

# PEOPLE'S PLAN FOR DOWNTOWN HAMILTON



## **POSITION STATEMENT: PEOPLE'S PLAN FOR DOWNTOWN**

This position statement is our attempt to make sure that all of the feedback from residents gets presented to the City and our attempt to expand on some of the points in the main body of the petition in greater detail.

While we understand and appreciate that some of these things are not “traditionally” found in a Secondary Plan, these are the things that people want. They can be incorporated into an enforceable Framework and Guidelines. We encourage the City to do much broader genuine consultation with these communities (and others) to ensure that their views are represented accurately.

## **CONTEXT: DETAIL**

On Tuesday, March 6, 2018, a group of over 200 people met at the Central Branch of the Hamilton Public Library to discuss our concerns about the proposed draft to the Secondary Plan.

The chairs from the breakout groups at the event contributed to the work of coming up with what's in this document. It is co-authored by a coalition of downtown residents and community groups, including downtown tenants and housing advocates, neighbourhood association leaders, immigrants and refugees who access essential services downtown, front-line workers from downtown social agencies like food banks and shelters, artists and musicians, small business owners, environmental advocates, and heritage conservationists.

This event was organized on a short timeline by a handful of volunteers who felt that the City hadn't done adequate public consultation in the drafting of the Secondary Plan. The plan was dramatically altered between May 2017 and October 2017, without consulting community members in the process and without alerting community members to the changes.

We know that this document is long. People had a lot to say and we don't feel great about condensing too much of it. We also know that it doesn't represent every Hamiltonian or everyone who lives downtown.

We realize that the communities represented in the petition are broad, sometimes too general, and don't completely represent the needs of the wider community of downtown residents. A lot of voices were excluded from this process because of how precariously the event came together and how quickly it was planned as a result of the timelines put in place by the City. Those timelines meant that we had to get this out before the next iteration of the draft became available (according to the City, this will be around March 19, 2018).

We want to do more and we'll try to do more between now and the Planning Committee meeting where the changes to the Secondary Plan will be discussed (Tuesday, April 17, 2018).

## **FRAMEWORK and GUIDELINES: DETAIL**

We expect that these Guidelines will include the following with respect to **each of the communities** mentioned below:

- The ability for residents to bargain community benefits with developers in exchange for discretionary height and density
- Grants, tax incentives, and subsidies
- Control increases in property taxes (both residential and commercial) as the result of increased property value by requesting assistance (as the City of Toronto did) from the Municipal Property Assessment Corporation and the Province of Ontario

We have also broken this down by community:

### **Accessibility**

- Develop Accessibility Guidelines that will provide detailed requirements for building design in development and redevelopment, accompanied by periodically updated resource information, including: where to go for grants or funding, where to go for other resources, what the City considers accessible - coordinate with ACPD if they have the capacity to assist and hire a consultant to fill in the gaps

### **Art**

- Beneficial tax rates for venues
  - Galleries, not for profits, music venues, theatre
  - Cafe/galleries, restaurant/music venues
- Sidewalk uses
  - Tables, buskers, social space
- Mixed use/live work spaces (subsidies, social housing)
- Social clusters/ arts “zones” (e.g. Toronto’s “distillery district”)
- Incentivize heritage preservation in concert with cultural uses (theatres, armouries)

### **Environment**

- Schedule of well-being requirements – with time specific targets based on this list:
  - Wastewater - with downtown intensification, consideration needs to be given to our capacity sustainability manage more wastewater. Consideration needs to be given to how to utilize wastewater more creatively - possibly extract heat in order to reduce the heat burden that

wastewater places on our natural waterways. Are there opportunities to reuse waste and grey water?

