



April 16, 2018

Mayor Eisenberger & Members of City Council  
71 Main Street West  
Hamilton, ON L8P 4Y5

**RE: Official Plan Amendment & Zoning By-law Amendment for the Downtown Hamilton Secondary Plan**

Dear Mayor Eisenberger & Members of City Council,

Please accept this submission as Environment Hamilton's formal comments regarding the final draft version of the Downtown Hamilton Secondary Plan. We appreciate the opportunity to provide input on this draft plan. There are plan elements that we applaud and support; there are also plan elements that we believe need to be stronger. Finally, we have a number of suggestions for elements that appear to be missing from the plan but should be included. Our suggestions for strengthening and adding to the plan are set out in the paragraphs that follow.

**6.1 Downtown Hamilton Secondary Plan**

In this section, it is stated that 'Downtown shall be the location for tall buildings, and shall be planned for a range of uses appropriate to its role as the City's pre-eminent node.' We are in complete agreement with this statement, but have serious concerns about whether the plan goes far enough to ensure that measures are in place to position the downtown core to serve effectively as the City's pre-eminent node. Our concerns will be highlighted as they relate to specific sections of the plan. Generally speaking, we have concerns regarding some issues related to transportation/mobility in and through the core, and sustainability & resilience planning for the core.

**6.1.2 Principles and 6.1.3 Objectives**

In the sections setting out plan principles and objectives it would be helpful to include targets that indicate, where possible, the desired outcomes of the principles and objectives laid out in these sections. For instance, section 6.1.3.4 describes enhancing streets and public spaces by establishing 'new locations and policies for parks and open spaces directed toward increasing the overall tree canopy in the Downtown'. By how much? Similar questions can be asked about other principles and objectives listed at the front of the Secondary Plan. A section with targets would set a bar to strive for and enable Hamiltonians to start to better visualize the change the Plan is aiming to achieve. Other targets might include: achieving a population increase target for Downtown Hamilton, increasing affordable housing units in the downtown core by a specified number or overall percentage of units built city wide, providing a specified number of secured bike parking spaces in the core, transitioning over to a certain % renewable energy use for the downtown plan area, etc.

We have some additional general comments to make regarding the specific elements included in the Principles and Objectives sections of the Plan.

Principle (h) recognizes the Niagara Escarpment as essential because of the visual benefits this geological feature brings to the core. This principle should also recognize the critically important role this forested swath plays in improving local air quality, and helping to mitigate the impacts of climate change. The escarpment serves as incredibly effective 'natural green infrastructure', bringing a variety of benefits that are critical to the core of our city including: moderating stormwater flows, offering cooling benefits in summer to offset urban heat island effect and insulating benefits in

winter, and filtering out air pollution to mention a few. These additional elements must be acknowledged to underscore the importance of the Niagara Escarpment to Downtown Hamilton.

Principle (i) – Improve climate change mitigation and adaptation - is laudable but, unfortunately, it does not appear that the necessary actions required to apply this principle in reality are set out in the detailed sections of the Secondary Plan – and where reference is made to such actions, there is a lot of encouragement and little in the way of requirements. We have a variety of suggestions that would enable the city to strengthen the ability of the Downtown Secondary Plan to achieve climate change mitigation and adaptation. **Our central recommendation is that the City of Hamilton consider replicating the approach the City of Toronto is using – through the Toronto Green Standard – the city’s ‘sustainable design guidelines’ for new private and public developments.** The Toronto Green Standard includes tiers of action. Tier 1 actions ARE MANDATORY and integrated into the building permitting process, while Tier 2 and 3 actions are voluntary – but come with incentives including reductions in development charges. The Toronto Green Standards are guidelines that exist as part of the city’s Official Plan. A more ambitious version of the Toronto Green Standards has been approved by Toronto City Council and will come into force on May 1<sup>st</sup> of this year – and this version demonstrates clear and strong connections to Toronto’s climate action plan, also known as TransformTO. More details about the Toronto Green Standards can be found at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

Objective 6.1.3.3 speaks to the need to create quality residential neighbourhoods. Of particular concern for Environment Hamilton is the need to ensure that there is affordable housing – including geared to income housing - available in close proximity to higher order transit corridors. For instance, if we fail to take steps to ensure that residential development along the east-west LRT corridor is truly inclusive, we will have failed to achieve one of the fundamental goals required to create a resilient and sustainable community. We need mobility justice in the core of our city – safe streets for people to walk and ride and easy access to public transportation for those who rely on it the most! This concern is also relevant to Objective 6.1.3.7 – Diversity of Housing.

