholders to develop provincial guidelines, criteria, or terms of references for technical</p>
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	<p>studies to ensure consistency on the preparation and evaluation of such studies across all municipalities, while also allowing some regional flexibility.</p> <p>Should the proposed changes be approved, the City would request that all technical studies currently listed in “Schedule I – Other Information and Materials” of the Urban Hamilton Official Plan and “Schedule H – Other Information and Materials” of the Rural Hamilton Official Plan be identified as topics/studies being permitted to be required by a municipality as part of a complete application.</p> <p>Prescribed Professionals</p> <p>The <i>Planning Act</i> requires a municipality to deem an application complete within 30 days of receipt, which means that City staff typically do not have time to evaluate the details of submitted materials prior to deeming development applications complete. City staff note that the city has not implemented a “pre-submission” screening process where staff complete a preliminary review of submission materials and provide feedback on the content prior to deeming the application complete. City staff deem an application complete based on the study or plan being submitted and not on the quality of the study or plan. The only review City staff complete is against the applicable terms of reference to ensure the submitted material has sufficient information. City staff note that it has not experienced any significant issues with unqualified parties submitting materials for review and relies on the expertise of all professionals retained on an application. Accordingly, there is no impact of this legislative change on the City’s current process for deeming an application complete.</p> <p>The City has prepared detailed terms of references for the materials and studies required for a complete application that identify which professionals can prepare each type of technical study or plan for submission. What is important is the quality of the study or plan that is reviewed after an application is deemed complete in making a recommendation for Council to consider, however this is not part of the Bill 17 changes.</p> <p>City staff note that, as the City is compelled to accept a submission by a future prescribed professional for the purposes of deeming an application complete, there may a prolonged review process if the submitted materials require updates to information and materials or if studies/plans contain conflicting advice or recommendations. City staff could have previously addressed these concerns prior to deeming the application complete.</p>
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	<p>City Staff are generally supportive of an Ontario Regulation that prescribes professionals.</p> <p>The ERO posting is also seeking feedback on which certified professionals should be included in the prescribed list for the purposes of the proposed Ontario Regulation. City Staff recommend that the professionals identified in our terms of reference for the various technical studies/plans be included within a future Ontario Regulation. This would ensure no conflicts between our municipal terms of reference and the proposed Ontario Regulation.</p>
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City of Hamilton Report for Consideration

To: Mayor and Members
Planning Committee

Date: July 8, 2025

Report No: PED25181

Subject/Title: Comments in Response to Bill 5, *Protect Ontario by Unleashing Our Economy Act*, 2025

Ward(s) Affected: (City Wide)

Recommendations

- 1) That Council **ENDORSE** the submissions and recommendations attached in Appendix A to Report PED25181 regarding Environmental Registry of Ontario Posting Nos. 025-0380, 025-0391, and 025-0418.
- 2) That the Director of Planning and Chief Planner be **DIRECTED** to confirm the submissions and recommendations made to the Province resulting from Council's review and decisions on Report PED25181.

Key Facts

- The purpose of this report is to inform Planning Committee and Council of City staff comments and recommendations that were submitted to the provincial government on May 16, 2025, as it relates to Bill 5, *Protect Ontario by Unleashing Our Economy Act*, 2025 and the associated Environmental Registry of Ontario postings.
- The report recommends that Council endorse staff's submission to the Province and that staff notify the Province of any changes or additional comments that result from Council's consideration.
- Bill 5 received Royal Assent on June 5, 2025.
- While staff are supportive of the Government of Ontario's objective to support the Province's economy through rising economic uncertainty, staff have concerns with

elements of the legislation, including the exclusion of respectful participation of First Nations in archaeological assessments and the potential impacts and species loss through the repeal of the *Endangered Species Act, 2007*, and the enactment of the new *Species Conservation Act, 2025*.

Financial Considerations

There are no anticipated financial impacts with the recommendations of this report.

Background

On April 17, 2025, the provincial government introduced Bill 5, the *Protect Ontario by Unleashing our Economy Act, 2025* ("Bill 5") which contained 10 separate schedules proposing to modify the *Electricity Act, 1998*, *Endangered Species Act, 2007*, *Environmental Assessment Act, 1990*, *Environmental Protection Act, 1990*, *Mining Act, 1990*, *Ontario Energy Board Act, 1998*, *Ontario Heritage Act, 1990*, and *Rebuilding Ontario Place Act, 2023*. The legislation also proposed two new acts, the *Special Economic Zones Act, 2025* and the *Species Conservation Act, 2025*.

On the same day, the Government of Ontario requested comments on specific aspects of Bill 5 through the Environmental Registry of Ontario with a deadline for comments of May 17, 2025. Staff-level comments contained in Appendix A to Report PED25181 were submitted to the Province on May 16, 2025.

Following the close of the comment period, the Province indicated they would be introducing new amendments to Bill 5 that would address the constitutional duty to consult with Indigenous communities and establish Indigenous-led economic zones. Ultimately, these proposed amendments were not made to Bill 5, which passed its third and final reading on June 4, 2025, and received Royal Assent on June 5, 2025.

Analysis

A summary of Environmental Registry of Ontario Postings 025-0380, 025-0391, and 025-0418 can be found below along with a summary of the principal comments submitted by staff. Appendix A to Report PED25181 contains all staff comments submitted to the Environmental Registry of Ontario.

Environmental Registry of Ontario Posting No. 025-0380 – Proposed interim changes to the *Endangered Species Act, 2007* and a proposal for the *Species Conservation Act, 2025*

The Province sought input on proposed interim amendments to the *Endangered Species Act, 2007*, the eventual repeal of the *Endangered Species Act, 2007*, and the enactment of the new *Species Conservation Act, 2025*. The legislation would, among other things:

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- Amend the purpose of the Endangered Species Act, 2007 as well as several definitions within the Act, including the definition of “habitat”.
 - Remove the requirement to create a regulation once a species has been listed.
 - Remove the requirement to create recovery strategies and management plans.
 - Shift nearly all species-related authorizations to a registration-first approach.

Staff are of the opinion that the current *Endangered Species Act, 2007* has not been a barrier to development in the City of Hamilton and are not supportive of the creation of the new *Species Conservation Act, 2025*, as it will:

- Undermine successful species recovery efforts within the province as a whole, as well as within Hamilton;
- Undermine the intent of Provincial and Municipal Strategies (i.e. Ontario Biodiversity Strategy, Hamilton’s Biodiversity Action Plan, Hamilton’s Urban Forest Strategy) as well as Provincial requirements (policies in Section 4.1 of the Provincial Planning Statement); and,
- Increase species loss within the Province and Hamilton.

Environmental Registry of Ontario Posting No. 025-0391 – *Special Economic Zones Act, 2025*

The Province sought input on the proposed *Special Economic Zones Act, 2025* which would:

- Grant the Provincial government power to designate geographic areas as Special Economic Zones and identify vetted projects and trusted proponents within those zones if certain criteria are met.
- Allow the Provincial government to exempt a trusted proponent or designated project within a Special Economic Zone from requirements under an Act, regulation, or other instrument under an Act, including by-laws of a municipality or local board.
- Allow the Provincial government to modify the provisions of an Act, regulation, or other instrument under an Act, for designated projects or trusted proponents within a Special Economic Zone.

While the legislation would provide the Province with another tool to respond to economic threats and facilitate economic development opportunities, additional information is necessary to understand how a Special Economic Zone would be implemented before the City of Hamilton concludes its comments on the legislation. City staff have concerns that the legislation could result in unintended consequences including issues related to public infrastructure and facilities, land use compatibility, municipal finances, natural heritage, planning for a changing climate and protection of archaeological resources, among others.

City staff have concerns that the legislation's ability to 'override' other Provincial legislation, regulations and municipal by-laws could result in unintended consequences and is a move away from Ontario's planning policy framework established through the Provincial Planning Statement, 2024. This can include unintended issues related to public infrastructure and facilities, land use compatibility, municipal finances, natural heritage, planning for a changing climate and protection of archaeological resources, among others.

In preparing the associated regulations within the Act, City of Hamilton staff encourage the Province to establish clear rules on when, where, and how these Zones and trusted proponents would be selected and that the process include rights holders and municipal collaboration. Without clearly defined criteria, it will be difficult for the City to plan for any changes or to complete proactive work.

Specifically, with respect to archaeological resources, City of Hamilton staff note that archaeological assessments are a core feature of First Nations engagement. If site alteration is exempted from archaeological assessment, Indigenous Historical Sites may be destroyed and changes may also cause a loss of significant natural areas and hunting lands which are a Treaty and Aboriginal right protected by Section 35 of the Canadian Charter of Rights and Freedoms, which the Province has a duty to uphold. If archaeological requirements are to be removed within the Special Economic Zones, clarification will be needed regarding how these exemptions will conform with Section 35 of the Canadian Charter of Rights and Freedoms.

Following the submission of staff comments to the Environmental Registry of Ontario, the Province has indicated that they would introduce amendments to Bill 5 that would add provisions related to the provinces' duty to consult and make the regulations under Bill 5 consistent with Section 35 of *the Constitution Act*. The Province also indicated that the amendment would introduce Indigenous-led Economic Zones. Ultimately, these proposed amendments were not made to Bill 5, which received Royal Assent on June 5, 2025.

Environmental Registry of Ontario Posting No. 025-0418 – Proposed Amendments to the *Ontario Heritage Act*, Schedule 7 of the *Protect Ontario by Unleashing our Economy Act*, 2025.

Schedule 7 of Bill 5 proposed legislative amendments to the *Ontario Heritage Act* that changes the enforcement and compliance procedures related to the inspection and protection of artifacts and archaeological sites. The legislation would also allow for the exemption of properties from archaeological conservation requirements outlined in Part VI of the *Ontario Heritage Act* or any other Act, regulation, or instrument other than the *Funeral, Burial and Cremation Services Act*, 2002.

Staff support expanding regulations and options to permit the depositing of artifacts with an Indigenous community. Staff also support clear mechanisms through which assessments may be issued and the inclusion of language which offers clear stop work directives for proponents.

However, staff are not supportive of the amendments that would allow a property to be exempted from archaeological assessments without consultation or consideration of the cultural heritage value or interest of a property. Allowing for the exemption of properties from the requirements of Part VI of the *Ontario Heritage Act* risks the destruction of historic sites and the removal of the Ministry's and Municipality's ability to intervene in cases where archaeological materials may need to be further investigated.

Furthermore, staff are concerned the legislation will exclude respectful participation of First Nations in archaeological assessments and would result in degradation of Indigenous historical sites and potential for loss of important cultural history.

Next Steps

Staff will continue to provide updates to Council on matters related to Bill 5, including the release of regulations associated with the creation of Special Economic Zones. If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submissions made have been adopted by Council and of any changes as a result of Council's consideration of the matter.

Alternatives

Council may amend the staff-level comments attached as Appendix A of Report PED25181 or supplement the staff-level comments with additional comments.

Relationship to Council Strategic Priorities

Priority 1 - Sustainable Economic and Ecological Development

Priority 2 - Safe & Thriving Neighbourhoods.

Consultation

Staff from within the Planning Division, the Office of Climate Change Initiatives, Economic Development Division, Indigenous Relations Office, and Public Works Department were consulted in the drafting of this report and appendices.

Appendices and Schedules Attached

Appendix A: City of Hamilton Staff Submission for Environmental Registry of Ontario
Postings 025-0380, 025-0391, and 025-0418

Prepared by: Scott Turnbull, Planner II
Planning & Economic Development Department, Planning Division

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner
Planning & Economic Development Department

City of Hamilton Staff Comments on Bill 5, *Protect Ontario by Unleashing our Economy Act, 2025*

City of Hamilton staff did not have any comments on Schedule 1, 3, 4, 5, 6 and 8 of Bill 5.

Bill 5 – <i>Protect Ontario by Unleashing our Economy Act, 2025</i>	
Schedule 2 – <i>Endangered Species Act, 2007</i>	
Proposed Change	Comments
<p>The purpose of the act is amended.</p> <p>Amend subsection 2(1), and section, 7, 17.</p> <p>Repeals section 18, 20, 30, 57, and Schedules 1 to 5.</p> <p>Adds subsection 20.3(7) to (9), 20.19, and 22.1.</p> <p>Other various amendments.</p>	<p>Species at Risk (SAR) have been listed as extirpated, endangered, threatened, and special concern because they are the most vulnerable to threats. Hamilton is a biodiversity hotspot with many unique habitats that support both common species as well as SAR. The current <i>Endangered Species Act, 2007</i> has not been a barrier to development in the City of Hamilton with the use of Formal Consultation to identify Species at Risk early in the process.</p> <p>City of Hamilton staff are not supportive of the proposed changes to the <i>Endangered Species Act, 2007</i> as they will:</p> <ul style="list-style-type: none"> i. undermine successful species recovery efforts within the Province as a whole, as well as within Hamilton; ii. undermine the intent of Provincial and Municipal Strategies (i.e., Ontario Biodiversity Strategy, Hamilton Biodiversity Action Plan, Hamilton’s Urban Forest Strategy) as well as Provincial requirements (policies associated in Section 4.1 of the Provincial Planning Statement); and iii. increase species loss within the Province and Hamilton. <p>Specific concerns with the proposed changes include:</p> <ul style="list-style-type: none"> • Purpose of the Act: The purpose of the act is proposed to be changed to: <ul style="list-style-type: none"> i. identify species at risk based on scientific information; and ii. provide protection and conservation of species while taking into account social and economic considerations including the need for sustainable economic growth in Ontario.

	<p>There is concern with the proposed change to the purpose of the act as the change does not help protect biodiversity. As noted in the Value for Money Audit “Protecting and Recovering Species At Risk” (November 2021-Office of the Auditor General), habitat loss from land use and disturbance from human alteration is the biggest threat to species in Ontario. The proposed amendment also does not align with the scientific based approach that is to be used to identify species at risk. Since SAR are the most vulnerable species, there should be a focus on efforts to stop or reverse the impacts. These species could become downlisted or removed from the SAR list.</p> <ul style="list-style-type: none"> • Definition of Habitat: The definition of “habitat” within the current <i>Endangered Species Act</i> recognizes that species may use broad areas (directly or indirectly) to carry out life processes (i.e., breeding, rearing, hibernation, migration, feeding) and includes places used as dens, nests, hibernacula, or other residences. <p>The definition of “habitat” is proposed to be changed to only the dwelling place and the area immediately around the dwelling place. There is concern with this approach since it takes a narrow view and does not consider that species rely on areas other than their dwellings to complete life processes. For example, Jefferson Salamander, an endangered species, lives in the soil under logs or leaf litter in a forest. This species travels to woodland ponds to breed. If the proposed definition was used, it would not provide protection for the breeding area for this species.</p> <p>If the <i>Endangered Species Act</i> is changed, the current definition of “habitat” should remain as part of the Act.</p> <ul style="list-style-type: none"> • Listing of Species: The Committee on the Status of Species at Risk in Ontario (COSSARO), an independent committee, currently identifies which plants and animals should be considered as SAR. This is based on scientific knowledge, community knowledge, and Indigenous Traditional Knowledge. Currently, once a species is to be determined as a SAR, it is listed within the regulation. <p>Changes have been proposed that would remove the requirement to create a regulation once a species has been listed. Specific information has not been provided on how this will be implemented. This approach is not equitable and will result in species not being adequately protected. This will result in a loss in biodiversity. In addition, it is unclear how Species of Special Concern will be addressed. These species are considered a component of a Significant Wildlife Habitat within the Provincial Planning Statement.</p>
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	<p>While there have been no changes to the composition of COSSARO, staff recommend the appointment to this committee be fully transparent and that COSSARO's recommendations be included within any regulation to ensure that decisions respecting endangered species are made based on a scientific basis.</p> <ul style="list-style-type: none"> Recovery and Management Strategies: The promotion of recovery (where decline of a SAR is stopped or reversed) is a component of the current <i>Endangered Species Act</i>. This recognizes that there is the opportunity to improve the status of SAR based on scientific knowledge. Biodiversity loss including the loss of ecosystem services is important to the economy. As noted in the Value for Money Audit "Protecting and Recovering Species At Risk" (November 2021-Office of the Auditor General), "failing to protect and recover species will increase problems such as soil erosion, air pollution, forest fires, floods". <p>The requirement for creating recovery strategies and management plans is proposed to be removed. These plans are required to reverse the fate of species. This represents a very narrow view (once a species is listed there is no likelihood of long-term survival) and does not consider the resiliency of species if concerted efforts are employed. Species may be down listed or removed from the SAR list altogether.</p> <p>An example of species recovery is the Bald Eagle. The City of Hamilton supports habitat for this species. This species was once identified as "Endangered" because of a pesticide (DDT). Through efforts of Conservation Organizations as well as a Management Plan prepared by the province several actions were identified to ensure that this species recovered to achieve a stable or increased population. This has led to a change in the status of this species to "not at risk".</p> <p>If the <i>Endangered Species Act</i> is changed, the current process of requiring recovery and management strategies should remain as part of the Act.</p> <ul style="list-style-type: none"> Species at Risk Conservation Fund: Additional information is necessary to understand how the existing funds in the Species at Risk Conservation fund will be utilized before City of Hamilton staff provide comment. Transparency: City of Hamilton staff have concerns that the proposed changes will decrease transparency and access to information, specifically as it relates to removal of the requirement for regulations and posted notices and the appointment of members to COSSARO.
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Schedule 7 – Ontario Heritage Act	
Amends Section 51.2, 66, and 68.3. Adds section 61.1, 66.1, 66.2, 69.1, 69.2 and Part VI.1.	<p>A core principle in the City of Hamilton is early and meaningful engagement with First Nations. The City has developed an Archaeology Master Plan to assist in meeting that principle and are concerned that the proposed legislation will exclude respectful participation of First Nations in archaeological assessments and would result in degradation of Indigenous historical sites.</p> <p>Without First Nations being able to participate in archaeological assessments, and without the Ministry providing artifacts to First Nations there is the potential for a loss of important cultural history and information.</p> <p>Section 51.2</p> <p>City of Hamilton staff note that under the existing <i>Ontario Heritage Act</i> only licensed archaeologists are permitted to conduct archaeological assessments. The addition of sections 51.2 (1)(b) expands this authority to appointed inspectors, for whom there are no professional credentials required. City of Hamilton staff recommend the inclusion of clear mechanisms through which they will ensure appointed inspectors are required to hold necessary credentials or expert council to conduct archaeological assessments. City Staff also recommend that additional language be added requiring inspectors to notify First Nations on whose territory the inspection is occurring and provide them with the opportunity to send a delegate to attend the inspection.</p> <p>Considering the proposed amendments under section 66 of this Act, City of Hamilton staff recommend that the province clarify and strengthen the processes through which an inspection may be triggered and clarify whether the proposed changes would exempt designated properties from ministerial inspections. City of Hamilton staff are not supportive of any language which would exempt properties from inspections.</p> <p>City of Hamilton staff note that archaeological materials, under Part VI of the <i>Ontario Heritage Act</i>, are managed by the Province of Ontario, stewarded by license holders on behalf of the province unless they are formally repatriated. City of Hamilton staff requests clarification in the return of archaeological artefacts to persons who are not licensed archaeologists.</p> <p>Section 51.3</p> <p>City of Hamilton staff are supportive of expanding the authority for reporting beyond solely assessing the license holders' compliance with regulations, terms, and conditions under the <i>Ontario Heritage Act</i>. Staff</p>

	<p>also recommend including language to circulate reports to First Nations on whose territory the site is located and municipal planning authorities where applicable.</p> <p>Section 61.1</p> <p>City of Hamilton staff are supportive of providing clear mechanisms through which assessments may be issued and the inclusion of language which offers clear stop work directives for proponents.</p> <p>Section 66</p> <p>City of Hamilton staff are supportive of expanding regulations and options to permit the depositing of artefacts with an Indigenous community.</p> <p>Section 66.1</p> <p>City of Hamilton staff are concerned that the exemption of a property from an archaeological assessment without consultation or consideration of the cultural heritage value or interest of a property, will lead to unintended consequences.</p> <p>City of Hamilton staff are not supportive of these proposed exemptions and recommend refining the proposed regulation to better address incompatibilities with existing Provincial and Municipal planning contexts, and establishing clearer requirements for consultation with affected municipalities, stakeholders, and rightsholders. City of Hamilton staff further recommends adding requirements to consider the existing public interest cultural heritage value or interest and archaeological potential of a property.</p> <p>While City of Hamilton staff are supportive of including a provision which prevents the exemption of properties from provisions and regulations under the <i>Funeral, Burial, and Cremation Services Act, 2002</i>, staff note that a key aspect of archaeological assessments includes identifying potential burial or funeral sites. The exemption of properties from archaeological assessments poses a strong risk of damage or destruction to undiscovered burial and funeral sites which may exist on exempted properties. It is unclear whether knowingly exempting a property which holds archaeological potential (including the possibility of unknown burials) from further assessment may be incompatible with the <i>Funeral, Burial, and Cremation Services Act, 2002</i> which states that only persons appointed by the coroner may disturb burial sites. City of Hamilton staff are therefore not supportive of these exemptions, and the mechanisms through which exemptions will be identified.</p>
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	<p>City of Hamilton staff requests further clarification on the impacts of these proposed regulations in the instance that archaeological materials, which are not covered by the <i>Funeral, Burial, and Cremation Act, 2002</i>, are found on an exempted property outside of an archaeological assessment. City of Hamilton staff note that the proposed amendments in sections 51.2 and 51.3 of the Act provide expanded authorities to inspect properties which may hold archaeological potential, but the pathways through which these inspections may be triggered are unclear. It is further unclear whether a site which has been deemed exempt from the Part VI of the Act would additionally be exempt from ministerially ordered inspections. City of Hamilton staff are concerned that this may erode municipal and provincial abilities to prevent the destruction of cultural heritage assets once discovered. City of Hamilton staff also have concern that the proposed exemptions from the <i>Ontario Heritage Act</i> will erode requirements to report the identification of archaeological remains.</p> <p>Exempting properties from reporting requirements under Part VI of the Act, without access to expert assessments, reports, and monitoring of work, risks the destruction of sites on a given property, including but not limited to those protected under the <i>Funeral, Burial, and Cremation Services Act, 2002</i> due to a lack of expert interpretation on the contents of a site.</p> <p>City of Hamilton staff recommends prohibiting a property from being exempt from sections 51.1, 51.2, 51.3, 52, 53, 54, 55, 56, 61, 62, 63, 64, 65, 68, and 69 of the Act. These sections provide ministerial authority to investigate, identify, and designate sites of archaeological interest, and provide the authority through which work may be ordered to stop by ministerial authority. City of Hamilton staff are concerned that exemption from these sections of the Act risks removing ministerial and municipal abilities to intervene in cases where archaeological materials, including but not limited to burials and funeral sites, may be further investigated should there be identified interest.</p> <p>Section 66.2</p> <p>City of Hamilton staff are not supportive of extinguishing cause to action as a result of anything done in accordance with the proposed Section 66.1 of this Act. City of Hamilton staff note that the exemption of properties from archaeological assessment requirements increases the risk of destruction or damage to cultural resources of value or interest, including but not limited to burials and funeral sites.</p>
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Schedule 9 – <i>Special Economic Zones Act, 2025</i>	
Proposed Change	Comments
The schedule enacts the <i>Special Economic Zones Act, 2025</i> .	<p>City of Hamilton staff supports the province having the ability to quickly take actions to support Ontario's economy in the face of rising global uncertainty and tariffs. Staff acknowledge the potential to leverage these zones into economic benefits for the City of Hamilton, including job creation and incentivizing and attracting investment for economic activity in the proposed "Special Economic Zones".</p> <p>While the proposed legislation would provide the Government of Ontario with another tool in responding to economic threats and facilitating economic development opportunities, additional information is necessary to understand how a Special Economic Zone would be implemented before the City of Hamilton concludes its comments on the legislation. In preparing the associated regulations with the Act, City of Hamilton staff strongly encourage the province establish clear rules on when, where and how these zones and trusted proponents would be selected and that the process include rights holder and municipal collaboration to facilitate the best economic outcomes for communities. Without clearly defined criteria, it makes it difficult for the city to plan for any changes or to complete any proactive work.</p> <p>At this time, City staff have concerns that the legislation's ability to 'override' other Provincial legislation, regulations and municipal by-laws could result in unintended consequences and is a move away from Ontario's planning policy framework established through the Provincial Planning Statement, 2024. This can include unintended issues related to public infrastructure and facilities, land use compatibility, municipal finances, natural heritage, planning for a changing climate and protection of archaeological resources among others.</p> <p>Specifically with respect to archaeological resources City of Hamilton staff note that archaeological assessments are a core feature of First Nations engagement. If site alteration occurs without archaeological assessment, Indigenous Historical Sites may be destroyed and may also cause a loss of significant natural areas and hunting lands which are a Treaty and Aboriginal right protected by Section 35 of the Canadian Charter of Rights and Freedoms, which the province has a duty to uphold. If archaeological requirements are to be removed within the Special Economic Zones, clarification will be needed regarding how these exemptions will conform with Section 35 of the Canadian Charter of Rights and Freedoms.</p>

Schedule 10 – <i>Species Conservation Act, 2025</i>	
Proposed Change	Comments
The act repeals the <i>Endangered Species Act, 2007</i> and enacts the <i>Species Conservation Act, 2025</i> .	<p>Species at Risk (SAR) have been listed as extirpated, endangered, threatened, and special concern because they are the most vulnerable to threats. Hamilton is a biodiversity hotspot with many unique habitats that support both common species as well as SAR. City of Hamilton staff are not supportive of the creation of the <i>Species Conservation Act</i> as it will:</p> <ul style="list-style-type: none"> i) undermine successful species recovery efforts within the province as a whole, as well as within Hamilton; ii) undermine the intent of Provincial and Municipal Strategies (i.e., Ontario Biodiversity Strategy, Hamilton Biodiversity Action Plan, Hamilton’s Urban Forest Strategy) as well as Provincial requirements (policies associated in Section 4.1 of the Provincial Planning Statement); and iii) increase species loss within the Province and Hamilton. <p>Specific concerns include:</p> <ul style="list-style-type: none"> • Purpose of the Act: The purpose has been identified as: <ul style="list-style-type: none"> i) identify species at risk based on scientific information and ii) provide protection and conservation of species while taking into account social and economic considerations including the need for sustainable economic growth in Ontario. <p>There is concern with the proposed purpose of the act as it does not help protect biodiversity. As noted in the Value for Money Audit “Protecting and Recovering Species At Risk” (November 2021- Office of the Auditor General), habitat loss from land use and disturbance from human alteration is the biggest threat to species in Ontario. The proposed purpose of the act also does not align with the scientific based approach that is to be used to identify species at risk. Since SAR are the most vulnerable species, there should be a focus on efforts to stop or reverse the impacts. These species could become downlisted or removed from the SAR list.</p> <p>To recognize the importance of biodiversity conservation and the impacts that human activity has had on species, the purpose of the act should be revised to:</p>

	<p>i) identify species at risk based on scientific information;</p> <p>ii) protect species and their habitats and promote the recovery of species at risk; and</p> <p>iii) promote stewardship activities that assist in protection and recovery.</p> <ul style="list-style-type: none"> • Definition of Habitat: The definition of “habitat” is proposed to include only the dwelling place and the area immediately around the dwelling place. There is concern with this approach since it takes a narrow view and does not consider that species rely on areas other than their dwellings to complete life processes. For example, Blandings Turtle, a threatened species, may travel long distances to find a mate or travel to a nesting site. If the proposed definition was used, it would not provide protection for the breeding area for this species. The definition should be changed to reflect the definition found within the current <i>Endangered Species Act</i>. • Listing of Species: The Committee on the Status of Species at Risk in Ontario (COSSARO), an independent committee, will identify which plants and animals should be considered as SAR. This is based on scientific knowledge, community knowledge, and Indigenous Traditional Knowledge. This role of this committee is limited to identifying and classifying species and providing reports to the Minister. <p>This Act would not make it mandatory to create a regulation once a species has been listed. Specific information has not been provided on how this will be implemented. This approach is not equitable and will result in species not being adequately protected. This will result in a loss in biodiversity. In addition, it is unclear how species of Special Concern will be addressed. These species are considered Significant Wildlife Habitat within the Provincial Planning Statement. If the recommendations of COSSARO may not be automatically included within the regulation, there is the potential for decisions on endangered species being made not based on science.</p> <ul style="list-style-type: none"> • Species Conservation Registry: Changes from permits (as identified within the current <i>Endangered Species Act</i>) to a registry system have been proposed. There is concern with this approach. It reduces further consultation, does not allow for conditions to be considered and does not consider the cumulative impacts on a species. There is also concern that rules/criteria associated with the registry have not been provided. <p>The current permitting approach associated with the <i>Endangered Species Act</i> should continue to be more effective, consistent messaging (through the development of guidelines) should be provided by the SAR biologists.</p>
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City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: July 8, 2025

Report No: PED24077(b)

Subject/Title: Recommendation to Pass a By-law to Designate 84 York Boulevard, Hamilton, (Philpott Memorial Church) under Part IV of the *Ontario Heritage Act*

Ward(s) Affected: Ward 2

Recommendations

- 1) That the draft By-law to designate 84 York Boulevard, Hamilton (Philpott Memorial Church) under Part IV of the *Ontario Heritage Act*, attached as Appendix A to Report PED24077(b), which has been prepared in a form satisfactory to the City Solicitor, **BE ENACTED** by City Council.

Key Facts

- This Report recommends that Council pass a By-law to designate 84 York Boulevard, Hamilton (Philpott Memorial Church) under Part IV of the *Ontario Heritage Act* before the Notice of Intention to Designate period ends on July 31, 2025, and the property is removed from the Municipal Heritage Register. Once the Notice period ends, the property will no longer have protections under the *Ontario Heritage Act*.
- On July 12, 2024, Council directed staff to work with the owner (The Trustees of Philpott Memorial Church) and prospective purchaser (Developer) of the property to negotiate a heritage conservation easement agreement or covenant as an alternative to designation of 84 York Boulevard as a means to ensure that the existing heritage building was maintained, and the cultural heritage attributes were protected until such time that the required *Planning Act* applications for a large mixed use project proposing 600 housing units on the site was processed and approved.
- To ensure the heritage value of the property was protected during negotiations, the City entered into an agreement with the Trustees of Philpott Memorial Church

Recommendation to Pass a By-law to Designate 84 York Boulevard, Hamilton, (Philpott Memorial Church) under Part IV of the *Ontario Heritage Act* Page 2 of 6

and the Developer on July 12, 2024, to extend the Notice of Intention to Designate expiry by 120 days, until December 11, 2024, and, on November 27, 2024, agreed to extend the expiry again to July 31, 2025.

- To date, the City has been unable to negotiate a heritage conservation easement agreement or covenant with the Trustees of Philpott Memorial Church or the Developer. Without passing a designation by-law, an active Notice of Intention to Designate, or an executed heritage easement or covenant, the City does not have any mechanism to manage change and conserve the identified heritage attributes of this heritage property.
- Therefore, staff recommend proceeding with passing the by-law to designate 84 York Boulevard, Hamilton, attached as Appendix A to Report PED24077(b), under Part IV of the *Ontario Heritage Act*. Once a designation by-law has been passed, any further appeal would be heard before the Ontario Land Tribunal.

Financial Considerations

Not applicable.

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 Memorial 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 (The Trustees of Philpott Memorial Church) and the Ontario Heritage Trust. During the legislated objection period, the City Clerk received five notices of objection to the Notice of Intention to Designate, which were presented to Planning Committee on June 18, 2024 (see Report PED24077, Planning Committee Report 24-003). Staff's assessment of these objections in Report PED24077 found that the property still met criteria for designation under Part IV of the *Ontario Heritage Act*, and staff recommended that Council pass a designation by-law.

On June 26, 2024, Council resolved to hold the passing of a designation by-law in abeyance until such time as staff had further discussion with the Trustees of Philpott Memorial Church and the Developer and reported back about reaching a multi-party agreement that would: allow for residential development on the site; recognize and include heritage features of the existing structure; address the financial interests of the Church; and, secure the City's interest that development is achieved within a reasonable timeline.

Recommendation to Pass a By-law to Designate 84 York Boulevard, Hamilton, (Philpott Memorial Church) under Part IV of the *Ontario Heritage Act* Page 3 of 6

On July 12, 2024, Council considered staff's report back (Report PED24077(a)) and directed staff to, in lieu of passing a designation by-law, pursue the negotiation of a heritage conservation easement agreement or covenant under Section 37(1) of the *Ontario Heritage Act* to ensure that the existing heritage building would be maintained, and the cultural heritage attributes protected while the required *Planning Act* applications for the site were processed. Council directed that the provisions including monitoring, securities and conservation plan be included in a heritage conservation easement agreement or covenant negotiated for 84 York Boulevard and that it is not released until such time that a *Planning Act* application for 600 residential units including requirements for larger units and a number of other design conditions was approved.

To help facilitate the negotiation and further discussions, on July 12, 2024, the City of Hamilton entered into an agreement with the Trustees of Philpott Memorial Church and the Developer to extend the 120-day legislated timeframe for the City to put forth a designation by-law following the issuance of a Notice of Intention to Designate to December 11, 2024. The intention was for Council to preserve its right to designate the property if negotiations for a heritage easement agreement or covenant on the terms set out above were unsuccessful.

A draft copy of the Heritage Covenant Agreement was provided to the Developer's consultant and The Trustees of Philpott Memorial Church on September 4, 2024, for their review.

Having received no response from the Developer, staff contacted the Developer and the Trustees of Philpott Memorial Church in October 2024 and were informed that the purchase agreement had not been resolved. In order to allow more time for discussions with the Developer, a new agreement to extend the 120-day legislated timeframe for the City to put forth a designation by-law following the issuance of a Notice of Intention to Designate, was executed by the City and the Trustees of Philpott Memorial Church extending the timeframe to July 31, 2025.

On March 25, 2025, staff met with representatives of the Trustees of Philpott Memorial Church and were informed that the purchase agreement had not been resolved.

Staff contacted the Developer's consultant on April 4, 2025, and offered to meet to review and consider changes to the conditions to release the Heritage Easement or Covenant that may improve the viability of the proposed development recognizing the current downturn in the market. Staff requested a response by April 18, 2025. The Developers' Consultant confirmed that the information was provided to their client and on May 16, 2025, informed staff that they have received no instructions on staff's offer to meet.

Analysis

Despite active communication with the Trustees of Philpott Memorial Church and the Developer and two extensions to the Notice of Intention to Designate timelines, the City has been unable to negotiate a heritage conservation easement agreement or covenant for 84 York Boulevard, as directed by Council.

In the absence of a signed heritage conservation easement agreement or covenant, the expiry of the existing Notice of Intention to Designate on July 31, 2025, would result in the removal of the property from the City's Municipal Heritage Register, and would also remove all existing protections to the property's heritage attributes provided by the Notice under Part IV of the *Ontario Heritage Act*.

