



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 17, 2018
SUBJECT/REPORT NO:	Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074)
WARD(S) AFFECTED:	Wards 2 and 3
PREPARED BY:	Alissa Mahood (905) 546-2424 Ext. 1250 Shannon Mckie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies for Downtown Hamilton, the lands bound by Cannon Street to the north, Victoria Avenue to the east, Hunter Street to the south and Queen Street to the west and the properties fronting onto James Street North from Cannon Street to the West Harbour GO Station and fronting onto James Street South from Hunter Street to Charlton Avenue, on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED18074, be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That the West Harbour (Setting Sail) Secondary Plan (2012), in the City of Hamilton Official Plan, be amended to remove lands as shown on Appendix “C” to Report PED18074;

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**SUBJECT: Official Plan Amendment and Zoning By-law Amendment for the
Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074) -
Page 2 of 20**

- (c) That City-initiated Zoning By-law Amendment to facilitate the implementation of the Downtown Secondary Plan to delete the Downtown Local Commercial (D4) Zone, delete the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone and Downtown Residential (D5) Zone and replace with the Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone and Downtown Residential (D5) Zone respectively, to add Section 13.2 Utility (U2) Zone, to add lands, to add and amend special exceptions, to amend parking provisions, to amend general provisions, and other administrative sections of Zoning By-law 05-200 to implement the revisions to the Downtown Zones, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18074 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
- (d) That the Downtown Hamilton Tall Building Study and Guidelines, attached as Appendix “E” to Report PED18074, be approved;
- (e) That the Downtown Shadow Impact Study Terms of Reference, Pedestrian Level Wind Study Terms of Reference, and Visual Impact Assessment Study Terms of Reference, attached as Appendix “F” to Report PED18074, be approved;
- (f) That upon final approval of the Draft Zoning By-law amendment staff be directed and authorized to incorporate the Heritage Character Zone Design Guidelines, Shadow Impact Study Terms of Reference, Visual Impact Assessment Terms of Reference, and Pedestrian Level Wind Study Terms of Reference into the Site Plan Guidelines;
- (f) That the Lansdale and Stinson Neighbourhood Plans be amended to remove the lands from the Neighbourhood plans that are within the Downtown Secondary Plan boundaries; and,
- (g) That the Director, Planning and Chief Planner be authorized to designate an area or specific site as a Class 4 Area in accordance with the NPC-300 for lands within the Downtown Hamilton Secondary Plan where a noise study required as a condition of development approval recommends that an areas be Class 4 and a noise study has been approved by the Director, Planning and Chief Planner.

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EXECUTIVE SUMMARY

This Staff Report is complemented by the Downtown Hamilton Secondary Plan Summary Report (attached as Appendix “A” to Report PED18074), which provides a fulsome discussion of the Secondary Plan review process and implementing Zoning By-law amendment, the methodology used for land use designation changes, and height permissions, as well as issues that arose during public and stakeholder consultation. The Summary Report also includes detailed review of all of the supplementary studies that have been conducted to support the policy changes including, the Tall Building Guidelines, Building Height review, Shadow Impact Analysis, and Viewshed Analysis. The Summary Report also includes the analysis and justification for the recommendations included in Report PED18074.

The purpose of the review of the Downtown Hamilton Secondary Plan is to:

- re-evaluate the land use designations to address emerging trends in land uses, and built form;
- to align the boundaries of the Secondary Plan area with the Urban Growth Centre;
- to re-inforce the existing cultural heritage features; and,
- remove out-dated policies and create a document that is consistent with the language and format of the Urban Hamilton Official Plan (UHOP).

The Downtown Secondary Plan review process included a comprehensive evaluation, assessment, and update of the vision, goals, objectives, policies and mapping of the Downtown Hamilton Secondary Plan and implementing Zoning By-law. The revised Secondary Plan builds upon the vision and policies of “Putting People First”, the existing Secondary Plan for Downtown, while providing updated direction for development and change. Updates to the policies of the Secondary Plan reflect current Provincial land use policy direction as well as existing conditions and changes that have occurred since the Plan’s adoption in 2001.

The Secondary Plan review process included an extensive process of public consultation with the community. Key participants in the consultation process included the City’s Technical Advisory Committee (TAC), the Downtown Hamilton Community Liaison Committee (CLC), and stakeholders (Hamilton Advisory Committee for Persons with Disabilities, BIAs, Arts community, Chamber of Commerce), the City’s Development Industry Liaison Group and Design Review Panel. These meetings provided opportunities for technical input, community discussions and feedback related to the Secondary Plan review. In addition to these meetings, the study team met with other various stakeholders in informal meetings to discuss the updates to the Plan. In the event that people could not attend these meetings, comments sheets and the information presented was available on the City’s website. Appendix “G” to Report PED18074 provides a summary of the consultation process.