- Use building heat - redirect waste heat into an expanded district heating system.
- Sunlight blockage - firm rules must be observed to prevent sunlight blockage in the downtown core.
- Plantings - greening the core - need strong policies requiring streetscape greening in the downtown core using native trees, shrubs and plants. Opportunities should also be explored to require 'creative greening' through rooftop gardens and greening high rise podiums through tree plating.
- Energy reduction - Need Hamilton to develop a green building code that requires developers to build energy efficient, green buildings downtown.
- Public and active transit contributions - need to be accommodated and amplified as the urban core is redeveloped. These elements need to be considered at the outset to ensure that our downtown evolves into a transit, cycling and pedestrian friendly core.
- Reduce minimum parking requirements to promote more efficient use of land and to encourage public transit use and active transportation for those living in the core.
- Promote renewable energy - including geothermal, solar and wind where feasible.
- Low intensity development (LID) - moving away from non-permeable paving - swales on parking lots and in street boulevards to amplify our ability to handle stormwater more naturally in the core.
- Lighting - pay attention to reducing light pollution in the core both for migratory bird protections and for the benefit of human populations. Examples exist of motion-triggered LED street lighting systems in other jurisdictions both to save energy and to reduce light pollution.

- Biophilic bias - The build urban form in Downtown Hamilton needs to mimic nature to create spaces that are comfortable and welcoming for humans and other living organisms.
- Build resilience - By taking into consideration the climate crisis and the impacts of extreme heat, cold and extreme storm events, a city core that is able to adapt and survive these conditions is one that is more resilient.
- Urban food security - Community gardens, urban green houses - including requirements that developers integrate gardens/ greenhouses into new buildings to support the surrounding community's ability to grow and harvest fresh, healthy food in the downtown core.
- Happiness index checklist - Propose that Hamilton adopt the 'Gross National Happiness Index' pioneered by Bhutan. See <http://www.grossnationalhappiness.com/> for more details. The index includes a checklist covering 9 domains:
  - Psychological well being
  - Health
  - Education
  - Time use
  - Cultural diversity and resilience
  - Good governance
  - Community vitality
  - Ecological diversity and resilience
  - Living standards

### **Heritage: Conservation, Preservation, Designation**

- Ensure that all heritage properties, including those yet to be designated by the City, are not given zoning permission under the Secondary Plan; special additional zoning to protect these properties
- Control any increases in property taxes and find ways to offer tax incentives to those who own/maintain heritage properties

- Create a strict penalty system for land owners who “sit” on properties and additional penalties for under maintenance and land speculation
- Prioritize heritage conservation over development - break up total blocks zoned for maximum thirty storey height development to exclude and protect heritage properties on that block
- Enforce the Provincial guidelines with respect to heritage properties and ensure that they are applied consistently across the City
- Hire more heritage staff
- Make the list of “to be designated” heritage buildings public and designate these buildings on an aggressive timeline (also made available to the public)
- Create policies to ensure that the design of new buildings on vacant or infill sites near heritage buildings and in heritage districts and zones follows special design criteria which will ensure new development is sensitive to, and compatible with, nearby historic buildings
- Require cultural impact assessment studies and structural condition reports prepared by qualified heritage consultants who are independent of the developer

### **Immigrants, Refugees, Social Services**

- Avoid displacement of both marginalized groups and services (i.e. libraries, social services for migrants)
- Gentrification might impact initiatives like safe injection sites
- Programs may be shut down because of reduced numbers, exacerbating the food desert - all the services people need are downtown and if people are displaced from downtown then how do they access these services?
- Types of housing available for families are limited
- Contradictory messaging welcoming newcomers but keeping it unaffordable

- Youth: stakeholders are competing for funding that is simultaneously being reduced - as Provincial and other funding models change some programs are defunded; at the same time the various programs that support immigrants and refugees must compete with one another for the same money leading to an overall eventual reduction in services
- Poverty exacerbates mental health: lack of services for immigrants and refugees who experience mental health issues
- We need more conversations including migrants, economically excluded groups accessibility interpreters/different languages
- Special education on dealing with landlords and tenant issues (link to asking for a city-wide Education Department - see below under Staffing: Detail)
- A policy to restrict the use of housing stock for Airbnb rentals (similar to stricter penalties for property owners inflating vacancy problems, abandoning buildings, etc.)