The only action available to the City to continue the uninterrupted protection of the subject property under the *Ontario Heritage Act* is to pass the by-law to designate under Part IV of the *Ontario Heritage Act*. The intent of municipal designation 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. Designated properties are also eligible for the City's heritage grant and loan programs to assist with heritage conservation and restoration work.

Therefore, staff recommend that the draft by-law to designate 84 York Boulevard, Hamilton (Philpott Memorial Church) under Part IV of the *Ontario Heritage Act*, attached as Appendix A to Report PED24077(b), be enacted.

The recommendations of this Report are consistent with Provincial and Municipal legislation, policy, and direction, including:

- Implementing proactive strategies for conserving significant built heritage resources (Provincial Planning Statement, 2024, Sub-section 4.6.4(b));
- 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)).

Alternative

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, after its consultation with the Municipal Heritage Committee, may decide to take no action by receiving the report resulting in a deemed withdrawal of the notice of intention to designate on July 31, 2025, or choose to not enact the designation by-law.

Either alternative will result in the removal of the property from the Municipal Heritage Register for five years and it will therefore not have the 60-day protection from demolition provided by the register. Staff do not recommend this as the City would be unable to protect the heritage attributes of the property in the interim while redevelopment of the site is being considered and it would not fulfil the expectations established by existing municipal and provincial policies. It would also result in the property not being subject to the requirement for an alteration permit under the *Ontario Heritage Act*, nor would it be subject to the elevated property maintenance standards for a designated property in the property standards by-law leaving heritage attributes without a clear level of protection. As an undesignated property it would also not be eligible for the City's financial incentives for heritage properties, including development charge exemption and grant and loan programs.

Deemed Withdrawal by Taking No Action

If Council does not wish to enact the designation by-law it could either take no action on the staff recommendation or make a decision not to enact the by-law. Of these two non-designating options, staff believe it is preferable to take no action on the staff recommendation. The *Ontario Heritage Act* is clear that where Council takes no action to designate (deemed withdrawal situation) Council is not precluded from designating the property in the future.

After a deemed withdrawal, Council may issue a new Notice of Intention to Designate. Staff do not consider this a preferred conservation alternative because it would leave the property without any heritage protections from a building permit to demolish in the period between notices. It could permit the demolition or loss of heritage attributes as timelines to issue a new Notice of Intention to Designate would be constrained.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.
- Priority 3: Responsiveness & Transparency
 - 3.2: Get more people involved in decision making and problem solving.

Previous Reports Submitted

- [PED24007 - Recommendation to Designate 84 York Boulevard, Hamilton \(Philpott Memorial Church\), under Part IV of the *Ontario Heritage Act* \(Ward 2\)](#)
- [PED24077 - Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act* \(Ward 2\)](#)
- [PED24077\(a\) - Recommendation to Enter into a Heritage Conservation Easement or Covenant for 84 York Boulevard, Hamilton \(Philpott Memorial Church\), under Part IV of the *Ontario Heritage Act* \(Ward 2\)](#)
- [PED25041 - Extension Agreement for the Notice of Intention to Designate 84 York Boulevard, Hamilton \(Philpott Memorial Church\) \(Ward 2\)](#)

Consultation

- The Trustees of Philpott Memorial Church.
- The Developer through their agent, Armstrong Planning and Project Management.
- Legal and Risk Management Services, Corporate Services.
- Hamilton Municipal Heritage Committee.
- Planning staff have emailed the Ward Councillor (Councillor C. Kroetsch) for Ward 2 and provided an overview of the reasons for this recommendation.
- Planning staff have emailed the Office of the Mayor and provided an overview of the reasons for this recommendation.

Appendices and Schedules Attached

Appendix A to Report PED24077(b) – Draft By-law to Designate 84 York Boulevard

Prepared by: Scott Dickinson, Cultural Heritage Planner
Planning and Economic Development, Planning Division

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development, Planning Division

Authority: Item 12, Planning Committee Report 24-010 (PED24077(a))

CM: July 12, 2024 Ward: 2

Written approval for this by-law was given by Mayoral Decision MDE-2025-

XX

Dated X, 2025

Bill No.

CITY OF HAMILTON

BY-LAW NO. 25-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 objection was considered by Council in accordance with subsection 29(6) of the *Ontario Heritage Act*;

AND WHEREAS the owner of the Property entered an agreement with the City of Hamilton and another party dated July 12, 2024, in which the parties agreed to extend

To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural Heritage Value

the time in which Council of the City of Hamilton is able to pass a by-law designating the Property until December 11, 2024;

AND WHEREAS the owner of the Property entered an agreement with the City of Hamilton dated November 27, 2024, in which the parties agreed to extend the time in which Council of the City of Hamilton is able to pass a by-law designating the Property until July 31, 2025;

AND WHEREAS Council has decided to designate the Property in accordance with section 29(8) of the *Ontario Heritage Act*;

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 month, 202X.

A. Horwath
Mayor

M. Trennum
City Clerk

To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural
Heritage Value

Schedule “A”

To

By-law No. 25-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

To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural
Heritage Value

Schedule “B”

To

By-law No. 25-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.

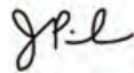
Statement of Cultural Heritage Value or Interest

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 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
hamilton.ca/heritageplanning



To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural Heritage Value

Schedule “C”

To

By-law No. 25-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.

To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural
Heritage Value

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 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.

To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural Heritage Value

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:

- 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 dentiled 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;

To Designate Property Located at 84 York Boulevard, City of Hamilton as Property of Cultural Heritage Value

- 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;
 - 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 Report for Consideration

To: Chair and Members
Planning Committee

Date: July 8, 2025

Report No: PED23044(b)

Subject/Title: Inclusionary Zoning – Market Feasibility Study and Peer Review

Ward(s) Affected: Wards 1, 2, 3, 4 and 5

Recommendations

- 1) That the Inclusionary Zoning Market Feasibility Study, prepared by urbanMetrics Inc., dated March 26, 2024, and the 2025 Addendum dated April 30, 2025, attached as Appendix A and Appendix B to Report PED23044(b), **BE RECEIVED**;
- 2) That the Peer Review – Hamilton Inclusionary Zoning Market Feasibility Study, prepared by N. Barry Lyon Consulting Ltd., dated March 31, 2023, attached as Appendix C to Report PED23044(b), **BE RECEIVED**;
- 3) That staff **BE DIRECTED** to undertake public and community partner engagement on the Inclusionary Zoning Market Feasibility Study, the Peer Review, and the draft Inclusionary Zoning framework, attached as Appendix D to Report PED23044(b), refine the framework, and report back to Planning Committee with final recommendations for Inclusionary Zoning in Q3 2026and,
- 4) That staff **BE DIRECTED** to review existing Official Plan policies and Zoning regulations for opportunities to increase heights to provide opportunities for additional dwelling units to support Inclusionary Zoning.

Key Facts

- The purpose of this report is to introduce the findings of the Market Feasibility Study and to receive direction to begin public engagement on a draft inclusionary zoning policy framework.

- A municipal assessment has been completed as required by the Province prior to enacting Inclusionary Zoning policies and the findings have been used to inform the creation of a draft policy framework.
- Staff are seeking direction to engage with the public, key agencies, and partners, to refine the framework and develop detailed recommendations.

Financial Considerations

Costs will be incurred for consultation, including the hiring of a facilitator, ongoing participation from urbanMetrics and SHS Consulting, and other costs associated with the engagement on the final framework. Costs will be paid for out of existing funds in the Community Planning Studies Capital Account (8120955900).

Background

Inclusionary Zoning is a land use planning tool that has the potential to deliver affordable units within market-rate developments over the long term. The tool was first introduced in the 1970's and was used throughout the United States to secure affordable housing units. The application of this policy tool is much newer to Canada. As part of the *Promoting Affordable Housing Act, 2016*, the Province of Ontario introduced a framework to allow municipalities to include Inclusionary Zoning in Official Plan policies and Zoning By-law regulations.

In April 2018, the Province released further details and limitations on the use of this policy tool through Ontario Regulation 232/18 which limited its application to Protected Major Transit Station Areas or Community Planning Permit System areas. A Protected Major Transit Station Area is a subtype of a Major Transit Station Area. A Major Transit Station Area includes the area around any existing or planned higher order transit station or stop, or the area around a major bus depot in an urban core. Major Transit Station Areas are defined as the area within an approximate 500 to 800 metre radius of the transit station, representing about a 10-minute walk. Municipalities may determine which Major Transit Station Areas it identifies as Protected Major Transit Station Areas pursuant to the *Planning Act*, but Protected Major Transit Station Areas require Ministry of Municipal Affairs and Housing approval.

On October 25, 2022, the Province released additional proposed changes to the regulations for Inclusionary Zoning which were posted on the Environmental Registry of Ontario. The City provided comments on the proposed changes, which were endorsed by Planning Committee on November 29, 2022 (PED22207).

On May 12, 2025, Ontario Regulation 54/25 came into effect. Ontario Regulation 54/25 amended Ontario Regulation 232/18 which sets the provincial framework for Inclusionary Zoning. The amendments limit the number of required affordable housing units, or gross floor area to be occupied by affordable housing units to a maximum of 5%. Further, the maximum affordability period was set at 25 years. Additional changes to Ontario Regulation 232/18 proposed and posted to the Environmental Registry of Ontario on October 25, 2022, have not been implemented.

Inclusionary Zoning programs can reduce revenues for market-rate housing developers due to lower rent and sale prices for affordable units. As such, Ontario Regulation 232/18 requires the City to undertake a municipal assessment report before implementing any Inclusionary Zoning policies, to ensure that market-rate residential development continues to be financially viable for private housing developers. The municipal assessment report includes two key components. The first component is an analysis of existing and projected housing supply and affordability, demographic trends, and resulting housing needs across the City. The City retained SHS Consulting to complete the analysis and a draft report was presented to Planning Committee on February 14, 2023 (PED23044(a)).

The second component of the municipal assessment report is an analysis of the market and financial feasibility of development and redevelopment with the enactment of an Inclusionary Zoning policy framework. The City retained urbanMetrics Inc. to complete the Market Feasibility Study and a first draft was completed in 2023. On February 8, 2023, Council authorized N. Barry Lyons Consulting Limited to conduct a written peer review of the Market Feasibility Study as legislatively required (PED23044). The peer review has been completed and is attached as Appendix C to Report PED23044(b), and the findings have been incorporated by urbanMetrics into the Market Feasibility Study report attached as Appendix A to Report PED23044(b), and the addendum attached as Appendix B to Report PED23044(b).

Analysis

The analysis section of this report is divided into three key areas. The first being a review of the policy implications and legislated requirements for enacting an Inclusionary Zoning policy in Ontario. The second is the findings of the Market Feasibility Study, and its addendum. Finally, a draft Inclusionary Zoning policy framework is discussed. It should be noted that while the policy framework is in line with the legislated requirements and aligns with the findings from the Municipal Assessment, it is intended to act as a starting place to frame future community engagement and is expected to change, subject to input from community partners and the public.

Policy Implications and Legislated Requirements

The Ontario Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Planning Statement (2024) and other Provincial policy documents. It provides municipal governments with direction and authority to guide development and land use planning through official plans and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province. Bill 7, *Promoting Affordable Housing Act*, 2016 introduced Section 35.2 to the *Planning Act* containing permission for municipalities to implement Inclusionary Zoning provisions. Ontario Regulation 232/18 came into effect April 11, 2018, setting the framework for municipalities looking to explore implementing an Inclusionary Zoning by-law. On May 12, 2025, Ontario Regulation 54/25 came into effect further altering the framework for the creation of an Inclusionary Zoning by-law.

The *Planning Act* limits Inclusionary Zoning to developments of 10 units or more, within Protected Major Transit Station Areas, or where a Community Planning Permit System is in place. Currently, Hamilton does not have a Community Planning Permit System. Prior to enacting Inclusionary Zoning, a Municipal Assessment is required. The Municipal Assessment is required to consider demographics and population, household incomes, housing supply by housing type (planned and existing), current market price and rent by housing type and an analysis of the potential impact Inclusionary Zoning would have on the housing market and feasibility of development. Further, the recent changes to Ontario Regulation 232/18, through Ontario Regulation 54/25, require the set aside rate be limited to a maximum of 5% and a maximum affordability period of 25 years.

In addition to the Provincial Planning policy framework, the Urban Hamilton Official Plan also enables this work. Policy E.2.5.5 of the Urban Hamilton Official Plan promotes the delineation of Protected Major Transit Station Areas and enables the implementation of an Inclusionary Zoning Framework.

Market Feasibility Report, Peer Review and Addendum

The analysis regarding feasibility of an Inclusionary Zoning policy is the most critical component of the regulation requirements. There are several key Inclusionary Zoning policy elements that must be explored to arrive at the most appropriate Inclusionary Zoning program for Hamilton. The following is a summary of those elements and considerations that impact feasibility. Each of these elements is intended to be explored in greater detail through public engagement:

- Set-Aside Rate
 - What is an appropriate set-aside rate that will maintain the viability of market-rate development?
 - Should there be different rates for different market areas?
 - Should there be a different rate for different market tenures?
- Degree of Affordability
 - How should affordability be defined?
- Duration of Affordability
 - What is an appropriate duration of affordability and how should it be maintained over time?
 - How is the unit's affordability managed if the tenant or owner chooses to move/sell or becomes deceased?
- Tenure of Affordable Units
 - What tenures would best serve the City's needs?
 - Should there be specific tenure requirements in certain market areas?
- Offsite Units
 - Should off-site units (required by the *Planning Act* to be within the same Protected Major Transit Station Area) be permitted, and under what conditions?
 - How can the City ensure the timely construction of off-site units?

-
- Exemptions
 - Are there situations or sites that should be excluded from an Inclusionary Zoning Policy because they are more suitable for the achievement of other municipal objectives?
 - Phase-in and Transitions
 - How should program elements be phased in to minimize market disruption (e.g. starting with a very low set aside rate and rising to a predetermined maximum)?
 - How should the program address stronger markets vs. weaker, less viable markets?
 - Program Administration and Implementation
 - For rental units, who would manage the affordable units, fill vacancies with appropriate tenants, and ensure they continue to remain affordable?
 - For ownership units, how would those units be allocated?
 - What are the staff resource implications to the City under various implementation/administration models?
 - Program Monitoring, Reporting and Updating
 - How often should the Inclusionary Zoning Policies and by-law be updated?
 - What additional resources will the City need to allocate to monitoring and updating the policy (reporting every two years and updating every five years)?

The Inclusionary Zoning Market Feasibility Study completed by urbanMetrics is attached as Appendix A to Report PED23044(b), the subsequent addendum is attached as Appendix B to Report PED23044(b), and the Peer Review is attached as Appendix C to Report PED23044(b). The study analysed a hypothetical, 'as-of-right' development at 10 test sites in potential Protected Major Transit Station Areas which have been identified as part of the ongoing Major Transit Station Area planning project. The impacts of various Inclusionary Zoning policy options were considered for each of the sites to determine the feasibility of developments in various scenarios. It is important to be mindful that the analysis carried out in the study represents a point in time, and fluctuating changes to market conditions, construction costs, development, and permit fees can all impact the feasibility of development.

The study considered the feasibility of condominium and rental development at each of the 10 test sites with set aside rates ranging from 0 – 20%. To be considered feasible the benchmark development would have to achieve a 15% profit margin or greater, before taxes. This profit margin is an industry standard and aligns with the feasibility studies carried out in other Ontario municipalities exploring or implementing Inclusionary Zoning.

In determining the feasibility of a project with Inclusionary Zoning requirements, several assumptions were made based on available information, current policy frameworks, and proposed policy changes from the Provincial Government. The affordability period was set at 25 years for all scenarios, in keeping with the proposed changes to Ontario Regulation 232/18, which have now been enacted. It was assumed that rental prices

would match market rates after the affordability period was concluded. The affordability period does not impact the feasibility of a condominium development as any profits are realized by the developer at the time of the initial sale.

The level of affordability was based on regulatory parameters in conjunction with the work completed by SHS Consulting for the Housing Needs Assessment. The affordability numbers from the SHS Consulting report were updated to reflect 2023 average market rents, income levels and mortgage rates. For rentals, the study used 80% of the average market rent across the City by unit type. An income deciles approach was used for determining the sale price of an affordable condominium unit. A studio or bachelor dwelling unit would be affordable to an individual in the third income decile, a one-bedroom unit in the fourth income decile, a two-bedroom unit in the fifth income decile and a three-bedroom unit in the sixth income decile. These parameters result in the following rates:

Table 3: 2023 Affordable Housing Rates

	Maximum Affordable Purchase Price	Monthly Affordable Rent
Studio	\$194,965	\$732
1-Bedroom	\$245,402	\$876
2-Bedroom	\$300,934	\$1,017
3-Bedroom	\$364,429	\$1,183

In an evaluation of the benchmark condominium developments, six of the 10 developments would be feasible with a 0% set aside rate, and one would be feasible with a 5% set aside rate. None were feasible at higher set aside rates. The feasibility findings of the benchmark condominium scenarios are summarized in Table 1 below.

Table 1: Condominium Tenure Development Feasibility

Scenario	Major Transit Station Area	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	Y	Y	N	N	N
2	Longwood	Y	N	N	N	N
3	Dundurn	Y	N	N	N	N
4	West Harbour	Y	N	N	N	N
5	Queen	Y	N	N	N	N
6	James/ Downtown	Y	N	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	N	N	N	N	N
10	Confederation	N	N	N	N	N

The same analysis was conducted for purpose-built rentals, yielding the results shown in Table 2 below. As can be seen in Table 2 none of the benchmark rental developments would be feasible even with a set aside rate of 0%.

Table 2: Rental Tenure Development Feasibility

Scenario	Major Transit Station Area	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	N	N	N	N	N
2	Longwood	N	N	N	N	N
3	Dundurn	N	N	N	N	N
4	West Harbour	N	N	N	N	N
5	Queen	N	N	N	N	N
6	James/ Downtown	N	N	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	N	N	N	N	N
10	Confederation	N	N	N	N	N

As can be seen in the above summaries, in general the construction of condominium developments is more feasible than purpose-built rental developments. Further, no test development was feasible with a set aside rate of greater than 5%. The analysis also demonstrated that market conditions are not consistent across the Major Transit Station Areas. The Major Transit Station Areas can be divided into four market areas, that loosely align with Canada Mortgage and Housing Corporation market zones. The market areas are the *West End* (Major Transit Station Areas west of Highway 403), *Central and Downtown* (from Highway 403 to Sherman Ave.), *Central East* (Sherman Ave to Redhill Valley Parkway), and *East End* (Major Transit Station Areas east of the Redhill Valley Parkway). See Figure 4-1 on page 33 of Appendix A to Report PED23044(b) for a map of the site locations and market areas.

From the market feasibility analysis, urbanMetrics was able to draw conclusions and make recommendations regarding Inclusionary Zoning in Hamilton. The Study concluded that under current market conditions set aside rates in excess of 5% are not feasible, even in the strongest market areas. However, lower set aside rates, changes to market conditions or construction costs could make Inclusionary Zoning feasible in the Hamilton context. The Study also highlighted the fact that once constructed, the Light Rail Transit project is anticipated to impact market conditions across the Major Transit Station Areas and may result in greater Inclusionary Zoning feasibility in the future. Given this, ongoing monitoring of the feasibility of developments is integral to a successful Inclusionary Zoning program.

Through the review of the Market Feasibility Study staff identified additional information that would be beneficial to inform future work. Staff worked with urbanMetrics to provide this information through an addendum to the original report. The Market Feasibility Study Addendum is included in Appendix B to Report PED23044(b). The addendum sought to address three key items. First the underlying model was updated to reflect the best available market information as of February 2025, second, more detailed set aside rates between 0 and 5% were analysed for feasibility, and finally the required density increase needed to achieve feasibility, was calculated for each set aside rate.

In general, the feasibility of condominium development has worsened between the writing of the original report, and the addendum. This is for a multitude of reasons, the main causes of which are increased construction costs and limited increases to housing prices. Table 3 below highlights the feasibility of the benchmark condominium scenarios and can be compared to Table 1 above.

Table 3: Condominium Tenure Development Feasibility (Addendum)

Scenario	Major Transit Station Area	No IZ	0.5% IZ	1.0% IZ	1.5% IZ	2.0% IZ	2.5% IZ	3.0 % IZ	3.5% IZ	4.0% IZ	4.5% IZ	5.0% IZ
1	McMaster	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2	Longwood	N	N	N	N	N	N	N	N	N	N	N
3	Dundurn	Y	N	N	N	N	N	N	N	N	N	N
4	West Harbour	Y	Y	Y	Y	N	N	N	N	N	N	N
5	Queen	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
6	James/ Downtown	Y	Y	Y	Y	Y	Y	N	N	N	N	N
7	Scott Park	N	N	N	N	N	N	N	N	N	N	N
8	Kenilworth	N	N	N	N	N	N	N	N	N	N	N
9	Nash	N	N	N	N	N	N	N	N	N	N	N
10	Confederation	N	N	N	N	N	N	N	N	N	N	N

Much like the benchmark condominium scenario at each site, the feasibility of purpose-built rentals also worsened. In keeping with the findings of the original report, the addendum found that purpose built rental development was not feasible at any set aside rate based on the benchmark developments.

The addendum attached as Appendix B to Report PED23044(b) provides additional detail including the economic shortfall for unfeasible scenarios and the overshoot for the feasible scenarios, in Tables 1-2 and 1-3. For condominium tenure these range from a \$4.5 million dollar surplus at the McMaster test site to a shortfall of \$22.6 million dollars at the Scott Park test site, for a 0% set aside rate. With a 5% set-aside rate, McMaster has a surplus of \$1.9 million dollars, while the short fall at Scott Park is \$30.9 million dollars. All other developments fall between these two extremes.

In the case of rental benchmark scenarios at a 0% set aside rate, Dundurn has a shortfall of \$5.8 million dollars, while Scott Park has a short fall of \$60.7 million dollars.

These shortfalls increase as the set aside rate increases, with all other developments falling within this range.

In an effort to understand how incentives or policy changes could change the feasibility of the benchmark scenarios, the addendum also calculated the necessary increase in density required to be feasible at four test sites. The test sites selected represent the least feasible benchmark development within each market area. This criterion was intended to illustrate a worst-case scenario. It is anticipated other sites in the market area would require less additional density to be feasible. The required density increases are summarized below in Table 4.

Table 4: Summary of Required Density Increases for Feasibility

Scenario	Major Transit Station Area	No IZ	0.5% IZ	1.0% IZ	1.5% IZ	2.0% IZ	2.5% IZ	3.0% IZ	3.5% IZ	4.0% IZ	4.5% IZ	5.0% IZ
2	Longwood	3%	5%	8%	10%	13%	16%	19%	22%	25%	29%	32%
3	Dundurn	0%	5%	11%	17%	24%	31%	40%	50%	62%	75%	91%
8	Kenilworth	-	-	-	-	-	-	-	-	-	-	-
9	Nash	-	-	-	-	-	-	-	-	-	-	-

There are various methods to increase density on a site including increases to height permissions, and reductions to setbacks and required open space requirements. The amount of possible density increase varies by method as does the impact on cost. While a reduction in setbacks does not increase the cost of construction, it has limited ability to lead to an increase in density on the site. Conversely, while increases in height have high capacity to increase the number of units, it can increase the cost of construction as taller buildings can require different building materials and construction techniques. The above density increases were assumed to not increase the per unit cost of construction. Therefore, the above calculated density increases may underestimate the actual density increase required.

The Nash and Kenilworth condominium benchmark and all rental benchmark test sites are not feasible at a per unit basis. As such, any increase in density makes the developments less feasible. The Longwood and Dundurn sites could potentially become feasible with an increase in density as a condominium development. At low set aside rates, a modest increase in density may be accommodated without significant increase to development costs at a per unit basis, however as the number of units and height increase, increased costs have potential to erode the per unit revenue of a development.

The addendum concluded that while increased density may increase feasibility, other tools would also likely be required. Municipalities can influence the cost of development, and therefore feasibility through, reducing soft costs such as application fees, development fees, or submission requirements, as well as hard costs through changes to design standards, landscaping requirements, or parking requirements, for example. Any efforts made to reduce development costs need to be weighed against the impacts and expected benefit of the existing policy. For example, having fewer landscaping

requirements could reduce the cost of development, but it may also mean less trees are planted on a site, which could reduce urban tree cover, increase urban heat island effect and lead to outdoor spaces that are not enjoyable for residents and visitors.

Planning staff are working on various projects that have potential to increase the feasibility of development projects, including but not limited to city wide zoning by-law changes to permit greater intensification and delineating Protected Major Transit Station Areas along with minimum densities for these areas. The work completed through the municipal assessment and drafting an Inclusionary Zoning policy have been informed by these projects and vice-versa. As part of this report Staff are seeking direction to continue this collaborative approach by completing further analysis of policy and zoning opportunities to increase the feasibility of development and likewise of Inclusionary Zoning (Recommendation 3(c) to Report PED23044(b)). Increasing the viability of developments would support the success of a future Inclusionary Zoning program, by potentially allowing for the creation of additional affordable units.

Draft Inclusionary Zoning Policy Framework

Based on the results of the complete Municipal Assessment, a preliminary Inclusionary Zoning policy framework was developed, and is summarized in Appendix D to Report PED23044(b). This preliminary framework is intended to serve as a baseline to facilitate public and agency consultation, internal review, and ongoing refinement.

In developing the preliminary framework six key goals for Inclusionary Zoning were identified to guide decision making:

- 1. Create affordable housing.**

Any Inclusionary Zoning program should result in an increase of affordable units.

- 2. Create housing choice/ complete communities.**

A successful Inclusionary Zoning program should work within the greater affordable housing system to enable a variety of lifestyle choices and housing opportunities for all incomes along the housing continuum.

- 3. Meet the needs for different sizes of units.**

Inclusionary Zoning should aim to ensure affordable and market rate units are suitable for a variety of household sizes, providing both small and large units to meet identified needs as part of the overall housing approach in the City of Hamilton.

- 4. Promote transit-oriented development.**

Ensure that the market can support Inclusionary Zoning requirements and that it will not have a negative impact on the feasibility of residential intensification within proposed Protected Major Transit Station Areas.

5. Promote transit equity.

Inclusionary Zoning should enhance access to higher order transit across the entire housing continuum, ensuring that affordable options exist within proximity to existing and proposed higher order transit stops.

6. Continuously monitor and adjust.

Ensure the policies are informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial and City requirements, and to ensure the program goals are still being met.

The preliminary policy framework has various components, as discussed below. It is anticipated that these components will be refined following public engagement.

Set Aside Rate

As shown in the market feasibility study, market conditions are not consistent across the proposed Protected Major Transit Station Areas. To ensure that Inclusionary Zoning will result in the creation of affordable units, while not hindering the creation of market rate units, it is proposed that the set aside rate be varied across the market areas. Staff are proposing to start with low set aside rates and implement a gradual increase in set-aside rates to a maximum of 5% over time. The rate of increase for the set-aside rate would be informed by regular review of development and market conditions in each of the market areas. This additional investigation, along with public consultation and engagement with the development industry and housing providers, will inform what an appropriate set aside rate is at the outset, when the set aside rate should take effect, and what type of incremental increase is appropriate. The table below contains an example of the potential approach, for illustrative purposes only:

Table 5: Example of Gradual Phased-in Approach (Note: Set aside rates are for illustrative purposes only.)

	2026-2027	2028-2029	2030-2031
Market Area 1	2%	3.5%	5%
Market Area 2	2%	3.5%	3.5%
Market Area 3	0%	0%	0%
Market Area 4	0%	1%	2%

Starting with a lower set-aside rate and increasing gradually over time provides an opportunity for the development industry to consider Inclusionary Zoning when making land procurement and development pro-forma decisions. Providing a longer lead time and gradual increase of set aside rates allows the financial impacts of Inclusionary Zoning to be included in land value calculations. Providing an opportunity for these financial considerations has potential to lessen the impact Inclusionary Zoning has on the feasibility of development, helping balance the need to create affordable housing

with the desire to intensify and create transit-oriented development in the proposed Protected Major Transit Station Areas.

Level of Affordability

A key component of an Inclusionary Zoning policy is establishing the maximum sale and/or rent prices for the duration of the affordability period. The higher the level of affordability, the larger the impact on the feasibility of development projects. Inclusionary Zoning is anticipated to create units at a moderate level of affordability. The Housing Needs Assessment and further work completed as part of the Feasibility Study determined affordability levels for both rental and ownership units.

The Provincial Planning Statement outlines two methods for determining affordability, and dictates that whichever method results in the lesser price is to be used. The first method is known as the income method and requires housing to be less than 30% of the gross annual income for low- and moderate-income households. The second is known as the market method and requires units to be sold at least 10% below the average purchase price of a resale unit, or where units are rental tenure, requires units to be rented at or below the average market rent of rental units in the same market area. For the purposes of these definitions, low- and moderate-income households means households with incomes in the lowest 60th percentile of the income distribution for the City of Hamilton.

Staff will be soliciting feedback during consultation on whether Inclusionary Zoning should have a greater focus on the creation of affordable ownership units or affordable rental units, both of which fulfil unmet housing needs in the City.

Using information from the Housing Needs Assessment and the Market Feasibility Report staff propose maximum sale prices for ownership units be set as follows:

- Studio units will be priced at or below the maximum purchase price for the 3rd income decile;
- One-bedroom units will be priced at or below the maximum unit purchase price for the 4th income decile;
- Two-bedroom units will be priced at or below the maximum purchase price for the 5th income decile; and
- Three-bedroom units will be priced at or below the maximum purchase price for the 6th income decile.

It is anticipated that the income level for each decile will change on an annual basis. The maximum sale price will need to be amended regularly as part of the Inclusionary Zoning requirements to ensure the purchase price remains affordable for the targeted deciles. Using 2023 data results in the following prices:

Table 6: Maximum Affordable Purchase Price Based on 2023 Income Deciles

Income Decile	Household Income	Maximum Affordable Purchase Price	Unit Size
Decile 3	\$61,738	\$194,965	Studio
Decile 4	\$77,710	\$245,402	1-Bedroom
Decile 5	\$95,295	\$300,934	2-Bedroom
Decile 6	\$115,350	\$364,429	3-Bedroom

Contrary to the method of calculating affordable ownership, the affordable rent calculation has the lowest rate when based on an average market rent calculation. It is proposed that if affordable rental units are being created, affordable rent should be set at 80% of the average market rent for the same unit type (number of bedrooms). Much like income levels, average market rent is anticipated to change annually. Using 2023 data results in the following prices:

Table 7: Maximum Affordable Rent Price Based on 2023 Market Data

	Studio	1-Bedroom	2-Bedroom	3-Bedroom
80% of Market Rent (Monthly)	\$732	\$876	\$1,017	\$1,183

The lower the sale price, or monthly rent, the larger the impact each unit has on the feasibility of developments. When considering the level of affordability, it is important to be mindful that Inclusionary Zoning is just one tool that can be used to create affordable units and that different tools or approaches may be better suited to create different forms of housing across the housing continuum, such as deeply affordable units.

Affordability Period

The Market Feasibility Study recommended a 25-year affordability period, in keeping with the recently enacted Provincial regulations. The affordability period has no impact on the feasibility of affordable ownership units as the developer generates all the revenue at the initial sale. Longer affordability periods have a negative impact on feasibility of rental units as it reduces the revenue over a greater time horizon before rents can increase above the affordability period.

Development Types and Exemptions

The *Planning Act* and Ontario Regulation 232/18, amended by Ontario Regulation 54/25, limit the application of Inclusionary Zoning to developments of 10 or more units. In general, Inclusionary Zoning has an outsized impact on smaller developments. Further, staff want to encourage infill and 'missing middle' developments to ensure a mix of unit types and promote the development of complete communities within the proposed Protected Major Transit Station Areas. As part of the draft Inclusionary Zoning framework, staff are proposing that developments less than 50 units, or less than 3,600 square metres of residential gross floor area be exempt from Inclusionary Zoning.

The Housing Needs Assessment identified a need for more purpose-built rentals in the City. Additionally, the Market Feasibility Study revealed that purpose-built rentals are less feasible than condominium developments. To promote additional purpose-built rentals, it is recommended that Inclusionary Zoning requirements be applied only to market rate ownership developments. This would ensure that Inclusionary Zoning is not creating a barrier to the development of rental units, while also securing affordable units in the more feasible condominium developments.

Additional types of development that should be exempted from Inclusionary Zoning include:

1. Retirement homes, student residences, long-term care facilities, corrections residences, licensed residential care facilities, hospices and emergency shelters;
2. CityHousing Hamilton developments;
3. Non-profit Housing provider developments where the whole building is owned and operated by the Non-profit Housing provider;
4. Legally existing buildings established prior to the effective date, except where any new addition, alteration, or change of use results in 50 or more new dwelling units or 3,600 square metres or more of new residential gross floor area;
5. Any replacement of affordable rental units required through the Rental Housing Protection policies of the Urban Hamilton Official Plan and Rental Housing Protection By-law, as amended, should not be included in the gross floor area used to calculate Inclusionary Zoning Requirements;
6. Any development applications in progress that have preliminary approvals such as site plan approval or building permit approval; and,
7. Any exemptions in accordance with the *Planning Act* and associated Ontario Regulation 232/18, as amended by Ontario Regulation 54/25.

It is the intention that these exemptions limit barriers to housing forms that have been identified as needs in the Housing Needs Assessment. By reducing barriers to certain types of developments and implementing Inclusionary Zoning on others it can encourage the creation of these needed housing forms, while also ensuring affordable units are created in new market rate developments.

Other Factors

In addition to the factors discussed above there are several other nuances and considerations that also need to be investigated and discussed through public consultation and community partner conversations. Currently Planning staff have identified several concepts for further discussion and investigation:

- Providing a mix of unit sizes;
- The provision of off-site units;
- Potential incentives; and,
- Administration details.

The Housing Needs Assessment identified the need for more family sized units to help encourage families to move to Hamilton, as well as a need for smaller units. Inclusionary Zoning policy can dictate the size and mix of affordable units. Requiring

more, larger units may negatively impact the feasibility of developments, while not requiring a mix may result in a large number of small affordable units being created which would not reflect the diversity of households in the City.

Inclusionary Zoning policy can mandate that all affordable units be located on the same site as the market rate development, or it can permit the creation of required units off-site. Permitting off-site units can encourage partnerships between traditional developers and non-profit housing providers, while also reducing the impact on the feasibility of developments. Staff are recommending that provisions for off-site units be considered as part of an Inclusionary Zoning policy framework, subject to meeting specific locational criteria.

