



City of Hamilton

CITY COUNCIL REVISED

Wednesday, May 9, 2018, 5:00 P.M.
Council Chambers, Hamilton City Hall
71 Main Street West

Call to Order

1. **APPROVAL OF AGENDA**

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

2. **DECLARATIONS OF INTEREST**

3. **CEREMONIAL ACTIVITIES**

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

4.1 April 25, 2018

4.2 May 2, 2018

5. **COMMUNICATIONS**

5.1 Correspondence from Joshua Weresch respecting bus tickets and Metrolinx.

Recommendation: Be received.

5.2 Correspondence from Halton Region respecting Regional Advanced Traffic Management System (ATMS).

Recommendation: Be received and referred to the General Manager of Public Works.

- 5.3 Correspondence from the Ministry of Transportation advising of the completion of its study to identify a province-wide network of cycling routes.
- The final report and the network map can be found at the following link:
<http://www.mto.gov.on.ca/english/safety/province-wide-cycling-network.shtml>
- Recommendation: Be received.
- 5.4 Correspondence from Ontario Power Generation respecting an impact analysis on the continued operation of the Pickering Nuclear Generating Station (PNGS) until 2024.
- Recommendation: Be received.
- 5.5 Correspondence from the Honourable Indira Naidoo-Harris, Minister of Education; the Honourable Bob Chiarelli, Minister of Infrastructure and the Honourable Bill Mauro, Minister of Municipal Affairs respecting the Pupil Accommodation Review Guideline.
- Recommendation: Be received.
- 5.6 Correspondence from the Municipality of East Ferris requesting support for their resolution respecting Algonquin wolves.
- Recommendation: Be received.
- 5.7 Correspondence from Denise Baker, WeirFoulds LLP, respecting the Appeal to the Ontario Municipal Board on the City of Hamilton Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086).
- Recommendation: Be received and referred to the consideration of Item 5 of Planning Committee Report 18-007.
- 5.8 Correspondence from Valerie Plante, Mayor of Montreal requesting support for their resolution for a bold and coherent Federal Tobacco Control Strategy.
- Recommendation: Be received.
- 5.9 Correspondence from the Honourable Steven Del Duca, Minister of Economic Growth and Development congratulating the City of Hamilton on being named one of the top seven Intelligent Communities in the World by the Intelligent Communities Forum.
- Recommendation: Be received.

- 5.10 Correspondence from the Ministry of Agriculture, Food and Rural Affairs respecting the application deadline of May 25, 2018 for the Premier's Award for Agri-Food Innovation Excellence.

Recommendation: Be received and referred to the Agricultural and Rural Affairs Advisory Committee.

6. COMMITTEE REPORTS

- 6.1 Public Works Committee Report 18-006 - April 30, 2018
- 6.2 Planning Committee Report 18-007 - May 1, 2018
- 6.3 General Issues Committee Report 18-010 - May 2, 2018
- 6.4 Sole Voting Member of the Hamilton Farmers' Market Corporation Report 18-001 - May 2, 2018
- 6.5 Audit, Finance and Administration Committee Report 18-006 - May 7, 2018 (to be distributed)
- 6.6 Healthy and Safe Communities Committee Report 18-005 - May 7, 2018 (to be distributed)

7. MOTIONS

- 7.1 Zoning By-Law Regulations for Accessory Apartments
- 7.2 Support for the Aggregate Property Appeals filed by The Corporation of the County of Wellington.
- 7.3 Intersection Pedestrian Signals - East 45th Street and Mohawk Road East (Ward 6)
- 7.4 Request for Hospital Space to Address the Current Opioid (and other drug) Overdose Crisis in Hamilton
- 7.5 Naming of the New Bike Lanes on the Up Bound Side of the Claremont Mountain Access - Keddy Access Trail

8. NOTICES OF MOTIONS

- 8.1 Zoning of Residential Care Facilities
- *8.2 Co-Sponsorship of FCM's Resolution Respecting Canadian Municipalities Supporting Local Economies in International Trade
- *8.3 Selection Process for the Election Compliance Audit Committee

- *8.4 To Waive the Requirement for Daylight Triangle Dedication for 107 MacNab Street North (SPA-18-046)

9. STATEMENTS BY MEMBERS

10. PRIVATE AND CONFIDENTIAL

- 10.1 Selection Committee Report 18-005 - April 25, 2018 (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees.

- 10.2 Ombudsman's Preliminary Report (to be distributed under separate cover)

Pursuant to Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*.

- 10.3 Ombudsman's Preliminary Report (CL18006 / LS18016) (to be distributed under separate cover)

Pursuant to Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*.

- 10.4 Stadium Litigation Update (CM18011(a)/LS18015(a)) (City Wide) (to be distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

11. BY-LAWS AND CONFIRMING BY-LAW

- 11.1 111

To Amend City of Hamilton By-law No. 07-170, Being a By-law to License and Regulate Various Businesses

Schedule 21 – Food Premises

Ward: City Wide

- 11.2 112
To Adopt Official Plan Amendment No. 102 to the Urban Hamilton Official Plan Respecting Downtown Hamilton Secondary Plan
Ward: 2, 3
- 11.3 113
To Adopt Official Plan Amendment No. 238 to the City of Hamilton Official Plan Respecting Downtown Hamilton Secondary Plan
Ward: 2, 3
- 11.4 114
To Amend Zoning By-law No. 05-200 Respecting Downtown Zones & New Utility (U2) Zone
Ward: 2, 3
- 11.5 115
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 240 Butter Road West, Ancaster
ZAA-18-004
Ward: 12
- 11.6 116
To Authorize the Signing of a Municipal Funding Agreement for the Transfer of Main Street Revitalization Funds between the Association of Municipalities of Ontario and the City of Hamilton
Ward: City Wide
- 11.7 117
To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking)
Schedule 12 (Permit Parking Zones)
Schedule 14 (Wheelchair Loading Zones)
Ward: 2, 3, 4, 5, 7, 13

11.8 118

Being a By-law to Permanently Close an unassumed portion of an Alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (LT); City of Hamilton

Ward: 4

11.9 119

To Amend Zoning By-law No. 3692-92 regarding 3 Shippee Avenue, Stoney Creek ZAH-18-002

Ward: 11

11.10 120

Respecting Removal of Part Lot Control, Block 151, Registered Plan No. 62M-950 PLC-15-030

Ward: 11

11.11 121

To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 18-007

5:00 p.m.
Wednesday, April 25, 2018
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor J. Partridge, Councillors S. Merulla, T. Whitehead, D. Skelly, T. Jackson, M. Green, J. Farr, C. Collins, M. Pearson, L. Ferguson, A. VanderBeek, R. Pasuta, A. Johnson, and B. Johnson

**Absent with
Regrets:** Councillor D. Conley, illness

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish with One Spoon” Wampum Agreement.

The Mayor acknowledged the tragic events which took place in Toronto on April 23, 2018 and a moment of silence was held for the victims of the van attack.

The Mayor called upon Pastor Connan Kublic of New City Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE (Item 5)

- 5.12 Correspondence from the Hamilton-Halton Home Builders’ Association respecting the Draft Downtown Secondary Plan and Zoning By-law

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

- 5.13 Correspondence from Turkstra Mazza objecting to the Downtown Hamilton Secondary Plan and Zoning By-law in their current form.

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

There is an amendment to the disposition of the following Communication Item:

- 5.11 Correspondence from the Honourable Kathryn McGarry, Minister of Transportation and the Honourable Daiene Vernile, Minister of Tourism, Culture and Sport respecting the Launch of #CycleON Action Plan 2.0.

Ontario's Cycling Strategy: <http://www.mto.gov.on.ca/english/publications/cycleon-ontario-cycling-strategy.shtml>

Recommendation: Be received and referred to the **General Manager of Planning and Economic Development** for appropriate action.

2. ADDED NOTICES OF MOTION (Item 8)

8.2 Capital Funding for the John Rebecca Park Project

8.3 One Time Funding for Residential Care Facilities

3. ADDED BILL (Item 11)

108 Removal of Part Lot Control, Blocks 8, 10 to 12, 21 to 25, Part of Block 9, Registered Plan of Subdivision No. 62M-1241, municipally known as 57 – 72 Foothills Lane, 1 – 15, 17, 19, 21, 23, 25, 27,29, 29, 31 and 33 – 65 Pinot Crescent, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119 – 131 Sonoma Lane, 2, 4, 6, and 8 – 20 Zinfandel Drive, Stoney Creek (Ward 11)

(B. Johnson/Ferguson)

That the agenda for the April 25, 2018 meeting of Council be approved, **as amended**.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 11, 2018

(Whitehead/Partridge)

That the Minutes of the April 11, 2018 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Partridge/B. Johnson)

That Council Communications 5.1 to 5.13 be approved, **as amended**, as follows:

- 5.1 Correspondence from Enbridge Pipelines Inc. respecting the Proposed Sale of Enbridge Line 10 Pipeline to United Refining Company Notification of Future Assignment of Permanent Pipeline Crossings.

Recommendation: Be received **and referred to staff to report to the General Issues Committee respecting any potential impacts the proposed sale of the pipeline may have on existing City agreements and/or easements and any potential disruption and that representatives from Enbridge Pipelines Inc. be invited to provide an update to Committee.**

- 5.2 Correspondence from the Ministry of the Environment and Climate Change respecting Regulatory decisions - Clean Water Act & Safe Drinking Water Act.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action **and to the Halton-Hamilton Water Source Protection Committee.**

- 5.3 Correspondence from the Township of Killaloe, Hagarty and Richards requesting support for their resolution calling on the Province to formally grant municipalities the authority to approve landfill projects in or adjacent to their communities, prior to June 2018.

Recommendation: Be received.

- 5.4 Correspondence from Ernie Hardeman, MPP, Oxford requesting support for a private members' bill which would give municipalities the authority to decide whether or not they would be willing to receive a landfill.

Recommendation: Be received.

- 5.5 Correspondence from the Honourable Kathleen Wynne, Premier, in response to the Mayor's letter respecting recognition of January 29 as a Day of Remembrance and Action on Islamophobia.

Recommendation: Be received.

- 5.6 Correspondence from the Township of Selwyn requesting support for their resolution strongly urging the Province of Ontario to reconsider the implementation procedure and include transition policies to provide greater flexibility for those applications that were made prior to February 9, 2018 and are impacted by the Agricultural System (AS) or Natural Heritage System (NHS) mapping.

Recommendation: Be received **and referred to the Agriculture and Rural Affairs Advisory Committee.**

- 5.7 Correspondence from Imperial Oil's Community Awareness/Right of Way Coordinator requesting that their agricultural neighbours contact Imperial Oil before they perform activities outside of normally accepted farming practices which may disturb the ground in excess of 30cm, and or involved placement or clean out of draining facilities in order to eliminate any potential pipeline conflicts on your property.

Recommendation: Be received.

- 5.8 Correspondence from Shekar Chandrashekar respecting the Hamilton Police Services Budget.

Recommendation: Be received.

- 5.9 Correspondence respecting Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan:

5.9 (a) WEBB Planning Consultants Inc. on behalf of DiCenzo Construction Limited.

5.9 (b) Bousfield Inc on behalf of Television City Hamilton Inc., 163 Jackson Street West, Hamilton

5.9 (c) People's Plan for Downtown

5.9 (d) Gabriel Zelea

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 18-006.

- 5.10 Correspondence respecting Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods:

5.10 (a) Jana Pekarcikova

5.10 (b) Meg Tyrell

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 18-006

- 5.11 Correspondence from the Honourable Kathryn McGarry, Minister of Transportation and the Honourable Daiene Vernile, Minister of Tourism, Culture and Sport respecting the Launch of #CycleON Action Plan 2.0.

Ontario's Cycling Strategy: <http://www.mto.gov.on.ca/english/publications/cycleon-ontario-cycling-strategy.shtml>

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 5.12 Correspondence from the Hamilton-Halton Home Builders' Association respecting the Draft Downtown Secondary Plan and Zoning By-law

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

- 5.13 Correspondence from Turkstra Mazza objecting to the Downtown Hamilton Secondary Plan and Zoning By-law in their current form.

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

**Amendment CARRIED
Main Motion, as Amended, CARRIED**

(Merulla/Collins)

That Council move into Committee of the Whole to consider the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 18-005

(Ferguson/B. Johnson)

That the FIFTH Report of the Public Works Committee be adopted, as presented, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 18-004

(Eisenberger/VanderBeek)

That the FOURTH Report of the Board of Health be adopted, as presented, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 18-006

3. Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 – Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (Item 8.1)

(Ferguson/B. Johnson)

That Item 3 of Planning Committee Report 18-006 respecting City Initiative CI-18-A to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, as amended, be amended as outlined below:

- (a) That Appendix “B” to Report PED18036(a), Subsection 1.1, Table 10.3.4, be amended by deleting the word “minimum” from clause (2).**
- (b) That Appendix “B” to Report PED18036(a), Subsection 10.3.6 (ii), be amended by deleting “10.3.5 (i)” and replacing it with “10.3.6 (i)”.**
- (c) That Appendix “B” to Report PED18036(a), Section 4 be amended by:**
 - 1. Adding the words “as shown on Schedules “A1”, “A3”, and “A4”:**” to the end of the introductory sentence.

2. ***Amend the existing site specific exception for the property located at 357 Shaver Road (ER-691), to recognize an in process Building Permit application:***
 - a. ***Maximum garage projection of 3.7 metres; and,***
 - b. ***Parking space size with a minimum width of 2.6 metres and a minimum length of 5.5 metres.***

3. ***Amend the existing site specific exception for the property located at 196 Woodview Crescent (ER-695), to recognize minor variances:***
 - a. ***A front yard setback between 10.7 metres and 10.9 metres;***
 - b. ***A minimum easterly side yard setback of 1.6 metres;***
 - c. ***A minimum westerly side yard setback of 2.2 metres;***
 - d. ***A minimum rear yard setback of 10.9 metres;***
 - e. ***A maximum height of 9.8 metres; and,***
 - f. ***Parking space size with a minimum width of 2.6 metres and a minimum length of 5.5 metres.***

4. ***Add the following site specific exception for the property located at 908 Bishop Place (ER-696), to recognize an in process Minor Site Plan application:***

ER-696

- a. ***A front yard setback between 7.9 metres and 8.2 metres;***
 - b. ***A minimum easterly side yard setback of 2.0 metres;***
 - c. ***A minimum westerly side yard setback of 2.5 metres;***
 - d. ***A minimum rear yard setback of 6.8 metres to the second storey covered porch and a minimum rear yard setback of 10.6 metres to the rear wall of the principal dwelling;***
 - e. ***A maximum height of 10.5 metres;***
 - f. ***Parking space size with a minimum width of 2.6 metres and a minimum length of 5.5 metres; and,***
 - g. ***Eaves or gutters projection into the minimum side yard up to 65 centimetres.***
- (d) ***That the Draft By-law attached as Appendix “B” to Report PED18036(a) be replaced with the Draft By-law hereto attached and be enacted by Council***

***Amendment CARRIED
Main Motion, as Amended, CARRIED***

(A. Johnson/Farr)

That the SIXTH Report of the Planning Committee be adopted, ***as amended***, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 18-009

(Eisenberger/Pasuta)

That the NINTH Report of the General Issues Committee be adopted, as presented, and the information section received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 18-005

(VanderBeek/Ferguson)

That the FIFTH Report of the Audit, Finance & Administration Committee be adopted, as presented, and the information section received.

CARRIED

HEALTHY & SAFE COMMUNITIES COMMITTEE REPORT 18-004

3. Organizational Structure Changes for the Healthy & Safe Communities Department (HSC18018) (City Wide) (Item 12.1)

(Merulla/Collins)

That the recommendation of Item 3 of Healthy and Safe Communities Committee Report 18-004 respecting the Organizational Structure Changes for the Healthy & Safe Communities Department (HSC18018)), be deleted in its entirety and the following be inserted therein:

~~That Report HSC18018 respecting Organizational Structure Changes for the Healthy and Safe Communities Department, be approved and remain confidential until such time as it is approved by Council.~~

- (a) That the resources of the PHS – Communicable Disease Control and Wellness Division be re-aligned within the PHS – Planning and Business Improvement (PBI) Division and be renamed “PHS – Epidemiology, Wellness, and Communicable Disease Control”;
- (b) That resources of the Hamilton Immigration Partnership Council (HIPC) be transferred to the Planning and Economic Development Department (PED);
- (c) That the remaining resources of the Neighbourhood and Community Initiatives (NCI) Division be re-aligned within the Children’s and Home Management Services Division (CHMS) and be renamed “Children’s Services and Neighbourhood Development”; and,
- (d) That the contents of Report HSC18018 (including Appendix A to Report HSC18018) remain confidential.

***Amendment* CARRIED
Main Motion, as Amended, CARRIED**

(Merulla/Collins)

That the FOURTH Report of the Healthy & Safe Communities Committee be adopted, **as amended**, and the information section received.

CARRIED

(Merulla/Collins)

That Committee Rise and Report.

CARRIED

MOTIONS

7.1 Removal of Norway Spruce Tree at 148 Valleyview Drive, Ancaster, Ward 12

(Ferguson/B. Johnson)

WHEREAS, the owner would like to remove a Norway Spruce tree at 148 Valleyview Drive; and,

WHEREAS, the owner will do so at their own expense;

THEREFORE, BE IT RESOLVED:

That approval be given to the owner to remove the Norway Spruce tree on private property at 148 Valleyview Drive, at their own expense.

CARRIED

7.2 Amendment to Item 4 of the General Issues Committee Report 17-024, respecting Report PED16089(b) - City Operated Events – Determine Interests of Event Vendors

(Jackson/Skelly)

WHEREAS, at its meeting of November 22, 2017, Council approved Item 4 of the General Issues Committee Report 17-024, which reads as follows:

4. City Operated Events – Determine Interests of Event Vendors (PED16089(b)) (City Wide) (Outstanding Business List Item) (Item 8.2)

- (a) That staff be directed to issue a Request for Proposals (RFP) through Centralized Procurement to retain a service provider to develop and implement the Winterfest Program through a three-year contract beginning in 2019, to be funded from the Planning and Economic Development Department (Tourism and Culture) Operating Budget;
- (b) That staff be directed to work with Legal Services to execute a three-year service contract between the City of Hamilton and the Downtown Hamilton Business Improvement Area (Downtown BIA) to retain the services of the Downtown BIA to operate on behalf of the City the annual Gore Park Holiday Tree Lighting event, working in conjunction

with CHML/Y108 and the Parks and Cemeteries Section of the Public Works Department beginning in 2018, to be signed by the Mayor and the City Clerk;

- (c) That the City of Hamilton provided the Downtown Hamilton Business Improvement Area (Downtown BIA) \$17,000 for each year that the service contract related to the City's annual Holiday Tree Lighting event at Gore Park is in place; with \$7,000 to be funded from the Planning and Economic Development Department (Tourism and Culture) Operating Budget and \$10,000 to be funded from the Public Works Department Operating Budget; and,
- (d) That a Request for Proposals (RFP) not be issued for Canada Day and the Canadian Pacific Holiday Train events.

WHEREAS, Procurement staff are recommending that the original 3-year contract be changed to a 5-year contract;

WHEREAS, the rationale for issuing a Request for Proposal (RFP) to retain a service provider to develop and implement the Winterfest Program through a 5-year contract (beginning in 2019) as opposed to a 3-year contract, is as follows:

- (1) The successful proponent to the RFP will be paid a modest, fixed fee-for-service for planning, developing and implementing the Winterfest Program. Therefore, a longer-term contract will attract a great number of qualified responses because the successful proponent can realize efficiencies in the later years through knowledge retention and established relationships with program participants;
- (2) The successful proponent will have the option to enhance the Winterfest Program budget beyond the City's contractual contribution through revenue sources such as cash sponsorships and grants from other levels of government. The majority of these opportunities operate on multi-year funding cycles. As a result, a 5-year contract would increase the realization of mutually beneficial business partnerships and successful grant applications;
- (3) The successful proponent will have the option to leverage in-kind contributions of goods and services to enhance marketing and promotion of community events that participate in Winterfest. The successful proponent will solicit and secure effective marketing partnerships and media relations through a longer-term contract; and,
- (4) The term of a 5-year RFP contract would be for a one-year period that may be extended for a maximum of four, one-year terms at the sole discretion of the City. Therefore, there is no risk to the City in offering a longer contract term that allows for greater flexibility for revenue generation and programming direction;

THEREFORE, BE IT RESOLVED:

That sub-section (a) to Item 4 of the General Issues Committee Report 17-024, respecting Report PED16089(b) - City Operated Events – Determine Interests of Event Vendors, be amended by deleting the word “three” and replacing it with the word “**five**”, to read as follows:

- (a) That staff be directed to issue a Request for Proposals (RFP) through Centralized Procurement to retain a service provider to develop and implement the Winterfest Program through a ~~three~~ **five**-year contract beginning in 2019, to be funded from the Planning and Economic Development Department (Tourism and Culture) Operating Budget;

CARRIED

7.3 Capital Funding for the John Rebecca Park Project

(Farr/Partridge)

WHEREAS, the John Rebecca Park has approved design funding as part of the 2018 Capital budget;

WHEREAS, Information Report PW16096 was received by General Issues Committee on November 2, 2016, and outlined the history of the park design;

WHEREAS, the Beasley Neighbourhood currently has a deficit of parkland of 3.9 hectares and the citizens have long advocated for the advancement of the park design and construction through delegations to committee;

WHEREAS, the capital construction costs are estimated at \$2.5 million, and are shown in project id 4401856615 in 2021 and 2022 capital budget forecast;

WHEREAS, the new Downtown Secondary Plan places an emphasis on enhancing parks and open spaces in our Downtown Growth Centre and the John Rebecca Park plan aligns with the sustainable themes the plan endorses;

WHEREAS, through thorough consultation and engagement over time, the well-established and regarded Patrick J. McNally Charitable Foundation graciously committed one million dollars toward the capital funding of the John Rebecca Park project; and

WHEREAS, the city owns a majority of the future park and can proceed with development of the park once an approved capital funding source for construction is identified;

THEREFORE, BE IT RESOLVED:

That the \$2.5 Million construction cost for the John Rebecca Park be funded as follows:

- (a) \$1,000,000 external revenues (private donation – agreement to be signed)
(b) \$750,000 from the Capital Account Property Purchases and Sales (3560150200)

(c) \$750,000 from the Parking Capital Reserve #108021

CARRIED

7.4 One Time Funding for Residential Care Facilities

(Whitehead/Merulla)

WHEREAS, a delegation from the Residential Care Facilities presented at the January 22, 2018 Emergency & Community Services Committee;

WHEREAS, the Residential Care Facilities are currently funded at \$50 per diem, and there has been no per diem or cost of living increase in funding to the Residential Care Facilities since April 1, 2015;

WHEREAS, the average cost per diem for other Residential Care Facilities in Ontario is \$52 per diem;

WHEREAS, in March 2017, through the Long Term Affordable Housing Strategy (LTAHS) the Province released its Supportive Housing Policy Framework with guidelines on a review of the Residential Care Facilities to ensure alignment with Housing First legislation;

WHEREAS, staff will be using the LTAHS Supportive Housing Policy Framework and Best Practices to conduct a review of the Residential Care Facilities in 2018 with a focus on outcomes and funding models; and

WHEREAS, Council received the information report requested on February 14, 2018, regarding the One Time Funding for Residential Care Facilities.

THEREFORE, BE IT RESOLVED:

That the appropriate staff from Healthy and Safe Communities be authorized to provide an additional \$200,000 to the Residential Care Facilities Program on a one time basis within existing 2017/2018 CHPI budget to mitigate some of their financial pressures, pending the 2018 review of the Residential Care Facilities.

CARRIED

NOTICES OF MOTION

8.1 Zoning By-Law Regulations for Accessory Apartments

Councillor Jackson presented the following Notice of Motion:

WHEREAS the City of Hamilton Zoning By-law No. 6593 permits accessory apartments as of right throughout the former City of Hamilton;

WHEREAS the Hamilton regulations were updated in 1992 with the intent of encouraging accessory apartments throughout the entire City;

WHEREAS the Urban Hamilton Official Plan policies permit and encourage accessory apartments throughout residential areas on the entire urban areas of Ancaster, Dundas, Hamilton, Flamborough, Glanbrook and Stoney Creek;

WHEREAS the Places to Grow Plan requires the City of Hamilton to prepare and implement a comprehensive housing strategy that includes accessory apartments; and

WHEREAS the City is currently in the process of updating the zoning by-law for the residential areas.

THEREFORE, BE IT RESOLVED:

That staff be directed to:

- (a) review and report back on the current accessory apartment zoning by-law permissions for all residential areas in the urban areas of the City; and,
- (b) review the process going forward for revising the regulations to harmonize accessory apartment zoning permissions to implement the UHOP and conform

8.2 Capital Funding for the John Rebecca Park Project

Councillor Farr presented a Notice of Motion respecting Capital Funding for the John Rebecca Park Project.

(Farr/Partridge)

That the rules of Order be waived to allow for the introduction of a Motion respecting the Capital Funding for the John Rebecca Park Project.

CARRIED

For disposition of this matter refer to Item 7.3.

8.3 One Time Funding for Residential Care Facilities

Councillor Whitehead presented a Notice of Motion respecting One Time Funding for Residential Care Facilities.

(Whitehead/Merulla)

That the Rules of Order be waived to allow for the introduction of a motion regarding One Time Funding for Residential Care Facilities.

CARRIED

For disposition of this matter refer to Item 7.4

STATEMENTS BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

BY-LAWS

(Partridge/Pasuta)

That Bills No. 18-100 to No. 18-109, be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

By-law No.

- | | |
|------------|--|
| 100 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control) Ward: 8 |
| 101 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits) Ward: 9 |
| 102 | Respecting Removal of Part Lot Control, Lot 73, Plan No. 62M-1150 "Summerlea West Phase 2A", 3 and 9 Binhaven Boulevard Ward: 11 PLC-18-016 |
| 103 | Respecting Removal of Part Lot Control, Block 6, Registered Plan No. 62M-417 Ward: 12 PLC-16-028 |
| 104 | To Amend Site Plan Control By-law No. 15-176 Respecting Lands Located in Certain Residential Areas of Ancaster ("ER" Zoned Lands) Ward: 12 CI-18-A |
| 105 | To Amend Zoning By-law No. 87-57 To Delete Certain Regulations and Implement New Regulations for the Existing Residential "ER" Zone (Ancaster) Ward: 12 CI-18-A |
| 106 | To Amend Zoning By-law No. 6593 Respecting Lands Located at 500 Upper Wellington Street (Hamilton) Ward: 7 ZAC-17-061 |
| 107 | To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking

Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking)
Schedule 10 (Alternate Side Parking)
Schedule 12 (Permit Parking Zones)
Schedule 14 (Wheelchair Loading Zones)
Ward: 2, 3, 4, 6, 7, 8, 11 |
| 108 | Removal of Part Lot Control, Blocks 8, 10 to 12, 21 to 25, Part of Block 9, Registered Plan of Subdivision No. 62M-1241, municipally known as 57 – 72 Foothills Lane, 1 – 15, 17, 19, 21, 23, 25, 27, 29, 29, 31 and 33 – 65 Pinot Crescent, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119 – 131 Sonoma Lane, 2, 4, 6, and 8 – 20 Zinfandel Drive, Stoney Creek (Ward 11) |

109 To Confirm the Proceedings of City Council

CARRIED

(B. Johnson/Ferguson)

That, there being no further business, City Council be adjourned at 6:43 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting Clerk



SPECIAL CITY COUNCIL MINUTES 18-008

12:03 p.m.

Wednesday, May 2, 2018

Council Chamber

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor M. Pearson
Councillors D. Skelly, T. Jackson, C. Collins, S. Merulla, J. Farr,
A. Johnson, L. Ferguson, A. VanderBeek, R. Pasuta

**Absent with
Regrets:** Councillor B. Johnson, J. Partridge, M. Green, T. Whitehead – Personal
Councillor D. Conley – Medical

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish with One Spoon” Wampum Agreement.

APPROVAL OF THE AGENDA

The Clerk advised that there were no changes to the agenda:

(Pasuta/Pearson)

That the agenda for the May 2, 2018 special meeting of Council be approved, as presented.
CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTIONS

3.1 Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands (PED16254(e)) (Ward 8) (Item 12.7)

(Pearson/Eisenberger)

- (a) That the direction provided to staff in Closed Session, at the May 2, 2018 General Issues Committee meeting, respecting Report PED16254(e) - Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands, be approved; and,
- (b) That Report PED16254(e), respecting the Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands, remain confidential.

The above Motion CARRIED unanimously, with all those present, on the following Standing Recorded Vote:

Yeas: Eisenberger, Skelly, Jackson, Collins, Merulla, Farr, A. Johnson, Pearson, Ferguson, VanderBeek, Pasuta
 Total: 11
 Absent: Green, Partridge, Conley, B. Johnson, T. Whitehead
 Total: 5

BY-LAWS

(Pearson/Ferguson)

That Bill No.18-110 be passed and that the Corporate Seal be affixed thereto, and that the By-law, be renumbered, and be signed by the Mayor and the City Clerk to read as follows:

By-law No.

18-110 To Confirm the Proceedings of City Council

CARRIED

(Ferguson/Pearson)

That, there being no further business, City Council be adjourned at 12:06 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon

Acting City Clerk

Pilon, Janet

Subject: Correspondence to Council re: bus tickets and Metrolinx

From: Joshua Weresch

Sent: April 24, 2018 9:08 PM

To: clerk@hamilton.ca

Subject: Correspondence to Council re: bus tickets and Metrolinx

Dear Mayor and Councillors:

I write in regards to Matthew van Dongen's recent article regarding the possibility of abandoning bus tickets in order to keep provincial gas tax money, as published on 12 January 2018 in the Hamilton Spectator (<https://www.thespec.com/news-story/8049765-city-of-hamilton-says-it-must-abandon-bus-tickets-or-lose-provincial-gas-tax-money/>). I know that I am not alone, as others have been quoted in the article, when I state that this will negatively affect the poorest in the city. Currently, paper tickets and bus passes (I use a monthly one, which, until this year, could be claimed on my taxes) are available in many places, unlike the few Shoppers Drug Mart stores that are in the city. Also, the concern that Metrolinx has been sharing riders' data with police and federal agencies, without the need for a warrant, continues to bother many, as reported in this thespec.com article (<https://www.thespec.com/news-story/7351209-metrolinx-has-been-quietly-sharing-presto-users-information-with-police/>). At this point, the most affordable solution seems to be, if bus tickets are wrongly phased out, to pay cash, effectively boycotting Metrolinx's PRESTO card until tickets and passes are in the hands of those who need them most. It would certainly be to Council's shame if ridership were to drop even more precipitously, due to its consideration for gas tax revenue instead of concern for those in need. Thank you for your time and attention in these regards. I look forward to your actions on behalf of those in need in the city.

Respectfully,
Joshua Weresch

VIA EMAIL

Legislative & Planning Services
Department
Office of the Regional Clerk
1151 Bronte Road
Oakville ON L6M 3L1

April 20, 2018

City of Burlington, Angela Morgan
Town of Halton Hills, Suzanne Jones
Town of Milton, Troy McHarg
Town of Oakville, Vicki Tytaneck
Halton Regional Police Service, Chief Stephen Tanner
Halton Regional Paramedics Services, Chief Greg Sage
City of Hamilton, Rose Caterini
Region of Peel, Kathryn Lockyer
Ministry of Transportation, Fabio Saccon

Please be advised that at its meeting held Wednesday, April 18, 2018, the Council of the Regional Municipality of Halton adopted the following resolution:

RESOLUTION: PW-10-18 - Regional Advanced Traffic Management System (ATMS), Our File: PR-3205A

1. THAT Regional Council approve the implementation of a Regional Advanced Traffic Management System as outlined in Report No. PW-10- 18 re: "Regional Advanced Traffic Management System (ATMS), Our File: PR-3205A".
2. THAT the Regional Clerk forward a copy of Report No. PW-10-18 to the City of Burlington, the Town of Halton Hills, the Town of Milton, the Town of Oakville, the Halton Regional Police Service, Halton Regional Paramedics Services, the City of Hamilton, the Region of Peel and the Ministry of Transportation for their information.

Included please find a copy of Report No. PW-10-18 for your information.

If you have any questions please contact me at extension 7110 or the e-mail address below.

Sincerely,



Graham Milne
Regional Clerk
graham.milne@halton.ca



The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Jim Harnum, Commissioner, Public Works
Date:	April 18, 2018
Report No. - Re:	PW-10-18 - Regional Advanced Traffic Management System (ATMS), Our File: PR-3205A

RECOMMENDATION

1. THAT Regional Council approve the implementation of a Regional Advanced Traffic Management System as outlined in Report No. PW-10-18 re: "Regional Advanced Traffic Management System (ATMS), Our File: PR-3205A".
2. THAT the Regional Clerk forward a copy of Report No. PW-10-18 to the City of Burlington, the Town of Halton Hills, the Town of Milton, the Town of Oakville, the Halton Regional Police Service, Halton Regional Paramedics Services, the City of Hamilton, the Region of Peel and the Ministry of Transportation for their information.

REPORT

Executive Summary

- The 2015 – 2018 Strategic Action Plan identified improvements to Halton Region's transportation network as a key priority.
- An Advanced Traffic Management System is a state-of-the-art traffic signal control system that will improve the performance of the existing road infrastructure through active traffic management.
- IBI Group was retained in April 2016 to undertake a comprehensive Feasibility Study to determine if a Regional Advanced Traffic Management System would be beneficial for Halton Region. The study was undertaken in cooperation with the Local Municipalities in an effort to identify opportunities for operational improvements to the current system(s) or to determine if Halton Region should consider a Regional Advanced Traffic Management System in partnership with the Local Municipalities.

- The Feasibility Study found that Halton Region is well positioned to implement an Advanced Traffic Management System due to our ongoing investments in our intersections and road projects.
- It is recommended that Halton Region proceed with the implementation of a Regional Advanced Traffic Management System.
- In 2018 a detailed implementation plan will be developed and the Advanced Traffic Management System software will be purchased. This was included in the 2018 Budget.
- The Advanced Traffic Management System will be implemented in 2019 - 2022. The estimated \$12 million cost will be included in the 2019 Budget and Forecast.
- Staff will work and coordinate with Local Municipalities to determine their level of participation that meets their needs and timelines should they decide to access Halton Region's Advanced Traffic Management System.

Background

The 2015 – 2018 Strategic Action Plan identified improvements to Halton Region's transportation network as a key priority. As Halton Region's population continues to grow, the demand on our existing transportation system is also increasing. Intelligent Traffic Systems (ITS) will be critical to operating our current and future roadway systems at maximum capacity. Poorly timed signals can waste time and fuel, increase air emissions and create frustrating and safety related situations for motorists.

In April 2016 staff retained the IBI Group, an engineering consulting firm that specializes in Intelligent Transportation Systems, to initiate a comprehensive Feasibility Study to determine if a Regional Advanced Traffic Management System (ATMS) would be beneficial for Halton Region. The study was undertaken in cooperation with the Local Municipalities (Project Partners) to determine if Halton Region should consider a Regional Advanced Traffic Management System in partnership with the Local Municipalities.

The work plan of the IBI Group consisted of the following:

- Task 1 – Project Management;
- Task 2 – Review of Existing Conditions and Needs Assessment to establish a clear understanding of the current traffic technologies, policies and standards, institutional arrangements, operations, issues, and needs of the Project Partners;
- Task 3 – Industry Review to assess and evaluate the current best practices associated with ATMS, Adaptive Traffic Control Systems (ATCS), and select ITS solutions in North America;

- Task 4 – System Architecture Evaluation to review the need for an ATMS and description of four alternate ATMS system architectures that can be deployed in Halton Region;
- Task 5 – Identify ITS Communication Medium to assess the existing communication system in the selected control areas; and
- Task 6 – Gap Analysis and Preliminary Implementation Plan to identify the gaps between the Region’s current practices, their future needs, and the industry best practices used by other municipalities.

Work is continuing to complete Task 5 and Task 6 which provides detail at the intersection level.

Some of the key observations identified in the Feasibility Study included:

- The Regional road network continues to grow and change because of urbanization and intensification. This is resulting in higher traffic volumes and congestion.
- The road network in several locations is at or near capacity during the morning and evening peak hours.
- Existing operational system procedures/response protocols are primarily reactive as opposed to “pro-active”.
- Incident management for Regional Roads and 400 series highways incidents is not in “real-time”.
- Incidents on 400 series highways negatively impact the entire community.

As part of the Industry Review, it was noted that most major Municipalities/Regions have implemented or are in the process of implementing an ATMS. Due to its growing population and intensification the consultant stated that it was imperative that Halton Region consider an Advanced Traffic Management System (ATMS), if it was to maintain its current levels of service on Regional roadways.

The Feasibility Study also found that Halton Region is well positioned to implement an ATMS due to our ongoing investments in our intersections and road projects. As part of Halton Region’s capital roads construction, the Public Works Department has been installing interconnect fibre and “state-of-the-art” traffic controllers for the past several years in preparation for the implementation of a Regional ATMS.

Discussion

Advanced Traffic Management System

An Advanced Traffic Management System is a “state-of-the-art” traffic signal control system consisting of a very powerful central processing unit programmed with complex algorithms, working together with equipment in the field such as detection devices (loops, video cameras, radar etc.), closed circuit television cameras, traffic signals, warning and travel time information signs/messaging boards, emergency and transit pre-emption devices, monitoring and data collection devices etc. All these intelligent devices work

together to move traffic safely and efficiently in response to real-time traffic demands and allow staff to make informed decisions based on real-time data.

As the ATMS expands the number of intersections being managed will also increase and as such a Traffic Management Centre will be established to provide for the required video display boards, the work stations for staff, etc. Connections or feeds to the video displays/data can be made available to other agencies or departments such as the Police, Emergency Medical Services, Local Municipalities, and Ministry of Transportation etc.

Vision/Goals of an Advanced Traffic Management System

The primary goal of an Advanced Traffic Management System is to provide the safest and most efficient traffic signal operation and traffic coordination within the physical constraints of the geometrics of the Regional Road Network balanced against the conflicting demands, while allowing staff to:

- Improve the performance of the existing road infrastructure via technology, services and system processes;
- Move from “Passive” to “Active” traffic management;
- Maintain and improve public confidence in traffic management;
- Maximize the number of vehicles through each intersection or group of intersections under computer control;
- Provide adequate and safe crossings for pedestrians;
- Minimize overall traffic delay;
- Improve the quality of traffic flow on the Regional Road Network reducing overall travel time which in turn reduces driver frustrations; and
- Reduce fuel consumption and pollution associated with inefficient traffic flow.

The existing system and processes are cumbersome and somewhat disconnected as issues or problems with the system are typically generated from motorists or the general public who notify Halton Region or the Local Municipalities that the system is malfunctioning or not performing properly. Once received, it takes a significant amount of time to react to these concerns and make operational adjustments to the system as required. It would be advantageous to have a system that could make remote operational adjustments (where feasible) based on the need and the demand of traffic volumes in real-time or have staff contact maintenance crews immediately once a problem has been identified through the monitoring system, thereby reducing downtime, “false calls” and sending out field staff unnecessarily.

Benefits of an Advanced Traffic Management System

An Advanced Traffic Management System coupled with a package of Intelligent Traffic System strategies will benefit Halton Region by providing staff with the ability to actively manage traffic by:

- Undertaking real-time traffic monitoring and traffic signal control Region-wide from one central location.
- Implementing strategies in real-time to reduce impacts and minimize congestion to road users.
- Assisting in the provision of emergency services and coordination with the Emergency Operations Centre.
- Disseminating information to all stakeholders in a more enhanced and streamlined process.
- Providing a stronger connection among Regional and Local agencies, including the Ministry of Transportation thereby “pro-actively” managing traffic throughout Halton Region.
- Leveraging the extensive Regional fibre optic cable and state-of-the-art traffic signal controllers that are already in place on Regional corridors. Halton Region has been installing fibre on capital road projects for several years.
- Improving traffic efficiency, energy savings and reducing carbon emissions.
- Providing a safer and more efficient transportation network to the public while addressing the demands of growth.

Implementation Plan

With Council’s approval to proceed, the next step will be the development of a detailed implementation plan. The implementation plan will identify priority corridors and priority intersections based on criteria that could include:

- Congestion/capacity of the intersection or corridor;
- Readiness with respect to the technology and ability to connect to the network; and
- Consultation/coordination with the Local Municipalities.

It is anticipated that on average, over a four year implementation timeframe, 20 to 25 per cent of the intersections per year will be added to the system at an average cost of \$2 to \$3 million per year. The actual cost per intersection will vary depending on the technology already implemented and other technical considerations at each site. It is anticipated that within a four year timeframe a majority of Halton Region’s key intersections will be implemented on the system.

In addition to the completion of the detailed implementation plan in 2018, the ATMS software will be selected and implemented. Initially the software will be implemented on desktop computers but as the system expands there will be a requirement for a more sophisticated Traffic Management Centre.

Conclusion

The implementation of a Regional Advanced Traffic Management System essentially sets the stage for establishing Regional Roads as Smart Corridors. These roadways will leverage new intelligent transportation systems through advanced and coordinated

technologies and strategies in order to maintain acceptable levels of service and improve safety through better road space management, intersection optimization and incident management.

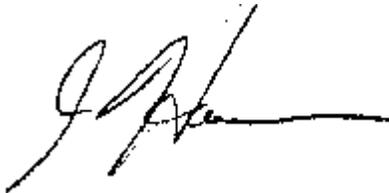
FINANCIAL/PROGRAM IMPLICATIONS

The approved 2018 Roads Capital Budget includes \$1.35 million under R3205A and R2146A for this project. That funding will be sufficient to fund the detailed implementation plan and the acquisition of software. The funding to implement the intersections into the ATMS will be included in the 2019 Budget and Forecast and is expected to total \$12 million for 2019 – 2022. The costs will be further refined through the detailed implementation plan and as the implementation of the system proceeds.

Respectfully submitted,



Rob Rivers CET
Director, Waste Management and Road
Operations



Jim Harnum
Commissioner, Public Works

Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
please contact:

Rob Rivers

Tel. # 8289

Attachments: None

Ministry of Transportation

Transportation Policy Branch
Sustainable and Innovative
Transportation Office

777 Bay Street, 30th Floor
Toronto, Ontario
M7A 2J8

Email: CycleONStrategy@ontario.ca

Ministère des Transports

Direction des politiques du transport
Bureau pour la durabilité et l'innovation
en matière de transport

777, rue Bay, 30^e étage
Toronto (Ontario)
M7A 2J8

Courriel : CycleONStrategy@ontario.ca



April 25, 2018

Dear Sir/Madam,

I am pleased to share that Ontario has completed its study to identify a province-wide network of cycling routes. The final report and the network map are now available on the Ministry of Transportation web site.

Next steps for the province-wide cycling network, including the development of a long-term implementation plan and support for municipalities, have been incorporated in Ontario's newly released #CycleON Action Plan 2.0.

From April 12 to May 26, 2017, the province invited the public to submit comments on the draft province-wide cycling network online through the Environmental Registry. A Decision Notice summarizing all comments received and their impact on the decision will be posted within the next two weeks on the Environmental Registry (posting number 013-0190).

We sincerely thank everyone who provided comments on the draft and everyone who has provided input at various stages of the process. Partnership and collaboration will be essential to successful implementation of the network. We look forward to continuing to work with municipalities and other partners to develop the long-term network implementation plan.

If you have any questions about the network, please contact Darryl Soshycki at Darryl.Soshycki@ontario.ca or (416) 585-7270.

Sincerely,

A handwritten signature in black ink, appearing to read "Krista Adams".

Krista Adams
Director (A), Transportation Policy Branch

Pilon, Janet

Subject: Pickering Continued Operations-Economic Impact

From: GRUETZNER Ted -STAKEREL [mailto:ted.gruetzner@opg.com]

Sent: April 25, 2018 1:04 PM

To: clerk@hamilton.ca

Subject: Pickering Continued Operations-Economic Impact

Rose Caterini, City Clerk
City of Hamilton
Hamilton, ON

April 25, 2018

Dear Rose Caterini,

Recently, the Ontario Chamber of Commerce (OCC), in partnership with the Canadian Centre for Economic Analysis (CANCEA), published an impact analysis on the continued operation of Pickering Nuclear Generating Station (PNGS) until 2024.

Many of you will be interested in this study given the importance of Pickering Nuclear Station to the City of Toronto's power grid. As you know, Pickering is a critical source of electricity for Toronto, particularly for the eastern part of the Greater Toronto Area – powering 1.5 millions homes each day.

At OPG, our focus is on the efficient and reliable generation and sale of electricity while operating in a safe, open and environmentally responsible manner. For OPG, that means making positive contributions to the environment, economy and communities in which we operate.

The study released last week highlights how continued operation of the Pickering Station to 2024 is expected to contribute over \$12.3 billion to Ontario's GDP and is expected to contribute on average per year:

- \$1.54 billion to Ontario's GDP
- 7,590 full-time equivalent (FTE) jobs in Ontario
- \$290 million in government taxation revenues (\$155 million in federal and \$135 million in provincial)

You may also be aware of other benefits of Pickering:

- Supplies 14% of the Province of Ontario's power
- Produces a medical isotope (Cobalt 60) used for the sterilization of medical equipment
- Displaces 17 million tonnes of Greenhouse Gas Emissions (GHGs)

PICKERING NUCLEAR CONTINUED OPERATIONS TO 2024

GREENHOUSE GAS-FREE BASE LOAD CAPACITY NEEDED FROM 2018-2024
NUCLEAR ENERGY PLAYS A FUNDAMENTAL ROLE IN ONTARIO'S CLEAN-ENERGY EQUATION

CONTINUED OPERATIONS AT THE PICKERING STATION WILL REDUCE GREENHOUSE GAS EMISSIONS BY AN ESTIMATED

17 MILLION TONNES

THAT'S THE EQUIVALENT OF REMOVING

3.4 MILLION CARS PER YEAR FROM ONTARIO'S ROADS

CONTINUED OPERATIONS WILL SAVE ONTARIO ELECTRICITY CONSUMERS

\$600 MILLION

\$1.54 BILLION TO ONTARIO'S GDP PER YEAR

7,590 FULL-TIME EQUIVALENT JOBS PER YEAR

\$290 MILLION IN GOVERNMENT TAXATION REVENUES

1 IN 7

HOMES AND BUSINESSES ARE POWERED BY PICKERING - WITH VIRTUALLY NO GREENHOUSE GASES

BEST PERFORMANCE YEAR IN 2016 FOR

SAFETY AND OPERATIONAL PERFORMANCE

14% OF ONTARIO'S POWER IS SUPPLIED BY PICKERING - ENOUGH TO SERVE A CITY OF **1.5 MILLION PEOPLE**

ONTARIO POWER GENERATION

Please find a link to the Ontario Chamber of Commerce report *Pickering Continued Operations: An Impact Analysis on Ontario's Economy* for your information:

<https://www.opg.com/generating-power/nuclear/stations/pickering-nuclear/Pages/continued-operations.aspx>

If you have any questions or comments or are interested in touring the station, please do not hesitate to contact me.

Best,

Ted Gruetzner

VP, Stakeholder Relations

Ted.gruetzner@opg.com

416-592-6806

Ministry of Education

Minister

Mowat Block
Queen's Park
Toronto ON M7A 1L2**Ministère de l'Éducation**

Ministre

Édifice Mowat
Queen's Park
Toronto ON M7A 1L2

Ontario

April 27, 2018

Dear colleagues,

We are writing to share an update with you on the ongoing work across government on Ontario's commitment to revise the Pupil Accommodation Review Guideline (PARG) and strengthen integrated capital and community planning. We are also pleased to announce a new engagement focused on the challenges facing education planning in urban areas experiencing rapid population intensification.

Pupil Accommodation Review Guideline (PARG)

While strengthening the PARG is a key element of the province's Plan to Strengthen Rural and Northern Education, revisions to the PARG will apply to all school boards. As you know, the draft revised PARG that was shared publicly on February 9, 2018, reflected the feedback received by the ministry in fall 2017, during the first phase of consultations. The ministry's aim in revising the PARG is to create a stronger, more collaborative process that better promotes student achievement and well-being and better recognizes the community impact of school closures. Thank you to everyone who contributed valuable input through the online portal or played a role on either the Minister's Reference Group or the Technical Working Group.

As you know, in response to initial feedback received in fall 2017, the draft revised PARG included:

- Additional public meeting(s), which extends timeframes, for a standard pupil accommodation review
- Limiting use of the shorter, modified pupil accommodation review (PAR)
- New information requirements for the initial staff report
- Promotion of community input in the pupil accommodation review process and inclusion of student voice
- Streamlining the administrative review process by allowing e-signatures
- Development of ministry supports.

On March 23, the Ministry of Education concluded its second phase of consultations on the draft revised PARG. The key themes emerging from all of the feedback suggested that the ministry focus on: improving the clarity and consistency of information presented by school boards; providing more opportunities for public discussion, where needed; and, providing additional supports to improve information sharing between school boards and community partners.

Based on feedback received, the Ministry of Education has also made the following revisions to the PARG:

- Consideration of elementary student input into the accommodation decision
- Extending the timeframe for the first public meeting from 30 to 40 business days
- Requiring the municipal/community partner meeting to take place prior to the first public meeting.

The final PARG has now been posted to the ministry's website.

To support school boards in providing clear and consistent information, the Ministry of Education will work with its partners to develop templates and guidelines to assist boards in conducting pupil accommodation reviews, including templates for the initial staff report and the economic impact assessment.

The ministry aims to release these materials before fall 2018 to inform school boards' local consultations with communities and municipal governments on their local pupil accommodation review policies. While these tools are being developed and finalized in collaboration with our partner ministries and education and municipal stakeholders, there will continue to be no new pupil accommodation reviews, unless they are required to support a joint-use school initiative between two coterminous school boards.

Integrated Capital and Community Planning

Throughout the numerous consultation sessions, the need for improved community and capital planning was highlighted. In response, the Ministry of Education, in collaboration with the Ministries of Infrastructure; Municipal Affairs; Agriculture, Food and Rural Affairs; and Economic Development and Growth, will work together to assess how the province encourages and supports integrated local planning.

Feedback from the Minister's Reference Group was instrumental in pointing out the need for a new type of community planning table that looks beyond organizational mandates and builds on existing relationships. To address this feedback, we are pleased to announce the development of a Voluntary Integrated Planning and Partnerships Initiative (VIPPI) to provide flexible support to local partners that wish to enhance their collective capacity for integrated capital and community planning.

A call for proposals will be issued this summer seeking approximately three communities, representing a mix of urban, rural, Northern and Francophone communities, to participate in VIPPI. Each community will be required to identify partners to participate in a local integrated planning table that should include, at a minimum, school boards and municipalities and relevant local partners that reflect each area's unique needs. The Ministry of Education will provide a facilitator to lead a series of sessions spanning approximately one year to align with various planning cycles. The goal of this initiative is to generate a collection of best practices for integrated planning by having all participants share and discuss capital and community planning processes and relevant data and to inform future amendments to the CPPG.

New Supports for School Boards' Integrated Planning

We are pleased to announce that we will be offering additional capital supports to school boards to better support projects that involve community partnerships. As a first step, we will introduce immediate new supports for school boards working with their communities to share and co-build facilities.

The Ministry of Education will provide boards with seed funding of up to \$40,000 to assist with the planning of projects that involve a municipal or community partner. Currently, the ministry offers seed funding to support coterminous school boards that wish to pursue joint-use opportunities. The ministry will also provide funding for a project manager to assist with approved projects as they move forward.

Understanding that we must continue to ensure that school boards and communities have flexible support that can respond to local needs, the Ministry of Education will also look for opportunities to support integrated planning through the capital funding processes, with a focus on better aligning the timing of capital decision-making processes with community needs.

Community Planning and Partnerships Guideline (CPPG)

The Ministry of Education also remains committed to updating the CPPG within the next year to enhance planning and reporting practices, after we have consulted with our partners through the Minister's Reference Group. Until the new CPPG is in place, school boards should continue to use the existing CPPG and to convene their annual Community Planning and Partnerships meeting(s).

Strengthening Supports for Urban Education

During our rural and Northern engagements, we have heard from a number of stakeholders regarding the unique challenges related to growth and intensification that are unique to our province's large urban communities. This includes the challenges faced by school boards and municipalities with planning, partnering and building schools in these changing communities and the financial tools available to support this work. In response, the Ministry of Education is pleased to announce the following:

- **Urban Student Accommodation Engagement:** The government will undertake an engagement this fall focusing on supports for pupil accommodation in urban areas experiencing rapid growth and intensification, which will include Education Development Charges.
- **Land Priorities Enhancement:** The government will increase the amount of funding available through its Land Priorities program from \$60 million to \$100 million this coming year. This will support land acquisition for all boards, including those dealing with rapid enrolment growth in urban, densely populated areas within their boundaries.

We wish to extend a sincere thank you for your valuable contributions in shaping key provincial policies and initiatives over the last year. We are confident that our collaborative efforts, to date and yet to come, will result in better outcomes for our students and local communities.