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The Secondary Plan review has also been coordinated with other City studies that will have an impact or connection to how land is used and developed within Downtown Hamilton. The updated Secondary Plan ensures that the planning direction for the area is current and appropriate to guide future growth and development.

The Zoning By-law Amendment to Zoning By-law 05-200 implements the proposed designations and policies of the revised Downtown Hamilton Secondary Plan. To align the two documents the Downtown Local Commercial (D4) Zone and Downtown Low Density Residential (D6) Zones are proposed to be deleted and revisions to implement direction on land uses, built form, building height, parking and tall building development. The Summary Report (attached as Appendix "A" to Report PED18074) outlines the specific changes and provides the necessary rationale and justification for the proposed modifications.

The proposed Official Plan amendments, Zoning By-law amendments, and Tall Building Study and Guidelines provide a policy and regulatory framework to ensure future development positively contributes to the liveability, sustainability, and health of Hamilton's Downtown.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one (1) Public Meeting to consider an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Downtown Hamilton Secondary Plan, "Putting People First: The New Land Use Plan for Downtown Hamilton (2001)

The Downtown Secondary Plan was approved in 2001 as an amendment to the City of Hamilton Official Plan (OPA No. 172). The Downtown Secondary Plan was the first formal plan for the directing development of Downtown lands bounded by Queen Street to the west, Cannon Street to the north, Wellington Avenue to the east and Hunter Street to the south. The Secondary Plan represented the community's vision and established a framework for both private and public sector development.

West Harbour (Setting Sail) Secondary Plan (2012)

The West Harbour (Setting Sail) Secondary Plan that is currently in effect was approved by the Ontario Municipal Board on June 26, 2012. The in force and effect Secondary Plan resides in the City of Hamilton Official Plan. The West Harbour Secondary Plan area is bounded by Hamilton Harbour to the north, York Boulevard and Cannon Street West to the west and south and Wellington Street North to the east.

To align the boundaries of the Downtown Secondary Plan, with the boundaries of the Urban Growth Centre as set out by the Province, a portion of James Street North, between Cannon Street and the CN Rail Line will be removed from the West Harbour Secondary Plan and be added to the Downtown Secondary Plan.

Urban Hamilton Official Plan (2013)

Council adopted the UHOP in 2009. All of the City of Hamilton Secondary Plans are contained within Volume 2 of the UHOP, including the Downtown Secondary Plan and Setting Sail (West Harbour) Secondary Plan. While minor modifications were made to align the City's existing Secondary Plans with the UHOP, the majority of the Downtown Secondary Plan remained unedited.

The Ministry of Municipal Affairs and Housing approved the majority of the UHOP in 2011. However, given the existing appeal of the Setting Sail Secondary Plan, the Minister issued Non-decision No. 117 on that portion of the UHOP containing the Setting Sail Secondary Plan.

The Urban Hamilton Official Plan version of the Setting Sail Secondary Plan for the West Harbour is subject to Non-decision No. 117; therefore these lands are not in force and effect in the UHOP. The document is in force and effect in the former City of Hamilton Official Plan; therefore, none of the policies of the UHOP apply to Setting Sail. The portion of lands within the Setting Sail Secondary Plan that are part of the Urban Growth Centre reside in the City of Hamilton Official Plan and are the subject of the proposed amendments recommended by this Report.

James Street Mobility Hub (2014)

The James Street Mobility Hub Study establishes implementation strategies to guide the planning and development within a 400 metre radius of the James Street North GO Station. The Study identified a number of opportunity sites, three of which are included in the revised boundaries of the Downtown Secondary Plan area. Some of the implementation strategies identified through the Mobility Hub study have policy implications and have been reviewed through the Downtown Secondary Plan process

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and implemented where appropriate (refer to the Summary Report attached as Appendix “A” to Report PED18074)

Downtown Hamilton Secondary Plan Review

Downtown Hamilton has undergone considerable change since the Plan’s adoption in 2001. The industrial and commercial infrastructure of the long departed manufacturing uses is beginning to house an influx of new residents and professionals. Signs of the Downtown’s cultural and economic revival are increasingly evident. Although private sector investment is leading the transformation, the City’s investments and innovative urban renewal incentive programs have played an important role.