## **Music**

- Grants, subsidies and/or incentives to:
  - grow or support small and mid-sized venues, for local up and coming acts;
  - grow or support ancillary art/music spaces (rehearsal space, recording space, social spaces, public venues/performance space, etc);
  - grow audiences (attacking the venue problem backwards - by helping make shows free, cheaper or more accessible to audiences) - the City should have a campaign to promote live music/other things and make this accessible for artists;
  - grow or support non-profit groups/venues/spaces for music (e.g. New Vision United Church, HARRRP) making sure that existing venues are zoned into a special tax assessment category to protect them from increases to property taxes;

- address housing for musicians and/or artists, to help keep them in the community (e.g. Artscape Wychwood Barns); and
- include guidelines for “cultural planning” which do not exist in the current Secondary Plan and include wording/provisions that seek to protect and foster the work of racialized, vulnerable and otherwise marginalized communities.
- Some money from private for-profit condominium development should go to subsidize music spaces/scene
- Music zoning for arts district
- Challenge the condominium noise complaint zoning changes (that predate the condominiums that are/have been built across/next to pre-existing venues - protect venues)

### **Neighbourhoods: Complete Communities, Affordable Housing, Balanced Decision Making**

- We want the City to create a rationale for why they think that we need to make these changes - apart from the Province’s plan - what specific things justify the changes they are proposed (include this rationale as part of the Secondary Plan)
- Affordable housing (geared to income, not based on CMHC market rates)
- Focus on improving existing housing stock
- Green spaces
- Build more mid-size developments - the so-called “missing middle”
- Incentives for small business and non-profit groups
- Policy on displacement (i.e. right of return for tenants)

- Take away height increases from heritage buildings and lots abutting heritage buildings
- Remove “as of right” height zoning (30 storeys)
- Qualify development applications - make sure that developments which go through the application process get built and include steep fines if they do not get built; timelines should be tightened up for this in the conditional approval and building permit processes
- Higher development fees
- “Complete streets” including appropriate traffic studies and traffic calming measures as part of new development
- Residents to have more decision making powers and to form a “Neighbourhood Review Panel” (similar to panel that exists in Toronto and to the panel that exists in Hamilton - Design Review Panel)
- Hearings about developments to be outside of business hours so that residents can attend; polling residents to find out good dates/times before setting things
- Hiring more City staff to facilitate meetings between residents and developers
- Better/earlier method to inform residents of developments
  - Website with all development info (like Toronto’s Committee of Adjustment website)
  - Bigger/better signs (e.g. minor variance signs very small)
  - Notification signs/letters written using Clear Language principles
  - More information about development (e.g. floor plans)
  - Distribute notifications beyond 200/300m - should be increased to renters/residents not just homeowners and up to 500m

- Seeking clarification on some of the following parts of the current draft:
  - 6.1.4.4 - “transfer of development rights” - not clear what this means or how this works
  - 6.1.13.14 - “the redevelopment of the Hamilton City Centre (former Eatons Centre)” - what is this redevelopment proposal?
  - 6.1.13.17 - what is a “prime area”
  - 6.1.13.11 - MacNab Street is missing from the list of streets

### **Small Business**

- Landlord does not give proper attention to upkeep - with respect to building inspectors and City staff there is not enough consistency; a building can get approval at one point and then not later (differing opinions from different building inspectors)
- Risk of demolition, long term vacancy, land speculation
- Public education and grants for small business owners
- Improve “Open for Small Business” strategy; greater transparency, consistency with renovations
- Staff support for construction disruption (especially on LRT route) including how to deal with construction noise and street access
- Parking structures so customers will have somewhere to park (e.g. downtown St. Catharines)
- More transit infrastructure
- Tax incentives for small business
- More green space - more parks and the maintenance of existing parks

- New tax assessment categories for small businesses for actual use, not “highest and best” use