Sincerely,



Indira Naidoo-Harris
Minister of Education
Minister Responsible for Early Years and Child Care



Bob Chiarelli
Minister of Infrastructure



Bill Mauro
Minister of Municipal Affairs



MINISTRY OF EDUCATION
PUPIL ACCOMMODATION REVIEW GUIDELINE

April 2018

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APPENDIX A – ADMINISTRATIVE REVIEW PETITION TEMPLATE

PREAMBLE

School boards are responsible for managing their school capital assets in an effective manner. They must respond to changing demographics and program needs while being cognizant of the impacts of their decisions on student programming and well-being, school board resources and the local community.

One aspect of a school board's capital and accommodation planning is reviewing schools that have underutilized space. These are schools where the student capacity of the school is greater than the number of students enrolled. When a school board identifies a school that is projected to have long-term excess space, a school board would typically look at a number of options such as:

- moving attendance boundaries and programs to balance enrolment between over and underutilized schools;
- offering to lease underutilized space within a school to a coterminous school board;
- finding community partners who can pay the full cost of operating the underutilized space; and/or
- decommissioning or demolishing a section of the school that is not required for student use to reduce operating costs.

If none of these options are deemed viable by a school board, the board may determine that a pupil accommodation review process take place which could lead to possible school consolidations and closures. These decisions are made within the context of supporting the school board's student achievement and well-being strategy and to make the most effective use of its school buildings and funding.

The Ministry of Education expects school boards to work with their community partners when undertaking capital planning, including when a school board is beginning to develop options to address underutilized space in schools. The Ministry of Education's *Community Planning and Partnerships Guideline* (CPPG) outlines requirements for school boards to reach out to their local municipalities and other community partners to share planning related information and to explore potential partnership opportunities. The *Pupil Accommodation Review Guideline* (the "Guideline") builds upon the CPPG by providing requirements for school boards to share information with and seek feedback from their local municipalities and other community partners related to any pupil accommodation reviews a school board initiates.

If a pupil accommodation review results in a school closure decision, a school board will then need to decide whether to declare that school as surplus, potentially leading to the future disposition (that is, sale or lease) of the property. These dispositions are governed by Ontario Regulation 444/98 – Disposition of Surplus Real Property. Alternately, a school board may decide to use a closed school for other school board purposes, or hold the property as a strategic long-

term asset of the school board due to a projected need for the facility in the future. Each school board decides when it is appropriate to review its strategic property holdings to determine if these properties are still required to be held or should be considered surplus to the school board's needs and considered for a future disposition.

This document provides direction to school boards on one component of their capital planning - the pupil accommodation review process. It provides the minimum standards the province requires school boards to follow when undertaking a pupil accommodation review. It is important to note that school boards have flexibility to modify their pupil accommodation review policies to meet their local needs, and can develop policies that exceed the provincial minimum standards outlined in this document.

I. PURPOSE

The purpose of the *Guideline* is to provide a framework of minimum standards for school boards to undertake pupil accommodation reviews to determine the future of a school or group of schools. This *Guideline* ensures that where a decision is taken by a school board regarding the future of a school, that decision is made with the involvement of an informed local community and is based on a broad range of criteria regarding the quality of the learning experience for students.

This *Guideline* is effective upon release and replaces the previous *Guideline* of March 2015.

II. INTRODUCTION

Ontario's school boards are responsible for deciding the most appropriate pupil accommodation arrangements for the delivery of their elementary and secondary programs. These decisions are made by school board trustees in the context of carrying out their primary responsibilities of fostering student achievement and well-being, and ensuring effective stewardship of school board resources. In some cases, to address changing student populations, this requires school boards to consider undertaking pupil accommodation reviews that may lead to school consolidations and closures.

Under paragraph 26, subsection 8 (1) of the *Education Act*, the Minister of Education may issue guidelines with respect to school boards' school closure policies.

III. GUIDING PRINCIPLES

The *Guideline* has been established to align with the Ministry of Education's vision and as such, focuses on achieving excellence, ensuring equity, promoting well-being and enhancing public confidence.

All school board pupil accommodation review policies should be designed to align with these guiding principles.

IV. SCHOOL BOARD ACCOMMODATION REVIEW POLICIES

School boards are responsible for creating and implementing a policy to address pupil accommodation reviews to serve their local needs. School boards are required to consult with local communities prior to adopting or subsequently amending their pupil accommodation review policies.

All pupil accommodation review policies must be clear in stipulating that the final decision regarding the future of a school or group of schools rests solely with the Board of Trustees. If the Board of Trustees votes to close a school or schools in accordance with their policy, the school board must provide clear timelines regarding the closure(s) and ensure that a transition plan is communicated to all affected school communities within the school board.

It is important to note that this *Guideline* is intended as a **minimum** requirement for school boards in developing their policies. School boards are responsible for establishing and complying with their pupil accommodation review policies to serve their local needs.

A copy of the school board's pupil accommodation review policy and the government's *Pupil Accommodation Review Guideline* are to be made available to the public as determined in the school board's policy, and posted on the school board's website.

The *Guideline* recognizes that pupil accommodation reviews include a school or group of schools to facilitate the development of viable solutions for pupil accommodation that support the guiding principles.

School board pupil accommodation review policies will include statements that encourage the sharing of relevant information as well as providing the opportunity for the public and affected school communities to be heard.

The Ministry of Education recommends that, wherever possible, schools should only be subject to a pupil accommodation review once in a five-year period, unless there are circumstances determined by the school board, such as a significant change in enrolment.

V. SCHOOL BOARD PLANNING PRIOR TO AN ACCOMMODATION REVIEW

As described in the *Community Planning and Partnerships Guideline*, school boards must undertake long-term capital and accommodation planning, informed by any relevant information obtained from local municipal governments and other

community partners, which takes into consideration long-term enrolment projections and planning opportunities for the effective use of excess space in all area schools.

School boards must document their efforts to obtain information from local municipal governments as well as other community partners that expressed an interest prior to the pupil accommodation review; and provide any relevant information from municipalities and other community partners as part of the initial staff report (see Section VI).

VI. ESTABLISHING AN ACCOMMODATION REVIEW

School boards may proceed to establish a pupil accommodation review only after undertaking the necessary assessment of long-term capital and accommodation planning options for the school(s).

Initial Staff Report

Prior to establishing a pupil accommodation review, the initial staff report to the Board of Trustees must contain a recommended scenario and at least two alternative scenarios, which could include the status quo, to address the accommodation issue(s). The initial staff report must also include information on actions taken by school board staff prior to establishing a pupil accommodation review process and supporting rationale as to any actions taken or not taken.

Boards must use the ministry-approved template to write their initial staff reports.

The recommended and alternative accommodation scenarios included in the initial staff report must address the following four impacts:

- Impact on student programming;
- Impact on student well-being;
- Impact on school board resources; and
- Impact on the local community.

In addition, if at least one school that is eligible to receive support from the Rural and Northern Education Fund (RNEF) is included in a pupil accommodation review at any time, the initial staff report must address the following impact:

- Impact on the local economy¹.

¹ Boards must use the ministry-approved economic impact assessment template.

Boards should refer to section 5.6 (1) of *Ontario Regulation 193/10 – Restricted Purpose Revenues* (O. Reg. 193/10) for a description of the location of the list of schools eligible for Rural and Northern Education Fund Allocation. The list of RNEF-eligible schools can be found here: <http://edu.gov.on.ca/eng/funding/>

If a school board has included a new school on the list through board motion, then the board should confirm that it has been included in the ministry's list of schools eligible for Rural and Northern Education Fund Allocation (as per O. Reg. 193/10) prior to the initial staff report to the Board of Trustees.

School boards will *have discretion* to undertake economic impact assessments in other communities, if needed, however this will only be *required* if at least one RNEF-eligible school is included in a pupil accommodation review at any time.

To support these impact analyses, the following factors should be included for each accommodation scenario:

- summary of accommodation issue(s) for the school(s) under review;
- where students would be accommodated;
- if proposed changes to existing facility or facilities are required as a result of the pupil accommodation review;
- identify any program changes as a result of the recommended and alternative scenarios;
- how student transportation would be affected if changes take place;
- if new capital investment is required as a result of the pupil accommodation review, how the school board intends to fund this, as well as a proposal on how students would be accommodated if funding does not become available; and
- any relevant information obtained from municipalities and other community partners prior to the commencement of the pupil accommodation review, including any confirmed interest in using the underutilized space.

Each recommended and alternative accommodation scenario must also include a timeline for implementation.

The initial staff report and School Information Profiles (SIPs) (see Section VIII) will be made available to the public, as determined in the school board's policy, and posted on the school board's website following the decision to proceed with a pupil accommodation review by the Board of Trustees.

School boards must ensure that individuals from the school(s) under review and the broader community are invited to participate in the pupil accommodation review consultation. At a minimum, the pupil accommodation review process must consist of the following methods of consultation:

- Accommodation Review Committee (ARC) (see Section VII);

- consultation with municipal governments local to the affected school(s) (see Section IX);
- public meetings (see Section X); and
- public delegations (see Section XI).

VII. THE ACCOMMODATION REVIEW COMMITTEE

Role

School boards must establish an ARC that represents the school(s) under review and acts as the official conduit for information shared between the school board and the school communities. The ARC may comment on the initial staff report and may, throughout the pupil accommodation review process, seek clarification of the initial staff report. The ARC may provide other accommodation scenarios than those in the initial staff report; however, it must include supporting rationale for any such scenario.

The ARC members do not need to achieve consensus regarding the information provided to the Board of Trustees.

The school board's staff resources assigned to the ARC are required to compile feedback from the ARC as well as the broader community in the Community Consultation section of the final staff report (see Section XI) to be presented to the Board of Trustees.

Membership

The membership of the ARC should include, at a minimum, parent/guardian representatives from each of the schools under review, chosen by their respective school communities.

Where established by a school board's pupil accommodation review policy, there may also be the option to include students and representation from the broader community. For example, a school board's policy may include a requirement for specific representation from the First Nations, Metis, and Inuit communities. In addition, school board trustees may be ad hoc ARC members to monitor the ARC progress.

Formation

The ARC should be formed following the Board of Trustees' consideration of the initial staff report but prior to the first public meeting. The school board will invite ARC members from the school(s) under review to an orientation session that will describe the mandate, roles and responsibilities, and procedures of the ARC.

Terms of Reference

School boards will provide the ARC with Terms of Reference that describe the ARC's mandate. The mandate will refer to the school board's education and accommodation objectives in undertaking the pupil accommodation review and reflect the school board's strategy for supporting student achievement and well-being.

The Terms of Reference will also clearly outline the school board's expectations of the roles and responsibilities of the ARC; and describe the procedures of the ARC. At a minimum, the ARC will provide feedback on the initial staff report recommended and alternative scenarios.

The Terms of Reference will outline the minimum number of working meetings of the ARC.

Meetings of the Accommodation Review Committee

The ARC will meet to review materials presented by school board staff. It is recommended that the ARC hold as many working meetings as is deemed necessary within the timelines established in their school board's pupil accommodation review policy.

VIII. SCHOOL INFORMATION PROFILE

School board staff are required to develop School Information Profiles (SIPs) as orientation documents to help the ARC and the community understand the context surrounding the decision to include the specific school(s) in a pupil accommodation review. The SIP provides an understanding of and familiarity with the facilities under review.

The SIP is expected to include data for each of the following four considerations about the school(s) under review:

- Impact on student programming;
- Impact on student well-being;
- Impact on school board resources; and
- Impact on the local community.

A SIP will be completed by school board staff for each of the schools under review. The following are the minimum data requirements and factors that are to be included in the SIP:

- Facility Profile:
 - School name and address.

- Site plan and floor plan(s) (or space template) of the school with the date of school construction and any subsequent additions.
 - School attendance area (boundary) map.
 - Context map (or air photo) of the school indicating the existing land uses surrounding the school.
 - Planning map of the school with zoning, Official Plan or secondary plan land use designations.
 - Size of the school site (acres or hectares).
 - Building area (square feet or square metres).
 - Number of portable classrooms.
 - Number and type of instructional rooms as well as specialized classroom teaching spaces (e.g., science lab, tech shop, gymnasium, etc.).
 - Area of hard surfaced outdoor play area and/or green space, the number of play fields, and the presence of outdoor facilities (e.g., tracks, courts for basketball, tennis, etc.).
 - Ten-year history of major facility improvements (item and cost).
 - Projected five-year facility renewal needs of school (item and cost).
 - Current Facility Condition Index (FCI) with a definition of what the index represents.
 - A measure of proximity of the students to their existing school, and the average distance to the school for students.
 - Percentage of students that are and are not eligible for transportation under the school board policy, and the length of bus ride to the school (longest, shortest, and average length of bus ride times).
 - School utility costs (totals, per square foot, and per student).
 - Number of parking spaces on site at the school, an assessment of the adequacy of parking, and bus/car access and egress.
 - Measures that the school board has identified and/or addressed for accessibility of the school for students, staff, and the public with disabilities (i.e., barrier-free).
 - On-the-ground (OTG) capacity, and surplus/shortage of pupil places.
- Instructional Profile:
 - Describe the number and type of teaching staff, non-teaching staff, support staff, itinerant staff, and administrative staff at the school.
 - Describe the course and program offerings at the school.
 - Describe the specialized service offerings at the school (e.g., cooperative placements, guidance counseling, etc.).
 - Current grade configuration of the school (e.g., junior kindergarten to Grade 6, junior kindergarten to Grade 12, etc.).
 - Current grade organization of the school (e.g., number of combined grades, etc.).
 - Number of out of area students.
 - Utilization factor/classroom usage.
 - Summary of five previous years' enrolment and 10-year enrolment projection by grade and program.

- Current extracurricular activities.
- Other School Use Profile:
 - Current non-school programs or services resident at or co-located with the school as well as any revenue from these non-school programs or services and whether or not it is at full cost recovery.
 - Current facility partnerships as well as any revenue from the facility partnerships and whether or not it is at full cost recovery.
 - Community use of the school as well as any revenue from the community use of the school and whether or not it is at full cost recovery.
 - Availability of before and after school programs or services (e.g., child care) as well as any revenue from the before and after school programs and whether or not it is at full cost recovery.
 - Lease terms at the school as well as any revenue from the lease and whether or not it is at full cost recovery.
 - Description of the school's suitability for facility partnerships.

School boards may introduce additional items that could be used to reflect local circumstances and priorities which may help to further understand the school(s) under review.

Each school under review will have a SIP completed at the same point-in-time for comparison purposes. The Ministry of Education expects school boards to prepare SIPs that are complete and accurate, to the best of the school board's ability, prior to the commencement of a pupil accommodation review.

While the ARC may request clarification about information provided in the SIP, it is not the role of the ARC to approve the SIP.

IX. CONSULTATION WITH LOCAL MUNICIPAL GOVERNMENTS

Following the Board of Trustees' approval to undertake a pupil accommodation review, school boards must invite affected single, lower and upper-tier municipalities as well as other community partners that expressed an interest prior to the pupil accommodation review to discuss and comment on the recommended and alternative scenarios in the school board's initial staff report.

Invitations for this meeting will be sent to the elected Mayor, Chair, Warden, Reeve or equivalent, and to the Chief Administrative Officer, City Manager or equivalent for the affected single, lower and upper-tier municipalities.

If the affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the pupil accommodation review, provide their response on the recommended and alternative accommodation scenarios in the school board's initial staff report before the final public meeting school boards must include this response in the final staff report. School boards will not be required to include responses received after the final

public meeting. School boards must provide them with advance notice of when the final public meeting is scheduled to take place.

School boards must document their efforts to meet with the affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the pupil accommodation review; and provide any relevant information from this meeting as part of the final staff report to the Board of Trustees (see Section XI).

X. PUBLIC MEETINGS

Once a school board has received an initial staff report and has approved the initiation of a pupil accommodation review, the school board must arrange to hold a minimum of three public meetings for broader community consultation on the initial staff report. School boards are expected to provide facilitated public meetings to solicit broader community feedback on the recommended and alternative scenarios contained in the initial staff report. In addition to the required public meetings, school boards may use other methods to solicit community feedback.

The public meetings are to be announced and advertised publicly by the school board through an appropriate range of media as determined by the school board.

At a minimum, the first public meeting must include the following:

- an overview of the ARC orientation session;
- the initial staff report with recommended and alternative accommodation scenarios; and
- a presentation of the SIPs.

XI. COMPLETING THE ACCOMMODATION REVIEW

Final Staff Report

At the conclusion of the pupil accommodation review process, school board staff will submit a final staff report to the Board of Trustees which must be available to the public as determined in the school board's policy, and posted on the school board's website.

The final staff report must include:

- A Community Consultation section that contains feedback from the ARC and all public consultations as well as any relevant information obtained

from municipalities and other community partners prior to and during the pupil accommodation review.¹

- A section that summarizes secondary school student feedback for pupil accommodation reviews involving one or more secondary schools. School boards will determine how best to involve secondary school students in the pupil accommodation review process, to promote their voice and ensure their well-being. Potential options could include a dedicated meeting for students or an online tool for students to submit anonymous feedback. School boards could also determine whether to include feedback from elementary students in this section.

School board staff may choose to amend their recommended and alternative accommodation scenarios included in the initial staff report. However, if a new school closure² is introduced as part of any recommended or alternative scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.

School board staff will compile feedback from this additional public meeting, which will be presented to the Board of Trustees as part of the final staff report.

The recommended and alternative scenarios must also include a proposed accommodation plan, prepared for the decision of the Board of Trustees, which contains a timeline for implementation.

¹ Community partners may use the ministry-approved template to engage boards with proposed alternatives to closures and proposals for community use of schools.

² Refer to Section XVI. EXEMPTIONS.

Delegations to the Board of Trustees Meeting

Once school board staff submits the final staff report to the Board of Trustees, the school board must allow an opportunity for members of the public to provide feedback on the final staff report through public delegations to the Board of Trustees. Notice of the public delegation opportunities will be provided based on school board policy.

After the public delegations, school board staff will compile feedback from the public delegations which will be presented to the Board of Trustees with the final staff report.

Decision of the Board of Trustees

The Board of Trustees will be provided with the final staff report, including the compiled feedback from the public delegations, when making its final decision regarding the pupil accommodation review.

The Board of Trustees has the discretion to approve the recommendation(s) of the final staff report as presented, modify the recommendation(s) of the final staff report, or to approve a different outcome.

The Ministry encourages school boards not to make final pupil accommodation review decisions during the summer holiday period (typically from July 1 to the day after Labour Day).

XII. TRANSITION PLANNING

The transition of students should be carried out in consultation with parents/guardians and staff. Following the decision to consolidate and/or close a school, the school board is expected to establish a separate committee to address the transition for students and staff.

XIII. TIMELINES FOR THE ACCOMMODATION REVIEW PROCESS

The pupil accommodation review process must comply with the following minimum timelines:

- Following the date of the Board of Trustees' approval to conduct a pupil accommodation review, the school board will provide written notice of the Board of Trustees' decision within 5 business days to each of the elected Mayors, Chairs, Wardens, Reeves or equivalent and to the Chief Administrative Officers, City Managers, or equivalent of the affected single, lower and upper-tier municipalities, other community partners that expressed an interest prior to the pupil accommodation review; and

include an invitation for a meeting to discuss and comment on the recommended and alternative accommodation scenarios in the school board's initial staff report. School boards must also notify the Director(s) of Education of their coterminous school boards and the Ministry of Education through the office of the Assistant Deputy Minister of the Capital and Business Support Division.

- The meeting between the school board, affected single, lower and upper-tier municipalities and other community partners that expressed an interest prior to the pupil accommodation review must be scheduled to take place before the first public meeting.
- The affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the pupil accommodation review, should provide their response on the recommended and alternative accommodation scenarios in the school board's initial staff report before the final public meeting, otherwise school boards will not be required to include this response in the final staff report.
- The Accommodation Review Committee (ARC) should be formed following the Board of Trustees' consideration of the initial staff report but prior to the first public meeting. An overview of the ARC orientation session must be included at the first public meeting.
- Beginning with the date of the Board of Trustees' approval to conduct a pupil accommodation review, there must be no fewer than 40 business days before the first public meeting is held.
- There must be a minimum period of 60 business days between the first and final public meetings.
- The final staff report must be publicly posted no fewer than 10 business days after the final public meeting.
- From the posting of the final staff report, there must be no fewer than 10 business days before the public delegations.
- If a new school closure¹ is introduced as part of any recommended or alternative accommodation scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.
- If there is an additional public meeting, there must be no fewer than 10 business days before the public delegations.
- There must be no fewer than 10 business days between public delegations and the final decision of the Board of Trustees.

¹ Refer to Section XVI. EXEMPTIONS.

XIV. MODIFIED ACCOMMODATION REVIEW PROCESS

In certain circumstances, where the potential pupil accommodation options available are deemed by the school board to be less complex and do not include one or more schools eligible to receive support from the ministry's Rural and Northern Education Fund (RNEF), school boards may find it appropriate to undertake a modified pupil accommodation review process. The *Guideline* permits a school board to include an optional modified pupil accommodation review process in its pupil accommodation review policy.

A school board's pupil accommodation review policy must clearly outline the conditions where a modified pupil accommodation review process could be initiated by explicitly defining the factors that would allow the school board the option to conduct a modified pupil accommodation review process. The conditions for conducting a modified pupil accommodation review process are satisfying condition one and two or more of conditions two to five:

1. exclusion of any RNEF-eligible school in the pupil accommodation review; and, either
2. distance to the nearest available accommodation; or
3. utilization rate of the facility; or
4. number of students enrolled at the school; or
5. when a school board is planning the relocation (in any school year or over a number of school years) of a program, in which the enrolment constitutes more than or equal to 50% of the school's enrolment (this calculation is based on the enrolment at the time of the relocation, or the first phase of a relocation carried over a number of school years).

School boards may consider additional factors that are defined in their pupil accommodation review policy to qualify for the modified pupil accommodation review process. Multiple factors may be developed by the school board to appropriately reflect varying conditions across the board (e.g., urban, rural, elementary panel, secondary panel, etc.). The Board of Trustees must approve these explicitly defined factors, after community consultation, in order to adopt a modified pupil accommodation review process as part of their school board's pupil accommodation review policy.

The guiding principles of this *Guideline* apply to the modified pupil accommodation review process.

Even when the criteria for a modified pupil accommodation review are met, a school board may choose to use the standard pupil accommodation review process.

Implementing the Modified Accommodation Review Process

The initial staff report will explain the rationale for exempting the school(s) from the standard pupil accommodation review process, in accordance with the school board's pupil accommodation review policy.

The initial staff report and SIPs must be made available to the public, as determined in the school board's policy, and posted on the school board's website.

A public meeting will be announced and advertised through an appropriate range of media as determined by the school board.

Following the public meeting, school board staff will submit a final staff report to the Board of Trustees which must be available to the public as determined in the school board's policy, and posted on the school board's website. However, if a new school closure¹ is introduced as part of any recommended or alternative accommodation scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.

The final staff report must include:

- A Community Consultation section that contains feedback from all public consultations as well as any relevant information obtained from municipalities and other community partners prior to and during the modified pupil accommodation review.
- A section that summarizes secondary school student feedback for pupil accommodation reviews involving one or more secondary schools. School boards will determine how best to involve secondary school students in the pupil accommodation review process, to promote their voice and ensure their well-being. Options could include a dedicated meeting for students or an online tool for students to submit anonymous feedback. School boards could also determine whether to include feedback from elementary students in this section.

Once school board staff submit the final staff report to the Board of Trustees, the school board must allow an opportunity for members of the public to provide feedback through public delegations to the Board of Trustees. Notice of the public delegation opportunities will be provided based on school board policy.

¹ Refer to Section XVI. EXEMPTIONS.

After the public delegations, school board staff will compile feedback from the public delegations which will be presented to the Board of Trustees with the final staff report.

The Board of Trustees has the discretion to approve the recommendation(s) of the final staff report as presented, modify the recommendation(s) of the final staff report, or to approve a different outcome.

The Ministry encourages school boards not to make final pupil accommodation review decisions during the summer holiday period (typically from July 1 to the day after Labour Day).

A transition plan will be put in place following the decision to consolidate and/or close a school.

Timelines for the Modified Accommodation Review Process

The modified pupil accommodation review process must comply with the following minimum timelines:

- Following the date of the Board of Trustees' approval to conduct a modified pupil accommodation review, the school board will provide written notice of the Board of Trustees' decision within 5 business days to each of the elected Mayors, Chairs, Wardens, Reeves or equivalent and to the Chief Administrative Officers, City Managers, or equivalent of the affected single, lower and upper-tier municipalities, other community partners that expressed an interest prior to the modified pupil accommodation review; and include an invitation for a meeting to discuss and comment on the recommended and alternative scenarios in the school board's initial staff report. School boards must also notify the Director(s) of Education of their coterminous school boards and the Ministry of Education through the office of the Assistant Deputy Minister of the Capital and Business Support Division.
- The meeting between the school board, affected single, lower and upper-tier municipalities and other community partners that expressed an interest prior to the pupil accommodation review must be scheduled to take place before the first public meeting.
- The affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the modified pupil accommodation review, should provide their response on the recommended and alternative scenarios in the school board's initial staff report before the final public meeting, otherwise school boards will not be required to include this response in the final staff report.
- The school board must hold at least one public meeting. Beginning with the date of the Board of Trustees' approval to conduct a modified pupil

accommodation review, there must be no fewer than 40 business days before this public meeting is held.

- The final staff report must be publicly posted no fewer than 10 business days after the final public meeting.
- From the posting of the final staff report, there must be no fewer than 10 business days before the public delegations.
- If a new school closure¹ is introduced as part of any recommended or alternative scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.
- If there is an additional public meeting, there must be no fewer than 10 business days before the public delegations.
- There must be no fewer than 10 business days between public delegations and the final decision of the Board of Trustees.

XV. ADMINISTRATIVE REVIEW PROCESS

What is an Administrative Review?

The Ministry of Education encourages students, parents and community members to get involved in the accommodation review process.

If during the course of the pupil accommodation review process, an individual or individuals become concerned that the board is not following its pupil accommodation review policy, they may want to consult the board's policy and advise the Accommodation Review Committee (ARC) of their concerns.

A copy of the board's policy can be found on its website, or can be requested from the board.

If at the end of the process, an individual or individuals believe that the board did not follow its pupil accommodation review policy, then they can request an Administrative Review from the ministry.

Steps to Request an Administrative Review

Once the trustees have made their final decision, there are 30 calendar days to submit a petition to the ministry. The ministry will notify the contact person when

¹ Refer to Section XVI. EXEMPTIONS.

the petition has been received. Within 60 calendar days, the ministry will decide whether to appoint a facilitator to undertake an Administrative Review.

A review of a school board's accommodation review process may be sought if the following conditions are met.

An individual or individuals must:

Step 1

- Review the board's policy governing pupil accommodation reviews and identify areas where they believe the board did not follow its policy. A copy of the board's pupil accommodation review policy must be submitted, highlighting how the pupil accommodation review process was not compliant with the school board's pupil accommodation review policy. Some examples could include:
 - The board policy may require that public meetings be held over a 90 day period, but the meetings were held over a 70 day period.
 - The board policy may require board staff to analyze a certain number of accommodation scenarios, and the board staff may not have done so.

Step 2

- Collect signatures of people who also believe the board did not follow its policy and who support a request for an Administrative Review. Demonstrate the support of a portion of the school community through the completion of a petition signed by a number of supporters equal to at least 30% of the affected school's student headcount (e.g., if the headcount is 150, then 45 signatures would be required). An affected school is one that trustees agreed to close as part of their final decision on the pupil accommodation review. Parents/guardians of students attending the affected school and/or other individuals that formally participated in the accommodation review process are eligible to sign the petition.
- Eligible signatures are from:
 - parents or guardians of students who attend the affected school
 - other individuals who formally participated in the accommodation review process by attending a meeting, presenting a submission in person or in writing (including by email), or as ARC members.

- The petition¹ should clearly provide a space for individuals to print and sign their name or provide an e-signature²; address (street name and postal code); and to indicate whether they are a parent/guardian of a student attending the school subject to the accommodation review, or an individual who has formally participated in the review process.

Step 3

- Write a letter or email to the Minister of Education to accompany the petition. Petitioners may want to follow the format provided in Appendix A. The letter or email must explain in detail how petitioners think the board did not follow its accommodation review policy.
- Submit the petition, letter, and justification to the school board and the Minister of Education within thirty (30) calendar days of the board's closure resolution. The letter or email must identify one person as the contact person. One copy of your letter or email is to be sent to the Ministry and another copy is to be sent to the board.

The school board is then required to:

- Confirm to the Minister of Education that the names on the petition are parents/guardians of students enrolled at the affected school and/or individuals who formally participated in the review process.
- Prepare a response to the individual's or individuals' submission regarding the process and forward the board's response to the Minister of Education and the petitioner within thirty (30) calendar days of receiving the petition.

If the conditions set out above have been met, the Ministry is then required to:

- Undertake a review to determine whether the school board accommodation review process was undertaken in a manner consistent with the board's accommodation review policy within thirty (30) calendar days of receiving the school board's response and, if warranted, appoint a facilitator to undertake an Administrative Review.

¹ Information contained in the petition is subject to the *Freedom of Information and Protection of Privacy Act, 1990*.

² Petitioners must follow ministry-approved guidelines regarding the use of e-signatures.

- If the ministry decides not to appoint a facilitator, the ministry will notify the petitioner and the school board to explain why a facilitator was not appointed. The school board may post this response on its website.
- If the ministry decides to appoint a facilitator the ministry will notify the petitioner and the school board. The school board may post this response on its website. The facilitator will consult with the community and the school board to gather information to write the report to the Minister. The facilitator will determine the timing and manner in which the consultations will be conducted. The facilitator will use the information collected to write a report that responds to the question of whether the school board followed its pupil accommodation review policy, and submit the report to the Minister. The Minister will post the report on the ministry's website.

XVI. EXEMPTIONS

This *Guideline* applies to schools offering elementary or secondary programs. However, there are specific circumstances where school boards are not obligated to undertake a pupil accommodation review. These include:

- where a replacement school is to be built by the school board on the existing site, or built or acquired within the existing school attendance boundary, as identified through the school board's policy;
- where a replacement school is to be built by the school board on the existing site, or built or acquired within the existing school attendance boundary and the school community must be temporarily relocated to ensure the safety of students and staff during the reconstruction, as identified through the school board's policy;
- when a lease for the school is terminated;
- when a school board is planning the relocation (in any school year or over a number of school years) of grades or programs, in which the enrolment constitutes less than 50% of the school's enrolment (this calculation is based on the enrolment at the time of the relocation, or the first phase of a relocation carried over a number of school years);
- when a school board is repairing or renovating a school, and the school community must be temporarily relocated to ensure the safety of students during the renovations;
- where a facility has been serving as a holding school for a school community whose permanent school is over-capacity and/or is under construction or repair; or

- where there are no students enrolled at the school at any time throughout the school year.

In the above circumstances, a school board is expected to inform school communities about proposed accommodation plans for students before a decision is made by the Board of Trustees. The school board will also provide written notice to each of the affected single, lower and upper-tier municipalities through the Clerks Department (or equivalent), as well as other community partners that expressed an interest prior to the exemption, and their coterminous school boards in the areas of the affected school(s) through the Director of Education, and to the Ministry of Education through the Assistant Deputy Minister of the Capital and Business Support Division no fewer than 5 business days after the decision to proceed with an exemption.

A transition plan will be put in place following the Board of Trustees' decision to consolidate, close or move a school or students in accordance with this section.

XVII. DEFINITIONS

Accommodation review: A process, as defined in a school board pupil accommodation review policy, undertaken by a school board to determine the future of a school or group of schools.

Accommodation Review Committee (ARC): A committee, established by a school board that represents the affected school(s) of a pupil accommodation review, which acts as the official conduit for information shared between the school board and the affected school communities.

ARC working meeting: A meeting of ARC members to discuss a pupil accommodation review, and includes a meeting held by the ARC to solicit feedback from the affected school communities of a pupil accommodation review.

Business day: A calendar day that is not a weekend or statutory holiday. It also does not include calendar days that fall within school boards' Christmas, spring, and summer break. For schools with a year-round calendar, any break that is five calendar days or longer is not a business day.

Consultation: The sharing of relevant information as well as providing the opportunity for municipalities and other community partners, the public and affected school communities to be heard.

Facility Condition Index (FCI): A building condition as determined by the Ministry of Education by calculating the ratio between the five-year renewal needs and the replacement value for each facility.

On-the-ground (OTG) capacity: The capacity of the school as determined by the Ministry of Education by loading all instructional spaces within the facility to current Ministry standards for class size requirements and room areas.

Public delegation: A regular meeting of the Board of Trustees where presentations by groups or individuals can have their concerns heard directly by the school board trustees.

Public meeting: An open meeting held by the school board to solicit broader community feedback on a pupil accommodation review.

School Information Profile (SIP): An orientation document with point-in-time data for each of the schools under a pupil accommodation review to help the ARC and the community understand the context surrounding the decision to include the specific school(s) in a pupil accommodation review.

Space template: A Ministry of Education template used by a school board to determine the number and type of instructional areas to be included within a new school, and the size of the required operational and circulation areas within that school.

APPENDIX A – ADMINISTRATIVE REVIEW PETITION TEMPLATE

Dear Minister,

I am writing to request an Administrative Review of the accommodation review process undertaken by the [name of the school board] for the following school(s): [school name], [school name], [school name].

On [date], the Board of Trustees voted to [describe board resolution to close school/s, move students, keep school/s open and/or build new school/s].

Attached please find our petition. The petitioners believe that the board did not follow its accommodation review policy in the following ways:

1) The board's policy states: [describe relevant section of the board's policy]

Instead, the board [describe how actual events differed]

2) The board's policy states: [describe relevant section of the board's policy]

Instead, the board [describe how actual events differed]

3) The board's policy states: [describe relevant section of the board's policy]

Instead, the board _____ [describe how actual events differed] _____

[other examples as appropriate]

We believe the board did not follow its accommodation review policy, we hope that you will appoint an independent facilitator to review the board's accommodation review process.

Sincerely,

[Contact person for the petitioners]

Contact information

MUNICIPALITÉ · EAST FERRIS · MUNICIPALITY



390 HIGHWAY 94, CORBEIL, ONTARIO P0H 1K0
 TEL.: (705) 752-2740 FAX.: (705) 752-2452
 Email: municipality@eastferris.ca

REGULAR COUNCIL MEETING

HELD

April 24th, 2018

No. 2018-146

Moved by Councillor Rochefort

Seconded by Councillor Kelly

WHEREAS alarming amounts of wolf sightings have been discovered in the Municipality of East Ferris;

AND WHEREAS there has been an abundance of deer killed in the area by predators;

AND WHEREAS the Anglers and Hunters have reported they are seeing a large amount of wolves on the trap lines where they are prohibited to trap;

AND FURTHER that the Anglers and Hunters are advising that the wildlife animals such as the deer, the beavers, the rabbits and the partridges will diminish if the government of the day keep the trappers from this area, and that our wildlife will in the north of Algonquin Park have major impact;

BE IT HEREBY RESOLVED that this resolution be forwarded to Nathalie Des Rosiers, Minister of Natural Resources and Forestry; Nipissing Temiskaming MP, Anthony Rota; MPP, Vic Fedeli; FONOM, AMO, surrounding area municipalities; Nosbonsing Anglers and Hunters and the Ontario Federation of Anglers and Hunters.

Carried Mayor Vrebosch

CERTIFIED to be a true copy of
 Resolution No. 2018- 146 passed by the
 Council of the Municipality of East Ferris
 on the 24^h day of April, 2018.


 Monica L. Hawkins, AMCT
 Clerk

May 1, 2018

City of Hamilton
 Planning Committee
 71 Main Street West
 Hamilton, ON
 L8P 4Y5

Denise Baker
 Partner
 T: 416-947-5090
 dbaker@weirfoulds.com

File 16056.00006

Attention: Ida Bedioui, Legislative Co-ordinator

Dear Planning Committee Members:

**RE: Item 8.1 – May 1, 2018 Planning Committee Agenda
 Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or
 Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593
 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton
 (Ward 7) (PED18086)**

Please be advised that we are the solicitors to Sonoma Homes Inc., owners of the above-referenced properties. As per City policy, staff have prepared an Information Report regarding the above-referenced non-decision appeal. The Information Report notes that the owners are currently preparing a revised redevelopment proposal and will be submitting a revised application to the City.

For the information of the Committee, our client is in the process of assessing various design revisions, which have resulted from meetings and discussions with City staff, and a review of the concerns expressed by neighbouring residents through both written correspondence provided and the verbal submissions received at the January 23, 2018 Public Information Meeting hosted by the owners.

The Information Report makes reference to outstanding issues, including building mass and height and overall compatibility with the surrounding development. The revised redevelopment proposal will address these matters through revisions to the four (4) residential condominium apartment buildings involving reductions in height and density. The owners look forward to continuing to work with staff to address any other land use planning issues that may arise.

The owners and their land use planning consultant will attend the May 1, 2018 Planning Committee meeting to delegate and answer any questions the Committee may have.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink that reads "Denise Baker". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Denise Baker

DB/mw

11692636.1



La Mairesse de Montréal

April 20, 2018

Mr. Fred Eisenberger
Mayor
City of Hamilton
2nd Floor, Hamilton City Hall
71 Main Street West
Hamilton (Ontario) L8P 4Y5

Dear Mayor Eisenberger,

On February 19, Montreal City Council unanimously adopted resolution CM18 0276. You will find attached a copy of our non-partisan motion in support of a bold and coherent federal tobacco control strategy.

The federal government held consultations in 2016 and 2017 with the goal of adopting a new tobacco control strategy in 2018. The federal government has shown a willingness and commitment to reduce Canada's smoking rate to less than 5% by 2035.

All Canadian cities are obviously concerned by this issue because of the serious consequences of smoking on the health and well-being of their citizens. It is in this context that I invite you to join your voice to that of the City of Montreal in adopting this motion, which aims to encourage the federal government to adopt a comprehensive and ambitious strategy to combat this phenomenon.

Please accept the expression of my highest consideration.

Sincerely,

A blue ink handwritten signature, appearing to be 'V. Plante', written in a cursive style.

Valérie Plante

Encl. : Resolution CM18 076

Non-partisan support for a bold and coherent federal tobacco control strategy

Whereas the 2012-2017 Federal Tobacco Control Strategy (FTCS) expires on March 31, 2018 and the federal government intends to develop a new path for tobacco control in the coming years;

Whereas Canada is one of the 181 Parties to the WHO Framework Convention on Tobacco Control since 2005,

Whereas according to the most recent statistics, despite a decrease in smoking during the period 2012-2017 from the FTCS, Health Canada estimates that in 2015 alone, 115,000 Canadians started to smoke cigarettes on a daily basis;

Whereas tobacco products kill 45,000 Canadians each year (one every 12 minutes) and annual health and economic costs of tobacco use are estimated at \$ 16 billion;

Whereas during its recent public consultation for the planning of a new FTCS aimed at reducing smoking to less than 5% by 2035, Health Canada has presented a series of measures targeting youth, vulnerable populations, smoking more high among Inuit and First Nations communities and promoting education and public awareness policies on the risks associated with tobacco use;

Whereas Health Canada is proposing that Canadian jurisdictions increase tobacco taxes so that they account for 80% of the cost of a pack of cigarettes in order to reduce their consumption;

Whereas City Council has already signaled its support for important measures aimed at reducing smoking and its misdeeds, including through motions calling for the use of the neutral package for tobacco products, the prohibition of smoking in children's play areas and sports fields, as well as subjecting the electronic cigarette to smoke-free measures;

It is moved by M. Marvin Rotrand seconded by Mr Luis Miranda

And resolved:

That the municipal council:

1-Supports Health Canada's goal of reducing smoking rates below 5% by 2035;

2-Reiterates its support for the neutral and standardized packaging of tobacco products, so that Canada can follow the example of nations such as Australia, France, the United Kingdom and Ireland;

3- Calls on the Government of Canada to fulfill its obligations as a signatory to the WHO FCTC by adopting a comprehensive and bold strategy, including the funding needed to respond to an epidemic that Quebec only, kills about 13,000 people a year;

4- Calls on the Government of Canada to support the efforts of the provinces, territories, Aboriginal communities and civil society;

5- Calls on the Government of Canada to re-establish adequate funding for the Grants and Contributions component of the next FTCS, including funding for monitoring, analysis and policy advocacy by NGOs, as recommended by the Government of Canada; Framework Convention;

6- That a copy of this motion be forwarded to the attention of the mayors of major Canadian cities, inviting them to consider its adoption with a view to promoting the health of their own citizens;

7- That a copy of this motion be forwarded to the attention of the Honorable Ginette Petitpas Taylor, Federal Minister of Health, for consideration while the FTCS is finalized.

A debate begins.

Councilor Marvin Rotrand presents a copy of a letter from the Regional Directorate of Public Health addressed to the Mayor of Montréal, Mrs. Valérie Plante, supporting this motion.

**Ministry of Economic Development
and Growth**

Office of the Minister

7th Floor
56 Wellesley Street West
Toronto ON M7A 2E7
Telephone: 416-325-6900
Facsimile: 416-325-6918

**Ministère du Développement économique
et de la Croissance**

Bureau du ministre

7^e étage
56, rue Wellesley Ouest
Toronto ON M7A 2E7
Téléphone : 416 325-6900
Télécopieur : 416 325-6918



APR 30 2018

APR 25 2018

His Worship Fred Eisenberger
Mayor
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mayor Eisenberger:

On behalf of the Ministry of Economic Development and Growth, congratulations on being named one of the top seven Intelligent Communities in the World by the Intelligent Communities Forum.

This recognition acknowledges the city's efforts to advance its digital economy and the work of the Blue Ribbon Task Force to enhance Hamilton's Information and Communications Technology (ICT) and digital media sector.

Our government considers ICT a key enabler in promoting productivity, innovation and access to global markets. That's why supporting this sector's continued growth is one of our government's top priorities. The city's ranking is an outstanding example of the impressive collaboration between the city, local businesses and the Hamilton Chamber of Commerce, and I look forward to Hamilton's continued success.

Once again, congratulations on this achievement. Please accept my best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Del Duca".

Steven Del Duca
Minister

Pilon, Janet

Subject: 2018 Premier's Award for Agri-Food Innovation Excellence / Prix de la première ministre pour l'excellence en innovation agroalimentaire 2018

From: noreply@salesforce.com [mailto:noreply@salesforce.com] **On Behalf Of** Ag Info

Sent: May 1, 2018 12:00 PM

To: clerk@hamilton.ca

Subject: 2018 Premier's Award for Agri-Food Innovation Excellence

****Note: May 25, 2018 is the deadline***

I am writing to remind you and your colleagues of the May 25, 2018 application deadline for the Premier's Award for Agri-Food Innovation Excellence program and to encourage you to share this information.

The Premier's Award for Agri-Food Innovation Excellence program was created to recognize and foster the spirit of innovation that thrives in Ontario's agricultural sector. It encourages the development of rural communities, farms, agri-food processors and agri-food organizations by adding value to existing products, creating jobs and driving economic growth.

Each year the program recognizes up to 45 innovations across the province. Award recipients will receive \$5,000, a plaque, gate sign and various promotional materials. In addition, there will be a Premier's Award valued at \$75,000, a Minister's Award valued at \$50,000 and three Leaders in Innovation Awards valued at \$25,000 each.

Primary producers, processors and agri-food organizations are invited to submit applications. Details on eligibility, innovation categories, assessment criteria, and the application and selection process can be found in the 2018 Program Guidebook and Application Form at: www.ontario.ca/agrifoodinnovation.

Your support in encouraging outstanding agriculture and agri-food innovators to submit an application by the deadline of **11:59 p.m. on May 25, 2018** is appreciated. Questions can be directed to the Agricultural Information Contact Centre (AICC) at 1-877-424-1300 or ag.info.omafra@ontario.ca.

A description of the award winning innovations by year (2006 through 2017) can be viewed at www.ontario.ca/agrifoodinnovation.

Respectfully yours,

George Borovilos
Director
Regional Economic Development Branch
Ontario Ministry of Agriculture, Food and Rural Affairs



PUBLIC WORKS COMMITTEE

REPORT 18-006

9:30 a.m.

Monday, April 30, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillor L. Ferguson (Chair)
 Councillor T. Jackson (Vice Chair)
 Councillors C. Collins, S. Merulla, R. Pasuta, A. VanderBeek,
 T. Whitehead

Absent with Regrets: Councillor D. Conley - Illness

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 18-006 AND RESPECTFULLY RECOMMENDS:

- 1. Road Safety Campaign – Speeding and Aggressive Driving/Road Safety Pledge (PW17045(a)) (City Wide) (Item 5.1)**

That Report PW17045(a) respecting the Road Safety Campaign – Speeding and Aggressive Driving/Road Safety Pledge, be received.

- 2. Delineated Bicycle Lane on the Claremont Access (Wards 2, 7 and 8) (PED18097) (Item 5.2)**

That Report PED18097 respecting a Delineated Bicycle Lane on the Claremont Access, be received.

- 3. Staffing Changes to Address Solid Waste Management By-law Enforcement and Illegal Dumping (PW18033/PED18092) (City Wide) (Item 8.1)**

That three full-time equivalent (FTE) Municipal Law Enforcement Officer positions at the cost of \$305,780 be transferred from the Municipal Law Enforcement

Section, Licensing and By-Law Services Division, Planning and Economic Development Department to the Waste Collection Section, Environmental Services Division, Public Works Department to provide enhanced enforcement of the Solid Waste Management By-law 09-067 and address illegal dumping activities on public property.

4. Over the Road Banner Program (PW18034/CMO18012) (City Wide) (Item 8.2)

- (a) That at this time the Roads & Traffic Division of the Public Works Department not proceed with the repair or replacement of the “over the road” banner across Main Street West; fronting City Hall;
- (b) That staff report back on a digital replacement program for the traditional “over the road” banner program for 2019;
- (c) That alternative solutions be utilized for the remainder of the 2018 banner program at the Main Street fronting City Hall location and King Street, Dundas location.

5. Scenic Drive Repairs (Item 9.1)

WHEREAS, modern winters appear to have accelerated the deterioration of Scenic Drive, from West 32nd to Garth Street, and Denlow Avenue, from Scenic Drive to Garth Street as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, we have current competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works, and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within our normal process manner during the 2018 construction process;

THEREFORE BE IT RESOLVED:

- (a) That Scenic Drive, from West 32nd to Garth Street, and Denlow Avenue, from Scenic Drive to Garth Street, at an estimated cost of \$900,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving; and,
- (b) That the Ward 8 allocation, in the amount of \$900,000 (Project ID 4031811808) previously approved from the Investment Stabilization Reserve (No. 112300), be utilized to fund the asset preservation of Scenic Drive, from West 32nd to Garth Street, and Denlow Avenue, from Scenic Drive to Garth Street, and,

- (c) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 8 road maintenance being project no. 4031611608, and,
- (d) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

6. Area Rating Special Capital Re-Investment Reserve Funding Projects (Item 9.2)

WHEREAS, modern winters appear to have accelerated the deterioration of roads in the Davis Creek Neighbourhood, as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, the sidewalks of Fairway Drive, Nicklaus Drive, St. Andrews Drive, Elford Crescent, Wedgewood Avenue, Glen Manor Street, Jennifer Court, Palmerston Place, Putting Place and Chipping Place were replaced in 2017 and funded through the 2017 Ward 5 Area Rating Reserve Account; and,

WHEREAS, we have current competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works, and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within our normal process manner during the 2018 construction process;

THEREFORE BE IT RESOLVED:

- (a) That St. Andrews Drive, Fairway Drive, Glen Manor Street, Elford Crescent, Jennifer Court, Palmerston Place, Chipping Place, Wedgewood Avenue, Putting Place and Nicklaus Drive, at an estimated cost of \$1.33M, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving; and,
- (b) That \$430,000 from Ward 5 Area Rating Reserve # 108055 be utilized to fund the asset preservation of the aforementioned streets, and,
- (c) That the Ward 5 allocation, in the amount of \$900,000 (Project ID 4031811805) previously approved from the Investment Stabilization Reserve (No. 112300), be utilized to fund the asset preservation of various Davis Creek Neighbourhood streets, and,

- (d) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 5 road maintenance being project no. 4031611605, and,
- (e) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

7. Meadowbrook Drive Repairs (Item 9.3)

WHEREAS, modern winters appear to have accelerated the deterioration of Meadowbrook Drive, from Wilson Street to Jerseyville Road, as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, we have current competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works, and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within our normal process manner during the 2018 construction process;

THEREFORE BE IT RESOLVED:

- (a) That Meadowbrook Drive, at an estimated cost of \$900,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving; and,
- (b) That the Ward 12 allocation, in the amount of \$900,000 (Project ID 4031811812) previously approved from the Investment Stabilization Reserve (No. 112300), be utilized to fund the asset preservation of Meadowbrook Drive, and,
- (c) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 12 road maintenance being project no. 4031611612, and,
- (d) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

8. Emergency Shoreline Protection Works (Added Item 10.1)

WHEREAS, the waterfront trails at Bayfront to Cootes and at Confederation Beach Park were heavily damaged during extreme storm events in May 2017, requiring temporary closures and repair works, and;

WHEREAS, staff have been working to design and install shoreline protection measures in two of three badly affected areas in Confederation Beach Park, and;

WHEREAS, the recent storm of April 14, 15, and 16, 2018 caused further damage to the beach and trail at Confederation Beach Park, and;

WHEREAS, under the recently announced Canada-Ontario Bilateral Infrastructure Agreement, the Green Infrastructure Stream, will support projects that enable greater adaptation and resilience to the impacts of climate change and climate-related disaster mitigation, and;

WHEREAS, the operating and capital budgets of the Parks Section of Public Works is not established to address emergency works of the magnitude required in this matter to address concerns for public safety and protection of property;

THEREFORE BE IT RESOLVED:

- (a) That the costs for design and construction of emergency shoreline protection works, to address 2017 and 2018 damage, at Confederation Beach Park, valued at \$875,000, be funded from the unallocated capital reserve;
- (b) That the Environmental Services staff report back to Public Works Committee on the options, costs and timing to address the 2017 and 2018 damage shoreline erosion and trail repair Bayfront Park;
- (c) That Environmental Services staff undertake a comprehensive study of the Lake Ontario and Hamilton Harbour shorelines, from the lift bridge to the eastern boundary of Confederation Park, and the shoreline from Bayfront Park to Cootes, to determine options (including hard protection measures) and costs to protect City lands and residents from extreme storm events, and that the costs to undertake the study, estimated at \$300,000, be funded from the unallocated capital reserve; and
- (d) That staff report to the Public Works Committee in regards to the alignment of the projects that emerge from the comprehensive study of the Lake Ontario and Hamilton Harbour shorelines, from the lift bridge to the eastern boundary of Confederation Park, and the shoreline from Bayfront Park to Cootes, to the Green Infrastructure stream; and

- (e) That staff report back on options and costs for item (c) and possible external funding sources, such as the Green Infrastructure Stream.

9. Capital Repairs to Veevers House (EcoHouse) (Ward 5) (Added Item 10.2)

That the capital repairs totalling \$9,033.22 to the City owned building 'Veevers House' located at 22 Veevers Drive be funded from Ward 5 area rating account 10805.

10. Ward 2 Investment Stabilization Reserve Fund (Added Item 10.3)

WHEREAS, modern winters appear to have accelerated the deterioration of Hunter Street, from James Street to Queen Street, Hess Street South, from Hunter to Main Street West, and Aberdeen Avenue, from Queen Street to Bay Street South, as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, we have current competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works; and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within our normal process manner during the 2018 construction process,

THEREFORE BE IT RESOLVED:

- (a) That Hunter Street, at an estimated cost of \$620,000, Hess Street South, at an estimated cost of \$130,000, and Aberdeen Avenue, at an estimated cost of \$280,000 be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving
- (b) That the Ward 2 allocation, in the amount of \$900,000 (Project ID 4031811802) previously approved from the Investment Stabilization Reserve (No.112300), be utilized to fund the asset preservation of Hunter Street, from James Street to Queen Street, and Aberdeen Avenue, from Queen Street to Bay Street
- (c) That the Ward 2 Road Maintenance allocation, in the amount of \$130,000 (Project ID 4031611602), be utilized to fund the asset preservation of Hess Street, from Hunter Street to Main Street
- (d) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 2 road maintenance being project no. 4031611602

- (e) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

11. Amendment to Item 8.5 of the Public Works Committee Report 17-013, respecting Report PW17080 (Ward 1)- Aviary, 85 Oak Knoll Drive, Churchill Park (Added Item 10.5)

WHEREAS, at its meeting of November 22, 2017, Council approved Item 8.5 of the Public Works Committee Report 17-013 as amended; and,

WHEREAS, the Friends of the Aviary have made good progress in its recent organizational efforts; and,

WHEREAS, the Friends of the Aviary have requested additional time to confirm a new location for the birds of the Aviary and report back to Public Works Committee,

THEREFORE BE IT RESOLVED:

- (a) That sub-section (b) to Item 8.5 of the Public Works Committee Report 17-013, respecting Report PW17080 (Ward 1)- Aviary, 85 Oak Knoll Drive, Churchill Park be amended by deleting the words “no later than June 30, 2018” and replacing them with the words “at the first meeting in February 2019” and by deleting the words “November 22, 2018” and replacing them with the words “July 11, 2019” to read as follows:
 - (b) That the Friends of the Aviary (FOTA) work with Animal Control Section, Building and Licensing Division, and a licensed Veterinarian to commence immediate efforts to find an alternate location for the birds, and to report back at the first meeting in February 2019, to Public Works Committee to confirm the new location for the birds. The move to an alternate location must be completed no later than July 11, 2019;
- (b) That sub-section (d) to Item 8.5 of the Public Works Committee Report 17-013, respecting Report PW17080 (Ward 1)- Aviary, 85 Oak Knoll Drive, Churchill Park be amended by deleting the words “November 23, 2018” and replacing them with the words “July 12, 2019”, to read as follows:
 - (d) That with FOTA confirming a new location for the birds as per recommendation (b) that FOTA assume ownership of the existing birds at the Aviary on July 12, 2019 5:00 PM for a fee of \$1.00, and that the Director of Environmental Services Division be authorized to take all necessary steps to transfer ownership of the birds.