Development interest in the Downtown has increased, resulting in projects that are shaping the urban landscape of the area. The new GO station at James Street North, the revitalization of Gore Park, the two-way street conversions of James Street, John Street and York Boulevard/Wilson Street have also played a role in this changing landscape. New uses and forms of development that were not contemplated when the Downtown Secondary Plan was approved in 2001 are being proposed. Current trends in built form, tall building development and higher order transit have resulted in the need to review the Plan to ensure that it is up to date and relevant to respond to the changing needs of Downtown development.

The Downtown Hamilton Secondary Plan review process included a comprehensive evaluation, assessment, and update of the vision, goals and objectives, policies and mapping of the Downtown Hamilton Secondary Plan through public consultation (refer to Appendix “G” to Report PED18074 for the list of consultation events). The review process included the alignment of the structure and format of the original Plan so that it is consistent with the UHOP. Updates to the polices reflect current Provincial land use policy direction as well as existing conditions and changes to the landscape since the Plan’s adoption in 2001. The Summary Report (attached as Appendix “A” to Report PED18074) provides a detailed review of the Secondary Plan process.

Downtown Hamilton Tall Building Study and Guidelines

The Secondary Plan identifies a vision of a downtown that is “vibrant” with “human scale”, “streetscapes offering comfort” and aims to “link together the Downtown and surrounding neighbourhoods from the Escarpment to the Waterfront”. Given the recent increase in tall building development applications in the Downtown, staff identified the need to establish guidelines for the development of tall buildings in Downtown Hamilton in a manner that achieves the vision of the Secondary Plan. The Downtown Hamilton Tall Buildings Study and Guidelines sets out the vision, building heights, typologies, and performance standards to guide Downtown tall building development and to provide a framework for staff when reviewing proposals.

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The Tall Buildings Study looked comprehensively at best practices, tall buildings in the Downtown context, where tall building development was occurring and how the planning and design of these buildings should continue in the future.

During consultation for the Tall Building Guidelines, the public emphasized the significance of the Niagara Escarpment as a defining feature of Hamilton's unique identity and expressed preference that new tall buildings should not pierce the escarpment height. As a World UNESCO Biosphere Reserve, the Niagara Escarpment has an ecological, geological, and natural heritage value throughout the City of Hamilton. It separates lower Hamilton from the upper urban area of the brow of the escarpment feature. The Niagara Escarpment is a powerful visual feature due to its height and striking landscape character that terminates the vistas looking southwards along several Downtown streets.

Development should reflect the significance of the Niagara Escarpment and the scenic quality it plays in providing context as a backdrop to Downtown Hamilton. The principle of establishing a maximum building height that reflects the height of the Niagara Escarpment is based on this fundamental value and has been incorporated into the policies of the Downtown Secondary Plan, Tall Building Guidelines, and implementing Zoning By-law.

The guidelines are attached as Appendix "E" to Report PED18074 and summarized in the Summary Report (attached as Appendix "A" to Report PED18074).

Downtown Hamilton Viewshed Analysis

Part of the review and update of the Downtown Hamilton Secondary Plan included carrying out a viewshed analysis in order to identify locations within the Downtown where additional detailed visual impact assessments should be provided in order to understand and limit the loss of views to the Niagara Escarpment to ensure that the contribution the Escarpment makes to the character of the Downtown is not impaired. The viewshed analysis was based on a 35 year build out scenario for the Plan area to determine if there were existing views to the Niagara Escarpment and Hamilton Harbour. The current views were compared to the view in the 35 year build out model to determine what views would be impacted by future development. Recommendations from the viewshed study have been implemented in the Secondary Plan.

Zoning By-law 05-200

Subsequent to the adoption of the Downtown Secondary Plan "Putting People First" in 2001, six new Downtown Zones were developed to allow for development in accordance with the land use designations and policies of the Secondary Plan. The

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original Downtown Zones (approved May 25, 2005) were the first phase of the Comprehensive Zoning By-law 05-200.

The Downtown Zones have been amended through various housekeeping amendments and specific applications. Upon initiation of a review of the policies of the Downtown Secondary Plan, staff initiated a review of the Downtown Zones to ensure consistency between the two documents and to implement the revised Secondary Plan policies.