Objective 6.1.3.4 focuses on Enhancing Streets & Public Spaces – and speaks to the need to c) Establish new locations and policies for parks and open space directed towards increasing the overall tree canopy in the Downtown. We are pleased to see reference to the tree canopy and the need to increase the tree canopy, but would recommend that reference be made to the 35% tree canopy target set for the city. Further, as you will be aware, the city has just embarked on the development of an Urban Forest Strategy. Reference should be made to the overall 35% canopy target that the city is currently striving for, with acknowledgement that more direction will come through the Hamilton Urban Forest Strategy once it is finalized. Ideally, there should be a section in the plan exclusively focused on the Urban Forest that speaks to its essential importance to the city core and the need to protect and enhance the forest.

Objective 6.1.3.5 speaks to Mobility and Complete Streets, recognizing that (T)he transportation system in the Downtown includes an integrated network for pedestrians, cyclists, transit users and drivers’ and that (T)he Downtown benefits when these integrated networks collectively provide a range of safe and sustainable travel choices to ensure mobility and accessibility for all people, contributing to the creation of complete communities. This objective requires that development shall:

*b) Prioritize pedestrians, cyclists and public transit relative to private automobiles through the application of Complete, Livable, Better Streets policy.*

Unfortunately, this objective, along with the land use policies that follow, fails to acknowledge the challenges we face in the core as a result of the nature of some of the traffic that shortcuts through the core. More explanation will follow in specific sections below, but it is not just automobiles that pedestrians and cyclists currently contend with in the core; industrial trucks are the 18-wheeled elephants in the room. We want to state clearly from the start that we acknowledge there is a need for trucks to travel in and out of the downtown core to deliver goods. It is obvious that truck traffic of this nature must be accommodated in effective ways to allow the core to function. However, we believe the time is long past due for the City of Hamilton to review and revise truck routes in order to restrict the shortcutting of

heavy industrial trucks through the core of the city. It is important to note that this problem appears to be getting worse, with new industrial developments on Hamilton Port Authority Lands in the far west end of the West Harbour industrial lands. These new facilities have contributed to an uptick in the number of large grain trucks rolling through the core of our city. Ironically enough, the proponent of these new developments is also challenging the city's own plans to redevelop our harbourfront with more residential housing.

Objective 6.1.3.6 – Sustainable & Resilient Downtown needs more objectives in the list that are requirements. Again, the City of Toronto's 'Toronto Green Standard' should be looked at and emulated. Consider the final element of Objective 6.1.3.6 (e) Investigate ways to leverage green infrastructure opportunities to improve air quality, absorb stormwater, minimize the urban heat island, and expand biodiversity. This objective is pretty vague – and there does not appear to be any more detailed guidance anywhere else in the secondary plan- including any reference to detailed city policies around green infrastructure requirements. Contrast that to Toronto and the Toronto Green Standard. If you are a developer in Toronto putting up a mid- or highrise building, you MUST implement a list of Tier 1 actions. These actions fall under several categories including: air quality; energy efficiency, gHg, and resilience; water balance, quality and efficiency; ecology; and solid waste. Here is one example of a mandatory Tier 1 requirement under 'ecology' that could just as easily be placed under air quality or water balance:

## **URBAN FOREST – INCREASE TREE CANOPY**

### **Tier 1**

#### **EC 1.1 Tree Planting Areas and Soil Volume**

Create tree planting areas within the site and in the adjacent public boulevard that meet the soil volume and other requirements necessary to provide tree canopy. Determine the total amount of soil required by the following formula:

$$40\% \text{ of the site area} \div 66 \text{ m}^2 \times 30 \text{ m}^3 = \text{total soil volume required}$$

Ensure that each separate tree planting area has a minimum space of 30m<sup>3</sup> soil. <sup>1,2</sup>

#### **EC 1.2 Trees Along Street Frontages**

Plant large growing shade trees along street frontages that are spaced appropriately having regard to site conditions and have access to a minimum of 30 m<sup>3</sup> of soil per tree. <sup>3,4,5</sup>

#### **EC 1.3 Parking Lots**

Parking Lots: If surface parking is permitted and provided, plant large growing shade trees throughout the parking lot interior at a minimum ratio of one tree planted for every five parking spaces supplied. <sup>6</sup>

#### **EC 1.4 Watering Program**

Provide a watering program for trees for at least the first 2 years after planting. <sup>7</sup>

*- Toronto Green Standard – Version 3 – May 1 2018*

We are proposing that the City of Hamilton consider integrating other Tier 1 mandatory requirements found in the Toronto Green Standard into relevant sections of the draft Downtown Hamilton Secondary Plan – or into a policy that is referenced in the Downtown Hamilton Secondary Plan. We believe that these issues are important enough that we are past the 'encouragement' stage and ready for the 'mandatory' stage. We say this understanding that the municipality is not empowered to push private developers as far as we might want to see these efforts go, but also cognizant of the fact that more needs to be asked for from new developments in the downtown core. The City of Toronto has demonstrated that more can be required – and we believe the City of Hamilton should also be imposing similar requirements.