- (c) That sub-section (e) to Item 8.5 of the PW Committee Report 17-013, respecting Report PW 17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park, be amended by deleting the words “by June 30, 2018 5:00 p.m.” and replacing them with the words “as per sub-section (b) to Item 8.5 of the PW Committee Report 17-013”, as amended, to read as follows:
 - (e) That should the Friends of the Aviary not be successful in confirming an alternate location for the birds as per sub-section (b) of the PW Committee Report 17-013, as amended, that that the Animal Control Section, Building and Licensing Division, and a licensed Veterinarian commence relocating the birds, and that the Director of Environmental Services Division be authorized to take all necessary steps to terminate the new agreement between the City of Hamilton and FOTA.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. ADDED DELEGATION REQUEST (Item 4)

- 4.2 James Lafferty respecting Damage from Truck Traffic on Corlis Road (for a future meeting).

2. ADDED CONSENT ITEM (Item 5)

- 5.3 Correspondence from Melanie Suchecki, Board Chair, Friends of the Aviary, respecting a Request for an Extension to find new space for the birds.

3. REVISED MOTIONS (Item 9)

Revisions to account numbers and project IDs were made to the following motions:

- 9.1 Scenic Drive Repairs
- 9.2 Area Rating Special Capital Re-Investment Reserve Funding Projects (Ward 5)
- 9.3 Meadowbrook Drive Repairs

4. ADDED NOTICES OF MOTION (Item 10)

- 10.1 Emergency Shoreline Protection Works
- 10.2 Capital Repairs to Veevers House (EcoHouse) (Ward 5)
- 10.3 Notice of Motion Ward 2 Investment Stabilization Reserve Funded Projects
- 10.4 Amendment to Item 8.5 of Public Works Committee Report 17-013 respecting Report PW17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park

The Agenda for the April 30, 2018 meeting of the Public Works Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) April 16, 2018 (Item 3.1)

The Minutes of the April 16, 2018 Public Works Committee meeting were approved, as presented.

(d) DELEGATION REQUEST (Item 4)

(i) Alan Hansell, Stewards of Cootes Watershed, respecting an update to the Public Works Committee on their work (Item 4.1)

The delegation request from Alan Hansell, Stewards of Cootes Watershed, respecting an update to the Public Works Committee on their work, was approved for a future meeting.

(ii) James Lafferty respecting Damage from Truck Traffic on Corlis Road in Binbrook (Added Item 4.2)

The delegation request from James Lafferty respecting Damage from Truck Traffic on Corlis Road in Binbrook, was approved for a future meeting.

(e) CONSENT ITEMS (Item 5)

- (i) Correspondence from Melanie Suchecki, Board Chair, Friends of the Aviary, respecting a Request for an Extension to find new space for the birds (Added Item 5.3)**

The Correspondence from Melanie Suchecki, Board Chair, Friends of the Aviary, respecting a Request for an Extension to find new space for the birds, was referred to the consideration of Item 10.4 – being an Amendment to Item 8.5 of Public Works Committee Report 17-013 respecting Report PW17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 6)

- (i) Michael Gemmell, Executive Director, Green Venture, respecting an Update on Green Venture's Outreach and Education work completed on behalf of the City of Hamilton (Item 6.1)**

Mr. Michael Gemmell, Executive Director of Green Venture, provided the Committee with an update about Green Venture's Outreach and Education work, with the aid of a PowerPoint presentation.

A copy of the presentation has been retained for the official record and is available through the Office of the City Clerk and on www.hamilton.ca.

The delegation from Michael Gemmell, Executive Director, Green Venture, respecting an Update on Green Venture's Outreach and Education work completed on behalf of the City of Hamilton, was received.

- (ii) Julie Gordon respecting Opposition to Aerial Spraying to combat Gypsy Moths (Item 6.2)**

Ms. Julie Gordon addressed the Committee respecting her opposition to the aerial spraying to combat Gypsy Moths.

The delegation from Julie Gordon respecting Opposition to Aerial Spraying to combat Gypsy Moths, was received.

(g) STAFF PRESENTATIONS (Item 7)

- (i) Recycling Market Impacts on the Hamilton Blue Box Program (Item 7.1)**

Mr. Emil Prpic, Manager of Recycling and Waste Disposal, addressed the Committee respecting the impact that the recycling market has on the Hamilton Blue Box Program, with the aid of a PowerPoint presentation.

A copy of the presentation has been retained for the official record and is available through the Office of the City Clerk and on www.hamilton.ca.

The presentation respecting Recycling Market Impacts on the Hamilton Blue Box Program, was received.

(h) MOTIONS (Item 9)

(i) Meadowbrook Drive Repairs (Item 9.3)

Councillor Ferguson relinquished the Chair to Councillor Jackson in order to introduce a motion respecting Meadowbrook Drive Repairs.

For disposition of this matter refer to Item 7.

Councillor Ferguson assumed the Chair.

(i) NOTICES OF MOTION (Item 10)

(i) Emergency Shoreline Protection Works (Added Item 10.1)

Councillor Collins introduced a Notice of Motion respecting Emergency Shoreline Protection Works.

The Rules of Order were waived to allow for the introduction of a motion respecting Emergency Shoreline Protection Works.

For disposition of this matter refer to Item 8.

(ii) Capital Repairs to Veevers House (EcoHouse) (Ward 5) (Added Item 10.2)

Councillor Collins introduced a Notice of Motion respecting Capital Repairs to Veevers House (EcoHouse).

The Rules of Order were waived to allow for the introduction of a motion respecting Capital Repairs to Veevers House (EcoHouse).

For disposition of this matter refer to Item 9.

(iii) Ward 2 Investment Stabilization Reserve Funded Projects (Added Item 10.3)

Councillor Merulla introduced a Notice of Motion respecting Ward 2 Investment Stabilization Reserve Funded Projects.

The Rules of Order were waived to allow for the introduction of a motion respecting Ward 2 Investment Stabilization Reserve Funded Projects.

For disposition of this matter refer to Item 10.

(iv) Amendment to Item 8.5 of Public Works committee Report 17-013 respecting Report PW17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park (Added Item 10.4)

(i) Correspondence from Melanie Suchecki, Board Chair, Friends of the Aviary, respecting a Request for an Extension to find new space for the birds (Added Item 5.3)

The Correspondence from Melanie Suchecki, Board Chair, Friends of the Aviary, respecting a Request for an Extension to find new space for the birds, was received.

(ii) Amendment to Item 8.5 of Public Works committee Report 17-013 respecting Report PW17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park (Added Item 10.4)

Councillor Jackson introduced a Notice of Motion respecting Amendment to Item 8.5 of Public Works committee Report 17-013 respecting Report PW17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park.

The Rules of Order were waived to allow for the introduction of a motion respecting an Amendment to Item 8.5 of Public Works committee Report 17-013 respecting Report PW17080 (Ward 1) – Aviary, 85 Oak Knoll Drive, Churchill Park.

For disposition of this matter refer to Item 11.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Update from the General Manager of Public Works respecting Items/Matters of Interest to the Committee (Item 11.1)

There was no update to provide at this time.

(ii) Outstanding Business List (Item 11.2)

(a) Transfer of Item (Item 11.2(a))

Mandatory Drive Thru Garbage Containers

It was determined that the matter respecting Mandatory Drive Thru Garbage Containers will remain with the Public Works Committee.

(k) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 11:34 a.m.

Respectfully submitted,

Councillor L. Ferguson, Chair
Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



PLANNING COMMITTEE

REPORT 18-007

9:30 a.m.

Tuesday, May 1, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson, (Chair), J. Farr (1st Vice-Chair), C. Collins, M. Pearson, M. Green, D. Skelly, R. Pasuta and J. Partridge

**Absent with
Regrets:** Councillor D. Conley (2nd Vice Chair) illness
Councillor B. Johnson, personal

Also Present: Councillors L. Ferguson, T. Jackson and T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 18-007 AND RESPECTFULLY RECOMMENDS:

1. **Adjustments to School Crossing Guard Locations (PED18090) (Wards 2, 4, and 12) (Item 5.1)**
 - (a) That the revised list of school crossing guard locations resulting from school closures, openings and lunch program changes in Wards 2, 4, and 12 as outlined in Appendix "A" attached to Report 18-007, be approved;
 - (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and / or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board for the 2018 / 2019 school year.

2. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) (Item 6.1)

- (a) That Draft Plan of Condominium Application 25CDM-201708, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Limited), owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, on lands located at 50 John Frederick Drive (Ancaster), as shown on Appendix "A" attached to Report PED18095, be APPROVED subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201708 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated March 12, 2018, consisting of a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, in favour of 21 townhouse dwelling units attached as Appendix "B" to Report PED18095;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201708, attached as Appendix "C" to Report PED18095, be received and endorsed by City Council;
- (b) That there were no public submissions received regarding this matter.

3. Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) (Item 6.2)

- (a) That Zoning By-law Amendment Application ZAA-18-004, by A.B Ventures Inc. (Owner), for a modification to the Agricultural (A1) Zone and the Conservation / Hazard Land - Rural (P6) Zone in order to prohibit the construction of a single detached dwelling and residential care facility and to recognize the lot size of the lands to be retained as shown on Appendix "A" to Report PED18078, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18078, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP);
 - (b) That the public submissions received regarding this matter did not affect the decision.

- 4. Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) (Item 6.4)**
 - (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-009, by DeSantis Rose Joint Venture Inc., Owner, to amend the Urban Hamilton Official Plan to: redesignate the lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density”; to add a Site Specific Policy Area for lands designated “Neighbourhoods” to establish a density range of 40 to 100 units per hectare for medium density residential uses; to add a Site Specific Policy for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities; to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future stand-alone residential or mixed-use development, for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “A” to Report PED18085, be APPROVED on the following basis:
 - (i) That clauses 1.0 b) and c) be deleted from Section 4.2.1 b) of the draft Official Plan Amendment;
 - (ii) That the draft Official Plan Amendment, attached to Report 18-007 as Appendix “D”, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
 - (b) That Amended Zoning By-law Amendment Application ZAC-17-020, by DeSantis Rose Joint Venture Inc., Owner, for a change in zoning from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential “RM3-64” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial “MUC-10” Zone, Modified, on the remaining portion of the subject lands, in City of Stoney Creek Zoning By-law No. 3692-92, to permit a residential development consisting 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a

private road, and a future stand-alone residential or mixed-use development for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix "C" to Report PED18085, be APPROVED on the following basis:

- (i) That Apartment Dwellings be added as a permitted use to the modified Mixed Use Commercial "MUC-10" Zone;
 - (ii) That two separate By-laws be prepared in a form satisfactory to the City Solicitor, to amend the City of Stoney Creek Zoning By-law No. 3692-92; one By-law for a Multiple Residential "RM3-64" Zone, Modified, and one By-law for the Mixed Use Commercial "MUC-10" Zone, Modified; and be enacted by City Council;
 - (iii) That the amending By-laws be added to Map No. 2 of Schedule "A" of By-law No. 3692-92;
 - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ____
- (c) That approval be given to add the lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive, Stoney Creek, to Zoning By-law No. 05-200 and zone said lands Mixed Use Medium Density – (C5, 682) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the Mixed Use Medium Density – Pedestrian Focus (C5a, 682) Zone be replaced by the Mixed Use Medium Density (C5, 682) Zone in the Draft By-law;
 - (ii) That the draft By-law, attached as Appendix "E" to Report 18-007, as amended, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
 - (iii) That staff be directed to bring forward the draft By-law, attached as Appendix "E" to Report 18-007, as amended, for enactment by City Council, once Zoning By-law No. 17-240, the by-law to establish the Commercial and Mixed Use Zones, is in force and effect.
- (d) That the Bayview Neighbourhood Plan be amended by redesignating the subject lands from "Highway Commercial" to "Medium / High Density Residential", and to "General Commercial" upon finalization of the Zoning By-law Amendments.
- (e) That the public submissions received regarding this matter did not affect the decision.

5. **Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086) (Item 8.1)**
 - (a) That Report PED18086 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton be received;
 - (b) That the comments from the delegations be received and referred to staff for consideration when they prepare their recommendation report on how to proceed regarding the appeal to the Local Planning Appeals Tribunal.

6. **Hamilton Municipal Heritage Committee Report 18-004 (Item 8.2)**
 - (a) **Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12) (PED18083)**
 - (1) That the property located at 167 Book Road East, Ancaster, shown on Appendix "A" to Report PED18083, currently included in the City of Hamilton's Register of Properties of Cultural Heritage Value or Interest NOT be designated as a property of cultural value or interest under Part IV of the Ontario Heritage Act;
 - (2) That the subject property be removed from staff's designation work plan entitled "Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities (as amended by Council on February 28, 2018)", attached as Appendix "E" to Report PED18083;
 - (3) That the subject property be removed from the City's Register of Properties of Cultural Heritage Value or Interest as a non-designated property;
 - (4) That the Documentation and Salvage Report, to be submitted by the applicant, be circulated to Council, to the Hamilton Municipal Heritage Committee, and to the Hamilton Public Library's Local History & Archives Department for archival purposes; and

- (5) That Planning staff be directed to explore the potential of having an historical interpretive plaque erected on site detailing the history of the Book family.

(b) Recommendation to Designate 111 Kenilworth Access, Hamilton, under Part IV of the Ontario Heritage Act (Ward 4) (PED18088)

- (1) That the designation of 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs), shown in Appendix "A" to Report PED18088, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (2) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report 18-007, be approved;
- (3) That the City Clerk be directed to take appropriate action to designate 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18088;
- (4) That the Public Works Department be directed to report back to Council on the preparation of a combined heritage conservation plan and management plan in consultation with Development Planning, Heritage and Design, Heritage Resource Management, and Municipal Law Enforcement staff, to guide the short to long term protection and preferred conservation treatment of the east portion of the property and to explore options for the future use of the property; and
- (5) That Council direct the Tourism and Culture Division of the Planning and Economic Department to include the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks National Historic Site of Canada in the Cultural Heritage Landscape Assessment Study.

(c) Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3) (PED18089)

That Report PED18089 respecting a Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3), be DEFERRED to the May 10, 2018 meeting, to allow for the representative of the property to attend the discussion of the report.

(d) Recommendation to Designate 1021 Garner Road East, Ancaster (Lampman House) Under Part IV of the Ontario Heritage Act (Ward 12) (PED18094)

- (1) That the designation of 1021 Garner Road East, Ancaster, shown in Appendix "A" to Report PED18094, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
- (2) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "C" to Report 18-007, be approved;
- (3) That the City Clerk be directed to take appropriate action to designate 1021 Garner Road East, Ancaster under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18094.

7. Appeal of Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-Law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011(a)/PED17066(a)) (Ward 12) (Item 12.1)

That Report LS17011(a)/PED17066(a) be approved and remain private and confidential until approved by Council upon which the recommendations will be released.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUEST

- 4.2 Glen Wellings, Wellings Planning Consultants Inc., respecting Item 8.1 regarding the appeal to the OMB (now LPAT) submitted by Sonoma Homes for 1518, 1530, and 1540 Upper Sherman Avenue. (For today's meeting.)

2. ADDED WRITTEN COMMENTS

- 6.3(a) Steve and Rose Dean, 8404 English Church Road, Mount Hope respecting Item 6.3 Applications for a Rural Hamilton Official Plan

Amendment and Zoning By-law Amendment for Lands Located at
8475 English Church Road, Glanbrook (Ward 11) (PED18077)

3. CHANGES TO Item 6.4

- Item 6.4 will be considered first under Public Hearings as the Ward Councillor and the agent both have scheduling conflicts;
- The recommendations for Item 6.4 have been revised by staff.

The agenda for the May 1, 2018 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) April 17, 2018 (Item 3.1)

The Minutes of the April 17, 2018 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(a) The following delegation requests were approved to address Committee at today's meeting:

- (i) Scott Gallea, to request deferral of the heritage designation of 1021 Garner Road East, Ancaster (Item 8.2 on this agenda) (Item 4.1);
- (ii) Glen Wellings, Wellings Planning Consultants Inc., respecting Item 8.1 regarding the appeal to the OMB (now LPAT) submitted by Sonoma Homes for 1518, 1530, and 1540 Upper Sherman Avenue. (Item 4.2.)

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding

the Draft Plan of Condominium (Common Element), the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

James Webb of WEBB Planning Consultants, representing the owner, was in attendance. James Webb advised that the owner is in agreement with the staff report.

The staff presentation was waived.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance:

- (b) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 2.

(ii) Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

Ward Councillor Ferguson was in attendance and indicated that he is in support of the staff report.

That the staff presentation was waived.

Matt Johnston of UrbanSolutions Planning and Land Development Consultants Inc. representing the owner, was in attendance. Matt Johnston advised that the owner is in agreement with the staff report.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance:

- (b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 3.

(iii) Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.3(a) Steve and Rose Dean, 8404 English Church Road, Mount Hope

The written comments, Item 6.3(a), were received.
No members of the public came forward.

The public meeting was closed.

Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) was TABLED to a future meeting to allow the Ward Councillor to meet with the applicant.

The Statutory Public Meeting will be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and

Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

(iv) Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.4(a) Eudora Leblanc, 97 Lakeview Drive, Stoney Creek

The written comments, Item 6.4(a), were received.

Alana Fulford, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

The staff presentation was received.

John Ariens of IBI Group, addressed Committee with the aid of a PowerPoint presentation and requested amendments to the staff recommendations. A copy of the presentation is available for viewing on the City's website.

The agent's presentation was received.

Speakers

1. Rodney Wortley, 9 Thomas Court, Stoney Creek

Rodney Wood addressed Committee and expressed various concerns with the proposal.

2. Al Cordery, 91 Lakeview Drive, Stoney Creek

Al Cordery addressed Committee and indicated his concerns with the proposal.

The delegations were received.

The public meeting was closed.

The recommendations were amended to add stand-alone residential uses to the Phase Two lands of the applications to permit a future stand-alone residential or mixed use development for the lands known as 86, 88, 90, 92, 94, and a portion of 96 Lakeview Drive (Phase Two lands)

That Planning Department staff were directed to:

- (i) Remove Clause 1.0c) from Section 4.2.1 Chapter C – Urban Site Specific Policies “USCC-XX”;
- (ii) Prepare two separate By-laws in a form satisfactory to the City Solicitor, to amend the City of Stoney Creek Zoning By-law No. 3692-92; one By-law for a Multiple Residential “RM3-64” Zone, Modified, and one By-law for the Mixed Use Commercial “MUC-10” Zone, Modified; and be enacted by City Council;
- (iii) Add the permitted use of Apartment Dwelling to the Special Exemption for the Mixed Use Commercial “MUC-10” Zone.

The following subsection (e) was added to the recommendations:

- (e) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 4.

(f) DISCUSSION ITEMS (Item 8)

- (i) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086) (Item 8.1)**

Jennifer Roth, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City’s website.

Delegations

1. Joe Pyziak, 177 Acadia Drive, Hamilton

Joe Pyziak addressed Committee and expressed concerns with the proposed development. A copy of his prepared statement has been submitted and a copy is available for viewing on the City's website.

The five minute time limit was extended for this delegation.

2. Paul Busnello, 126 Cartier Crescent, Hamilton

Paul Busnello addressed Committee and read from a prepared statement and expressed concerns with the proposed development.

3. Helen McKenzie, 91 Carter Crescent, Hamilton

Helen McKenzie addressed Committee with the aid of a PowerPoint presentation and expressed her concerns with the proposal. A copy of her presentation is available for viewing on the City's website.

4. Patricia A. Kay, 39 Halo Street, Hamilton

Patricia Kay was unable to attend.

5. Doug Lockhart, 108 Chamomile Drive, Hamilton

Doug Lockhart addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. He spoke against the proposal.

6. Bob Huget, 225 Acadia Drive, Hamilton

Bob Huget addressed Committee and expressed concerns with the proposal and especially the lack of public consultation.

7. Kim Zanello, 15 Ridgemount Drive, Hamilton

Kim Zanello addressed Committee and expressed opposition to the proposed by-law amendments. A copy of her written submission is available for viewing on the City's website.

8. Glen Wellings, Wellings Planning Consultants

Glen Wellings addressed Committee and indicated that he is a planning consultant for Sonoma Homes and that they have listened carefully to the delegations and to the submitted written comments. He explained that the appeal was submitted because of the uncertainty due to the transition of the appeal process from the Ontario Municipal Board (OMB) to the Local Planning Appeals Tribunal (LPAT) and the purpose was not to shut down the public consultation.

The delegations were received and referred to staff for consideration when preparing their recommendation report regarding this matter.

For further disposition of this matter refer to Item 5.

(ii) Hamilton Municipal Heritage Committee Report 18-004 (Item 8.2)

Jeremy Parsons, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the proposal to designate 1021 Garner Road East, Ancaster under the Ontario Heritage Act. A copy of his presentation is available for viewing on the City's website.

Ward Councillor Ferguson was in attendance for this Item.

The staff presentation was received.

Delegation

1. Scott Gallea, 1021 Garner Road, Ancaster

Scott Gallea addressed Committee and requested that the designation of 1021 Garner Road under the Ontario Heritage Act be deferred to allow him time to investigate the process required for his plans to move his house forward and sell a portion of the back yard for development in order to raise the money he requires to preserve the house.

The delegation was received.

Scott Gallea was permitted to address Committee a second time.

Scott Gallea assured Committee that he does not intend to demolish his house or his garage.

For disposition of this matter refer to Item 6.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

Committee did not consider the following Item and it will therefore be included on the next agenda:

(i) OUTSTANDING BUSINESS LIST

(a) That the following Item be identified as completed and be removed:

Item "F" – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording. (Item 8.2 on this agenda.)

(h) PRIVATE AND CONFIDENTIAL

(i) Appeal of Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-Law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011(a)/PED17066(a)) (Ward 12) (Distributed under separate cover.) (Item 12.1)

Committee moved into Closed Session at 1:58 p.m. to discuss Item 12.1 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 2:27 p.m.

For disposition of this matter refer to Item 7.

(i) ADJOURNMENT (Item 14)

That, there being no further business, the Planning Committee be adjourned at 2:30 p.m.

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

**Adjustments to School Crossing Locations
2017 - 2018 School Year**

WARD 2					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Through	1.65	Mary & Wilson	New Location	Ongoing Road Contructions Project -Temporary	Dr. Davey
All Way	1.65	Forest & Walnut	New Location	N/A	Queen Victoria
WARD 4					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Through	2.75	Britannia & Weir	Lunch Removal	0 Children Crossing and Principal Approval	W.H Ballard
WARD 12					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Traffic Circle	1.65	Raymond Dr & Whittington Rd	New Location	2 Guards Added	Tiffany Falls

111 Kenilworth Access, Hamilton
Barton and Kenilworth Reservoirs

**STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND
DESCRIPTION OF HERITAGE ATTRIBUTES**

Statement of Cultural Heritage Value or Interest

The Barton and Kenilworth Reservoirs, at 111 Kenilworth Access in the east end of the City of Hamilton, are situated on a long and narrow 8-hectare terrace below the crest of the Niagara Escarpment, between the former Hamilton and Lake Erie Railway (now the Escarpment Trail) and the Toronto, Hamilton and Buffalo Railway. The property includes mid-to-late 19th century elements associated with the Barton Reservoir, a component of Hamilton's first municipal waterworks, which were superseded in the mid-20th century by the Kenilworth Reservoir and associated structures.

The property that includes the Barton and Kenilworth Reservoirs is of cultural heritage value for its architectural, associative, and contextual elements, and collectively as a cultural heritage landscape. Constructed as a key element of the Hamilton Waterworks between 1856 and 1857, the Barton Reservoir is an 11-million gallon (3,785,412 litre) capacity, stadium-shaped basin lined with coursed limestone rubble and ashlar clay blocks, and supported on three sides by substantial earthworks. Associated with the basin are three (3) cast-iron pipes that empty into the basin, stone and concrete access stairs, cast-iron manhole covers for the valve shafts, and a two-stage standpipe built in ashlar limestone. East of the reservoir was the former Superintendent's Residence and public gardens, which were removed after 1970. To the west is the large and subterranean Kenilworth Reservoir, constructed in 1958, and its associated brick and poured concrete facilities. While the Kenilworth Reservoir is still in use, the Barton Reservoir is no longer operational and is covered in thick vegetation growth.

Barton Reservoir is of cultural heritage value as a component of the Hamilton Waterworks National Historic Site of Canada, the earliest surviving municipal waterworks system in Canada and one designed by Thomas Coltrin Keefer, an influential and highly respected hydraulic engineer recognized as a National Historic Person of Canada. Keefer selected the site for the reservoir and specified its construction in a combination of clay and stone. Under the leadership of Chairman of the Board of Water Commissioners, Adam Brown, the reservoir was completed as part of the larger waterworks infrastructure for an official opening by the Prince of Wales in 1860. Shortly afterward Barton Reservoir was upgraded with a stone standpipe and turbine, and a two-storey Italianate Superintendent's Residence surrounded by public gardens built nearby. Of these later features only the standpipe remains but it is of historical and physical value as a rare and well-preserved example of its type. Construction of the Kenilworth Reservoir in 1958 made the Barton Reservoir obsolete. As a result of the waterworks system's success and by providing water for fire suppression and disease-free consumption, Hamilton could expand exponentially into its rural countryside. The Kenilworth Reservoir is of associative value for its connection

to Hamilton's large and complex urban water supply system, and the continuous use of the property for municipal waterworks for 160 years.

Although now overgrown with vegetation, the Barton Reservoir has a high level of heritage integrity for its physical remains and the visual and historical connections it maintains with other elements of Hamilton Waterworks system, specifically the Pipeline Trail and the Hamilton Waterworks near the Lake Ontario shore. As an element of Hamilton's first municipal waterworks, the Barton Reservoir played a critical role in the City's 19th century expansion and development into one of Ontario's major population and industrial centres. The efficiency of the waterworks system became a source of civic pride for Hamiltonians, as represented by the numerous public fountains including the central Gore Park, and in the beautification of Barton Reservoir as a public park.

Description of Heritage Attributes

The key attributes that support the heritage value of Barton Reservoir include its:

- Large, stadium-shaped reservoir with:
 - Lining of puddled clay, stone chippings, and coursed rubble and clay blocks;
 - Large cast iron pipes, one supported on a brick pad;
 - Stone and concreted access stairway; and,
 - Large earthen embankment.
- Two-stage standpipe with:
 - Slanted walls constructed in large ashlar rusticated stone with cyclopean (rock or quarry faced) rustication and tooled and chamfered margins chiselled margins;
 - Intact riveted iron casing with guide wires; and,
 - Access ladder and railing made using iron pipe and elbows.
- Features associated with the reservoir including the cast iron valve manhole covers, hydrant, and wide drainage ditch.
- Archaeological remains of the Superintendent's Residence complex and Reservoir Park.
- Expansive and clear views of the City of Hamilton, the Pipeline Trail, the Hamilton Waterworks National Historic Site, and Lake Ontario.

The key attributes that support the heritage value of Kenilworth Reservoir include its:

- Brick pumphouse with metal strip art installation;
- Brick reservoir access structure with Roman relieving arches; and,
- Expansive and clear views of the City of Hamilton.

Statement of Cultural Heritage Value or Interest

1021 Garner Road East, Ancaster (Lampman House)

Description of Historic Place

The Lampman House is a one and a half storey stone dwelling that was constructed ca. 1854-1858 in the Neo-Classical architectural style. The dwelling is located along Garner Road within the original settlement lands of the Lampman family (Lot 52, Concession 3, Ancaster Township). The property is addressed as 1021 Garner Road East, Ancaster and is located on the north side of Garner Road East, between Raymond Road and Springbrook Avenue.

Statement of Cultural Heritage Value

The property at 1021 Garner Road East, Ancaster has cultural heritage value as a stone dwelling built between 1854-1858 by John Lampman and as representative example of Neo-Classical architecture. The Lampman House includes decorative quoins, voussoirs, sidelights, and a transom window. The modest, symmetrical plan was typical of Loyalist architecture in Ontario at the time.

The Lampman family were German-American Loyalists who settled in British Canada following the culmination of the American Revolutionary War. John Lampman and his family were formational members of the establishment of the New Connection Methodist sect in Canada, a Protestant denomination which seceded from the Wesleyan Methodist Church. Some sources indicate that the sect's first meeting in Canada was held in the Lampman House.

The property is significant in its historical associations with the Lampman Family, one of the region's earliest settler families and United Empire Loyalists. Contextually, the property was once part of a much larger parcel of land granted to Matthias Lampman in 1792-93. The property is located along Garner Road East, formerly known as "Methodist Row" and is nearby a number of historic churches forming part of this unique cultural landscape of religious settlement.

Heritage Attributes

The heritage attributes of the property at 1021 Garner Road East, Ancaster that display its cultural heritage value include:

South (Front) Façade:

- Symmetrical three-bay façade profile;
- Limestone rubble walls;

- Sandstone cut quoin corner blocks;
- Roof profile and roofline;
- Westerly chimney;
- Symmetrical windows including sills and stone voussoirs; and,
- Entrance envelope including,
 - o Front door;
 - o Sidelights; and,
 - o Transom window.

West, East, and North (Rear) Elevations:

- Limestone rubble walls;
- Sandstone cut quoin corner blocks;
- Roof profile and roofline;
- All windows, doors, and connections to stone masonry; and,
- Unique sandstone voussoirs.

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 3, Map 2 – Urban Site Specific Key Map

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands and to establish Site Specific Policies to permit the proposed development of 94 Maisonette Dwellings and 42 Stacked Townhouse Dwellings on a private road, having a net residential density of 49 units per hectare, and to permit a future stand-alone residential or mixed use development.

2.0 Location:

The lands affected by this Amendment are known municipally as 84, 86, 88, 90, 92, 94 and 96 Lakeview Drive, in the City of Hamilton (former City of Stoney Creek).

3.0 Basis:

The basis for permitting this Amendment is:

- The proposal satisfies all characteristics and requirements of the medium density residential policies, save and except the prescribed residential density range.
- The proposed Amendment is compatible with the existing and planned development in the immediate area.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

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

4.2 Volume 3 – Special Policy Areas, Area & Site Specific Policies

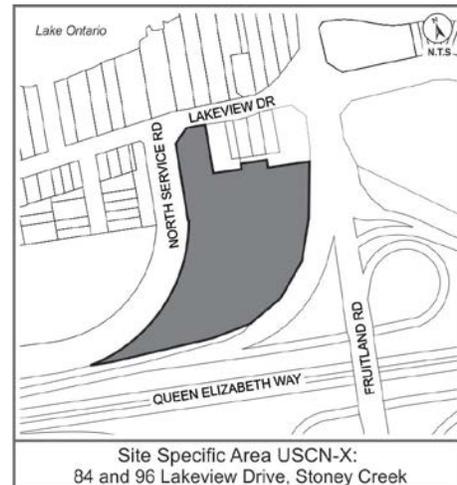
Text

4.2.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3: Chapter C – Urban Site Specific Policies – Stoney Creek Neighbourhoods be amended by adding a new site specific policy, as follows:

"USCN-X Lands located at 84 and a portion of 96 Lakeview Drive, former City of Stoney Creek

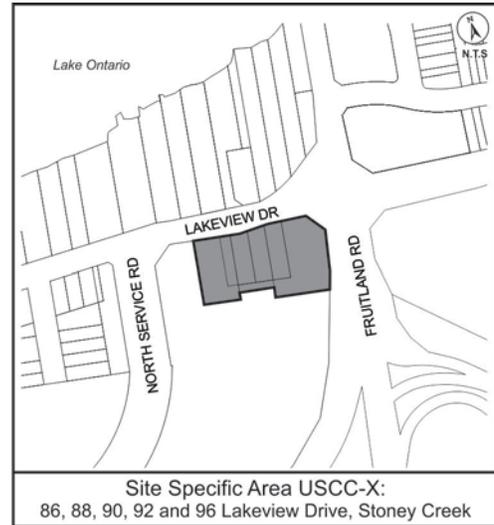
- 1.0 Notwithstanding Policy E.3.5.7 of Volume 1, on the lands designated Neighbourhoods, located at 84 and a portion of 96 Lakeview Drive, for medium density residential uses, the net residential density shall be between 40 units per hectare and 100 units per hectare."



b. That Volume 3: Chapter C – Urban Site Specific Policies – Stoney Creek Commercial be amended by adding a new site specific policy, as follows:

"USCC-XX Lands located at 86, 88, 90, 92, 94 and a portion of 96 Lakeview Drive, former City of Stoney Creek

1.0 In addition to Section E.4.6 Mixed Use – Medium Density Designation, on the lands designated Mixed Use – Medium Density, located at 86, 88, 90, 92, 94 and a portion of 96 Lakeview Drive, the following policy shall also apply:



a) Notwithstanding Policy E.4.6.5 a) and in addition to Policy E.4.6.6 of Volume 1, drive-through facilities shall be prohibited.

Maps

4.2.2 Maps

a. That Volume C: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as USCN-XX and USCC-XX, as shown on Appendix "B" to this Amendment.

5.0 Implementation:

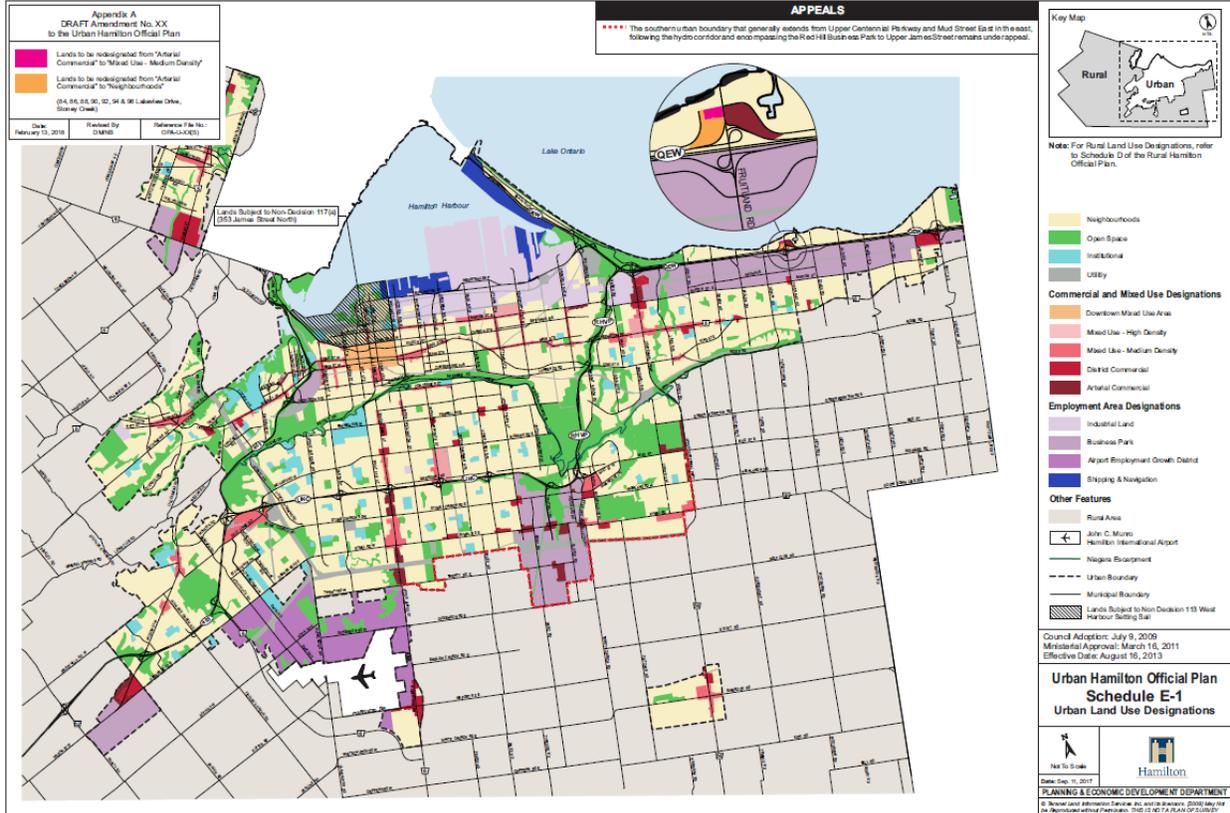
An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

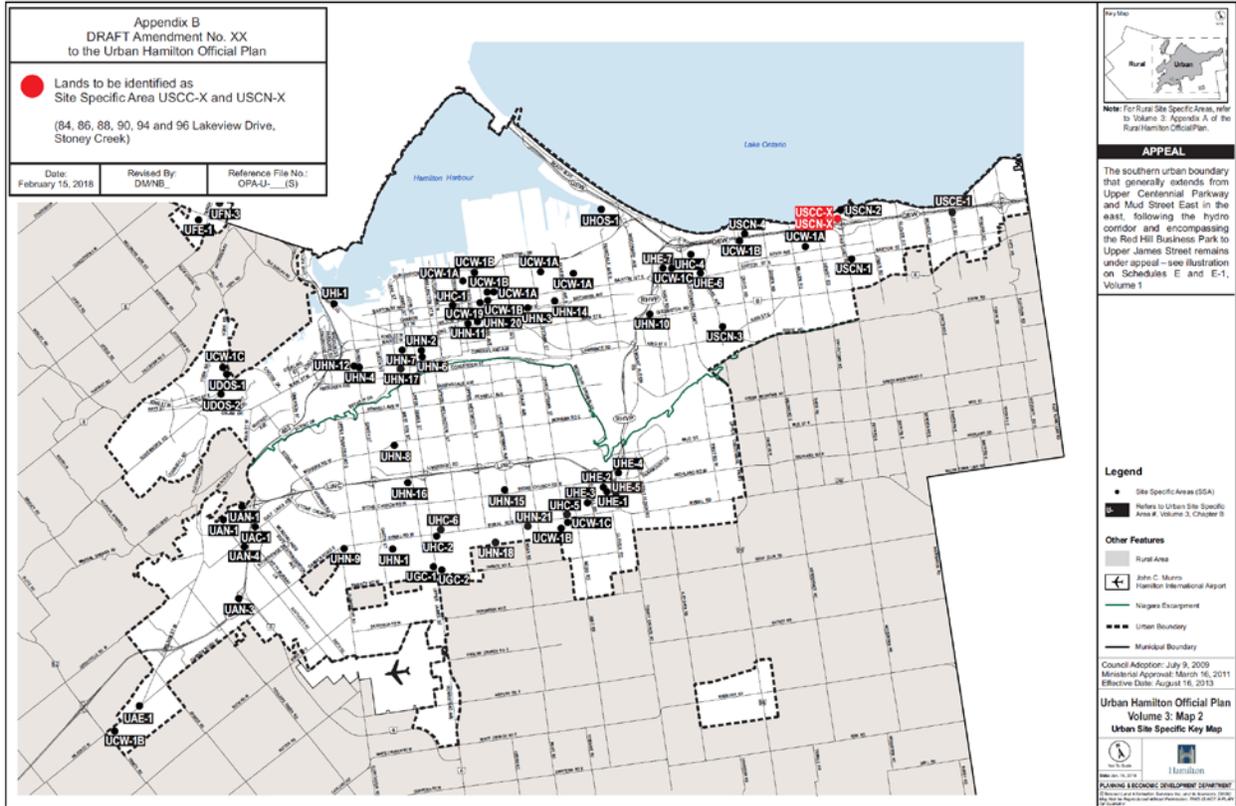
This Official Plan Amendment is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] of [REDACTED], 2018.

The
City of Hamilton

Fred Eisenberger
MAYOR

CITY CLERK





Authority:

Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

A by-law to amend Zoning By-law 05-200 to permit the development of a future *stand-alone residential or mixed use development* ~~local commercial uses~~ on lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 96 Lakeview Drive (Stoney Creek)

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on _____, 2018;

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

NOW THEREFORE Council enacts as follows:

1. That Map No. 1100 of Schedule "A" - Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
 - a. by adding to the City of Hamilton Zoning By-law No. 05-200, the lands the extent and boundaries of which are shown as Schedule "A" to this By-law; and,
 - b. by establishing a Mixed Use Medium Density (C5, 682) Zone, to the lands the extent and boundaries of which are shown as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"682 Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1100 of Schedule "A" – Zoning Maps and described as 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 96 Lakeview Drive, the following special provisions shall apply:

 - a) Notwithstanding Section 5.6 c), the parking requirement shall be 1.3 per dwelling unit.

- b) Modify Subsection 10.5.1 by deleting "Dwelling Unit(s)" and replacing it with "Dwelling Unit(s) in conjunction with a Commercial Use".
 - c) Notwithstanding Subsection 10.5.3 a) ii), the minimum building setback from a street line shall be 1.5 metres, up to a maximum of 4.5 metres, except where a visibility triangle is required for a driveway access.
 - d) Subsection 10.5.3 g) ii), iii) and iv) shall not apply.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2018.

F. Eisenberger
MAYOR

CLERK

ZAC-17-020

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: PED18085

Date: 05/01/2018

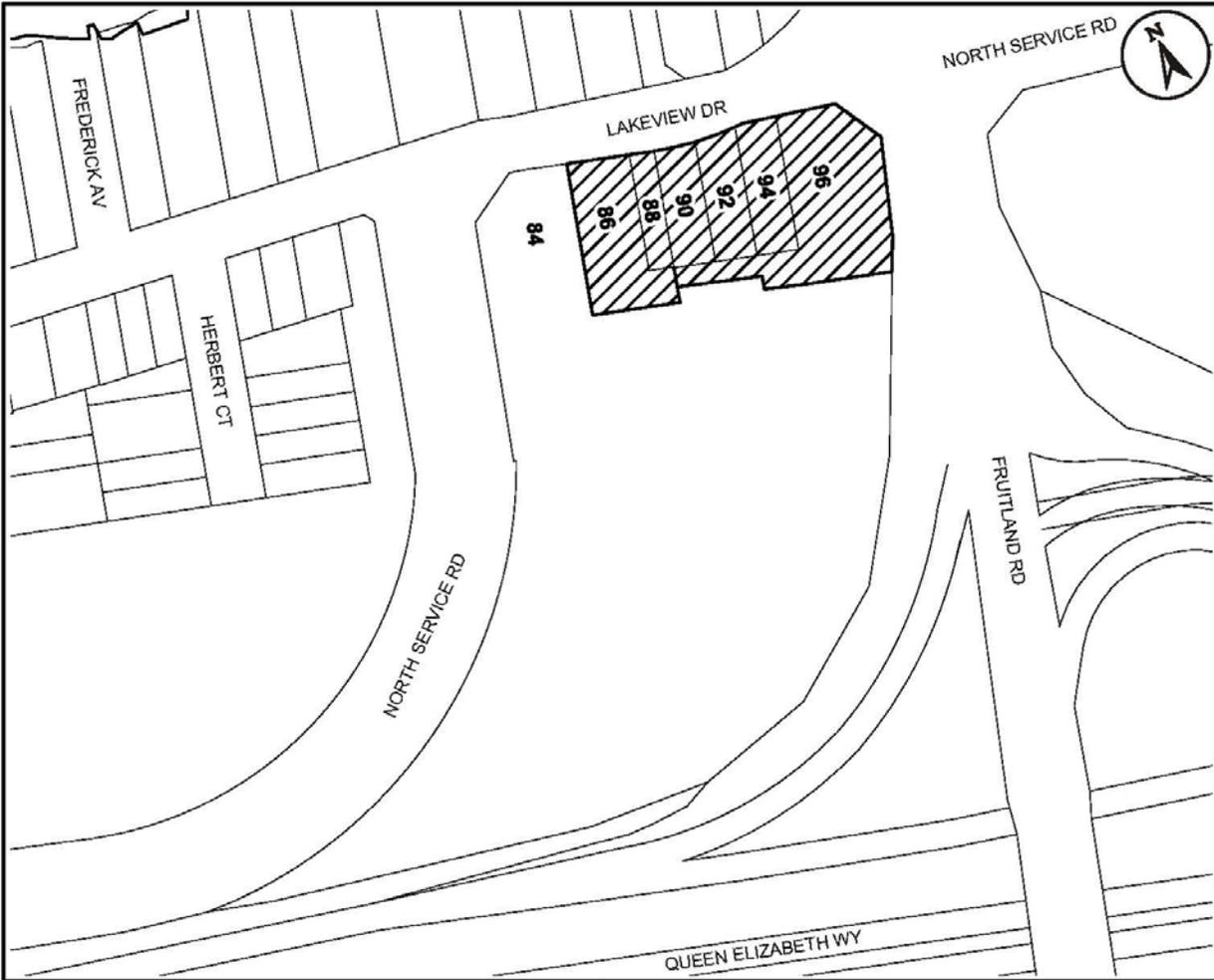
Ward(s) or City Wide: Ward 10

(MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: 4771

For Office Use Only, this doesn't appear in the by-law



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 05-200 Map 1100 & 1149</h3>	<p>Subject Property 84, 86, 88, 90, 92, 94 & 96 Lakeview Drive</p> <p> Lands added to By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 682) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-020/UHOPA-17-009	
Date: April 23, 2018	Planner/Technician: AF/VVS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



GENERAL ISSUES COMMITTEE REPORT 18-010

9:30 a.m.

Wednesday, May 2, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor M. Pearson (Chair)
Councillors T. Whitehead, D. Skelly, T. Jackson, C. Collins,
S. Merulla, M. Green, J. Farr, A. Johnson, L. Ferguson,
A. VanderBeek, R. Pasuta, J. Partridge

**Absent with
Regrets:** Councillor B. Johnson – Personal
Councillor D. Conley – Medical

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-010 AND RESPECTFULLY RECOMMENDS:

**1. Our People and Performance Plan Process Update (CM18009) (City Wide)
(Item 5.2)**

That Report CM18009, respecting the Our People and Performance Plan Process Update, be received.

**2. Cleanliness & Security in the Downtown Core Task Force Report 18-002, April
5, 2018 (Item 6.1)**

(a) Cigarette Butt Litter Campaign (Item 8.2)

WHEREAS, the littering of cigarette butts is an increasing concern across the City of Hamilton but especially in the Downtown Core; and,

WHEREAS, the littering of cigarette butts is in violation of the City's existing by-laws; and,

WHEREAS, Business Improvement Areas as well as committees such as Keep Hamilton Clean and Green and the BIA Advisory Committee have been

Council – May 9, 2018

making attempts to address the discarding of cigarette butts for several years; and,

WHEREAS, the Public Works Department has already begun to develop plans for an educational program to combat the issue of cigarette butt littering,

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to investigate and identify potential funding sources, in the approximate amount of \$35,000, to develop an education campaign to address the littering of cigarette butts; and,
- (b) That staff be directed to investigate the feasibility, costs and other considerations of targeted enforcement measures to address cigarette butt litter and report back to the Planning Committee.

3. Ontario's Main Street Revitalization Initiative (FCS18045) (City Wide) (Item 8.1)

- (a) That the Mayor and City Clerk be authorized and directed to sign a Municipal Funding Agreement substantially in the form and content attached as Appendix "A" to Report 18-010 between the City of Hamilton and the Association of Municipalities of Ontario for the transfer of Main Street Revitalization funds, together with all necessary associated documents, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services;
- (b) That the By-law to Authorize the Signing of the Municipal Funding Agreement for the Transfer of Main Street Revitalization funds between the Association of Municipalities of Ontario and the City of Hamilton, attached as Appendix "B" to Report FCS18045, be passed;
- (c) That a certified copy of the approved by-law authorizing the signing of the Municipal Funding Agreement be forwarded to the Association of Municipalities of Ontario upon Council approval;
- (d) That the 2018 Main Street Revitalization funds be allocated to a new dedicated reserve - Main Street Revitalization Reserve (104051); and,
- (e) That staff of the departments of Planning and Economic Development and Public Works report back to the General Issues Committee with recommendations for the utilization of Main Street Revitalization funds.

4. West Harbour Development Sub-Committee Report 18-001, April 10, 2018 (Item 8.2)

(a) Lease Expiry of MacDonald Marine Status Update (PED18096) (Ward 2) (Item 5.1)

That Report PED18096, respecting Lease Expiry of MacDonald Marine Status Update, be received.

(b) Status of West Harbour Implementation (PW17075(a)) (City Wide) (Item 7.1)

(i) That Report PW17075(a), respecting the Status of West Harbour Implementation, be received; and

(ii) That the Waterfront Board of Directors, who are currently undertaking a \$15.5 million project management of Pier 5, 6 and 7, be requested to undertake a public process that establishes a gateway feature at the foot of James Street North.

(c) Pier 8 Request for Proposals (RFP) Public Presentation Process (PED14002(g)) (Ward 2) (Item 7.2)

That Report PED14002(g), respecting the Pier 8 Request for Proposals (RFP) Public Presentation Process, be received.

5. Canadian Country Music Week 2020 (PED18058(a)) (City Wide) (Item 12.2)

(a) That the direction provided to staff in Closed Session, respecting Report PED18058(a) – Canadian Country Music Week 2020, be approved; and,

(b) That Report PED18058(a), respecting Canadian Country Music Week 2020, and its appendix, remain confidential.

6. Six Year Event Partnership with Golf Canada (PED18100) (City Wide) (Item 12.3)

That Report PED18100, respecting a potential Six Year Event Partnership with Golf Canada, and its appendix, remain confidential.

**7. Partial Acquisition of 1550 Tradewind Drive, Hamilton (PED18103) (Ward 12)
(Item 12.4)**

- (a) That an Agreement of Purchase and Sale between the City of Hamilton and the registered property owner Ted Valeri (1932376 Ontario Inc.), scheduled to close on or before September 28, 2018, for the purchase of land described as Parts 1, 2 and 3 on Plan 62R-20075 ("Property"), substantially on the terms and conditions set-out in Report PED18103, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development, be approved and completed;
- (b) That all costs related to the acquisition of the Property, at 1550 Tradewind Drive, Hamilton, be funded from Capital Account No. 59259-3621507501 (Cormorant Road Extension), including:
 - (i) Consideration and any adjustments; and,
 - (ii) The sum of \$3,000 to be credited to Account No. 45408-812036 (Real Estate Administrative Cost Recovery) for recovery of expenses including Real Estate and Legal administration fees;
- (c) That the City Solicitor be authorized to complete the transaction, respecting the partial acquisition of 1550 Tradewind Drive, Hamilton on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (d) That the Mayor and City Clerk be authorized to execute the necessary documents, respecting the partial acquisition of 1550 Tradewind Drive, Hamilton, in a form satisfactory to the City Solicitor; and,
- (e) That the contents of Report PED18103 respecting partial acquisition of 1550 Tradewind Drive, Hamilton, remain confidential until final completion of the property transaction.

**8. Property Acquisition of 769 Trinity Road, Hamilton (PED18104) (Ward 12)
(Item 12.5)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED18104) – Property Acquisition of 769 Trinity Road, Hamilton, be approved;
- (b) That an Agreement of Purchase and Sale between the City of Hamilton and the registered property owners Wayne and Ellen Bowen, (1520869 Ontario

Ltd.), scheduled to close on or before June 27, 2018, for the purchase of land described as:

- (i) All of Pin 17411-0333 (LT) Part of Lot 31, Concession 4, in the Geographic Township of Ancaster, in the City of Hamilton. Designated as Part 1 on Plan 62R-11510 save and except Parts 1 & 2 on Plan 62R-11753, Parts 1 & 2 on Plan 62R-14067, Part 1 on Plan 62R-15380 and Parts 4 & 6 on Plan 62R-18588. Subject to an Easement as in Registered Instrument LT299882. Subject to an Easement in Gross as in Registered Instrument WE674760;
- (ii) Part of Pin 17411-0328 (LT) Part of Lot 31, Concession 4, in the Geographic Township Ancaster, in the City of Hamilton. Designated as Part 1 on Plan 62R-15380, save and except Part 3 on Plan 62R-18588; and,
- (iii) Part of Pin 17411-0328 (LT) Part of Lot 31, Concession 4, in the Geographic Township of Ancaster, in the City of Hamilton. Designated as Parts 1 & 2 on Plan 62R-14067, save and except Part 3 on Plan 62R-18588,

based substantially on the terms and conditions set-out in Report PED18104, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development, be approved and completed;

- (c) That all costs related to the acquisition of the property at 769 Trinity Road, Hamilton, be funded from Capital Account No. 59259-3621507501 (Cormorant Road Extension), including:
 - (i) Consideration and any adjustments; and,
 - (ii) The sum of \$123,750 to be credited to Account No. 45408-812036 (Real Estate Administrative Cost Recovery) for recovery of expenses including Real Estate and Legal administration fees;
- (d) That the City Solicitor be authorized to complete the transaction, respecting the acquisition of property at 769 Trinity Road, Hamilton, on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (e) That the Mayor and City Clerk be authorized to execute the necessary documents, respecting the acquisition of property at 769 Trinity Road, Hamilton in a form satisfactory to the City Solicitor; and,

- (f) That the contents of Report PED18104 respecting the property acquisition of 769 Trinity Road, Hamilton, and its appendices remain confidential until final completion of the property transaction.
- 9. Development Charges Complaint under Section 22(2) of the *Development Charges Act* – Mattamy Waterdown Limited, 22 Spring Creek Drive, Live / Work Units (LS18001(a) / FCS18010(a) (City Wide) (Item 12.6)**
- (a) That the direction provided to staff in Closed Session, respecting Report LS18001(a)/FCS18010(a) – Development Charges Complaint under Section 22(2) of the *Development Charges Act* – Mattamy Waterdown Limited, 22 Spring Creek Live / Work Units; and,
- (b) That Report LS18001(a)/FCS18010(a), respecting Development Charges Complaint under Section 22(2) of the *Development Charges Act* – Mattamy Waterdown Limited, 22 Spring Creek Live / Work Units, including Appendix “A” attached thereto, and the recommendations therein remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. PRIVATE & CONFIDENTIAL (Item 12)

12.2 Canadian Country Music Week 2020 (PED18058(a)) (City Wide)

Pursuant to Section 239(2), Sub-sections (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

12.3 Six Year Event Partnership with Golf Canada (PED18100) (City Wide)

Pursuant to Section 239(2), Sub-sections (j) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a trade secret or

scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

12.4 Partial Acquisition of 1550 Tradewind Drive, Hamilton (PED18103) (Ward 12)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes.