The proposed amendments reflect the direction of the new Downtown Secondary Plan. The resultant changes include the elimination of the Downtown Local Commercial (D4) Zone and creation of the Utility (U2) Zone. Additional modifications to the Downtown Central Business District (D1) Zone, Downtown Mixed Use - Pedestrian Focus (D2) Zone, and Downtown Residential (D5) Zone are proposed to implement the revised Downtown Secondary Plan designations and policies. All approved applications have been reviewed against the proposed regulations, and where necessary have been carried forward as a Special Exception.

Community Planning Permit System (formerly Development Permit System)

In 1995, changes to the *Planning Act* created a new planning tool called a Development Permit System (DPS). The *Smart Growth of Our Communities Act* (Bill 73) renamed the “Development Permit System” to the “Community Planning Permit System”. Community Planning Permits (CPP) combine three existing approval processes, zoning, site planning and minor variance into one process with the intent to shift the policy and general parameters of zoning to the front-end and then deal with the detail through the development permit system. Portions of Downtown Hamilton were selected as a pilot location for testing of the CPP, and contain policy direction for lands within the Community Planning Permit Area. Ontario Regulation 246/01 empowers municipalities to use the system; however Hamilton chose not to proceed with the Community Planning Permit System. There were concerns from the community as there is no appeal process relating to development permit approval, and this could present a problem if the community had concerns relating to detailed development permit issues. In addition, the new Zoning By-law for Downtown (05-200) was developed shortly after the Secondary Plan was approved. This zoning was new, innovative and flexible. Therefore, the policies and designations of the Community Planning Permit System Area were removed through this review.

Inclusionary Zoning

On March 14, 2016, the Ontario Government provided an update to the Long-Term Affordable Housing Strategy. Part of the update included proposed legislation for Inclusionary Zoning (IZ). This legislation was in response to numerous requests received during the consultation on the strategy update, including a request from the

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City for the Province to establish an Inclusionary Zoning framework through Report CES15032 and the responses to Bill 73 provided in Report PED15093.

On May 18, 2016, Ontario introduced Bill 204, which is now referred to as the *Promoting Affordable Housing Act, 2016* (Bill 7). The bill, proposed amendment to six provincial acts: the *Development Charges Act, 1997*; *Housing Services Act, 2011*; *Planning Act 1990*, *Residential Tenancies Act, 2006*; *Smart Growth for Our Communities Act, 2015* and *Elderly Persons Housing Aid Act, 1990*. The bill received Royal Assent on December 8, 2016.

Currently the City is carrying out the background work in preparation for the Province's release of the Inclusionary Zoning regulatory framework. These regulations will provide the City with the tools to assist in increasing the supply of affordable housing to meet the objectives and targets set out in the City's Housing and Homelessness Action Plan and in the Urban Hamilton Official Plan. However, in the meantime, in addition to the housing policies in Section B.3.2 of Volume 1 of the Urban Hamilton Official Plan (UHOP), the Downtown Hamilton Secondary Plan further builds on these housing policies in order to promote affordable housing opportunities in the Downtown (refer to the Summary Report, attached as Appendix "A" to Report PED18074 for more information about the housing policies in the Secondary Plan).

Section 37 Bonusing

The City is in the process of carrying-out a City-wide Section 37 Bonusing Study. This study will define applicable benefits in statutory Official Plan policy. Currently the City has a fairly extensive list of potential benefits outlined in the UHOP; however, these could be refined based on needs within certain neighbourhoods. The study will set out a defined protocol or guiding document that will outline a measurable, transparent, and consistent methodology for negotiating and securing Section 37 benefits (to be approved by Council). Given that the updated Secondary Plan for the Downtown is being presented for approval before Council's review and approval of the Section 37 study, the inclusion of more detailed policies regarding bonusing in the Downtown Secondary Plan may occur as a future amendment to the Secondary Plan.

In the meantime, the policies of the Secondary Plan allow for proposals that seek increases in height, beyond those permitted in the Zoning By-law, to enter into Section 37 Bonusing agreements. The Secondary Plan outlines the specific community benefits to be obtained through such agreements. The priority community benefits to be secured through Section 37 agreements for the Downtown are limited to the provision of housing, in particular rental and affordable housing, community facilities/services, child care facilities, cultural facilities, and transit station improvements.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial and local plans, policies, and guidelines provide a framework for the growth of strong communities and include guidance on the planning and development of Urban Growth Centres. The following is a list of applicable provincial and local policy documents and guidelines that apply to the Downtown Hamilton Secondary Plan review:

Provincial Policy

- Provincial Policy Statement (2014)
- Growth Plan for the Greater Golden Horseshoe (2017)
- Niagara Escarpment Plan (2016)

Municipal Policy

- Urban Hamilton Official Plan (2013)
- Downtown Heritage Character Zone and Guidelines
- BLAST Network (2007)
- Higher Order Transit
- Downtown Hamilton Transportation Master Plan (2008)
- Transit Oriented Development Guidelines (2010)
- James Street Mobility Hub Study (2014)

The Summary Report (attached as Appendix “A” to Report PED18074) provides a summary of these documents and guidelines. The Summary Report responds to the applicable policies and guidelines, and provides implementation recommendations that are consistent with these documents.

Based on the analysis provided in the Summary Report (attached as Appendix “A” to Report PED18074) the proposed Downtown Secondary Plan and implementing Zoning By-law amendment conforms to the policies of Places to Grow: Growth Plan for the Greater Golden Horseshoe (2017), is consistent with the Provincial Policy Statement (2014), and conforms to the policies of the UHOP.

RELEVANT CONSULTATION

At key intervals of the Secondary Plan review process, Planning staff carried-out a number of formal and informal consultation events. The details of each of these events are outlined in the Summary Report (attached as Appendix “A” to Report PED18074). The summary of consultation events is also attached as Appendix “G” to Report PED18074.

Staff and Agency Consultation

Staff Technical Advisory Committee (TAC) Meetings

The TAC is comprised of City staff who met to provide the expertise of a multi-disciplinary team to assist with the Secondary Plan review, Tall Buildings Study and Guidelines, and the revisions to Zoning By-law 05-200. Members assisted in identifying issues, reviewing alternative solutions, and providing comments on the documents. TAC includes representatives from the following departments and sections:

- Corporate Services Department
 - Legal Services

- Community and Emergency Services Department
 - Housing Services
 - Recreation
 - Neighbourhood and Community Initiatives
 - Hamilton Fire Department
 - Hamilton Police Services

- Planning and Economic Development Department
 - Community Planning and GIS
 - Policy Planning and Zoning By-Law Reform
 - Development Planning, Heritage and Design
 - Business Development
 - Urban Renewal
 - Tourism and Culture
 - Parking Operations and Maintenance
 - Building Engineering and Zoning
 - LRT Office

- Public Health Services Department
 - Healthy Environments

- Public Works Department
 - Energy Fleet and Facilities
 - Landscape Architectural Services
 - Recycling and Waste Disposal
 - Transportation Planning Services
 - Traffic Operations and Engineering
 - Transit Planning and Customer Service
 - Infrastructure Planning and Systems Design

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The list of TAC meetings is available in Section XX of the Summary Report (attached as Appendix “A” to Report PED18074) in Appendix “G” to Report PED18074.

External Agency Consultation

A number of external agencies were circulated with the Draft Downtown Secondary Plan policies and Draft Downtown Zones, with the majority not providing comments back to staff. The Summary Report (attached as Appendix “A” to Report PED18074) identifies the various agencies circulated and summarizes the comments received.

Agencies that provided comments on the Draft Downtown Secondary Plan policies, Tall Building Study and Guidelines, and Draft Downtown Zones include:

- Niagara Escarpment Commission
- Ministry of the Environment

Public Consultation

The review of the Downtown Secondary Plan has been subject to an extensive public consultation process (refer to Appendix “G” to Report PED18074). In order to maximize the opportunity for public participation staff offered many different opportunities, forms, and options for participating in the review of the Downtown Secondary Plan, in order to maximize the opportunity for public engagement.

Community Meetings/Public Information Centres

Staff consulted at each step in the Secondary Plan review process. Four Public Open House sessions were held. The intent was to consult at every step of the process to inform the public on the intent behind the review, the purpose of the revisions, as well as the major studies that have informed this process such as proposed land use changes, height permissions, zoning regulations, Tall Building Guidelines, and the expansion of the Downtown Secondary Plan boundaries to align with the Urban Growth Centre. Meetings were held on the following dates:

- June 8, 2011 - Community Meeting: Introduction to the Secondary Plan Update;
- May 26, 2015 – Community Meeting: Downtown Tall Building Study Workshop;
- April 27, 2016 – Community Meeting: Present Draft Tall Buildings Study and Guidelines; and,
- February 13, 2017 – Community Meeting: Present Draft Updated Secondary Plan and Zoning.