Section 6.1.4.8 – Section 37 Bonusing – is a new section added to this latest draft of the Downtown Hamilton Secondary Plan. We very much appreciate that the city listened to community voices – including Environment Hamilton – and added this important planning tool to the Downtown Secondary Plan. We believe very strongly that municipalities should be utilizing all of the tools at their disposal to ensure that community benefits can be extracted from developers

wherever possible. We are impressed with the approach being proposed by the City of Hamilton, where a community benefits agreement will be required under s37 when a developer proposes a building higher than 12 storeys (~44 meters) in downtown areas that permit taller buildings. This will hopefully ensure that important community benefits receive additional financial support as a result of new development in the core. We also want to recognize our strong support for the municipality's commitment to protect escarpment views by not permitting buildings to surpass the height of the escarpment – even if this means limiting building heights in highrise zones to less than 30 storeys. The escarpment brings many benefits, as we have already described, including providing an incredibly beautiful green backdrop to our city core that we must work to preserve as the downtown grows up.

While we are very pleased to see Section 37 Height and Density Bonus added to the Downtown Secondary Plan, we are concerned that the list of potential community benefits is far too limited. We have already raised concerns regarding the general lack of strong commitment to sustainability and resilience in the plan. The truncated list of community benefits that will be eligible for s37 support in Downtown Hamilton only exacerbates this problem. It is worth comparing the two lists of community benefits that the City of Hamilton has indicated it will consider under s37 agreements. The full list in the Urban Official Plan includes many more options – 18 in total - when compared to the five options listed in the Downtown Secondary Plan. While we certainly support the use of s37 to prioritize support affordable housing, we are extremely concerned that the list of 5 includes no serious options for increasing environmental sustainability/resilience. We strongly recommend that the Downtown Secondary Plan remain open to a range of options by including the full list of community benefits that appears in the Urban Hamilton Official Plan. We would go so far as to suggest that additional community benefits should be added in order to provide tools to make critical elements like enhanced energy efficiency for new buildings requirements rather than just recommendations. The City of Guelph's list of s37 community benefits is helpful here. Their list includes the following, among other benefits:

- *the provision of buildings that incorporate sustainable design features; and*
- *the provision of energy and/or water conservation measures that support the objectives of the \*Community Energy Plan. (\*the City of Hamilton could replace with Community Climate Action Plan)*

It is worth looking at what other municipalities are doing too. The City of Vaughan has used s37 to encourage new condominium dwellers living along higher order transit lines to get on public transit by requiring developers to provide transit passes as a community benefit in s37 agreements. These approaches – whether to require enhancements that increase the overall efficiency and sustainability of a building or to provide benefits and features that encourage active or sustainable transportation – can achieve both enhanced environmental performance and more affordable living scenarios for residents at the same time. We believe Hamilton needs to include similar options on the community benefits list that would open the door to making sustainable, resilient building and living in the core more viable.

We also encourage the city to consider adopting the stronger wording that the City of Guelph has used when describing s37 community benefits and affordable housing. Their Downtown Secondary Plan reads as follows:

- *the provision of housing that is affordable to low and moderate income households, special needs housing or social housing*

Finally, we want to acknowledge that we remain concerned about the level of benefit s37 bonusing will bring when the city continues to offer such generous rebates on development charges for new development in the downtown core. We understand that a plan is in place to reduce the rebates over time – but we worry that this is not happening as swiftly as it should, given the strong interest to develop in the core. We urge the City of Hamilton to adopt a more aggressive plan to reduce development charge rebates for new development in Downtown Hamilton!

In Section 6.1.4.25 – Built Form – It is great to see that there are firm requirements around rooftops and the use of rooftops as places where, through greening, climate enhancement and stormwater management can be achieved. Further, it is also good to see reference to reducing energy consumption and improving air quality through

‘incorporating best practices and appropriate technology’. But our read of this section of the Plan is that it applies only to rooftop design and function and we are left wondering why these requirements are not being applied more broadly in the core.