12.5 Property Acquisition of 769 Trinity Road, Hamilton (PED18104) (Ward 12)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes.

12.6 Development Charges Complaint under Section 22(2) of the *Development Charges Act* – Mattamy Waterdown Limited, 22 Spring Creek Drive, Live / Work Units (LS18001(a) / FCS18010(a) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

12.7 Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands (PED16254(e)) (Ward 8)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes.

The agenda for the May 2, 2018 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) April 18, 2018 (Item 3.1)

The Minutes of the April 18, 2018 meeting of the General Issues Committee were approved, as presented.

(d) CONSENT ITEMS (Item 5)

(i) Sub-Committee / Advisory Committee Minutes (Item 5.1)

The following Minutes were received:

- (1) Business Improvement Area Advisory Committee Minutes 18-002, February 13, 2018 (Item 5.1(a))
- (2) Cleanliness and Security in the Downtown Core Task Force Minutes 18-001, February 8, 2018 (Item 5.1(b))
- (3) Arts Advisory Commission Minutes, January 23, 2018 (Item 5.1(c))

(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)

(i) Cameron Topp, Member, Cleanliness & Security in the Downtown Core Task Force Report 18-002, April 5, 2018 (Item 6.1)

Cameron Topp, Member, Cleanliness & Security in the Downtown Core Task Force, addressed Committee and spoke to the Cleanliness & Security in the Downtown Core Task Force Report 18-002 respecting cigarette butt litter.

The presentation, respecting the Cleanliness & Security in the Downtown Core Task Force Report 18-002, was received.

(ii) Cleanliness & Security in the Downtown Core Task Force Report 18-002, April 5, 2018 (Item 6.1)

- (a) Sub-section (b) to Report 18-002 of the Cleanliness & Security in the Downtown Core Task Force, was amended by deleting the words “, if the education campaign is undertaken and upon its completion, that”;

deleting the word “*and*,”; and, by adding the words “*other considerations*”, to read as follows:

(b) That, ~~if the education campaign is undertaken and upon its completion, that~~ staff be directed to investigate the feasibility, costs and *other considerations* of targeted enforcement measures to address cigarette butt litter and report back to the Planning Committee.; ~~and,~~

(b) Sub-section (c) to Report 18-002 of the Cleanliness & Security in the Downtown Core Task Force, was deleted in its entirety:

~~(c) That Task Force member, Cameron Topp, be designated as the spokesperson for this Item when it comes forward at the General Issues Committee.~~

For disposition of this matter, please refer to Item 2.

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

The following amendment to the General Issues Committee’s Outstanding Business List, was approved:

(1) Proposed New Due Date:

(aa) Tourism Industry Panel (PED15026(a))
Current Due Date: May 2, 2018
Proposed New Due Date: July 6, 2018

(g) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – April 18, 2018 (Item 12.1)

(a) The Closed Session Minutes of the April 18, 2018 General Issues Committee meeting, were approved, as presented; and,

(b) The Closed Session Minutes of the April 18, 2018 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 12.2 and 12.3, pursuant to Section 239(2), Sub-sections (i), (j) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board as well as Items 12.4 to 12.7, pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(ii) Canadian Country Music Week 2020 (PED18058(a)) (City Wide) (Item 12.2)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 5.

(iii) Partial Acquisition of 1550 Tradewind Drive, Hamilton (PED18103) (Ward 12) (Item 2.4)

Staff was provided with direction in Closed Session.

For further disposition of the above matter, please refer to Item 7.

(iv) Property Acquisition of 769 Trinity Road, Hamilton (PED18104) (Ward 12) (Item 12.5)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 8.

- (v) **Development Charges Complaint under Section 22(2) of the *Development Charges Act* – Mattamy Waterdown Limited, 22 Spring Creek Drive, Live / Work Units (LS18001(a) / FCS18010(a) (City Wide) (Item 12.6)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 9.

- (vi) **Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands (PED16254(e)) (Ward 8) (Item 12.7)**

Staff was provided with direction in Closed Session.

- (a) The direction provided to staff in Closed Session, respecting Report PED16254(e) - Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands, was approved; and,
- (b) Report PED16254, respecting the Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands, shall remain confidential.

The above Motion CARRIED unanimously, with all those present, on the following Standing Recorded Vote:

Yeas: Eisenberger, Whitehead, Skelly, Jackson, Collins, Merulla, Farr, A. Johnson, Pearson, Ferguson, VanderBeek, Pasuta
Total: 12
Absent: Green, Partridge, Conley, B. Johnson
Total: 4

The recommendation above was referred to the Special Council meeting of May 2, 2018 as a Motion, for the consideration of Council.

(h) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 12:01 p.m.

Respectfully submitted,

M. Pearson, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk



MUNICIPAL FUNDING AGREEMENT

ONTARIO'S MAIN STREET REVITALIZATION INITIATIVE

This Agreement made as of 1st day of April, 2018.

BETWEEN:

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

(referred to herein as "AMO")

AND:

THE [INSERT MUNICIPAL NAME]

(a municipal corporation pursuant to the Municipal Act, 2001, referred to herein as the "Recipient")

WHEREAS the Province of Ontario is making \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario;

WHEREAS the Province of Ontario, Ontario municipalities as represented by AMO are signatories to Ontario's Main Street Revitalization Initiative Transfer Payment Agreement on March 12, 2018 (the "OMAFRA-AMO Agreement"), whereby AMO agreed to administer Main Street Revitalization funds made available to all Ontario municipalities, excluding Toronto;

WHEREAS the OMAFRA-AMO Transfer Payment Agreement contains a framework for the transfer of provincial funds to Ontario lower-tier and single-tier municipalities represented by AMO;

WHEREAS the Recipient wishes to enter into this Agreement in order to participate in Ontario's Main Street Revitalization Initiative;

WHEREAS AMO is carrying out the fund administration in accordance with its obligations set out in the OMAFRA-AMO Agreement and it will accordingly undertake certain activities and require Recipients to undertake activities as set out in this Agreement.

THEREFORE the Parties agree as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions.** When used in this Agreement (including the cover and execution pages and all of the schedules), the following terms shall have the meanings

ascribed to them below unless the subject matter or context is inconsistent therewith:

"Agreement" means this Agreement, including the cover and execution pages and all of the schedules hereto, and all amendments made hereto in accordance with the provisions hereof.

"Annual Report" means the duly completed report to be prepared and delivered to AMO as described in Section 7.2 and Section 2 of Schedule D.

"Association of Municipalities of Ontario (AMO)" means a legally incorporated entity under the Corporations Act, 1990 R.S.O. 1990, Chapter c.38.

"Communication Report" means the duly completed report to be prepared and delivered to AMO as described in Section 7.1 and Section 1 of Schedule D.

"Community Improvement Plan" has the meaning as defined under section 28(1) of the Planning Act, R.S.O. 1990, c. P.13.

"Contract" means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

"Effective Date" is April 1, 2018.

"Eligible Costs" means those expenditures described as eligible in Schedule C.

"Eligible Projects" means projects as described in Schedule B.

"Eligible Recipient" means a

- a. Municipality or its agent (including its wholly owned corporation); and
- b. Non-municipal entity, including for profit, non-governmental and not-for profit organizations, on the condition that the Municipality(ies) has (have) indicated support for the Eligible Project through a formal grant agreement between the Municipality and the non-municipal entity.

"Event of Default" has the meaning given to it in Section 11.1 of this Agreement.

"Funds" mean the Funds made available to the Recipient through the Main Street Revitalization Initiative, a program established by the Government of Ontario. Funds are made available pursuant to this Agreement and includes any interest earned on the said Funds. For greater certainty: (i) Funds transferred to another Municipality in accordance with Section 6.2 of this Agreement, other than as set out in Sections 7.1(a), (c) and (f), are to be treated as Funds by the Municipality to which the Funds are transferred and are not to be treated as Funds by the Recipient; and (ii) any Funds transferred to a non-municipal entity

in accordance with Section 6.3 of this Agreement shall remain as Funds under this Agreement for all purposes and the Recipient shall continue to be bound by all provisions of this Agreement with respect to such transferred Funds.

"Ineligible Costs" means those expenditures described as ineligible in Schedule C.

"Lower-tier Municipality" means a Municipality that forms part of an Upper-tier Municipality for municipal purposes, as defined under the Municipal Act, 2001 S.O. 2001, c.25.

"Municipal Fiscal Year" means the period beginning January 1st of a year and ending December 31st of the same year.

"Municipality" and "Municipalities" means every municipality as defined under the Municipal Act, 2001 S.O. 2001 c.25.

"Municipal Physical Infrastructure" means municipal or regional, publicly or privately owned, tangible capital assets primarily for public use or benefit in Ontario.

"Ontario" means Her Majesty in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs.

"Parties" means AMO and the Recipient.

"Project Completion Date" means the Recipient must complete its Project under this Agreement by March 31, 2020.

"Recipient" has the meaning given to it on the first page of this Agreement.

"Results Report" means the report prepared and delivered to AMO by the Recipient by which reports on how Funds are supporting progress towards achieving the program objective, more specifically described in Section 3 of Schedule D.

"Single-tier Municipality" means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes as defined under the Municipal Act, 2001, S.O. 2001 c. 25.

"Third Party" means any person or legal entity, other than the Parties to this Agreement who participates in the implementation of an Eligible Project by means of a Contract.

"Transfer By-law" means a by-law passed by Council of the Recipient pursuant to Section 6.2 and delivered to AMO in accordance with that section.

"Unspent Funds" means the amount reported as unspent by the Recipient as of December 31, as submitted in the Recipient's Annual Report.

1.2 **Interpretations:**

Herein, etc. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Agreement as a whole and not any particular schedule, article, section, paragraph or other subdivision of this Agreement.

Currency. Any reference to currency is to Canadian currency and any amount advanced, paid or calculated is to be advanced, paid or calculated in Canadian currency.

Statutes. Any reference to a federal or provincial statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

Gender, singular, etc. Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

2. **TERM OF AGREEMENT**

- 2.1 **Term.** Subject to any extension or termination of this Agreement or the survival of any of the provisions of this Agreement pursuant to the provisions contained herein, this Agreement shall be in effect from the date set out on the first page of this Agreement, up to and including March 31, 2020.
- 2.2 **Amendment.** This Agreement may be amended at any time in writing as agreed to by AMO and the Recipient.
- 2.3 **Notice.** Any of the Parties may terminate this Agreement on written notice.

3. **RECIPIENT REQUIREMENTS**

- 3.1 **Communications.** The Recipient will comply with all requirements outlined, including providing upfront project information on an annual basis, or until all Funds are expended for communications purposes in the form described in Section 7.1 and Section 1 of Schedule D.
- a) Unless otherwise directed by Ontario, the Recipient will acknowledge the support of Ontario for Eligible Projects in the following manner: "The Project is funded [if it is partly funded the Recipient should use "in part"] by the Ontario Ministry of Agriculture, Food and Rural Affairs."
 - b) The Recipient shall notify Ontario within five (5) business days of planned media events or announcements related to the Project, organized by the Recipient to facilitate the attendance of Ontario. Media events and

announcements include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.

- 3.2 **Contracts.** The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Canadian Free Trade Agreement and applicable international trade agreements, and all other applicable laws.
- a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.

4. ELIGIBLE PROJECTS

- 4.1 **Eligible Projects.** Costs directly and reasonably incurred by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs or activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the role of small businesses in main street areas as more specifically described in Schedule B and Schedule C
- 4.2 **Recipient Fully Responsible.** The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.

5. ELIGIBLE COSTS

- 5.1 **Eligible Costs.** Schedule C sets out specific requirements for Eligible and Ineligible Costs.
- 5.2 **Discretion of Ontario.** Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Ontario.
- 5.3 **Unspent Funds.** Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement.
- 5.4 **Reasonable Access.** The Recipient shall allow AMO and Ontario reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by AMO or Ontario or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.
- 5.5 **Retention of Receipts.** The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible

Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Ontario.

6. FUNDS

- 6.1 **Allocation of Funds.** AMO will allocate and transfer Funds on the basis of the formula determined by Ontario.
- 6.2 **Transfer of Funds to a Municipality.** Where a Recipient decides to allocate and transfer Funds to another Municipality (the "Transferee Municipality"):
- a) The allocation and transfer shall be authorized by by-law (a "Transfer By-law"). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.
 - b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.
 - c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.
- 6.3 **Transfer of Funds to a non-municipal entity.** Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:
- a) The provision of such support shall be authorized by a grant agreement between the Municipality and the Eligible Recipient in support of a Community Improvement Plan. The grant agreement shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.
 - b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer including the submission of an Annual Report in accordance with Section 7.2.
 - c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to the Municipality the grant agreement.
- 6.4 **Use of Funds.** The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.

- 6.5 **Payout of Funds.** The Recipient agrees that all Funds will be transferred by AMO to the Recipient upon full execution of this Agreement.
- 6.6 **Use of Funds.** The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account and shall retain the Funds in such reserve fund, or account until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that:
- a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,
 - b) any interest earned on Funds will only be applied to Eligible Costs for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.
- 6.7 **Funds advanced.** Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Costs. AMO reserves the right to declare that Unspent Funds after March 31, 2020 become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.
- 6.8 **Expenditure of Funds.** The Recipient shall expend all Funds by March 31, 2020.
- 6.9 **GST & HST.** The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.
- 6.10 **Limit on Ontario's Financial Commitments.** The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.
- 6.11 **Stacking.** If the Recipient is receiving funds under other programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum contribution limitation set out in any other program agreement made in respect of that Eligible Project shall continue to apply.
- 6.12 **Insufficient funds provided by Ontario.** If Ontario does not provide sufficient funds to AMO for this Agreement, AMO may terminate this Agreement.

7. REPORTING REQUIREMENTS

- 7.1 **Communication Report.** Immediately upon execution of this Agreement the Recipient shall report to AMO any Eligible Project being undertaken in the current Municipal Fiscal Year in the form described in Schedule D.
- 7.2 **Annual Report.** The Recipient shall report in the form in Schedule D due by May 15th following the Municipal Fiscal Year on:

- a) the amounts received from AMO under this Agreement;
- b) the amounts received from another Eligible Recipient;
- c) the amounts transferred to another Eligible Recipient;
- d) amounts paid by the Recipient in aggregate for Eligible Projects;
- e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects;
- f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and,
- g) a listing of all Eligible Projects that have been funded, indicating the Eligible Project category, project description, amount of Funds, total project cost, start date, end date and completion status.

7.3 **Results Report.** The Recipient shall account in writing for results achieved by the Funds through a Results Report to be submitted to AMO. Specifically the Results Report shall document performance measures achieved through the investments in Eligible Projects in the form described in Section 3 of Schedule D.

8. RECORDS AND AUDIT

- 8.1 **Accounting Principles.** All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.
- 8.2 **Separate Records.** The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Ontario for inspection or audit.
- 8.3 **External Auditor.** AMO and/or Ontario may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the

audit report to the Recipient and Ontario at the same time that the audit report is given to AMO.

9. INSURANCE AND INDEMNITY

- 9.1 **Insurance.** The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation, property, construction and liability insurance, which insurance coverage shall identify Ontario and AMO as additional insureds for the purposes of the Eligible Projects.
- 9.2 **Certificates of Insurance.** Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 9.1. No Funds shall be expended or transferred pursuant to this Agreement until such certificate has been delivered to AMO.
- 9.3 **AMO not liable.** In no event shall Ontario or AMO be liable for:
- (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or
 - (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.
- 9.4 **Recipient to Compensate Ontario.** The Recipient will ensure that it will not, at any time, hold Ontario, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Ontario, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties.
- 9.5 **Recipient to Indemnify AMO.** The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnatee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnatee incurred by any Indemnatee or asserted against any Indemnatee by whomsoever brought or prosecuted in any manner based upon,

or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:

- (a) the Funds;
- (b) the Recipient's Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects;
- (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and
- (d) any omission or other wilful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents.

10. DISPOSAL

10.1 **Disposal.** The Recipient will not, without Ontario's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or for which Funds were provided, the cost of which exceed \$50,000 at the time of sale, lease or disposal prior to March 31, 2021.

11. DEFAULT AND TERMINATION

11.1 **Event of Default.** AMO may declare in writing that an event of default has occurred when the Recipient has not complied with any condition, undertaking or term in this Agreement. AMO will not declare in writing that an event of default has occurred unless it has first consulted with the Recipient. Each and every one of the following events is an "Event of Default":

- (a) failure by the Recipient to deliver in a timely manner an Annual Report or Results Report.
- (b) delivery of an Annual Report that discloses non-compliance with any condition, undertaking or material term in this Agreement.
- (c) failure by the Recipient to co-operate in an external audit undertaken by AMO or its agents.
- (d) delivery of an external audit report that discloses non-compliance with any condition, undertaking or term in this Agreement.
- (e) failure by the Recipient to expend Funds in accordance with Sections 4.1 and 6.8.

11.2 **Waiver.** AMO may withdraw its notice of an Event of Default if the Recipient, within thirty (30) calendar days of receipt of the notice, either corrects the

default or demonstrates, to the satisfaction of AMO in its sole discretion that it has taken such steps as are necessary to correct the default.

- 11.3 **Remedies on default.** If AMO declares that an Event of Default has occurred under Section 11.1, after thirty (30) calendar days from the Recipient's receipt of the notice of an Event of Default, it may immediately terminate this Agreement.
- 11.4 **Repayment of Funds.** If AMO declares that an Event of Default has not been cured to its satisfaction, AMO reserves the right to declare that prior payments of Funds become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.

12. CONFLICT OF INTEREST

- 12.1 **No conflict of interest.** The Recipient will ensure that no current member of the AMO Board of Directors and no current or former public servant or office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Ontario applies will derive direct benefit from the Funds, the Unspent Funds, and interest earned thereon, unless the provision of receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

13. NOTICE

- 13.1 **Notice.** Any notice, information or document provided for under this Agreement will be effectively given if in writing and if delivered by hand, or overnight courier, mailed, postage or other charges prepaid, or sent by facsimile or email to the addresses, the facsimile numbers or email addresses set out in Section 13.3. Any notice that is sent by hand or overnight courier service shall be deemed to have been given when received; any notice mailed shall be deemed to have been received on the eighth (8) calendar day following the day on which it was mailed; any notice sent by facsimile shall be deemed to have been given when sent; any notice sent by email shall be deemed to have been received on the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return email or other written acknowledgment), provided that in the case of a notice sent by facsimile or email, if it is not given on a business day before 4:30 p.m. Eastern Standard Time, it shall be deemed to have been given at 8:30 a.m. on the next business day for the recipient.
- 13.2 **Representatives.** The individuals identified in Section 13.3 of this Agreement, in the first instance, act as AMO's or the Recipient's, as the case may be, representative for the purpose of implementing this Agreement.
- 13.3 **Addresses for Notice.** Further to Section 13.1 of this Agreement, notice can be given at the following addresses:
 - a) If to AMO:

Executive Director
Main Streets Agreement
Association of Municipalities of Ontario 200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Telephone: 416-971-9856
Email: mainstreets@amo.on.ca

b) If to the Recipient:

Key Municipal Contact
Name Treasurer
Municipal Name
Mailing Address
Town/City, ON POS COD
Telephone:
Email:

14. MISCELLANEOUS

- 14.1 **Counterpart Signature.** This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original Agreement.
- 14.2 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.
- 14.3 **Waiver.** AMO may waive any right in this Agreement only in writing, and any tolerance or indulgence demonstrated by AMO will not constitute waiver of rights in this Agreement. Unless a waiver is executed in writing, AMO will be entitled to seek any remedy that it may have under this Agreement or under the law.
- 14.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 14.5 **Survival.** The Recipient agrees that the following sections and provisions of this Agreement shall extend for seven (7) years beyond the expiration or termination of this Agreement: Sections 5, 6.7, 6.8, 7, 9.4, 9.5, 11.4 and 14.8.
- 14.6 **AMO, Ontario and Recipient independent.** The Recipient will ensure its actions do not establish or will not be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Ontario and the Recipient,

between AMO and the Recipient, between Ontario and a Third Party or between AMO and a Third Party.

- 14.7 **No Authority to Represent.** The Recipient will ensure that it does not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Ontario or AMO.
- 14.8 **Debts Due to AMO.** Any amount owed under this Agreement will constitute a debt due to AMO, which the Recipient will reimburse forthwith, on demand, to AMO.
- 14.9 **Priority.** In the event of a conflict, the part of this Agreement that precedes the signature of the Parties will take precedence over the Schedules.

15. SCHEDULES

15.1 This Agreement, including:

- Schedule A Municipal Allocation
- Schedule B Eligible Projects
- Schedule C Eligible and Ineligible Costs
- Schedule D Reporting

constitute the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

16. SIGNATURES

IN WITNESS WHEREOF, AMO and the Recipient have respectively executed, sealed and delivered this Agreement on the date set out on the front page.

RECIPIENT'S NAME:

[INSERT MUNICIPAL NAME]

Name:
Title:

Date

Name:
Title:

Date

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

By: _____
Title:

Date

In the presence of:

Witness:

Date

**SCHEDULE A
MUNICIPAL ALLOCATION**

RECIPIENT'S NAME: [insert municipal name]

ALLOCATION: [insert dollar figure]

The Recipient acknowledges this is a one time payment for Eligible Projects with Eligible Costs.

**SCHEDULE B
ELIGIBLE PROJECTS**

Funding is to be directed to Eligible Projects to support revitalization activities within main street areas, as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

- 1. Community Improvement Plan** – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:
 - a. Commercial building façade improvements
 - b. Preservation and adaptive reuse of heritage and industrial buildings
 - c. Provision of affordable housing
 - d. Space conversion for residential and commercial uses
 - e. Structural improvements to buildings (e.g. Building Code upgrades)
 - f. Improvement of community energy efficiency
 - g. Accessibility enhancements

- 2. Other Municipal Land Use Planning Policy** – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:
 - a. Signage – wayfinding/directional, and gateway.
 - b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails.
 - c. Marketing plan implementation – business attraction and promotion activities, special events.

**SCHEDULE C
ELIGIBLE AND INELIGIBLE COSTS**

1. Eligible Costs include:

- a. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs.
- b. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

2. Ineligible Costs include:

- a. Costs incurred prior to Effective Date or after the Project Completion Date;
- b. Any costs associated with providing the Annual and Results Reports to AMO;
- c. Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- d. Costs associated with construction, renewal, renovation or redevelopment or material enhancement of all things in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- e. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement that do not improve energy efficiency, accessibility, aesthetics or marketability of small businesses within an Recipient's main street areas; or that do not encourage strategic public investments in municipal and other public infrastructure within main street areas that will benefit small businesses; or that otherwise will likely fail to contribute to the success of main street businesses;
- f. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement outside of the Recipient's main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- g. The cost of leasing of equipment by the Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other

activities normally carried out by its staff, except in accordance with Eligible Costs above;

- h. Taxes, to which the Recipient is eligible for a tax rebate;
- i. Purchase of land or any interest therein, and related costs; and,
- j. Routine repair and maintenance Municipal Physical Infrastructure.

**SCHEDULE D
REPORTING**

1. Communication Report

Immediately following the Municipality executing this Agreement the Recipient will provide AMO a Communication Report in an electronic format deemed acceptable to AMO, consisting of the following:

Project Title	Project Description	Eligible Project Category (CIP/ Municipal Physical Infrastructure)	Total Project Cost	Estimate of Funds (Main Street) Spent

2. Annual Report

The Recipient will provide to AMO an Annual Report in an electronic format deemed acceptable to AMO, consisting of the following:

- a. Financial Reporting Table: The financial report table will be submitted in accordance with the following template:

Annual Report Financial Table	Annual	Cumulative
	20xx	2018 - 2020
Opening Balance	\$xxx	
Received from AMO	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Received from An Eligible Recipient	\$xxx	\$xxx
Transferred to an Eligible Recipient	(\$xxx)	(\$xxx)
Spent on Eligible Projects (for each Eligible Project category)	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	

- b. Project List: The Recipient will provide to AMO a project list submitted in accordance with the following template:

Recipient	Project Title	Project Description	Eligible Project Category	Total Project Cost	Main Street Funds Used	Start & End Date	Completed?
							Yes/No/Ongoing

3. Project Results.

The Results Report shall outline, in a manner to be provided by AMO, the degree to which investments in each project are supporting progress towards achieving revitalization within main street areas:

- a. Community Improvement Plan Eligible Projects
- Number of small businesses supported;
 - Total value of physical improvements;
 - Total Main Street Funds provided;
 - Total Municipal investment; and,
 - Total private investment.
- b. Municipal Physical Infrastructure Eligible Projects
- Total value of physical improvements;
 - Total Main Street Funds provided; and
 - Total municipal investment.



**SOLE VOTING MEMBER OF THE
HAMILTON FARMERS' MARKET CORPORATION
REPORT 18-001**

12:08 p.m.

May 2, 2018

Council Chambers, Hamilton City Hall, 71 Main Street West
Stephanie Paparella, Legislative Coordinator 905 546-2424 x3993

Present: Mayor F. Eisenberger, Deputy Mayor M. Pearson
Councillors D. Skelly, T. Jackson, C. Collins, S. Merulla, J. Farr,
A. Johnson, L. Ferguson, A. VanderBeek, R. Pasuta

**Absent with
Regrets:** Councillor B. Johnson, J. Partridge, M. Green, T. Whitehead – Personal
Councillor D. Conley – Medical

**THE SOLE VOTING MEMBER OF THE 18-001 AND RESPECTFULLY
RECOMMENDS:**

- 1. Hamilton Farmers' Market Board of Directors Resolution (Item 4.1)**
 - (a) That the Hamilton Farmers Market Reserve Policy, attached as Appendix "A" to Report 18-001, be approved;
 - (b) That City staff be authorized and directed to establish a Hamilton Farmers Market Reserve fund (104006);
 - (c) That City staff be authorized and directed to fully transfer the 2017 year-end operating budget surplus of the Hamilton Farmers' Market to the Hamilton Farmers Market Reserve fund (104006); and,
 - (d) That the Hamilton Farmers' Market Treasurers' Report, be received.

FOR THE INFORMATION OF THE SOLE VOTING MEMBER:

(a) APPROVAL OF THE AGENDA (Item 1)

There were no changes to the agenda.

The agenda for the May 2, 2017 Sole Voting Member of the Hamilton Farmers' Market Corporation Annual General Meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 20, 2017 (Item 3.1)

The Minutes of the October 20, 2017 meeting of the Sole Voting Member of the Hamilton Farmers' Market Corporation Annual General Meeting were approved, as presented.

(d) ADJOURNMENT (Item 7)

There being no further business, the Sole Voting Member of the Hamilton Farmers' Market Corporation adjourned at 12:10 p.m.

Respectfully submitted,

Mayor Fred Eisenberger

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

Reserve Policy–Hamilton Farmers Market Reserve Policy	 Hamilton	Corporate Services Department
Policy No: Market - 104006		
Page 1 of 2		Approval: 2018-XX-XX

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Hamilton Farmers Market Reserve.
PURPOSE	<p>To smooth significant fluctuations in operating budget variances in future years and to help the Market manage its cash flow by providing a source of funding to offset extraordinary and unforeseen expenditures, to fund one-time expenditures, to offset revenue shortfalls and to provide for various contingent and potential future liabilities.</p> <p>The Hamilton Farmers Market Reserve is not intended to be a long term funding source for general operations.</p>
SCOPE	This Policy applies to all City employees that manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • All transfers from the Hamilton Farmers Market Reserve (104006) be approved by the Hamilton Farmers Market Board either by a budget submission, by a separate Board report or by a Board motion. Board recommendation is to be forwarded to City Council for approval as outlined in Appendix “A” to Report CM12009(e), section 9(j). • The City is the sole voting member of the Hamilton Farmers’ Market Corporation. The City and the Corporation are parties to an operating agreement which governs the roles and responsibilities of each party. Pursuant to that agreement, the Corporation must report to and receive approval from the City regarding budgetary matters. • The General Manager of Finance and Corporate Services has the authority to recommend the use of the Market Reserve or other reserves to fund expenses or revenue shortfalls. <p>The source of funds that are to be transferred to this reserve include:</p> <ul style="list-style-type: none"> • Year-end Market operating budget surplus, subject to final approval of the City Administration’s report by Council. • Repayment of principal plus interest for any internal borrowings from the reserve as per policies and procedures. • Remaining balances in operating reserves approved for closure.

Reserve Policy–Hamilton Farmers Market Reserve Policy	 Hamilton	Corporate Services Department
Policy No: Market - 104006		
Page 2 of 2		Approval: 2018-XX-XX

	<ul style="list-style-type: none"> • Investment income earned on the reserve’s balance as per policies and procedures. • One time unexpected sources of operating revenues. <p>The use of funds from this reserve to ensure viability of the Market is permitted if other sources of funding are not available. Uses may include:</p> <ul style="list-style-type: none"> • to offset extraordinary and unforeseen operating expenditures. • to fund operating budget deficits • to fund operating program phase-ins, pilot programs and one-time grants • to fund capital projects.
RESERVE BALANCE TARGET LEVEL	<p>The balance in the reserve has a target level \$ as follows:</p> <p>Target Level: 0.5 times the annual program operating cost plus 10% capital asset replacement value</p> <p>Farmers Market Reserve: \$0.4 million (2018 Budget)</p>
GOVERNING LEGISLATION	N/A
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning and Policy
POLICY HISTORY	This reserve policy replaces the general reserve policies that were approved by Council in May 2014in Report FCS14028.



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 18-006

**9:30 a.m.
May 7, 2018
Council Chambers
Hamilton City Hall**

Present: Councillors A. VanderBeek (Chair), B. Johnson, M. Pearson, D. Skelly, L. Ferguson, C. Collins, and A. Johnson

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 18-006 AND RESPECTFULLY RECOMMENDS:

1. Freedom of Information Quarterly Report (January 1 to March 31) (CL18003) (City Wide) (Item 5.1)

That Report CL18003, respecting Freedom of Information Quarterly Report (January 1 to March 31), be received.

2. Treasurer's Investment Report 2017 Fiscal Year by Aon Hewitt (FCS18041) (City Wide) (Item 5.2)

(a) That Report FCS18041, respecting the Treasurer's Investment Report 2017 Fiscal Year by Aon Hewitt, be received; and

(b) That Report FCS18041, be forwarded to the Hamilton Future Fund Board of Governors.

3. Development Charges Annual Indexing - Effective July 6, 2018 (FCS18051) (City Wide) (Item 5.3)

That Report FCS18051, respecting Development Charges Annual Indexing - Effective July 6, 2018, be received.

4. 2017 Provincial Offences Administration (POA) Annual Report (FCS18031) (City Wide) (Item 5.4)

That Report FCS18031, respecting the 2017 Provincial Offences Administration (POA) Annual Report, be received.

5. Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Update (HUR17002(a)) (City Wide) (Item 5.5)

That Report HUR17002(a), respecting the Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Update, be received.

6. Follow Up to Audit Report 2014-12 - Planning & Economic Development - By-Law Enforcement (AUD18004) (City Wide) (Item 5.6)

That Report AUD18004, respecting a Follow Up to Audit Report 2014-12 - Planning & Economic Development - By-Law Enforcement, be received.

7. Live Streaming of Audio and Video at City Hall Upper and Lower Lobby Areas (PW17058(a)) (City Wide) (Item 5.7)

That Report PW17058(a), respecting the Live Streaming of Audio and Video at City Hall Upper and Lower Lobby Areas, be received.

8. Capital Lifecycle Renewal - Dundas Library Roof and HVAC (PW18039) (Ward 13) (Item 5.8)

That Report PW18039, respecting Capital Lifecycle Renewal - Dundas Library Roof and HVAC, be received.

9. Accounts Receivable Write-Offs for 2017 (FCS18047) (City Wide) (Item 8.1)

- (a) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible General Accounts Receivables in the amount of \$11,574.42 attached as Appendix "A" to Audit, Finance & Administration Report 18-006;
- (b) That the Schedule of General Accounts Receivable Write-Offs less than \$1,000 in the amount of \$7,406.79, attached as Appendix "B" to Audit, Finance & Administration Report 18-006, be received for information;
- (c) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible Hamilton Farmers Market Receivables in the amount of \$2,742.69 attached as Appendix "C" to Audit, Finance & Administration Report 18-006.

10. Proposed Write-Offs of Outstanding Fines for Provincial Offences (FCS18046) (City Wide) (Item 8.2)

That staff be authorized to write-off the following outstanding Provincial Offences fines deemed uncollectible, in the total amount of \$1,200,568:

- (a) \$1,176,780 in uncollectible fines with a sentence date of December 31, 2010 and prior;
- (b) \$23,788 in underpayments from April 1, 2017 through March 31, 2018.

11. City of Hamilton Development Charges By-law 14-153 Background Study Re: Industrial Development Expansion Policy Amendment (FCS18053) (City Wide) (Item 8.3)

- (a) That Report FCS18053 be recognized as a DC Background Study under Section 10 of the *Development Charges Act, 1997, as amended*, for the purpose of providing background for amending definitions and policy of the existing Development Charge By-law 14-153;
- (b) That the approval of Report FCS18053 be considered the Public Release of the DC Background Study as required by Section 10 (4) of the *Development Charges Act, 1997, as amended*;
- (c) That the July 11, 2018 Audit, Finance and Administration Committee meeting be designated a public meeting as required under Section 12 (1) (a) of the *Development Charges Act, 1997, as amended*;
- (d) That the City Clerk be directed to provide appropriate notice of the Public Meeting in accordance with Section 12 (1) (b) of the *Development Charges Act, 1997, as amended*;
- (e) That Staff be directed to prepare an amending by-law for consideration following any and all public delegations at the July 11, 2018 Public meeting;
- (f) That the impact resulting from an approved policy change related to industrial expansions be added to the 2019 Tax and Rate Budgets;
- (g) That the matter respecting "Treatment of development charges with respect to industrial expansions" be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

12. Grants Sub-Committee Report 18-002 - April 20, 2018 (Item 8.4)

(a) 2018 City Enrichment Funding Recommendations (GRA18003) (City Wide) (Item 4.1)

- (i) That the 2018 City Enrichment Fund recommended funding allocation, in the amount of \$6,196,732, as outlined in the attached Appendix “D” to Audit, Finance & Administration Report 18-006; as further amended, be approved;
- (ii) That Appendix “B” to Report GRA18003, Application Summary, be received;
- (iii) That Appendix “E” to Audit, Finance & Administration Report 18-006, Payment Plan, be approved; and,
- (iv) That the grants, as listed in Appendix “F” to Audit, Finance & Administration Report 18-006, as amended, be approved and the funds be released, pending the submission of additional information, by July 20, 2018, to the satisfaction of the Director of Strategic Partnerships and Communications.

(b) Dundas Youth Chaplaincy – Routes Youth Centre (CS D-4) (Item 4.1)

That an enhancement of an additional \$300 for the Dundas Youth Chaplaincy – Routes Youth Centre base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(c) Flamborough Information and Community Services – Seniors Support (CS E-7) (Item 4.1)

That an enhancement of an additional \$1,116 for the Flamborough Information and Community Services – Seniors Support base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(d) Flamborough Information and Community Services – Community Outreach (CS F-5) (Item 4.1)

That an enhancement of an additional \$4,105 for the Flamborough Information and Community Services – Community Outreach base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(e) Binbrook Agricultural Society – Binbrook Fair (AGR A-2) (Item 4.1)

That an enhancement of an additional \$1,041 for the Binbrook Agricultural Society – Binbrook Fair base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(f) The Equestrian Association for the Disabled (TEAD) – Operating (AGR A-12) (Item 4.1)

That an enhancement of an additional \$2,500 for The Equestrian Association for the Disabled (TEAD) - Operating base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(g) The Equestrian Association for the Disabled (TEAD) – Scholarship Program (SAL E-2) (Item 4.1)

That an enhancement of an additional \$2,145 for The Equestrian Association for the Disabled (TEAD) – Scholarship Program base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(h) Brott Music Festival (ARTS A-8) (Item 4.1)

That an enhancement of an additional \$40,000 for the Brott Music Festival base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

(i) Winona Peach Festival – Winona Peach Festival (CCH A-2) (Item 4.1)

That an enhancement of an additional \$8,258 for the Winona Peach Festival – Winona Peach Festival base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

(j) Cactus Festival of Dundas Ontario – Dundas Cactus Festival (CCH A-4) (Item 4.1)

That an enhancement of an additional \$2,346 for the Cactus Festival of Dundas Ontario – Dundas Cactus Festival base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

(k) Dundas Historical Society Museum – Dundas Museum and Archives Exhibition Project (CCH A-5) (Item 4.1)

That an enhancement of an additional \$2,550 for the Dundas Historical Society Museum – Dundas Museum and Archives Exhibition Project base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

**(l) Dundas Valley Orchestra – Concerts Presented in 2018 (CCH A-8)
(Item 4.1)**

That an enhancement of an additional \$653 for the annual Dundas Valley Orchestra – Concerts base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

**(m) Dundas Cactus Parade Inc. – Dundas Cactus Parade (CCH A-15)
(Item 4.1)**

That an enhancement of an additional \$135 for Dundas Cactus Parade Inc. – Dundas Cactus Parade base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

**(n) Lynden Canada Day Committee – Lynden Canada Day Celebration
(CCH A-23) (Item 4.1)**

That an enhancement of an additional \$2,500 for the Lynden Canada Day Committee – Lynden Canada Day Celebration (CCH A-23) base budget, to be added to the annual City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

(o) Ancaster Heritage Days (CCH A-31) (Item 4.1)

That an enhancement of an additional \$3,510, for the Ancaster Heritage Days – Ancaster Heritage Days base budget, to be added to the City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

(p) Hamilton Santa Claus Parade Committee (CCH A-40) (Item 4.1)

That an enhancement of an additional \$10,075, for the Hamilton Santa Claus Parade Committee – Hamilton Santa Claus Parade base budget, to be added to the City Enrichment Fund Program, be referred to the 2019 Operating Budget process for consideration.

(q) United Way Current Shortfalls and Funding Cuts (Item 4.1)

That the United Way be requested to provide a presentation to the Grants Sub-Committee that explains their current shortfalls and funding cuts to the Hamilton community.

13. Committee Against Racism Membership (Item 9.1)

WHEREAS, the Committee Against Racism is having challenges in obtaining quorum for their meetings;

WHEREAS, Roger Wayne Cameron has been absent without notice from 3 or more consecutive Committee Against Racism meetings;

WHEREAS, without quorum the Committee Against Racism cannot recommend the removal of a Committee Member who has not provided a letter of resignation nor explained the reasons for their absence;

THEREFORE BE IT RESOLVED:

- (a) That Roger Wayne Cameron be removed as a member of the Committee Against Racism; and
- (b) That the membership number of the Committee Against Racism be adjusted accordingly in order to obtain quorum.

14. Impact of Bill 148 on Service Contracts (LS18009(a) / FCS18001(a)) (City Wide) (Item 12.2)

- (d) That Report LS18009(a)/FCS18001(a), including the recommendations and Appendix A, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS

- 4.2 Joe Deschenes Smith, Trillium Housing, respecting implementation of by-law 14-153 and how the City can add its support for housing affordability at Trillium Housing's two affordable housing projects in Hamilton (For a future meeting)
- 4.3 Shekar Chandrashekar, respecting an opportunity to rebut information contained in Report FCS18030 (For a future meeting)

2. NOTICES OF MOTION

- 10.1 Committee Against Racism Membership – revised Notice of Motion

The agenda for the May 7, 2018 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) April 23, 2018 (Item 3.1)

The Minutes of the April 23, 2018 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Robert Elliot, Lawson Ministries, Salvation Army, respecting the business case and benefits of hiring employees with disabilities (For a future meeting) (Item 4.1)

The delegation request from Robert Elliot, Lawson Ministries, Salvation Army, respecting the business case and benefits of hiring employees with disabilities, was approved for a future meeting.

(ii) Joe Deschenes Smith, Trillium Housing, respecting implementation of by-law 14-153 and how the City can add its support for housing affordability at Trillium Housing's two affordable housing projects in Hamilton (For a future meeting) (Added Item 4.2)

The delegation request from Joe Deschenes Smith, Trillium Housing, respecting implementation of by-law 14-153 and how the City can add its support for housing affordability at Trillium Housing's two affordable housing projects in Hamilton, was approved for a future meeting.

(iii) Shekar Chandrashekar, respecting an opportunity to rebut information contained in Report FCS18030 (For a future meeting) (Added Item 4.3)

The delegation request from Shekar Chandrashekar, respecting an opportunity to rebut information contained in Report FCS18030, was received.

(e) DISCUSSION ITEMS (Item 8)

(i) Grants Sub-Committee Report 18-002 - April 20, 2018 (Item 8.4)

Renaissance Music – Renaissance Music 5.0 (ART B-9) Proposed City Enrichment Fund Grant

(a) That Appendix “A” to sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by:

- (i) Increasing the recommended 2018 City Enrichment Fund grant for the Renaissance Music – Renaissance Music 5.0 (ART B-9), as shown in Appendix “A” to Report 18-002, by \$2,625, from \$0 to \$2,625, with the \$2,625 to be funded from the Grant Reserve #112230 for 2018; and,
 - (b) That sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by deleting the dollar amount of “\$6,187,192” and replacing it with the dollar amount of “**\$6,189,817**”; by adding the word “**further**”; and, by deleting the number “GRA18003” and replacing it with the number “**18-002**”, to read as follows:
 - (a) That the 2018 City Enrichment Fund recommended funding allocation, in the amount of **\$6,189,817**, as outlined in the attached Appendix “A”, as **further** amended, to Report **18-002**, be approved;
- (ii) Hamilton Chinese Sports Association – Fun to Play (SAL F-5)**
 - (a) That Appendix “A” to sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by:
 - (i) Increasing the recommended 2018 City Enrichment Fund grant for the Hamilton Chinese Sports Association – Fun to Play (SAL F-5), as shown in Appendix “A” to Report 18-002, by \$1,915, from \$2,238 to \$4,153, with the \$1,915 to be funded from the Grant Reserve #112230 for 2018; and,
 - (b) That sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by deleting the dollar amount of “\$6,189,817” and replacing it with the dollar amount of “**\$6,191,732**”, to read as follows:
 - (a) That the 2018 City Enrichment Fund recommended funding allocation, in the amount of **\$6,191,732**, as outlined in the attached Appendix “A”, as further amended, to Report 18-002, be approved;
- (iii) Rotary Club of Waterdown - Oh Canada Rotary Ribfest (CCH A-14)**
 - (a) That Appendix “A” to sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by:
 - (i) Increasing the recommended 2018 City Enrichment Fund grant for the Rotary Club of Waterdown - Oh Canada Rotary Ribfest (CCH A-14), as shown in Appendix “A” to Report 18-002, by \$5,000, from \$20,000 to \$25,000, with the \$5,000 to be funded from the Grant Reserve #112230 for 2018;

- (b) That sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by deleting the dollar amount of “\$6,191,732” and replacing it with the dollar amount of “**\$6,196,732**, to read as follows:
 - (a) That the 2018 City Enrichment Fund recommended funding allocation, in the amount of **\$6,196,732**, as outlined in the attached Appendix “A”, as further amended, to Report 18-002, be approved; and,
- (c) That an enhancement of an additional \$5,000 for the Rotary Club of Waterdown - Oh Canada Rotary Ribfest base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

(iv) Typographical Corrections

WHEREAS, the Grants Sub-Committee at its meeting of April 20, 2018, approved an increase of \$329 to the recommended City Enrichment Fund grant for the Dundas Community Services – Community Outreach (CH F-8);

WHEREAS, the additional \$329 was properly reflected in sub-section (a) to Item 1 of the Grants Sub-Committee Report, but not in the amending resolution in the Minutes;

WHEREAS, the Grants Sub-Committee at its meeting of April 20, 2018, approved an increase of \$87 for the Polish Symfonia Choir (CCH A-36), bringing the 2018 grant from \$4,038 to \$4,125, but reads \$4,121 in the minutes; a difference of \$4;

WHEREAS, the additional \$4 was properly reflected in Appendix “A” to Item 1 of the Grants Sub-Committee Report, but not in the resolution in the Minutes;

THEREFORE BE IT RESOLVED:

- (a) That, in order to correct both typographical errors, Appendix “A” to sub-section (a) to Item 1 of the Grants Sub-Committee Report 18-002, be amended by:
 - (i) Increasing the recommended 2018 City Enrichment Fund grant for Appendix “A” to Report 18-002, by \$329, from \$10,770 to \$11,099, with the \$329 to be funded from the Grant Reserve #112230 for 2018; and,
 - (ii) Deleting the dollar amount of \$4,121 and replacing it with the dollar amount of \$4,125 for the Polish Symfonia Choir (CCH A-36).

(f) NOTICES OF MOTION (Item 10)

(i) Committee Against Racism Membership (Item 10.1)

Councillor Pearson introduced a Notice of Motion regarding the Committee Against Racism Membership.

The Rules of Order were waived to allow for the introduction of a Motion regarding the Committee Against Racism Membership.

For disposition of this matter please refer to Item 13.

(g) GENERAL INFORMATION / OTHER BUSINESS (ITEM 11)

The following amendments to the Outstanding Business List, were approved:

(Ferguson/Collins)

11.1.a Items considered complete and needing to be removed:

Live Streaming of Audio and Video at City Hall Upper and Lower
Lobby Areas
(Item 5.7 on today's agenda)
Item on OBL: B

Request for approval of the urgent work and HVAC repairs required
for the Dundas Library
(Item 5.8 on today's agenda)
Item on OBL: K

(h) PRIVATE AND CONFIDENTIAL (ITEM 12)

(i) Closed Session Minutes – April 23, 2018 (Item 12.1)

- (a) The Closed Session Minutes of the April 23, 2018 Audit, Finance and Administration meeting, were approved as presented; and
- (b) The Closed Session Minutes of the April 23, 2018 Audit, Finance and Administration meeting, remain confidential.

Committee moved into Closed Session respecting Item 12.2 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e), (f), (i), and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; advice that is subject to solicitor/client privileges, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board,

which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(ii) Impact of Bill 148 on Service Contracts (LS18009(a) / FCS18001(a))
(City Wide) (Item 12.2)**

Staff were provided with direction in Closed Session.

For disposition of this matter, please refer to Item 14.

(i) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 10:52 a.m.

CARRIED

Respectfully submitted,

Councillor VanderBeek, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Write-Off of General Accounts Receivable Over \$1,000 - 2017

Customer ID	Customer Name	Amount	Description
114457	***	1,061.00	Lodges Daycare Program
115523	Ceilidh House	1,022.21	Establishment closed
107135	Jackson-Tkach	1,562.79	Exhausted collections - Bankrupt
118780	Trust	7,928.42	Exhausted collections - Bankrupt
		TOTAL	\$ 11,574.42

NOTES

Amounts listed have been allowed for in the December 2017 year end allowance, these write-offs will not affect the 2018 budget.

*** Identifiable Individual, name left off at request of Council

Write-Off of General Accounts Receivable Under \$1,000 - 2017

Customer ID	Customer Name	Amount	Description
102010	Super 8 Motel (Upper James)	28.27	Finance Charges - invoice paid - late fees uncollected **
119013	Cornerstone Montessori Academy	33.32	"
100347	ArcelorMittal Dofasco G.P.	22.52	"
105211	MacDonald Media	108.02	"
115920	Supercrawl Productions	76.29	"
119013	Cornerstone Montessori Academy	33.32	"
119054	Caird-Hall Construction	65.95	"
119103	CP Xmas Productions VII Inc.	31.03	"
115300	Regional Municipality of Peel	245.19	"
101070	Scott MacDonald Limited	239.07	"
100433	Loblaws Inc.	372.12	"
101986	Loblaws Inc.	45.84	"
116318	Rexall # 8208	34.03	"
100679	L.M. Enterprises	85.41	"
111266	Defaveri Construction	80.29	"
119056	1462556 Ontario Inc	48.39	"
100553	Ham Wentworth Dist School Board	46.28	"
100159	Bell Canada	580.34	"
100378	Ecole Secondaire Georges P.Vanier	38.57	"
118783	Oxford College	424.05	"
115031	Maple Leaf Foods Inc	197.38	"
116127	Telus	21.61	"
	SUBTOTAL	\$ 2,857.29	
118088	***	78.58	Water Turn Off - Exhausted collections*
118495	Ontario Contractors	156.42	"
118801	Bemac Mechanical	115.58	"
118855	2367621 Ontario Inc.	113.16	"
118864	***	88.48	"
118942	***	78.22	"
118943	3MDS Contractors	115.77	"
119061	Prime Fire Protection Inc.	190.58	"
114689	***	147.49	Fire Prevention - Exhausted collections

118921	Children's Choice Childcare	220.82	Bankrupt - Exhausted collections
118601	Waterdown Garden Supplies	769.32	Exhausted collections
105126	SideBar	963.16	Bankrupt - Exhausted collections
114456	***	162.80	Lodges Day Program
118117	***	557.00	Lodges Day Program
113833	***	792.12	Lodges Day Program
		<u> </u>	
TOTAL		\$ 7,406.79	

NOTES

Amounts listed have been allowed for in the December 2017 year end allowance, these write-offs will not affect the 2018 budget.

*New process has been implemented. Water turn off charges have been transferred to Horizon for billing.

**Staff to investigate up front payment for repeat customers.

*** Identifiable Individual, name left off at request of Council

Write-Off of Hamilton Farmer's Market Accounts Receivable Over \$1,000 - 2017

Customer ID	Customer Name	Amount	Description
117842	Naked Lunch	<u>2,742.69</u>	Exhausted collections - Cannot locate owner
	TOTAL \$	2,742.69	

NOTES

Amounts listed have been allowed for in the December 2017 year end allowance, these write-offs will not affect the 2018 budget.