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These events were advertised on social media, posted in the Hamilton Spectator, posted on the City's website, and e-mailed to anyone who had signed in at previous meetings or asked to be added to the notification list.

Stakeholder Workshop

A stakeholder workshop was held on February 9, 2017 a workshop was held to present and receive input on the proposed changes to the downtown land use plan, policies and zoning for stakeholders. Groups invited to this session included the Community Liaison Committee, Real Estate Board, commercial landowners, Hamilton-Burlington Society of Architects, Hamilton Chamber of Commerce, Hamilton-Halton Home Builders Association, Neighbourhood Associations, Business Improvement Areas, and Hamilton & District Apartment Association. The purpose of this forum was to inform the various stakeholders on the Draft Downtown Secondary Plan and Guidelines, and Draft Downtown Zones and to receive feedback on the proposed revisions. Staff made a presentation summarizing the revisions, which was followed by four facilitated discussion and feedback opportunities. An independent facilitator was retained to facilitate the workshop. A full summary of the Stakeholder Workshop is found in Appendix "A" to Report PED18074.

Feedback from the Stakeholder Workshop

Nineteen individuals participated including commercial property owners, developers, consulting planners and architects and representative of the Beasley Neighbourhood Association, Durand Neighbourhood Association, Downtown Hamilton BIA, International Village BIA, Hamilton Advisory Committee for Persons with Disabilities, Hamilton-Halton Home Builders Association, Hamilton Burlington Society of Architects and Hamilton & District Apartment Association.

The Stakeholder Workshop Feedback Report is included in Appendix "A" to Report PED18074 and includes all of the comments received regarding the Draft Secondary Plan and Downtown Zones. Some of the comments or suggestions pertaining to the Draft Secondary Plan and Draft Downtown Zones that have been reflected in the Official Plan Amendment and Zoning By-law Amendment (attached as Appendices "B", "C" and "D" to Report PED18074) include the following changes:

- Combining the two Downtown Residential Designations to create one Downtown Residential Designation and one Downtown Residential (D5) Zone;
- Overall reduction in parking reductions for both residential and commercial developments; and,
- Extending the Downtown Mixed Use – Pedestrian Focus Designation along King William Street.

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Staff Presentations

Staff met with and made presentations to various Advisory Committees and Stakeholder Groups throughout the process. These meetings allowed staff to present the intent of the revisions, a detailed description of the policy changes and zoning regulation amendments, and allowed an opportunity for specific questions to be answered. Details of the various Advisory Committees and Stakeholder Groups consulted with are summarized in the Summary Report (attached as Appendix “A” to Report PED18074) and a list of the meeting dates are provided in Appendix “G” to Report PED18074.

Circulation

In addition to the advertisements in the Hamilton Spectator for the various consultations, staff maintained a comprehensive mailing list comprised of any person who signed in at any event, submitted comments, or specifically requested to be added to the project mailing list. The list was updated during each stage of the review of the Downtown Secondary Plan. All circulations identified upcoming engagement opportunities and included links to the project website (www.hamilton.ca/downtownhamiltonreview) for access to the most up-to-date information.

The Secondary Plan Policies, Zoning By-law , and Tall Buildings Study and Guidelines were available for review by the public in May 2017 and a revised version in October 2017. Comments received after the October 2017 release of the draft Downtown Hamilton Secondary Plan and Zoning By-law amendments, and responses to the comments have been included in Appendix “H” to Report PED18074.

On March 19th, 2018 the proposed Secondary Plan, Zoning By-law and Tall Buildings Study and Guidelines were made available to the public in advance of the Statutory meeting in order to provide the public with adequate time to review the documents prior to them being presented to Planning Committee.

Other Public Consultation

In addition to the above-noted scheduled events City staff also conducted two pop-up events. The first event was held at the Hamilton Market on June 14, 2012 and the second was held at the Hamilton Library (Downtown) on June 15, 2012. The purpose of these events was to provide further opportunities for the public to identify issues that should be addressed through the review.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Proposed Amendments to UHOP Volume 1

Amendments to Volume 1 are required to incorporate the revised Downtown Secondary Plan boundaries on Schedule C-2 – Future Road Widening, Schedule E – Urban Structure, Schedule E-1 – Urban Land Use Designations and on Appendix A – Parks Classification Map, Appendix F – Cultural Heritage Resources, Appendix F-2 – Area Specific Cultural Heritage Resources, and Appendix G – Boundaries Map. The revised boundary will align the Downtown Secondary Plan boundaries with the Urban Growth Centre Boundaries (as identified by the Growth Plan). The updated boundary adds the lands between Wellington Street to Victoria Avenue and the properties fronting onto James Street North from Cannon Street to the West Harbour GO Station and fronting onto James Street South from Hunter Street to Charlton Avenue.