### **Tenants: Affordability, Accessibility, Displacement, Discretionary Zoning**

- Protect the existing affordable housing stock
  - Prohibit conversion of purpose-built rental units to condominiums
  - Proactively use City’s bylaw enforcement powers to urge upgrading of existing units in poor
  - Condition, intervening on behalf of vulnerable tenants who are reluctant to ask for repairs from their landlords for fear of reprisal
    - Standardized levels of service (cleaners, maintenance, parking) - municipal responsibility
    - Fire safety (old wiring)/repair program for older buildings
    - Health and safety (pests, repairs, price cap, quality of life)
- Minimize the effects of displacement
  - Adopt a formal Zero Displacement Policy for tenants: require that any redevelopment application above a certain number of units include a Tenant Assistance Plan to relocate inherited tenants as part of the approvals process (e.g. 3 months’ notice prior to eviction, 3 months’ rent to compensate for moving expenses and other fees, staff member to support tenants in housing search and move, plan to involve tenants in consultation process)
  - Require that inherited tenants are offered first right of refusal for newly built units in redevelopment projects (at equivalent rent)
  - Hire staff to assist with staggering development so that displaced tenants can be housed in new rental units in the downtown core (e.g. Regent Park model)

- Buyouts of these units by developers/landlords/Real Estate Investment Trusts should be tied to a fund to subsidize low-income renters and to retrofit social housing buildings to make them properly accessible
  - Invest in public education campaigns related to tenant rights through the City or by funding projects like the Social Planning and Research Council's Displacement Project: Tools for Tenant Rights course
  - Provide funding to organizations like the Hamilton Community Legal Clinic who provide free legal aid to tenants advocate to the Province to close the Above-Guideline Rent Increase (AGI) loophole and demand real rent control
- Encourage a new supply of genuinely affordable rental and ownership units
  - Abandon the current definition of "affordable housing": we want 15-20% of new units to be rent geared to income affordable housing (not based on the CMHC market rates)
  - "Affordable housing" should be clearly defined as rental or ownership housing for low- or moderate-income households that does not cost a household more than 30% of its before-tax income
  - Retrofit existing social housing stock to be more energy efficient to lower operational costs
  - Use financial contributions from market developments to repair existing, empty social housing units to be habitable again
  - Prioritize building of social housing units as part of sale of public assets
  - Make municipally owned properties available to non-profit housing developers at zero cost and cover their development-related expenses (development approval costs, building permit fees, legal fees, and site servicing)
  - Advocate to the Province for changes to the Provincial inclusionary zoning framework and adopt a municipal inclusionary zoning policy that requires that (at a minimum) 10% of units and 20% of units near transit hubs be

allocated for affordable housing

- Planned mix of condominiums & apartment buildings - rental vs. ownership; tied to progressive vacancy rate system (to be developed) and if developers do not want to build affordable rental units then the City should use city-owned lands to do the building (e.g. Barton/Tiffany)
- Implement a Family Friendly Housing Policy to mandate that at least 30% of all units in new developments be two- and three-bedroom units
- Encourage diverse supply of housing options through infill developments and small-scale intensification (secondary suites, row-houses, tiny houses, granny flats, laneway houses) in low- and medium-density neighbourhoods
- Specifications for new builds:
  - Community engagement/rooms for meetings in new buildings (community centres)
  - Accessibility features for aging in place: Buildings that people can retire in
  - Wheelchair accessibility, more buildings accessible (bathrooms)
- Remove all pre-zoning of 30-storey buildings
  - Maintain discretionary zoning provisions in order to make use of Section 37 (or equivalent powers afforded under recent amendments to the *Planning Act*)
  - Utilize this process in order to extract concessions with regards to other two demands and to leverage community benefits (i.e. Toronto Community Benefits Network)

## **CITY STAFF: DETAIL**

The City needs to lead and in order to do that they must be appropriately staffed. Ongoing staff shortages in departments related to planning, heritage, and housing are making the problem unmanageable for vulnerable Hamiltonians.

Some examples of areas where staff are needed include, but are not limited to:

- Consistent building inspection
- Support for small businesses in the LRT corridor (from the City, not Metrolinx)
- Community engagement between residents and developers (on equal terms)
- Support for effects on vulnerable communities especially with respect to displacement (rehousing, displacement services, restitution for forced displacement, staggering the development of new rental housing when existing rental housing is eliminated)
- Getting the waiting list of nearly 1,000 heritage properties properly classified
- Enforcement of municipal, provincial, and federal regulations currently being ignored by City staff due to chronic under hiring
- Education of all councillors who sit on City committees (an Education Department would be the most appropriate way to deal with this) (e.g. City of Vancouver)