2018 City Enrichment Fund SUMMARY

	Category	No. of Apps	2018 Budget (Total)	2018 Requested	2018 Approved	Budget vs Approved	
	Community Services						
CS - A	Hunger/Shelter	10		\$ 471,992	\$ 356,192		
CS - B	Everyone Safe	9		\$ 304,908	\$ 281,516		
CS - C	Everyone Thrives	10		\$ 275,670	\$ 266,511		
CS - D	No Youth Left Behind	7		\$ 179,058	\$ 157,291		
CS - E	Everyone Age in Place	20		\$ 493,933	\$ 462,521		
CS - F	Community Capacity Grows	12		\$ 305,127	\$ 289,270		
CS - G	Someone to Talk to	7		\$ 187,140	\$ 171,153		
CS - H	Emerging Needs	21		\$ 434,797	\$ 253,328		
	Community Services Total	96	\$ 2,158,510	\$ 2,652,625	\$ 2,237,782	-\$ 79,272	-3.67%
	Agriculture						
AGR A	Operating Grants	20		\$ 202,602	\$ 144,361		
	Agriculture Total	20	\$ 139,820	\$ 202,602	\$ 144,361	-\$ 4,541	-3.25%
	Environment						
ENV-A	Capacity Building	2		\$ 28,300	\$ 28,300		
ENV-C	Project and Programs	8		\$ 113,213	\$ 102,513		
	Environment Total	10	\$ 146,390	\$ 141,513	\$ 130,813	\$ 15,577	10.64%
	Sport and Active Lifestyles						
SAL-A	Long Term Athlete Dev (LTAD)	6		\$ 45,000	\$ 32,930		
SAL-B	Sport Awareness	4		\$ 30,000	\$ 29,844		
SAL-C	Capacity Building	8		\$ 48,514	\$ 36,470		
SAL-D	Sport for Development/Inclusion	10		\$ 77,199	\$ 67,706		
SAL-E	Accessibility	3		\$ 15,660	\$ 15,660		
SAL-F	Active for Life	6		\$ 42,537	\$ 31,861		
SAL-G	Multi-Sport Hosting	3		\$ 67,878	\$ 76,136		
	Sport and Active Lifestyles Total	40	\$ 274,120	\$ 326,788	\$ 290,607	-\$ 16,487	-6.01%

	Category	No. of Apps	2018 Budget (Total)	2018 Requested	2018 Approved	Budget vs Approved	
	Arts						
ART - A	Arts - Operating	29		\$ 3,589,653	\$ 2,385,396		
ART - B	Arts - Festival	9		\$ 331,000	\$ 197,582		
ART - C	Arts - Capacity Building	7		\$ 86,700	\$ 65,950		
ART - D	Arts - Creation & Presentation	40		\$ 233,143	\$ 118,757		
	Arts Total	85	\$ 2,725,060	\$ 4,240,496	\$ 2,767,685	-\$ 42,625	-1.56%
	Communities, Culture & Heritage						
CCH - A	CCH - Events	50		\$ 708,488	\$ 527,385		
CCH - B	CCH - New Projects	10		\$ 108,370	\$ 43,099		
CCH - C	CCH - Capacity Building	2		\$ 8,000	\$ 5,000		
	CCH Total	62	\$ 528,790	\$ 824,858	\$ 575,484	-\$ 46,694	-8.83%
	Total Traditional Grant Requests	313	\$ 5,972,690	\$ 8,388,882	\$ 6,146,732	-\$ 174,042	-2.91%
	CEF Administration		50,000		50,000	\$ -	
	CEF Contingency					\$ -	
	Total City Enrichment Fund		\$ 6,022,690	\$ 8,388,882	\$ 6,196,732	-\$ 174,042	-2.81%

2018 City Enrichment Fund

COMMUNITY SERVICES

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CS - No One is Hungry or Without Shelter							
CS A-1	The Hamilton Young Women's Christian Association	Transitional Living	86	81,126	82,000	21,548	-59,578
CS A-2	Mission Services of Hamilton Inc.	Good Food Centre	81	27,591	28,695	28,143	552
CS A-3	Neighbour 2 Neighbour Centre	Home Delivery	77	17,669	17,669	17,669	0
CS A-4	Housing Help Centre for Hamilton Wentworth	Housing Stabilization Program	76	67,000	67,000	67,000	0
CS A-5	Neighbour 2 Neighbour Centre	Food Bank	75	29,560	29,560	29,560	0
CS A-6	Good Shepherd Centre Hamilton	MarketPlace	68	76,387	78,679	76,387	0
CS A-7	St Matthew's House	St Matthew's House Emergency Food Programs	68	29,617	30,539	29,617	0
CS A-8	Good Shepherd Centre Hamilton	Community Hot Meals	66	36,051	37,850	36,051	0
CS A-9	The Governing Council of The Salvation Army in Canada	Soup Van Ministry	62	26,590	35,000	26,590	0
CS A-10	The Salvation Army	The Salvation Army Food Bank	61	23,627	65,000	23,627	0
				415,218	471,992	356,192	-59,026
CS - Everyone Feels Safe							
CS B-1	Sexual Assault Centre (Hamilton and Area) ¹	Counselling and Advocacy	98	9,384	19,760	19,760	10,376
CS B-2	Interval House of Hamilton Wentworth ¹	Peer Support and counselling	96	35,685	65,805	46,092	10,407
CS B-3	Sexual Assault Centre (Hamilton and Area)	Crisis Support	95	14,650	15,230	14,943	293
CS B-4	Sexual Assault Centre (Hamilton and Area)	Diverse Communities Outreach	94	11,487	11,950	11,717	230
CS B-5	Sexual Assault Centre (Hamilton and Area)	Abuse Prevention	93	6,310	6,560	6,436	126
CS B-6	The Hamilton Young Women's Christian Association	Phoenix Place VAW Residential Program	90	15,000	15,000	15,000	0
CS B-7	Thrive Child and Youth Trauma Services	Child and Youth Trauma Services	88	84,373	84,373	84,373	0
CS B-8	Interval House of Hamilton Wentworth	Community Outreach, Counselling and Advocacy and Telephone Crisis Survey	84	24,260	25,230	24,745	485

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CS B-9	Good Shepherd Centre Hamilton	2nd Stage Housing	64	58,450	61,000	58,450	0
				259,599	304,908	281,516	21,917
CS - Every Child and Family Thrives							
CS C-1	Wesley Urban Ministries	Wesley Child and Family Programs	91	42,169	43,012	43,012	843
CS C-2	Immigrants Working Centre (Hamilton)	IWC Childcare Program	83	23,045	24,197	23,506	461
CS C-3	Hamilton East Kiwanis Boys and Girls Club	CityHousing After School Program	81	22,500	22,500	22,500	0
CS C-4	Hamilton East Kiwanis Boys and Girls Club	Sanford Kids Club	80	16,565	16,565	16,565	0
CS C-5	Hamilton East Kiwanis Boys and Girls Club	Parent Education Outreach (previous known as \"Lunch and Life Skills\" and \"Multicultural\")	76	51,664	52,000	51,664	0
CS C-6	Elliott Heights Baptist Church	Larch After School Program	75	5,202	8,396	5,202	0
CS C-7	The Living Rock Ministries	Wellness Works	68	33,428	37,000	33,428	0
CS C-8	Big Brothers Big Sisters of Hamilton and Burlington Inc.	SOAR FOR BOYS	67	23,086	24,000	23,086	0
CS C-9	Big Brothers Big Sisters of Hamilton and Burlington Inc.	Matching Program	66	24,000	24,000	24,000	0
CS C-10	Big Brothers Big Sisters of Hamilton and Burlington Inc.	SOAR for GIRLS	63	23,548	24,000	23,548	0
				265,207	275,670	266,511	1,304
CS - No Youth is Left Behind							
CS D-1	AY/Alternatives for Youth Hamilton	Alternatives for Youth Street Involved Youth Outreach	86	39,047	40,999	39,828	781
CS D-2	AY/Alternatives for Youth Hamilton	AY Outreach	86	25,324	26,590	25,830	506
CS D-3	Wesley Urban Ministries	Wesley Youth Housing	79	39,872	40,669	39,872	0
CS D-4	Dundas Youth Chaplaincy	Routes Youth Centre	77	10,300	10,800	10,300	0
CS D-5	The Living Rock Ministries	Evening Program Oasis Coffee House	76	15,801	30,000	15,801	0
CS D-6	Hamilton Association for Residential and Recreational Redevelopment Programs	YOUth Create	75	10,000	10,000	10,000	0
CS D-7	The Living Rock Ministries	It's a New Day Breakfast Program	61	15,660	20,000	15,660	0
				156,004	179,058	157,291	1,287
CS - Everyone Can Age in Place							
CS E-1	St. Joseph's Villa	A.C.T.I.V.E at the Villa Adult Day Program	93	20,400	20,400	20,400	0

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CS E-2	Ancaster Information Centre and Community Services Inc.	Assisted Volunteer Driving Program	91	9,051	9,503	9,232	181
CS E-3	Good Shepherd Centre Hamilton	SAM Adult Day Program	88	66,263	68,250	67,588	1,325
CS E-4	Ancaster Information Centre and Community Services Inc.	Meals on Wheels	87	5,100	5,355	5,202	102
CS E-5	Banyan Community Services Inc.	Grocer-Ease Program	87	18,770	19,322	19,145	375
CS E-6	Wesley Urban Ministries	Multicultural Seniors Outreach Program	86	18,183	20,253	18,547	364
CS E-7	Flamborough Information & Community Services	Seniors Support	85	3,446	3,446	3,446	0
CS E-8	Glanbrook Home Support Programme Inc.	Health and Fitness Programs	84	16,574	16,574	16,574	0
CS E-9	Hamilton Jewish Home for the Aged (Shalom Village)	Goldie's Place Adult Day Program	84	23,153	24,312	23,616	463
CS E-10	Glanbrook Home Support Programme Inc.	Community Supports Program	81	10,997	22,997	22,997	12,000
CS E-11	Dundas Community Services	Services for Seniors	80	43,268	44,133	44,133	865
CS E-12	Glanbrook Home Support Programme Inc.	Assisted Volunteer Transportation	80	12,864	12,864	12,864	0
CS E-13	Glanbrook Home Support Programme Inc.	Meal Support Program	79	23,725	23,725	23,725	0
CS E-14	Victorian Order of Nurses for Canada - Ontario - Hamilton Site	Meals On Wheels (MOW)	79	56,852	56,852	56,852	0
CS E-15	Hamilton East Kiwanis Boys and Girls Club	Boys and Girls Clubs of Hamilton Adult Day Program	78	13,000	15,000	13,000	0
CS E-16	Victorian Order of Nurses for Canada - Ontario - Hamilton Site	Volunteer In Home & Teletouch Visiting Program	75	52,191	52,191	52,191	0
CS E-17	Catholic Family Services of Hamilton	Intensive Case Management for Seniors at Risk (ICMSR)	73	11,767	37,514	11,767	0
CS E-18	The Governing Council of The Salvation Army in Canada	Mountberry Adult Day Services	70	6,514	6,255	6,255	-259
CS E-19	Victorian Order of Nurses for Canada - Ontario - Hamilton Site	Adult Day Program	66	28,665	28,665	28,665	0
CS E-20	Famee Furlane of Hamilton	Famee Furlane of Hamilton - Everyone	64	7,163	6,322	6,322	-841
				447,946	493,933	462,521	14,575
CS - Community Capacity Grows							

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CS F-1	Ancaster Information Centre and Community Services Inc.	Community Outreach	85	34,593	36,323	35,285	692
CS F-2	Information Hamilton	Information & Referral with Resource Database	84	87,952	92,350	87,924	-28
CS F-3	Adult Basic Education Association of Hamilton Wentworth	Lifelong Learning Opportunities and Pathways	83	8,229	8,500	8,394	165
CS F-4	Neighbour 2 Neighbour Centre	Middle East Outreach	79	2,763	3,000	2,763	0
CS F-5	Flamborough Information & Community Services	Community Outreach	78	48,435	48,385	48,385	-50
CS F-6	Hamilton Council on Aging (HCoA)	Seniors Engagement	77	8,160	8,568	8,160	0
CS F-7	The Hamilton and District Literacy Council	Literacy and Basic Skills Program for Adults	77	5,778	6,000	5,778	0
CS F-8	Dundas Community Services	Community Outreach	75	10,881	11,099	24,099	13,218
CS F-9	Elizabeth Fry Society Southern Ontario Region	Community Supports Program	72	11,373	11,373	11,373	0
CS F-10	Social Planning and Research Council of Hamilton	Social Research, System and Service Planning and Community Development	72	43,656	44,529	43,656	0
CS F-11	Rotary Club of Hamilton	Rotary Literacy In Action Program	71	7,362	25,000	7,362	0
CS F-12	St. John Council for Ontario	Medical First Responders Program	62	6,091	10,000	6,091	0
				275,273	305,127	289,270	13,997
CS - Everyone Has Someone to Talk to							
CS G-1	Catholic Family Services of Hamilton	Credit Counselling Walk-In Clinic	83	47,116	48,502	48,058	942
CS G-2	Canadian Mental Health Association, Hamilton	The Evening Social Recreation Rehabilitation Program	80	23,986	24,466	24,466	480
CS G-3	Catholic Family Services of Hamilton	Individual and Family Counselling	73	39,119	70,270	39,119	0
CS G-4	Multiple Sclerosis Society of Canada, Hamilton-Halton Chapter	Supports for Wellness	72	13,530	14,000	13,530	0
CS G-5	The Bridge: From Prison to Community (Hamilton)	Community Reintegration and Support	67	5,520	5,796	5,520	0
CS G-6	Schizophrenia Society of Ontario	Family Support Services	65	2,729	5,000	2,729	0
CS G-7	Dundas Community Services	Counselling & Referral	62	18,731	19,106	37,731	19,000
				150,731	187,140	171,153	20,422
CS - Emerging Needs and Program Innovation							
CS H-1	Thrive Child and Youth Trauma Services	OASIS	93	41,700	41,700	41,700	0
CS H-2	AY/Alternatives for Youth Hamilton	Parent Education, Support and Skills Development Program	90	16,959	17,807	17,298	339

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CS H-3	Canadian National Institute for the Blind (CNIB)	Peer Support for Hamiltonians Living Blind or Partially Sighted	84	5,423	7,899	5,531	108
CS H-4	Mission Services of Hamilton Inc.	Willow's Place	83	15,000	40,900	15,300	300
CS H-5	Welcome Inn Community Centre of Hamilton	Food Access Centre	81	19,277	23,430	19,663	386
CS H-6	Micah House Refugee Reception Services Inc.	Settlement in the City	79	10,868	17,100	10,868	0
CS H-7	Ancaster Information Centre and Community Services Inc.	Frozen Meals	73	7,568	7,946	7,568	0
CS H-8	Hamilton East Kiwanis Boys and Girls Club	McQuesten Boys and Girls Club	72	22,500	24,400	22,500	0
CS H-9	Food4Kids Hamilton Halton	Weekends Without Hunger	70	20,000	40,000	30,000	10,000
CS H-10	Mission Services of Hamilton Inc.	Afterschool Meal Program	69	13,500	14,456	13,500	0
CS H-11	City Kidz Ministry	CityKidz Saturday Program	63	25,000	25,000	25,000	0
CS H-12	Colombian Refugees Association	Refugee Claimant Settlement Services	70	-	30,000	12,900	12,900
CS H-13	Wellwood Resource Centre	Information and Peer Support for Cancer Patients and Their Families	64	-	25,200	18,900	18,900
CS H-14	Information Hamilton	Information & Referral (I&R) for Seniors and Older Adults	57	-	14,500	-	0
CS H-15	Eva Rothwell Centre	Leaders in Action	52	-	12,600	12,600	12,600
CS H-16	Student Open Circles	Community Volunteer Circles	52	-	15,300	-	0
CS H-17	Global Peace Centre Canada	Youth4Peace Leadership Initiative	50	-	30,000	-	0
CS H-18	Olive Us Childcare	Olive Us Care	49	-	2,500	-	0
CS H-19	Sisters Circle Canada	Women4Women: Peer Compassionate Support Program	38	-	29,920	-	0
CS H-20	Special Needs Resource Centre	Special Needs Resource Centre	DNQ	-	11,100	-	0
CS H-21	Accessible Hamilton	Community	DNQ	-	3,039	-	0
				197,795	434,797	253,328	55,533
	TOTAL COMMUNITY SERVICES			2,167,773	2,652,625	2,237,782	70,009
	¹ 2018 Recommended grant includes one-time funding for program expansion request						

2018 City Enrichment Fund

AGRICULTURE

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
Agriculture - Operating Grants							
AGR A-1	Ancaster Agricultural Society	Ancaster Fair	90	25,323	35,000	25,829	506
AGR A-2	Binbrook Agricultural Society	Binbrook Fair	89	10,000	10,000	10,000	0
AGR A-3	Rockton Agricultural Society, Home of the Rockton World's Fair	Rockton World's Fair	89	26,085	50,000	26,607	522
AGR A-4	Hamilton-Wentworth 4-H Association	Agriculture	85	6,000	7,500	6,120	120
AGR A-5	Hamilton Sustainable Victory Gardens Inc.	Hamilton Victory Gardens--Operating Grant for 2018	83	22,500	30,000	22,950	450
AGR A-6	Hamilton Farm Crawl	Hamilton Farm Crawl	82	4,000	4,500	4,080	80
AGR A-7	South Wentworth Plowmen's Association	South Wentworth Plowmen's Association	82	1,400	2,000	1,428	28
AGR A-8	Ancaster Farmers' Market	Operating Grant for the Ancaster Farmers' Market	82	4,000	3,000	3,000	-1,000
AGR A-9	Golden Horseshoe Pork Producers Association	Ag Education Events	78	615	600	600	-15
AGR A-10	The Board of Management for the Waterdown Business Improvement Area	Waterdown Farmers' Market	77	10,000	10,500	10,000	0
AGR A-11	Ancaster Horticultural Society	Trillium awards and beautifying the Ancaster community	76	4,000	4,000	4,000	0
AGR A-12	The Equestrian Association for the Disabled	Operating Grant for The Equestrian Association for the Disabled (T.E.A.D)	76	10,000	14,000	10,000	0
AGR A-13	Golden Horseshoe Beekeepers Association	Operating grant for Golden Horseshoe Beekeepers	75	1,590	1,750	1,590	0
AGR A-14	2302747 Ontario Inc. (Locke Street Farmers' Market)	Locke Street Farmers' Market	75	5,000	2,000	1,950	-3,050
AGR A-15	Hamilton-Wentworth Federation of Agriculture	Fair Display Enhancement	69	2,000	2,000	2,000	0
AGR A-16	Wentworth Niagara Guernsey Club	Wentworth Niagara Guernsey Club Activities	69	224	206	177	-47
AGR A-17	North Wentworth Plowmen's Association	North Wentworth Plowmen's Association	68	1,000	1,046	1,000	0
AGR A-18	Canteen Destiny	Where the Arts Meets Agriculture	68	8,800	12,000	8,800	0
AGR A-19	Crown Point Farmers' Market (Ottawa St. Farmers' Market)	Crown Point Farmers' Market	81	-	9,900	3,230	3,230

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
AGR A-20	Wentworth Soil & Crop Improvement Association	Wentworth Soil & Crop Improvement Association	74	-	2,600	1,000	1,000
				142,537	202,602	144,361	1,824
TOTAL AGRICULTURE				142,537	202,602	144,361	1,824

2018 City Enrichment Fund

ENVIRONMENT

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
ENV - Capacity Building							
ENV A-1	Sustainable Hamilton	Sustainability Education Events program	76	21,200	18,300	18,300	-2,900
ENV A-2	Hamilton-Wentworth Green Venture	Electric Vehicle Charging Station Installations	82	-	10,000	10,000	10,000
				21,200	28,300	28,300	7,100
ENV - Projects & Programs							
							0
ENV C-1	The Bruce Trail Conservancy	2018 Hamilton Bruce Trail Access, Maintenance and Enhancement Program	75	5,700	5,183	5,183	-517
ENV C-2	A Rocha Canada ²	Operation Wild: Nature Experiences for People on the Margins	73	10,000	10,000	10,000	0
ENV C-3	Escarpment Project Inc. ²	The Escarpment Project	68	5,535	6,000	6,000	465
ENV C-4	Evergreen	Hamilton Civic Incubator	83	-	35,000	35,000	35,000
ENV C-5	Hamilton-Wentworth Green Venture	Depave at Home	80	-	10,230	10,230	10,230
ENV C-6	Stewards of Cootes Watershed	Getting and Keeping Clean Two Hamilton Watersheds	74	-	20,000	16,000	16,000
ENV C-7	Bay Area Restoration Council of Hamilton and Halton Inc.	Educational Programming for Harbour Restoration and Water Sustainability	70	-	18,800	14,100	14,100
ENV C-8	Hamilton Eco-Action Network	Tree Planting Infrastructure Support	62	-	8,000	6,000	6,000
				21,235	113,213	102,513	81,278
TOTAL ENVIRONMENT				42,435	141,513	130,813	88,378
² - Grant to be Tabled, pending submission of additional information							

2018 City Enrichment Fund

SPORTS & ACTIVE LIFESTYLE

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
SAL - Long-Term Athlete Development							
SAL A-1	Flamborough Dundas Soccer Club	Long-term Athlete Development Program	90	3,750	7,500	3,825	75
SAL A-2	Binbrook Minor Baseball Association	Rally Cap Program	88	5,250	7,500	5,355	105
SAL A-3	Hamilton Olympic Club	Coach and Athlete Development	88	7,500	7,500	7,500	0
SAL A-4	Saltfleet Stoney Creek Soccer Club ²	Enhancing the Preferred Training Method - Lead Trainers & Mentor Trainers	76	5,250	7,500	5,250	0
SAL A-5	Croatian Sports and Community Centre of Hamilton (Hamilton Croatia)	Improving Player and Coaches Skill Development	71	3,500	7,500	3,500	0
SAL A-6	Hamilton Aquatic Water Polo Club	Long-Term Athlete Development Program Design and Implementation	82	-	7,500	7,500	7,500
				25,250	45,000	32,930	7,680
SAL - Sport Awareness							
SAL B-1	Flamborough Dundas Soccer Club	FDSC New Club Awareness Initiative	86	7,200	7,500	7,344	144
SAL B-2	Hamilton Hornets Rugby Football Club	Sport Awareness - Rugby	86	5,250	7,500	7,500	2,250
SAL B-3	Hamilton and District Soccer Association ²	Grass Roots Soccer Program -Development of Volunteers and Technical Expertise	77	7,500	7,500	7,500	0
SAL B-4	Golden Horseshoe Track & Field Council	Integrated Athletics Community Program Model	80	-	7,500	7,500	7,500
				19,950	30,000	29,844	9,894
SAL - Capacity Building							
SAL C-1	Bike for Mike Inc. ²	Mike's Bike Library	94	3,600	5,518	2,570	-1,030
SAL C-2	Flamborough Dundas Soccer Club	FDSC Builds Capacity	90	7,500	7,500	7,500	0
SAL C-3	Saltfleet Stoney Creek Soccer Club ²	TPP Program - The TFC Way For Players U8-U12	84	3,750	7,500	3,825	75
SAL C-4	Hamilton and District Soccer Association ²	Continued Enhancement of the Match Official Mentorship Program	81	5,500	7,500	5,610	110
SAL C-5	Hamilton Football Association	capacity building hfa	63	7,500	7,500	7,500	0
SAL C-6	Hamilton Aquatic Water Polo Club	Succession Planning and Certification Program	94	-	5,865	5,865	5,865
SAL C-7	Hammer City Roller Derby	Sport Court	93	-	3,600	3,600	3,600
SAL C-8	Hamilton Black Tigers	Hamilton Black Tigers	51	-	3,531	-	0
				27,850	48,514	36,470	8,620
SAL - Sport Development / Inclusion							

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
SAL D-1	Fit Active Beautiful Foundation	FAB Girls 5K Challenge Program	96	7,500	7,500	7,500	0
SAL D-2	Hamilton Association for Residential and Recreational Redevelopment Programs	Health Active Vibrant Energetic Seniors (HAVES)	88	7,500	7,500	7,500	0
SAL D-3	Colombian Refugees Association ²	True Soccer and Sports Program	82	3,750	7,500	3,825	75
SAL D-4	Hamilton Basketball Association	HBA 2018-19 Season	82	3,750	7,500	4,182	432
SAL D-5	New Hope Community Bikes	Ride Smart School Based Cycle Education	81	7,500	10,000	7,500	0
SAL D-6	Hamilton-Wentworth Aquatic Club	Jimmy Thompson Swimmer Participation Program	80	7,500	7,500	7,500	0
Sal D-7	Wesley Urban Ministries	Beasley Teen Drop In	80	7,500	7,500	7,500	0
SAL D-8	Knot a Breast Breast Cancer Support Services	Dragon Boat Sport Development for Breast Cancer Survivors	88	-	7,500	7,500	7,500
SAL D-9	Afghan Sports Federation of Canada	Multicultural Sportsfest	81	-	7,199	7,199	7,199
SAL D-10	Hamilton East Kiwanis Boys and Girls Club	Midnight Basketball	81	-	7,500	7,500	7,500
				45,000	77,199	67,706	22,706
SAL - Accessibility							
SAL E-1	The Royal Hamilton Yacht Club (Established 1888) Inc.	RHYC Able Sail	86	4,550	6,000	6,000	1,450
SAL E-2	Equestrian Association for the Disabled	Scholarship Program	82	7,500	7,500	7,500	0
SAL E-3	Flamborough Dundas Soccer Club	FDSC Accessible Soccer Sessions - A Pilot Project	79	-	2,160	2,160	2,160
				12,050	15,660	15,660	3,610
SAL - Active for Life							
SAL F-1	Hamilton Hornets Rugby Football Club	Rugby for newcomers and at-risk youth	85	5,250	7,500	5,355	105
SAL F-2	Hamilton Bay Sailing Club	Sport Awareness-Active for Life	72	5,250	7,500	7,500	2,250
SAL F-3	Living Rock Ministries	Rock-in-Action	71	4,500	10,000	3,978	-522
SAL F-4	Hamilton East Kiwanis Boys and Girls Club	Girls Only Multi Sport	85	-	7,500	7,500	7,500
SAL F-5	Hamilton Chinese Sports Association	Fun to Play	78	-	5,537	4,153	4,153
SAL F-6	Croatian Sports and Community Centre of Hamilton (Hamilton Croatia)	Promote sports opportunities to new participants	60	-	4,500	3,375	3,375
				15,000	42,537	31,861	16,861
SAL - Multi-Sport Hosting							
SAL G-1	Ontario Cycling Association Incorporated ²	Paris Ancaster Bicycle Race	83	12,300	12,800	12,546	246
SAL G-2	CANUSA Games	61st CANUSA Games	82	38,202	29,690	38,202	0

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
SAL G-3	91st Highlanders Athletic Association	City Enrichment Fund	81	19,470	25,388	25,388	5,918
				69,972	67,878	76,136	6,164
TOTAL SPORT & ACTIVE LIFESTYLE				215,072	326,788	290,607	75,535
² - Grant to be Tabled, pending submission of additional information							

2018 City Enrichment Fund

ARTS

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
ARTS - Operating Grants							
ART A-1	Supercrawl Productions	Annual Operating	94	130,000	200,000	132,600	2,600
ART A-2	Theatre Aquarius Inc.	Annual Operating	90	250,000	500,000	255,000	5,000
ART A-3	Hamilton Philharmonic Orchestra (The Hamilton Philharmonic Orchestra (2000) Inc.)	Annual Operating	89	165,000	250,000	168,300	3,300
ART A-4	Centre[3] for Print and Media Arts	Annual Operating	87	51,500	80,000	52,530	1,030
ART A-5	Dundas Valley School of Art	Annual Operating	85	106,970	106,970	106,970	0
ART A-6	Art Gallery of Hamilton	Annual Operating	81	1,000,000	1,500,000	1,000,000	0
ART A-7	Hamilton Festival Theatre Company	Annual Operating	81	50,993	85,993	52,013	1,020
ART A-8	Brott Music Festival	Annual Operating	80	160,000	250,000	182,800	22,800
ART A-9	Workers Arts and Heritage Centre	Annual Operating	79	35,000	35,000	35,000	0
ART A-10	Hamilton Music Collective	Annual Operating	77	62,400	70,000	62,400	0
ART A-11	Culture for Kids in the Arts	Annual Operating	77	23,180	35,000	23,180	0
ART A-12	Hamilton Children's Choir	Annual Operating	77	51,240	55,000	51,240	0
ART A-13	Hamilton Arts Council	Annual Operating	74	42,700	44,000	42,700	0
ART A-14	Hamilton Literary Festival Association ²	Annual Operating	73	13,000	15,000	13,000	0
ART A-15	Bach Elgar Choir (Bach Elgar Choral Society)	Annual Operating	72	28,500	30,000	28,500	0
ART A-16	Hamilton Artists Inc.	Annual Operating	71	57,000	87,000	57,000	0
ART A-17	Factory Media Centre	Annual Operating	71	18,800	30,000	18,800	0
ART A-18	Hamilton Philharmonic Youth Orchestra	Annual Operating	70	11,500	9,500	9,500	-2,000
ART A-19	Hamilton Youth Steel Orchestra	Annual Operating	70	9,900	26,400	9,900	0
ART A-20	Hamilton Academy of Performing Arts	Annual Operating	69	20,000	30,000	14,518	-5,482
ART A-21	Carnegie Gallery (Dundas Art and Craft Association)	Annual Operating	69	15,000	30,000	15,000	0
ART A-22	Dundas Concert Band Inc.	Annual Operating	67	2,400	2,560	2,400	0
ART A-23	Dundas Pipes and Drums	Annual Operating	67	3,860	4,455	3,860	0
ART A-24	Immigrant Culture and Art Association	Annual Operating	65	18,000	24,000	18,000	0
ART A-25	Matapa Music and Arts Organization ²	Annual Operating	60	12,650	30,000	12,650	0
ART A-26	Hamilton All Star Jazz Bands Inc.	Annual Operating	60	9,500	10,000	9,500	0
ART A-27	Legacy Winter Guard	Annual Operating	60	2,400	4,000	2,400	0
ART A-28	Chamber Music Hamilton	Annual Operating	60	5,635	15,000	5,635	0

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
ART A-29	Musikay	Annual Operating	31	-	29,775	-	0
				2,357,128	3,589,653	2,385,396	28,268
ARTS - Art Festivals							
ART B-1	Rotary Club of Hamilton Sunshine Fund (Telling Tales c/o Rotary Club of Hamilton)	10th Anniversary of the Telling Tales Festival	90	16,000	26,000	16,320	320
ART B-2	Hamilton Conservatory for the Arts Dance Theatre	Dusk Dances Hamilton	86	10,000	10,000	10,000	0
ART B-3	Centre Français Hamilton ²	FrancoFEST	85	25,000	66,500	25,500	500
ART B-4	Hamilton Youth Poets ²	Louder Than A Bomb Canada	80	10,000	40,000	10,200	200
ART B-5	Ancaster Society for the Performing Arts	Music at Fieldcote	65	13,000	15,000	13,000	0
ART B-6	Historic Waterdown Arts & Events	ArtsFest Waterdown	64	25,000	60,000	25,000	0
ART B-7	Festival of Friends (Hamilton-Wentworth) ²	Festival of Friends	TBD	90,000	100,000	90,000	0
ART B-8	Shush Inc.	Strange Daze at the Bay	61	-	10,000	4,937	4,937
ART B-9	Renaissance Music	Renaissance Music 5.0	60	-	3,500	2,625	2,625
				189,000	331,000	197,582	8,582
ARTS - Capacity Building							
ART C-1	Theatre Aquarius Inc.	The Cycle and Relationship of The Job	90	-	13,500	13,500	13,500
ART C-2	Centre[3] for Print and Media Arts	Capacity Building for Arts Organizations	85	-	10,000	9,000	9,000
ART C-3	Hamilton Literary Festival Association ²	Arts Capacity Building	80	-	2,200	2,200	2,200
ART C-4	Hamilton Music Collective	Increasing Capacity: Identifying and Addressing Barriers	79	-	25,000	18,750	18,750
ART C-5	Hamilton Children's Choir	Hamilton Children's Choir	73	-	25,000	18,750	18,750
ART C-6	Telling Tales (Rotary Club of Hamilton Sunshine Fund)	Capacity Building for Telling Tales Sponsorship Revenue	72	-	5,000	3,750	3,750
ART C-7	The Women's Art Association of Hamilton	Strategic Planning and Revitalization of WAAH	46	-	6,000	-	0
				-	86,700	65,950	65,950
ARTS - Creations and Presentations Grants for Arts Professionals							
ART D-1	Women's Work Playwright Collective (Laura Ellis)	Established Artist Project	100	-	7,000	7,000	7,000
ART D-2	Double Pendulum Performance (Yellow Wallpaper)	Established Artist Project	95	-	10,000	10,000	10,000
ART D-3	Matt McInnes	Established Artist Project	93	-	4,600	4,600	4,600

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
ART D-4	The Sweetgrass Sisters Collective (Jasmin Leigh Glaw)	Emerging Artist Project	90	-	5,000	5,000	5,000
ART D-5	Wild Geese Chamber Music	Emerging Artist Project	90	-	3,138	3,138	3,138
ART D-6	Donna Akrey	Established Artist Project	87	-	600	600	600
ART D-7	Edgardo Moreno	Established Artist Project	87	-	4,500	4,500	4,500
ART D-8	Bud Roach	Established Artist Project	85	-	10,000	10,000	10,000
ART D-9	Jessica Lea Fleming	Emerging Artist Project	85	-	1,952	1,952	1,952
ART D-10	Gillian Nicola	Emerging Artist Project	85	-	5,000	5,000	5,000
ART D-11	Industry (Industry Performance Makers)	Emerging Artist Project	83	-	5,000	5,000	5,000
ART D-12	Andrew Lee	Emerging Artist Project	81	-	1,657	1,657	1,657
ART D-13	The Jazz Connection Big Band	Emerging Artist Project	80	-	5,000	4,983	4,983
ART D-14	Amy McIntosh	Established Artist Project	80	-	5,000	3,765	3,765
ART D-15	Dei Gratia Pictures (Christina Elizabeth Fraser-Underhill)	Emerging Artist Project	79	-	5,000	3,750	3,750
ART D-16	Svava Thordis Juliusson	Established Artist Project	78	-	10,000	7,500	7,500
ART D-17	Aaron Hutchinson & Ariel Bader-Shamai (Aaron Hutchinson)	Emerging Artist Project	78	-	3,655	2,741	2,741
ART D-18	Juliana Lachance	Emerging Artist Project	77	-	4,500	3,375	3,375
ART D-19	Michael Allgoewer	Established Artist Project	73	-	5,595	4,196	4,196
ART D-20	Nancy Anne McPhee	Established Artist Project	71	-	10,000	7,500	7,500
ART D-21	Jim Riley	Established Artist Project	71	-	10,000	7,500	7,500
ART D-22	John Noestheden	Established Artist Project	70	-	10,000	7,500	7,500
ART D-23	C.Wells	Established Artist Project	70	-	10,000	7,500	7,500
ART D-24	Andrea Flockhart	Emerging Artist Project	66	-	5,000	-	0
ART D-25	Allana Mayer	Emerging Artist Project	64	-	1,500	-	0
ART D-26	Carol Priamo	Emerging Artist Project	64	-	4,890	-	0
ART D-27	Trisha Lavoie	Emerging Artist Project	62	-	3,246	-	0
ART D-28	Dale Morningstar	Established Artist Project	DNP	-	5,000	-	0
ART D-29	Kojo Easy Dampsey (Kojo Dampsey)	Established Artist Project	DNP	-	4,200	-	0
ART D-30	Vanessa Crosbie Ramsay	Established Artist Project	DNP	-	9,000	-	0
ART D-31	Sylvia Nickerson	Established Artist Project	DNP	-	6,390	-	0
ART D-32	George Qua-Enoo	Established Artist Project	DNP	-	4,920	-	0
ART D-33	Sky Gilbert	Established Artist Project	DNP	-	10,000	-	0
ART D-34	Harrison Wheeler	Established Artist Project	DNP	-	10,000	-	0
ART D-35	My Will	Emerging artist Program	DNP	-	5,000	-	0
ART D-36	Ms. Melissa Neil	Emerging Artist Project	DNP	-	5,000	-	0
ART D-37	Erica Villabroza	Emerging Artist Project	DNP	-	5,000	-	0
ART D-38	Stephanie Jacobs	Emerging Artist	DNP	-	5,000	-	0

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
ART D-39	Michael Pawlowski	Established Artist Project	DNP	-	1,800	-	0
ART D-40	Radha Sciara-Menon	Established Artist Project	DNP	-	10,000	-	0
				-	233,143	118,757	118,757
TOTAL ARTS				2,546,128	4,240,496	2,767,685	221,557
² - Grant to be Tabled, pending submission of additional information							

2018 City Enrichment Fund

COMMUNITIES, CULTURE & HERITAGE

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CCH - Events and Established Activities							
CCH A-1	Downtown Dundas Business Improvement Area	Dundas International Buskerfest 2018	90	28,827	29,500	29,404	577
CCH A-2	Winona Peach Festival	Winona Peach Festival	87	85,000	94,000	85,000	0
CCH A-3	Hamilton Arts & Letters magazine	HA&L Presents	87	7,000	9,000	7,140	140
CCH A-4	Cactus Festival of Dundas Ontario	Dundas Cactus Festival	86	35,000	43,035	35,700	700
CCH A-5	Dundas Historical Society Museum	Dundas Museum and Archives Exhibition Project	86	10,000	10,000	10,200	200
CCH A-6	Dundas Historical Society Museum	Dundas Community Historical Mapping Project Phase 2	85	5,000	10,000	5,100	100
CCH A-7	Hamilton Folk Arts Heritage Council	It's Your Festival	84	57,750	75,988	58,905	1,155
CCH A-8	Dundas Valley Orchestra	Concerts Presented in 2018	82	5,000	5,000	5,100	100
CCH A-9	Comunita Racalmutese Maria SS Del Monte Ontario Inc.	Comunita Racalmutese Maria SS. Del Monte Inc.	80	6,000	10,000	4,845	-1,155
CCH A-10	Rotary Club of Hamilton AM	Imagine in the Park Children's Arts Festival	78	5,000	5,000	5,000	0
CCH A-11	Locke Street BIA	Locke Street Festival	78	7,200	12,000	7,200	0
CCH A-12	Hamilton and District Labour Council-CLC	Annual Hamilton Labour Day Parade & Picnic	78	12,000	11,250	11,250	-750
CCH A-13	Chorus Hamilton	Concert Series 2018	78	5,000	5,000	5,000	0
CCH A-14	Oh Canada Rotary Ribfest (Rotary Club of Waterdown)	Oh Canada Ribfest	77	20,000	20,000	25,000	5,000
CCH A-15	Dundas Cactus Parade Inc.	Dundas Cactus Parade	77	10,649	10,514	10,649	0
CCH A-16	The Living Rock Ministries	Arts of August	76	5,000	10,000	5,000	0
CCH A-17	South Asian Heritage Association of Hamilton & Region	South Asian Heritage Month (Ontario) Celebration - Spring Festival	75	5,250	5,900	5,250	0
CCH A-18	Pride Hamilton (The Aids Network) ²	Hamilton Pride 2018	74	7,500	13,968	7,500	0
CCH A-19	Flamborough Santa Claus Parade ²	Flamborough Santa Claus Parade	74	15,000	16,000	15,000	0
CCH A-20	Concession Street BIA	Streetfest	73	6,450	11,209	8,000	1,550
CCH A-21	Stoney Creek BIA ²	Strawberry Folk Fest and PumpkinFest	73	3,000	5,000	3,000	0
CCH A-22	Downtown Hamilton BIA	Gore Park Summer Promenade	72	9,762	15,000	9,762	0
CCH A-23	Lynden Canada Day Committee	Lynden Canada Day Celebration	71	7,500	7,500	7,500	0
CCH A-24	Gourley Park Community Association	Winterfest / Easter Egg Hunt / Pumpkinfest	71	2,765	3,475	2,765	0
CCH A-25	Asociacion Fraternidad Hispana (Fraternity Hispanic Association)	2018 Hispanic Heritage Month	71	3,000	3,000	3,000	0
CCH A-26	India Canada Society	Gandhi Peace Festival	71	5,000	5,000	5,000	0
CCH A-27	Ancaster Heritage Days	A Village Christmas	70	1,995	1,995	1,995	0

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CCH A-28	Pagan Pride Day Hamilton	Pagan Pride Day Hamilton's 16th Annual Harvestfest	70	1,425	1,262	1,261	-164
CCH A-29	The Malhar Group (The Malhar Group Music Circle of Ontario)	Springfest 2018	70	3,400	3,400	3,400	0
CCH A-30	Musicata (John Laing Singers)	Choral Series	69	3,000	5,000	3,000	0
CCH A-31	Ancaster Heritage Days	Ancaster Heritage Days 2018	68	25,000	26,550	26,550	1,550
CCH A-32	International Village BIA	Victorian Night in the Village & Movie Night at Ferguson Station	68	2,180	4,000	2,180	0
CCH A-33	Hamilton Waterfront Trust	Hamilton Waterfront Trolley	67	5,000	27,000	5,000	0
CCH A-34	Durand Neighbourhood Association	Annual Movie Night / Spooktakular	65	1,378	1,500	1,378	0
CCH A-35	Stoney Creek Santa Claus Parade	Stoney Creek Santa Claus Parade 2018	64	2,728	5,000	2,155	-573
CCH A-36	Polish Symfonia Choir	Concert Series 2018	64	4,125	4,125	4,125	0
CCH A-37	Festitalia Corporation	Festitalia 2018	63	18,750	22,500	18,750	0
CCH A-38	Wentworth District WI (Federated Women's Institute of Ontario)	4-H Program	63	4,719	5,000	3,728	-991
CCH A-39	Hammer City Makers Community Organization ²	Maker Faire 2018	61	4,000	5,000	4,000	0
CCH A-40	Hamilton Santa Claus Parade Committee ²	2018 Hamilton Santa Claus Parade	TBD	46,231	65,000	46,231	0
CCH A-41	Rotary Club of Dundas ²	Rotary Club of Dundas - Canada Day Celebration	TBD	1,000	1,000	1,000	0
CCH A-42	Sir John A. Macdonald Society(Hamilton)	Sir John A. Macdonald Gala dinner and his Statue Ceremony for his birthday	56	500	3,500	-	-500
CCH A-43	Zula Music & Arts Collective Hamilton	Something Else! Festival & Mixed Arts	86	-	10,000	10,000	10,000
CCH A-44	Sunshine Culture Center	Traditional Chinese Dance program	80	-	5,000	4,470	4,470
CCH A-45	Cameroonian Association of Hamilton	Spotlighting Cameroonian Culture in Hamilton	80	-	3,000	3,000	3,000
CCH A-46	Ottawa Street Business Improvement Area	Sew Hungry	69	-	7,892	7,892	7,892
CCH A-47	The Children's International Learning Centre (Hamilton)	Festivals of Light	68	-	15,000	-	0
CCH A-48	Hamilton Center for Civic Inclusion (HCCI)	Multicultural Wellness Fair 2018	54	-	5,625	-	0
CCH A-49	St Anthony Feast	St Anthony Festival	DNQ	-	25,800	-	0
CCH A-50	Hamilton HIVE	HIVEX Conference 2018	DNQ	-	8,000	-	0
				495,084	708,488	527,385	32,301
CCH - New Projects							
CCH B-1	Sinfonia Ancaster (Ancaster Society for the Performing Arts)	Sinfonia Ancaster	92	8,070	10,000	8,231	161
CCH B-2	Barton Village Festival	Barton Village Festival	92	3,300	13,500	3,366	66
CCH B-3	Bet Nahrain Heritage Centre	The Third Annual Assyrian Festival of Nusardil	86	1,150	2,900	1,173	23
CCH B-4	Concession Street BIA	Sidewalk Sounds	85	2,767	5,268	4,000	1,233
CCH B-5	Federated Women's Institutes of Ontario	Public Archaeology Dig	85	-	4,202	4,202	4,202

Ref No	Organization	Program-Event-Project Name	Final Rating	2017 Funded	2018 Requested	2018 Approved	2017 vs 2018 Approved
CCH B-6	Afro-Canadian Caribbean Association of Hamilton & District Inc.	We are Planted Here: The African Canadian Contributions to Hamilton since 1970 to present	79	-	18,000	5,550	5,550
CCH B-7	Colombian Refugee Association	Hamilton Latin-American Festival	79	-	18,500	3,600	3,600
CCH B-8	The Children's International Learning Centre (Hamilton)	Canada's Mosaic	77	-	25,000	12,227	12,227
CCH B-9	Lady Hamilton Club	Lady Hamilton Club Walking Tours	71	-	1,000	750	750
CCH B-10	Westdale Village BIA	Westdale Live	70	-	10,000	-	0
				15,287	108,370	43,099	27,812
CCH - Capacity Building for Cultural Organizations							
CCH C-1	Musicata (John Laing Singers)	Website Development & Marketing and Communication Strategy Plan	85	-	5,000	5,000	5,000
CCH C-2	Afro-Canadian Caribbean Association of Hamilton & District Inc.	Strengthening Community Capacity Building at ACCA	54	-	3,000	-	0
				-	8,000	5,000	5,000
TOTAL COMMUNITIES, CULTURE & HERITAGE					510,371	824,858	575,484
² - Grant to be Tabled, pending submission of additional information							

City Enrichment Fund - Payment Plan

Upon Council approval and the receipt of the signed City Enrichment Fund Agreement, the following payment plan will apply:

\$0 - \$10,000	paid out 100% upon Council Approval
\$10,001 - \$100,000	paid 80% on Council Approval; 20% released November 1, 2018
Over \$100,000	paid monthly

City Enrichment Fund Agreements which are not completed and returned by November 1, 2018 will result in the grant being forfeited.

In the case where a successful grant applicant has outstanding arrears with the City of Hamilton as of December 31, 2017, the grant will first be applied against the outstanding arrears, with the remainder to be paid to the organization, in accordance with the City Enrichment Fund payment plan.

2018 City Enrichment Fund				
GRANTS PENDING ADDITIONAL INFORMATION				
Category	Ref No	Organization	Program-Event-Project Name	2018 Recommended
Art	ART A-14	Hamilton Literary Festival Association	Annual Operating	\$ 13,000
Art	ART A-25	Matapa Music and Arts Organization	Annual Operating	\$ 12,650
Art	ART B-3	Centre Français Hamilton	FrancoFEST	\$ 25,500
Art	ART B-4	Hamilton Youth Poets	Louder Than A Bomb Canada	\$ 10,200
Art	ART B-7	Festival of Friends (Hamilton-Wentworth)	Festival of Friends	\$ 90,000
Art	ART C-3	Hamilton Literary Festival Association	Arts Capacity Building	\$ 2,200
Art Total				\$ 153,550
CCH	CCH A-18	Pride Hamilton (The Aids Network)	Hamilton Pride 2018	\$ 7,500
CCH	CCH A-19	Flamborough Santa Claus Parade	Flamborough Santa Claus Parade	\$ 15,000
CCH	CCH A-21	Stoney Creek BIA	Strawberry Folk Fest and PumpkinFest	\$ 3,000
CCH	CCH A-39	Hammer City Makers Community Organization	Maker Faire 2018	\$ 4,000
CCH Total				\$ 29,500
Environment	ENV C-2	A Rocha Canada	Operation Wild: Nature Experiences for People on the Margins	\$ 10,000
Environment Total				\$ 10,000
Sports	SAL A-4	Saltfleet Stoney Creek Soccer Club	Enhancing the Preferred Training Method - Lead Trainers & Mentor Trainers	\$ 5,250
Sports	SAL B-3	Hamilton and District Soccer Association	Grass Roots Soccer Program - Development of Volunteers and Technical Expertise	\$ 7,500
Sports	SAL C-1	Bike for Mike Inc.	Mike's Bike Library	\$ 2,570
Sports	SAL C-3	Saltfleet Stoney Creek Soccer Club	TPP Program - The TFC Way For Players U8-U12	\$ 3,825
Sports	SAL C-4	Hamilton and District Soccer Association	Continued Enhancement of the Match Official Mentorship Program	\$ 5,610
Sports	SAL D-3	Colombian Refugees Association	True Soccer and Sports Program	\$ 3,825
Sports	SAL G-1	Ontario Cycling Association Incorporated	Paris Ancaster Bicycle Race	\$ 12,546
Sports Total				\$ 41,126
Total Tabled Grants				\$ 234,176



HEALTHY & SAFE COMMUNITIES COMMITTEE

REPORT 18-005

1:30 pm

Monday, May 7, 2018

Council Chambers

Hamilton City Hall

71 Main Street West, Hamilton

Present: Councillors S. Merulla (Chair), J. Farr, M. Green, A. Johnson, T. Jackson, D. Skelly, T. Whitehead, J. Partridge.

THE HEALTHY & SAFE COMMUNITIES COMMITTEE PRESENTS REPORT 18-005 AND RESPECTFULLY RECOMMENDS:

1. Update on Mountain Kidz Klub Delegate Requests (HSC18024) (Ward 7) (Item 5.2)

That Report HSC18024 respecting Update on Mountain Kidz Klub Delegate Requests, be received.

2. Wentworth Lodge Heritage Trust Fund Sub-committee Report 18-001 (Added Item 5.3)

(a) Wentworth Lodge Heritage Trust Fund – Donations and Fundraising (HSC18008) (Ward 13) (Item 8.1)

That Report HSC18008 respecting Wentworth Lodge Heritage Trust Fund – Donations and Fundraising, be received.

(b) Wentworth Lodge Heritage Trust Fund – Courtyard Update (HSC18009) (Ward 13) (Item 8.2)

That Report HSC18009 respecting Wentworth Lodge Heritage Trust Fund – Courtyard Update, be received.

(c) Wentworth Lodge Heritage Trust Fund – Financial Status 2017 (HSC18010) (Ward 13) (Item 8.3)

That Report HSC18010 respecting Wentworth Lodge Heritage Trust Fund – Financial Status 2017, be received.

Council – May 9, 2018

(d) New Resident Member (Added Item 11.1)

That the Wentworth Lodge Heritage Trust Fund Sub-Committee's Terms of Reference be amended to add an Alternate Resident Member.

3. Housing and Homelessness Action Plan Update (HSC18017) (City Wide) (Item 7.1)

That Report HSC18017 respecting the Housing and Homelessness Action Plan Update, be received.

4. Improvement of the Hockey Structure in the City of Hamilton (HSC18023) (City Wide) (Outstanding Business List) (Item 8.1)

That Report HSC18023 respecting Improvement of the Hockey Structure in the City of Hamilton, be received.

FOR INFORMATION:

The Chair invited Paul Johnson, General Manager of Healthy & Safe Communities Department to speak about National Nursing Week (May 7-13). Paul Johnson commended all nurses for their service and noted there are 530 nurses working in the City of Hamilton's long-term care facility lodges, including 180 registered nurses, as well as 178 nurses working in the Public Health Department. The City of Hamilton is recognizing and celebrating their commitment to the community.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 4)

- 4.1 Brother Richard MacPhee, Good Shepherd, respecting the Emergency Shelter System Situation (for the June 11, 2018 meeting)

2. CONSENT ITEMS (Item 5)

- 5.3 Wentworth Lodge Heritage Trust Fund Sub-committee Report 18-001

The Agenda for the May 7, 2018 meeting of the Healthy & Safe Communities Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF MINUTES (Item 3)

(i) April 23, 2018 (Item 3.1)

The Minutes of the April 23, 2018 Healthy & Safe Communities Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Brother Richard MacPhee, Good Shepherd, respecting the Emergency Shelter System Situation (Added Item 4.1)

The Delegation Request from Brother Richard MacPhee, Good Shepherd, respecting the Emergency Shelter System Situation, was approved for the June 11, 2018 meeting of the Healthy & Safe Communities Committee.

(e) CONSENT ITEMS (Item 5)

(i) Housing and Homelessness Advisory Committee Minutes – February 6, 2018 (Item 5.1)

The Minutes of the Housing and Homelessness Advisory Committee dated February 6, 2018, were received.

(f) STAFF PRESENTATIONS (Item 7)

(i) Housing and Homelessness Action Plan Update (HSC18017) (City Wide) (Item 7.1)

Vicki Woodcox, Acting Director, addressed the Committee respecting Housing and Homelessness Action Plan Update with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the official record.

The presentation respecting the Housing and Homelessness Action Plan Update, was received.

For further disposition of this matter, refer to Item 3.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

(i) Correspondence from the Ministry of Housing respecting the City of Hamilton's Expression of Interest in the Province's Development Charges Rebate Program (Item 11.1)

The correspondence from the Ministry of Housing respecting the City of Hamilton's Expression of Interest in the Province's Development Charges Rebate Program, was received.

(ii) Changes to the Outstanding Business List (Item 11.2)

The following changes to the Outstanding Business List, were approved:

(a) Items to be Removed:

Item AAA – Improvement of the Hockey Structure in the City of Hamilton
(addressed as Item 8.1)

Item BBB – Mountain Kidz Klub
(addressed as Item 5.2)

(h) ADJOURNMENT (Item 13)

There being no further business, the Healthy & Safe Communities Committee be adjourned at 2:12 p.m.

Respectfully submitted,

Councillor S. Merulla
Chair, Healthy & Safe
Communities Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON MOTION

Council: May 9, 2018

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR.....

Zoning By-Law Regulations for Accessory Apartments

WHEREAS the City of Hamilton Zoning By-law No. 6593 permits accessory apartments as of right throughout the former City of Hamilton;

WHEREAS the Hamilton regulations were updated in 1992 with the intent of encouraging accessory apartments throughout the entire City;

WHEREAS the Urban Hamilton Official Plan policies permit and encourage accessory apartments throughout residential areas on the entire urban areas of Ancaster, Dundas, Hamilton, Flamborough, Glanbrook and Stoney Creek;

WHEREAS the Places to Grow Plan requires the City of Hamilton to prepare and implement a comprehensive housing strategy that includes accessory apartments; and

WHEREAS the City is currently in the process of updating the zoning by-law for the residential areas.

THEREFORE BE IT RESOLVED:

That staff be directed to:

- a) review and report back on the current accessory apartment zoning by-law permissions for all residential areas in the urban areas of the City; and,
- b) review the process going forward for revising the regulations to harmonize accessory apartment zoning permissions to implement the UHOP and conform to provincial requirements.

CITY OF HAMILTON

MOTION

Council: May 9, 2018

MOVED BY COUNCILLOR R. PASUTA.....

SECONDED BY COUNCILLOR PARTRIDGE.....

Support for the Aggregate Property Appeals filed by The Corporation of the County of Wellington

WHEREAS The Corporation of the City of Hamilton (the “Municipality”) has been advised that The Corporation of the County of Wellington (the “County of Wellington”) has appealed certain decisions of the Municipal Property Assessment Corporation (“MPAC”) with respect to some properties within the geographic boundaries of the County of Wellington that are used for the purposes of aggregate resources or gravel pits (the “Aggregate Property Appeals”);

WHEREAS previous assessment methodology valued areas that were used for aggregate resources or gravel pits (“Aggregate Resource Properties”) at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands;

WHEREAS Council of the Municipality supports a fair and equitable assessment system for all Aggregate Resource Properties;

WHEREAS MPAC, without municipal consultation, determined with the participation of the Ontario Stone, Sand and Gravel Association (the “OSSGA”), revised criteria for assessing Aggregate Resource Properties (the “Revised Valuation Methodology”); and

WHEREAS the Municipality has concerns that the revised criteria does not fairly assess the current value of the Aggregate Resource Properties;

NOW THEREFORE BE IT RESOLVED:

- (a) That Council of The Corporation of the City of Hamilton hereby supports the Aggregate Property Appeals filed by The Corporation of the County of Wellington;
- (b) That Council of The Corporation of the City of Hamilton does not consider the revised criteria for assessment of Aggregate Resource Properties as a fair method of valuation for these properties; and
- (c) That Council of The Corporation of the City of Hamilton further supports The Corporation of the County of Wellington in its efforts to achieve a fair and equitable assessment system for Aggregate Resource Properties in Ontario.