Within the Inclusionary Zoning Framework there are also opportunities to provide incentives to improve the feasibility of developments, or be used to encourage certain types of units, lengthened affordability periods, higher set aside rates, or deeper levels of affordability. However, this must be balanced against the cost of providing incentives, particularly direct financial incentives.

After the creation of the Inclusionary Zoning policy, resources will be required to administer and review the program. Administration is required for the ongoing implementation of the policy, ensuring units remain affordable, qualifying potential renters or owners, and ensuring set aside units satisfy all requirements. The policy directions discussed throughout this report will guide the creation of an administration framework. Public and community partner engagement will be used to develop final policy recommendations and explore various administration models and potential partnership opportunities.

Next Steps

Further comprehensive engagement will be undertaken with the development industry, the public, and other community partners to solicit feedback on the draft Housing Needs Assessment, the Inclusionary Zoning Market Feasibility Study, and the draft framework.

The engagement plan has been divided into two phases:

- Phase 1 is anticipated to occur through the summer and the fall, with a focus on increasing awareness of Inclusionary Zoning and generating feedback on the preliminary policy framework outlined in this report. Following Phase 1, the policy framework will be refined and updated.
- Phase 2 will be focussed on sharing the results of Phase 1, including any changes to the policy framework, and will include more detailed draft policy documents and implementation guidelines, while also providing an opportunity to engage on outstanding concerns, before bringing a final recommendation to Council.

Through both phases staff are looking to leverage virtual and in-person platforms to reach a wide cross section of the population. Proposed tools include:

- updates to the project webpage and Engage Hamilton page;
- advertisements through online and print media;
- online commenting, info-sheets, and information panels; and,

- a virtual community meeting, in person community meetings, community pop-up events and topic-specific focus groups with community partners and the development industry.

Efforts will be made to co-ordinate the engagement and outreach with other city projects from the Housing Secretariat, Policy Planning and LRT where appropriate. A substantial list of key interest groups and community partners has been identified and includes Indigenous serving organizations, industry and advocacy organizations, non-profit and for-profit developers, community organizations and resident associations, newcomers organizations and other institutions and service providers.

Sustainable Communities staff is working with the Public Engagement Office to ensure that a comprehensive engagement plan will be implemented in accordance with the City's Public Engagement Charter and Public Engagement Policy.

Alternatives

Council could direct staff not to proceed with Public Consultation on the Inclusionary Zoning Market Feasibility Study and proposed Inclusionary Zoning Policy Framework. This alternative is not recommended because information and insight from the community is valuable to help develop and refine Hamilton's approach to Inclusionary Zoning.

Relationship to Council Strategic Priorities

1. Sustainable Economic & Ecological Development
 - 1.1. Reduce the burden on residential taxpayers
2. Safe & Thriving Neighbourhoods
 - 2.1. Increase the supply of affordable and supportive housing and reduce chronic homelessness
 - 2.2. Make sure people can safely and efficiently move around by foot, bike, transit or car

Previous Reports Submitted

- [Planning Committee on November 29, 2022 \(PED22207\).](#)
- [Planning Committee on February 14, 2023 \(PED23044\(a\)\).](#)
- [Planning Committee on January 31, 2023 \(PED23044\)](#)

Consultation

Community Planning Staff consulted with a broad range of City staff groups about the findings of the Market Feasibility Study and Peer Review and information about a proposed policy framework, including:

- Planning Division;
- Growth Management Division;
- Economic Development Division;

- Office of Climate Change Initiatives;
- Municipal Land Development Office;
- Government Relations and Communications;
- Environmental Services Division;
- Housing Secretariat; and,
- Investment and Affordable Housing Division.

Appendices and Schedules Attached

Appendix A: Inclusionary Zoning Market Feasibility Study, City of Hamilton

Appendix B: 2025 Addendum: Inclusionary Zoning Market Feasibility Study

Appendix C: Peer Review – Hamilton Inclusionary Zoning Market Feasibility Study

Appendix D: Draft Inclusionary Zoning Policy Framework for the City of Hamilton

Prepared by: Neil Stoop, Senior Planner, Sustainable Communities
Planning and Economic Development, Planning Division

**Submitted and
recommended by:** Anita Fabac, Acting Director of Planning and Chief Planner,
Planning and Economic Development, Planning Division



**urban
Metrics**

INCLUSIONARY ZONING MARKET FEASIBILITY STUDY, CITY OF HAMILTON

Hamilton, ON

Prepared for the City of Hamilton

March 26, 2024





March 26, 2024

Melanie Pham
Community Planning Program Lead – Sustainable
Communities
Planning and Economic Development
71 Main Street West, 4th Floor
Hamilton ON L8P 4Y5

Dear Melanie Pham:

**RE: Inclusionary Zoning Market Feasibility Study, City of
Hamilton (Hamilton, ON)**

urbanMetrics inc. is pleased to submit this study which documents our research, analysis, and findings with respect to the Inclusionary Zoning Market Feasibility Study for the City. This version of the study incorporates peer review comments provided by NBLC as of March 2022, and updates market conditions to Q4 2023.

This study should be reviewed in conjunction with the Housing Needs Assessment being prepared by SHS Consulting and the Major Transit Area study being completed by Dillon Consulting, in terms of meeting the study requirements of the Planning Act for the purposes of enacting an Inclusionary Zoning By-law.

It was a pleasure to conduct this important assignment on behalf of the City of Hamilton.



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Yours truly,
urbanMetrics inc.

A handwritten signature in blue ink that reads "Rowan Faludi".

Rowan Faludi, MCIP, RPP, PLE, CMC
Partner

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1.0 Key Terms and Definitions

Inclusionary Zoning (IZ): A planning policy which requires that a certain amount or fraction of a residential development must be sold as affordable housing at below-market rates.

Market Rate: The home prices or rental rates which are set by the market, in the absence of special subsidies or regulations.

Affordable Housing: In the context of IZ policies, units which must be sold or rented at a prescribed price or rental rate that is below the market rate.

Major Transit Station Area (MTSA): The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.¹

Protected Major Transit Station Area (PMTSA): An MTSA which a municipality has designated as protected. PMTSAs must set a minimum number of residents and jobs per hectare to be planned to be accommodated within the area, which land uses are allowed, and the minimum densities that are authorized. In Ontario, IZ policies are only allowed within PMTSAs and Development Permit System Areas.

Minimum Project Size or Threshold: In an IZ policy, the minimum number of units or building area a project must have before the IZ policy applies.

Set-aside Rate: In an IZ policy, the percentage of housing units which must be set aside as affordable housing and sold or rented at the prescribed below-market prices and rental rates.

¹ Ontario. (2020). A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

Depth of Affordability: In an IZ policy, the prescribed prices or rental rates at which affordable homes must be sold or rented. Usually, these are set as a percentage of average market prices or rents, or as what would be affordable (i.e., shelter costs are less than 30% of household income) for a prescribed household income percentile of households in the region.

Affordability Period or Term: In an IZ policy, how long the affordable housing units must be sold or rented at the prescribed below-market prices and rents before they become market-rate units.

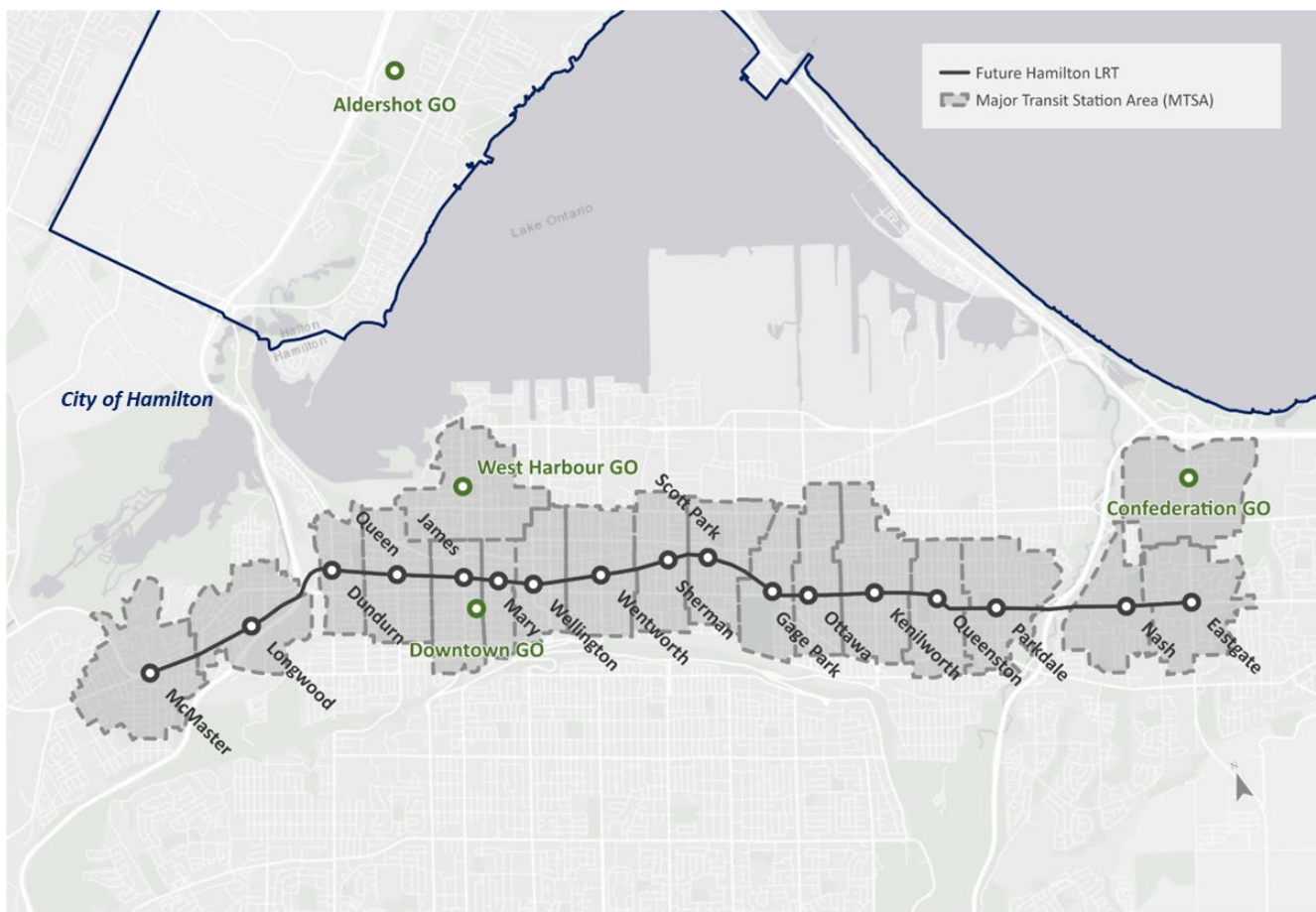
2.0 Executive Summary

Key Highlights

- Inclusionary Zoning is a tool available to municipalities through the Planning Act. This Study, in conjunction with the Housing Needs Assessment prepared by SHS Consulting, is required in order for the City to pass an Inclusionary Zoning By-law.
- An Inclusionary Zoning By-law requires that a share of new housing units in new residential developments of 10 units or more be set aside for affordable housing.
- Under the Planning Act, Inclusionary Zoning can only be undertaken in Protected Major Transit Station Areas (PMTSAs). Proposed PMTSAs are being reviewed and confirmed based on the study conducted by Dillon Consulting.
- The proposed amendments to O.Reg 232/18 released by the Province in October 2022 would limit the set-aside rate to 5% and the period an affordable unit remains affordable to 25 years, as well as limiting affordable prices and rents. It is unknown at this time whether these changes will be implemented as proposed or when they will go into effect.
- This study examines the impact of an Inclusionary Zoning By-law on the feasibility of condominium and rental housing development based on current and proposed legislation.
- The study conducts sensitivity analyses to test varying set-aside rates and affordability periods, in the event that the approved Regulations differ from those which were proposed at the current time. In addition, this study also examines the sensitivity of changes in rental rates, condominium prices and construction costs.
- The methodology involves the identification of 10 representative test redevelopment sites within the proposed PMTSAs. For each site, a hypothetical apartment building was modeled based on “as-of-right” planning permissions and development trends in the area. Each scenario was prepared in conjunction with Hamilton Planning Staff. A discounted cash flow analysis was conducted to test the impact of various Inclusionary Zoning policies on the feasibility of each hypothetical development.
- The condominium development scenarios we considered were feasible in PMTSAs in the regions from McMaster to Downtown. In PMTSAs east of Downtown to Confederation GO, the condominium development scenarios were not feasible under existing conditions, although this may change when market conditions improve.
- Under benchmark assumptions, the condominium developments that were feasible without Inclusionary Zoning would be unfeasible even with 5% set-aside rates. However, with lower construction costs or higher sale prices, a 5% set-aside rate could be feasible for condominium projects in the McMaster and Downtown PMTSAs.
- Rental developments were much less feasible overall. The rental development scenarios we considered were not feasible. Even with lower construction costs or higher rent prices, an Inclusionary Zoning policy that applies to rental developments was not feasible.
- An IZ policy can only be implemented after PMTSAs are approved. Market conditions would likely change in the intervening time. While IZ may not be feasible at this time, it may become feasible as residential development market conditions improve.

This report analyzes the market feasibility of condominium and rental developments in the City of Hamilton under various Inclusionary Zoning (IZ) policies. Like many municipalities in Southwestern Ontario, the City of Hamilton has experienced significant increases in housing prices and rents over the past ten years. In response, the City is considering the implementation of an IZ policy in the proposed Protected Major Transit Station Areas (PMTSAs). The draft Major Transit Station Area (MTSA) boundaries and GO and Light Rail Transit (LRT) station locations are shown in Figure 1-1.

Figure 2-1: Draft MTSA Boundaries and Transit Stations



SOURCE: urbanMetrics inc., with MTSA boundaries by Dillon Consulting and Future Hamilton LRT data from Metrolinx

IZ policies exist in many jurisdictions and differ along many dimensions. Each IZ implementation must mandate a certain set-aside rate, which is the fraction of new housing developments that must be sold or rented at affordable rates. IZ policies

must also define the length of the affordability period, after which these affordable units may be sold or rented at market rates. Crucially, IZ policies must define the affordable prices and rents. These affordable prices and rents are usually either defined in terms of what would be affordable for households at certain income deciles or are defined based on the average market resale price or rent.

An IZ policy relies on a continued and strong private-sector residential development market to deliver affordable units. If the IZ policy is too burdensome and deters future development, it will fail to achieve its goals and could even worsen housing affordability by constraining supply.² As such, Ontario regulations require the “analysis of potential impacts on the housing market and on the financial viability of development” prior to the municipal adoption of an IZ policy.

In Ontario, municipalities are empowered to pass Inclusionary Zoning By-laws through the Planning Act. The Ontario Government has proposed amendments to the Planning Act and to O.Reg 232/18 which would limit the percent of new developments required to be set aside as affordable units to a maximum of 5% and the length of the affordability period to no more than 25 years. The proposed amendments would also define affordable units at 80% of average market rents for rental units and 80% of average resale prices for ownership units.

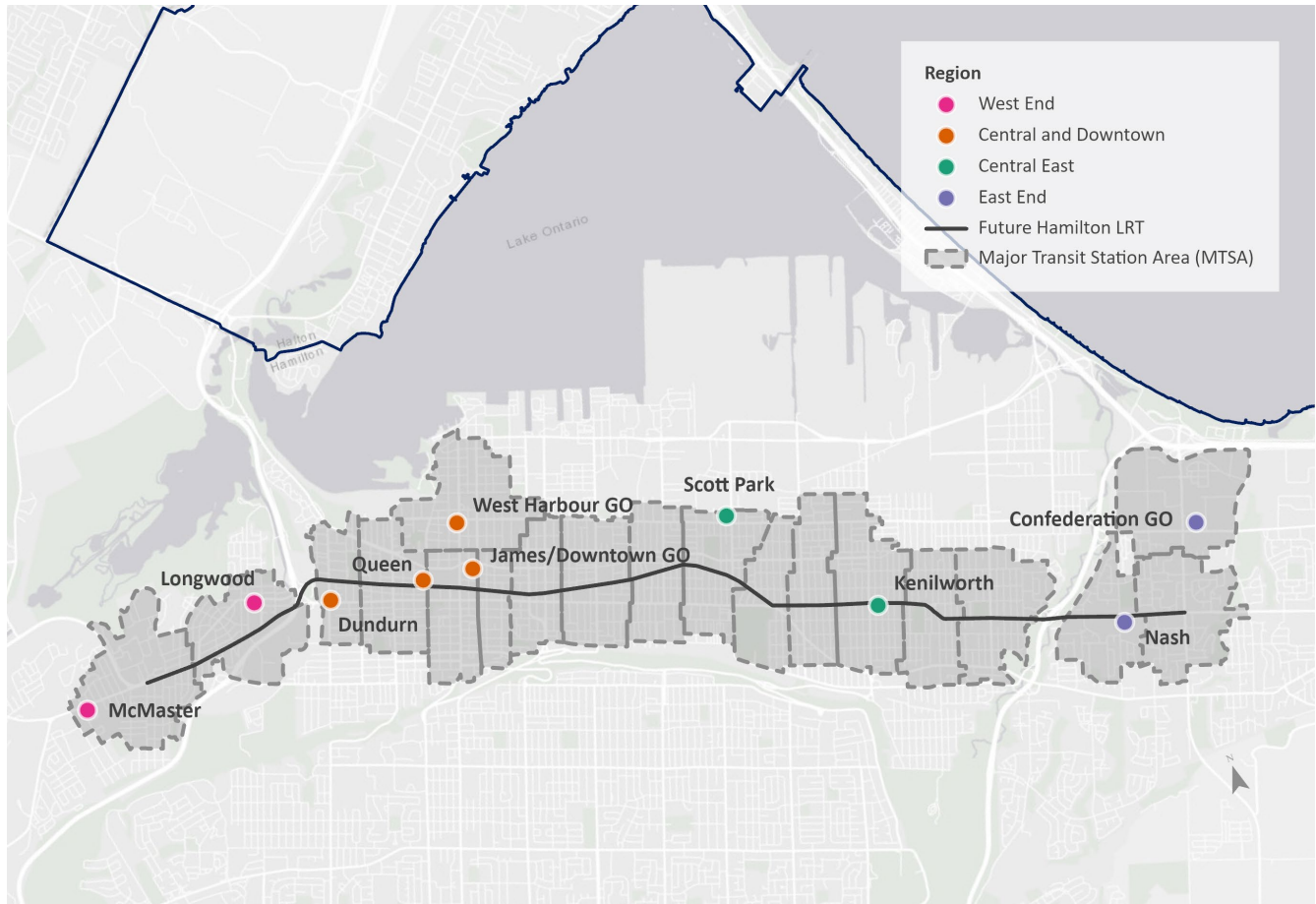
urbanMetrics inc. conducted a residual land value analysis of hypothetical condominium and rental developments for ten different test sites within the proposed MTSAs. The locations of the 10 test sites are shown in Figure 2-2. The sites represent a potential development scenario in each area for the purposes of analyzing feasibility of possible multi-residential housing developments. These scenarios are not prescriptive and do not imply the City of Hamilton’s or urbanMetrics’ support or opposition for any real-world development on these or other sites. For each test site, we considered a test scenario with building parameters that were allowed as-of-right under the existing zoning by-laws.

The residual land value analysis follows the format of a discounted cash flow (DCF) analysis. Revenues were projected using sale prices and rents based on Hamilton’s existing housing market conditions in those areas. Hard and soft construction costs were estimated based on City and industry data sources. Cash flows were discounted to present values at rates based on the interest rates of construction loans and commercial mortgages plus a small risk premium. Our benchmark set of

² For a discussion on how residential development reduces housing prices, see: Phillips, S. M. Manville, M. Lens. (2022). *Research Roundup: The Effect of Market-Rate Development on Neighborhood Rents*. UCLA Lewis Center for Regional Policy Studies.
<https://www.lewis.ucla.edu/research/market-rate-development-impacts/>

discount rates and growth rates of rents were roughly equivalent to using cap rates around 3.4%.

Figure 2-2: Test Site Locations



SOURCE: urbanMetrics inc., with MTSA boundaries by Dillon Consulting and Future Hamilton LRT data from Metrolinx.

We considered scenarios to be financially feasible if the present value of revenues less expenses are sufficient to purchase the property and generate a required profit margin. We assumed the property must be purchased at 50% over its assessed property value. This represented a lower bound on the price that would have been needed to buy out the existing business so the property can be demolished and redeveloped. The 50% cushion takes into consideration that most properties were last assessed in 2016 or 2017 and a premium is needed to induce a sale of the property. The analysis also assumes the industry standard 15% profit margin before income taxes for developers to proceed with the development. This

profit margin is required to cover applicable income taxes, compensate developers and investors for the risk and length of development projects, provide a cushion to cover higher-than-expected contingencies, and to secure debt financing. If profit margins are below levels commensurate to the risks, lenders, equity investors, and developers would shift to other asset classes.

The main IZ policy considered has a 5% set-aside rate and a 25-year affordability term, which are the maximum allowed for IZ policies in the proposed regulations under the *Planning Act*. We also considered set-aside rates up to 20% in the event that the maximum set-aside rates that are ultimately passed are different from the 5% proposed. Finally, we conducted several sensitivity analyses to consider the effects of higher construction costs, higher or lower sale prices and rents, different rent growth rates, and changes in the length of the affordability period for all scenarios.

We compared the results of the residual land value analysis of the no-IZ scenario to those of different IZ policies. We focused on two main outcomes of the analysis. First, we examined whether an IZ policy would change projects from feasible to unfeasible. If test scenarios become unfeasible with an IZ policy, it is likely too burdensome and could negatively impact the housing market in the City of Hamilton over time. Second, we calculated the reduction in residual land value caused by IZ. This provides information on the size of the financial impact of IZ, which can be helpful for thinking about its effects on scenarios that differ from our benchmark parameters.

Findings

Our findings for the benchmark scenarios are summarized in Table 2-1. Market conditions for residential development have worsened through 2023. Still, without IZ, almost all condominium scenarios from the McMaster University area to Downtown (scenarios 1-6) were feasible, while scenarios to the east of Downtown to Confederation GO (scenarios 7-10) were not feasible under these assumptions. None of the rental scenarios were feasible, even without IZ.

Due to the difficult market conditions, almost none of the benchmark condominium scenarios have enough cushion to absorb the financial impacts of IZ. Even a 5% set-aside rate would render all but one condominium scenario unfeasible. Residual land values would fall by \$1.0 million for the smallest development scenario to \$12.3 million for the largest scenario. In rental scenarios, residual land values would fall by \$0.8 million for the smallest scenarios and \$9.5 million for the largest.

Table 2-1: Feasibility of Benchmark Scenarios

CONDOMINIUM		No IZ	5% IZ	10% IZ	15% IZ	20% IZ
Scenario	MTSA					
1	McMaster	Y	Y	N	N	N
2	Longwood	Y	N	N	N	N
3	Dundurn	Y	N	N	N	N
4	West Harbour	Y	N	N	N	N
5	Queen	Y	N	N	N	N
6	James/Downtown	Y	N	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	N	N	N	N	N
10	Confederation	N	N	N	N	N

RENTAL		No IZ	5% IZ	10% IZ	15% IZ	20% IZ
Scenario	MTSA					
1	McMaster	N	N	N	N	N
2	Longwood	N	N	N	N	N
3	Dundurn	N	N	N	N	N
4	West Harbour	N	N	N	N	N
5	Queen	N	N	N	N	N
6	James/Downtown	N	N	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	N	N	N	N	N
10	Confederation	N	N	N	N	N

SOURCE: urbanMetrics inc.

It is important to recognize this feasibility assessment represented average market conditions at the time of this study, and whether a specific development is feasible may change as market conditions change. The market for residential development was especially challenging at the time of this report. Construction costs, sales prices, rents, and other factors will change with time. Projects may also be targeted at different markets with variations in amenities and finishings, with appropriate sale price and rent discounts and premiums. As a result, even if the tested policies may not be feasible given the benchmark parameters, they may still impact the viability of actual projects with different cost and revenue parameters.

We also find that reductions in construction costs or higher market prices would enable the feasibility of IZ for condo developments in the West End and

Central/Downtown MTSA. With just 5% lower construction costs or 5% higher market prices, the condominium scenarios in the West End and Central/Downtown MTSA become feasible at a 5% set-aside rate. These assumptions allowed 3 rental scenarios to become feasible without IZ, but most of these become unfeasible at a 5% set-aside rate.

Table 2-2: Feasibility of Scenarios with 5% Lower Construction Costs

CONDOMINIUM		No IZ	5% IZ	10% IZ	15% IZ	20% IZ
Scenario	MTSA					
1	McMaster	Y	Y	Y	N	N
2	Longwood	Y	Y	N	N	N
3	Dundurn	Y	Y	N	N	N
4	West Harbour	Y	Y	N	N	N
5	Queen	Y	Y	N	N	N
6	James/Downtown	Y	Y	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	Y	N	N	N	N
10	Confederation	Y	N	N	N	N

RENTAL		No IZ	5% IZ	10% IZ	15% IZ	20% IZ
Scenario	MTSA					
1	McMaster	Y	Y	N	N	N
2	Longwood	N	N	N	N	N
3	Dundurn	N	N	N	N	N
4	West Harbour	N	N	N	N	N
5	Queen	Y	N	N	N	N
6	James/Downtown	Y	N	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	N	N	N	N	N
10	Confederation	N	N	N	N	N

SOURCE: urbanMetrics inc.

Increasing the market sale price and rents by 5% increases the feasibility of scenarios in a similar way. Again, IZ with a 5% set-aside rate becomes feasible for the condo developments in the West End and Central/Downtown MTSA in this scenario. IZ remains unfeasible for rental developments.

Table 2-3: Feasibility of Scenarios with 5% Higher Prices and Rents

CONDOMINIUM		No IZ	5% IZ	10% IZ	15% IZ	20% IZ
Scenario	MTSA					
1	McMaster	Y	Y	Y	N	N
2	Longwood	Y	Y	N	N	N
3	Dundurn	Y	Y	N	N	N
4	West Harbour	Y	Y	N	N	N
5	Queen	Y	Y	N	N	N
6	James/Downtown	Y	Y	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	Y	N	N	N	N
10	Confederation	Y	N	N	N	N

RENTAL		No IZ	5% IZ	10% IZ	15% IZ	20% IZ
Scenario	MTSA					
1	McMaster	Y	Y	N	N	N
2	Longwood	N	N	N	N	N
3	Dundurn	N	N	N	N	N
4	West Harbour	N	N	N	N	N
5	Queen	Y	N	N	N	N
6	James/Downtown	Y	N	N	N	N
7	Scott Park	N	N	N	N	N
8	Kenilworth	N	N	N	N	N
9	Nash	N	N	N	N	N
10	Confederation	N	N	N	N	N

SOURCE: urbanMetrics inc.

Changing other IZ policy parameters related to rental units can affect the feasibility of scenarios and the costs of IZ. Allowing affordable rent to grow at the same rate as market rents (4%) reduces the change in residual land values caused by IZ by 13%-14%, which is not enough to change the feasibility of the scenarios considered.

Finally, we considered the effects of a 60-year affordability period on rental units. With the benchmark 2% affordable rent growth rate, this longer affordability period causes a larger decrease in residual land values of 17%-19%. With a higher 4% growth rate in affordable rents, the longer affordability period would decrease residual land values by an additional 11%-14%. The affordability period would not impact the financial feasibility of condominium developments since the future resale value of affordable condominium units it does not affect developer cash flows.

Recommendations

First, we do not recommend the implementation of an IZ policy with a 5% or higher set-aside rate at this time. Due to adverse market conditions, residential developments are facing significant difficulties. The implementation of an IZ policy with a 5% set-aside rate was enough to render many of our benchmark scenarios financially unfeasible. It is important to avoid implementing an IZ policy that severely impacts the feasibility of residential developments. Not only does an IZ policy require new development to produce affordable units, reducing the amount of residential development would also result in higher housing prices and rents across the City.

As market conditions improve, a 5% IZ policy may be considered for condominium developments in the West End and Central/Downtown MTSA. Notably, IZ may not be implemented until PMTSAs have been approved. It is possible that the completion of the LRT may improve the market feasibility of developments around the stations. The City may want to consider re-evaluating the market feasibility of IZ prior to the mandated 5-year timeline if market conditions improve.

If and when an IZ policy is implemented, we recommend that the implementation should be phased in starting from a lower set-aside rate, similar to other IZ policies in Ontario. This phase-in allows time for the impacts of IZ to be reflected in land values. It would reduce the impact on existing developments, which could otherwise affect the solvency of developers that had acquired land at prices which do not reflect the IZ policy.

Second, incentives should be considered for both rental and condominium projects to offset the costs of IZ. IZ policies can only produce affordable units if sufficiently large residential development occurs, so such developments should be encouraged to maximize the production of affordable units. This can be especially important given variation in construction costs and sale prices, where incentives can make more marginal developments feasible.

A detailed examination of incentives has not been conducted in this report. Based on some preliminary investigations, increases in allowed height may be effective in higher-priced areas but may be less effective with higher construction costs, lower sale prices and rents, or IZ policies with high set-aside rates, especially because IZ policies reduce the per-unit revenues that the increased height would bring in.³

³ For example, there may be evidence to suggest that Seattle, Washington's Mandatory Housing Affordability program did not provide sufficient height bonuses to offset the costs of IZ. See: Krimmel, J., B. Wang. (2023). *Upzoning With Strings Attached: Evidence From Seattle's Affordable*

Another possible incentive is the waiver of development charges and property taxes (for a set period) on all residential units in the development, a feature of Portland, Oregon's Inclusionary Housing program.⁴

Finally, a broader strategy is needed to solve the housing affordability crisis. Even if market conditions improve and implementing IZ becomes more feasible, the number of affordable units created will be limited and will not likely be enough to meet more than a fraction of the need. For example, the City may own surplus or under-utilised lands that could be made available for affordable housing projects.

Housing Mandate. Cityscape, Vol. 25, No. 2, Double Issue: Reentry Housing After Jail or Prison: Recent Reforms in Zoning, pp. 257-278. <https://www.jstor.org/stable/48736629>

⁴ BEA Urban Economics. (2023). *Inclusionary Housing Calibration Study*. City of Portland. <https://www.portland.gov/phb/documents/portland-inclusionary-housing-study-final-report/download>

3.0 Background

3.1 Inclusionary Zoning in North America

Inclusionary Zoning (IZ) is a land use planning tool intended to increase the supply of affordable housing. IZ requires residential developers to set aside a fraction of homes to be sold or rented at affordable prices. In the United States, IZ policies have been implemented in many jurisdictions including municipalities in Maryland, California, Massachusetts, and New Jersey. In Canada, IZ has been adopted in the City of Toronto, City of Mississauga, and the City of Kitchener, and in other provinces including Quebec and British Columbia.

The specific requirements and other parameters of an IZ policy can differ dramatically. Each jurisdiction that implements IZ must set these parameters for their policy. These parameters will affect the outcomes of an IZ policy.

First, each IZ policy has a required set-aside rate, which mandates the minimum fraction of units which must be offered at affordable prices or rents. IZ policies may further mandate that affordable units be similar to market-rate units in terms of unit mix, size, quality of construction, and other features.

Second, IZ policies must mandate the length of the affordability period. Some implementations of IZ make the set-aside units affordable permanently. However, many IZ policies set a time period (e.g., 25 years, 60 years, or 99 years) during which the set-aside units would remain affordable. After that period, these set-aside units lose their restrictions and can be sold or rented at market rates.

Third, IZ policies must define affordable prices and rents, usually targeting a certain income group. For example, the sale prices and rents could be set so that housing payments would not exceed 30% of the income for households of a chosen income decile. Alternatively, affordable prices and rents can be defined as some fraction of average market prices and rents. These will usually be below the market price or rent for new units because the statistics include old units, and older rental units are often rent-controlled.

Finally, IZ policies can offer incentives or other provisions to make them less costly for developers. Such policies usually allow developers to build with greater density or offer discounts on various fees. In some jurisdictions, developers can build the affordable units in a different site from the development or pay cash in lieu to support the creation of affordable housing through public or non-profit organizations. Such options may take advantage of more cost-effective options for constructing affordable units, thus increasing the overall number of affordable units created. Some IZ policies are even voluntary, offering additional density

bonuses or other incentives if set-aside rates are met. These voluntary policies tend to be less successful at creating affordable units.

Box 3-1: Effects of Inclusionary Zoning Policies

A number of studies have been completed which document the success of IZ policies in terms of creating new affordable housing units. Overall, there is significant variation in the impact of IZ policies. The most successful policies created hundreds of affordable units per year, representing over 5% of new housing construction in those areas.^{5,6} Many IZ policies, however, tended to create more modest amounts of affordable housing.^{7,8} Additionally, some IZ policies created almost no affordable housing.^{9,10} These IZ policies were either voluntary and did not offer sufficient incentives to fund affordable housing or were too stringent and discouraged development.

There are relatively few studies on the causal effects of IZ policies on housing prices and housing construction. Data is limited, and the diversity of IZ policies make analysis more challenging. Most of these studies find evidence that IZ policies slightly increase housing prices but do not find that IZ reduces housing starts.^{11,12,13} Still, some jurisdictions have anecdotally reported especially burdensome IZ policies can discourage housing construction.

Besides providing housing to lower-income families, IZ may have an additional benefit of allowing children in lower-income households to grow up in more socio-economically diverse neighbourhoods. Research shows growing up in socio-

⁵ Mukhija, Vinit, Lara Regus, Sara Slovin & Ashok Das. (2010). *Can Inclusionary Zoning Be an Effective and Efficient Housing Policy? Evidence from Los Angeles and Orange Counties*. Journal of Urban Affairs, 32:2, 229-252, DOI: 10.1111/j.1467-9906.2010.00495.x

⁶ Kontokosta, Constantine. (2015). *Do inclusionary zoning policies equitably disperse affordable housing? A comparative spatial analysis*. J Hous and the Built Environ (2015) 30:569-590, DOI 10.1007/s10901-014-9430-5

⁷ Mukhija et al. (2010). *Can Inclusionary Zoning Be an Effective and Efficient Housing Policy?*

⁸ Schuetz, Jenny, Rachel Meltzer and Vicki Been. (2011). *Silver Bullet or Trojan Horse? The Effects of Inclusionary Zoning on Local Housing Markets in the United States*. Urban Studies, 48(2), 297-329. <https://doi.org/10.1177/0042098009360683>

⁹ Mukhija et al. (2010). *Can Inclusionary Zoning Be an Effective and Efficient Housing Policy?*

¹⁰ Hamilton, E. (2021). Inclusionary Zoning and Housing Market Outcomes. Cityscape, 23(1), 161-194. <https://www.jstor.org/stable/26999944>

¹¹ Hamilton. (2021). *Inclusionary Zoning and Housing Market Outcomes*.