2. Proposed Amendments to UHOP Volume 2: Downtown Secondary Plan

The following list represents the key issues and opportunities that the revised Downtown Secondary Plan has addressed:

- Alignment of the Urban Growth Centre boundary;
- Consistency with the UHOP structure and language;
- Increased opportunity for intensification (to meet or exceed over the life of the Plan the UHOP density target of 250 people and jobs per hectare);
- Permission for a full range of commercial and residential uses;
- The provision and retention of affordable housing;
- Sustainable building development;
- Section 37 Bonusing;
- Clear urban design principles for redevelopment;
- Transit supportive development;
- Updated maximum building height permissions reflective of current development trends;
- Direction for tall building development;
- Protection of the Downtown's distinctive history and character;
- Viewshed policies;
- Simplification of policies; and,
- Removal of the Development Permit System.

A detailed analysis and rationale for the proposed revisions to the Downtown Secondary Plan have been included in the Summary Report (attached as Appendix "A" to Report PED18074).

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It is noted that an amendment to the West Harbour (Setting Sail) Secondary Plan is required because the lands along James Street North from Cannon Street to the West Harbour GO Station are part of the Downtown Urban Growth Centre as defined by the Province.

3. Proposed Amendments to Zoning By-law 05-200

Amendments to Zoning By-law 05-200 are required to address the revisions to the Downtown Secondary Plan. Amendments to Zoning By-law 05-200 include:

- Deletion of Downtown Local Commercial (D4) Zone and deletion of references to the (D4) Zone throughout the By-law;
- Revisions to Section 5: Parking to eliminate or reduce parking requirements for uses in the Downtown;
- Addition of new Long-Term and Short-Term Bicycle Parking requirements for uses in the Downtown Zones;
- General Provisions for all of the Downtown Zones to address:
 - Mid-Rise building development;
 - Tall building development; and,
 - Heritage Character Zone.
- Rewording of regulations to eliminate interpretation issues and create consistency throughout the By-law;
- Amendments to Schedule A – Zoning Maps to reflect the changes in designation and to include additional lands;
- Amendments to Schedule C – Special Exceptions to add new Special Exceptions for lands located at:
 - John A. McDonald School
 - Dr. Edgar Davey School
 - Hunter Street GO Station
 - Wesandford Place
- Revisions to existing Special Exceptions only to reflect the changes in land use designation;
- Amendments to Schedule “D” – Holding Provisions to add new Holding Provisions for the areas generally listed below for the following reasons:
 - lands with permission to develop greater than 44.0 m (approximately 12 Storeys) in height to provide the necessary studies to determine compatibility with the surrounding area;
 - maintenance of the existing mixture of housing types and affordability through Section 37 Bonusing Agreements; and,
 - Lands identified as Cultural Heritage Landscapes to provide Cultural Heritage Impact Assessments.

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**SUBJECT: Official Plan Amendment and Zoning By-law Amendment for the
Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074) -
Page 17 of 20**

- Replacement of Figure 1: Maximum Building Heights of Schedule F – Special Figures to align maximum building heights with the Downtown Secondary Plan; and,
- Addition of new Figure 15: Building Base Façade Height.

Detailed explanation, analysis and rationale for all of the amendments to Zoning By-law 05-200 is included in the Summary Report attached as Appendix “A” to Report PED18074.

Under the provisions of the *Planning Act*, an application for an amendment to a comprehensive by-law or for a Minor Variance to a site specific by-law is not permitted within two years of adoption of the by-law. The proposed Zoning By-law to implement the Downtown Secondary Plan is an amendment to Zoning By-law 05-200 and is therefore neither a comprehensive by-law or a site specific by-law. As such, the two year prohibition on minor variance applications would not apply to the proposed Zoning By-law attached as Appendix “D” to Report PED18074.

4. Development Applications

Projects currently in the development process will be reviewed based on the planning framework that applied at the time of application and will be looked at on a case-by-case basis. Factors that will be considered may include site specific zoning by-laws which have received approval, acknowledgment of the planning applications that have been received that are deemed complete as per the *Planning Act* and acknowledgement of building permit application currently under review.