CITY OF HAMILTON

MOTION

Council Date: May 9, 2018

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR.....

Intersection Pedestrian Signals – East 45th Street and Mohawk Road East (Ward 6)

WHEREAS, the intersection of East 45th Street and Mohawk Road East is a very busy location and regularly experiences heavy traffic volumes and speeding, and;

WHEREAS, the installation of Intersection Pedestrian Signals would help to protect pedestrians and assist in providing safe crossing of the street,

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to design and install a Pedestrian Signal at the intersection of East 45th Street and Mohawk Road East at an upwards cost of \$250,000 being funded from the Ward 6 Area Rating Account; and,
- (b) That Section #11 of the City’s Procurement Policy (non-competitive procurements) be utilized in order to facilitate the design and installation of the Pedestrian Signal at the earliest opportunity in 2018.

CITY OF HAMILTON MOTION

Council: May 9, 2018

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR S. MERULLA.....

Request for Hospital Space to Address the Current Opioid (and other drug) Overdose Crisis in Hamilton

WHEREAS, The Federal Government has granted permission for supervised consumption sites in order to address the current crisis respecting opioid (and other) drug addictions;

WHEREAS, The Province of Ontario is accepting applications for overdose prevention sites from across the Province and the City of Hamilton;

WHEREAS, Council, on the 8th of December, 2017 approved the recommendations respecting Supervised Injection Sites in report BOH17004(b);

WHEREAS, Since Council's approval, the Province has approved the process of granting SIS (and now OPS) sites in this and other Ontario cities;

WHEREAS, Notwithstanding the 75 deaths due to opioid overdoses in Hamilton from January to October 2017 and that this tragic statistic exceeds the Provincial average by 78 percent, local landlords appear to be reluctant in granting permission to outside organizations to house supervised consumption sites; and

WHEREAS, Provincially managed hospitals may be seen as the safest sites to operate supervised consumption sites.

THEREFORE BE IT RESOLVED:

That the appropriate staff from Public Health be requested as a priority to engage with both Hamilton Health Sciences and St. Joseph's Hospital on the feasibility of housing a supervised consumption site in their hospital(s), as a means of addressing the opioid (and other drug) overdose crisis in Hamilton.

CITY OF HAMILTON MOTION

Council: May 9, 2018

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY COUNCILLOR.....

Naming of the New Bike Lanes on the Up Bound Side of the Claremont Mountain Access – Keddy Access Trail

WHEREAS, the City of Hamilton will be building bike lanes on the up bound side of the Claremont mountain access, commencing in the near future;

WHEREAS, a citizen of Hamilton has requested that the new bike lanes on the up bound side of the Claremont mountain access be named the “Keddy Access Trail” to honour the late Mr. Jay Keddy, who was an avid cyclist that tragically lost his life while cycling up the Claremont Access in December 2015; and,

WHEREAS, Mr. Keddy’s family is in support of commemorating the late Jay Keddy by naming the new bike lanes on the up bound side the Claremont access in his memory;

THEREFORE BE IT RESOLVED:

That, upon completion of the new bike lanes on the up bound side of the Claremont mountain access, the lanes be named the “Keddy Access Trail” in commemoration of the late Jay Keddy.

CITY OF HAMILTON

NOTICE OF MOTION

Council: May 9, 2018

MOVED BY COUNCILLOR T. JACKSON.....

Zoning of Residential Care Facilities

WHEREAS, Residential Care Facilities are permitted in the zoning by-laws of the former communities of Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek, but not in Ancaster;

WHEREAS, the City of Hamilton's consolidated Zoning By-law No. 05-200 permits residential care facilities in the rural, institutional and commercial/mixed used zones applied across the City of Hamilton Zoning;

WHEREAS, the last review of the zoning regulations and permissions for Residential Care Facilities occurred in 2001;

WHEREAS, the Urban Hamilton Official Plan policies permit and encourage Residential Care Facilities throughout the residential areas on the entire urban areas of Ancaster, Dundas, Hamilton, Flamborough, Glanbrook and Stoney Creek; and

WHEREAS, the City is currently in the process of updating the zoning by-law for the residential areas;

THEREFORE IT BE RESOLVED:

- (a) That staff be directed to review and report back to the Planning Committee on the current Residential Care Facilities zoning by-law permissions for all residential areas in the urban areas of the City;
- (b) That staff be directed to report back to the Planning Committee on the process for revising the regulations to harmonize the Residential Care Facilities zoning permissions to implement the Urban Hamilton Official Plan; and,
- (c) That staff be directed to report back to the Planning Committee on the process going forward, including community and stakeholder consultation, to update and harmonize the zoning by-law regulations for Residential Care Facilities.

CITY OF HAMILTON

NOTICE OF MOTION

Council: May 9, 2018

MOVED BY MAYOR EISENBERGER.....

Co-Sponsorship of FCM’s Resolution Respecting Canadian Municipalities Supporting Local Economies in International Trade

WHEREAS, Hamilton City Council at their meeting of January 25, 2017 expressed their opposition to the Trans-Pacific Partnership Agreement, in its present form, to Prime Minister Trudeau, Federal Cabinet Ministers and the area MPs and requested the consideration and support of the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM);

WHEREAS, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) has since been revised and signed by the government of Canada, FCM continues to work with the federal government to support the interests of municipalities across Canada affected by trade disputes and during ongoing trade agreement negotiations; and

WHEREAS, FCM is focused on protecting the best interests of municipalities and local economies in trade agreements.

THEREFORE BE IT RESOLVED:

That the City of Hamilton co-sponsor the attached resolution (Appendix ‘A’) with the City of Windsor at the 2018 Federation of Canadian Municipalities’ Conference in Halifax, Nova Scotia.

Canadian Municipalities Supporting Local Economies in International Trade

WHEREAS, Canadian municipalities play a role in international trade and economic development by building relationships globally to attract investment and promote their industries abroad, as well as by supporting local businesses, to build their communities and local economies;

WHEREAS, the federal government has signaled an agenda for diversifying and strengthening international trade relationships and has undertaken several trade agreement negotiations with global partners in the past year, as well as responded to trade disputes;

WHEREAS, there are a number of free trade negotiations ongoing, announced or in exploration, including: the North American Free Trade Agreement (NAFTA), Mercosur (Argentina, Brazil, Paraguay and Uruguay), the Pacific Alliance (Chile, Colombia, Mexico and Peru), China, and the Association of Southeast Asian Nations (ASEAN), and implementing legislation is expected for the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP);

WHEREAS, NAFTA governs nearly every aspect of Canada and the U.S economic relationship and even minor changes to the established trade relationship could have far-reaching consequences for communities on both sides of the border;

WHEREAS, recent trade disputes with the U.S on softwood lumber and potential tariffs on other commodities has caused business uncertainty and impacted local economies;

WHEREAS, Canada's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current and future international agreements; and

WHEREAS, Hamilton City Council at their meeting of January 25, 2017 expressed their opposition to the Trans-Pacific Partnership Agreement, in its present form, to Prime Minister Trudeau, Federal Cabinet Ministers and the area MPs and requested the consideration and support of the Association of Municipalities of Ontario and the Federation of Canadian Municipalities.

THEREFORE BE IT RESOLVED:

- (a) That the Federation of Canadian Municipalities continue to work with the federal government to support the interests of municipalities across Canada affected by trade disputes and during ongoing trade agreement negotiations;
- (b) That the Federation of Canadian Municipalities work to ensure that the federal government understands the full impact of trade disputes and provisions under discussion for trade agreements on local economies, key industry sectors, and municipal governments, and conveys that impact during negotiations; and
- (c) That the Federation of Canadian Municipalities call on the federal government to design and implement programs to mitigate the impact of trade disputes that affect local economies and key industry sector.

CITY OF HAMILTON

NOTICE OF MOTION

Council Date: May 9, 2018

MOVED BY COUNCILLOR S. MERULLA.....

Selection Process for the Election Compliance Audit Committee

WHEREAS, the City of Hamilton’s Election Compliance Audit Committee (ECAC) is currently chosen by the Selection Committee;

WHEREAS, the Selection Committee is comprised of Members of Council;

WHEREAS, the Members of the Selection Committee could be required to appear before the ECAC therefore creating the potential for this to be viewed as a conflict of interest; and,

WHEREAS, in an effort to increase openness and transparency, and in following practices of other Ontario municipalities as outlined in Report CL17010 (Selection Process for the Election Compliance Audit Committee) and attached hereto as Appendix A.

THEREFORE BE IT RESOLVED:

That the Terms of Reference for the Election Compliance Audit Committee be amended by deleting the words “selected by the Selection Committee” and replacing them to read as follows:

*The Election Compliance Audit Committee will be comprised of four (4) members selected by the **Election Compliance Audit Committee - Selection Committee consisting of the City Clerk, the City Solicitor, the General Manager of Finance and Corporate Services and the City Auditor, or their delegates, to review applications, conduct the interviews and recommend appointments to Council for approval.***

CITY OF HAMILTON NOTICE OF MOTION

Council: May 9, 2018

MOVED BY COUNCILLOR FARR.....

To Waive the Requirement for Daylight Triangle Dedication for 107 MacNab Street North (SPA-18-046)

WHEREAS, the Planning Act and the Urban Hamilton Official Plan states that the City shall reserve or obtain daylight triangles, and road widenings for rights-of-way through Site Plan Approval;

WHEREAS Council approved Official Plan Amendment No. 49 provides for flexibility when assessing road and daylight triangle requirements for infill and redevelopment opportunities;

WHEREAS a Site Plan Amendment application has been made for 107 MacNab Street North (SPA-18-046); and

WHEREAS consistent with the intent of OPA No. 49, the applicant has requested that the City of Hamilton consider reduced road widening and daylight triangle dedications for 107 MaNab Street North;

THEREFORE, BE IT RESOLVED :

That staff be directed to waive the requirement for a daylight triangle dedication of 12.19 m by 12.19m and road widening requirement of 3m for 107 MacNab Street North (SPA-18-046).

Authority: Item 4, Planning Committee
Report 18-006 (PED18081)
CM: April 25, 2018
Ward: City Wide

Bill No. 111

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend City of Hamilton By-law No. 07-170, Being a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170; and

WHEREAS this By-law amends Schedule 21 – Food Premises;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Definition “Hess Village Entertainment District licence holder” is deleted.
3. Section 12 is deleted and replaced with the following new section:
 12. The City shall pay the cost of the Officers required under section 10.
4. That section 13 is deleted in its entirety.
5. Schedule 21 of By-law No. 07-170 is deleted and replaced with Appendix “A” attached hereto.
6. This By-law comes into force on the day it is passed.

PASSED this 9th day of May, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Appendix “A” to Amending By-law

SCHEDULE 21

FOOD PREMISES

DEFINITIONS

1. In this Schedule:

“**Bar/Nightclub**” means a Food Premises when:

(a) the primary purpose of the Food Premises is any one or more of the following:

1. serving alcohol to customers;
2. entertaining customers by playing live or recorded music; or
3. accommodating dancing by customers; and

(b) the Food Premises provides seating in a licensed area, as set out in the Food Premises’ liquor licence, for less than 65% of customers who are served with food or drink;

“**Certificate of Inspection**” means a certificate in a form approved by the Medical Officer of Health which sets out the results of an inspection or inspections conducted under the *Health Protection and Promotion Act*, or its regulations;

“**farmer**” means a farmer as defined in the *Farming and Food Production Protection Act*, 1998;

“**Food Premises**” means a premises where food or drink for human consumption is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, not including a premises that is:

a dwelling unit, except a dwelling unit used as a Food Premises home business;

- (a) entirely exempt from R.R.O. 1990, Reg. 562 entitled “Food Premises” under section 2 of that Regulation;
- (b) in part exempt from R.R.O. 1990, Reg. 562 entitled “Food Premises” under section 3 of that Regulation; or
- (c) operated by a farmer, selling or offering for sale primarily produce from his or her agriculture operation and other Ontario agricultural operations;

“Hess Village Entertainment District” means the geographic area in the City bordered by Caroline Street to the East, Main Street to the South, Queen Street to the West and King Street to North as shown in the map attached as Appendix A to this Schedule;

“home business” means a use conducted as a business in a dwelling unit which is secondary to the use of the dwelling unit as a private residence;

“Public Health Inspector” means a public health inspector employed in the Public Health Services Department; and

“Security Guard” means a person:

- (a) whose exclusive responsibility or duty while engaged or hired by a Bar/Nightclub is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons or property; and
- (b) who is licensed as a security guard under the *Private Security and Investigative Securities Act, 2005*.

LICENCE REQUIRED

2. No person shall operate a Food Premises without a licence.

3. When submitting an application for a licence, an applicant for a licence under this Schedule shall submit a detailed premises plan, drawn to scale, of the Food Premises that has been approved by the Director of Licensing and the details of such premises plan shall include but are not limited to depicting the location, as applicable, of parking areas, queuing areas, walkways, smoking areas, patios, seating areas, offices, cloak rooms, dance areas, disc jockey areas, kitchen facilities, bar areas, washrooms, storage areas and entrances/exits.
4. No licence holder under this Schedule shall change or cause a change to be made to a premises plan without first obtaining the approval of the Director of Licensing.

DUTIES OF OPERATOR

5. Every person operating a Food Premises shall be responsible for keeping the premises clean and orderly and maintained in all respects suitable for the purpose for which they are used, and for keeping the premises adequately lighted and ventilated.

PUBLIC HEALTH APPROVAL

6. A licence to operate a Food Premises shall not be issued until a Public Health Inspector has informed the Director of Licensing that all requirements under the *Health Protection and Promotion Act* and its regulations have been fully complied with.

POSTING OF CERTIFICATES OF INSPECTION

7. (1) Every person who operates a Food Premises shall permit a Public Health Inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at all entrances by which customers may enter the premises.

(2) Where a premise described in subsection (1) does not have an entrance by which customers may enter the premises, the person who operates a Food Premises shall permit a Public Health Inspector to post a Certificate of Inspection in a clearly visible

and conspicuous location at the pick-up window or other location in the premises from which customers are served.

(3) Every person who operates a Food Premises shall permit a Public Health Inspector at any reasonable time to remove a Certificate of Inspection which has been posted at the premises.

(4) When a Certificate of Inspection has been removed by a Public Health Inspector under subsection (3), the person who operates a Food Premises shall not post a copy of a Certificate of Inspection or any facsimile of the certificate at any location on the premises.

DUTIES OF BAR/NIGHTCLUB OPERATORS

8. (1) In addition to complying with sections 2 to 7 inclusive of this Schedule:

(a) No person shall operate a Food Premise as a Bar/Nightclub, unless upon applying for a licence and every third year thereafter, upon applying for a licence renewal, they have submitted to the Director of Licensing a certificate from the Electrical Safety Authority that the premises complies with the Ontario Electrical Safety Code; and

(b) No person shall operate a Food Premise as a Bar/Nightclub unless, before the operation of the Bar/Nightclub commences, they have submitted to the Director of Licensing:

(i) a noise control plan, satisfactory to the Director of Licensing, which includes a description of:

1. the maximum volume levels for music within the premises;
2. the wattage of the music or sound-producing systems used on the premises; and

3. the sound insulation methods or mechanisms used within the building; and

(ii) a crowd control plan, satisfactory to the Director of Licensing, which includes a description of the manner in which people seeking entry or re-entry to the premises may line up outside of the premises prior to entry, including:

1. the location of such line ups;
2. the maximum number of people permitted to be in such line ups;
and
3. the procedures used to monitor the line ups; and

(iii) the name and telephone number of the person(s) designated as the individual responsible for the operation of the Bar/Nightclub who can be contacted immediately at the telephone number submitted;

1. the location of such line ups;
2. the maximum number of people permitted to be in such line ups; and
3. the procedures used to monitor the line ups; and

(c) Every person who operates a Food Premises as a Bar/Nightclub shall, at all times when the Bar/Nightclub is open, ensure that:

(i) the Bar/Nightclub is operated in accordance with the noise control plan under paragraph (b)(i) and the crowd control plan under paragraph (b)(ii);

(ii) a person designated as the individual responsible for the operation of the Bar/Nightclub under paragraph (b)(iii) is at the premises;

(iii) the premises are staffed with at least one Security Guard for every 100 customers in attendance at the premises; and

(iv) all Security Guards wear identification or clothing by which they can readily be identified as Security Guards; and

(d) Every person who operates a Food Premise as a Bar/Nightclub shall, at all times, ensure that all areas immediately adjacent to the premises are clean and free of waste and shall install and maintain containers for the deposit of waste.

HESS VILLAGE ENTERTAINMENT DISTRICT

9. Sections 10 to 13 inclusive of this Schedule apply to the Hess Village Entertainment District, as the Hess Village Entertainment District:

(a) has the highest concentration, in terms capacity, of Bars/Nightclubs, many with outdoor patios, in the City; and

(b) May 24 weekend through to the end of September has a large number of individuals attending such Bars/Nightclubs resulting in:

(i) significant noise, litter and other nuisances, such as urination in public places in and around the Hess Village Entertainment District;

(ii) line-ups to enter the Bars/Nightclubs that pose a safety risk to pedestrian and vehicular traffic, including inhibiting the flow of traffic along Hess Street; and

(iii) additional issues related to nuisance and safety resulting from the large number of individuals in attendance and the consumption of alcohol, in particular when such Bar/Nightclubs close and these individuals exit en masse.

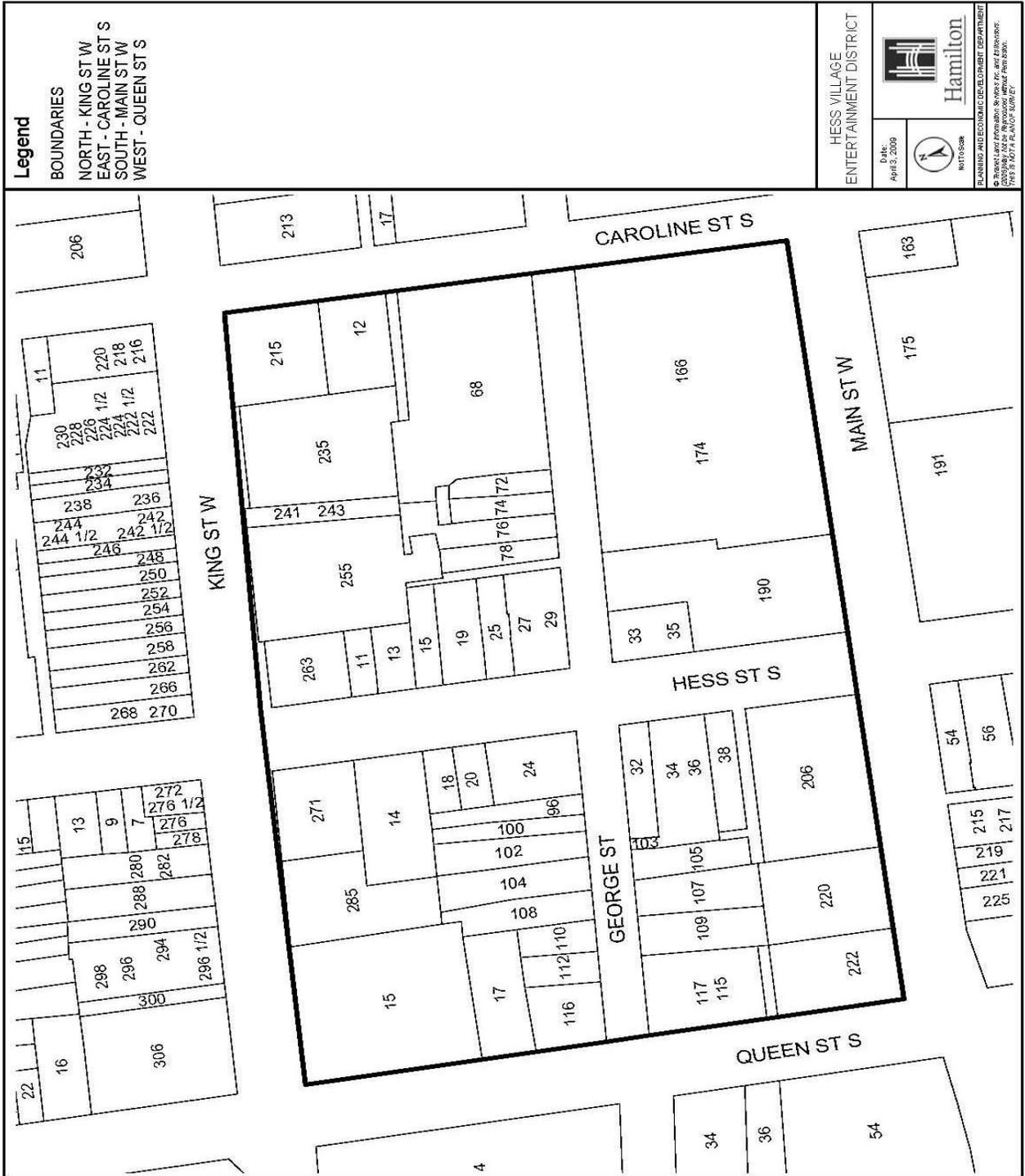
10. A minimum of 3 Constables and ½ Sergeant shall be retained for the Hess Village Entertainment District Friday and Saturday (with Thursdays optional and based on needs) from 11:00 pm to 4:00 am beginning May 24 weekend through to the end of September.

11. Notwithstanding section 10 of this schedule, the Chief of Hamilton Police Services, or their designate, may:

- (a) change the commencement date of May 24 weekend or the September end date by giving 48 hours prior notice to the City;
- (b) suspend the requirement to retain 3 Constables and ½ Sergeant for any day or time period where they decide that such Officers are not required for public safety, nuisance control or public protection or where such Officers are not available; and

12. The City shall pay the cost of the Officers required under section 10.

Appendix A



Authority: Item 7, Planning Committee
Report: 18-006 (PED18074)
CM: April 25, 2018
Ward: 2, 3

Bill No. 112

**CITY OF HAMILTON
BY-LAW NO. 18-**

To Adopt:

**Official Plan Amendment No. 102 to the
Urban Hamilton Official Plan**

Respecting:

Downtown Hamilton Secondary Plan

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 102 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 102

The following text, together with:

Appendix "A"	Volume 1, Schedule E – Urban Structure
Appendix "B"	Volume 1, Schedule E-1 – Urban Land Use Designations
Appendix "C"	Volume 1, Appendix A – Parks Classification Map
Appendix "D"	Volume 1, Appendix F – Cultural Heritage Resources
Appendix "E"	Volume 1, Appendix F-2 – Area Specific Cultural Heritage Resources
Appendix "F"	Volume 1, Appendix G – Boundaries Map
Appendix "G"	Volume 2, B.6.1 - Downtown Hamilton Secondary Plan
Appendix "H"	Volume 2, Downtown Hamilton Secondary Plan – Land Use Plan Map B.6.1-1
Appendix "I"	Volume 2, Downtown Hamilton Secondary Plan – Maximum Building Heights Map B.6.1-2
Appendix "J"	Volume 2, Downtown Hamilton Secondary Plan – Higher Order Transit Appendix A
Appendix "K"	Volume 2, Downtown Hamilton Secondary Plan – Cultural Heritage Resources Appendix B
Appendix "L"	Volume 2, Downtown Hamilton Secondary Plan – Cultural Heritage Landscapes Appendix B-1
Appendix "M"	Volume 2, Downtown Hamilton Secondary Plan – Viewshed Analysis Appendix C

Appendix "N"	Volume 2, Downtown Hamilton Secondary Plan – Niagara Escarpment Height Appendix D
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attached hereto, constitutes Official Plan Amendment No. 102 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this amendment is to revise the policies and amend mapping within the Urban Hamilton Official Plan to update the Downtown Hamilton Secondary Plan. The proposed update to the Downtown Hamilton Secondary Plan conforms to the Urban Hamilton Official Plan, implements the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

The effect of this amendment to the Urban Hamilton Official Plan is to:

- Update the Secondary Plan to permit uses that were not contemplated when the plan was approved in 2001;
- Implement recommendations from the James Street North Mobility Hub Study;
- Expand the boundaries of the Downtown Hamilton Secondary Plan to align with the boundaries of the Downtown Urban Growth Centre as set out by the Province; and,
- Revise and correct section numbering and other typographical errors.

2.0 Location:

The lands affected by this Amendment are located within Wards 2 and 3 of the Urban Area of the City of Hamilton and are bounded by Cannon Street to the north, Victoria Avenue to the east, Hunter Street to the south and Queen Street to the west. It also includes the lands fronting on James Street North from Cannon Street to the GO Station and the lands fronting on James Street South from Hunter Street to Charleton Avenue.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The Amendment will align the boundaries of the Secondary Plan with the Urban Growth Centre;
- The Amendment will update outdated policies and create a document that is consistent with the language and format of the Urban Hamilton Official Plan;

- The Amendment complies with Volume 1 of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.

4.0 Actual Changes:

Text and Schedule/Map Changes:

4.1 Volume 1 – Parent Plan

4.1.1 Volume 1 – Text Changes

- a) Volume 1, Chapter E – Urban Designations – Section E.4.0, is amended by adding “Downtown Mixed Use” to Policy E.4.3.1 to read as follows:

“E.4.3.1 Within lands designated Downtown Mixed Use, Mixed Use – High Density and Medium Density on Schedule E-1 – Urban Land Use designations, the following streets shall be planned as *pedestrian focus streets*.”

- b) Volume 1, Chapter E – Urban Designations, Section E.4.0, Table E.4.3.1: Pedestrian Focus Streets is amended by adding the following streets to the table in alphabetical order:

Street	From	To
Hamilton		
King William Street	James Street	John Street
King Street, south side only	Wellington Street	West Avenue
York Boulevard, south side only	Bay Street	James Street
Bay Street, east side only	King Street	Queen Street

4.1.2 Volume 1 – Schedules and Appendices Changes

- a) Volume 1, Schedule C-2 – Future Road Widening, be amended by:
- i) transferring the Downtown Future Road Widening table from Volume 2 to Volume 1 by adding the following streets in alphabetical order to

the Future Road Widening table:

Road	From	To	Future Right-of-Way Width (metres)
Cannon Street	Queen Street	Wellington Street	26.213
Caroline Street	Main Street	King Street	20.117
Ferguson Avenue	Jackson Street	Main Street	20.117
George Street	Hess Street	Bay Street	15.24
Hughson Street	Rebecca Street	Cannon Street	20.117
Hunter Street	Queen Street	Wellington Street	20.117
Jackson Street	James Street	Wellington Street	15.24
John Street	King William Street	Cannon Street	26.213
King William Street	John Street	Wellington Street	20.117
	Queen Street	Wellington Street	26.213
Mary Street	King Street	King William Street	15.24
Queen Street	King Street	Cannon Street	26.213
Rebecca Street	John Street	Wellington Street	20.117
Spring Street	Main Street	King Street	15.24
Walnut Street	Jackson Street	Main Street	15.24
Wilson Street	James Street	Wellington Street	26.213
York Boulevard	Queen Street	James Street	26.213

- ii) by adding in alphabetical order the following street to the table the "Roads with Offset Road Allowances Widening" table of Schedule C-2 – Future Road Widening of Volume 1:

Road	From	To	Future Right-of-Way Width (metres)
King William Street	James Street	John Street	Widen 3 m from south side only

- b) That, Schedule E – Urban Structure, be amended by deleting the “Primary Corridor” Urban Structure Element from James Street South as shown on Appendix “A”, to this amendment.
- c) That Schedule E-1 – Urban Land Use Designations, be amended by redesignating the lands on James Street South from “Mixed Use Medium Density” to “Downtown Mixed Use Area”, and by redesignating the lands on King Street East and Main Street East between Wellington Street North and Victoria Street North from “Neighbourhoods” to “Downtown Mixed Use Area” as shown on Appendix “B”, to this amendment.
- d) That Appendix A – Parks Classification Map, be amended by adding lands on James Street North and South, and the lands bounded by Cannon Street, Victoria Avenue, Hunter Street East and Wellington Street to “Downtown Hamilton” as shown on Appendix “C”, to this amendment.
- e) That Appendix F – Cultural Heritage Resources, be amended by identifying the lands bounded by Cannon Street to the north, Victoria Avenue to the east, Hunter Street to the south and Queen Street to the west, and the lands on James Street North and South as follows: “See Volume 2: Appendix B Downtown Hamilton Secondary Plan”, as shown on Appendix “D”, to this amendment.
- f) That Appendix F-2 – Area Specific Cultural Heritage Resources, be amended by identifying the lands bounded by Cannon Street to the north, Victoria Avenue to the east, Hunter Street to the south and Queen Street to the west, and the lands on James Street North and South as follows: “See Volume 2: Appendix B Downtown Hamilton Secondary Plan”, as shown on Appendix “E”, to this amendment.
- g) That, Appendix G – Boundaries Map be amended by removing the lands on James Street North and South, and the lands bounded by Cannon Street, Victoria Avenue, Hunter Street East and Wellington Street from “Central Hamilton” and adding the lands to “Built-up Area” as shown on Appendix “F”, to this amendment.

4.2 Volume 2 – Secondary Plans

4.2.1 Chapter B.6.1 – Downtown Hamilton Secondary Plan Text Changes

- a) That Chapter B Secondary Plans, be amended by deleting the text of Section B.6.1 - Downtown Hamilton Secondary in its entirety and replacing it with the new Section 6.1 – Downtown Hamilton Secondary Plan, attached as Appendix “G” to this amendment.

4.2.2 Chapter B.6.1 – Downtown Hamilton Secondary Plan Map Changes

- a) That Chapter B Secondary Plans, be amended by deleting the maps from Section B.6.1 - Downtown Hamilton Secondary the maps in their entirety and replacing it with the new Section 6.1 – Downtown Hamilton Secondary Plan, attached as Appendices “H” to “N”, as follows:
- Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, attached as Appendix “H” to this amendment;
 - Map B.6.1-2 - Downtown Hamilton Secondary Plan – Maximum Building Heights, attached as Appendix “I” to this amendment;
 - Appendix A – Downtown Hamilton Secondary Plan – Higher Order Transit, attached as Appendix “J” to this amendment,
 - Appendix B - Downtown Hamilton Secondary Plan – Cultural Heritage Resources, attached as Appendix “K” to this amendment;
 - Appendix B-1 - Downtown Hamilton Secondary Plan – Cultural Heritage Landscapes, attached as Appendix “L” to this amendment;
 - Appendix C - Downtown Hamilton Secondary Plan – Viewshed Analysis, attached as Appendix “M” to this amendment; and,
 - Appendix D – Downtown Hamilton Secondary Plan – Niagara Escarpment Height, attached as Appendix “N” to this amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. 18-112 passed on the 9th day of May, 2018.

**The
City of Hamilton**

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK

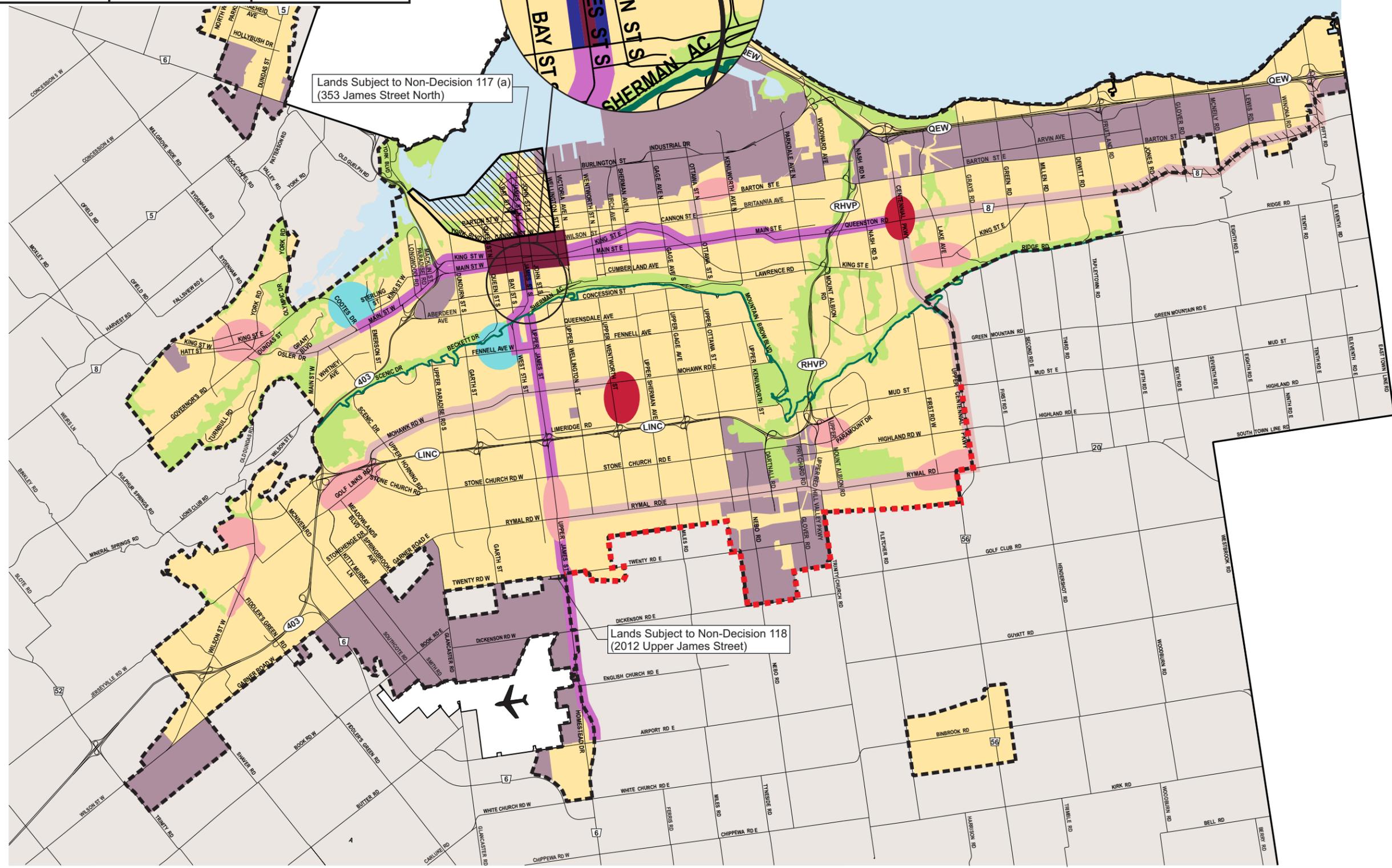
Appendix A
 APPROVED Amendment No.102
 to the Urban Hamilton Official Plan

 Delete "Primary Corridor"

Date: March 2018
 Revised By: AM/NB
 Reference File No.: Downtown Hamilton Secondary Plan

APPEALS

 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.



Legend
Urban Structure Elements

-  Neighbourhoods
-  Employment Areas
-  Major Activity Centres
-  Major Open Space

Nodes

-  Downtown Urban Growth Centre
-  Sub Regional Service
-  Community

Corridors

-  Primary
-  Secondary
-  Potential Expansion of Secondary Corridor

Other Features

-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary
-  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Schedule E
 Urban Structure**



Appendix B
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

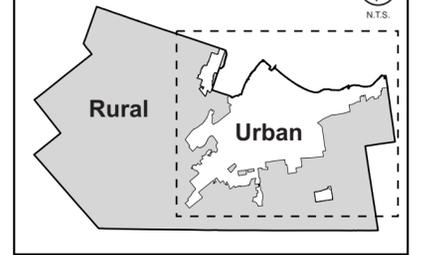
-  Lands to be redesignated from "Mixed Use - Medium Density" to "Downtown Mixed Use Area"
-  Lands to be redesignated from "Neighbourhoods" to "Downtown Mixed Use Area"

Date: March 2018
 Revised By: AM/NB
 Reference File No.: Downtown Hamilton Secondary Plan

APPEALS

 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains

Key Map



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

-  Neighbourhoods
-  Open Space
-  Institutional
-  Utility

Commercial and Mixed Use Designations

-  Downtown Mixed Use Area
-  Mixed Use - High Density
-  Mixed Use - Medium Density
-  District Commercial
-  Arterial Commercial

Employment Area Designations

-  Industrial Land
-  Business Park
-  Airport Employment Growth District
-  Shipping & Navigation

Other Features

-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary
-  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
 Schedule E-1
 Urban Land Use Designations

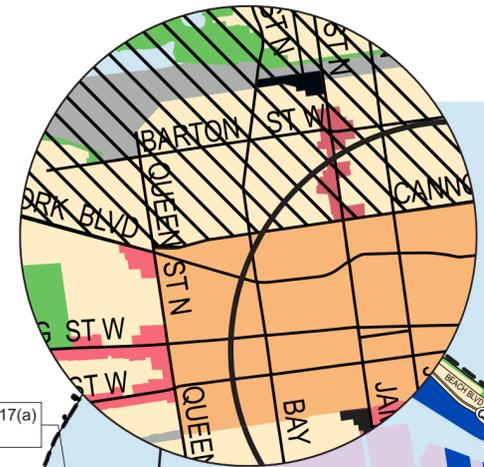
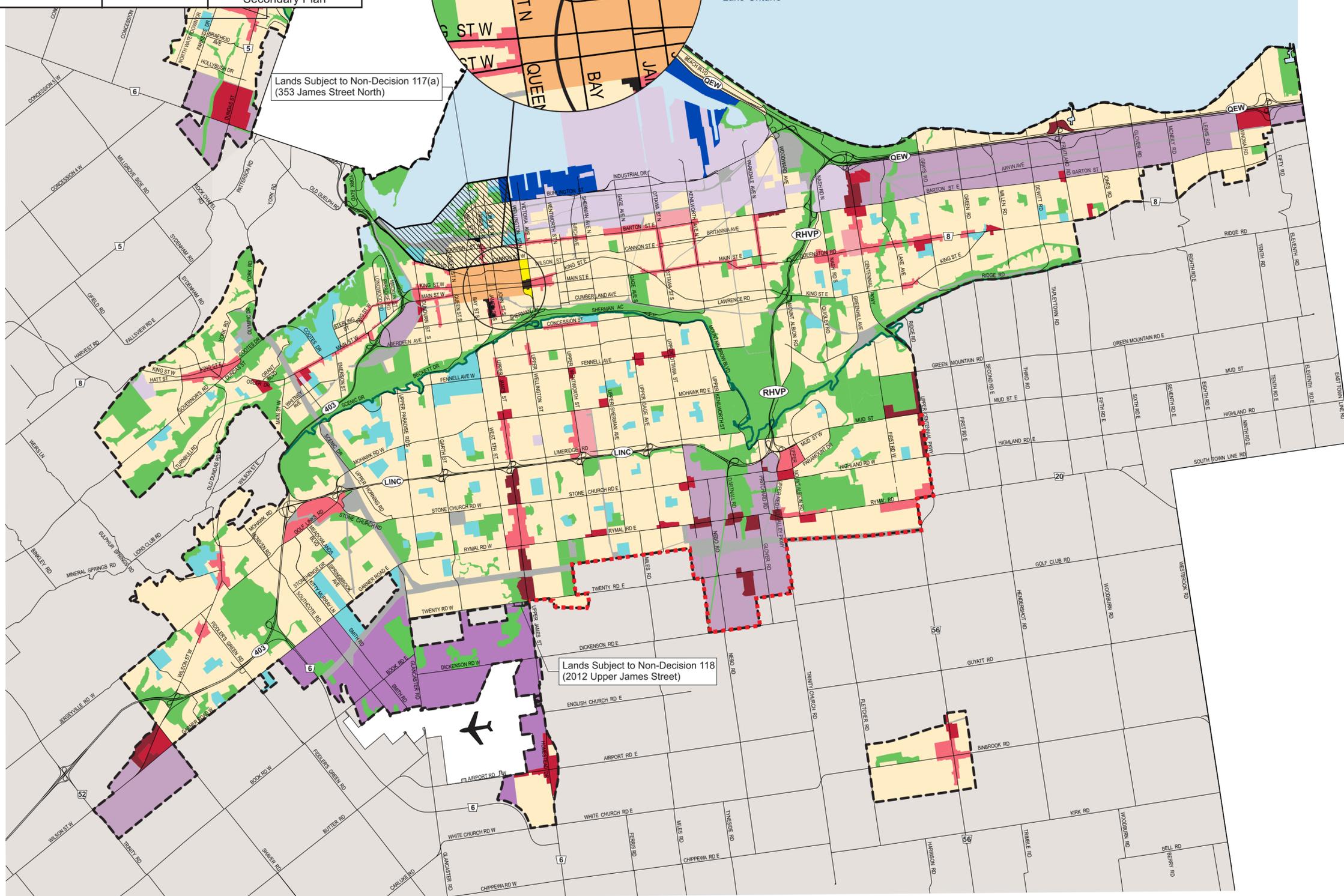


Date: April 2017



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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Lands Subject to Non-Decision 117(a)
 (353 James Street North)

Lands Subject to Non-Decision 118
 (2012 Upper James Street)

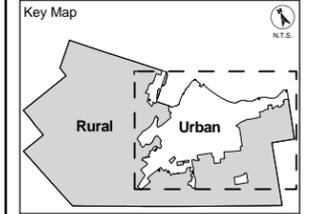
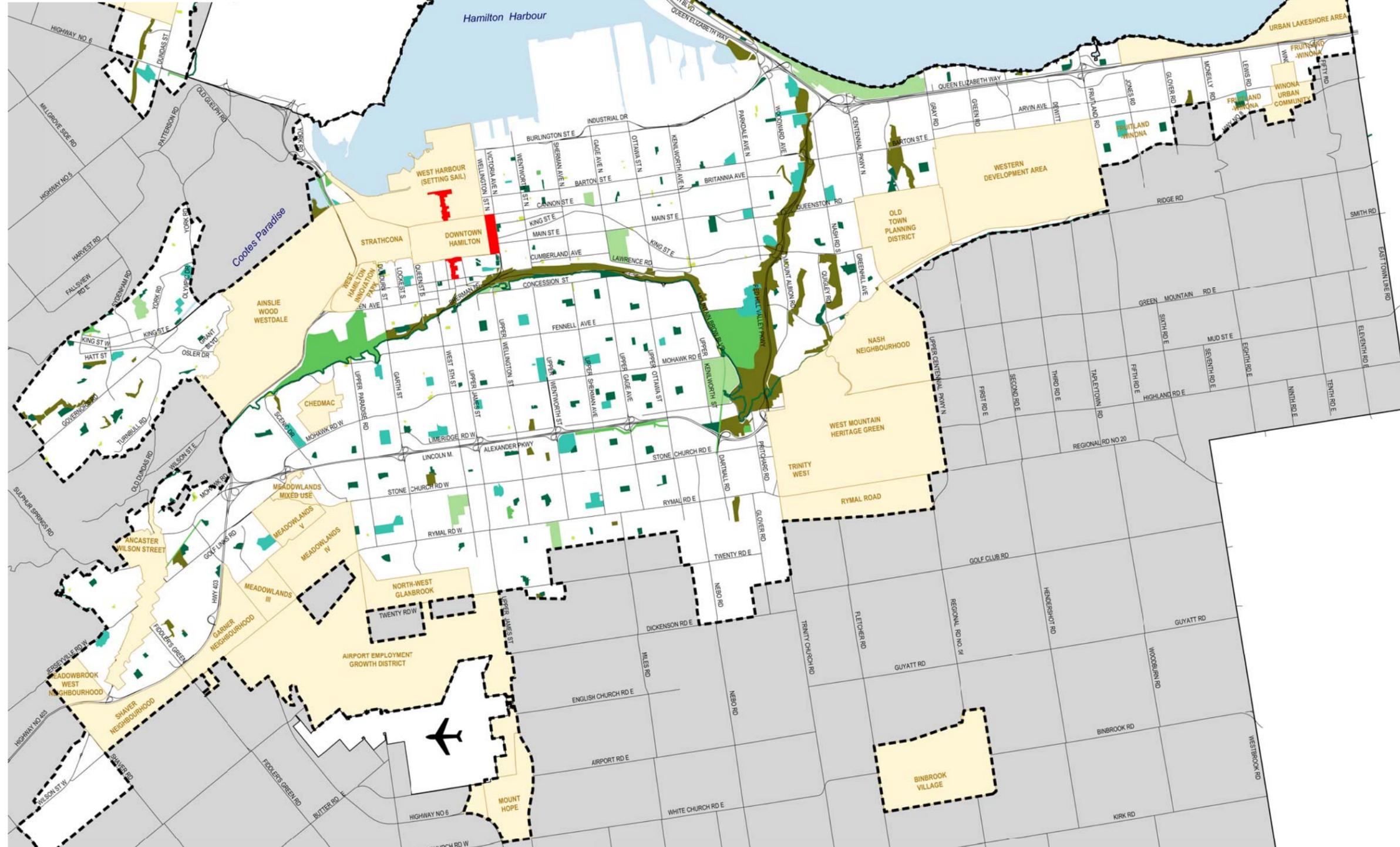
Appendix C
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

 Lands to be identified as
 "Downtown Hamilton Plan"

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton
 Secondary Plan

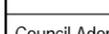


Note: For Rural Parks Classification Designations, refer to Appendix A of the Rural Hamilton Official Plan.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.

Legend

-  Secondary Plans
- Parks Classification**
-  Parkette
-  Neighbourhood
-  Community
-  City Wide
-  General Open Space
-  Natural Open Space
- Other Features**
-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix A
 Parks Classification Map
 (Parks Outside of Secondary Plans)**

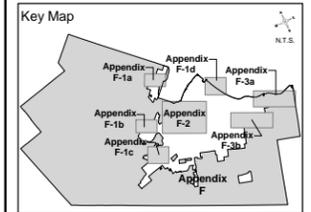
Appendix D
APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

See Volume 2, Appendix B and B-1,
 Downtown Hamilton Secondary Plan

Date:
 March 2018

Revised By:
 AM/NB

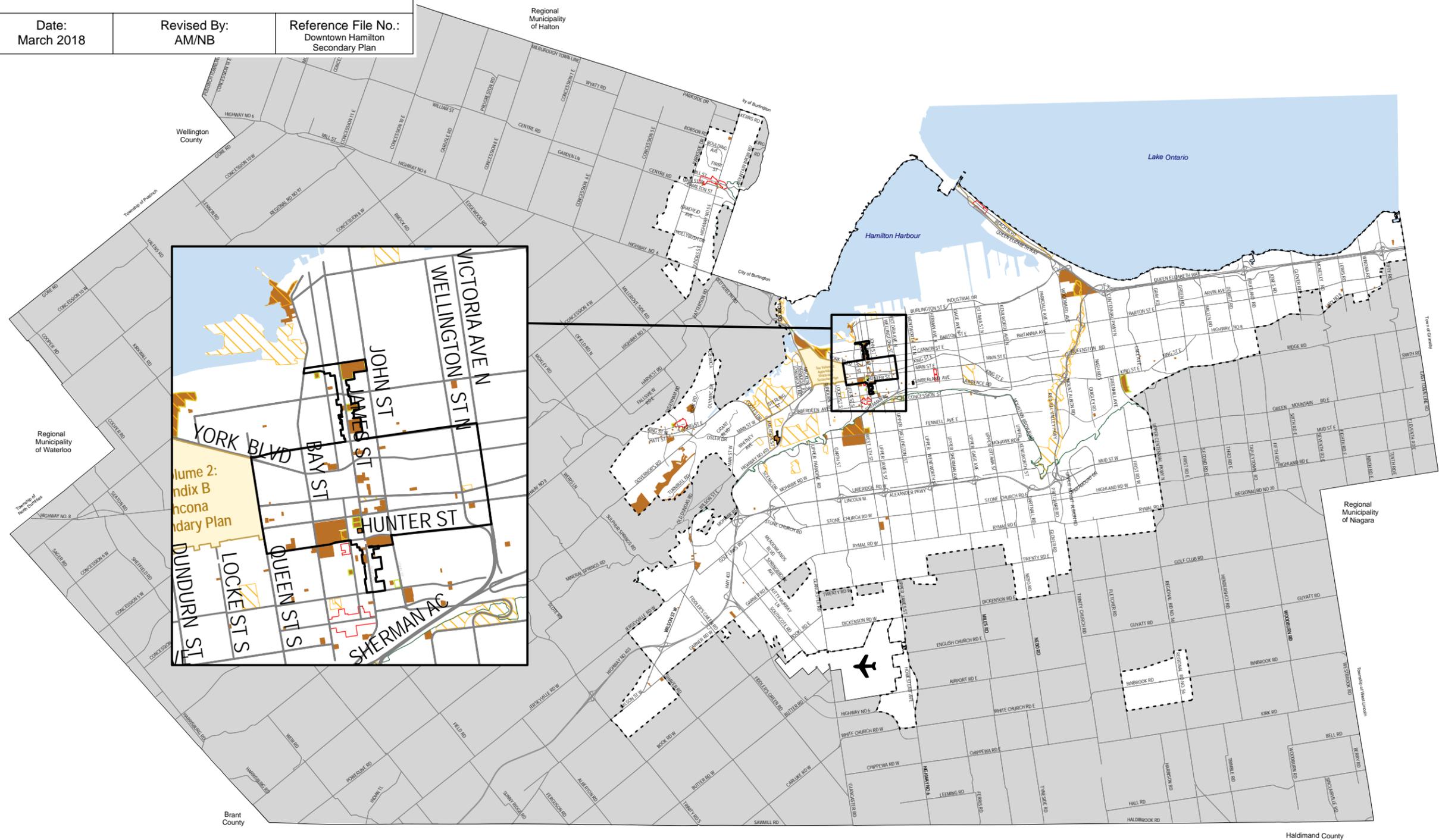
Reference File No.:
 Downtown Hamilton
 Secondary Plan



Note: For a detailed view of Cultural Heritage Resources, refer to Appendices F-1, F-2 & F-3.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.