¹² Bento, A., Lowe, S., Knaap, G.-J., & Chakraborty, A. (2009). Housing Market Effects of Inclusionary Zoning. Cityscape, 11(2), 7-26. <http://www.jstor.org/stable/20868701>

¹³ Schuetz et al. (2011) *Silver Bullet or Trojan Horse?*

economically diverse neighborhoods and schools strongly improves the outcomes of children in lower-income families.^{14,15}

IZ policies can improve socio-economic mixing, but its success depends on the design of the policy.^{16,17} Jurisdictions with housing policies which allow for less local discretion and more regional oversight on housing construction are more suited in IZ increasing dispersion. Jurisdictions allowing greater local discretion often concentrate affordable units in minority and low-income areas.

As discussed below, IZ in Ontario is strictly governed by Provincial legislation. The approaches available to municipalities in Ontario are more limited than in other jurisdictions, particularly in the United States and other Canadian provinces.

3.2 Provincial Regulations for Inclusionary Zoning in Ontario

In Ontario, the Provincial government regulates IZ through the *Planning Act*. The *Development Charges Act* also has policies relating to discounts and exemptions available to affordable housing, including affordable housing created through IZ. The recent passage of *Bill 23* has modified or proposed to modify some of these requirements. Municipalities must work within this framework when drafting their IZ policies.

Under the Planning Act, IZ can only apply to developments with 10 or more units and are restricted to lands within Protected Major Transit Station Areas (PMTSAs). Municipalities are required to identify:

- Where an Inclusionary Zoning By-law applies;

¹⁴ Chetty, Raj, Nathaniel Hendren, and Lawrence F. Katz. 2016. "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment." *American Economic Review*, 106 (4): 855-902.

¹⁵ Chetty, R., Jackson, M.O., Kuchler, T. et al. Social capital I: measurement and associations with economic mobility. *Nature* 608, 108-121 (2022). <https://doi.org/10.1038/s41586-022-04996-4>

¹⁶ Kontokosta, C. (2015). *Do inclusionary zoning policies equitably disperse affordable housing?*

¹⁷ Ryan, S., Enderle, B.E. (2012). *Examining spatial patterns in affordable housing: the case of California density bonus implementation*. *J Hous and the Built Environ* 27, 413-425.

<https://doi.org/10.1007/s10901-011-9259-0>

- The household incomes eligible for the affordable units;
- The housing types and sizes for affordable housing units;
- The amount of affordable housing required;
- The length of time units will remain affordable for;
- How any incentives will be determined;
- How the price or rent of affordable units is determined;
- The percent of proceeds from the sale or rent of affordable housing units which must be distributed to the municipality (limited to 50%);
- Conditions for offsite affordable housing units; and
- Any other conditions for affordable housing units.

In addition, a third-party assessment of the potential impacts of IZ is required, which is the role of this report. The assessment report must contain the components listed below. Because this IZ assessment report is being conducted concurrently with the Housing Needs Assessment, some of the below components are only included in the Housing Needs Assessment (HNA) and not in this report to avoid duplication, as noted below.

- An analysis of demographics and population of the municipality (HNA);
- An analysis of household incomes in the municipality (HNA)
- An analysis of housing supply by housing type currently and planned for in the Official Plan (HNA);
- An analysis of housing types and sizes of units to meet demand for affordable housing (HNA);
- An analysis of the current Average market price and rent by housing type (HNA and IZ Assessment Report); and
- An analysis of the potential impact on the housing market and financial feasibility of development as a result of IZ by-laws accounting for (IZ Assessment Report)
 - Value of land
 - Cost of construction
 - Market price

- Market rent
- Housing supply and demand

The above analysis is also required to be peer reviewed by an independent qualified party.

In addition to the above regulations, there are currently proposed amendments to O. Reg 232/18: Inclusionary Zoning which, if implemented, would:

- Limit the affordable unit (“set aside”) rate to a maximum of 5%;
- Limit the maximum length of the affordability period to 25 years;
- Set a floor for depth of affordable ownership to 80% of the average resale price; and
- Set a floor for depth of affordability for affordable rental to 80% of the average market rent.

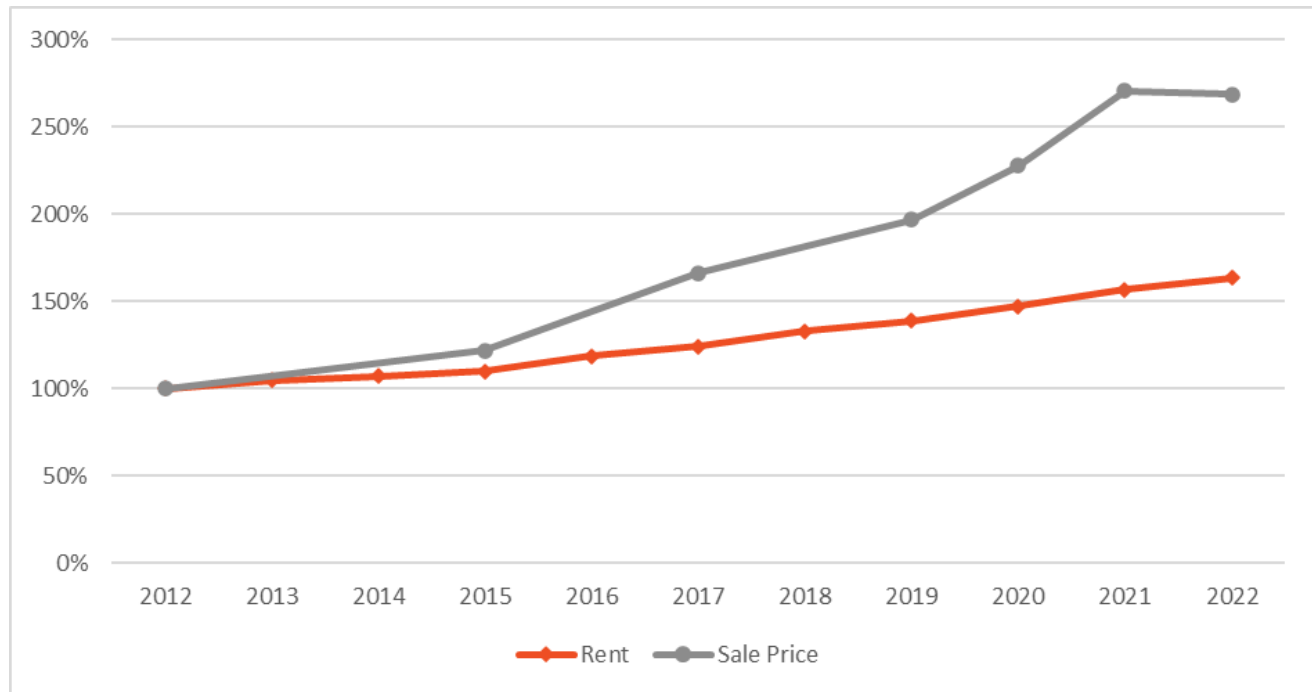
The amendment is not yet in force, although the public comment period has lapsed. It is currently unclear whether these proposed changes will be implemented. As such, this report includes scenarios beyond what would be permitted under these proposed amendments to O. Reg 232/18.

3.3 Hamilton Context

Housing costs have escalated rapidly across Ontario in recent years, and the City of Hamilton is no exception. As shown in Figure 3-1, both the rents for purpose-built rental apartments and prices of condominium apartments have risen rapidly since 2012. This rate of increase far exceeds the rate of inflation, which rose by 17% between 2012 and 2021, while condominium prices more than doubled, and rents rose by over 1.6 times.¹⁸

¹⁸ Based on Statistics Canada Consumer Price Index

Figure 3-1: Rent and Purchase Price of Apartments as % of 2012 Levels



SOURCE: urbanMetrics, with data from CMHC and the Realtor's Association of Hamilton-Burlington. Sale price data was only available for years 2012, 2015, 2017, and 2019-2022.

This increase in housing costs has raised significant concerns around housing affordability in Hamilton. As noted above, one of the tools available to municipalities in Ontario to provide affordable housing is IZ, and the City of Hamilton is now considering its implementation.

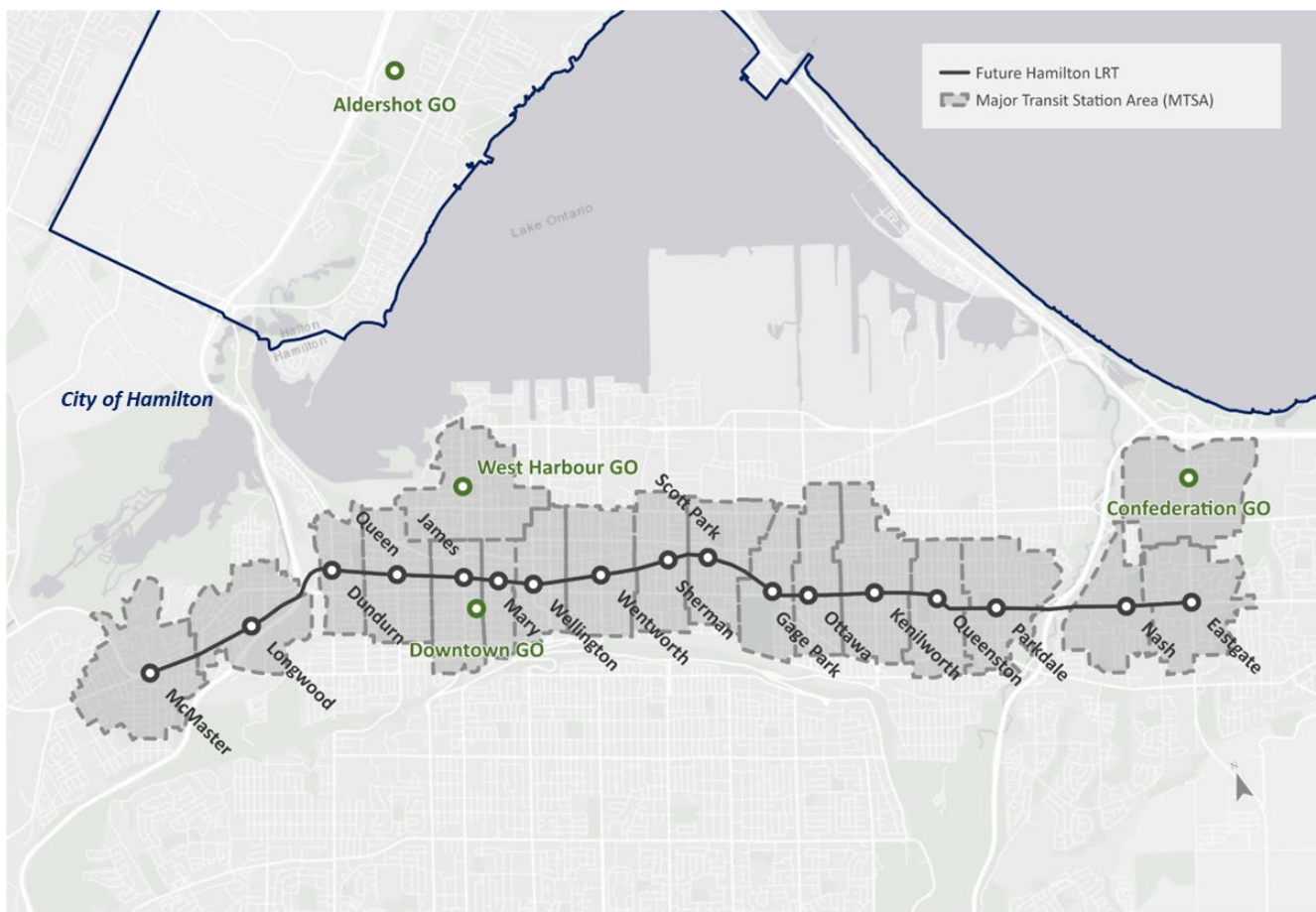
urbanMetrics has been retained by the City of Hamilton to prepare a Market Feasibility Report on the potential impacts of IZ in Hamilton, as required by Planning Act. Concurrent with this report, the City of Hamilton has retained SHS Consulting to prepare a Housing Needs Assessment which will address housing affordability more broadly, and Dillon Consulting to prepare a report delineating the Major Transit Station Area (MTSA) and Protected Major Transit Station Area (PMTSA) boundaries surrounding the current and planned LRT and GO stations.

The draft PMTSA boundaries prepared by Dillon Consulting surrounding each LRT and GO station are shown in Figure 3-2. The Planning Act restricts IZ to within PMTSAs and Development Permit System areas. As such, this report has only examined IZ within the areas shown below.

It is important to consider the potential yield of affordable units from an Inclusionary Zoning By-law in Hamilton. As with many municipalities in Ontario,

apartments make up a small share of new housing completions in Hamilton (see Figure 3-3). While there has been a large increase in apartment completions from 2020-2022, the historical average was 210 new apartments a year. Some of these completions were outside the boundaries of the proposed PMTSAs. An IZ policy with a 5% set-aside rate, under historical average apartment completions, would yield at most 13 additional affordable units a year. If the peak of 1,258 apartments completed in 2022 continues and all are constructed in PMTSAs, a 5% IZ policy would yield around 60 affordable units a year.

Figure 3-2: Draft Major Transit Station Area (MTSA) Boundaries

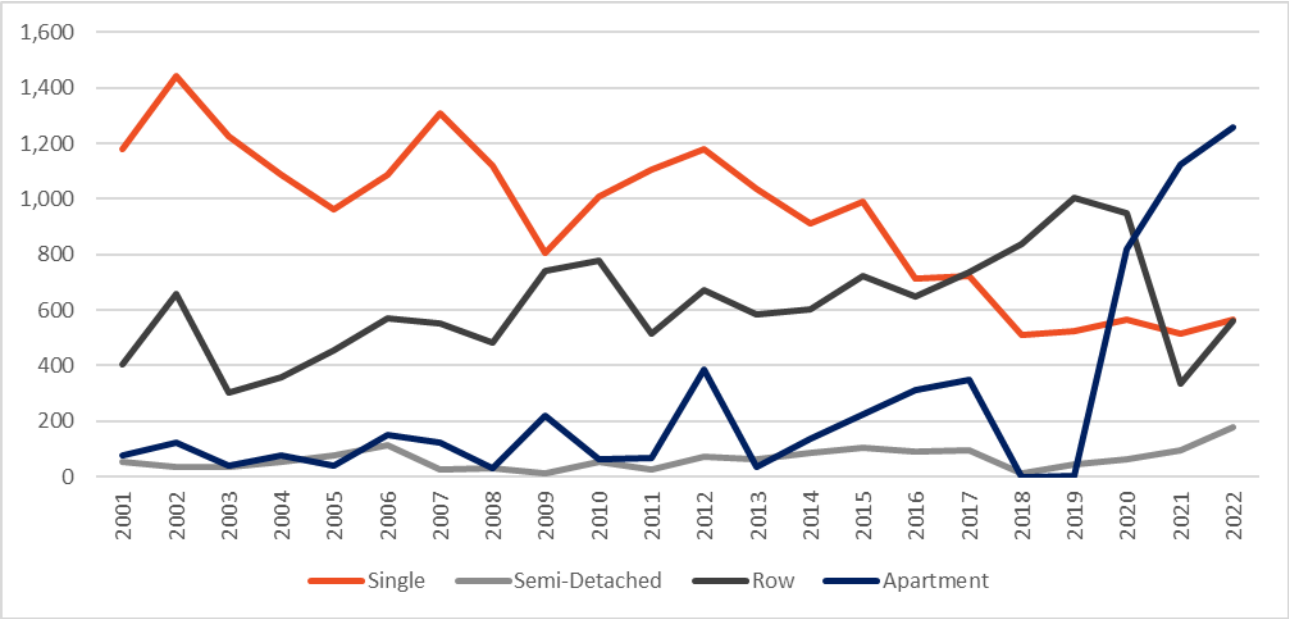


SOURCE: urbanMetrics inc., with MTSA boundaries by Dillon Consulting and Future Hamilton LRT data from Metrolinx

IZ depends on new development to add affordable housing units. In the absence of large increases in apartment development activity, an IZ policy in Hamilton will have only a modest contribution to the affordable housing stock. As such, IZ

should be considered one of the tools available to address the need for affordable housing and not a stand-alone solution.

Figure 3-3: Annual Completions in Hamilton by Housing Type



SOURCE: urbanMetrics inc., with CMHC data.

4.0 Scenarios

As discussed in the previous sections, the City of Hamilton is examining the implementation of IZ to support the creation of affordable housing units. The success of IZ policies requires continued private-market housing development. IZ policies which are too burdensome can greatly reduce development and thus worsen housing affordability challenges in the region.

To examine the financial impact of potential IZ policies in the City of Hamilton, we analyzed ten test sites within the proposed MTSA. These test sites were selected in collaboration with the City of Hamilton to be broadly representative of typical potential developments in the each CMHC region in Hamilton. They are not intended to make any claims about where a specific development could or should take place, nor to support or oppose any specific development project.

We divided the MTSA into four regions based loosely on CMHC Zones:¹⁹

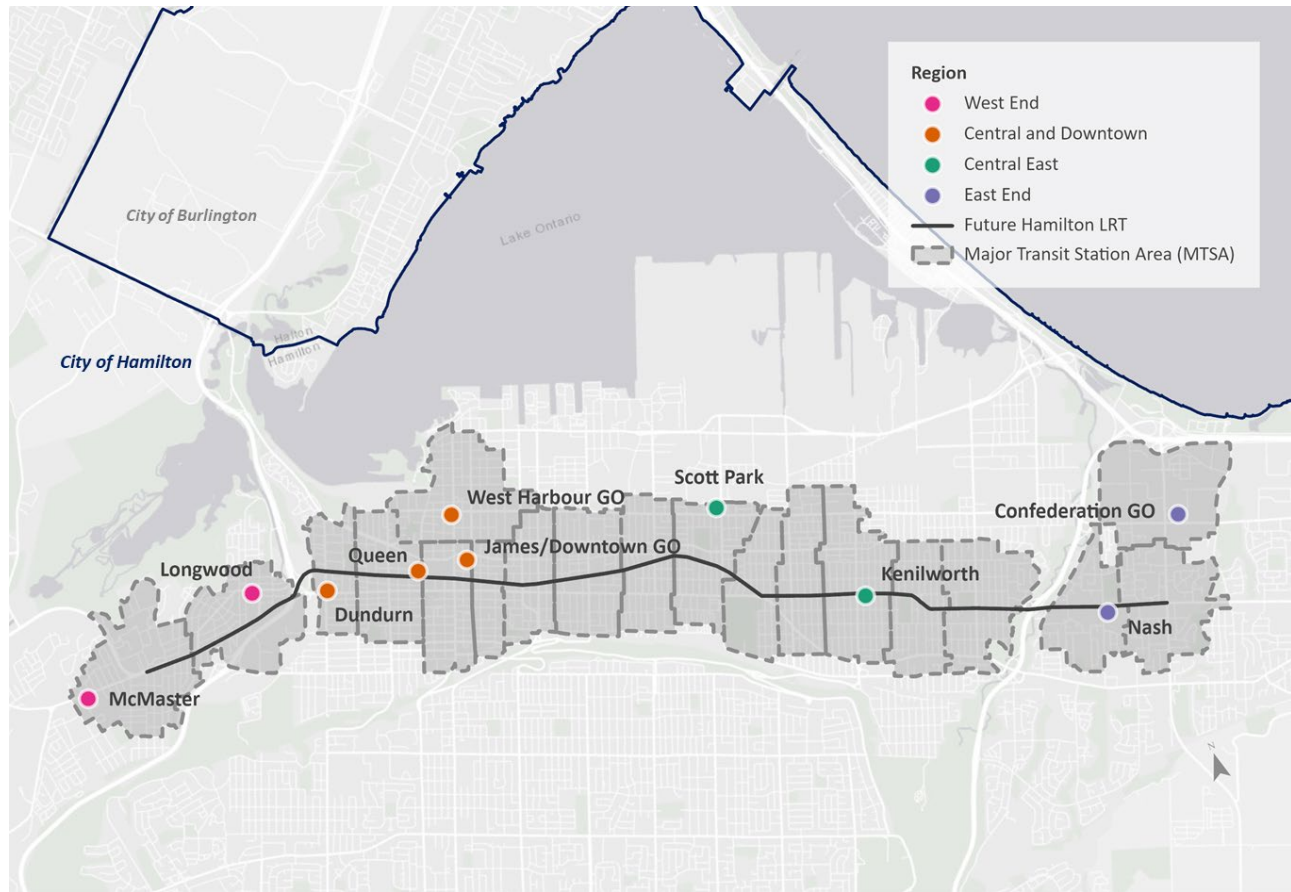
- West End: west of Highway 403. Includes McMaster University.
- Central and Downtown: between Highway 403 and Sherman Ave. Includes the downtown core and the West Harbour GO Station.
- Central East: between Sherman Ave. and Red Hill Parkway. Includes Gage Park and Tim Hortons Field.
- East End: east of Red Hill Parkway. Includes Eastgate Square and the Confederation GO Station.

Four sites were selected inside the Central and Downtown region since most developments in the City occur in this area. Two sites were selected for each of the three other regions. All sites are consistent with the Growth Plan requirements as to where intensification and higher densities are to be prioritized.

For each test site, we considered a scenario with building parameters that were permitted as-of-right by existing zoning by-laws. The exception is the Confederation GO test site, where existing zoning did not permit residential dwellings. We assumed this site will be rezoned to allow mixed use development with the establishment of the PMTSA.

¹⁹ CMHC Zones are housing submarkets based on groupings of Census Tracts, and are smaller than Census Subdivisions.

Figure 4-1: Test Site Locations and Regions



SOURCE: urbanMetrics inc., with MTSA boundaries by Dillon Consulting and Future Hamilton LRT data from Metrolinx

4.1 West End MTSAs

The West End CHMC zone encompasses the region west of the Alexander Graham Bell Parkway (Highway 403) and includes the neighborhoods of Ainslie Wood and Westdale along with McMaster University. We consider one test site in each of the two proposed MTSAs (McMaster and Longwood) that mostly fall within this zone.

The region consists mostly of low-rise buildings and single-detached homes. Many of these single-detached homes have been entirely or partially converted to rentals. Some mid-rise and high-rise rental apartments and a small number of condominium apartments exist in the region. There is a cluster of rental apartment buildings to the south-west of the McMaster MTSA.

The region has seen some recent multi-residential housing developments, and more are in the planning stages. Some of the recent developments are intended for student housing and consist mostly of studio dwelling units.

The McMaster site represents development directly on Main Street West on sites currently used for low-density retail uses, which are separated from residential uses by roads or other commercial uses.

The Longwood site represents four-storey low-rise development on a larger lot with adjacent residential units that require setbacks and angular planes.

4.2 Central and Downtown MTSAs

The Central and Downtown CMHC zones encompass the area between the Alexander Graham Bell Parkway and Sherman Avenue. We selected four test sites in the Central and Downtown zones in the proposed Dundurn, West Harbour GO, Queen, and James/Downtown GO MTSAs.

Buildings in this region are diverse, with many examples of low-rise, mid-rise, and high-rise buildings. The region has significant amounts of office, government, and institutional buildings, including Hamilton General Hospital. Many types of retail buildings exist: single detached buildings, big box stores, and ground floor retail in low-rise and high-rise buildings. Many buildings in this area have cultural or historical significance and are listed or designated on the municipal heritage register.

Housing in the area is equally diverse. Single-detached dwellings, townhouses, low-rise and mid-rise apartments, and high-rise towers are all prevalent in the area. This region sees the most development activity. Multiple developments of around 30 stories have been recently completed, are under construction, or are currently in the planning process. While most are condominium units, some of these developments are purpose-built rentals aimed at the broader market beyond just student housing.

The region has one additional feature relevant for our analysis. The high water table of this region makes underground parking more expensive to construct.

The Dundurn site represents mid-rise development on small lots directly on Main Street West outside of the downtown core. A current use of low-density retail and

limited adjacent residential uses requiring setbacks are all characteristics of this type.

The West Harbour GO site represents mid-rise apartment development not on a major road, and minimal required setbacks.

The Queen site represents a high-rise development on a moderately sized lot in the downtown core, and minimal required setbacks.

The James/Downtown site represents a high-rise development on a large site taking up an entire block, and minimal required setbacks.

Of note, the cumulative impact of shadow requirements was not considered, which may reduce the allowed density of future developments as the region builds out.

4.3 Central East MTSAs

The Central East CMHC zone encompasses the region between Sherman Avenue and the Red Hill Valley Parkway. We selected two test sites, one each in the proposed Scott Park and Kenilworth MTSAs.

The region contains mostly low-rise buildings. Retail businesses exist along the main roads in this region. The northern area of this region is industrial. The region also contains Gage Park and Tim Horton's field.

Most of this region consists of single-family homes. A few low-rise apartments and townhouses exist. There are almost no recent multi-family residential developments in the area, and the developments that are occurring are mainly non-profit affordable housing projects.

The Scott Park site represents a mid-rise development on a large lot along Barton Street East, which is in relatively close to industrial uses to the north. This site has setbacks.

The Kenilworth site represents a mid-rise development along a major street on a modest-sized site, with adjacent residential uses that require setbacks and angular planes.

4.4 East End MTSA

The East End CMHC zone encompasses the region east of the Red Valley Parkway. We selected two test sites, one each in the proposed Nash MTSA and the Confederation GO MTSA.

The region contains mostly low-rise retail, industrial, and residential buildings. Large-format shopping plazas and big-box stores are the predominant uses along the main roads in this region, with single-family homes behind the retail uses. The northern area of this region is within a Protected Employment Zone currently used exclusively for industrial purposes. There are also a few older apartments the east end of this area. There are few recently-constructed or under-construction apartment buildings in the area, with a notable example being the market-rate rental development currently under construction at 870 Queenston Road. However, there have been several recent proposals for large residential developments, especially following the approval of the Centennial Neighbourhoods Secondary Plan in 2019.

The under-construction Confederation GO station and Eastgate Mall are located in this area. Of note, Eastgate Mall represents the largest share of developable land, and is in the early stages of the planning process for a major redevelopment. Due to the active application, as well as unique size and regional function of Eastgate Mall, it would be inappropriate to use this as a test site. However, it is likely that it will represent a significant portion of new units in this area, given its size.

The Nash site represents one mid-rise phase/block of a larger redevelopment of a larger retail use along a major street.

The Confederation GO site represents a mid-rise development along a major street a distance from the LRT, on a very large site with adjacent industrial uses that the secondary plan requires large setbacks. As of this report, the site was not zoned for residential dwellings, but we assumed it will be rezoned to parameters similar to C5 zoning as part of establishing the PMTSA.

5.0 Methodology

We conducted a residual land value analysis to examine whether the proposed IZ policies would affect the market feasibility of housing developments. Here, the residual land value is calculated as the remainder after hard and soft construction costs and the required developer's profit margin are subtracted from the present value of the project's revenues. If the residual land value is greater than the value of the land's existing use, then it would be feasible to buy out the existing landowner and develop the land at the required profit margin.

We considered the effect of an IZ policy in two ways. First, we considered whether the residual land value exceeds the value of the land's existing use. An IZ policy which makes many test scenarios unfeasible would be too stringent.

Second, we quantified the effective cost of the IZ policy. This is defined as the difference in profits for the developer for providing housing units at affordable prices or rents instead of at market prices or rents. We present this effective cost in two ways: the total cost divided by the total number housing units (which can be compared to a development charge), and the total cost divided by the number of affordable units (which can be compared to other policies which produce or acquire housing to be provided at affordable prices and rents). The benefit of these metrics compared to considering a project's feasibility is they are less sensitive to assumptions. Specifically, these cost metrics are not affected by changes in construction costs and land values. That can make these cost metrics more useful to consider in volatile economic conditions.

5.1 Discounted Cash Flow, Discount Rate, and Required Profit Margin

The analysis follows the format of a discounted cash flow (DCF). In a DCF analysis, the amount and timing of revenues and expenses are projected. Future cash flows are exponentially discounted to present values using a discount rate that reflects the cost of capital and the risk of the project. DCF analysis is a common method of evaluating the financial feasibility and attractiveness of projects across many industries.

Box 5-1: Discounted Cash Flow vs. Direct Income Capitalization

An alternative method of valuing real estate development projects is the direct income capitalization method. Here, one-period stabilized net operating incomes are divided by the cap rate for similar projects to arrive at the asset value of the development. This asset value is compared to the total costs and required profit margin to determine if the project is viable.

The direct capitalization method is often used in the real estate industry to value properties. For example, it is used by MPAC to assess property values for municipal property taxes. A white paper on IZ feasibility studies found experts believe both DCF and direct income capitalization methods are sufficient for such studies.²⁰ For comparability purposes, we calculate the derived cap rate of the DCF, using the net present value of after-tax cash flows for the asset's value.

While the DCF method requires more assumptions and is more complex, it allows for a more transparent examination of how various timing and risk assumptions affect feasibility. In a cap rate analysis, assumptions about the effects of rental escalation rates, the cost of capital, and the riskiness of the project are all combined into the cap rate. As such, the choice of a cap rate can be more difficult to justify especially in a volatile economic environment.

The housing development market is experiencing volatile conditions at the time this analysis is being conducted. Interest rates have risen dramatically over the past year, with the prime rate increasing from 2.45% in March 2022 to 5.45% in September and 6.45% in December 2022. Industry cap rates for multi-family residential projects, as reported by Colliers, have increased by less than 0.50% from March to September.²¹ Rental prices have also experienced significant volatility over the pandemic. There are concerns that the reported cap rates may not fully reflect the recent changes. The greater transparency provided by a DCF is especially helpful in this situation.

The choice of a discount rate has a large effect on the results of a DCF analysis. This is especially true for purpose-built rentals, where most of the revenues are earned only in the distant future.

²⁰ Grounded Solutions Network. (2018). *Strengthening Inclusionary Housing Feasibility Studies*. <https://inclusionaryhousing.org/wp-content/uploads/2018/11/ih-feasibility-studies-convening-report.pdf>

²¹ Colliers. (2022). *Canada Cap Rate Report Q3 2022*. <https://www.collierscanada.com/en-ca/research/canada-cap-rate-report-2022-q3>

The discount rate represents difference in value between money earned in the future and money earned today. This difference usually captures two factors. First, it represents the cost of capital. Earlier earnings can be used to pay off debt or reinvested in projects without taking on additional debt. An investment with cash flows far in the future must be financed, which requires paying interest or a market rate of return on equity. Second, the discount factor includes a risk premium. A riskier project requires a higher return to be feasible, especially because the failure of projects may jeopardize the financial health of a company.

Unlike standard DCFs, a residual land value analysis also includes the developer's required profit margin. The profit margin compensates developers for the risk of the project and provides a cushion to allow for securing financing. Following previous IZ feasibility studies, we use a 15% profit margin before income taxes. The risk premium component of the discount rate will be used to capture the additional risk of the test scenarios.

Developers usually face different borrowing costs before and after construction completes. Construction loans tend to have higher interest rates, while mortgages are secured by the building and have lower interest rates. As such, we also use a different discount rate before and after construction completes. Condominium developments are fully sold shortly following construction, so this difference has a small effect for such projects. On the other hand, this difference is vitally important for rental developments, which are long-duration assets that are extremely sensitive to discount rates.

The benchmark discount rate during construction is based on the interest rate on construction loans. According to various sources, the interest rate on construction loans tends to be around the prime rate plus 1.5%. The prime rate was 7.20% as of December 2023, so construction loan rates were around 8.70%. A 1% risk premium was added to this discount rate to reach our benchmark rate of 9.70%. We use a 2.5% lower discount rate, for a rate of 7.20%, for cash flows following construction. After construction is completed, the balance of the construction loans are rolled into mortgages which face lower risks and thus have lower interest rates.

5.2 Test Scenario Building Parameters

For each test site, except for Site 10, we create a test scenario with building parameters which are permitted as of right by existing zoning. The existing zoning of Site 10 does not permit residential dwellings, so we assume it is reclassified to

Zone C4. In consultation with the City of Hamilton, we also consider an additional test scenario for some sites where building parameters are modified to better represent buildings that would likely be allowed in the region beyond those which would be permitted by existing regulations, or to consider the effects of possible incentives that could be used to offset the costs of IZ.

These building parameters include height limits, setback requirements, and parking units. From these parameters, we derive the lot coverage and commercial, residential, and administration/other (e.g., amenities, lobby, utilities, hallways, stairs, and elevators) floor space distributions based on comparable developments in the area.

For parking, we assume that parking minimums are mostly removed for all scenarios but some amount of parking is required to meet market demand. We assume 0.33 parking units per housing unit in the Central/Downtown MTSA's and 0.5 parking units per housing unit elsewhere. We assume all parking is underground to maximize the residential space available. Central and downtown locations have hard construction costs for underground parking increased by 50% due to the water table.

Table 5-1:: Building Parameters by Scenario

Scenario	MTSA	Lot Size (K ft2)	Lot Cov. % Storeys	Resid. GFA (K ft2)	Comm. GFA (K ft2)	Parking Spaces	Units	
1	McMaster	69	68%	4	138	14	98	195
2	Longwood	97	63%	4	161	42	114	228
3	Dundurn	13	83%	7	57	2	27	80
4	West Harbour	22	91%	7	98	7	46	139
5	Queen	34	85%	30	382	7	178	540
6	James/Downtown	97	72%	30	814	20	304	1,151
7	Scott Park	191	53%	7	550	27	389	778
8	Kenilworth	37	75%	7	131	8	92	185
9	Nash	92	68%	13	580	26	411	820
10	Confederation	228	27%	12	490	6	347	693

Note: This table shows the test scenario parameters for the test sites. For the test scenarios, we assume building parameters permitted by as-of-right by zoning. The exception is Scenario 10, where we assume the building conforms to C4 zoning because its current zoning does not allow for non-employee dwellings. These parameters are only intended to be representative of a variety of types of housing developments and are not prescriptive. Actual developments will differ from these parameters.

Due to the size of Scenarios 6 (James/Downtown), 7 (Scott Park), 9 (Nash), and 10 Confederation, we assume these projects are built over two phases with each

phase being 50% of the units. The second phase is assumed to begin its planning process following the completion of the first phase. We assumed the discount rate for the phasing period is equal to the mortgage interest rate plus risk premium of 7.2%.