Recently approved applications have been reflected in the revisions to the Downtown Secondary Plan and Draft Zoning By-law.

5. Class 4 Area Designation

At the September 5th, 2017 Planning Committee, staff were directed to report back on methods for designating Class 4 noise receptors within Downtown Hamilton. In accordance with the NPC-300, a Class 4 area must meet the following criteria:

- An area intended for development with new noise sensitive land use(s) that are not yet built;
- In proximity to existing, lawfully established stationary sources(s); and,
- Formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.

The Director of Planning and Chief Planner, City of Hamilton may authorize, where in conformity with the above criteria, and upon the submission of a noise study with recommendations that an area be designated as Class 4.

6. Changes to Downtown Hamilton Secondary Plan and Downtown Zoning By-law since the March 19, 2018 public release:

The following changes have been made to the Downtown Hamilton Secondary Plan policies and the Downtown Zones. The changes are administrative in nature and do not change the intent of the proposed policies or zoning.

There has been one housekeeping change to the Secondary Plan document that occurred after the March 19, 2018 release to the public. The text has not changed. A renumbering of policies has been carried out and is as follows:

Existing Policy Number in March 2018	Renumbered to the Following Policy Number
6.1.4.7	6.1.4.5
6.1.4.8	6.1.4.6
6.1.4.9	6.1.4.7
6.1.4.5	6.1.4.8
6.1.4.6	6.1.4.9

The following changes have been made to the amending Zoning By-law:

Section	Proposed Change	New Wording	Rationale
6.0 c) ii)	Add the words “except any flankage lot line” after the words “rear lot lines”.	“A minimum 3.0 metre stepback shall be required for any portion of a building exceeding 22.0 metres in height from a side or rear lot line except any flankage lot line.”	The intent was to apply the stepback to a lot line abutting another property. Where a lot line abuts a street no additional stepback is required.
6.0 c) iii) 2.	Delete the words “from all other lot lines” and replace them with “from any side and rear lot line except any flankage lot line”.	“Minimum 12.5 metres from all side and rear lot lines except any flankage lot line.”	The intent was to apply the stepback to a lot line abutting another property. Where a lot line abuts a street no additional stepback is required.

SUBJECT: Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074) - Page 19 of 20

6.1.1	The following uses have been added, in alphabetical order, to the list of permitted uses: <ul style="list-style-type: none"> • Commercial Parking Facility • Microbrewery 		The uses were listed in Section 6.1.1.1 Restricted Uses and were not included in the list of Permitted Uses in error.
6.1.2	The following uses have been added, in alphabetical order, to the list of permitted uses: <ul style="list-style-type: none"> • Commercial Parking Facility 		The uses were listed in Section 6.2.1.1 Restricted Uses and were not included in the list of Permitted Uses in error.

ALTERNATIVES FOR CONSIDERATION

City Council could choose not to adopt the OPA and Zoning By-law amendment.

Alternative 1:

Council could choose not to approve the Downtown Hamilton Secondary Plan. The existing Downtown Secondary Plan policies will remain in effect. Both Zoning By-law 05-200 and Hamilton Zoning By-law No. 6593 will remain in effect. Rejecting the Secondary Plan may also jeopardize appropriate comprehensive development standards and design for the area, and may not address the vision established for Downtown Hamilton and endorsed by the community. Consistency with Provincial direction respecting intensification, the development of complete communities, and meeting density targets for Major Transit Station Areas may not be achieved.

Alternative 2:

Council could choose to approve the Plan and Zoning, with modifications. This alternative would establish comprehensive development standards for the Secondary Plan area. The intent of the Plan is to guide future growth and development to the year 2031 and beyond in a comprehensive manner. The policies accommodate this direction in a comprehensive, clear manner. Modification of the Plan may lead to development that is not consistent with the vision established for the area, and may not achieve the objectives of the Plan. Modifications may potentially result in a Plan that does not conform to Provincial policy requirements or other approved City policies, such as the policies of the Urban Hamilton Official Plan.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Downtown Secondary Plan Summary Report
- Appendix “B”: Urban Hamilton Official Plan Amendment
- Appendix “C”: City of Hamilton Official Plan Amendment
- Appendix “D”: Zoning By-law Amendment
- Appendix “E”: Tall Building Study and Guidelines
- Appendix “F”: Terms of Reference – Shadow Impact Study, Pedestrian Level Wind Study, Visual Impact Assessment Study
- Appendix “G”: Consultation Summary
- Appendix “H” Comment Summary

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