Legend

- Cultural Heritage Landscapes
- Individually Designated Properties
- Heritage Conservation Districts
- Municipal Easements (Part IV)
- Ontario Heritage Trust Easements (Part V)

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Appendix F
Cultural Heritage Resources

Not To Scale
 Date: Dec. 1, 2015
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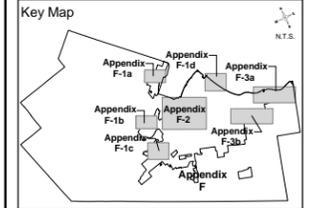
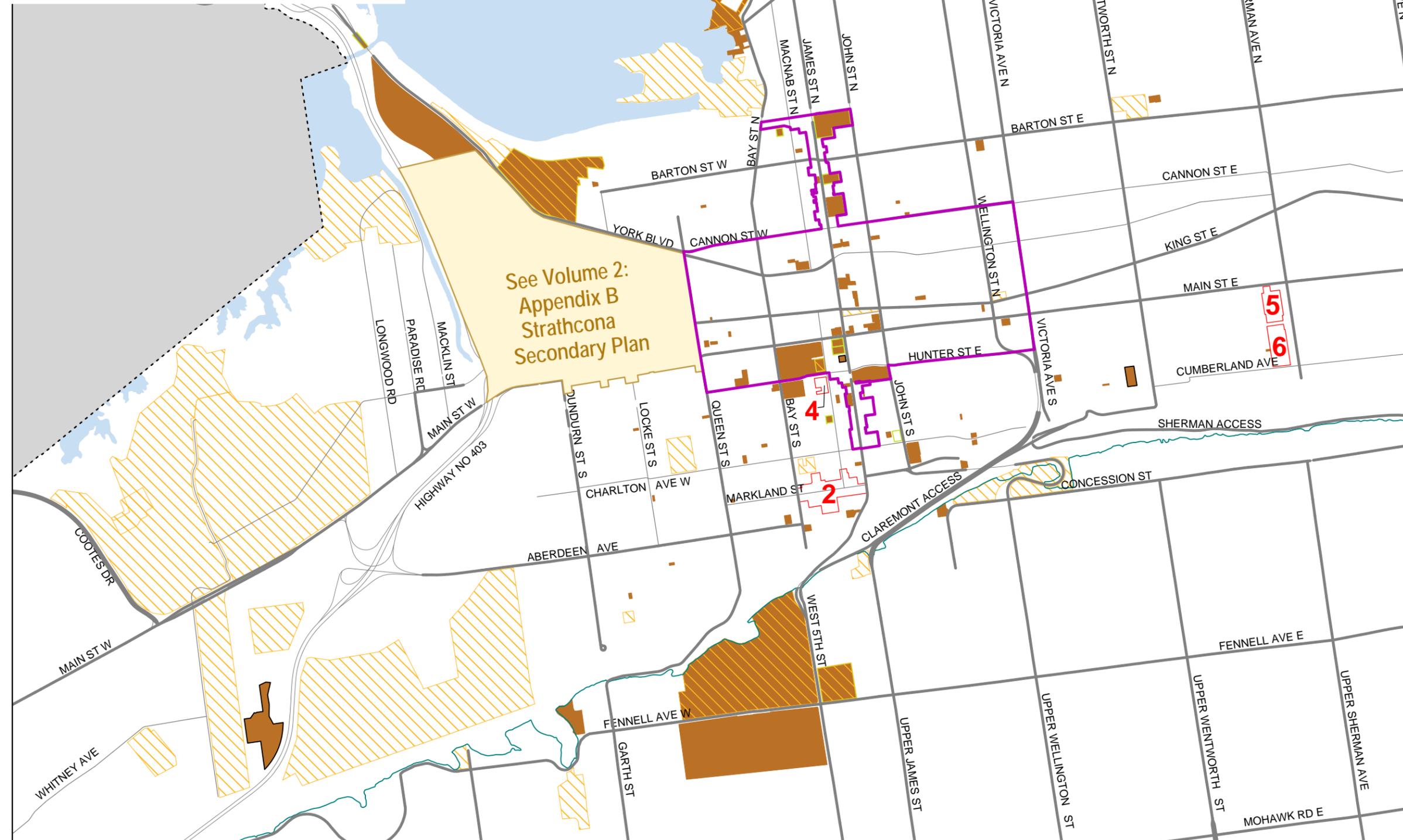
Appendix E
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

See Volume 2, Appendix B and B-1,
 Downtown Hamilton Secondary Plan

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton
 Secondary Plan



Note: For a detailed view of Cultural Heritage Resources, refer to Appendices F-1, F-2 & F-3.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park, the Mount Hope area, and the Airport Business Park, and following Twenty Road and Garner Road to Fiddlers Green Road in the west remains under appeal – see illustration on Schedules E and E-1, Volume 1

Legend

- Cultural Heritage Landscapes
- Individually Designated Properties (Part IV)
- Heritage Conservation Districts (Part V)
 - 2 Durand-Markland
 - 4 MacNab-Charles
 - 5 St Clair Ave
 - 6 St Clair Blvd
- Municipal Easements (Part IV)
- Ontario Heritage Trust Easements

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix F-2
 Area Specific Cultural Heritage Resources**

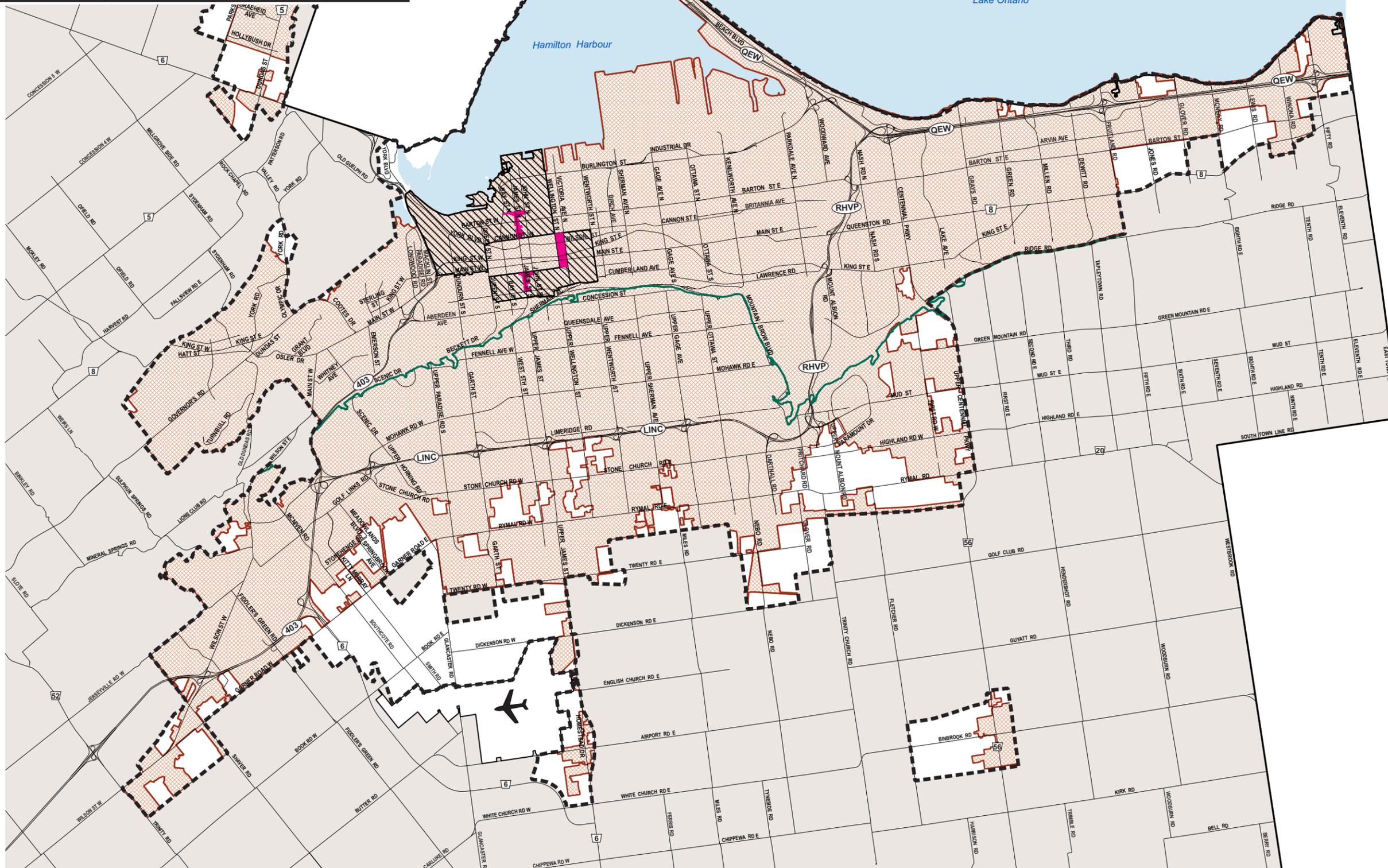
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Appendix F
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

 Lands to be removed from "Central Hamilton Area" and added to "Built up Area"

Date: March 2018
 Revised By: AM/NB
 Reference File No.: Downtown Hamilton Secondary Plan



APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1,

Legend

-  Built Boundary
-  Built-up Area
-  Central Hamilton
- Other Features**
-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Appendix G
 Boundaries Map**

 Not To Scale


<p style="text-align: center;">Appendix G Amendment No.102 to the Urban Hamilton Official Plan</p>

B.6.0 HAMILTON SECONDARY PLANS

6.1 Downtown Hamilton Secondary Plan

Downtown Hamilton is identified as an *Urban Growth Centre* in the Province's Growth Plan for the Greater Golden Horseshoe and as such, Downtown is the City's pre-eminent node due to its scale, density, range of uses, function, and identity by residents of the City as the Downtown. 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.

The Downtown Hamilton Secondary Plan area is bounded by Cannon Street to the north, Victoria Avenue to the east, Hunter Street to the south and Queen Street to the west and includes the frontage properties along James Street North to Stuart Street and along James Street South to Charlton Avenue West. Section B.6.1 and Maps B.6.1-1 – Downtown Hamilton – Land Use Plan, B.6.1-2 – Downtown Hamilton – Building Heights, Appendix A – Downtown Hamilton – Higher Order Transit, Appendix B – Downtown Hamilton – Cultural Heritage Resources, Appendix B-1 – Downtown Hamilton – Cultural Heritage Landscapes, and Appendix C – Downtown Hamilton – Viewshed Analysis, and Appendix “D” – Niagara Escarpment Height constitute the Downtown Hamilton Secondary Plan.

6.1.1 Vision

The Downtown Hamilton of the future shall be a vibrant focus of attraction where all ages, abilities, and incomes can live, work, learn, shop, and play. The future Downtown shall be a healthy, safe, comfortable, accessible, and prosperous community that promotes a high quality of life. It will combine the best of our heritage with new concepts and designs while seamlessly linking together the Downtown, surrounding neighbourhoods, the Waterfront, and the Escarpment.

6.1.2 Principles

The following principles provide guidance for evaluating initiatives and proposals for the Downtown to ensure that the City is taking a consistent approach to *Downtown development*:

- a) *Use public realm improvements as a catalyst for revitalization.* The Downtown Hamilton Secondary Plan emphasizes the importance of streets and public spaces. By supporting streetscaping, landscaping, park enhancements, public art, pedestrian, cycling, and transit amenities, the City signals its pride and confidence in the Downtown. A focus on improved public spaces shall be used to stimulate investment on adjacent private properties.

-
- b) *Strengthen the connection to neighbourhoods, the Waterfront, the Escarpment and other surrounding features or attractions.* The Downtown Hamilton Secondary Plan emphasizes the importance of strengthening connections to neighbourhoods and major destinations such as the Waterfront and the Niagara Escarpment. The Downtown shall be reconnected to its neighbourhoods by developing vacant land and parking lots, and by rebalancing Downtown streets as attractive pedestrian places. This Plan supports a number of projects to foster multi-modal linkages and strengthen existing connections.
- c) *Promote Downtown living.* Creating residential neighbourhoods in the Downtown has long been recognized as key to its revitalization. Downtown residents can contribute to Downtown retailers' and service providers' viability. The ability to walk or bicycle to work, school, shopping, services, recreation, and entertainment facilities shall reduce or potentially eliminate vehicle trips and the associated demand for parking. Increased densities along major routes into the Downtown will support public *transit*. The Downtown Hamilton Secondary Plan identifies opportunities for a range of housing types catering to a variety of income levels and household characteristics. This Plan also commits the City to provide the public services and amenities required by future Downtown residents.
- d) *Build on existing strengths.* Downtown Hamilton is the location for major public and cultural facilities and functions as the cultural and institutional centre of the City. Downtown is a destination for those seeking diverse experiences, products, and services. All of these activities are set within an architecturally and historically rich area. Hamilton's legacy of historic buildings and streetscapes are its greatest distinction and worthy of enhanced restoration effort. The Downtown Hamilton Secondary Plan builds on these strengths.
- e) *Downtown is healthy and safe.* Downtown neighbourhoods will be designed and built to provide a foundation for healthy living by promoting physical activity (connected streets, active transportation, mixed land uses, parks and open space), healthy diets (farmer's markets, community gardens), and supportive environments (places to gather, cultural spaces, architecture and public art). There are many ways the built environment can impact health and this Plan recognizes the importance of improving public health and preventing disease through built form and changes to the environment.
- f) *Recognize the value of modest improvements and changes.* A desire for quick and simple solutions often nurtures "big project" responses, however, modest actions by individuals, small businesses and community organizations are also important and can have significant cumulative impacts. This Plan identifies opportunities for a range of large and small actions.
- g) *Culture is fundamental to Downtown Revitalization.* The City of Hamilton embraces the international consensus that culture is the fourth pillar of sustainable development, joining economic prosperity, environmental responsibility, and social equity. Consideration of integrating cultural vitality into all City decisions and initiatives shall be given as the City adopts a holistic approach to culture.

-
- h) *The Niagara Escarpment is an essential part of the character and appearance of the City; views to the Escarpment are important assets to protect.* The Niagara Escarpment meanders through the City of Hamilton providing a natural backdrop to the Downtown, access to a unique natural environment, and a home to a diverse ecosystem of international significance - a UNESCO World Biosphere Reserve. The Downtown Hamilton Secondary Plan recognizes the importance of the relationship between topography and building height and the impacts on significant views to and of the Niagara Escarpment.
 - i) *Improve climate change mitigation and adaptation.* Hamilton's downtown will contribute to the emission reduction targets outlined in Hamilton's Climate Action Plan and address potential impacts of climate change through adaptation. Downtown will be a stronger, more resilient community by transitioning to a low carbon economy and by leveraging alternative forms of energy and green infrastructure opportunities to improve air quality, absorb stormwater, minimize urban heat island and expand biodiversity.

6.1.3 Objectives

The following objectives shall apply to *development* within the Downtown Hamilton Secondary Plan area:

6.1.3.1 Respect Design and Heritage

Downtown Hamilton has a rich cultural legacy. The heritage structures and spaces provide a physical history of the community. Conservation and re-use of these buildings not only enhances the Downtown but can serve as a catalyst for other public and private investments. Heritage buildings also provide living examples of design elements that can be reflected in new construction that complements rather than diminishes the surrounding streetscape. The Downtown Hamilton Secondary Plan policies call for a greater emphasis on urban design and heritage conservation as critical elements of downtown revitalization. To achieve these objectives *development* shall:

- a) *Conserve and enhance the built heritage resources and cultural heritage landscapes* of Downtown Hamilton.
- b) Ensure that new *development* is compatible with the design of surrounding *built heritage resource* buildings.
- c) *Conserve and enhance the Gore area as the primary landscaped open space and concentration of built heritage resource* buildings in Downtown Hamilton.
- d) Create new programs and planning mechanisms to ensure a higher standard of urban design in Downtown Hamilton.
- e) Ensure that public improvement projects are undertaken within an overall design and implementation program that respects these objectives.

6.1.3.2 Carve Out a Distinct Economic Role

Downtown Hamilton is identified as an Urban Growth Centre in the Province's Growth Plan for the Greater Golden Horseshoe and shall be planned to accommodate a range of economic activities including retail and services that

appeal to a broad Regional market and serve residents across the City and within the Downtown as well. The Downtown shall function as a major employment centre for business, professional, and government offices. To achieve these objectives *development* shall:

- a) Support Downtown Hamilton's role as the governmental, institutional, entertainment, and cultural centre of the City.
- b) Establish a defined and compact core within the Downtown.
- c) Establish defined commercial office and retail areas within the Downtown.
- d) Promote retail areas geared to the needs of residents in the Downtown and adjacent neighbourhoods.
- e) Promote culture and the creative industries by encouraging, supporting, and ensuring there is a place for creative occupations within the Downtown.

6.1.3.3 Create Quality Residential Neighbourhoods

The Downtown Hamilton Secondary Plan supports creating new housing throughout the Downtown as well as improving the quality of the existing residential neighbourhoods. The Secondary Plan policies aim to ensure that new residential areas in the Downtown are compatible with the scale and character of nearby historical neighbourhoods. To achieve these objectives *development* shall:

- a) Improve the linkages between the Downtown and surrounding residential areas through the *development* of vacant properties. Residential and mixed use *development* on these sites shall create a transitional area on the edges of the Downtown.
- b) Create a diversified housing supply in the Downtown geared to the needs of various age groups, household size, and income levels with increased opportunities for affordable housing.
- c) Preserve and enhance the *existing* residential communities within the Downtown Hamilton Secondary Plan area.
- d) Provide and maintain neighbourhood services such as local shopping areas, community centres, parks and open spaces, educational facilities, community gardens, cooling zones, and emergency shelters.
- e) Residential *development* shall reflect urban design features compatible with a Downtown location and the heritage character of the area.

6.1.3.4 Enhance Streets and Public Spaces

The Downtown Hamilton Secondary Plan emphasizes the importance of the continued enhancement of the public realm in the Downtown, including streets and public places that knit together the individual buildings and structures. The creation of quality infrastructure through new parks, and the establishment of

new landmarks shall enhance the overall image of the City and demonstrate civic pride. To achieve these objectives *development* shall:

- a) Identify priority streets for specialized urban design treatment.
- b) Enhance existing and establish new connections to the Waterfront, the Escarpment and other parts of the City.
- c) Establish new locations and policies for parks and open space directed towards increasing the overall tree canopy in the Downtown.
- d) Identify and integrate the key civic spaces through a public realm master planning process.
- e) Establish a high standard of design in public spaces as a model for private sector initiatives.

6.1.3.5 Mobility and Complete Streets

The transportation system in the Downtown includes an integrated network for pedestrians, cyclists, transit users and drivers. The 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*. To achieve these objectives *development* shall:

- a) Establish an overall plan that appropriately allocates safe space for all users of the street including pedestrians, cyclists, motorists, people with disabilities, and public transit users as well as goods delivery, service vehicles and emergency vehicles.
- b) Prioritize pedestrians, cyclists, and public transit relative to private automobiles through the application of Complete, Livable, Better Streets Policy.
- c) Reduce dependence on single occupant vehicles.
- d) Promote accessibility and improve options for walking, cycling, and transit.

6.1.3.6 Sustainable and Resilient Downtown

Changes in temperature, precipitation, wind, and other indicators are affecting the Downtown and these changes are expected to continue in the future. The Downtown Hamilton Secondary Plan recognizes the importance of adapting and preparing for the risks of climate change such as variable and extreme weather and social and infrastructure stresses. To help mitigate climate change, Hamilton has set a target to reduce greenhouse gas levels by 50% from 2005 levels by 2030, and by 80% from 2005 levels by 2050. Meeting these targets requires new approaches for energy efficient buildings, energy distribution systems, and the use of renewable energy sources. To achieve these objectives *development* shall:

- a) Encourage *development* to incorporate recovery of low-carbon energy from infrastructure sources such as sewers and transit power stations to reduce emissions.

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- b) Encourage the integration on on-site electricity production to reduce electricity demand.
 - c) Encourage *development* to limit the loss of embodied energy contained within existing building stock.
 - d) Encourage *development* to target net-zero energy use and emissions.
 - e) Investigate ways to leverage green infrastructure opportunities to improve air quality, absorb stormwater, minimize the urban heat island, and expand biodiversity.

6.1.3.7 Diversity of Housing

Housing is fundamental to the economic, social, and physical well-being of Downtown's residents and neighbourhoods, Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities. Downtown's livability and prosperity is connected to the provision of housing that meets the requirements of a diverse population with varying housing needs. Downtown offers various built form housing options, including grade-related, mid-rise, and tall buildings with a variety of ownership and tenancy. Providing housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life is the goal of an inclusive Downtown and essential to the creation of *complete communities*. To achieve these objectives *development* shall:

- a) Provide for a range of housing types, forms, and densities to meet the social, health, and well-being requirements of all current and future residents.
- b) Provide housing within *complete communities*.
- c) Increase Downtown's stock of affordable housing of all types.
- d) Maintain a balance of *primary rental* and ownership housing stock as outlined in the Affordable Housing Strategy.

6.1.4 General Land Use Policies

The Downtown Hamilton Secondary Plan guides *development* within the Secondary Plan area. The following policies direct land uses and other matters common to all parts of the Downtown Hamilton Secondary Plan.

- 6.1.4.1 Policies applying to the Downtown Hamilton Secondary Plan area that are presently contained in the following Neighbourhood Plans are no longer in effect: Beasley, Central, Corktown, Durand, Landsdale and Stinson.
- 6.1.4.2 The City's Design Review Panel shall provide a design peer review of public and private projects in the Downtown to ensure that projects reflect appropriate architectural and urban design of a high quality and that the design objectives and policies of this Plan are reflected in all projects.
- 6.1.4.3 The following uses shall be permitted throughout the Downtown:
 - a) social service facilities;

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- b) places of worship; and,
 - c) parks and open space.
- 6.1.4.4 Transfers of *development* rights may be accommodated within the Downtown Hamilton Secondary Plan area, subject to land use regulations through the Zoning By-law. In no case shall the Transfer of *development* rights allow building heights exceeding the maximum building height permissions in accordance with Policies 6.1.4.5 a) and c), 6.1.4.12 and established in the implementing Zoning By-law. Transfers of *development* rights may be undertaken to achieve the following policy objectives:
- a) conservation of *built heritage resources* and *cultural heritage landscapes*;
 - b) provision of at-grade open space conforming to Section B.6.1.7, Open Space and Parks designation of this Plan;
 - c) access to views of the Niagara Escarpment;
 - d) mitigation of shadow impacts on the public realm and surrounding properties; and,
 - e) retention of *existing* open space/park areas adjacent to private *development*.
- 6.1.4.5 The Zoning By-law shall recognize buildings and permissions which existed on the effective date of the Zoning By-Law where height exceeds the maximum permitted heights, as shown on Map B.6.1-2 – Downtown Hamilton – Building Heights.
- 6.1.4.6 When considering an application for *development*, the following matters shall be evaluated:
- a) compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other impacts;
 - b) the consideration of transition in height to adjacent and *existing* buildings;
 - c) that height, massing, scale and arrangement of the buildings and structures are *compatible* with adjacent *development* and sympathetic to the character and heritage of the neighbourhood; and,
 - d) the conservation of on-site and *adjacent cultural heritage resources*.
- 6.1.4.7 Music plays an important role in a strong vibrant city and is part of Hamilton’s economic prosperity and identity both locally, nationally, and internationally. To ensure that live music venues can continue to function in the Downtown, where residential *development* is proposed in close proximity to an existing live music venue, the proposed residential *development* shall be required to ensure that the appropriate noise attenuation measures or other appropriate measures identified through the development review process, are employed through either building design, urban design, or land use separation, to prevent noise conflicts.

Section 37 Bonusing

6.1.4.8 Through the implementing Zoning By-law for the Downtown Hamilton Secondary Plan, or site-specific zoning by-law amendments, the City may authorize increases in the height of a proposed *development* beyond those permitted in the Zoning By-law, subject to the policies of the Secondary Plan, in return for the provision of community benefits. Where the City enters into Section 37 agreements with a landowner for increases in height, the following shall apply:

- a) The proposed height increase:
 - i) shall be no greater than the height of the top of the Escarpment in accordance with Policy 6.1.4.14 of this Plan;
 - ii) is consistent with the principles, objectives, and policies of the Downtown Hamilton Secondary Plan;
 - iii) is compatible with the surrounding area;
 - iv) provides community benefits consistent with the Downtown Hamilton Secondary Plan, above and beyond those that would otherwise be provided under the provisions of the *Planning Act*, *Development Charges Act*, or other statute; and,
 - v) provides community benefits consistent with the Downtown Hamilton Secondary Plan that bear a reasonable planning relationship to the increase in height, including, at a minimum, having a geographic relationship to the development and addressing the planning issues associated with the development.
- b) Notwithstanding Policy F.1.9.2 of Volume 1, priority community benefits considered appropriate for the application of increased height shall be limited to the following:
 - i) provision of housing, in particular rental and affordable housing;
 - ii) community facilities/services;
 - iii) child care facilities;
 - iv) cultural facilities;
 - v) protection of *cultural heritage resources*; and,
 - vi) transit station improvements.
- c) Increases to height shall only be considered where the proposed development can be accommodated by existing or improved infrastructure. Planning studies may be required to address infrastructure capacity to the proposed development and any impacts on the surrounding area in accordance with Policy 6.1.13.1 f) of this Plan.
- d) A by-law passed under Section 34 of the *Planning Act* is required to permit increases in height. The by-law shall set out the approved height and shall describe the community benefits which are being exchanged for the

increase in height. The landowner may be required to enter into an agreement with the City that addresses the provision of community benefits. The agreement may be registered against the land to which it applies.

- 6.1.4.9 The City shall develop an implementation protocol for Bonusing agreements using Section 37 of the *Planning Act*.

Housing

- 6.1.4.10 The *development* of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the Downtown in a full range of built housing forms in accordance with the policies of Section B.3.2 – Housing Policies of Volume 1.

- 6.1.4.11 Notwithstanding Policy B.3.2.5.6 of Volume 1, the demolition/redevelopment of rental housing units shall be permitted only where the following can be achieved to offset the impacts:

- a) it shall be demonstrated that the rental housing units have been replaced on-site; and,
- b) an acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen the hardship, is provided.

Building Heights

- 6.1.4.12 Building heights are identified on Map B.6.1.2 - Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:

- a) Low-Rise 1 – up to 3 storeys;
- b) Low Rise 2 – up to 6 storeys;
- c) Mid Rise – up to 12 storeys;
- d) High Rise 1 – up to 20 storeys; and,
- e) High Rise 2 – up to 30 storeys.

- 6.1.4.13 All *development* in the Downtown shall be a minimum of two storeys in height except for lands identified as *Pedestrian Focus Streets* which shall be a minimum of three storeys in height.

- 6.1.4.14 Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Heights, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights.

- 6.1.4.15 The siting, massing, height, and design of a building on one site shall not necessarily be a precedent for development on an adjacent or nearby site.

6.1.4.16 For lands identified as Low-rise 2 on Map B.6.1.2 - Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following:

- a) meeting the principles, objectives and policies of this Plan, in particular, Policy B.6.1.4.14 and Policies B.6.1.4.31 through B.6.1.4.39;
- b) demonstrating how the proposed building and site design relate to and is compatible with the *existing* and/or planned context of the area;
- c) demonstrating how the proposed building and site relate to topography, the Niagara Escarpment, and other buildings in the area;
- d) demonstrating how any impacts on streetscapes and views of streetscapes, landmark structures or *cultural heritage resources* from public sidewalks or public spaces will be mitigated;
- e) demonstrating how the proposed development mitigates impacts to on-site or *adjacent cultural heritage resources*; and,
- f) in order to demonstrate the considerations listed above, proponents may be required to submit all of the following studies, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, as part of a *development* application:
 - i) Shadow Impact Study;
 - ii) Pedestrian Wind Impact Study;
 - iii) Visual Impact Assessment;
 - iv) Transportation Studies, including, but not limited to:
 - 1. Transportation Impact Study;
 - 2. Cycling Route Analysis;
 - 3. Pedestrian Route and Sidewalk Analysis;
 - 4. Neighbourhood Traffic Calming Options Report;
 - 5. Transit Assessment; and,
 - 6. Transportation Demand Management Options Report.
 - v) Infrastructure and Servicing Study;
 - vi) Cultural Heritage Impact Assessment;
 - vii) Urban Design Brief; and,
 - viii) Planning Justification Report.

Mid-Rise Buildings

6.1.4.17 The following policies shall apply to mid-rise building forms:

- a) a mid-rise building is any building greater than 6 storeys but no greater than 12 storeys in height;
- b) mid-rise buildings shall be designed to address the street with active frontages, and provide principal entrances from the public realm;
- c) mid-rise buildings shall create an effective transition between low-rise neighbourhoods and existing or future tall buildings through the use of appropriate setbacks and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan;
- d) mid-rise buildings shall be designed to frame the street they are fronting while allowing access to sunlight to adjacent properties. This shall be achieved through considerations given to building orientation, setbacks, stepbacks, angular plane, and relationship to grade and land uses; and,
- e) Shadow Impact Studies, Visual Impact Assessments, and Pedestrian Level Wind Studies may be required to determine potential impacts arising from mid-rise buildings.

High-Rise (Tall) Buildings

6.1.4.18 The following policies shall apply to High-rise (tall) buildings:

- a) a tall building is any building that is greater than 12 storeys in height;
- b) new tall buildings shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue;
- c) a tall building is typically defined as having a *building base* component (also known as podium), a *tower* component and *tower top*, however, Policies B.6.1.4.18 through B.6.1.4.24 shall also apply to other typologies of a tall building;
- d) a *building base* is defined as the lower storeys of a tall building which are intended to frame the public realm with good street proportion and pedestrian scale or contains streetwall heights that respect the scale and built form character of the *existing* context through design, articulation, and use of the ground floor;
- e) a *tower* is defined as the storeys above the building base; and,
- f) the *tower top* is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building shall have a distinctive presence in Hamilton's skyline by employing interesting architectural features and roof treatments.

6.1.4.19 The Downtown Hamilton Tall Building Guidelines shall apply to tall building *development* and shall be used by City Staff when evaluating tall building *development* proposals.

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- 6.1.4.20 In addition to Policy B.6.1.4.19 above, it is not the intent of the Downtown Hamilton Tall Building Guidelines to limit creativity and innovation in design. Where it can be demonstrated that an alternative built form achieves the intent of the Downtown Hamilton Tall Building Guidelines, alternative built forms shall be permitted, subject to demonstrating good planning principles and meeting the intent and vision of the policies of this Plan.
- 6.1.4.21 Tall building *development* shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines.
- 6.1.4.22 Not every site in the Downtown identified as High-rise 1 or High-rise 2 can accommodate a tall building or is a suitable site for a tall building. The Tall Building Guidelines and Zoning By-law, shall establish the minimum criteria for assessing the suitability of an individual site for a tall building.
- 6.1.4.23 All tall buildings shall meet the following requirements:
- a) the *building base* shall be designed to:
 - i) fit harmoniously within the context of neighbouring streetwall heights. Where there is no consistent streetwall height context for the area, the streetwall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
 - ii) reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions shall be suitable for sitting and standing, with higher standards applied to parks and open spaces and *Pedestrian Focus Streets*; and,
 - iii) minimize shadows, in accordance with Policies B.6.1.4.34 through B.6.1.4.39 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses.
 - b) the *building base* may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses;
 - c) tall building *development* shall provide setbacks from the lot line to the building face of the tower and adequate separation distance between towers on the same lot. These lot line tower setbacks shall ensure that individual tall buildings within a city block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the *existing* and/or planned context. Providing adequate space between towers shall:
 - i) enhance the ability to provide a high-quality, comfortable public realm;
 - ii) protect development potential of other sites within blocks;

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- iii) provide access to sunlight on sidewalks, parks, public and private open spaces, school yards and buildings;
 - iv) provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
 - v) provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces, and views between towers for occupants of tall buildings;
 - vi) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces, and surrounding properties; and,
 - vii) provide appropriate transitions to adjacent lower-scale planned context, *built heritage resources*, and *cultural heritage landscapes*.
- d) as building heights increase, greater setbacks may be required from the tower to the lot line to achieve the requirements of Policy B.6.1.4.23 c); and,
- e) the following studies may be required, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building *development* to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:
- i) Shadow Impact Study;
 - ii) Pedestrian Wind Impact Study
 - iii) Visual Impact Assessment;
 - iv) Transportation Studies, including, but not limited to:
 - 1. Transportation Impact Study;
 - 2. Cycling Route Analysis;
 - 3. Pedestrian Route and Sidewalk Analysis;
 - 4. Neighbourhood Traffic Calming Options Report;
 - 5. Transit Assessment; and,
 - 6. Transportation Demand Management Options Report.
 - v) Infrastructure and Servicing Study;
 - vi) Cultural Heritage Impact Assessment;
 - vii) Urban Design Brief; and,
 - viii) Planning Justification Report.

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- f) *development* proposals that do not comply with Policy B.6.1.4.23 c), of this Plan present significant concerns for building a strong healthy Downtown and as such shall not be approved for tall building *development*.

6.1.4.24 *Development* proposals for tall buildings containing residential units shall be encouraged to provide a range of unit types and unit sizes, including those suitable for larger households, and those with children and seniors.

Built Form

6.1.4.25 In addition to Section B.3.3 – Urban Design Policies of Volume 1, *development* in the Downtown shall achieve the following:

- a) eliminating expanses of blank walls;
- b) integrating roof top design and function with the surrounding buildings and public spaces. This shall be achieved through:
 - i) integrating roof design with the building architecture;
 - ii) designing the tower top of tall buildings so that they are a recognizable landmark that contributes to an iconic and distinctive skyline;
 - iii) ensuring that roof top mechanical equipment, as well as stair and elevator towers, are sized and located so that they are screened from view from the street;
 - iv) developing rooftop terraces, gardens, and associated landscape areas for private amenity areas, climate enhancement and for storm water management; and,
 - v) incorporating best practices and appropriate technology to reduce energy consumption and improve air quality.

6.1.4.26 All *development* shall be oriented toward the surrounding streets and shall include direct pedestrian access, including barrier free access from grade level, to the principle entrances.

6.1.4.27 All *development* shall be built close to the street line. Additional setbacks may be permitted, based on the locational context, to protect significant views, to protect cultural heritage resources, to accommodate pedestrian amenities such as street plantings and enhanced landscaping, wider sidewalks, open space, outdoor cafés, seating areas, transit shelters, bicycle parking, and other public amenities.

6.1.4.28 All *development* shall:

- a) be massed to frame streets in a way that respects and supports the adjacent street proportions;
- b) be compatible with the context of the surrounding neighbourhood;
- c) contribute to high quality spaces within the surrounding public realm; and,
- d) provide high quality spaces within the buildings themselves.

6.1.4.29 Residential *development* shall provide amenity space within new *developments* in the form of private or semi-private parkettes, rooftop gardens or internalized open spaces within courtyard areas created by new buildings.

6.1.4.30 *Development* shall incorporate high quality durable building materials for aesthetics, fire suppression, and energy efficiency.

Transition in Scale

6.1.4.31 *Development* shall provide built form transition in scale through a variety of design methods including angular planes, location and orientation of the building, and the use of setbacks and stepbacks of building mass.

6.1.4.32 Transition between *development*, and adjacent streets, parks or open spaces shall ensure access to sunlight and sky view.

6.1.4.33 *Development* shall be required to provide transition in scale, within the *development* site, as a result of any of the following:

- a) the *development* is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;
- b) the *development* is *adjacent* to a *cultural heritage resource* or a *cultural heritage landscape*; or,
- c) the *development* is adjacent to *existing* or planned parks, or open spaces.

Public Realm

6.1.4.34 *Development* shall, to the satisfaction of the City, through building massing and orientation, minimize shadows on public sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.

6.1.4.35 Proposed *development* shall allow for a minimum of 3 hours of sun coverage between 10:00 a.m. and 4:00 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.

6.1.4.36 Proposed *development* shall allow for a minimum of 50% sun coverage at all times of the day as measured on March 21st to September 21st on public plazas, existing and planned parks, and open spaces, school yards, and playgrounds.

6.1.4.37 Downtown Hamilton contains a number of primary gathering spaces where civic life occurs. The quality, image, and amenity of these spaces strongly affect how people perceive the Downtown. Notwithstanding Policy B.6.1.4.35 and Policy B.6.1.4.36, *development* shall not cast any net new shadow between 10:00 a.m. and 4:00 p.m. as measured from March 21st to September 21st on the following parks, squares, plazas and open spaces areas that serve as Downtown's key civic gathering spaces:

- a) Gore Park;
- b) Prince's Square (50 Main Street East);
- c) Hamilton City Hall Forecourt (71 Main Street West);

d) Whitehern Museum (41 Jackson Street West); and,

e) Ferguson Station (244, 248 King Street East).

6.1.4.38 Buildings shall be sited, massed and designed to reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks, and open spaces. Pedestrian wind levels shall be suitable for sitting and standing. Higher standards may be required for *development* adjacent to parks and open spaces, and along *Pedestrian Focus Streets*.

6.1.4.39 Proponents shall be required to submit a Shadow Impact Study and a Pedestrian Level Wind Study, in accordance with Chapter F – Implementation Policies of Volume 1, to demonstrate that the height, orientation, design and massing of a building or structure does not unduly overshadow, block light, result in the loss of privacy of adjacent residential uses, or create uncomfortable or unsafe wind conditions. Studies shall be completed to the satisfaction of the City and shall demonstrate conformity with Policies 6.1.4.34 through 6.1.4.38.

Parking

6.1.4.40 There shall be no vehicular surface parking along the street frontage.

6.1.4.41 Above-ground vehicular parking shall be fronted by permitted uses other than parking at street level and upper storeys shall be screened from view from the street.

6.1.4.42 Parking standards shall ensure that the re-use of *existing* buildings is not compromised.

6.1.4.43 Surface parking lots *existing* on the date of adoption shall be legal non-complying uses to the Downtown Hamilton Secondary Plan.

6.1.4.44 New surface parking lots shall not be permitted.

6.1.4.45 *Existing* surface parking lots shall be permitted to expand under the following conditions:

a) the expansion is minor in nature; and,

b) the expansion shall not result in a net increase in the number of surface parking spaces on the site.

6.1.4.46 Where parking is required, *development* shall be required to provide charging stations for electric vehicles.

6.1.4.47 *Development* shall be encouraged to provide for autonomous vehicle parking and shared vehicles.

6.1.5 Downtown Residential Designation

The Downtown Hamilton Secondary Plan supports the improved multi-modal connection of residential neighbourhoods to the Downtown core, the *development* of vacant land for higher and better use at an appropriate scale and the overall balancing of commercial and residential *development* for a vibrant healthy core.

6.1.5.1 The residential areas within the Downtown Hamilton Secondary Plan are designated Downtown Residential on Map B.6.1.1 - Downtown Hamilton Secondary Plan - Land Use Plan. The following policies shall apply to lands designated Downtown Residential:

- a) uses permitted in areas designated Downtown Residential include single-detached, semi-detached, duplex, triplex, street townhouses, and *multiple dwellings*.
- b) local commercial uses shall be permitted on the ground floor of buildings containing *multiple dwellings*, in accordance with Section E.3.8 – Local Commercial Policies of Volume 1, and the following:
 - i) notwithstanding Policy E.3.8.2, only the following uses shall be permitted: retail and service uses such as a craftsperson shop, day nursery, commercial school, office, personal service, repair service, restaurant, studio, art gallery, and tradesperson shop; and,
 - ii) notwithstanding Policy E.3.8.3, the following uses shall be prohibited: drive-through facilities accessory to or in conjunction with commercial uses, auto-oriented commercial uses such as gas stations, and outdoor commercial patios.

6.1.5.2 The existing residential areas within the Downtown shall be maintained by encouraging the retention and adaptive re-use of existing buildings, including those identified as a built heritage resource through listing on the *Register* or through designation under the *Ontario Heritage Act*. Land use regulations and special programs shall support the conversion of existing structures subject to the following:

- a) heritage attributes of the on-site cultural heritage resources are conserved as demonstrated through a *cultural heritage impact assessment*; and,
- b) additions shall be *compatible* with the existing structure in terms of relationship to the street, front setbacks, architectural form, and massing.

6.1.6 Downtown Mixed Use Designation

Downtown Hamilton shall continue to maintain its key role as the governmental, institutional, educational, cultural, and residential centre of the City. The Downtown Mixed Use policies of the Secondary Plan are intended to support intensive, urban-scale mixed use *development*.

6.1.6.1 In addition to Section E.4.4 – Downtown Mixed Use Designation of Volume 1, the following policies shall apply to lands designated Downtown Mixed Use:

- a) Main Street contains a number of prominent buildings and public spaces. *Development* shall conserve and enhance the character of the following prominent sites:
 - i) Hamilton Club at 6 Main Street East and the building at 8 Main Street East;
 - ii) the John Sopinka Courthouse at 45 Main Street East;

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- iii) the former Wentworth County Courthouse at 50 Main Street East;
 - iv) Hamilton City Hall at 71 Main Street West;
 - v) First Pilgrim United Church at 200 Main Street East;
 - vi) the former St. Thomas Church at 16 West Avenue South; and,
 - vii) The former Landed Banking and Loan Building at 47 James Street North.
- b) all *development* of the former Wentworth County Courthouse at 50 Main Street East shall maintain the open space area including the pedestrian pathways; and,
 - c) The following policies shall apply to *development* fronting onto John Street, King William Street, Catharine Street and Rebecca Street, across from the Community Park:
 - i) buildings shall address and help frame the street and open space with active and accessible uses at grade;
 - ii) the orientation of the building, including windows, entrances, balconies, and other building elements shall be oriented towards the park where possible; and,
 - iii) buildings shall incorporate appropriate setbacks to provide a human scale podium as well as mitigate potential shadow and wind impacts on the park.

Pedestrian Focus Streets

- 6.1.6.2 A portion of the lands designated Downtown Mixed Use are also identified as *Pedestrian Focus Streets* on Map B.6.1.1 - Downtown Hamilton Secondary Plan - Land Use Plan. In addition to Section E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply to areas identified as *Pedestrian Focus Streets*:
- a) the vision for *Pedestrian Focus Streets* is to complete the streetwall and provide an uninterrupted building line at the street level through compatible *development* and infill *development* along the corridor;
 - b) notwithstanding Policy E.4.3.4 f) of Volume 1, all *development* shall be a minimum height of three storeys;
 - c) the height of new buildings and additions shall be consistent with the traditional streetwall height at the street line;
 - d) taller building masses shall be sufficiently stepped back from the street to avoid interference with the perceived massing of the street as primarily a low to mid-rise corridor;
 - e) the articulation of façades shall retain a similar rhythm and scale to the street front shops in its surroundings;

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- f) the articulation of the façade of new buildings shall reflect or complement the traditional patterns of fenestration in adjacent buildings;
 - g) limited articulation of the front façades may be permitted in order to create sheltered areas at ground level or to allow for the incorporation of architectural design elements and access to significant views, provided that the sense of enclosure is maintained and that the articulation does not detract from the retention of the traditional building line;
 - h) the ground floor frontage shall be clearly articulated in the massing of the façade, substantially glazed, with generous floor-to-floor heights and designed to accommodate signage;
 - i) where possible, buildings shall be constructed to the side lot line in order to maintain the sense of enclosure and avoid gaps in the streetscape; and,
 - j) to maintain the architecture and heritage character of the Gore, between James Street and Catharine Street, traditional materials of stone, wood and brick shall be used; other materials may be allowed provided that they are visually harmonious with adjacent buildings in accordance with the Heritage Character Design Guidelines.

6.1.7 Parks and Open Space Designations

6.1.7.1 The Parks and Open Space areas within the Downtown Hamilton Secondary Plan are designated Community Park, City-Wide Park and General Open Space, as identified on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan. In addition to Section B.3.5.3 – Parkland Policies and Section C.3.3 – Open Space Designations of Volume 1, the following policies shall apply to all Parks and Open Space Designations:

- a) new parks and open spaces shall be sited and designed in a manner that identifies them as part of the public realm and promotes comfort, safety, enjoyment and accessibility for all members of the public;
- b) parks and open spaces shall be designed to achieve the following:
 - i) direct at-grade access to the streets, bicycle paths, trails or pedestrian routes on which they front with clearly identified pedestrian and cycling access points from surrounding areas;
 - ii) continuity of design between the public spaces, the streets that surround them, and the buildings that face them; and,
 - iii) on-site parking shall be discouraged.
- c) design plans and public improvement programs shall be developed in partnership with adjacent landowners for a series of feature areas in the Downtown including, but not limited to:
 - i) the open space area adjacent to Main Street and the former County Courthouse located at 50 Main Street East and known as Prince's Square;

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- ii) the small open spaces on the north side of Hunter Street across from the GO Station; and,
 - iii) the civic space formed by Commonwealth Square at the Art Gallery of Hamilton and the City Hall forecourt. The design study shall address the following:
 - 1. clear identification of the area as the prime civic gathering space for citizens of the City of Hamilton;
 - 2. an integrated design for the area extending from the rear of the Art Gallery to the front of Hamilton City Hall;
 - 3. east-west landscape and pedestrian linkages to the David Braley Health Sciences Centre Building at 100 Main Street West and the Convention Centre/Hamilton Place;
 - 4. recognition of landmark buildings in the vicinity including Hamilton City Hall and Whitehern Historic House and Garden;
 - 5. provision of commercial opportunities accessory to the Art Gallery and the Convention Centre fronting on Summer's Lane and King Street East;
 - 6. an improved pedestrian environment and pedestrian access for Summer's Lane;
 - 7. street level pedestrian and cyclist linkages; and,
 - 8. visual linkages through streetscape elements, paving patterns, lighting and banners are to be provided to encourage pedestrian traffic and to portray a vibrant Downtown.
 - d) privately owned publicly accessible open spaces (POPS) provide opportunities for expanding the public realm by creating open spaces and connecting streets, parks and open spaces. POPS provided through *development* shall:
 - i) be publicly accessible;
 - ii) be designed for uses of all ages and abilities;
 - iii) avoid the use of design elements that discourage public access such as fencing, grade separation, or other barriers;
 - iv) be sited in highly visible locations and designed to serve the local population;
 - v) include new trees, seating, bicycle parking, and landscaping;
 - vi) incorporate child-specific elements if not located within 500 metres of a public playground; and,
 - vii) not provide for any parking or loading areas within a POP.

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- e) privately owned publicly accessible open spaces approved as part of a *development* shall not be in lieu of parkland dedication.

6.1.8 Institutional Designation

- 6.1.8.1 Sections B.3.5 – Community Facilities/Services Policies, E.3.10 - Community Facilities/Services and E.6.0 – Institutional Designation of Volume 1, shall apply to lands designated Institutional on Map B.6.1.1 - Downtown Hamilton Secondary Plan - Land Use Plan.

6.1.9 Utility and Transport Designation

- 6.1.9.1 Section C.3.4 - Utility Designation, Policy B.3.3.6 - Urban Services and Utilities and Policy B.3.6.3 – Noise, Vibration and other Emissions of Volume 1, shall apply to lands designated Utility on Map B.6.1.1 - Downtown Hamilton Secondary Plan - Land Use Plan.

6.1.10 Urban Design Policies

- 6.1.10.1 *Development* in The Downtown Hamilton Secondary Plan supports a high standard of urban design through an emphasis on protecting and *conserving built heritage resources* and *cultural heritage landscapes* and the adoption of defined standards for the design of new buildings and structures. In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to all *development* in the Downtown:

- a) All public and private initiatives in the Downtown Hamilton Secondary Plan area will be subject to architectural and design review by the Design Review Panel, to assist the City in ensuring that the design objectives of this plan are reflected in all projects.

Gateways

- 6.1.10.2 Gateway features shall be located at key entrance points to the Downtown. Proposed Gateway locations are shown on Map B.6.1.1 - Downtown Hamilton Secondary Plan - Land Use Plan. In addition to Section B.3.3.4 – Gateways of Volume 1, the following policies shall apply:

- a) gateway features shall be incorporated into site plans for *developments* and shall conform to the requirements of site-specific traffic operations and planned changes in the Downtown Hamilton Transportation Master Plan; and,
- b) the York Boulevard gateway shall create a strong streetwall that shall emphasize the character of the corridor as a primary access to the Downtown.

Views and Vistas

- 6.1.10.3 The Niagara Escarpment is the prominent feature that is visible at the terminus of several streets in the Downtown due to its close proximity, height, and forested natural character. This distinct feature is a UNESCO Biosphere Reserve that separates lower Hamilton from the upper urban area above the brow of the escarpment. The Niagara Escarpment is a powerful visual feature due to its height and striking landscape character that terminates the vistas looking southwards on several Downtown streets.

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- 6.1.10.4 The Niagara Escarpment is part of Hamilton's unique identity and contributes significantly to the character of the Downtown. Significant views to this natural feature shall be protected.
- 6.1.10.5 In order to understand and limit the loss of views to the Niagara Escarpment, significant view locations and corridors have been identified on Appendix C – Downtown Hamilton – Viewshed Analysis. The City of Hamilton shall prepare visual impact guidelines and a visual impact assessment shall be prepared in accordance with the guidelines.
- 6.1.10.6 A Visual Impact Assessment may be required for *development* located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May Be Impacts to Views, as shown on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis.
- 6.1.10.7 Visual Impact Assessments shall be required for *development* on properties identified as Locations Where There Are Impacts to Views as identified on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis.
- 6.1.10.8 *Development* shall be required to provide setbacks, stepbacks, or reduced heights in order to mitigate the impact of the proposed development on existing views.
- 6.1.10.9 A Visual Impact Assessment shall include the following:
- a) visualizations that demonstrate the impact of the proposed *development* to existing views of the Niagara Escarpment by providing before and after visualizations of the views;
 - b) existing and proposed streetscape treatment to enhance views (quality and extent); and,
 - c) proposed design refinements to demonstrate that there is no loss of views from the public realm. Design refinements to protect views may include:
 - i) the size, massing, and placement of new buildings;
 - ii) the size and placement of future transportation and utility infrastructure; and,
 - iii) *development* of building façades that create visual connections to the streets and public spaces.
- 6.1.10.10A Visual Impact Assessment may be required for *development* that is adjacent to a *cultural heritage resource*, a *cultural heritage landscape*, a place of worship, or an existing landmark, that creates a distinct visual orientation point within the Downtown and that may be impacted by proposed development.

Signage and Wayfinding

- 6.1.10.11 In accordance with the City Sign By-laws, the following policies shall apply to signage in the Downtown:

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- a) signage shall be used for way-finding and identifying buildings and public places in Downtown.
 - b) signage shall be *compatible* with the residential environment and shall be non-flashing, shall be restricted to the building face and shall exclude stand-alone structures; and,
 - c) new signage geared to fast-moving vehicular traffic such as billboards or permanent portable signs shall not be permitted.

Public Art Policies

6.1.10.12 In addition to the policies of Section B.3.3.12 Public Art of Volume 1, public improvement projects in the Downtown shall allocate 1% of the project budget to the City's Public Art Program for use in the Downtown.

6.1.11 Cultural Heritage Resource Policies

6.1.11.1 Heritage buildings and streetscapes define Downtown Hamilton as a unique place. The existing concentration of heritage built form is one of the key strengths and opportunities in Downtown Hamilton. The Downtown Hamilton Secondary Plan recognizes the value of heritage buildings, streetscapes, and the cultural landscape and places a priority on their retention and enhancement. In addition to Section B.3.4 – Cultural Heritage Resource Policies of Volume 1, the following policies shall also apply to *cultural heritage resources* within the Downtown Hamilton Secondary Plan:

- a) the Downtown Hamilton Secondary Plan is comprised of six *established historical neighbourhoods*: Beasley Neighbourhood, Central Neighbourhood, Corktown Neighbourhood, Durand Neighbourhood, Landsdale Neighbourhood and Stinston Neighbourhood, as identified on Appendix B – Downtown Hamilton Secondary Plan – Cultural Heritage Resources and as such, Policies B.3.4.3.6 and B.3.4.3.7 – General Cultural Heritage Policies for Urban Areas of Volume 1 shall apply;
- b) *cultural heritage landscapes* shall be protected by retaining major characteristics through the review of *Planning Act* applications. The Downtown *cultural heritage landscapes* are identified on Appendix B-1 – Downtown Hamilton Secondary Plan – Cultural Heritage Landscapes;
- c) as part of the City-wide inventory of *cultural heritage landscapes*, the extent of the *cultural heritage landscapes* identified in on Appendix B-1 – Downtown Hamilton Secondary Plan – Cultural Heritage Landscapes shall be confirmed;
- d) conservation of existing *cultural heritage resources* shall be a priority in all development. New development shall be compatible with on-site and adjacent *cultural heritage resources*. Adaptive re-use will be given priority for all built heritage resources;
- e) the City may require that as part of *development* proposals that *cultural heritage resources* be retained on-site and incorporated, used or *adaptively re-used*, as appropriate with the proposed *development*. Retention and protection of cultural heritage resources on lands subject to *development* may be a requirement as a condition of *development* approval. Specifically, heritage easements under subsection 37(1) of the *Ontario*

Heritage Act may be required and negotiated, as well as *development* agreements, respecting the care and conservation of the affected heritage property.

6.1.12 General Transportation Policies

- 6.1.12.1 In addition to Section C.4.0 – Integrated Transportation Network of Volume 1, the policies in Section B.6.1.12 of the Downtown Hamilton Secondary Plan shall also apply.
- 6.1.12.2 Public right-of-way road widenings may be required in order to provide for expanded public realm, landscaping, or to accommodate additional street capacity. Public right-of-way widenings shall not be taken from streets within the Downtown Hamilton Secondary Plan area except for each street segment identified in Schedule C-2 – Future Road Widenings of Volume 1 and shall be taken in accordance with Policy C.4.5.6 – Road Widenings of Volume 1.
- 6.1.12.3 The Downtown Transportation Master Plan is the primary policy document for multi-modal transportation in the Downtown. All plans and improvement programs for Downtown Streets, including street reconstruction and public improvements shall conform to this Plan and are subject to the Downtown Transportation Master Plan.
- 6.1.12.4 *Development* in the Downtown shall implement the approved parking strategy providing for the consolidation of parking opportunities in strategic locations.
- 6.1.12.5 The historic grid street pattern in Downtown Hamilton shall be retained or restored through the following measures:
- a) re-opening streets, lanes and alleyways that have been closed, where feasible;
 - b) ensuring that all new *development* supports or incorporates a grid street pattern; and,
 - c) acquiring land for public lane and street purposes through the *development* of sites in the Downtown.
- 6.1.12.6 Walking accounts for more daily trips in Downtown Hamilton than any other mode of transportation. All streets in Downtown Hamilton shall provide a safe pedestrian realm through appropriately designed sidewalks as per the Pedestrian Mobility Plan, barrier free access, traffic calming, and provision of *urban braille*, landscaping, seating areas, transit shelters, bicycle parking, and other amenities. The extent to which these amenities can be incorporated may vary from street to street.
- 6.1.12.7 Provision of on-street parking shall be a priority in the Downtown. Designs for street improvements shall maximize opportunities for on-street parking. The requirements for public *transit* stops and the effect on *transit* route travel times shall be reviewed prior to establishing additional on-street parking.
- 6.1.12.8 Where residential uses abut a street, enhanced landscaped boulevards within the public right-of-way shall be provided where possible, including trees and plantings.
- 6.1.12.9 Construction of new elevated walkways over public streets shall not be permitted in the Downtown.

6.1.12.10 Alleyways provide important access to many properties in the Downtown. Properties with alleyway access may use such access in lieu of street access where direct street access would compromise other objectives. In addition, the following policies shall apply to alleys in the Downtown:

- a) *existing* alleyways shall be maintained as public right-of-way for pedestrians, cyclists, service delivery or loading, and other modes of transportation;
- b) the City may require existing alleyways adjacent to properties along the *priority transit corridor* to be widened in accordance with Policy 6.1.12.19 of this Plan; and,
- c) the City shall not support closure of an alleyway unless private *development* adjacent to the alleyway can be serviced from the public street without compromising the design objectives, relative to streets, heritage buildings, and urban design.