5.3 Price and Rent Assumptions

We used comparable listings on various data sources including Altus, MLS, and individual property websites to derive sale and rent prices for each of the four regions. The ideal comparable units were (re)sales and rentals of newly constructed apartment units. The availability of such data was limited, especially outside the Central and Downtown region. As such, we also examined data on rents for older apartments, resales of older condominium units, and rentals and sales of townhouses and single-detached homes (in part or whole). These were adjusted based on CMHC data and our understanding of local markets. Markets with data gaps for certain unit types were also imputed this way.²²

Table 5-2: Benchmark Market Sale Prices and Monthly Market Rents

Region	West End	Central/DT	Central East	East End
Sale: Studio	\$450,000	\$475,000	\$400,000	\$425,000
Sale: 1BR	\$575,000	\$600,000	\$525,000	\$550,000
Sale: 2BR	\$725,000	\$750,000	\$675,000	\$700,000
Sale: 3BR	\$875,000	\$900,000	\$825,000	\$850,000
Rent: Studio	\$1,850	\$1,900	\$1,800	\$1,800
Rent: 1BR	\$2,250	\$2,300	\$2,150	\$2,200
Rent: 2BR	\$2,600	\$2,700	\$2,550	\$2,600
Rent: 3BR	\$3,200	\$3,300	\$3,150	\$3,200

Notes: These values are derived from various data sources including Altus, MLS, and individual property websites and are adjusted based on CMHC data and our understanding of the local markets. These figures are only intended to be reasonable estimates of what average new housing units may sell for in these regions and are not prescriptive. Prices of actual units will differ from these numbers.

Using these methods, we derived the benchmark sale and rent prices as shown in Table 5-2. These figures are intended to be reasonable estimates, and it would be

²² The prices and rents were collected Q4 2022, then adjusted to Q4 2023 based on the MLS Home Price Index for sale prices and Rentals.ca and Urbanation data for rents. Based on this data, sale prices were kept at the Q4 2022 levels, while rents were increased by 6% then rounded to the nearest \$50.

expected that any specific development would have prices that differ from these. In Section 7.0, we conduct a sensitivity analysis to show the effect of changes in prices on the impact of IZ and the feasibility of test scenarios.

Projecting revenues also requires assumptions on average unit sizes by unit type. Data on the size of units was more limited than data on sale and rent price.²³ The square footage of units was often provided as a range or estimate or was not provided at all. Again, we derived the size of units by what data we had available. Based on 2023 development data, we assumed unit sizes of new construction would be similar across the four regions. Table 5-3 summarizes our assumptions regarding unit sizes, which results in the derived sales per square feet figures in Table 5-4.

Table 5-3: Benchmark Unit Sizes

	Square Feet
Studio	450
1BR	610
2BR	840
3BR	1050

Notes: These values are derived from various data sources including Altus, MLS, and individual property websites. These figures are only intended to be reasonable estimates of what the size of average new housing units in these regions may be and are not prescriptive. Sizes of actual units will differ from these numbers.

Sale and rent prices per square foot differ by unit type, with smaller units having higher prices per square foot. As such, the unit mix of the development will affect its revenues. While we see some developments which are almost entirely studios and/or small 1-bedroom units in the City of Hamilton, market demand would likely require most developments to build units of larger sizes. As such, we assume a unit mix of 10% studios, 50% 1-bedroom, 30% 2-bedroom, and 10% 3-bedroom.²⁴ We allow for fractional units since developers can make minor adjustments to unit sizes to fill the available space with commensurate price increases.

We assume condominium sale prices grow at 2% annually, same as all other variables except rents. Pre-sales are sold at the current value, despite only

²³ Due to the data limitations on size of units, we start from assumptions on price per unit and size per unit to derive price per square foot values, rather than starting from price per square foot.

²⁴ Compared to the March 2023 version of this report, we have decreased studios by 10% and increased 2-bedroom units by 10%.

receiving 80% of the sale price at completion. The growth rate of rents is higher and is discussed below.

Table 5-4: Derived Sale and Monthly Rent Prices per Square Foot

Region	West End	Central/DT	Central East	East End
Sale: Studio	\$1,000	\$1,056	\$889	\$944
Sale: 1BR	\$943	\$984	\$861	\$902
Sale: 2BR	\$863	\$893	\$804	\$833
Sale: 3BR	\$833	\$857	\$786	\$810
Rent: Studio	\$4.11	\$4.22	\$4.00	\$4.00
Rent: 1BR	\$3.69	\$3.77	\$3.52	\$3.61
Rent: 2BR	\$3.10	\$3.21	\$3.04	\$3.10
Rent: 3BR	\$3.05	\$3.14	\$3.00	\$3.05

Notes: These values are derived from the price and size assumptions in Table 5-2 and Table 5-3. These figures are only intended to be reasonable estimates of what average new housing units may sell for in these regions and are not prescriptive. Prices of actual units will differ from these numbers.

Rent Growth Rate and Time Horizon

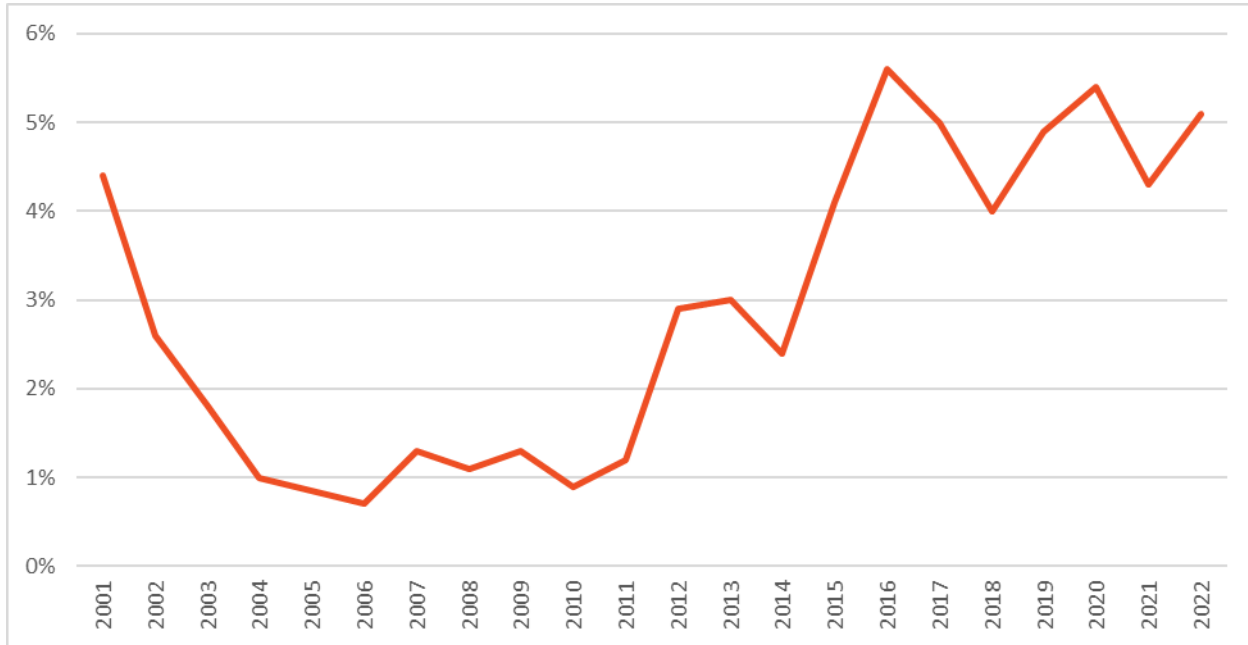
The feasibility of rent scenarios depends on the annual growth rate for rent as much as the discount rate. Rental units built before November 15, 2018 are subject to rent control. Newer rental building would not be subject to rent control. As such, we assume an annual rent growth rate of 4% for both market-rate rentals and for affordable rentals. While high, this assumption is in line with past rent growth rates. As shown in Figure 5-1, average rents in existing purpose-built rentals in Hamilton have grown by 4.0%-5.6% year-over-year since 2016. This growth rate is similar for all bedroom types. Because there are more regulations over how much affordable rents can be raised annually, we assume they grow at 2%.²⁵

The income of rent scenarios also depends on the time horizon of the analysis, beyond which the building is assumed to have no value and the land is sold for redevelopment. We assume a 100-year time horizon for this analysis. Because the difference between the rent growth rate and the after-construction discount rate is relatively small in this analysis, the choice of the time horizon does have a significant effect on the results. This may be longer than historical average multi-

²⁵ This differs from the benchmark affordable rent growth assumptions in the March 2023 report, where we assumed that affordable rents, being calculated as a percentage of average market rents, would grow at the same rate as average market rents.

residential building lifespans. However, older buildings are often in use for over 70 years and modern construction techniques can improve the lifespan of buildings.

Figure 5-1: Average Annual Change in Rent, City of Hamilton



Notes: Data only includes purpose-built apartment rentals that were present in the previous Rental Market Survey. This data reflects the average rent growth in individual buildings, and not rent growth in the overall market. Newly built rentals have higher rents, which would increase the average market rent faster than rents increase in an existing building. SOURCE: urbanMetrics inc., with CMHC data.

5.4 Inclusionary Zoning Assumptions

As discussed earlier, IZ policies vary dramatically in many of their parameters. Proposed regulatory changes following the passage of Bill 23, *More Homes Built Faster Act*, define limits for IZ policies. The proposed regulations set a maximum set-aside rate of 5% for affordable units and a maximum affordability period of 25 years. The proposed regulations also define affordable units at 80% of average market rents for affordable units and 80% of average resale prices for ownership units, although it is unclear if these changes will be implemented as proposed.

Our benchmark IZ policy follows these parameters. Many IZ policies require affordable units to be similar to market-rate units. As such, we assumed that a fraction equal to the set-aside rate of each unit type would be set aside as affordable. We allow for fractional units to simplify the analysis and to reflect that our scenarios represent averages. For affordable rental units, we assumed that the price remains affordable for the 25-year affordability period, then jumps to the market rate at the end of the affordability period. The affordability period does not affect the analysis of ownership units since developers are not directly affected by resale values. In the event that the proposed regulatory amendments change prior to passage, we also included results for set-aside rates of 10%, 15%, and 20% and conduct sensitivity analyses with a 60-year affordability period.

We set the affordable prices and rents based on regulatory parameters. For rentals, we used 80% of the average market rent across the City of Hamilton by unit type. According to the housing needs assessment conducted by SHS concurrently with our analysis, this results in the affordable rents per unit as shown in Table 5-5. Similarly, we used the affordable ownership prices by unit type provided by SHS (these were calculated based on household income deciles in Hamilton), which results in the prices per unit as shown in Table 5-5. Notably, we assume that all of the proceeds from the rental or initial sale of affordable units goes to the developer, with none going to the municipality.

Table 5-5: Affordable Price and Rent Per Unit Assumptions

	Ownership	Rental
Studio	\$194,965	\$732
1-Bedroom	\$245,402	\$876
2-Bedroom	\$300,934	\$1,017
3-Bedroom	\$364,429	\$1,183

5.5 Other Revenue Assumptions

Several additional factors are required to calculate revenues. First, assumptions must be made around the timing of sales and rentals. These assumptions are detailed in Table 5-6. For condominiums, we assumed 80% of units are pre-sold. We assumed a 20% deposit is received upon start of construction for pre-sold units with the rest being received on completion of construction. The remainder of condominiums are sold in the quarter following completion of construction. For affordable units, we assume no units are pre-sold, and all units are sold evenly over

two quarters following completion of construction. For rentals, we assume market-rate units take four quarters to reach stabilization and affordable units take two quarters.

Table 5-6: Sales Timing Assumptions

	Unit	Value
Fraction of condominiums pre-sold	%	80%
Deposit on pre-sold condominium sale price	%	20%
Quarters to fully sell, market-rate condominiums	Quarters	1
Quarters to fully sell, affordable condominiums	Quarters	2
Quarters to stabilization, market rentals	Quarters	4
Quarters to stabilization, affordable rentals	Quarters	2

Second, various expenses and adjustments are subtracted from potential gross revenues to arrive at effective gross revenues as described in Table 5-7. These include selling and agent fees, operating expenses, bad debt and delinquency, and vacancy. Selling expenses apply for both condominium and rental scenarios, while the other expenses apply only for rentals.

Table 5-7: Sales Adjustment Assumptions

	Unit	Value
Selling and agent fees	% of sales	5%
Operating expenses	% of rent	25%
Bad debt and delinquency	% of rent	2%
Vacancy at stabilization, market rentals	%	2%
Vacancy at stabilization, affordable rentals	%	1%

Finally, we added commercial and parking revenues as detailed in Table 5-8. We assumed commercial space is sold to a commercial leasing company for a lump sum when construction completes. Developers reportedly tried to minimize commercial property space in residential developments. As such, we assumed the sale price of commercial property is much lower than that of residential property. We confirmed these commercial prices were similar to recent sale prices of commercial retail property in the respective regions.

Parking space in condominiums is sold with the units. We used comparable sales to set the price of parking space in the Central and Downtown region. Unfortunately, we were unable to find comparable sale prices for parking spots in the other

regions. We assumed parking spots in these other regions would sell for less than parking in the Central and Downtown region.

Table 5-8: Commercial and Parking Price and Rent Assumptions

Region	West End	Central/DT	Central East	East End
Commercial price/SF	\$300	\$400	\$300	\$300
Parking sale price	\$50,000	\$60,000	\$50,000	\$50,000
Parking rent price	\$100	\$125	\$100	\$100
Parking rent AGR	2%	2%	2%	2%
Quarters to stabilization	3	3	3	3
Parking vacancy	2%	2%	2%	2%

Parking space in rentals is retained by the development and is rented out. We examined monthly parking rates in the City of Hamilton to project likely parking prices that a new development could charge in the different regions. We further assume parking rent prices grow at 2% a year, same as most other variables, and that parking will reach stabilization with the same long-term vacancy rate as the market-rate housing units.

5.6 Hard Construction Costs

The hard construction costs include costs of labour and materials to construct the building and parking. It also includes the cost of demolition, landscaping, and hardscaping. We assume half the lot size is needed to be demolished. The lot area less the building envelope will need to be landscaped and hardscaped.

Our benchmark hard construction costs, as shown in Table 5-9, are taken from Altus cost data for the Greater Toronto Area for 2023.²⁶ Construction costs for below-ground parking in the Central and Downtown scenarios were increased by 50% due to the high water table. We further assume a 10% average contingency used during construction, which reflects unexpected costs. Finally, we assume all hard costs grow at a 2% rate annually, same as the growth rate on all other variables except rents.

²⁶ Altus Group. (2023). *2023 Canadian Cost Guide*.

Table 5-9: Benchmark Hard Construction Costs

	Unit	Value
Residential costs		
Up to 6 stories	\$ per sf	\$283
7-39 stories	\$ per sf	\$328
Parking costs		
Surface	\$ per sf	\$20
Above-ground garage	\$ per sf	\$175
Below-ground garage	\$ per sf	\$243
Below-ground garage, Central	\$ per sf	\$364
Other hard costs		
Demolition	\$ per sf	\$10
Landscaping and hardscaping	\$ per sf	\$10
Contingency	%	10%

SOURCE: Altus

Also important is the time needed to construct the building. We assume 30 storey buildings require roughly 16 quarters to construct, 12-13 storey buildings require 12 quarters, 6-7 storey buildings require 10 quarters to construct, and 4 storey buildings require 8 quarters. We assume parking is constructed first, followed by the rest of the building. For simplicity, we assume occupancy only begins after the entire project is completed.

5.7 Soft Construction Costs

Soft construction costs include professional fees, planning charges, and property taxes. Also considered is how long it takes for development projects to move from land purchase to the start of construction. We assume as-of-right developments require an average of 8 quarters to move through the design and planning approval process until construction can begin.

These assumptions are low compared to residential developments in the existing planning framework. However, these as-of-right scenarios would require no Official Plan Amendments or Zoning By-Law Amendments, which should significantly speed the approval process. Additionally, the establishment of a PMTSA limits the right to request an Official Plan Amendment or Zoning By-law Amendment.

Professional fees are difficult to project and differ across companies and developments. As with previous analyses, we assume a budget for professional fees of 14.5% of hard costs.

Condominium developments must register for Tarion warranty. The cost schedule of Tarion depends on the sale price of units. The cost schedule is discontinuous, with one fee for a range of sale prices. To simplify the analysis and allow it to be more representative of a broad range of developments, we approximated the Tarion fee as 0.25% of sales.

We used a sales tax of 13%, charged only for condominiums. The same percentage is recovered from hard costs and half of professional fees (this assumes half of professional fees come from in-house employees and the other half from external consultants).

Property taxes have a small effect on condominium developments. Condominiums sell all units shortly after construction completes. Such developments pay little property taxes, mostly on the value of land. Property taxes have a much larger effect on rental developments. We use property tax rates of 1.327% for multi-residential sales and 3.204% for commercial sales, which were the City of Hamilton's 2023 property tax rates. Following MPAC's assessment method, we calculated the assessed values using the direct capitalization method on net operating income. Net operating incomes were divided by a cap rate to calculate the assessed value. Because the assessed value will grow over time with escalation in revenues, we used a higher cap rate of 8% to avoid double-charging for future rent price appreciation. This seemed comparable to property tax valuations of other multi-residential properties in Hamilton.

We used the City of Hamilton's planning and development-related charges as of January 2024, as shown in Table 5-10. All projects must pay development charges, cash-in-lieu of Parkland, site plan approval, and building permit fees. All condominium projects must submit a plan of condominium.

Finally, only projects requiring alterations to the as-of-right building permissions must submit an Official Plan Amendment and Zoning By-Law Amendment. These processes often may require amendments and revisions at additional cost. We assumed one round of such amendments are needed, and they are rolled into the base costs. Currently, the scenarios examined in this study were all permitted as-of-right by the current zoning by-law, so no projects were assessed these fees.

Table 5-10: Benchmark Soft Construction Costs

	Unit	Value
Taxes		
HST for condominiums	%	13%
Property tax rate for multi-residential	%	1.327%
Property tax rate for commercial	%	3.204%
Other fees		
Professional fees	% of hard costs	14.5%
Tarion enrollment fees, condominiums	% of sales	0.25%
Development charges		
Per studio and 1-bedroom, condominium	\$ per unit	\$26,709
Per 2-bedroom and 3-bedroom, condominium	\$ per unit	\$37,537
Per studio and 1-bedroom, rental	\$ per unit	\$22,703
Per 2-bedroom, rental	\$ per unit	\$30,030
Per 3-bedroom, rental	\$ per unit	\$28,153
Per affordable unit	\$ per unit	\$3,274
Per sq. ft. commercial	\$ per sf	\$21.61
Parkland dedication (market-rate units only)		
As percent of existing land value	%	10%
Site Plan Approval		
Total Residential SPA cost	\$	\$80,255
<i>Commercial SPA cost per square metre</i>	\$	\$10
Plan of Condominium		
Total base cost	\$	\$24,000
Add'l per-unit charge	\$ per unit	\$90
Building permit		
Base cost and foundation permit	\$	\$4,007
Residential cost per square metre	\$ per sf	\$17.79
Demolition per square metre	\$ per sf	\$0.52

5.8 Residual Land Value

We calculate the residual land value by subtracting the hard and soft construction costs from revenues. This value is then adjusted by percentage charges that would affect the land price, as shown in Table 5-11. As required by Bill 23, we reduce the base community benefits charge of 4% by the fraction of affordable units. For rentals, the land price is reduced by the present value of the sale price at the owner's time horizon of 100 years, assuming a 2% annual growth rate in land values.

Table 5-11: Total Percent Charges on Land Costs

	Percent
Property tax on land pre-construction	4.4%
Land transfer tax	4%
Community benefits charges	4%
PV land sale at time horizon, rental	-0.62%

To test for market feasibility, the residual land value is compared against an estimate for the lowest price the land would sell for. The lowest price should be the highest and best use excluding the potential residential development considered. This method is used instead of the market price of land because the market price could be affected by IZ policy, and it would be unclear whether there would be room to decrease the market price.

Because the test sites considered were all commercial sites at the time of study, we assumed their existing use was the highest and best use. We approximate the value of the existing use with MPAC's assessed value of the property's existing use at the time of this study.²⁷ To develop these sites into multi-residential housing, the existing business must be purchased and retired. The owner of the business would only sell if the price exceeded the returns from continued operations. Most of the test sites were last assessed in 2016 or 2017. As such, we assumed a 50% premium would be required over these assessed values to reflect the current market and to induce the current owner to sell (this is roughly equivalent to a 2% annual growth rate in property values combined with a 30% premium over the assessed value to induce a sale). Based on an examination of retail land sales, almost no properties are sold below their assessed values. The existing land value assumptions are shown in Table 5-12.

Table 5-12: Adjusted (50% Premium) Assessed Property Values by Scenario

Scenario	1	2	3	4	5	6	7	8	9	10
\$ (MM)	\$4.4	\$7.2	\$1.7	\$2.1	\$2.4	\$8.0	\$10.4	\$3.3	\$5.8	\$3.9
\$/SF	\$64	\$75	\$138	\$98	\$72	\$83	\$54	\$88	\$64	\$17

Comparing residual land values to the existing assessed property value is different than the methods of previous IZ feasibility studies in Ontario. In their previous

²⁷ We use the assessed property value of all sites except test site #9, the Eastgate scenario. That scenario uses part of a larger land parcel. We established the value of test site #9 using similar establishments in the same region.

studies for the Peel Region and City of Toronto, NBLC estimated the value of the land given alternative uses. The benefit to this previous approach is that it may better reflect the value of the land with multiple competing purchasers with different planned uses of the land. Furthermore, the estimate may reflect recent changes in land values better than assessment data, which dates back to 2016 and 2017. The drawback of this approach is it may not be a reliable indicator of the minimum sale price of land. As such, it is difficult to use market prices of land to calculate whether an IZ policy would render development infeasible, or whether the residual land value of an apartment development would remain above the value of alternative uses.

The benefit of using assessed values to estimate land value is that it could be a more reliable proxy of the current value of the site and the minimum price which the landowner would sell for. MPAC likely has more information regarding the profitability and value of the existing business and thus would likely produce more accurate assessments of land values than an independent analysis using publicly available information. Additionally, demand from alternative buyers is not guaranteed, at which point the profitability of the existing business may be a stronger influence on land prices. Further, we found significant variation in land sale prices in Hamilton across 2022 and 2023, making it challenging to use comparables to establish the minimum sale price of existing land. While neither methodology is perfect, the assessed property value should provide a conservative lower bound on the value of the land that would not be affected by an IZ policy.

6.0 Benchmark Results

In this section, we address the two main questions of this study using the benchmark scenarios. First, we consider whether an IZ policy make some feasible housing development scenarios become unfeasible. Scenarios are feasible if they result in residual land values in excess of 50% over the existing property's assessed value, as detailed in Table 5-12 in Section 5.8. Second, we quantify the effective cost of each affordable unit created by an IZ policy. This cost can be used by the City to compare IZ to other approaches for creating affordable housing, although this comparison is outside the scope of this report.

We consider these questions for each of the ten test scenarios. For each scenario, we considered both condominium and rental models.

To answer these questions, we focused on the following metrics. First, we calculated the residual land value over the existing property's adjusted assessed value. Second, we calculated the IZ policy's effective fee per unit, which is the reduction in net income divided by the total units in the development. Using that value, we then calculated the effective cost per affordable unit created by dividing the effective fee per unit by the set-aside rate.

The results of these analyses are shown in Table 6-1. We discuss the results for condominium scenarios and rental scenarios in the subsections below.

6.1 Condominium Scenarios

With no IZ policy, we found all condominium projects were feasible in the West End and Central/Downtown regions, while they were not feasible in the Central East and East End regions. This was mostly in line with our expectations. There were many multi-residential developments in the Central and Downtown zones, as well as a few developments in the West End region. We saw only a couple recent multi-residential developments in the Central East and East End regions.

However, there had been some development applications filed recently in the East End region. Our assumptions on sale prices and unit sizes were based on known current market conditions. Development applications may reflect expectations of future conditions, potentially with the improvement of transit. A development application does not guarantee that development will occur, at least in the short term. In Section 7.2, we conducted a sensitivity analysis which considers increases in market sale prices.

Table 6-1: Residual Land Values Over Existing, Benchmark Scenarios

CONDOMINIUM		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	\$4.8	\$2.3	-\$0.1	-\$2.5	-\$5.0
2	Longwood	97	4	228	11	\$0.4	-\$2.4	-\$5.3	-\$8.1	-\$11.0
3	Dundurn	13	7	80	4	\$0.3	-\$0.7	-\$1.7	-\$2.7	-\$3.8
4	West Harbour	22	7	139	7	\$1.3	-\$0.5	-\$2.2	-\$4.0	-\$5.8
5	Queen	34	30	540	27	\$4.9	-\$1.3	-\$7.5	-\$13.8	-\$20.0
6	James/Downtown	97	30	1151	58	\$10.2	-\$2.1	-\$14.4	-\$26.8	-\$39.2
7	Scott Park	191	7	778	39	-\$16.4	-\$24.0	-\$31.6	-\$39.2	-\$46.8
8	Kenilworth	37	7	185	9	-\$5.0	-\$7.0	-\$9.1	-\$11.2	-\$13.2
9	Nash	92	13	820	41	-\$7.1	-\$15.1	-\$23.0	-\$31.0	-\$39.0
10	Confederation	228	12	693	35	-\$4.2	-\$10.9	-\$17.6	-\$24.3	-\$31.1

RENTAL		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	-\$0.6	-\$2.4	-\$4.2	-\$6.1	-\$7.9
2	Longwood	97	4	228	11	-\$6.1	-\$8.2	-\$10.3	-\$12.5	-\$14.6
3	Dundurn	13	7	80	4	-\$2.1	-\$2.9	-\$3.6	-\$4.4	-\$5.2
4	West Harbour	22	7	139	7	-\$3.0	-\$4.3	-\$5.6	-\$6.9	-\$8.3
5	Queen	34	30	540	27	-\$7.5	-\$12.3	-\$17.1	-\$22.0	-\$26.9
6	James/Downtown	97	30	1151	58	-\$11.9	-\$21.4	-\$31.0	-\$40.6	-\$50.2
7	Scott Park	191	7	778	39	-\$27.4	-\$33.4	-\$39.4	-\$45.5	-\$51.6
8	Kenilworth	37	7	185	9	-\$8.0	-\$9.6	-\$11.2	-\$12.9	-\$14.5
9	Nash	92	13	820	41	-\$20.8	-\$27.0	-\$33.3	-\$39.6	-\$45.9
10	Confederation	228	12	693	35	-\$15.7	-\$21.0	-\$26.3	-\$31.6	-\$36.9

Notes: This table shows the effects of inclusionary zoning for the benchmark parameters. Residual land values over existing is calculated by subtracting 150% of the assessed value of the existing property at the test site from the residual land value calculated in the DCF.

When considering the effects of IZ policies, a 5% IZ policy resulted in all but one of the feasible condominium projects becoming unfeasible. At the time of this study, market conditions for residential development were unfavourable and there was little cushion to absorb the impacts of IZ. A 5% IZ policy reduced residual land values from \$1.0 million for smaller projects to \$12.3 million for the largest projects considered.

6.2 Rental Scenarios

Rental projects were far less profitable than condominium projects. With the benchmark parameters, none of the rental developments were feasible.

Unfortunately, this makes it challenging to evaluate the impacts of IZ on rental developments. Still, the analysis can be used to evaluate the costs of IZ. A 5% IZ policy reduced residual land values by \$0.8 million to \$9.5 million. IZ would make it more difficult to reach the market conditions which are suitable for rental developments.

To allow comparisons between our DCF analysis and direct capitalization methods, we derive cap rates using the ratio of net operating income excluding income and property taxes to the net present value of revenues minus property taxes and land transfer taxes. Based on the discount rate and rent growth rate assumptions, cap rates are approximately 3.4%. This is slightly lower than the “low” cap rates of 3.5%-3.75% for multi-residential developments in Toronto and Waterloo as reported by Colliers for Q3 2023.²⁸

That finding is reasonable since our buildings would be newer than the average building in Colliers’ data. Additionally, our simplifying assumption of constant rent growth rates would reduce the derived cap rate compared to a more complicated scenario where rent growth is initially higher but decreases over time. A table of these derived cap rates and a more detailed discussion can be found in Appendix A.

²⁸ Colliers. (2023). *Canada Cap Rate Report Q3 2023*.

7.0 Sensitivity Analysis

We set our benchmark assumptions to best represent average housing developments in Hamilton. However, a single set of parameters cannot capture the different circumstances and economic environments which housing developers may face. Sale prices, rents, and construction costs will vary over time, across developers, and even across projects by the same developer.

In this section, we consider the effects of IZ with assumptions different from our benchmarks. We consider the effects of higher construction costs, higher or lower prices and rents, different growth rates of rent prices, and longer affordability periods. Overall, we find these differences can affect the impact of IZ policies on the feasibility of housing developments. Additional caution may be needed in deciding the set-aside rate of the IZ policy.

7.1 Construction Costs

The benchmark costs were taken from the Altus 2023 Canadian Cost Guide.²⁹ However, after labor and materials costs grew significantly from 2020-2022, there are signs the growth may be slowing. Toronto's residential building construction price index for apartments increased almost 24% year-over-year in Q3 2022 and increased 10% in Q3 2023.³⁰ Some of these reflect temporary conditions. Certain costs are falling from their highs during Covid, such as shipping, lumber, and steel costs. Additionally, inflation is expected to slow in the near future.³¹ It is possible that construction costs may decrease in the future.

As such, we consider the scenarios with a 5% decrease to hard construction costs from our benchmark. Table 7-1 shows the results of this sensitivity analysis. The effects of lower construction costs increase residual land values across the board. Scenarios 9 and 10, in the East End, are now feasible without IZ. Additionally, three previously unfeasible rental scenarios (scenarios 1, 5, and 6) are now feasible with no IZ.

²⁹ Altus Group. (2023). *2023 Canadian Cost Guide*.

³⁰ Statistics Canada. (2023). *Table 18-10-0276-01: Building construction price indexes, by type of building and division*. DOI: <https://doi.org/10.25318/1810027601-eng>

³¹ Hertzberg, E. and R. Thanthong-Knight, Bloomberg News. (2024). *Bank of Canada surveys show inflation expectations are coming down*. BNN Bloomberg. <https://www.bnnbloomberg.ca/bank-of-canada-surveys-show-inflation-expectations-are-coming-down-1.2022063>. Accessed Jan. 15, 2024.

Table 7-1: Sensitivity Analysis, 5% Lower Hard Construction Costs

CONDOMINIUM		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	\$7.2	\$4.8	\$2.4	-\$0.1	-\$2.5
2	Longwood	97	4	228	11	\$3.5	\$0.7	-\$2.1	-\$5.0	-\$7.8
3	Dundurn	13	7	80	4	\$1.4	\$0.4	-\$0.6	-\$1.6	-\$2.7
4	West Harbour	22	7	139	7	\$3.2	\$1.4	-\$0.3	-\$2.1	-\$3.9
5	Queen	34	30	540	27	\$11.7	\$5.5	-\$0.7	-\$6.9	-\$13.2
6	James/Downtown	97	30	1151	58	\$23.4	\$11.2	-\$1.1	-\$13.5	-\$25.9
7	Scott Park	191	7	778	39	-\$7.1	-\$14.6	-\$22.2	-\$29.8	-\$37.5
8	Kenilworth	37	7	185	9	-\$2.5	-\$4.5	-\$6.6	-\$8.6	-\$10.7
9	Nash	92	13	820	41	\$2.3	-\$5.6	-\$13.6	-\$21.5	-\$29.5
10	Confederation	228	12	693	35	\$3.7	-\$3.0	-\$9.7	-\$16.4	-\$23.2

RENTAL		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	\$2.1	\$0.3	-\$1.5	-\$3.3	-\$5.1
2	Longwood	97	4	228	11	-\$2.6	-\$4.7	-\$6.8	-\$8.9	-\$11.0
3	Dundurn	13	7	80	4	-\$0.9	-\$1.6	-\$2.4	-\$3.2	-\$3.9
4	West Harbour	22	7	139	7	-\$0.8	-\$2.1	-\$3.4	-\$4.8	-\$6.1
5	Queen	34	30	540	27	\$0.2	-\$4.6	-\$9.5	-\$14.3	-\$19.2
6	James/Downtown	97	30	1151	58	\$3.0	-\$6.6	-\$16.1	-\$25.7	-\$35.3
7	Scott Park	191	7	778	39	-\$16.9	-\$22.9	-\$28.9	-\$35.0	-\$41.0
8	Kenilworth	37	7	185	9	-\$5.1	-\$6.7	-\$8.4	-\$10.0	-\$11.6
9	Nash	92	13	820	41	-\$10.2	-\$16.4	-\$22.6	-\$28.9	-\$35.2
10	Confederation	228	12	693	35	-\$6.9	-\$12.1	-\$17.4	-\$22.7	-\$28.0

Notes: This table shows the effects of inclusionary zoning with higher construction costs. Residual land values over existing is calculated by subtracting 150% of the assessed value of the existing property at the test site from the residual land value calculated in the DCF.

With lower construction costs, IZ becomes more feasible. Scenarios 1 through 6 are now all feasible with a 5% set-aside rate, and Scenario 1 remains feasible at a 10% set-aside rate. For rentals, a 5% set-aside rate makes all scenarios unfeasible, compared to the 15% rate required with the benchmark parameters.

These results suggest that while an IZ policy may not be feasible in Hamilton with the benchmark parameters, it may become feasible if construction costs decrease. These results also suggest that IZ should be prioritized for condo units in the West End and Central/Downtown MTSAs. Applying IZ on condo units in the Central East and East End MTSAs and rental units should only occur after significant improvements in market conditions.

7.2 Sales Prices and Rents

The benchmark sale prices and rents were derived from comparable units in the regions studied. Still, it can be difficult to determine the sale price or rental rate for new housing developments. Sale prices and rents can vary across buildings in the same area based on their features and amenities. They can even vary in different parts of the same building and will change from the beginning to the end of the sales period. Even when a housing development proceeds with a set of projected sale or rent prices, changes in the housing market between planning and when the units go on market can render those projections inaccurate.

In this section, we consider the scenarios if market-rate sale and rent prices are 5% higher than the benchmark assumptions. Here, we assume the affordable sale and rent prices remain at their benchmark levels.

Table 7-2 shows the results of the sensitivity analyses on prices. A 5% increase in prices and rents has similar effects to a 5% decrease in construction costs. For condos, the East End scenarios (scenarios 9 and 10) become feasible without IZ, and scenarios 1-6 can support an IZ policy with a 5% set-aside rate. For rentals, scenarios 1, 5, and 6 again become feasible without IZ, and only scenario 1 can sustain a 5% set-aside rate.

Again, the results of this sensitivity analysis shows that while IZ policies may not be feasible under the benchmark conditions, they may become more feasible with an increase in home sale prices. This could happen if interest rates begin to fall in the future. As before, rental developments are less profitable and can sustain lower rates of IZ.