For section 6.1.4.46 – requirement for charging stations where a development requires parking, a target should be set so that there is a clear expectation for the number of charging stations per number of parking spots. The same can be said about section 6.1.4.47 – which speaks to the provision of parking spaces for autonomous and car share vehicles. WE believe this requirement should be mandatory, not just encouraged. And a set minimum number of spaces should be established.

Section 6.1.7 - Parks & Open Space Designations – provides the ideal opportunity to add elements to the Downtown Secondary Plan that will build sustainability and climate resilience. We strongly recommend that more details be added to recognize the value of a healthy urban forest – on many levels – and the need to make maximum use of parks and open space designations – including privately owned publicly accessible open spaces – to achieve ambitious urban forest canopy targets. Further, there should be mandatory requirements to establish more of these precious green spaces in the core in a manner that generates all of the benefits that urban green infrastructure is capable of providing – like helping to better manage stormwater flows, improve air quality provide shelter from the sun and cooling benefits – and to simply provide more habitat in the core.

In section 6.1.12 – General Transportation Policies, subsection 6.1.12.3 focuses on the Downtown Transportation Master Plan. We wonder whether this plan is being updated as part of the City Wide Transportation Master Plan (TMP) update. It is unclear to us at this point what the status is of the City-Wide TMP update or whether this process is getting close to a conclusion. Further, we are completely confused about if and when there will be a truck route review as part of the TMP update. We believe that there is an urgent need to look at the travel patterns of industrial trucks in our city core. These vehicles are short-cutting through our downtown core to get to and from Highway 403. They also travel up the Clairmont Access to get to the LINC/ 403. But these travel patterns clash with city efforts to create a livable core. Industrial trucks generate localized air pollution – especially fine, respirable particulate pollution – a confirmed cause of lung cancer in humans. These vehicles also create unsafe environments for vulnerable roadway users, they inflict considerable wear and tear on roadways not designed for heavy vehicles, and they generate considerable noise pollution. There are viable alternative routes for these vehicles via Burlington Street and the QEW or Red Hill Valley/LINC. We want the opportunity to talk about this issue as part of a formal review process. We were told a review would take place last year. Now we are being told a review will take place this year – but no firm timelines have been shared with the public. When will the truck route review happen? We believe that addressing the industrial truck short-cutting issue is an essential element if we have any hope of making Downtown Hamilton the city’s ‘pre-eminent node’.

Subsection 6.1.12.6 – acknowledges that walking accounts for more daily trips in Downtown Hamilton than any other mode of transportation. This is quite an incredible fact and it speaks to the need for more action to be taken to ensure that Downtown Hamilton is a safe pedestrian environment. We know more work needs to be done to make major intersections in the core more pedestrian friendly and wonder if and how the Downtown Secondary Plan might play a role in ensuring that these improvements are made.

Subsection 6.1.12.11 – includes important elements for promoting and supporting sustainable forms of transportation, but the requirements only go as far as ‘all development shall be encouraged to....’. We recommend that the City of Hamilton again look to the Toronto Green Standards for a framework that would facilitate mandating many of these essential elements of a sustainable transportation system for the core.

Subsection 6.1.12.12 – Streetscape Master Plans – could be strengthened by including a strong commitment from the

municipality to integrate street trees into these plans – including providing the necessary underground infrastructure to ensure these trees thrive – as an integral element of streetscape master plans. These plans must also include commitments to low impact development (LID). The city must be a leader on this front – and commit to innovative approaches like stormwater bioswales, permeable paving and other approaches that can be used to create beautiful green streetscapes that also serve as important green infrastructure. City commitments should be the minimum, with the possibility of building on this by requiring private sector developers to do the same – just as Toronto is doing with the Toronto Green Standard. The same arguments can be used for the areas referenced in Rapid Transit Rapid Transit subsection 6.1.12.21 – In locations where the public right-of-way of streets intersect with the priority transit corridor on King Street – including Mary Street, Walnut Street, and Ferguson Avenue. The likely loss of trees along King Street due to the LRT corridor is reason enough to pay special attention to maximizing the urban canopy and use of LID in these areas!

Finally, in Section 6.1.13 – Infrastructure, Energy & Sustainability Policies, reference is made in subsection (c) to low impact development (LID) but only on a ‘shall be encouraged’ basis. Again, we suggest the City of Hamilton pursue an approach similar to the Toronto Green Standard as a structured method for mandating and/or incentivizing these approaches for private development. The City of Hamilton itself must lead the way by committing to using these methods in Downtown Hamilton wherever possible.

We appreciate this opportunity to provide comments on the draft Downtown Hamilton Secondary Plan!

A handwritten signature in black ink, appearing to read "L. M. Lukasik".

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cc Board of Directors – Environment Hamilton