Table 7-2: Sensitivity Analysis, 5% Higher Market Sale Prices and Rents

CONDOMINIUM		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	\$7.7	\$5.2	\$2.6	-\$0.0	-\$2.6
2	Longwood	97	4	228	11	\$3.9	\$0.9	-\$2.2	-\$5.2	-\$8.2
3	Dundurn	13	7	80	4	\$1.6	\$0.5	-\$0.6	-\$1.7	-\$2.8
4	West Harbour	22	7	139	7	\$3.4	\$1.6	-\$0.3	-\$2.2	-\$4.1
5	Queen	34	30	540	27	\$12.5	\$5.9	-\$0.7	-\$7.3	-\$14.0
6	James/Downtown	97	30	1151	58	\$25.2	\$12.2	-\$0.9	-\$14.0	-\$27.2
7	Scott Park	191	7	778	39	-\$7.0	-\$15.1	-\$23.1	-\$31.2	-\$39.3
8	Kenilworth	37	7	185	9	-\$2.5	-\$4.6	-\$6.8	-\$9.0	-\$11.2
9	Nash	92	13	820	41	\$2.6	-\$5.8	-\$14.2	-\$22.7	-\$31.2
10	Confederation	228	12	693	35	\$4.1	-\$3.0	-\$10.2	-\$17.3	-\$24.5

RENTAL		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	\$2.4	\$0.5	-\$1.5	-\$3.4	-\$5.3
2	Longwood	97	4	228	11	-\$2.6	-\$4.8	-\$7.1	-\$9.3	-\$11.6
3	Dundurn	13	7	80	4	-\$0.8	-\$1.7	-\$2.5	-\$3.3	-\$4.1
4	West Harbour	22	7	139	7	-\$0.8	-\$2.2	-\$3.6	-\$5.0	-\$6.4
5	Queen	34	30	540	27	\$0.3	-\$4.8	-\$10.0	-\$15.1	-\$20.3
6	James/Downtown	97	30	1151	58	\$3.6	-\$6.6	-\$16.8	-\$27.0	-\$37.2
7	Scott Park	191	7	778	39	-\$17.3	-\$23.7	-\$30.2	-\$36.6	-\$43.1
8	Kenilworth	37	7	185	9	-\$5.2	-\$7.0	-\$8.7	-\$10.5	-\$12.2
9	Nash	92	13	820	41	-\$10.4	-\$17.1	-\$23.8	-\$30.5	-\$37.2
10	Confederation	228	12	693	35	-\$7.0	-\$12.6	-\$18.2	-\$23.9	-\$29.6

Notes: This table shows the effects of inclusionary zoning with lower market sale prices and rents. Residual land values over existing is calculated by subtracting 150% of the assessed value of the existing property at the test site from the residual land value calculated in the DCF.

7.3 Rent Growth Rate

Rental developments are assets with income streams stretching far into the future. As such, they are extremely sensitive to the difference between long-term discount rates and the growth rates of rents. Discount rates are difficult to benchmark and there is a great deal of discretion in setting them. The growth rate of rents over decades can also be difficult to forecast. Unfortunately, small differences in these assumptions can have a large effect on the outcome of the analysis.

Our benchmark assumptions used a 4% rent growth rate for both market-rate units and a 2% rent growth rate for affordable units. **Here, we considered the effects of a 0.5 percentage point change in market rent growth rates (these effects would also be roughly equivalent to the effects of a similar change in the discount rate).** We also considered the effects of a 4% growth rate of affordable rents while market rents continue to grow at 4%.

Table 7-3 shows the results of the sensitivity analysis with a 3.5% and 4.5% rent growth rate, respectively, for both market-rate units. A 3.5% rent growth rate is associated with derived cap rates of 3.8%, and a 4.5% rent growth rate is associated with derived cap rates of 3.0%. These compare with derived cap rates of 3.4% for the benchmark scenarios. The table with derived cap rates and a more detailed discussion can be found in Appendix A.

These assumptions have a dramatic effect on residual land values. No scenarios are feasible with a 3.5% rent growth rate. Similarly, all scenarios are feasible with a 4.5% rent growth rate and no IZ. Given the small number of purpose-built rental developments and the anecdotal agreement that purpose-built rentals are difficult to make work financially, it is unlikely that the 4.5% rent growth rate assumptions are reasonable.

Even the 4.5% rent growth rate scenarios have limited room for IZ policies. A 5% set-aside rate is enough to make two scenarios unfeasible, and most scenarios become unfeasible with a 15% set-aside rate.

We also consider affordable rent growth rates which are the same as market rent growth rates. Affordable rents would likely be limited by rent control rules. However, under a separate interpretation of IZ policies, affordable rents are defined based on average market rents, so they could grow at the same rate as market rents.

Table 7-3: Sensitivity Analysis, 3.5% and 4.5% Growth Rate in Market Rents

RENTAL, 3.5% growth rate		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	-\$8.8	-\$10.3	-\$11.8	-\$13.2	-\$14.7
2	Longwood	97	4	228	11	-\$15.7	-\$17.4	-\$19.1	-\$20.8	-\$22.6
3	Dundurn	13	7	80	4	-\$5.5	-\$6.2	-\$6.8	-\$7.4	-\$8.0
4	West Harbour	22	7	139	7	-\$8.9	-\$10.0	-\$11.0	-\$12.1	-\$13.2
5	Queen	34	30	540	27	-\$29.6	-\$33.5	-\$37.4	-\$41.3	-\$45.2
6	James/Downtown	97	30	1151	58	-\$55.6	-\$63.3	-\$71.0	-\$78.7	-\$86.5
7	Scott Park	191	7	778	39	-\$54.9	-\$59.8	-\$64.7	-\$69.6	-\$74.5
8	Kenilworth	37	7	185	9	-\$15.4	-\$16.7	-\$18.0	-\$19.4	-\$20.7
9	Nash	92	13	820	41	-\$49.4	-\$54.5	-\$59.5	-\$64.6	-\$69.7
10	Confederation	228	12	693	35	-\$39.9	-\$44.2	-\$48.5	-\$52.8	-\$57.1

RENTAL, 4.5% growth rate		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	\$9.7	\$7.4	\$5.2	\$2.9	\$0.7
2	Longwood	97	4	228	11	\$5.9	\$3.3	\$0.7	-\$1.9	-\$4.6
3	Dundurn	13	7	80	4	\$2.2	\$1.3	\$0.3	-\$0.6	-\$1.6
4	West Harbour	22	7	139	7	\$4.5	\$2.9	\$1.2	-\$0.4	-\$2.1
5	Queen	34	30	540	27	\$20.3	\$14.3	\$8.3	\$2.2	-\$3.9
6	James/Downtown	97	30	1151	58	\$43.1	\$31.2	\$19.3	\$7.3	-\$4.7
7	Scott Park	191	7	778	39	\$7.2	-\$0.3	-\$7.8	-\$15.3	-\$22.8
8	Kenilworth	37	7	185	9	\$1.4	-\$0.6	-\$2.6	-\$4.7	-\$6.7
9	Nash	92	13	820	41	\$15.2	\$7.5	-\$0.3	-\$8.2	-\$16.0
10	Confederation	228	12	693	35	\$14.7	\$8.2	\$1.6	-\$5.0	-\$11.7

Notes: This table shows the effects of inclusionary zoning with higher or lower growth of rents. Residual land values over existing is calculated by subtracting 150% of the assessed value of the existing property at the test site from the residual land value calculated in the DCF.

Table 7-4: Sensitivity Analysis, 4% Growth Rate in Affordable Rents

RENTAL, 4% aff. growth rate		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	-\$0.6	-\$2.2	-\$3.7	-\$5.3	-\$6.9
2	Longwood	97	4	228	11	-\$6.1	-\$7.9	-\$9.7	-\$11.6	-\$13.4
3	Dundurn	13	7	80	4	-\$2.1	-\$2.8	-\$3.4	-\$4.1	-\$4.8
4	West Harbour	22	7	139	7	-\$3.0	-\$4.1	-\$5.2	-\$6.4	-\$7.5
5	Queen	34	30	540	27	-\$7.5	-\$11.6	-\$15.8	-\$20.0	-\$24.2
6	James/Downtown	97	30	1151	58	-\$11.9	-\$20.1	-\$28.4	-\$36.7	-\$45.0
7	Scott Park	191	7	778	39	-\$27.4	-\$32.5	-\$37.7	-\$42.9	-\$48.1
8	Kenilworth	37	7	185	9	-\$8.0	-\$9.4	-\$10.8	-\$12.2	-\$13.6
9	Nash	92	13	820	41	-\$20.8	-\$26.1	-\$31.5	-\$36.9	-\$42.4
10	Confederation	228	12	693	35	-\$15.7	-\$20.2	-\$24.8	-\$29.4	-\$33.9

Notes: This table shows the effects of inclusionary zoning with benchmark growth of market rents but lower growth of affordable rents. Residual land values over existing is calculated by subtracting 150% of the assessed value of the existing property at the test site from the residual land value calculated in the DCF.

Table 7-4 shows the results for a 4% growth rate in affordable rents while keeping the growth rate of market rents at the 4% benchmark. IZ becomes less costly for rental scenarios by approximately 13%-14%.

7.4 Length of Affordability Period

One key parameter in IZ policies is the length of the affordability period. After the affordability period expires, the affordable units revert to market-rate units. A longer affordability period can allow for more stable housing situations and communities. **Here, we considered the effect of a 60-year affordability period.** Due to discounting and the time horizon of 100 years for our analysis, it is likely that longer affordability periods would not differ much from results for 60-year affordability periods.

We found the impact of the length of the affordability period depends on the growth rate of affordable rents, as shown in Table 7-5. When affordable rents grow at 2% while market rents grow by 4%, the decrease in residual land values increases by 17%-19%. When affordable rents grow at the same 4% as market rents, the decrease in residual land value induced by IZ is 11%-14% larger with a 60-year affordability period.

It is worth noting that for condo developments, developers only receive cash flows from the initial sale of units and not from future resales. As such, the length of the affordability period has no impact on the financial feasibility of condo developments. Some jurisdictions, such as Mississauga and Ottawa, have considered longer (e.g., 99-year) affordability periods for affordable condo units and shorter (e.g., 25-year) affordability periods for rental units.

Table 7-5: Sensitivity Analysis, 60-Year Affordability Period

RENTAL, 2% aff. growth rate		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	-\$0.6	-\$2.8	-\$4.9	-\$7.1	-\$9.2
2	Longwood	97	4	228	11	-\$6.1	-\$8.6	-\$11.1	-\$13.6	-\$16.2
3	Dundurn	13	7	80	4	-\$2.1	-\$3.0	-\$3.9	-\$4.8	-\$5.7
4	West Harbour	22	7	139	7	-\$3.0	-\$4.5	-\$6.1	-\$7.7	-\$9.2
5	Queen	34	30	540	27	-\$7.5	-\$13.1	-\$18.8	-\$24.5	-\$30.2
6	James/Downtown	97	30	1151	58	-\$11.9	-\$23.0	-\$34.2	-\$45.5	-\$56.7
7	Scott Park	191	7	778	39	-\$27.4	-\$34.5	-\$41.6	-\$48.8	-\$56.0
8	Kenilworth	37	7	185	9	-\$8.0	-\$9.9	-\$11.8	-\$13.7	-\$15.7
9	Nash	92	13	820	41	-\$20.8	-\$28.1	-\$35.5	-\$42.9	-\$50.3
10	Confederation	228	12	693	35	-\$15.7	-\$21.9	-\$28.1	-\$34.4	-\$40.7

RENTAL, 4% aff. growth rate		Lot Size		Aff. Units,		Residual land values over existing (\$MM)				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	No IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	-\$0.6	-\$2.4	-\$4.2	-\$5.9	-\$7.7
2	Longwood	97	4	228	11	-\$6.1	-\$8.2	-\$10.2	-\$12.3	-\$14.4
3	Dundurn	13	7	80	4	-\$2.1	-\$2.9	-\$3.6	-\$4.4	-\$5.1
4	West Harbour	22	7	139	7	-\$3.0	-\$4.3	-\$5.6	-\$6.9	-\$8.2
5	Queen	34	30	540	27	-\$7.5	-\$12.1	-\$16.8	-\$21.5	-\$26.2
6	James/Downtown	97	30	1151	58	-\$11.9	-\$21.1	-\$30.3	-\$39.5	-\$48.8
7	Scott Park	191	7	778	39	-\$27.4	-\$33.2	-\$39.0	-\$44.8	-\$50.7
8	Kenilworth	37	7	185	9	-\$8.0	-\$9.5	-\$11.1	-\$12.7	-\$14.3
9	Nash	92	13	820	41	-\$20.8	-\$26.8	-\$32.8	-\$38.9	-\$44.9
10	Confederation	228	12	693	35	-\$15.7	-\$20.8	-\$25.9	-\$31.0	-\$36.1

Notes: This table shows the effects of inclusionary zoning with a longer affordability period, with either a 2% (benchmark) or 4% growth in affordable rents. Residual land values over existing is calculated by subtracting 150% of the assessed value of the existing property at the test site from the residual land value calculated in the DCF.

8.0 Conclusions and Recommendations

We considered whether an Inclusionary Zoning (IZ) policy in the City of Hamilton would affect the feasibility of hypothetical multi-residential development projects and calculated IZ's effective cost for creating each affordable unit. We conducted discounted cash flow analyses on ten as-of-right test scenarios. This analysis calculated the net present value of cash flows and residual land value over the existing property's adjusted assessed value for each scenario with set-aside rates ranging from 5%-20%.

From these analyses, we reached several major findings. First, without IZ, almost all benchmark condominium scenarios in the West End and Central/Downtown regions were feasible. Due to the difficult market conditions, the benchmark rental scenarios were not feasible.

The benchmark condominium scenarios were not able to absorb the costs of an IZ policy with even a 5% set-aside rate. Only one benchmark condominium scenario remains feasible with a 5% set-aside rate. The benchmark rental scenarios were not feasible even without IZ, and their feasibility worsened with the introduction of IZ.

The sensitivity analyses showed that IZ can become more feasible if housing market conditions improve. Even 5% lower construction costs or 5% higher prices and rents can allow condominium developments in the West End and Central/Downtown regions to sustain a 5% set-aside rate. These assumptions allowed certain rental scenarios to become feasible without IZ, but they still could not sustain a 5% set-aside rate.

We also considered the effects of changes to the IZ parameters for rental scenarios. A 60-year affordability period worsened the impact of IZ on the financial feasibility of rental developments by 17%-19% (changes in the affordability period would not affect the financial feasibility of condominium developments since future resale value does not affect developer cash flows). Allowing affordable rents to grow at 4% instead of 2% reduced the financial impact of IZ by about 14%, which was not enough to change the financial feasibility of IZ for rental scenarios.

Recommendations

First, we do not recommend the implementation of an IZ policy with a 5% or higher set-aside rate at this time. Due to adverse market conditions, residential developments are facing significant difficulties. The implementation of an IZ policy with a 5% set-aside rate was enough to render many of our benchmark scenarios financially unfeasible. It is important to avoid implementing an IZ policy that

severely impacts the feasibility of residential developments. Not only does an IZ policy require new development to produce affordable units, reducing the amount of residential development would also result in higher housing prices and rents across the City.

As market conditions improve, a 5% IZ policy may be considered for condominium developments in the West End and Central/Downtown MTSAs. Notably, IZ may not be implemented until PMTSAs have been approved. It is possible that the completion of the LRT may improve the market feasibility of developments around the stations. The City may want to consider re-evaluating the market feasibility of IZ prior to the mandated 5-year timeline if market conditions improve.

If and when an IZ policy is implemented, we recommend that the implementation should be phased in starting from a lower set-aside rate, similar to other IZ policies in Ontario. This phase-in allows time for the impacts of IZ to be reflected in land values. It would reduce the impact on existing developments, which could otherwise affect the solvency of developers that had acquired land at prices which do not reflect the IZ policy.

Second, incentives should be considered for both rental and condominium projects to offset the costs of IZ. IZ policies can only produce affordable units if sufficiently large residential development occurs, so such developments should be encouraged to maximize the production of affordable units. This can be especially important given variation in construction costs and sale prices, where incentives can make more marginal developments feasible.

A detailed examination of incentives has not been conducted in this report. Based on some preliminary investigations, increases in allowed height may be effective in higher-priced areas but may be less effective with higher construction costs, lower sale prices and rents, or IZ policies with high set-aside rates, especially because IZ policies reduce the per-unit revenues that the increased height would bring in. Another possible incentive is the waiver of additional municipal fees and/or taxes.

Finally, a broader strategy is needed to solve the housing affordability crisis. Even if market conditions improve and implementing IZ becomes more feasible, the number of affordable units created will be limited and will not likely be enough to meet more than a fraction of the need. For example, the City may own surplus or under-utilised lands that could be made available for affordable housing projects.

Appendix A Derived Cap Rates

As discussed in Section 5.1, this study uses a DCF approach. In the development industry, the direct income capitalization approach is often used to value rental properties. In this section, we provide the derived cap rates from our DCF analysis to facilitate comparisons across the two approaches.

The derived cap rate is calculated as the annual net operating income, based on current rents, divided by the building's terminal asset value. The building's asset value represents the value a hypothetical purchaser of the building would assign it. The asset value is calculated as the discounted present value of revenues less bad debt, operating expenses, selling and agent fees, property taxes, and the land transfer tax. Revenues from commercial space are excluded due to our assumption that commercial space is sold, even for rentals. Income taxes are also excluded.

The derived cap rates are shown for the benchmark scenario in Table A-1 and for the rent growth rate sensitivity analysis in Table A-2. Derived cap rates range from 3.41%-3.42% for the benchmark scenarios. These rates are lower than the rates of 3.50%-4.50% reported by Colliers for multi-residential developments in Toronto and Waterloo in Q3 2023.³² This result is likely reasonable. The development scenarios are likely newer buildings compared to the universe of transactions in Colliers' data. Additionally, the low cap rates were partly due to our simplifying assumption of constant rent growth rates. More realistically, rent growth would likely be high in the years immediately following completion and fall afterwards, which would increase the derived cap rate. Derived cap rates are 3.83%-3.85% with 3.5% rent growth rates and 2.98%-3.02% with 4.5% rent growth rates.

Table A-1: Derived Cap Rates, Benchmark Scenario

RENTAL Scenario	MTSA	Lot Size		Aff. Units,		Implied Cap Rate				
		(K ft ²)	Storeys	Units	5% IZ	0% IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	3.41%	3.41%	3.41%	3.41%	3.42%
2	Longwood	97	4	228	11	3.41%	3.41%	3.41%	3.41%	3.42%
3	Dundurn	13	7	80	4	3.41%	3.41%	3.41%	3.41%	3.41%
4	West Harbour	22	7	139	7	3.41%	3.41%	3.41%	3.41%	3.41%
5	Queen	34	30	540	27	3.41%	3.41%	3.41%	3.41%	3.42%
6	James/Downtown	97	30	1151	58	3.40%	3.40%	3.41%	3.41%	3.41%
7	Scott Park	191	7	778	39	3.41%	3.41%	3.42%	3.42%	3.42%
8	Kenilworth	37	7	185	9	3.41%	3.41%	3.42%	3.42%	3.42%
9	Nash	92	13	820	41	3.41%	3.41%	3.42%	3.42%	3.42%
10	Confederation	228	12	693	35	3.41%	3.41%	3.42%	3.42%	3.42%

³² Colliers. (2023). *Canada Cap Rate Report Q3 2023*.

Table A-2: Derived Cap Rates, Rent Growth Rate Sensitivity Analysis

RENTAL, 3.5% growth rate		Lot Size		Aff. Units,		Implied Cap Rate				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	0% IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	3.85%	3.85%	3.84%	3.84%	3.83%
2	Longwood	97	4	228	11	3.85%	3.85%	3.84%	3.84%	3.83%
3	Dundurn	13	7	80	4	3.85%	3.84%	3.84%	3.83%	3.83%
4	West Harbour	22	7	139	7	3.85%	3.84%	3.84%	3.83%	3.83%
5	Queen	34	30	540	27	3.85%	3.84%	3.84%	3.84%	3.84%
6	James/Downtown	97	30	1151	58	3.84%	3.84%	3.84%	3.83%	3.83%
7	Scott Park	191	7	778	39	3.85%	3.85%	3.85%	3.84%	3.84%
8	Kenilworth	37	7	185	9	3.85%	3.85%	3.85%	3.84%	3.84%
9	Nash	92	13	820	41	3.85%	3.85%	3.85%	3.84%	3.84%
10	Confederation	228	12	693	35	3.85%	3.85%	3.85%	3.84%	3.84%

RENTAL, 4.5% growth rate		Lot Size		Aff. Units,		Implied Cap Rate				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	0% IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	2.99%	2.99%	3.00%	3.00%	3.01%
2	Longwood	97	4	228	11	2.99%	2.99%	3.00%	3.00%	3.01%
3	Dundurn	13	7	80	4	2.98%	2.99%	2.99%	2.99%	3.00%
4	West Harbour	22	7	139	7	2.98%	2.99%	2.99%	2.99%	3.00%
5	Queen	34	30	540	27	2.98%	2.99%	2.99%	3.00%	3.01%
6	James/Downtown	97	30	1151	58	2.98%	2.98%	2.99%	3.00%	3.00%
7	Scott Park	191	7	778	39	2.99%	2.99%	3.00%	3.01%	3.02%
8	Kenilworth	37	7	185	9	2.99%	2.99%	3.00%	3.01%	3.02%
9	Nash	92	13	820	41	2.99%	2.99%	3.00%	3.01%	3.02%
10	Confederation	228	12	693	35	2.99%	2.99%	3.00%	3.01%	3.02%

RENTAL, 4% aff. growth rate		Lot Size		Aff. Units,		Implied Cap Rate				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	0% IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	3.41%	3.40%	3.40%	3.39%	3.38%
2	Longwood	97	4	228	11	3.41%	3.40%	3.40%	3.39%	3.38%
3	Dundurn	13	7	80	4	3.41%	3.40%	3.39%	3.38%	3.38%
4	West Harbour	22	7	139	7	3.41%	3.40%	3.39%	3.38%	3.38%
5	Queen	34	30	540	27	3.41%	3.40%	3.40%	3.39%	3.39%
6	James/Downtown	97	30	1151	58	3.40%	3.40%	3.39%	3.39%	3.38%
7	Scott Park	191	7	778	39	3.41%	3.41%	3.40%	3.40%	3.39%
8	Kenilworth	37	7	185	9	3.41%	3.41%	3.40%	3.40%	3.39%
9	Nash	92	13	820	41	3.41%	3.41%	3.40%	3.40%	3.39%
10	Confederation	228	12	693	35	3.41%	3.41%	3.40%	3.40%	3.39%

With a 4% growth rate in affordable rents, cap rates are very similar to the benchmark scenario. However, there is a slight decline in cap rates as set-aside rates increase. This decrease occurs because rents on affordable units jump to the market rate when the affordability period ends.

A 60-year affordability period has a minor effect on cap rates (see Table A-3). The decline in cap rates with higher set-aside rates reverses with a 60-year affordability period. Those assumptions push the jump in rents too far into the future to have an impact on cap rates.

Table A-3: Derived Cap Rates, 60-Year Affordability Period Sensitivity Analysis

RENTAL, 2% aff. growth rate		Lot Size		Aff. Units,		Implied Cap Rate				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	0% IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	3.41%	3.43%	3.46%	3.48%	3.51%
2	Longwood	97	4	228	11	3.41%	3.43%	3.46%	3.48%	3.51%
3	Dundurn	13	7	80	4	3.41%	3.43%	3.45%	3.48%	3.51%
4	West Harbour	22	7	139	7	3.41%	3.43%	3.45%	3.48%	3.51%
5	Queen	34	30	540	27	3.41%	3.43%	3.45%	3.48%	3.51%
6	James/Downtown	97	30	1151	58	3.40%	3.42%	3.45%	3.47%	3.50%
7	Scott Park	191	7	778	39	3.41%	3.43%	3.46%	3.49%	3.52%
8	Kenilworth	37	7	185	9	3.41%	3.43%	3.46%	3.49%	3.52%
9	Nash	92	13	820	41	3.41%	3.43%	3.46%	3.49%	3.52%
10	Confederation	228	12	693	35	3.41%	3.43%	3.46%	3.49%	3.52%

RENTAL, 4% aff. growth rate		Lot Size		Aff. Units,		Implied Cap Rate				
Scenario	MTSA	(K ft ²)	Storeys	Units	5% IZ	0% IZ	5% IZ	10% IZ	15% IZ	20% IZ
1	McMaster	69	4	195	10	3.41%	3.42%	3.43%	3.43%	3.44%
2	Longwood	97	4	228	11	3.41%	3.42%	3.43%	3.43%	3.44%
3	Dundurn	13	7	80	4	3.41%	3.41%	3.42%	3.43%	3.44%
4	West Harbour	22	7	139	7	3.41%	3.41%	3.42%	3.43%	3.44%
5	Queen	34	30	540	27	3.41%	3.41%	3.42%	3.43%	3.44%
6	James/Downtown	97	30	1151	58	3.40%	3.41%	3.41%	3.42%	3.43%
7	Scott Park	191	7	778	39	3.41%	3.42%	3.43%	3.44%	3.44%
8	Kenilworth	37	7	185	9	3.41%	3.42%	3.43%	3.44%	3.44%
9	Nash	92	13	820	41	3.41%	3.42%	3.43%	3.43%	3.44%
10	Confederation	228	12	693	35	3.41%	3.42%	3.43%	3.43%	3.44%

Appendix B Peer Review Changes

As per O.Reg 232/18, the market feasibility study for IZ policies must be peer reviewed. We provided a draft report for peer review in January 2023. NBLC provided a peer review of the report and suggested areas of changes. Following the peer review, we made the following adjustments to our assumptions:

- **Unit mix:** we originally assumed a unit mix including 20% studio units, 50% 1-bedroom units, 20% 2-bedroom units, and 10% 3-bedroom units. Following NBLC's recommendations and in consultation with City staff, we updated it to 10% studio units, 50% 1-bedroom units, 30% 2-bedroom units, and 10% 3-bedroom units.
- **Construction timelines:** Based on feedback from NBLC, we increased construction timelines by 1-2 quarters for all scenarios.
- **Hard construction costs:** we had originally used hard construction costs from the 2022 Altus Cost Guide, the latest available at the time of the report. We have updated them to the 2023 Altus Costs Guide figures, which was the latest available at the time we presented the updated report to the City of Hamilton for review (the 2024 Altus Costs were released afterwards).
- **Parkland dedication:** The peer review highlighted that Bill 23 caps Parkland dedication at 10% of the land value, which we originally did not do. We have implemented this cap.
- **Land values:** for land values, we had originally assumed a premium of 30% over the assessed values. NBLC recommended we review the land value assumptions. After a review, we increased that premium to 50%.

In addition to these changes, we updated several parameters based on more recent data and policies:

- **Discount rates:** due to increases in interest rates, we increased our assumption on the construction loan interest rate from 7.95% to 8.70%.
- **Planning and regulatory fees:** we updated to the latest planning and regulatory fees as of January 2024.
- **Downtown CIPA:** due to the expiration of the Downtown CIPA, we eliminated some discounted planning and regulatory fees that were previously in place for those scenarios.
- **Property taxes:** we updated to the latest property tax rates as of January 2024.

- **Unit sizes:** based on new developments in the Central East and East End areas, we reduced the unit size assumptions in all areas to equal those of the Central and Downtown area.
- **Parking:** due to lower parking minimums adopted by the City of Hamilton, we significantly reduced parking spaces needed for all scenarios.

Combined, these changes had a net effect of reducing the feasibility of the scenarios. In our previous results, the West End and Central/Downtown scenarios were mostly feasible and could tolerate at least a 5% set-aside rate, if not more for certain scenarios. The previous rental scenarios were feasible without IZ in the same areas, but could not reliably sustain a 5% set-aside rate. Following these adjustments, the condominium scenarios remained feasible but could no longer sustain a 5% set-aside rate for IZ, and the rental scenarios all became infeasible.



urban
Metrics

2025 ADDENDUM: INCLUSIONARY ZONING MARKET FEASIBILITY STUDY

Hamilton, ON

Prepared for the City of Hamilton

April 30, 2025





April 30, 2025

Melanie Pham
Community Planning Program Lead – Sustainable Communities
Planning and Economic Development
71 Main Street West, 4th Floor
Hamilton ON L8P 4Y5

Dear Melanie Pham:

RE: 2025 Addendum: Inclusionary Zoning Market Feasibility Study
(Hamilton, ON)

urbanMetrics inc. is pleased to submit this addendum to our Inclusionary Zoning Market Feasibility Study for the City. This addendum explores set-aside rates below 5% as well as density bonuses needed to offset IZ impacts, and updates market conditions to Q1 2025.

It was a pleasure to conduct this important assignment on behalf of the City of Hamilton.

Yours truly,
urbanMetrics inc.

A handwritten signature in blue ink that reads "Rowan Faludi".

Rowan Faludi
MCIP, RPP, PLE, CMC
Partner

A handwritten signature in blue ink that reads "Bohan Li".

Bohan Li
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1.0 Executive Summary

In 2024, urbanMetrics (“we”) provided the most recent version of the Inclusionary Zoning Market Feasibility Study for the City of Hamilton (“2024 Study”). This addendum to the 2024 Study includes three additional components. First, it updates several model parameters to their values as of February 2025. Second, it considers IZ set-aside rates between 0% (no Inclusionary Zoning) and 5%, in 0.5% increments. Third, for four test sites, it calculates the density increase needed to make the scenarios feasible at each level of set-aside rate between 0% and 5%. This addendum should be read in conjunction with the 2024 Study.

This addendum uses the same scenario parameters as in the 2024 Study, shown in Table 1-1.

Table 1-1: Scenario Parameters

Scenario	MTSA	Lot Size (K ft2)	Lot Cov.	Storeys	Resid. GFA (K ft2)	Comm. GFA (K ft2)	Parking Spaces	Units
1	McMaster	69	68%	4	138	14	98	195
2	Longwood	97	63%	4	161	42	114	228
3	Dundurn	13	83%	7	57	2	27	80
4	West Harbour	22	91%	7	98	7	46	139
5	Queen	34	85%	30	382	7	178	540
6	James/Downtown	97	72%	30	814	20	304	1,151
7	Scott Park	191	53%	7	550	27	389	778
8	Kenilworth	37	75%	7	131	8	92	185
9	Nash	92	68%	13	580	26	411	820
10	Confederation	228	27%	12	490	6	347	693

Findings

The results of pro-forma analyses for the set-aside rates under 5% are summarized in Table 1-2 for condominiums and Table 1-3 for rental apartments. The tables show the net income after land and profit for each development. This net income is calculated as the amount of revenues left over after paying for hard and soft construction costs, land costs, and the industry-recognized assumption of 15% pre-tax profit margin.

If the scenario has a positive net income after land and profit (shown in black figures), it is considered to be feasible to develop. If the scenario has a negative net income after land and profit (shown in red figures), it is considered not feasible for development at this time. However, the scenarios represent average developments. Different developers will face different construction and financing costs, may have different revenue expectations, and may require different levels of profit margin to go ahead with a project. These results are intended to reflect the general feasibility of developments, but the feasibility of specific developments may differ from these results.

The 0% set aside rate represents the baseline scenario whereby inclusionary zoning is not applied.

Table 1-2: Present Value of Net Income after Land and Profit of Condominium Scenarios

IZ Set-aside Rate	#	0.0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
McMaster	1	4.5 M	4.2 M	4.0 M	3.7 M	3.5 M	3.2 M	3.0 M	2.7 M	2.4 M	2.2 M	1.9 M
Longwood	2	-0.3 M	-0.6 M	-0.9 M	-1.2 M	-1.5 M	-1.8 M	-2.1 M	-2.4 M	-2.7 M	-3.0 M	-3.3 M
Dundurn	3	0.0 M	-0.1 M	-0.2 M	-0.3 M	-0.4 M	-0.5 M	-0.6 M	-0.8 M	-0.9 M	-1.0 M	-1.1 M
West Harbour	4	0.7 M	0.5 M	0.3 M	0.1 M	-0.1 M	-0.3 M	-0.5 M	-0.7 M	-0.9 M	-1.0 M	-1.2 M
Queen	5	4.4 M	3.7 M	3.0 M	2.4 M	1.7 M	1.0 M	0.3 M	-0.4 M	-1.0 M	-1.7 M	-2.4 M
James/DT	6	7.1 M	5.9 M	4.6 M	3.3 M	2.0 M	0.8 M	-0.5 M	-1.8 M	-3.1 M	-4.3 M	-5.6 M
Scott Park	7	-22.6 M	-23.4 M	-24.2 M	-25.1 M	-25.9 M	-26.7 M	-27.5 M	-28.4 M	-29.2 M	-30.0 M	-30.9 M
Kenilworth	8	-6.6 M	-6.8 M	-7.0 M	-7.2 M	-7.5 M	-7.7 M	-7.9 M	-8.1 M	-8.3 M	-8.5 M	-8.8 M
Nash	9	-11.4 M	-12.3 M	-13.2 M	-14.1 M	-14.9 M	-15.8 M	-16.7 M	-17.6 M	-18.5 M	-19.3 M	-20.2 M
Confederation GO	10	-7.5 M	-8.3 M	-9.0 M	-9.8 M	-10.5 M	-11.2 M	-12.0 M	-12.7 M	-13.5 M	-14.2 M	-15.0 M

SOURCE: urbanMetrics inc.

Since the 2024 Study, market conditions for high-rise apartment development have worsened. While interest rates have fallen, construction costs have continued to increase, and housing prices and rents have been largely flat. Correspondingly, the feasibility of the scenarios has worsened, although the results are similar qualitatively.

For condominium scenarios, only the McMaster, Dundurn, West Harbour, Queen, and James/DT test sites were feasible without IZ. For other locations, it is likely that the scenarios would not be feasible for the average developer. In such an environment, it would be difficult for condominium development projects to proceed even without IZ.

These results are qualitatively similar to those from the 2024 Study, although the calculated residual land values declined slightly in every scenario. The largest qualitative difference was the Longwood scenario. That scenario was feasible without IZ in the 2024 Study, while it is no longer feasible with the updated parameters.

The McMaster scenario is the most feasible and remains feasible with 5% set-aside rates, as with the 2024 Study. In contrast, the Dundurn scenario is marginally feasible without IZ, but any amount of affordable housing required would render it infeasible. The West Harbour, Queen, and James/DT scenarios were also feasible, and could sustain set-aside rates between 1.5% and 3.0%.

For rental scenarios, none of the scenarios were feasible (See Table 1-3). As with the condominium scenario results, the rental scenario results are qualitatively similar to those in the 2024 Study, which also found that none of the rental scenarios were feasible. While interest rates have fallen since, which would ordinarily improve the feasibility of rental projects, it has been clear that the rent growth rate over the past two years has also fallen. Combined with higher construction costs, the feasibility of rental scenarios also worsened slightly. Current market conditions make it extremely difficult to build rental housing, even without the impacts of IZ.

Table 1-3: Present Value of Net Income after Land and Profit of Rental Scenarios

IZ Set-aside Rate	#	0.0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
McMaster	1	-8.3 M	-8.3 M	-8.4 M	-8.5 M	-8.6 M	-8.7 M	-8.8 M	-8.9 M	-8.9 M	-9.0 M	-9.1 M
Longwood	2	-15.6 M	-15.7 M	-15.8 M	-15.9 M	-16.0 M	-16.1 M	-16.2 M	-16.3 M	-16.4 M	-16.5 M	-16.6 M
Dundurn	3	-5.8 M	-5.8 M	-5.8 M	-5.9 M	-5.9 M	-6.0 M	-6.0 M	-6.0 M	-6.1 M	-6.1 M	-6.1 M
West Harbour	4	-9.4 M	-9.4 M	-9.5 M	-9.5 M	-9.6 M	-9.7 M	-9.7 M	-9.8 M	-9.9 M	-9.9 M	-10.0 M
Queen	5	-31.8 M	-32.0 M	-32.2 M	-32.5 M	-32.7 M	-32.9 M	-33.2 M	-33.4 M	-33.7 M	-33.9 M	-34.1 M
James/DT	6	-59.1 M	-59.5 M	-60.0 M	-60.4 M	-60.9 M	-61.3 M	-61.8 M	-62.2 M	-62.7 M	-63.1 M	-63.6 M
Scott Park	7	-60.7 M	-61.0 M	-61.3 M	-61.5 M	-61.8 M	-62.1 M	-62.4 M	-62.7 M	-63.0 M	-63.3 M	-63.6 M
Kenilworth	8	-16.6 M	-16.6 M	-16.7 M	-16.8 M	-16.9 M	-16.9 M	-17.0 M	-17.1 M	-17.2 M	-17.2 M	-17.3 M
Nash	9	-55.0 M	-55.3 M	-55.6 M	-55.9 M	-56.2 M	-56.5 M	-56.8 M	-57.1 M	-57.4 M	-57.7 M	-58.0 M
Confederation GO	10	-44.3 M	-44.6 M	-44.8 M	-45.1 M	-45.3 M	-45.6 M	-45.9 M	-46.1 M	-46.4 M	-46.6 M	-46.9 M

This addendum further considers the additional density required to make projects feasible. This study takes a generous approach to the impact of increased density by assuming that the increase in density does not increase the cost per square foot of the building. This assumption would be more representative of a decrease in setbacks or angular plane requirements, compared to increases in height allowances which may increase construction costs per square foot. In many cases, the calculated increase in density needed may be large enough that they may only be achieved with significant increases in height, which may increase per-square feet costs. If that is the case, the calculated increase in density would underestimate the true increase in density needed to achieve feasibility.

Overall, we found that increases in height have limited ability to improve the feasibility of development scenarios. Where development was feasible or close to feasible, increases in density could allow for scenarios with IZ to become feasible. However, even in these scenarios, large increases in density may be required, and some of these increases in density may not be realistic. For scenarios which were further from feasibility, no amount of additional density would allow those scenarios to be feasible as the revenues generated by each unit were not sufficient to cover additional costs and the required profit margin.

Table 1-4 shows the additional density needed for the condominium scenarios to be feasible at set-aside rates from 0% to 5%. For the Kenilworth and Nash scenarios, no amount of additional density could make them feasible as per-unit revenues are not enough to cover construction costs and the profit margin.

Table 1-4: Additional Density Needed for Feasibility, Condominium Scenarios

Set-Aside Rate	#	0.0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
Longwood	2	3%	5%	8%	10%	13%	16%	19%	22%	25%	29%	32%
Dundurn	3	0%	5%	11%	17%	24%	31%	40%	50%	62%	75%	91%
Kenilworth	8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Nash	9	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

SOURCE: urbanMetrics inc.

For the Longwood condominium scenario, modest amounts of additional density could be sufficient to sustain low levels of set-aside rates. Still, it would take approximately 32% additional density for this development to be feasible with a 5% set-aside rate. Since the baseline Longwood scenario has 228 units across 4 storeys, this would require approximately 73 additional units. Based on benchmark costing information from the Altus Cost Guide, it may be possible for this development to increase in height to 6 storeys without incurring significantly higher per-unit construction costs, so such an increase in density may be realistic. Still, these benchmark costs may not be granular enough to assess the impacts of small increases in height, so it may not be definitive that such an increase in density could be achievable on this site at the same per-unit costs.

The Dundurn scenario would require much more additional density to sustain even small set-aside rates. A 31% increase in density would be required to make this scenario feasible with a 2.5% set-aside rate, and a 91% increase in density would be required for a 5% set-aside rate. The baseline Dundurn scenario is a 7-storey development with 80 units. Based on the benchmark costs in the Altus Cost Guide, it may be possible to double the height of this development without significantly increasing per-unit construction costs (again, with the caveat that the benchmark costs may not be granular enough to reflect the additional costs from this height increase).

Overall, these results suggest that increases to density have limited potential to improve the feasibility of developments, especially with inclusionary zoning. In many cases, the per-unit revenues generated are not sufficient to cover the additional construction costs and profit margin. Additionally, because inclusionary zoning requirements reduce average per-unit revenues, the benefits of additional density would be further reduced as the set-aside rate increases. As such, the additional density needed to make inclusionary zoning feasible increases at greater rates as the set-aside rate increases.

Alternative approaches, such as policies to reduce hard and/or soft construction costs, may be needed to promote housing affordability. While a definitive examination of alternative policies is outside the scope of this report, we will provide some potential ideas for consideration at the end of this report.

2.0 Updated Parameters

The analysis in this addendum largely followed the methodology of the 2024 Study. Several parameters were updated from the 2024 Study to their values as of February 2025. These included the discount rate, affordable rents, rent growth rates, hard construction costs, and municipal fees and taxes. Other parameters in the analysis used remained unchanged from the 2024 Study.

2.1 Discount Rate

Interest rates on construction loans and commercial mortgages have fallen over the past year. This addendum uses a discount rate of 6.7% before and during construction, and 5.3% afterwards (down from 8.7% and 7.2%, respectively, in the original report).

2.2 Price and Rent Assumptions

By several indications, prices and rental rates in Hamilton have been largely unchanged or declined slightly over the past year. As such, the prices and rental rates of market-rate homes have not been changed.

Rental rates of affordable apartments have been updated to reflect the affordable apartment rates for the City of Hamilton as per the Province of Ontario *Development Charges Act, 1997* Bulletin as of April 2024. These rental rates are shown in Table 2-1.

Table 2-1: Affordable Price and Rent Per Unit Assumptions

	Rental
Studio	\$1,017
1-Bedroom	\$1,326
2-Bedroom	\$1,543
3-Bedroom	\$1,670

Unfortunately, the Bulletin provides only one sale price for affordable ownership units, not prices broken out by unit type. As such, we did not change affordable ownership sale prices from the 2024 Study for this addendum.

Due to the prolonged period of low rent growth rates, the rent growth rate assumptions have been revised downward to 2% for this addendum. This results in a derived cap rate of approximately 3.5%,

which is on the low end of the range of cap rates for multi-family residential in the Greater Toronto Area.¹

2.3 Hard Construction Costs

Hard construction costs have been updated to their values from the 2024 Altus Cost Guide, as shown in Table 2-2. Other hard construction costs remained the same as in the 2024 Study.

Table 2-2: Benchmark Hard Construction Costs

	Unit	Value
Residential costs		
Up to 6 stories	\$ per sf	\$287.5
7-39 stories	\$ per sf	\$337.5
Parking costs		
Surface	\$ per sf	\$22.5
Above-ground garage	\$ per sf	\$175
Below-ground garage	\$ per sf	\$237.5
Below-ground garage, Central	\$ per sf	\$347.5

SOURCE: 2024 Altus Cost Guide

Like previous versions of the Altus Cost Guide, construction costs are higher for 7- to 39-storey condominium buildings than for condominium buildings up to 6 storeys. In this case, costs are approximately 15% less for the lower-height buildings.

2.4 Soft Construction Costs

The analysis in this addendum uses updated municipal fees and taxes as of February 2025, as detailed in Table 2-3. Other soft costs remained the same as in the 2024 Study.

¹ A lower capitalization rate increases the value of a building, so this would be a generous assumption on revenues generated by the developments.

Table 2-3: Benchmark Soft Construction Costs

	Unit	Value
Taxes		
Property tax rate for multi-residential	%	1.4239%
Property tax rate for commercial	%	3.3964%
Development charges		
Per studio and 1-bedroom, condominium	\$ per unit	\$35,024
Per 2-bedroom and 3-bedroom, condominium	\$ per unit	\$54,413
Per studio and 1-bedroom, rental	\$ per unit	\$29,770
Per 2-bedroom, rental	\$ per unit	\$43,530
Per 3-bedroom, rental	\$ per unit	\$40,810
Per affordable unit	\$ per unit	\$3,412
Per sq. ft. commercial	\$ per sf	\$38.03
Site Plan Approval		
Total Residential SPA cost	\$	\$48,320
Commercial SPA cost per square metre	\$	\$10
Plan of Condominium		
Total base cost	\$	\$21,915
Add'l per-unit charge	\$ per unit	\$95

3.0 Results

With the updated parameters, we considered the feasibility of development on the test sites for set-aside rates between 0% and 5%, in increments of 0.5%. This analysis was done separately for condominium and rental scenarios.

For four test sites, we conducted a further analysis to determine what level of density increase would be needed to make the scenarios feasible for each level of set-aside rate between 0% and 5%.

Additionally, four test sites were chosen for an in-depth analysis of how much additional density would be required for the proposed development to break even. These four test sites were Longwood, Dundurn, Kenilworth, and Nash. These test sites were chosen as worst case scenarios, with these sites being the least viable test sites on a per-unit basis for their respective regions.

3.1 Condominium Scenarios

Table 3-1 shows the present value of income after land and profit for the condominium scenarios. The McMaster scenario is the most feasible of the scenarios, being able to sustain set-aside rates above 5%. On the other hand, the Dundurn scenario is marginally feasible without inclusionary zoning and becomes infeasible with any level of affordable housing requirement. The West Harbour, James/DT, and Queen scenarios are feasible without inclusionary zoning and can sustain set-aside rates between 1.5% and 3%.

Table 3-1: Present Value of Income after Land and Profit of Condominium Scenarios

IZ Set-aside Rate	#	0.0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
McMaster	1	4.5 M	4.2 M	4.0 M	3.7 M	3.5 M	3.2 M	3.0 M	2.7 M	2.4 M	2.2 M	1.9 M
Longwood	2	-0.3 M	-0.6 M	-0.9 M	-1.2 M	-1.5 M	-1.8 M	-2.1 M	-2.4 M	-2.7 M	-3.0 M	-3.3 M
Dundurn	3	0.0 M	-0.1 M	-0.2 M	-0.3 M	-0.4 M	-0.5 M	-0.6 M	-0.8 M	-0.9 M	-1.0 M	-1.1 M
West Harbour	4	0.7 M	0.5 M	0.3 M	0.1 M	-0.1 M	-0.3 M	-0.5 M	-0.7 M	-0.9 M	-1.0 M	-1.2 M
Queen	5	4.4 M	3.7 M	3.0 M	2.4 M	1.7 M	1.0 M	0.3 M	-0.4 M	-1.0 M	-1.7 M	-2.4 M
James/DT	6	7.1 M	5.9 M	4.6 M	3.3 M	2.0 M	0.8 M	-0.5 M	-1.8 M	-3.1 M	-4.3 M	-5.6 M
Scott Park	7	-22.6 M	-23.4 M	-24.2 M	-25.1 M	-25.9 M	-26.7 M	-27.5 M	-28.4 M	-29.2 M	-30.0 M	-30.9 M
Kenilworth	8	-6.6 M	-6.8 M	-7.0 M	-7.2 M	-7.5 M	-7.7 M	-7.9 M	-8.1 M	-8.3 M	-8.5 M	-8.8 M
Nash	9	-11.4 M	-12.3 M	-13.2 M	-14.1 M	-14.9 M	-15.8 M	-16.7 M	-17.6 M	-18.5 M	-19.3 M	-20.2 M
Confederation GO	10	-7.5 M	-8.3 M	-9.0 M	-9.8 M	-10.5 M	-11.2 M	-12.0 M	-12.7 M	-13.5 M	-14.2 M	-15.0 M

These results are qualitatively similar to those in the 2024 Study. The main difference was the Longwood scenario was feasible in the 2024 Study without inclusionary zoning, while it has become unfeasible with the updated parameters.

We then considered the density bonuses required to make the Longwood, Dundurn, Kenilworth, and Nash condominium scenarios feasible (see Table 3-2). The Kenilworth and Nash developments do not generate sufficient revenues to cover construction costs on a per-unit basis, so additional density bonuses cannot make those scenarios feasible.

Table 3-2: Additional Density Needed for Feasibility, Condominium Scenarios

Set-Aside Rate	#	0.0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
Longwood	2	3%	5%	8%	10%	13%	16%	19%	22%	25%	29%	32%
Dundurn	3	0%	5%	11%	17%	24%	31%	40%	50%	62%	75%	91%
Kenilworth	8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Nash	9	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

For the Longwood and Dundurn scenarios, they can become feasible and sustain higher levels of inclusionary zoning set-aside rates with density bonuses (see Table 3-2). For both scenarios, as the set-aside rate gets higher, the increase in the density bonus needed increases, rather than staying at a constant linear rate. This is because a higher set-aside rate reduces the average revenues generated per unit.

When interpreting these results, it must be considered whether these calculated increases in density are possible. Notably, the density bonuses considered are assumed to not increase the construction costs per square foot. This would be a reasonable assumption for increases in lot coverage, reductions in setbacks and angular plane requirements, and/or modest increases in density that do not require changes in construction methods. On the other hand, significant increases in height can increase construction costs through requiring costlier construction methods and the time to complete construction.

For Longwood, a 32% density bonus would be able to sustain set-aside rates as high as 5%. The Longwood scenario has 228 units across 4 storeys, so an increase in density of 32% would represent approximately 73 additional units. The Altus Cost Guide, the source used for hard construction costs, reports a single cost for condominium buildings six storeys and under, so it may be possible for this development to increase in height to 6 storeys without incurring significantly higher per-unit construction costs. However, there is still the possibility that such an increase in density could increase the per-unit costs, especially since the Altus Cost Guide is meant for high-level cost benchmarking and may not be intended for detailed comparisons of buildings with similar heights. In that case, this calculation would overstate the feasibility of the density increase.

For the Dundurn scenario, a 31% density bonus would be sufficient to sustain a 2.5% set-aside rate while a 91% increase in density would be required for a 5% set-aside rate. The Dundurn scenario is a 7-storey building with 80 units. The Altus Cost Guide reports the same benchmark costs for 7 storeys as for 14 storey buildings, so it may be possible to double the density without increasing per-unit costs (again, with the caveat of the limits of the Altus Cost Guide for this comparison).

3.2 Rental Scenarios

Table 3-3 shows the residual land values for the rental scenarios. As with the findings of the 2024 Study, none of the scenarios were feasible even without inclusionary zoning requirements.

Table 3-3: Present Value of Income after Land and Profit of Rental Scenarios

IZ Set-aside Rate	#	0.0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
McMaster	1	-8.3 M	-8.3 M	-8.4 M	-8.5 M	-8.6 M	-8.7 M	-8.8 M	-8.9 M	-8.9 M	-9.0 M	-9.1 M
Longwood	2	-15.6 M	-15.7 M	-15.8 M	-15.9 M	-16.0 M	-16.1 M	-16.2 M	-16.3 M	-16.4 M	-16.5 M	-16.6 M
Dundurn	3	-5.8 M	-5.8 M	-5.8 M	-5.9 M	-5.9 M	-6.0 M	-6.0 M	-6.0 M	-6.1 M	-6.1 M	-6.1 M
West Harbour	4	-9.4 M	-9.4 M	-9.5 M	-9.5 M	-9.6 M	-9.7 M	-9.7 M	-9.8 M	-9.9 M	-9.9 M	-10.0 M
Queen	5	-31.8 M	-32.0 M	-32.2 M	-32.5 M	-32.7 M	-32.9 M	-33.2 M	-33.4 M	-33.7 M	-33.9 M	-34.1 M
James/DT	6	-59.1 M	-59.5 M	-60.0 M	-60.4 M	-60.9 M	-61.3 M	-61.8 M	-62.2 M	-62.7 M	-63.1 M	-63.6 M
Scott Park	7	-60.7 M	-61.0 M	-61.3 M	-61.5 M	-61.8 M	-62.1 M	-62.4 M	-62.7 M	-63.0 M	-63.3 M	-63.6 M
Kenilworth	8	-16.6 M	-16.6 M	-16.7 M	-16.8 M	-16.9 M	-16.9 M	-17.0 M	-17.1 M	-17.2 M	-17.2 M	-17.3 M
Nash	9	-55.0 M	-55.3 M	-55.6 M	-55.9 M	-56.2 M	-56.5 M	-56.8 M	-57.1 M	-57.4 M	-57.7 M	-58.0 M
Confederation GO	10	-44.3 M	-44.6 M	-44.8 M	-45.1 M	-45.3 M	-45.6 M	-45.9 M	-46.1 M	-46.4 M	-46.6 M	-46.9 M

Density bonuses cannot make the Longwood, Dundurn, Kenilworth, or Nash scenarios feasible. The revenues generated from each unit were not enough to cover the per-unit construction costs.

4.0 Conclusions

We updated the analysis of the 2024 Study, primarily considering the feasibility of inclusionary zoning with set-aside rates between 0.5% and 5%. We found that none of the rental scenarios were feasible even without Inclusionary Zoning. For the condominium scenarios, the McMaster scenario was viable at set-aside rates over 5%, the Dundurn scenario was feasible only without Inclusionary Zoning, and the West Harbour, Queen, and James/DT scenarios could sustain set-aside rates ranging from 1.5% to 3%.

We also considered the additional density that would be required to make development scenarios feasible. We found that this tool had limited potential to make rental projects feasible. None of the rental scenarios, as well as the Kenilworth and Nash condominium scenarios, could achieve feasibility through density bonusing. For the Longwood and Dundurn scenarios where density bonuses could be effective, large increases in density would be required to sustain modest levels of set-aside rates for affordable housing.

Overall, this analysis confirms the finding from the 2024 Study that current conditions are challenging for housing development. Unfortunately, while increasing density allowances may be helpful in certain circumstances, it is not a silver bullet to making all development scenarios feasible, especially with Inclusionary Zoning.

Discussion of Other Policy Options

This addendum considers just the impact of additional density on the feasibility of residential scenarios. It does not conduct a detailed analysis on other housing-related policies. However, it was requested that we discuss some other policies which could potentially improve the feasibility of residential construction in Hamilton.

It is a natural reaction for municipalities to consider monetary incentives to incentivize housing construction. This can be important and effective in some cases. However, municipal budgets are limited and the incentives needed to make residential construction feasible can be large. As such, it may be more important to consider policies which improve the feasibility of housing construction that do not directly impact municipal budgets.

Policies which reduce construction costs would improve the feasibility of housing development. Municipalities may have several options to help reduce construction costs. They have direct control over soft costs such as development charges, planning fees, and taxes. While these can impact municipal budgets, certain fees and charges (e.g., development charges, parkland dedication) are reserved for specific purposes outside of the general municipal budget. The City may consider the trade-offs of potentially reducing some of these fees to increase the feasibility of housing development.

Municipalities also have control over approval timelines and the risk in the approval process. Decreasing approval timelines would directly decrease financing costs. Reduced approval timelines

and increasing the likelihood that development applications would be approved reduce the risk of development projects. Investors require higher returns from riskier investments, so these policies would reduce the expected return on investment and profit margins needed for development projects to go forward.

Municipalities cannot directly control labour and material costs, but various policies can potentially reduce the hard construction costs of housing. For example, reducing parking minimums (already under review in Hamilton) and amenity ratios would reduce per-unit construction costs.

Additionally, policies such as shadow and wind guidelines, design guidelines (e.g., floorplate restrictions), accessibility standards, and green building standards can impact construction costs. These guidelines and standards all provide important benefits but also increase the costs of building more homes. To our knowledge, no cost-benefit analysis has been conducted to consider to how these benefits should be weighed against the benefits of increased availability of housing,² and planning and land use policies often do not explicitly weigh these trade-offs when prescribing various requirements. It is likely that these guidelines and standards should not be completely eliminated, but it is also likely that there may be opportunities to be more permissive towards housing construction while still preserving the most important benefits from these guidelines and standards.

Land use policies can also potentially affect hard construction costs by affecting the supply of land available for multifamily residential buildings. Low-rise buildings (e.g., buildings 6 storeys and under) tend to be less costly per square foot than high-rise buildings, with 6-storey wood frame residential buildings being approximately 15% less costly to build than 7- to 39-storey apartments. Because low-rise buildings require much more land for the same number of housing units compared to high-rise buildings, construction costs may decrease if sufficient land can be made available to meet housing demand through low-rise buildings. Broad-based upzoning would likely be required to achieve this outcome, as land costs would likely rise to offset such benefits if insufficient land was made available for these housing types and housing remains in short supply.

As an example, in February 2025, the City of Cambridge, Massachusetts implemented broad-based upzoning to legalize low-rise apartments across the city. Four-storey buildings would be allowed as-of-right on all lots. Six-storey buildings would be allowed as-of-right on lots of 5,000 square feet or more if 20% of the building is set aside as affordable housing. It is still too early to tell what the impacts of this up-zoning are, but this example indicates such policies are possible in North America.

Overall, housing development is a relatively competitive market. There are many housing developers, and barriers to entry are relatively low. In such market environments, it is likely that the price of

² A formal cost-benefit analysis may not be required, and cost-benefit analyses often have many degrees of freedom so their findings often must be evaluated carefully. However, it is unclear if the costs and benefits of these policies have been considered on even an informal basis. A more explicit consideration of these costs and benefits can improve transparency for the community, provide greater certainty for developers, and make it easier for municipal staff and councilors to evaluate development applications.

homes would trend towards the marginal cost of building homes. If housing is expensive to purchase and rent, it is likely because housing is expensive to build. A comprehensive review of policies which impact the cost of housing construction could find many opportunities or low-hanging fruit to reduce housing costs with relatively low trade-offs.

The City of Hamilton

Peer Review – Hamilton Inclusionary Zoning Market Feasibility Study

March 31, 2023

The City of Hamilton

Peer Review – Hamilton Inclusionary Zoning Market Feasibility Study

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1.0 Introduction & Background

N. Barry Lyon Consultants Limited (NBLC) has been retained as by the City of Hamilton to prepare a Statutory Peer Review of the draft Hamilton Inclusionary Zoning Market Feasibility Study that has been prepared by Urban Metrics Incorporated (UM) dated February 6, 2023 (referred to as the UM report, or the Market Feasibility Study Report).

NBLC's scope included the following core activities:

- A review of the Market Feasibility Study Report to determine whether the approach and methodology of the financial impact analysis are appropriate for considering residential development feasibility, assessing impacts, and informing the City of Hamilton's inclusionary zoning policy framework.
- A review of key assumptions and sensitivity considerations to consider their reasonableness and whether any additional limitations or considerations should be included in the feasibility analysis.
- A review of a sample pro forma analyses prepared by UM.
- A review of the UM report's recommendations to consider their validity from a land economics perspective, and whether the statutory requirements in Ontario Regulation 232/18 have been met.
- This review focuses on paragraph 2.1.6 of O. Reg 232/18 which requires an "analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, taking into account:
 - i. value of land,
 - ii. cost of construction,
 - iii. market price,
 - iv. market rent, and
 - v. housing demand and supply."

The Regulations also require a written opinion on the impact analysis described above that is prepared by a "person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis." To address this, the City of Hamilton has retained NBLC to undertake this peer review and to provide a written opinion of the UM report.

Depending on how an Inclusionary Zoning policy (IZ) is applied, the impact generally results in loss of revenue, therefore meaning a pro rata increase in the costs of development. Since the developer will seek to preserve their profit in a development, any additional costs or loss of revenue is typically recovered by a reduction in the purchase price of land. When the impact of IZ policy (or any increase in cost or decline in revenue) is so great that the land value of new residential development falls below that of its current use, the incentive to redevelop a site for housing is diminished. Developing a policy that allows for the developer to deliver new housing stock without suppressing the land market too much is the key to developing an effective policy. Balancing the impact of an IZ policy with offsetting

measures (e.g., density increases, infrastructure investments such as transit, incentives, etc.) are also common features of IZ policy in many jurisdictions as approaches that can mitigate market impacts.

In developing an IZ policy, the supporting research must first paint an accurate view of the marketplace. In the City of Hamilton, the market for high density residential housing varies greatly between neighbourhoods depending on a wide variety of factors which influence the nature of development. With this level of understanding, proforma models can evaluate the impact of IZ policies from the perspective of its impact on land values. The challenge of any IZ analysis is properly capturing and assessing the market and financial nuance, in different planning and market contexts across Protected Major Station Areas (PMTSA), to ensure that it will not discourage the production of housing.

Overall, the methodological choices and major assumptions shaping the findings within UM report appear to be reasonable. The methodology used is well explained. Further, the report's finding that a 5% rate of inclusion (the maximum that would be permitted within the context of recently proposed Ontario Bill 23 changes¹) is viable within the context of new condominium apartment projects within west-end and centrally located PMTSA's is in line with our expectations and experience from a development feasibility perspective. We have not identified any major deficiencies in the work prepared by UM.

This peer review provides recommendations for the City and UM to consider as it relates to the confirmation or refinement to some assumptions, and the potential expansion or refinements to the Market Feasibility Study Report's recommendations to support the City's development of an ultimate policy approach.

1.1 Approach and Limitations of This Review

In preparing this review, the NBLC was not provided with a "live" spreadsheet which would allow us to fully analyse the mathematics and formulas used in the financial model. We understand and acknowledge that these spreadsheets are commercially confidential. We have therefore reviewed a sample of one static pro forma feasibility analysis and the accompanying set of assumptions used throughout the work.

We have also engaged in ongoing and active discussions with municipal staff and UM to clarify our understanding of the analysis and key data inputs, as needed. There were also e-mail exchanges and

¹ The More Homes Built Faster Act, 2022 (Bill 23) proposed regulatory changes to how Inclusionary Zoning is implemented, with a 5% cap on affordable housing requirements, a maximum 25-year affordability period, and affordable housing defined as being priced at no greater than 80% of the average resale purchase price or rent. These changes are expected to be implemented but are not yet in force.

additional information was provided to us throughout the course of this correspondence. We would like to thank the UM team for their cooperation during our peer review process.

There are a number of exclusions and/or limitations to this peer review, including the following:

- We have not prepared a detailed, line-by-line audit of the financial pro forma analyses produced by UM and all corresponding spreadsheets, cell references, etcetera. Instead, and respecting the commercial confidentiality of these elements of the study, we have undertaken a high-level review of sample pro forma analyses provided by UM in an unlinked Excel format. The model is structured to recalculate based on a series of selections within a linked assumptions sheet, and the impact analysis and related sensitivities follow an identical analytical structure and format. It is therefore our assumption that this sample static model is representative of the fulsome analysis prepared by UM.
- NBLC has not validated all calculations in the UM analysis. Mechanics related to municipal fees and charges are all assumed to have been vetted by the City and adequate for the purposes of this peer review.
- We have not evaluated the chosen development prototypes or test sites from a planning, massing, or general suitability perspective as it relates to the assumed scale and yield of new development. We understand that City planning staff reviewed the UM work from this perspective and assume that the tested development concepts are appropriate and representative of typical or anticipated outcomes from a planning and built form perspective.

2.0 Market Feasibility Study Report Review

2.1 Structure and Methodology

In completing a feasibility analysis of this nature, it can be challenging to capture the range of nuance that exists and affects the viability of residential development. Variability surrounding market demand, built form and planning considerations, development tenure and the motivations of individual developers/ investors will collectively shape the viability of a project. In our view, the UM report adequately considers these aspects. The following provides additional commentary relating to the methodological choices and structure of the analysis prepared in support of the Market Feasibility Study Report:

- The analysis considers a wide variety of submarket contexts across the planned transit corridor. The consultant developed ten prototypical development concepts and consulted with municipal staff in their development to ground truth the concepts within the context of current and emerging planning policy.
- The consultant utilizes varying market inputs to capture nuance between achievable sale prices and rents across submarkets. Further, the scale of the chosen prototype developments also varies to capture a wide range of contexts.
- The analysis considers the perspectives of both condominium and purpose-built rental developers. In our experience, this is best practice given that there are significant differences in the economics of these projects.
- The selected methodology for financial analysis is a discounted cash flow (DCF) to estimate land value, with and without the application of an IZ policy. These land value results are then compared to the estimated value of an existing land use. IZ policy scenarios are determined to be viable where the land value supported via the DCF model exceeds the projected value of the existing use.
- A DCF is one of several potential approaches that can be used in analyses of this nature to estimate the value of a potential development parcel, profitability, and other aspects of a project's performance. A DCF approach is typically used in site specific analyses where detailed development plans and project-specific details (e.g., the nuance of financing and timing of various revenue and expense inflows/ outflows) can be projected. In contrast, a Residual Land Value (RLV) approach is commonly used earlier on in development feasibility stages to incorporate a more standardized set assumptions relating to revenue inflows and cost outflows.
- While NBLC has often applied a RLV model in policy analyses of this nature, UM's application of a DCF method is a valid approach and will arrive at similar findings and conclusions because future costs and revenues are discounted to present value and treated like they would be in an RLV approach. Further, the structure of the UM model allows for sufficient market and built form nuance to be captured. The drawback of the approach is that it requires a greater number of detailed assumptions related to the distribution of revenue and costs over time. In UM's model, these are distributed on a quarterly basis. However, at the policy analysis level, these details

cannot be known and would naturally vary from site to site. To standardize the approach and allow for comparison between scenarios, UM has held many of these assumptions constant across scenarios, in-effect making the structure more similar to an RLV approach.

Overall, it is our view that the structure of the model is valid and appropriate for considering the relative viability impacts of a potential IZ policy. The use of land value as a measure of risk and viability is a reasonable and appropriate methodological choice. This approach has been utilized in other IZ feasibility assessment reports in Ontario and elsewhere. Further, our high-level review of arithmetic within the sample of pro forma work provided indicates that the analysis is free of material errors.

2.2 Validity of Model Inputs & Assumptions

The UM report makes sound methodological choices which acknowledge the importance of market dynamics in the development of an IZ policy. While it is impossible for this type of policy work to be precise, given the nature of prototypical pro forma testing within a varied real estate market context, it is NBLC's opinion that the majority of data sources, assumptions and inputs within the financial analysis are generally appropriate and representative of overarching market conditions and best practice within the industry. Within this context and following our discussions with UM, we offer the following notes for additional consideration in a few instances.

2.2.1 *Approach to Establishing Underlying or Existing Land Value*

To establish the existing land value of prototype sites, the analysis applies an assumed 30% gross-up factor which is applied to a specific property's assessed value. The report does not specifically identify the sites selected for testing, but staff at the city and with UM did indicate that they are representative of underutilised commercial land uses which are commonly seeing reinvestment and intensification for high density residential purposes. In discussions with UM, we understand that this gross up factor was based on an assumed rate of annual appreciation applied from the time of assessment (in 2016/2017), however no additional market analysis was undertaken to compare the selected gross-up assumption to actual transaction activity or commercial property valuations.

This measure of underlying land value is significant to the analysis because it is the basis upon which DCF proforma results are compared. This comparison is used to identify whether an IZ policy scenario is viable. However, if this underlying land value measure is too low, test results could produce a false-positive.

It is possible that this adjustment to assessed land value may in fact represent an appropriate high-level valuation of land value for these existing commercial uses. However, to enhance the strength of this assumption and to confirm the appropriate rate of adjustment we would recommend that supplementary market analysis be considered to 'ground truth' this methodological choice. Other approaches that could be considered would be to conduct an income capitalization approach, as well as to survey for a sample of recent and relevant sale transactions of similar properties in the market. With these data points, the defensibility of the 30% gross up assumption could be confirmed or adjusted. Of note, we expect that based on the results demonstrated in the analysis (e.g., viable rates

of inclusion at 20% in some instances) that the approach is unlikely to be overstating underlying commercial land values.

2.2.2 Market Absorption and Project Phasing

There is significant variation in building scale across the selected development prototypes. This is beneficial in work of this nature to capture a reasonable degree of variance in market outcomes. While the DCF approach does capture some variance in construction timeliness that shift with building scale, it is notable that the modeling does not modulate the absorption pace for condominium apartment sales before construction commences and these sales are assumed to occur as part of the planning and design stage of the project. Moreover, the scale of some selected prototypes would suggest multiple building phases, however this does not appear to have been incorporated within the modeling.

In all instances it has been assumed that the necessary pre-construction sales threshold (UM identifies this as 80% of units) has been satisfied within eight quarters and is simultaneous with the design and planning approval process. While it is relatively common for some projects to begin pre-selling units before final approvals are in place, this is an aggressive strategy and cannot generally occur until a developer has reasonable certainty with respect to planning and development yield outcomes. In practice, the pace of sales absorption would also vary across submarket locations according to market strength and the nature of purchasers being attracted to the location. Developers look to compress this pre-sale period as much as possible, but it is common for weaker markets to have slower sales absorption paces than in high demand contexts.

In large scale projects it is also common for developers to implement a phasing strategy to mitigate risk associated with market absorption. This is particularly common in weaker market where the pre-construction absorption pace of a single tower could take an extended period time. We note that there are several high yield development prototypes in the testing matrix, and several are located in eastern submarkets where market demand for new high density apartment development is currently weak (e.g., 1,218 units downtown, 803 units at Nash, and 679 units at Confederation). It is not clear whether these projects are intended to represent multiple towers, however we interpret this to be likely given that the prototype building heights are modest in all cases. It would be our recommendation that multi-phase projects either be pro-rated to a single tower, or, that a more nuanced approach to phasing be introduced in the analysis to reflect this.

Further, our review of the pro forma indicates that once the pre-sale threshold is achieved in condominium scenarios, no other sales are projected to occur during the construction period. Remaining unsold units are projected in all cases to be absorbed following construction completion (within three quarters). While there are some instances where developers will withhold a certain number of high valued units (e.g., penthouses), this type of strategy is typically reserved to for luxury projects and may not be appropriate in Hamilton's market context.

In rental scenarios, the model assumes that all rental projects would have a gradual lease up phase where all projects would reach stabilization within 12 months of construction completion. Based on

our experience we would also expect that this pace of leasing would vary by market strength and building scale.

While we would recommend that additional market consideration be given to these absorption assumptions, we also note that these adjustments may be minor in some cases and amount to adjustments to project discounting. Of note, the chosen discount rates used within the model are believed to be appropriate, if not conservative (8.95% pre-construction, and 6.95% during construction). Given this, absorption rate adjustments in isolation may not have a material impact on IZ viability within the proposed Bill 23 framework (i.e., a maximum 5% set aside rate).

2.2.3 Construction Timelines

Further to earlier commentary related to sales and absorption timelines. The assumptions used to distribute costs across the DCF model assume that within the first eight quarters that planning fees, development charges and other professional fees are spent. Construction timelines after this point vary between the prototypes and appear to have a direct correlation with building height, but not overall development yield.

While this approach would generally be appropriate if considering a single building in per site in isolation, some of the selected test sites are of a scale that we interpret to represent multiple building phases. However, it is our current interpretation that the modeling assumes each prototype development would be constructed in a single phase.

The following table demonstrates the assumed construction pace relative to the overall unit yield and gross floor area of each prototype. In our view, the construction timelines assumed in the work would be aggressive if dealing with a single building phase (our research suggests that 30-storey buildings in the GTA typically take about 40 months to be constructed). When considered relative to the total yield of each site, it is our view that the construction timeline assumptions warrant reconsideration, or, that the pro forma work should be isolated to a single phase. We recommend that together with considerations relating to market absorption timelines, adjustments to construction timelines and prototype phasing be considered.

Review of Construction Timeline Assumptions										
Prototype Site	No. Res Units	No. Parking Stalls	Res. GFA (sf)	Comm GFA (sf)	Total GFA (sf)	Height in Storeys	Total Assumed Construction Timeline in Assessment Report		Units Constructed Per Year	GFA per Year
							Quarters	Years		
1 McMaster	198	160	138,000	14,000	152,000	4	6	1.5	132	101,000
2 Longwood	231	189	161,000	42,000	203,000	4	6	1.5	154	135,000
3 Dundurn	85	63	57,000	2,000	59,000	7	6	1.5	57	39,000
4 West Harbour	147	74	98,000	7,000	105,000	7	6	1.5	98	70,000
5 Queen	571	337	382,000	7,000	389,000	30	11	2.75	208	141,000
6 James/Downtown	1,218	666	814,000	20,000	834,000	30	11	2.75	443	303,000
7 Scott Park	762	646	550,000	27,000	577,000	7	6	1.5	508	385,000
8 Kenilworth	181	146	131,000	8,000	139,000	7	6	1.5	121	93,000
9 Nash	803	681	580,000	26,000	606,000	13	8	2	402	303,000
10 Confederation	679	574	490,000	6,000	496,000	12	8	2	340	248,000

2.2.4 Suite Mix

The modeling supporting the Market Feasibility Study Report uses a consistent suite mix across all ten prototypes. Similar to the above commentary relating to absorption pace, it would be our expectation that suite mix assumptions vary according to the demand profile of varying market locations. It is also common for purpose-built rental projects to adopt different suite mix strategies versus condominium apartment developments within the same market area.

For example, a high-level review of actively marketing developments in Hamilton indicates the assumed allocation of studio units at 20% of the mix appears to be high relative to the positioning strategies within recently launched actively marketing projects in central areas of the City. It is recommended that some additional consideration be given to refining suite mix assumptions to reflect market dynamics and variability across submarkets. These adjustments may have a corresponding impact to project revenue given that the index prices (the price or rent per square foot) for each unit type does vary in the model. Further, any resulting unit count and parking yield adjustments would also have flowthrough impacts.

2.2.5 Hard Construction Costs

The pro forma analysis references Altus Group's annual index of construction cost data to inform hard cost assumptions within the analysis. The Altus Cost Guide presents costs within a range of variance for both above and below grade components of new construction. It is our view that the Altus guide is appropriate as a data source in analyses. However, the report's discussion of 'Benchmark Results' results uses 2022 reporting which is outdated, particularly within the current high inflationary period.

Appropriately, the UM report does acknowledge this and includes a sensitivity analysis which considers the impact to policy viability where costs are inflated by 5%, generally the rate of cost inflation that is captured within the 2023 Altus Cost Guide. We would recommend that the project team consider repositioning this this sensitivity analysis in the analysis so that these become the 'Benchmark Results.' This would ensure that the analysis remains conservative and reflective of the broader economic circumstances.

2.2.6 Soft Construction Costs

We understand that adjustments to municipal development charges and cash in lieu of parkland rates pursuant to Bill 23 have been considered throughout the Market Feasibility Study Report. In our review of the treatment of these items it does appear as though a discounting of development charges for new purpose-built rental development has been incorporated, as has the removal of the housing services portion of the rate, as well as a waiver of these charges for affordable units themselves.

However, our review indicates that the treatment of cash-in-lieu of parkland charges should be revisited and adjusted where warranted. In this regard we note the following:

- The City's current parkland dedication by-law (By-law 22-218) implemented the alternative rate permitted under section 42 of the Planning Act prior to Bill 23 (a value equivalent to 1 hectare per 500 units) with fixed per-unit caps for cash-in-lieu of parkland dedication in certain growth

areas which have now been impacted by Bill 23. The capped rates for Multiple Units are laid out in subsections 5(4) and 5(5) of the by-law and range between \$5,000 per unit in the Downtown CIPA, up to \$13,069 in the communities of Ancaster, Flamborough, Dundas, and Westdale (notwithstanding some adjustments in the downtown where buildings exceed height limits and the parkland rates can become higher).

- Bill 23 implemented changes to Section 42 of the Planning Act. Notably, the maximum alternative rate for cash-in-lieu of parkland was halved to a value equivalent to 1 hectare per 1,000 residential units. Moreover, the Act further implements a cap on these charges within 42(3.3) where it requires that a “by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,
 - (a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and
 - (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.”
- The financial modeling in support of the Market Feasibility Study Report uses cash-in-lieu of parkland rates that are 50% of the per unit caps within Hamilton By-law 22-218. However, the additional 10% of land value cap does not appear to have been incorporated (no prototype sites exceed five hectares). As such, our review suggests that there are instances where the selected per unit cap likely exceeds 10% of residual land value, and there are others where the cap within 22-218 could have been maintained or adjusted by less than 50%.

2.2.7 Definitions of Affordability

The Market Feasibility Study Report relies on information provided through a Housing Needs Assessment conducted by SHS Consulting. Through this work, the UM analysis utilizes an affordable rental threshold at 80% of Average Market Rent (AMR), which is appropriate within the context of proposed Bill 23 changes and utilises CMHC data which is appropriate as an annual benchmark for these purposes.

For affordable ownership pricing thresholds, the SHS work does not provide a granular analysis of resale pricing across housing typologies or unit types. Rather, the average price across all resale homes is provided and as UM notes, this threshold exceeds the typical market price of most new condominium apartment units in Hamilton (the 80% of resale homes in Hamilton was reported as being \$739,242). Because of this, the Market Feasibility Study Report endeavors to introduce more granularity by equating this resale price benchmark to that of an average-sized home (about 1,500 square feet) and then apportions the SHS pricing benchmark on a per-square foot basis within the proformas.

While this methodology generally reasonable within the limitations facing the UM team, it is our expectation that the resultant pricing thresholds will differ from the average resale pricing for condominium apartments in Hamilton. Moreover, it is possible that the Province will look to establish a common methodology or publish regular bulletins to standardize this. Differentiations in these

methodologies will have an impact on the findings of the Market Feasibility Study Report. A preferred approach to establishing affordable ownership definitions would have been to evaluate average unit pricing specifically for condominium apartments, rather than all housing types.

2.2.8 Timing of Affordable Housing Sales

The financial analysis assumes that affordable ownership units are sold on the same timeline as market units. While a detailed implementation strategy for the potential IZ policy has not been established, a more conservative approach would have been to assume that these units would be sold closer to project completion, potentially meaning that a higher number of market units would need to be sold as part of a pre-sale program. As these operational decisions of the policy are established, this assumption may warrant revisiting.

3.0 Market Feasibility Study Report Findings and Recommendations

3.1 Market Feasibility Study Report Findings

The key finding of the Market Feasibility Study Report is that in central and western submarkets, a 5% rate of inclusion for condominium tenure projects is viable within the framework of the methodological choices and assumptions which are presented. We note that the 5% threshold is most critical given that recent policy revisions proposed through Provincial Bill 23 cap the application of IZ at this set aside rate. Based on our experience and understanding of market dynamics in Hamilton, we believe that this finding is reasonable from a land economics perspective. The analysis presented also appropriately considers a range of additional sensitivities which might impact costs or revenues within a reasonable degree of variance. In these scenarios the results are consistent with our expectations from a land economics perspective.

In some instances, it is demonstrated that higher rates of inclusion may be viable in condominium apartment projects in strong submarkets. We concur that there is a correlation between market strength and the potential for higher rates of affordable inclusion. However, we expect that some minor modifications to the modeling as noted earlier (i.e., longer presale timing, construction timing, phasing, underlying land value, etc.) may impact viability at higher set-aside rates. Notwithstanding this, the prevailing policy framework may preclude the application of IZ above a 5% rate in the first place.

The Market Feasibility Study Report found that that purpose-built rental projects are more sensitive to a potential IZ policy. This too is consistent with our experience and the economic realities facing high density rental projects in Ontario.

Throughout the Market Feasibility Study Report's methodology, findings, and recommendations there is discussion related to the author's quantification of the 'effective fee' or 'cost' of delivering an IZ unit. We understand that this is representative of the delta between a project's net income with and without IZ, expressed either per unit of affordable housing, or per unit overall (with the denominator being the total unit count). In discussions with UM, we understand that it was not the author's interpretation that this metric was required as an output of the Market Feasibility Study Report. Rather, we understand that the metric was included to highlight the relative cost effectiveness of IZ versus other strategies for delivering affordable units (although an exploration of alternatives was not within the scope of the Market Feasibility Study Report).

We would suggest that the choice of net income as the metric for this calculation may warrant reconsideration given that the Market Feasibility Study Report's measure of viability for IZ policy is established using land value as the key determinant. Generally, we found limited utility in the 'effective fee' or 'cost' discussion within the report. It would be our suggestion that greater consideration be given to the rate of land value change or magnitude of impact be introduced into the analysis within an expanded discussion related to housing supply considerations as new policy is introduced. This would particularly be relevant from the perspective of developers who currently own land and cannot adjust the purchase price of their site, but who might face an IZ policy in the future,

as well as for existing landowners who may have preconceived expectations around the value of their lands.

3.2 Market Feasibility Study Report Recommendations

The report recommends that a 5% rate of inclusion be considered for condominium development. However, the results of the analysis demonstrate that this level of inclusion may not be viable in all submarket locations. We suggest that the authors include an expanded discussion related to the potential benefits or impacts to housing affordability, impact on land supply and pace of development activity as a result of this choice. A fulsome discussion of potential impacts – particularly as it relates to weaker submarket areas – would be beneficial to support the City in its policy decisions, and to establish an implementation strategy that seeks to mitigate potential near-term impacts in these areas.

The Market Feasibility Study Report recommends that IZ only be applied to purpose-built rental developments if paired with “significant incentives.” We recommend that this discussion be expanded to in fact test potential incentive approaches to ensure that the tools available to the City are meaningful enough to support a viable rental project, or to re-instate results that would be in line with a market rate project. We expect that in some cases the tools available to the City may not be sufficient to support these outcomes. If true, the recommendation may warrant further revisiting within the context of rental housing supply and housing needs overall. As the analysis demonstrates, the development of market rate purpose-built rental development is often challenging from an economic perspective, the impacts associated with applying IZ to purpose-built rental projects may not be worthwhile, even with incentives applied.

The Market Feasibility Study Report recommends that offsets be considered for rental and condominium projects to offset the costs of IZ. Again, we recommend that the discussion of incentives be expanded to more fully establish a rationale for their application and to support more detailed recommendations around the types of magnitude of incentive that are being recommended for consideration. The Market Feasibility Study Report’s results demonstrate that IZ can be viable at the recommended rate of inclusion for condominium projects in stronger market areas. The report could be clearer in its discussion of recommendations regarding incentives to highlight whether it is thought that even these viable circumstances warrant offsetting measures, or where there are specific instances where targeted offsets are being recommended. Further, alignment with PMTSA plans and implementing zoning should be considered; the Market Feasibility Study Report highlights potential height bonuses and parking reductions which may or may not be brought forward in future planning work along the LRT corridor.

We agree with the Market Feasibility Study Report’s assertion that strategies involving all levels of government are needed to solve the myriad of issues facing housing affordability; IZ is not a ‘silver bullet’. The recommendations also suggest that the City consider the use of surplus public land to support the development of new affordable housing. Both statements are valid. Within Hamilton’s market context and the framework proposed via Bill 23, IZ represents but one tool that, over time, could have a modest contribution towards increasing housing affordability.

While we agree that cost effectiveness and value for money should be considered as new policies are being developed and implemented, we recommend that greater clarity be introduced within the recommendation within the Market Feasibility Study Report that the City explore whether there are other more cost-effective solutions for the delivery of affordable housing. This could be interpreted as justification to not pursue the policy altogether. The analysis demonstrates that the impact or cost of IZ would be borne by the private sector through the land market, and at a 5% rate of inclusion, the report finds these impacts to be viable in several submarket locations. Therefore, the only costs that would be borne by the City in these instances would be those relating to the administration of the IZ policy itself, potentially making the approach highly cost-effective from the municipality's perspective.

NBLC would recommend that further clarity and detailed discussion be provided to articulate the rationale for recommendations within the report. It is our view that the Market Feasibility Study Report's recommendations could be expanded to include further discussion relating to the crafting of policy and its implementation in the market. We suggest that greater discussion surrounding the ultimate timing of transit infrastructure, PMTSA plans, and implementing zoning be considered and that greater discussion around land value impacts and housing supply risks and mitigation strategies be considered in order to support the City in its development of its ultimate strategy for policy implementation. The UM analysis is thorough and detailed, the results from this modeling could be used to develop clear guidelines and implementation strategies so that the market can clearly understand policy formulation expectations, as well as housing supply and cost implications.

4.0 Conclusions

Based on our review of the UM report and supporting financial analysis, we generally support the methodological choices, major assumptions, and findings of the analysis. We do recommend that the report consider refinements to certain assumptions and expand its discussion of key findings and recommendations to more fully articulate the range of policy implementation choices available to the City of Hamilton. Within the context of Bill 23 and the proposed introduction of a 5% maximum rate of inclusion, the results of the analysis appear to be reasonable and reliable. The recommended refinements and enhancements to the report are intended to support the overall defensibility of recommendations. In summary:

- The structure of the model is valid and appropriate for considering the relative viability impacts of a potential IZ policy. The use of land value as a measure of risk and viability is a reasonable and appropriate methodological choice. This approach has been utilized in other IZ feasibility assessment reports in Ontario and elsewhere. Further, our high-level review of arithmetic within the sample of pro forma work provided indicates that the analysis is free of material errors.
- Most major assumptions requiring professional judgement, external sources of data and application within the model are reasonable. We suggest that additional supporting research be considered to enhance the defensibility of underlying land value assumptions which are used for comparison to development pro forma results and are the basis for establishing viability in each selected IZ permutation and sensitivity test.
- We offer some recommendations in this peer review as it relates to refinements related to prototype scale and phasing, pre-construction absorption timelines, and certain cost assumptions.
- We generally support the Market Feasibility Study Report's findings and recommendations and suggest that greater discussion of impacts related to the magnitude of land value impacts, timing of policy and housing supply considerations be incorporated. An expanded discussion on recommended offsets and implementation strategies would also be beneficial. Further, it is recommended that discussion related to the 'effective fee' or 'cost' of IZ be revisited to reflect land value impacts.

Overall, we find that the core elements of analysis and resulting recommendations are sound and reasonable. It is our view that the report addresses the requirements set out in Ontario Regulation 232/18 with respect to the assessment report which is required as a foundation for Inclusionary Zoning policies.



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Draft Inclusionary Zoning Policy Framework for the City of Hamilton

1.0 Overview

Inclusionary Zoning is a tool that can be employed by Municipalities to increase the supply of affordable housing options. The development and implementation of Inclusionary Zoning is permitted and guided through the *Planning Act* and Ontario Regulation 232/18, as amended by Ontario Regulation 54/25. The following framework outlines considerations for the development of an Inclusionary Zoning By-law for the City of Hamilton.

2.0 Goals and Objectives of Inclusionary Zoning

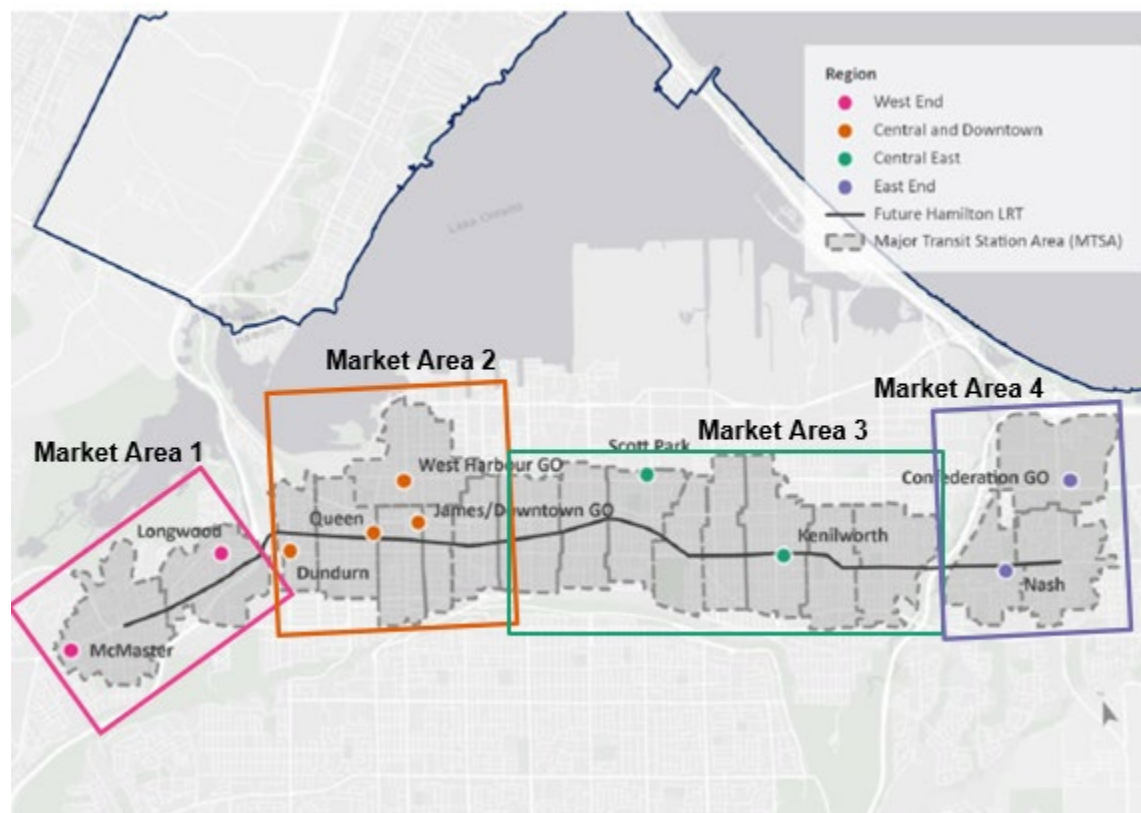
- **Create Affordable Housing:** Increase the amount of affordable housing in Hamilton to meet affordable housing needs.
- **Create Housing Choice/Complete Communities:** Enable a variety of lifestyle choices and housing opportunities for all incomes on the housing continuum.
- **Meet needs for different sizes of units:** Provide for both small units and large units suitable for family households to meet identified needs.
- **Promote Transit Oriented Development:** Ensure that the market can support Inclusionary Zoning requirements and that Inclusionary Zoning will not have a negative effect on the feasibility of residential intensification within Protected Major Transit Station Areas.
- **Transit Equity:** Enhance equitable access to transit across the entire housing continuum.
- **Continuously Monitor and Adjust:** Inclusionary Zoning policies will be informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial and City requirements, or more frequently as necessary.

3.0 Geographic Boundaries

Inclusionary Zoning can be applied to Protected Major Transit Areas in the City of Hamilton. Protected Major Transit Station Areas will be divided into four Market areas for the purposes of Inclusionary Zoning:

- **West End:** West of Highway 403
- **Central and Downtown:** Between Highway 403 and Sherman Avenue
- **Central East:** Between Sherman Avenue and Red Hill Valley Parkway
- **East End:** East of Red Hill Valley Parkway. Includes Eastgate Square and Confederation GO Station.



Figure 1: Map of Market Feasibility Test Sites and Market Area Divisions

4.0 Set Aside Rates

The set aside rate is the proportion of affordable units required in a market rate development. The set aside rates will vary across the market areas based on the market conditions in each area, and will be gradually phased in, to a maximum of 5%. Set aside rates will be reviewed and updated regularly to react to changing market and development conditions.

Table one shows one potential scenario for phasing in rates, based on current market and development conditions.

Table One: Example of Potential Set Aside Rates

	2026-2027	2028-2029	2030-2031
Market Area 1	2%	3.5%	5%
Market Area 2	2%	3.5%	5%
Market Area 3	0%	0%	0%
Market Area 4	0%	1%	2%



5.0 Level of Affordability

The City will establish maximum prices and rents on an annual basis during the affordability period for affordable ownership housing units and affordable rental housing in keeping with the definition of *Affordable* from the Urban Hamilton and Rural Hamilton Official Plans and the Provincial Planning Statement.

5.1 Affordable Ownership

- Studio units will be priced at or below the maximum purchase price for the 3rd income decile;
- One-bedroom units will be priced at or below the maximum purchase price for the 4th income decile;
- Two-bedroom units will be priced at or below the maximum purchase price for the 5th income decile; and
- Three-bedroom units will be priced at or below the maximum purchase price for the 6th income decile.

Table 2: 2023 Ownership Affordability Levels Based on Unit Sizes

Income Decile	Household Income	Maximum Affordable Purchase Price	Unit Size
Decile 3	\$61,738	\$194,965	Studio
Decile 4	\$77,710	\$245,402	1-Bedroom
Decile 5	\$95,295	\$300,934	2-Bedroom
Decile 6	\$115,350	\$364,429	3-Bedroom

5.2 Affordable Rental

Rents will be set at 80% of the average market rent for the type of unit (number of bedrooms).

Table 3: 2023 Rental Affordability Levels Based on Unit Sizes

	Studio	1-Bedroom	2-Bedroom	3-Bedroom
80% of Market Rent (Monthly)	\$732	\$876	\$1,017	\$1,183

6.0 Affordability Period

Affordable units created through Inclusionary Zoning are to remain affordable for a period of 25 years. Following the affordability period units can be sold at market rate and rents can increase in line with relevant Provincial legislation.



7.0 Type of Development and Exemptions

Exemptions from Inclusionary Zoning can be used to promote certain types of development and to limit the impact Inclusionary Zoning has on the creation of new market rate units within the City.

Types of development that are proposed to be exempt from Inclusionary Zoning requirements include:

1. Purpose built rental developments.
2. Development or redevelopment that is less than 50 units or less than 3,600 square metres or more of residential gross floor area.
3. Retirement homes, student residences, long-term care facilities, corrections residences, licensed residential care facilities, emergency shelters, or hospices;
4. CityHousing Hamilton developments.
5. Non-Profit Housing provider developments where the whole building is owned and operated by the Non-Profit Housing provider.
6. Legally existing buildings established prior to the effective date of Inclusionary Zoning, except where any addition, alteration, or change of use, results in 50 or more new dwelling units or 3,600 square metres or more of new residential gross floor area.
7. Any replacement of affordable rental units required through the Rental Housing Protection policies of the Urban and Rural Hamilton Official Plans and Rental Housing Protection By-law (in process), as amended, shall not be included in the number of units or gross floor area used to calculate Inclusionary Zoning requirements.
8. Any development applications in progress that have preliminary approvals such as site plan approval or building permit approval.
9. Any exemptions in accordance with the Planning Act and associated Ontario Regulation 232/18, as amended by Ontario Regulation 54/25.

8.0 Unit Mix

The Housing Needs Assessment identified the need for more family-sized units to encourage families to move to Hamilton, and for more small units. A mix of unit sizes is proposed to reflect these needs. It is recommended that a minimum proportion of Inclusionary Zoning units (i.e. 25%) be required to have at least three bedrooms.

Staff are also contemplating whether studios/bachelor units should qualify as Inclusionary Zoning units, or whether Inclusionary Zoning units should have a minimum of one bedroom.



9.0 Off-site Units

Off-site units may be permitted through a site-specific zoning by-law amendment. Off-site units are proposed to be subject to the following criteria:

- a) Units must be located within the same Protected Major Transit Station Area; or
- b) Units must be located within the same market area and within 800 metres of the proposed development;
- c) The offsite Inclusionary Zoning contribution results in one or more improved housing outcomes, such as:
 - i. the delivery of affordable housing units occurs sooner than if the units were delivered in the development giving rise to the Inclusionary Zoning requirement;
 - ii. the provision of affordable rental housing units
 - iii. the provision of more deeply affordable units than required (i.e. housing affordable to low-income households); or
 - iv. the provision of a greater amount of affordable gross floor area than required; and,
- d) The timing of first occupancy of off-site affordable dwelling units will be prior to or coincident and proportional to the occupancy of market units on the site giving rise to the requirement for the affordable dwelling units.

10.0 Incentives

Incentives are intended to promote a greater return relative to the minimum requirements of the Inclusionary Zoning policy, such as more affordable units, deeper levels of affordability, or more family sized units.

Possible incentives that have been identified include:

- Increased Height Permissions
- Development charge reductions for non-Inclusionary Zoning units.
- Reduced amenity or parkland dedication requirements; and,
- Tax increment financing (TIF) incentive programs.

Note: The Market Feasibility Analysis has already considered reduced parking requirements for residential uses as approved by the City of Hamilton through the recent Parking Standards Review.

Note: The Province has already exempted Inclusionary Zoning units from Development Charges, so this incentive has been factored into the analysis.





HAMILTON MUNICIPAL HERITAGE COMMITTEE MINUTES HMHC 25-007

12:00 p.m.

June 27, 2025

Room 264, 2nd Floor (Hybrid)
Hamilton City Hall
71 Main Street West

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), G. Carroll (Vice-Chair),
K. Burke (Virtual), A. Douglas, L. Lunsted and A. MacLaren

**Absent with
Regrets:** S. Spolnik

1. CALL TO ORDER

Committee Chair Denham-Robinson called the meeting to order at 12:00 p.m.

2. CEREMONIAL ACTIVITIES

There were no Ceremonial Activities.

3. APPROVAL OF THE AGENDA

(Carroll/Douglas)

That the agenda for the June 27, 2025, meeting of the Hamilton Municipal Heritage Committee be approved, as presented.

CARRIED

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

5. APPROVAL OF MINUTES OF PREVIOUS MEETING

(MacLaren/Lunsted)

That the Minutes of the May 29, 2025, meeting of the Hamilton Municipal Heritage Committee, be adopted as presented.

CARRIED

Please refer to the July 8, 2025 Planning Committee minutes for the disposition of these matters.

6. DELEGATIONS

There were no Delegations.

7. ITEMS FOR INFORMATION

(Douglas/Carroll)

That the following Items for Information, be received:

- 7.1 HPRC 25-004**
Heritage Permit Review Sub-Committee Minutes from the meeting held on April 15, 2025
- 7.2 HPRC 25-005**
Heritage Permit Review Sub-Committee Minutes from the meeting held on May 20, 2025
- 7.3 PED25183**
Notice of By-law Passing to Designate 105 Erie Avenue, Hamilton, under Part IV of the *Ontario Heritage Act* (Ward 3)
- 7.4 PED25189**
Notice of Intention to Designate 252 Caroline Street South, Hamilton (Central Presbyterian Church) under Part IV of the *Ontario Heritage Act* (Ward 2)
- 7.5 PED25190**
Notice of Passing of By-laws to Designate Properties in Stoney Creek in the City of Hamilton under Part IV of the *Ontario Heritage Act* (Wards 5 and 9)
- 7.6 PED25191**
Notice of Passing of By-laws to Designate Properties in Hamilton in the City of Hamilton under Part IV of the *Ontario Heritage Act* (Wards 3 and 4)
- 7.7 PED25196**
Notices of Intention to Designate 2 Hatt Street, Dundas, and 54 King Street East, Hamilton under Part IV of the *Ontario Heritage Act* (Wards 2 and 13)
- 7.8 PED25201**
Delegated Approvals Respecting Heritage Permit Applications: HP2025-009 and HP2025-015 (Ward 1)

CARRIED

8. ITEMS FOR CONSIDERATION

8.1 PED25149

Recommendation to Designate 104 King Street West, Dundas (former Dundas Post Office) under Part IV of the *Ontario Heritage Act* (Ward 13)

Meg Oldfield, Cultural Heritage Planner, addressed Committee respecting Report PED25149, Recommendation to Designate 104 King Street West, Dundas (former Dundas Post Office) under Part IV of the *Ontario Heritage Act* (Ward 13), with the aid of a PowerPoint presentation.

(Carroll/Lunsted)

(a) That the City Clerk BE DIRECTED to give notice of Council's intention to designate 104 King Street West, Dundas (former Dundas Post Office), shown in Appendix A attached to Report PED25149, 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 PED25149, subject to the following:

- (i) 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;
- (ii) 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 Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

CARRIED

9. MOTIONS

There were no Motions.

10. NOTICE OF MOTIONS

There were no Notice of Motions.

11. GENERAL INFORMATION / OTHER BUSINESS

A. Denham-Robinson relinquished the G. Carroll in order to introduce Items 11.1 and 11.2.

11.1 Hamilton Municipal Heritage Committee's Heritage Recognition Awards

A. Denham-Robinson provided Committee with an update respecting the Hamilton Municipal Heritage Committee's Heritage Recognition Awards.

(Kroetsch/Douglas)

That the verbal update respecting the Hamilton Municipal Heritage Committee's Heritage Recognition Awards, be received.

CARRIED

11.2 2025 Ontario Heritage Conference

A. Denham-Robinson provided Committee with an update respecting the 2025 Ontario Heritage Conference.

(MacLaren/Burke)

That the verbal update respecting the 2025 Ontario Heritage Conference, be received.

CARRIED

11.3 Heritage Buildings and Landscapes Watch List

Committee members provided brief updates on properties of interest.

(Kroetsch/Carroll)

(a) That 124 Walnut Street South, Hamilton, be added to the Buildings and Landscapes of Interest (YELLOW) listing; and

(b) That the property be monitored by C. Kroetsch.

CARRIED

(Burke/Carroll)

That the following updates, be received:

(a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

(1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik

- (2) 1021 Garner Road East, Lampman House (D) – S. Spolnik
- (3) 398 Wilson Street East, Marr House (D) – S. Spolnik

Dundas

- (4) 2 Hatt Street (R) – K. Burke
- (5) 216 Hatt Street (I) – K. Burke
- (6) 215 King Street West (R) – K. Burke
- (7) 219 King Street West (R) – K. Burke

Glanbrook

- (8) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (9) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
- (10) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – A. Denham-Robinson
- (11) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (12) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (13) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (14) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (15) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
- (16) 108 James Street North, Tivoli (D) – C. Kroetsch
- (17) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (18) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (19) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (20) 120 Park Street North (R) – C. Kroetsch
- (21) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (22) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (1) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (2) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (3) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (4) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (5) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

Flamborough

- (6) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (7) 62 6th Concession East, Hewick House (I) – L. Lunsted
- (8) 265 Mill Street East, Former Elfrida Church (D) – A. MacLaren

Hamilton

- (9) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (10) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (11) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (12) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (13) 54-56 Hess Street South (D) – C. Kroetsch
- (14) 1284 Main Street East, Delta High School (D) – G. Carroll
- (15) 311 Rymal Road East (R) – G. Carroll
- (16) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (17) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (18) 84 York Boulevard, Philpott Church (NOID) – G. Carroll
- (19) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (20) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (21) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (22) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (23) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (24) 1269 Mohawk Road, Ancaster (I) – G. Carroll
- (25) 657 King Street East, Hamilton (R) – G. Carroll
- (26) 665-667 King Street East, Hamilton (R) – G. Carroll
- (27) 90 Markland, Hamilton (D) – C. Kroetsch

- (28) 231 Bay St. N. (Gallery on the Bay/Hamilton Bridge Works Company Office) (I) – C. Kroetsch
- (29) 29 Harriet Street (Felton Brush Company) (I) – C. Kroetsch
- (30) 33 Bowen Street (Bradley Stable, Court House Hotel Stable) (R) – C. Kroetsch
- (31) 200 Main Street East, Hamilton (First-Pilgrim United Church) – C. Kroetsch

Stoney Creek

- (32) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

- (1) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (2) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (3) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
- (4) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
- (5) 206 Main Street West, Arlo House (R) – C. Kroetsch
- (6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

- (d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated, (NOID) Notice of Intention to Designate, (NHS) National Historic Site

CARRIED

12. ADJOURNMENT

There being no further business, the Hamilton Municipal Heritage Committee meeting was adjourned, at 12:28 p.m.

Respectfully submitted,

Matt Gauthier
Legislative Coordinator
Office of the City Clerk

Alissa Denham-Robinson
Chair, Hamilton Municipal Heritage
Committee

CITY OF HAMILTON

MOTION

Planning Committee Meeting: July 8, 2025

MOVED BY COUNCILLOR J. BEATTIE

SECONDED BY COUNCILLOR.....

Expediting Development of SCUBE Lands

WHEREAS, the SCUBE (Stoney Creek Urban Boundary Expansion) lands were approved in 2004 by the City of Hamilton;

WHEREAS, the SCUBE lands are within the OMB approved urban boundary and designated for development in 2007;

WHEREAS, the Fruitland-Winona Secondary plan has designated a mix of housing options in three designated blocks;

WHEREAS, Blocks 2 and 3 have received Council approvals and the development industry is just now bringing forward development plans and mobilizing to begin early construction on a variety of family-focused and entry level ground-based housing options including singles and a townhomes and low-rises;

WHEREAS, Block 1 has yet to be approved despite being planned for growth development in it's entirety for nearly 20 years,

WHEREAS, Block 1 envisions over 1,000 new entry-level attainable ground-level, family-oriented housing units in addition to transit-focused road networks, parks, recreation amenities as well as a badly needed public elementary school,

WHEREAS, Hamilton is facing a housing crisis that requires urgent action to increase supply;

WHEREAS, planning delays and administrative barriers have slowed progress on these lands;

THEREFORE, BE IT RESOLVED:

That Growth Management staff be directed to report back with a plan to expedite the build-out of the SCUBE lands, with a focus on enabling the Approval of Fruitland-Winona Secondary Plan Area Block 1 and report back to planning committee in Q3 2025.