6.1.12.11 To promote sustainable transportation, all *development* shall be encouraged to:

- a) promote short and long-term bicycle parking;
- b) provide shower and change room facilities for employees;
- c) provide seating areas;
- d) provide electric vehicle charging stations;
- e) provide a car share vehicle on-site, in collaboration with local operators;
- f) provide a bike share station on-site in collaboration with local operators; and,
- g) provide autonomous and shared vehicle parking.

6.1.12.12 The City shall complete street master plans for the entire length of the following streets:

- Bay Street;
- Cannon Street;
- Caroline Street;
- Catharine Street;
- Ferguson Avenue;
- George Street;
- Hess Street;
- Hughson Street;
- Hunter Street;
- Jackson Street;
- James Street;
- John Street;
- King Street;
- King William Street;
- Main Street;
- Queen Street;
- Wellington Street;

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- York Boulevard/Wilson Street; and,
 - Victoria Avenue.

6.1.12.13 Streetscape Master Plans shall be developed within the context of an overall urban design and public realm enhancement perspective for streets listed in Policy B.6.1.12.12 above. Landscaping elements to be addressed include *transit* shelters, cycling amenities, public signage, seating areas, vegetation, lighting, and operations. A description of the design function and objectives for these streets is provided in Table B.6.1.16 of this Plan.

6.1.12.14 A design plan and program of public improvements shall be developed for the streets surrounding the Jackson Square Complex (Bay Street, York Boulevard, James Street, King Street). Portions of this project shall be undertaken in conjunction with the redevelopment of the Hamilton City Centre (former Eatons Centre). The following elements shall be addressed in the design plan:

- a) widened sidewalks to a minimum clear zone width of 3.5 metres, where feasible;
- b) creation of a continuous canopy over the sidewalks through street tree plantings or the use of lighting, banners and awnings;
- c) installation of sheltered public seating areas;
- d) landscaping improvements;
- e) installation of public art;
- f) provision of cycling access and amenities;
- g) improved pedestrian areas along the streets;
- h) increased pedestrian access, including AODA accessibility, from the street to buildings and stores in the Jackson Square Complex;
- i) opportunities for complementary enhancements of adjacent private structures or lands; and,
- j) opportunities for improved design to the open space and plaza area, including:
 - i) introducing pedestrian paths/ sidewalks that replicate the historic grid street pattern through the Jackson Square Complex;
 - ii) improving connections between the street level areas and the open space and plaza area; and,
 - iii) examining the feasibility of reintroducing streets in accordance with the historic grid street pattern and orienting new buildings to these streets.

6.1.12.15 Reclaiming space for enhanced sidewalk width or the appropriate bicycle facilities, where appropriate, shall be completed as *development* occurs. The City may, at its discretion, require dedication of private land or an easement on private land, to enhance the public realm on Downtown streets. The

landscaping plan for the private *development* shall include improvements in the boulevard that shall be constructed by the private developer.

6.1.12.16 Hamilton's waterfront is one of the prime areas of the City. Linking Hamilton Harbour to Downtown Hamilton began with the Ferguson Avenue Master Plan. Continuous pedestrian, bicycle and vehicular linkages are key to achieving the public realm goals of the Master Plan. Implementation of the Ferguson Avenue Master Plan for streets and public spaces shall continue along the corridor.

Rapid Transit

6.1.12.17 Appendix A – Downtown Hamilton – Higher Order Transit, shows the location of planned *higher order transit* stations, areas and a *priority transit corridor* within the Downtown.

6.1.12.18 In order to promote a high quality pedestrian realm adjacent to the *priority transit corridor*, a 2.5 metre wide sidewalk shall be provided on both sides of the corridor, where possible.

6.1.12.19 Notwithstanding Policy B.6.1.12.2, as it relates to the *priority transit corridor*, any lands required for the *priority transit corridor* shall be dedicated to the City, to the satisfaction of the City in accordance with Section C.4.5.6 – Road Widening of Volume 1.

6.1.12.20 *Development* in proximity to *higher order transit* station areas shall be required to provide access to the station.

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) and where partial or full vehicle access is restricted in these locations, the following design elements shall be considered:

- a) prioritize pedestrians by removing curbs and deploying a shared street approach that includes design treatments to resemble a civic plaza;
- b) incorporate hardscape features such as unit pavers or coloured concrete; plantings such as street trees, shrubs and perennials; and furnishings such as bench seating, bike racks, bike share, and waste receptacles;
- c) both corners of the *development* site should address the street and the plaza through the provision of substantial fenestration; and,
- d) building ground floors fronting onto these plazas should be highly transparent and animated.

6.1.12.22 In locations where the public right-of-way of streets intersect the *priority transit corridor* on King Street and where full vehicular access is maintained, the following design elements shall be considered:

- a) relocate curbs to maximize the pedestrian through-zone and plantings zone to accommodate street trees, where feasible;
- b) ensure that safe access to loading facilities are maintained;

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- c) incorporate hardscape features such as unit pavers or coloured concrete; plantings such as street trees, shrubs and perennials; and furnishings such as bench seating, bike racks, bike share, and waste receptacles;
 - d) both corners of the *development* site should address the street and the plaza through the provision of substantial fenestration; and,
 - e) building ground floors fronting onto these plazas should be highly transparent and animated.

6.1.13 Infrastructure, Energy and Sustainability Policies

6.1.13.1 Municipal services such as sewers, water, stormwater systems, and public/private utilities shall be provided, maintained and upgraded, as required, to accommodate the needs of existing and future *development* in the Downtown Hamilton Secondary Plan area, in accordance with Section C.5.0 – Infrastructure and B.3.7 – Energy and Environmental Design of Volume 1, and the following:

- a) infrastructure related works within the Downtown Hamilton Secondary Plan area shall have regard for the character of *established historical neighbourhoods* and shall ensure that *built heritage resources* and *cultural heritage landscapes* are conserved, where feasible;
- b) the processing and approval of *development* applications shall be contingent on the availability of water and wastewater capacity, and stormwater capacity;
- c) Low Impact Development (LID) measures and innovative servicing technologies intended to minimize stormwater run-off and loading on the treatment plant, including rainwater harvesting and reuse systems, bio-swales or water features, greywater recycling, infiltration measures, permeable paving materials, on-site retention and green roofs shall be encouraged in building design and *development* in accordance with City and Provincial standards and guidelines;
- d) new Mid-rise and High-rise *development* shall demonstrate how LID measures and innovative servicing technologies have been employed in their site and building design;
- e) the City shall monitor the capacity of storm sewers and reassess the need to manage stormwater runoff, as may be required;
- f) *development* shall demonstrate compliance with the limits of the existing adjacent water and wastewater servicing networks. Private on-site controls and enhanced building design may be required, to the satisfaction of the City, to mitigate any increased demand that exceeds existing capacity;
- g) to increase the energy efficiency of buildings, all commercial, institutional, mixed-use and multi-unit residential *development* shall be encouraged to:
 - i) have a green roof;
 - ii) provide solar capture equipment;

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- iii) use cooling roof materials;
 - iv) plant trees and other vegetation to provide shade and additional tree canopy;
 - v) utilize soft landscaping on the flat portion of rooftops (excluding the area required for mechanical equipment);
 - vi) consider options for district energy, and design features that would enable the future implementation of district energy;
 - vii) provide for a minimum of 40% of the building's total energy requirements through alternative energy sources, including solar hot water, photovoltaic, or geothermal, etc.;
 - viii) utilize low demand or low flow fixtures; and,
 - ix) provide for a minimum of 50% of the projected water demand for toilets/urinals through greywater recycling.
- h) all *development* shall be encouraged to strive for a *LEED* Gold or higher rating, or an equivalent standard.

6.1.14 Implementation

6.1.14.1 In addition to Section F.1.0 – Planning Act Implementation Tools of Volume 1, the following policy shall apply to the Downtown Hamilton Secondary Plan area:

- a) *development* proposals may include infrastructure for drainage control located on private lands. Where deemed necessary, the City may require the registration of Site Plan agreements on title of a property, to give the City legal authority to ensure that these controls continue to function appropriately in the future; and,
- b) *higher order transit* station area delineations and density targets for the Downtown Secondary Plan shall be determined as part of a future *municipal comprehensive review* process.

6.1.14.2 Community Improvement Plans for the Downtown Hamilton Secondary Plan area shall align with the vision, principles, and objectives of this Plan.

6.1.15 Site Specific Policies

Site Specific Policy - Area A and A-1

6.1.15.1 For the lands municipally known as 130 York Boulevard, designated Institutional and shown as Site Specific Policy Area A and Area A-1 on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

Area A

- a) notwithstanding Policy E.6.2.6 – Other Uses of Volume 1, where institutional uses cease on the above noted lands, Downtown Mixed Use uses in accordance with Section B.6.1.6, and, parks/open space uses, and *community facilities/services* uses shall be permitted without an amendment

to this Plan provided the uses are *compatible* with the surrounding areas and are in keeping with the policies of this Plan.

- b) Increases in height shall be permitted without an amendment to this Plan subject to the following:
 - i) maximum building height shall be no greater than the height of the top of the Escarpment as measured between Hess Street and Bay Street North;
 - ii) the provision of a publicly accessible open space area through one or all of the following:
 - 1. maintaining the existing open space area on the property; or,
 - 2. the provision of a Privately Owned Public (POP) space in accordance with Policy 6.1.7.1 9 f) of this Plan; or,
 - 3. parkland dedication in accordance with Section F.1.18 – Parkland Dedication Policies of Volume 1.

Area A-1

- c) in addition to Policy B.6.1.15.1 a), for the lands shown on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan as Site Specific Policy – Area A-1, a utility plant for the generation and transmission of heat, steam and electricity shall be permitted provided the following criteria are met:
 - ii) the proposed noise levels and emissions from the utility operation comply with provincial requirements; and,
 - iii) appropriate buffering is provided and maintained between the utility use and adjacent (*existing* and future planned) residential and institutional uses to mitigate potential adverse noise and air emission related impacts.

Site Specific Policy – Area B

6.1.15.2 For the lands located at the southeast corner of Cannon Street East and Cathcart Street, municipally known as 220 Cannon Street East, designated Downtown Mixed Use and shown as Site Specific Policy – Area B on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) a maximum residential density of 705 units per hectare shall be permitted.

Site Specific Policy - Area C

6.1.15.3 For the lands municipally known as 41 Jackson Street West (Whitehern Museum), designated Institutional and shown as Site Specific Policy – Area C on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) notwithstanding Section E.6.0 – Institutional Designation of Volume 1, Whitehern, the current museum use and its *accessory* functions are recognized as of the date of adoption of the Downtown Hamilton

Secondary Plan. Any change in use shall require an amendment to this Plan.

Site Specific Policy - Area D

6.1.15.4 For the lands municipally known as 99 Ferguson Avenue North, designated Institutional and shown as Site Specific Policy – Area D on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) notwithstanding Policy E.6.2.6 – Other Uses of Volume 1, where institutional uses cease on the above noted lands, Downtown Residential uses, in accordance with Section B.6.1.5 – Downtown Residential Designation, and, parks/open space uses, and *community facilities/services* uses shall be permitted without an amendment to this Plan provided the uses are *compatible* with the surrounding areas and are in keeping with the policies of this Plan.

Area Specific Policy – Area E

6.1.15.5 For the lands located east of Caroline Street, between Hunter Street and Jackson Street, designated Downtown Residential and shown as Area Specific Policy Area – E on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) notwithstanding Policy B.6.1.5.1 a), the only uses permitted shall be single-detached dwellings.

Site Specific Policy – Area F

6.1.15.6 For the lands municipally known as 200 James Street North, known as the John Weir Foote VC Armoury and recognized as a National Historic Site of Canada, designated Downtown Mixed Use and shown as Site Specific Policy Area F on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) in addition to Section B.6.1.6 – Downtown Mixed Use designation, the John Weir Foote VC Armoury and its *accessory* functions are recognized as of the date of adoption of the Downtown Hamilton Secondary Plan; and,
- b) Any future *development* of the property shall be encouraged to conserve the Nationally significant site.

Area Specific Policy – Area G

6.1.15.7 For the lands municipally known as 252-254 James Street North, designated Downtown Mixed Use and shown as Site Specific Policy Area G on Map B.6.1-1 - Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) in addition to Section B.6.1.6 – Downtown Mixed Use designation, the *existing* place of worship and its *accessory* functions are recognized as of the date of adoption of the Downtown Hamilton Secondary Plan.

Table B.6.1.16

Street	Design Functions	Design Objectives
Bay Street	<ul style="list-style-type: none"> • Key linkage from Escarpment to Waterfront • Priority cycling corridor for separated bike lane 	<ul style="list-style-type: none"> • Widen public sidewalk where feasible • Strengthen pedestrian linkages to east-west streets and key <i>transit</i> nodes • Balance pedestrian, cycle and <i>transit</i> needs with vehicular needs • Retention of bike lanes
Cannon Street	<ul style="list-style-type: none"> • Primary east-west link on north side of Downtown • Serves a mix of residential and commercial areas within the Downtown • Priority cycling corridor for separated bike lane 	<ul style="list-style-type: none"> • Recognize through traffic needs • Establish safe pedestrian and cycling environment with appropriate separation from vehicles • Retention of bike lanes
Caroline Street	<ul style="list-style-type: none"> • Important pedestrian linkage between Downtown, the Waterfront and adjacent residential areas 	<ul style="list-style-type: none"> • Provide pedestrian and cycling amenities along length of street • Partner with Board of Education to extend the pedestrian route through the Sir John A. Macdonald site
Catharine Street	<ul style="list-style-type: none"> • Neighbourhood linkage 	<ul style="list-style-type: none"> • Improve vehicular/pedestrian and cycling separation • Provide improved pedestrian and cycling amenities
Ferguson Avenue	<ul style="list-style-type: none"> • See Ferguson Avenue Master Plan 	<ul style="list-style-type: none"> • See Ferguson Avenue Master Plan
George Street	<ul style="list-style-type: none"> • Supports commercial activities along George • Key pedestrian linkage 	<ul style="list-style-type: none"> • New <i>development</i> shall address the street directly and provide at grade access • Public improvements shall be consistent with recent Hess Village improvements • Design elements to discourage or restrict through traffic and prioritize pedestrians
Street	Design Functions	Design Objectives

Hess Street	<ul style="list-style-type: none"> • Hess Street supports the Hess Village commercial area • Provides a linkage to the Waterfront area and adjacent neighbourhoods 	<ul style="list-style-type: none"> • Within Hess Village the street shall receive specialty treatment to recognize its commercial role • Pedestrian and cycling amenities shall be provided where feasible • Provide an appropriate amount of bicycle parking
Hughson Street	<ul style="list-style-type: none"> • Key north-south pedestrian route GO Centre and commercial areas to the south • Linkage between Gore Park and Hamilton GO Station 	<ul style="list-style-type: none"> • Protect view from GO Centre to Gore Park • Establish a pedestrian link between Go Centre and LRT Station at Gore Park • Create special pedestrian crossing at Hunter Street • Introduce pedestrian and cycling amenities along entire route • New development to provide direct, at grade access to street • No blank façades along street
Hunter Street	<ul style="list-style-type: none"> • Provides alternative east-west route on south side of Downtown • Provides important pedestrian linkages from major north-south streets to Hamilton GO Centre • Links Durand and Corktown neighbourhoods • Priority cycling corridor for separated bike lane 	<ul style="list-style-type: none"> • Improve pedestrian and cycling environment on east-west route • Improve north-south pedestrian and cycling connections to Gore Park • Landscaped area on north side of Hunter between James and Catharine Street shall be maintained and retained in <i>development</i> proposals • Street improvements shall provide greater separation between pedestrians and vehicles, particularly west of James Street • Improve north/south crossings, particularly in the area around the GO station and City Hall.
Street	Design Functions	Design Objectives

Jackson Street	<ul style="list-style-type: none"> • Key pedestrian and vehicle route on south side of Downtown • Gateway to significant historic sites (i.e. Whitehern Museum) 	<ul style="list-style-type: none"> • Recreate public street between Bay and MacNab • Integrate Jackson Street design with City Hall Forecourt on the east side of Bay Street • Create a pedestrian oriented streetscape east of City Hall with potential for shared street treatment
James Street	<ul style="list-style-type: none"> • Primary north-south street within the Downtown • Provides key pedestrian and traffic linkage to the Waterfront and Escarpment • Pedestrian focussed street • Prime retail and commercial street 	<ul style="list-style-type: none"> • Widen public sidewalks where feasible • Strengthen pedestrian linkages to east-west streets, <i>transit</i> hubs • Provision of additional on street parking where feasible • Protection of views southward along James Street toward the Escarpment
John Street	<ul style="list-style-type: none"> • Important link between Downtown, the Waterfront and adjacent residential areas • Support James and King Street retail area; • Escarpment Access 	<ul style="list-style-type: none"> • Widen public sidewalk where feasible • Establish safe pedestrian environment with appropriate separation from vehicles • Better balance of pedestrian, cycle & <i>transit</i> needs with vehicular needs • Provide connections to east-west streets into neighbourhood areas
King Street	<ul style="list-style-type: none"> • Transit focussed street • Pedestrian focussed street • Prime retail and commercial street • LRT corridor 	<ul style="list-style-type: none"> • Widen public sidewalk where feasible; maintain north sidewalk in sun • Prioritize transit access • Strengthen pedestrian and cycling linkages to east-west streets and north-south streets, <i>transit</i> hubs • Provide seating at <i>transit</i> stops, where space permits • Alignment with LRT EA Document

Street	Design Functions	Design Objectives
King William Street	<ul style="list-style-type: none"> • Focus of the King William commercial area • Supports King Street prime retail area • Shall link the new Community Park at John and Rebecca Streets with adjacent residential and commercial areas • Pedestrian focussed street • Prime retail and commercial street 	<ul style="list-style-type: none"> • Pedestrian amenities shall be introduced along entire length of street • Permanent and temporary public art shall be encouraged along the entire length of the street in keeping with the precedent established by the King William Art Walk Program • Discourage through traffic and prioritize pedestrians
Main Street	<ul style="list-style-type: none"> • Primary east-west link on south side of Downtown 	<ul style="list-style-type: none"> • Widen public sidewalk where feasible • Improve vehicular pedestrian separation through wider sidewalks, street tree plantings and parallel parking • Strengthen pedestrian and cycling linkages to east-west streets and north-south streets, <i>transit</i> hubs • Provision of additional on-street parking where feasible
Queen Street	<ul style="list-style-type: none"> • Arterial route through Downtown core; has Escarpment access • Western boundary of Downtown linking east-west routes to the Escarpment 	<ul style="list-style-type: none"> • Widen public sidewalk where feasible; • Strengthen pedestrian and cycling linkages to east-west streets; <i>transit</i> hubs • Provision of additional on-street parking where feasible
Victoria Avenue	<ul style="list-style-type: none"> • Northbound arterial route through Downtown core; has Escarpment access and to industrial sector • Eastern boundary of Downtown • Priority cycling corridor for separated bike lane 	<ul style="list-style-type: none"> • Establish a safe pedestrian and cycling environment with appropriate separation from vehicles • Improve crossing points and provide additional opportunities • Widen sidewalks where feasible
Street	Design Functions	Design Objectives

Wellington Street	<ul style="list-style-type: none"> • Southbound arterial route through Downtown; has Escarpment access 	<ul style="list-style-type: none"> • Establish a safe pedestrian environment with appropriate separation from vehicles
York Blvd./Wilson Street	<ul style="list-style-type: none"> • Key entry route and gateway into the Downtown from Highway 403 • Primary route through on north side of Downtown • Priority cycling corridor for separated bike lane 	<ul style="list-style-type: none"> • Establish a safe pedestrian and cycling environment with appropriate separation from vehicles

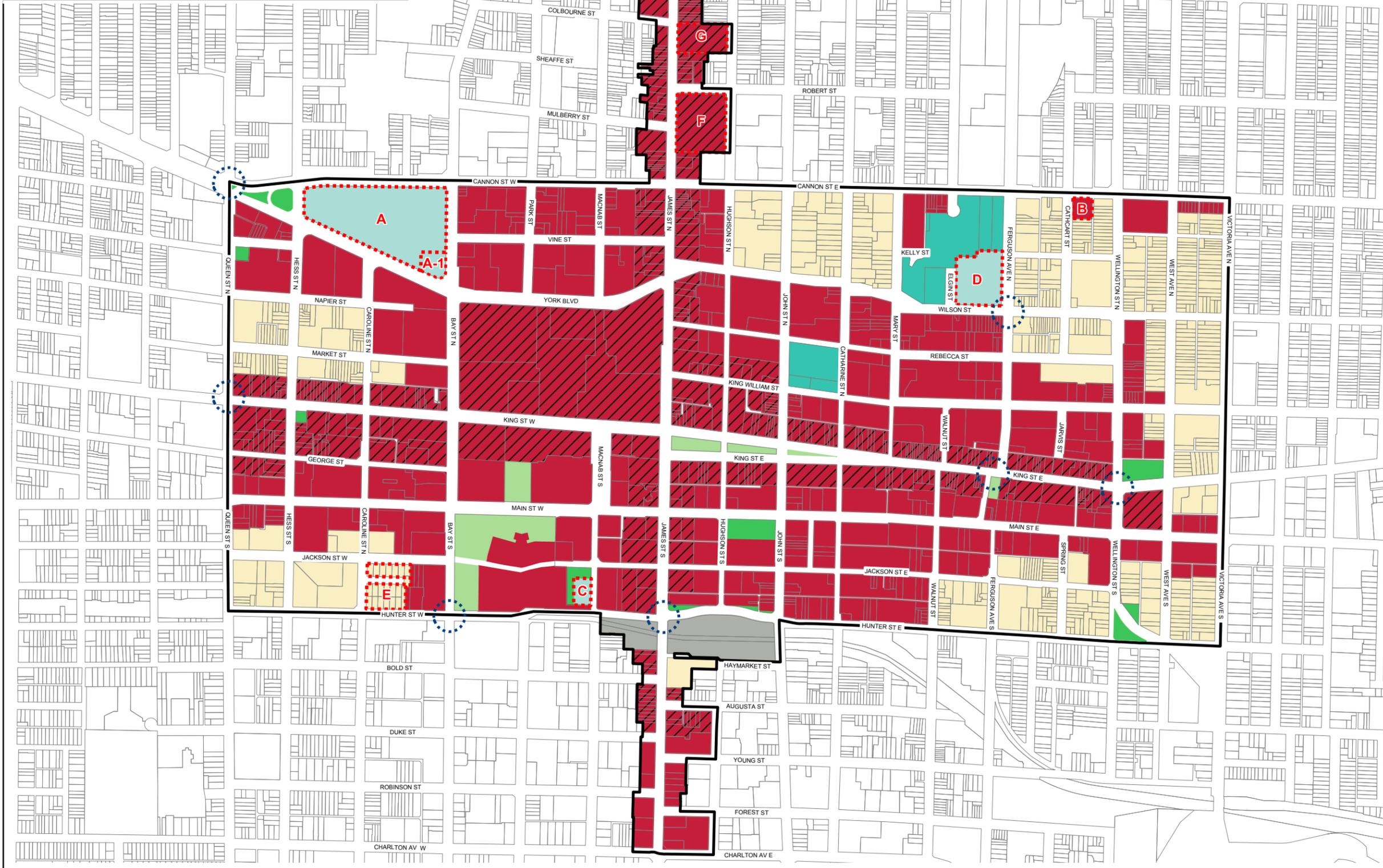
Appendix H
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

Downtown Hamilton Secondary Plan Land
 Use Map B.6.1-1 to be added to the Urban
 Hamilton Official Plan.

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton SP



- Legend**
- Residential Designations**
- Downtown Residential
- Commercial and Mixed Use Designations**
- Downtown Mixed Use
- Parks and Open Space Designations**
- General Open Space
 - Community Park
 - City Wide Park
- Other Designations**
- Utility and Transport
 - Institutional
- Other Features**
- Pedestrian Focus
 - Gateway
 - Area or Site Specific Policy
 - Secondary Plan Boundary

Urban Hamilton Official Plan
Downtown Hamilton
Secondary Plan
 DRAFT Land Use Plan
 Map B.6.1-1

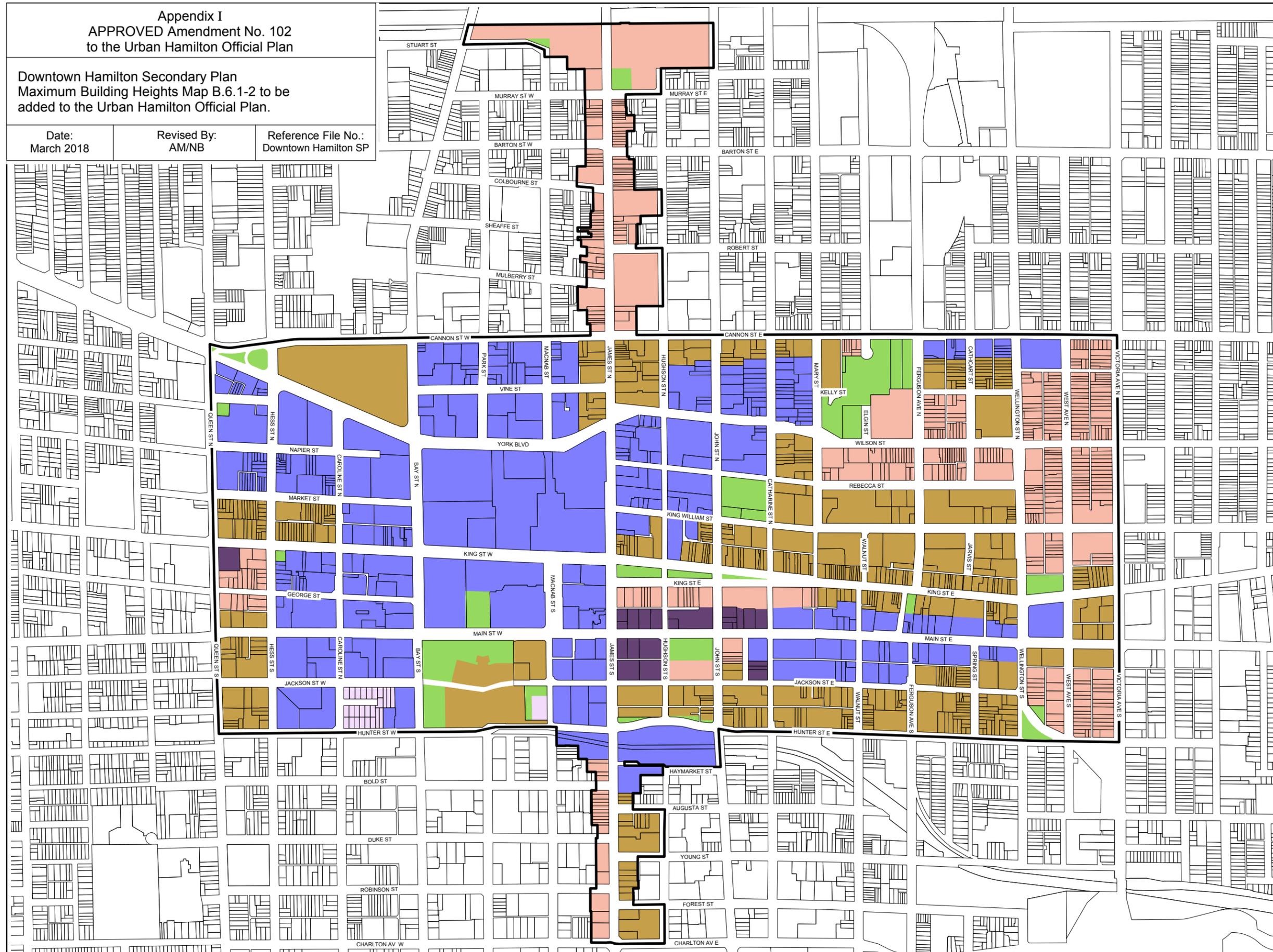
Appendix I
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

Downtown Hamilton Secondary Plan
 Maximum Building Heights Map B.6.1-2 to be
 added to the Urban Hamilton Official Plan.

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton SP



NOTE: Maximum Building Heights within the Downtown shall be no greater than the height of the top of the Escarpment in accordance with Policy B.6.1.4.9.

NOTE: This Map is implemented through specific zoning provisions and Figure 1, Schedule F - Special Figures of Zoning By-law 05-200

Legend

- Low-rise 1
- Low-rise 2
- Mid-rise
- High-rise 1
- High-rise 2
- Parks/Open Space
- Secondary Plan Boundary

Urban Hamilton Official Plan
 Downtown Hamilton
 Secondary Plan
 Maximum Building Heights
 Map B.6.1-2

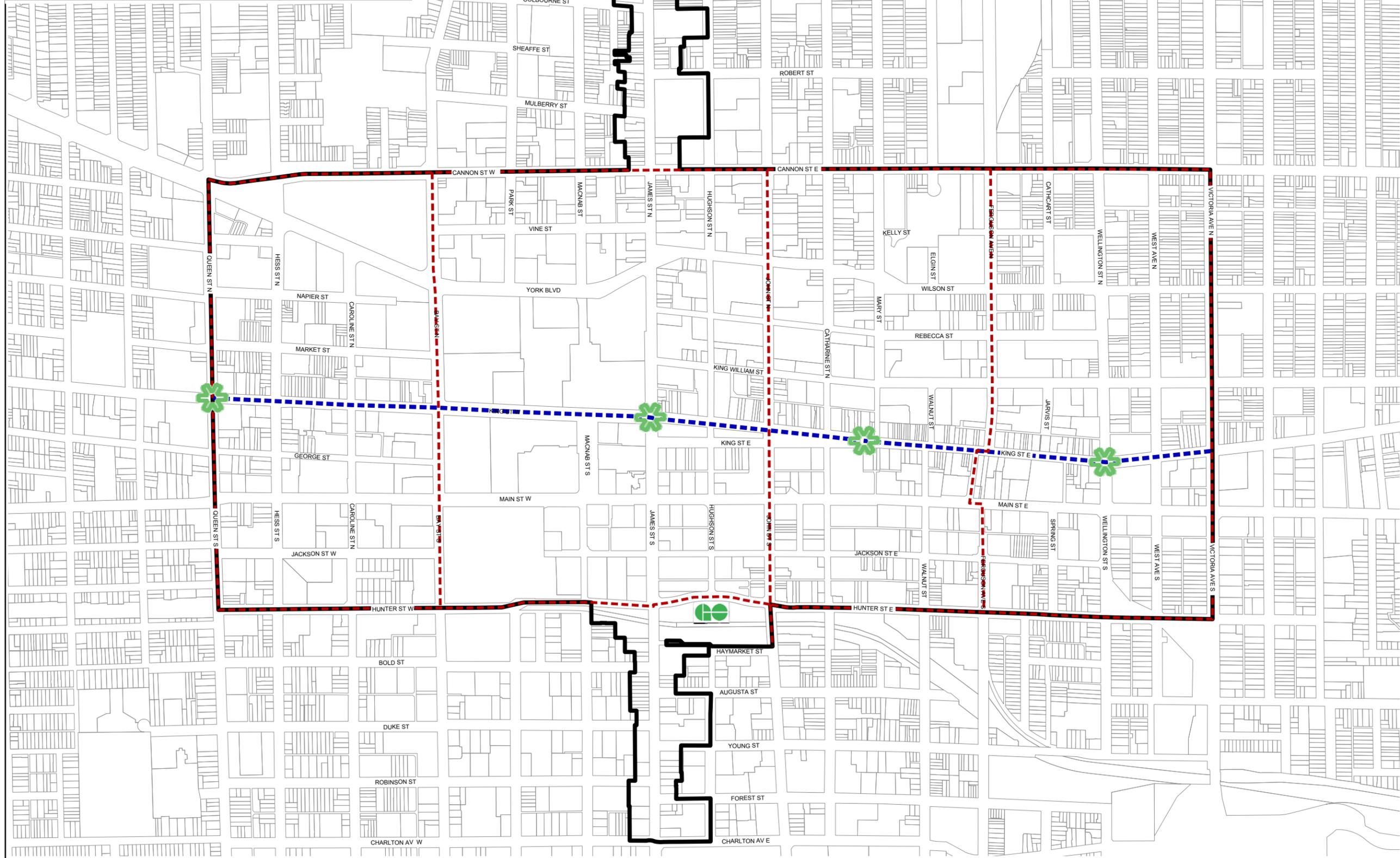
Appendix J
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

Downtown Hamilton Secondary Plan
 Planned Rapid Transit Stations Appendix A to be
 added to the Urban Hamilton Official Plan.

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton SP



Legend

-  GO Transit Station
-  Higher Order Transit Station
-  Higher Order Transit Station Area
-  Priority Transit Corridor (B-line LRT McMaster to Eastgate)
-  Secondary Plan Boundary

Urban Hamilton Official Plan
 Downtown Hamilton
 Secondary Plan
 DRAFT Higher Order Transit
 Appendix A



Not To Scale



Date: March 2018
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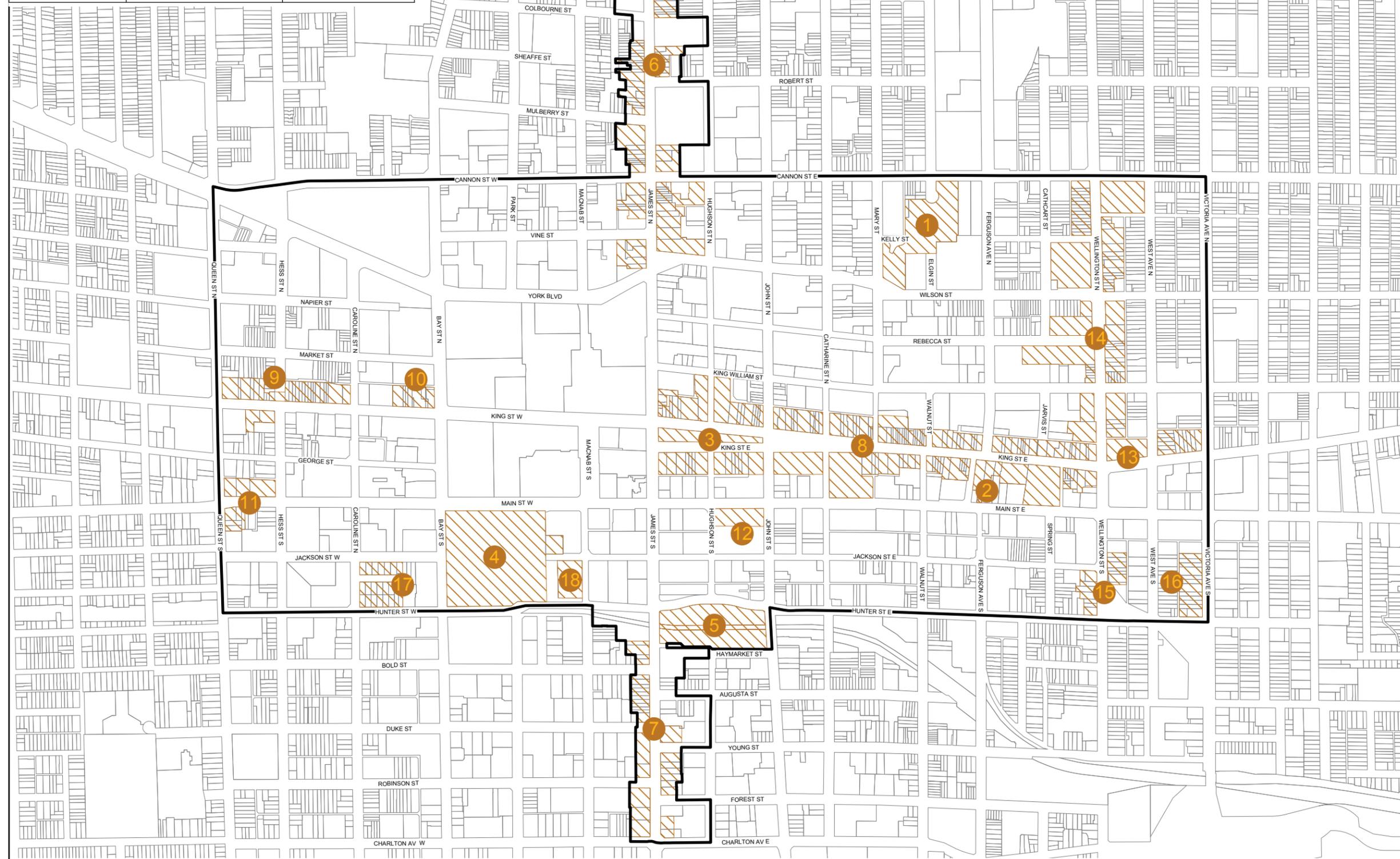
Appendix L
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

Downtown Hamilton Secondary Plan
 Cultural Heritage Landscapes Appendix B-1
 to be added to the Urban Hamilton Official Plan.

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton SP



Legend

-  Cultural Heritage Landscapes
- 1. Beasley Park
- 2. Former Ferguson Rail Line - Main St. to King St.
- 3. Gore Park - James St. to Catharine St.
- 4. Hamilton City Hall (designated under Part IV of the Ontario Heritage Act)
- 5. Hamilton GO Station (designated under Part IV of the Ontario Heritage Act)
- 6. James St. N. Streetscape - York Blvd./Wilson St. to Murray St.
- 7. James St. S. Streetscape - Hunter St. to Charleton Av.
- 8. King St. E. Streetscape - James St. to Wellington St.
- 9. King St. W. Streetscape - Queen St. to Caroline St.
- 10. King St. W. Streetscape - at Bay St.
- 11. Main St. W. Streetscape - Queen St. S. to Hess St. S.
- 12. Prince's Square
- 13. Wellington Park
- 14. Wellington St. N Streetscape - King St. E. to Cannon St. E.
- 15. Wellington St. S. Streetscape - East and West sides, Main St. E. to Hunter St. E.
- 16. Victoria Av. S. Streetscape - Main St. E. to Hunter St.
- 17. Wesanford Place
- 18. Whitehern National Historic Site (designated under Part IV of the Ontario Heritage Act)

 Secondary Plan Boundary

Urban Hamilton Official Plan
Downtown Hamilton
Secondary Plan
 DRAFT Cultural Heritage Landscapes
 Appendix B-1



Not To Scale

Date: March 2018

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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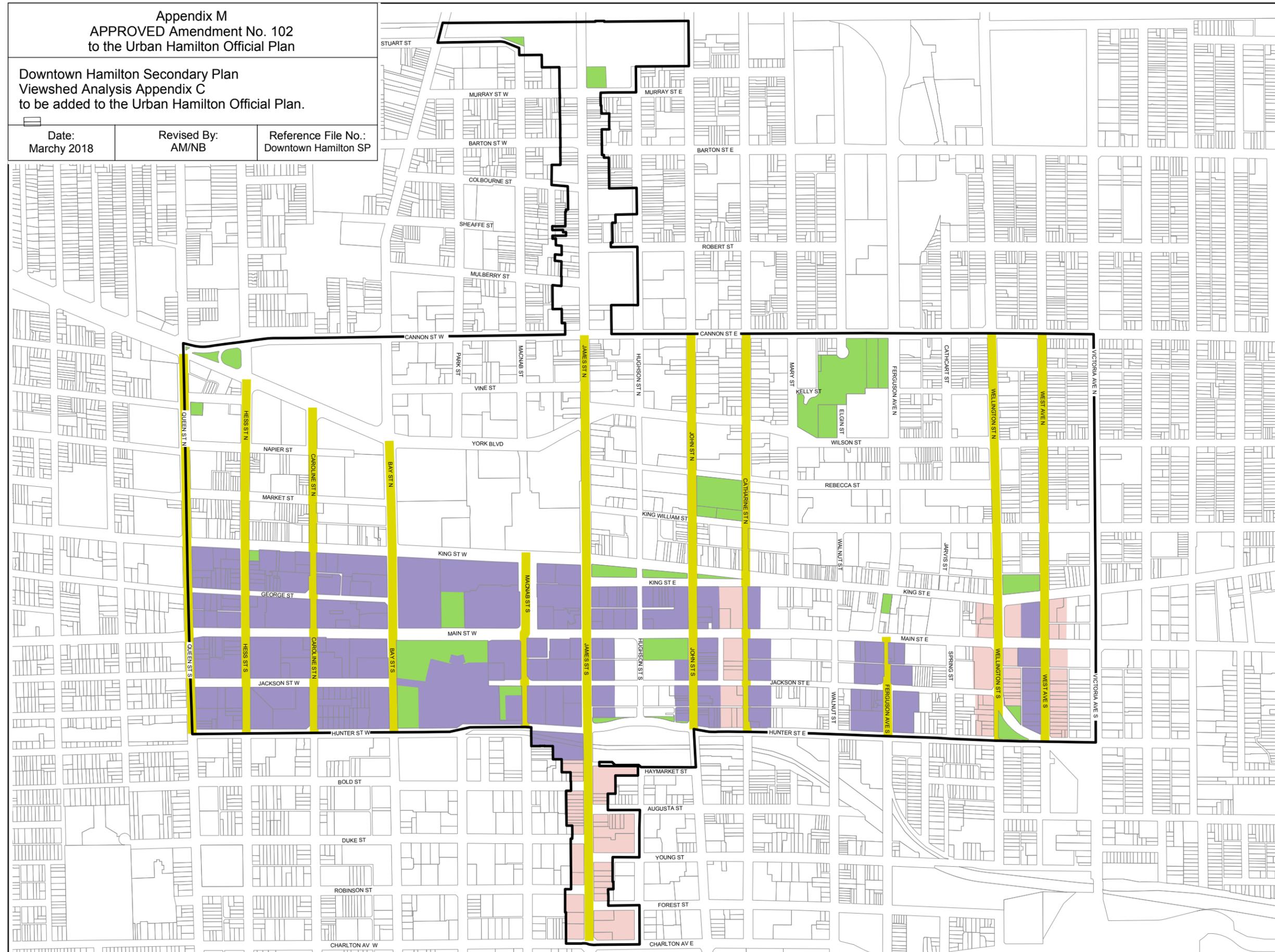
Appendix M
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

Downtown Hamilton Secondary Plan
 Viewshed Analysis Appendix C
 to be added to the Urban Hamilton Official Plan.

Date:
 Marchy 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton SP



- Legend**
- Parks / OpenSpace
 - Locations Where There May Be Impacts to Views
 - Locations Where There Are Impacts to Views
 - View Corridor to Niagara Escarpment
 - Secondary Plan Boundary

Urban Hamilton Official Plan
Downtown Hamilton
Secondary Plan
 DRAFT Viewshed Analysis
 Appendix C

Appendix N
 APPROVED Amendment No. 102
 to the Urban Hamilton Official Plan

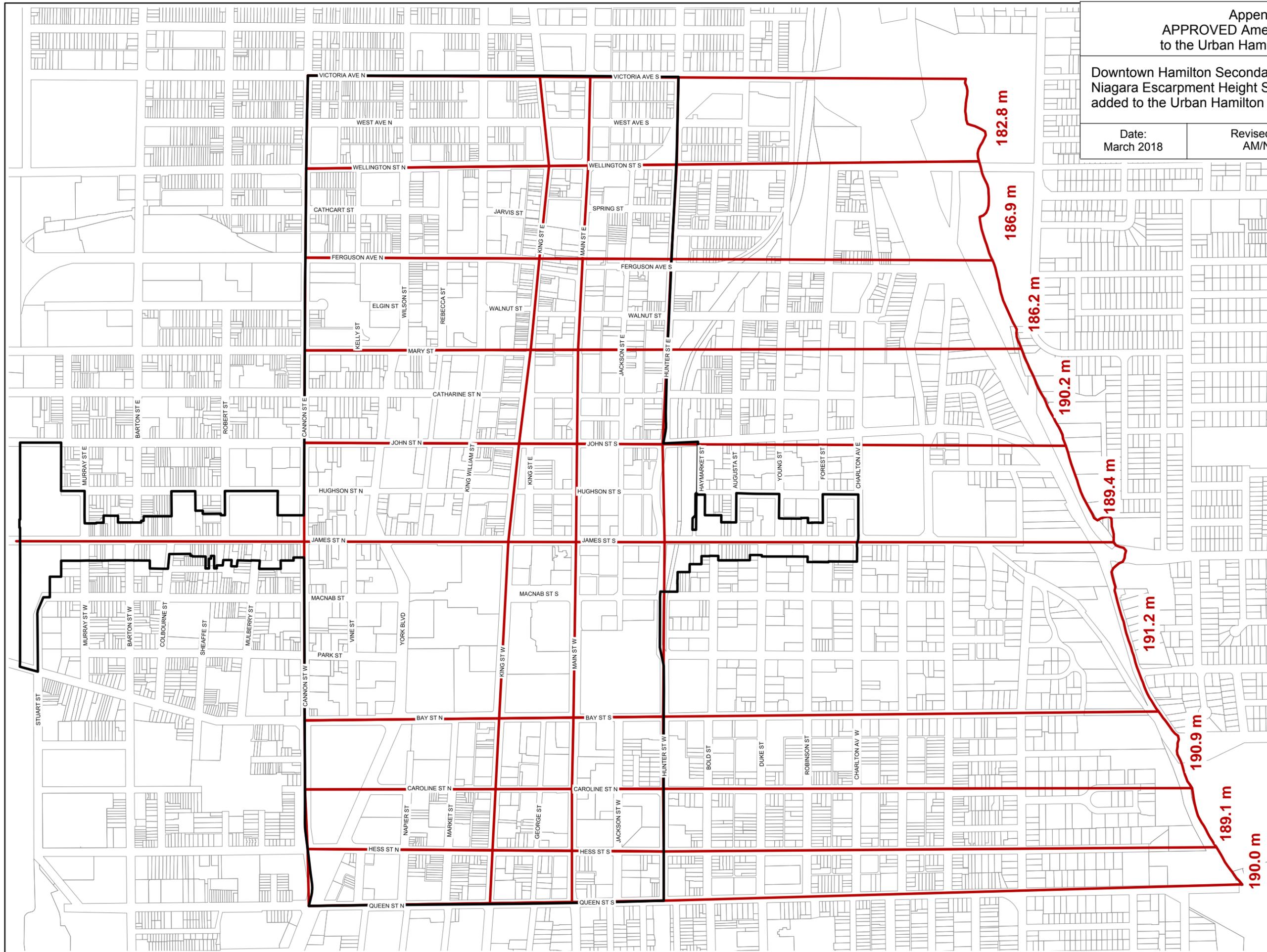
Downtown Hamilton Secondary Plan
 Niagara Escarpment Height Schedule D to be
 added to the Urban Hamilton Official Plan.

Date:
 March 2018

Revised By:
 AM/NB

Reference File No.:
 Downtown Hamilton SP

Note: Mesurments are in
 meters above sea level.



- Legend**
- Downtown Elevation Study Lines
 - Secondary Plan Boundary

Urban Hamilton Official Plan
Downtown Hamilton
Secondary Plan
 DRAFT Niagara Escarpment Height
 Appendix D



Not To Scale



Date: March 2018
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Authority: Item 7, Planning Committee
Report: 18-006 (PED18074)
CM: April 17, 2018
Ward: 2, 3

Bill No. 113

**CITY OF HAMILTON
BY-LAW NO. 18-**

To Adopt:

**Official Plan Amendment No. 238 to the
City of Hamilton Official Plan**

Respecting:

Downtown Hamilton Secondary Plan

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 238 to the former City of Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

City of Hamilton Official Plan Amendment No. 238

The following:

Appendix "A"	Schedule M-1: Planning Area and Sub-Areas
Appendix "B"	Schedule M-2: General Land Use
Appendix "C"	Schedule M-3: Zone of Noise Influence
Appendix "D"	Schedule M-4: Building Heights
Appendix "E"	Schedule M-5: Public Realm
Appendix "F"	Schedule M-6: Fisheries Policy Areas

attached hereto, constitutes Official Plan Amendment No. 238 to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this amendment is to remove lands from the Setting Sail Secondary Plan in the City of Hamilton Official Plan and incorporate them into the Downtown Hamilton Secondary Plan in the Urban Hamilton Official Plan.

2.0 Location:

The lands affected by this Amendment are located within Ward 2 and include the frontage properties on the east and west side of James Street North from Cannon Street to the CN Rail Lands.

3.0 Basis:

The basis for permitting this Amendment is as follows:

City of Hamilton Official Plan Amendment No. 238	Page 2 of 3	 Hamilton
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- The Amendment complies with Volume 1 of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

4.0 Actual Changes:

Map/Schedule Changes:

- a) The following Schedules be amended by deleting the lands from the Setting Sail Secondary Plan:
- Schedule M-1: Planning Area and Sub-Areas as shown as Appendix “A” to this amendment;
 - Schedule M-2: General Land Use as shown as Appendix “B” to this amendment;
 - Schedule M-3: Zone of Noise Influence as shown as Appendix “C” to this amendment;
 - Schedule M-4: Building Heights as shown as Appendix “D” to this amendment;
 - Schedule M-5: Public Realm as shown as Appendix “E” to this amendment;
 - Schedule M-6: Fisheries Policy Areas as shown as Appendix “F” to this amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule “1” to By-law No. 18-113 passed on the 9th day of May, 2018.

**The
City of Hamilton**

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK

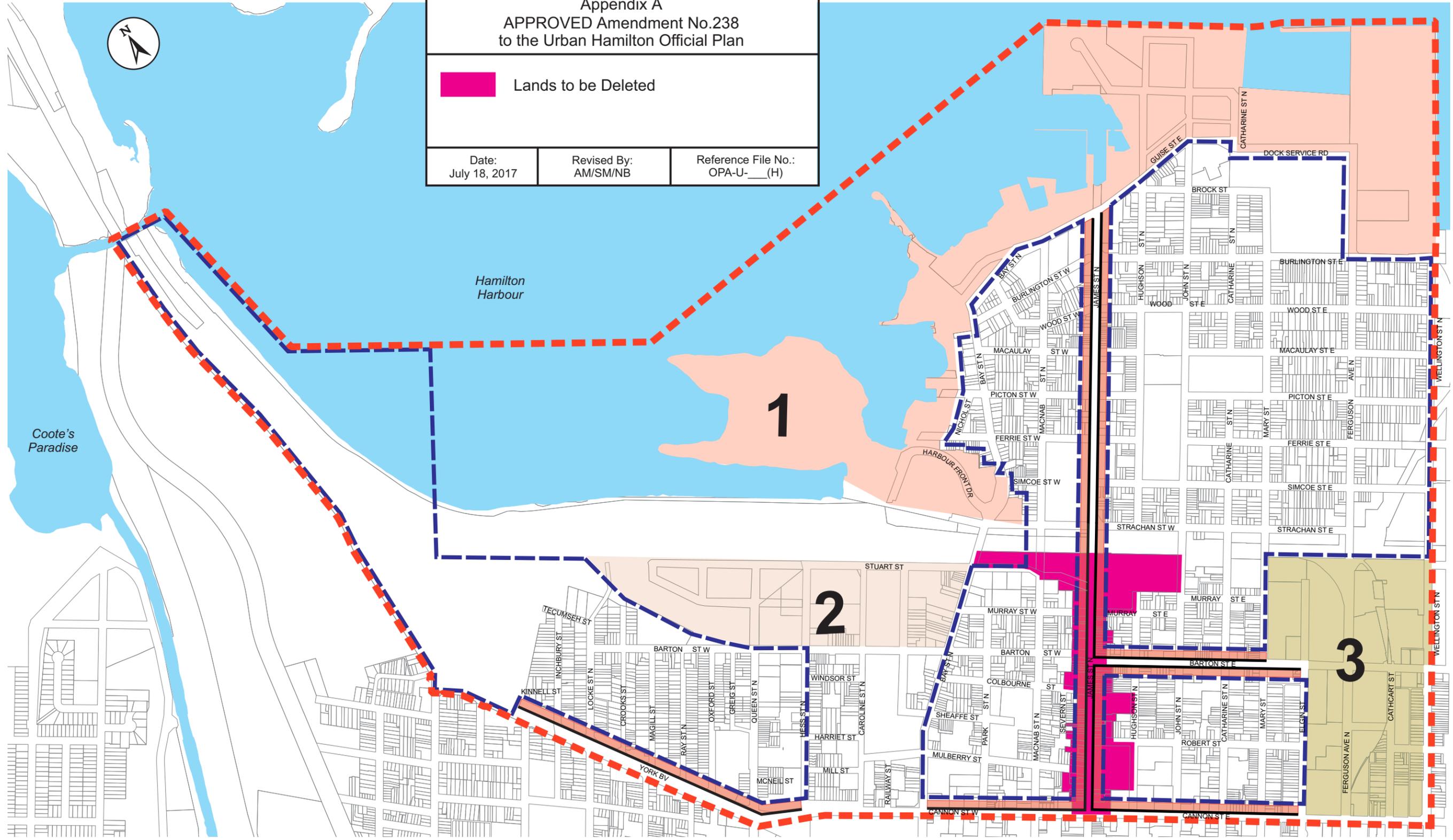
Appendix A
 APPROVED Amendment No.238
 to the Urban Hamilton Official Plan

 Lands to be Deleted

Date:
 July 18, 2017

Revised By:
 AM/SM/NB

Reference File No.:
 OPA-U-___(H)



Legend

-  1 Waterfront
-  3 Ferguson-Wellington Corridor
-  Stable Areas
-  2 Barton-Tiffany
-  Corridors of Gradual Change
-  Study Area



Hamilton West Harbour
 Planning Area Study



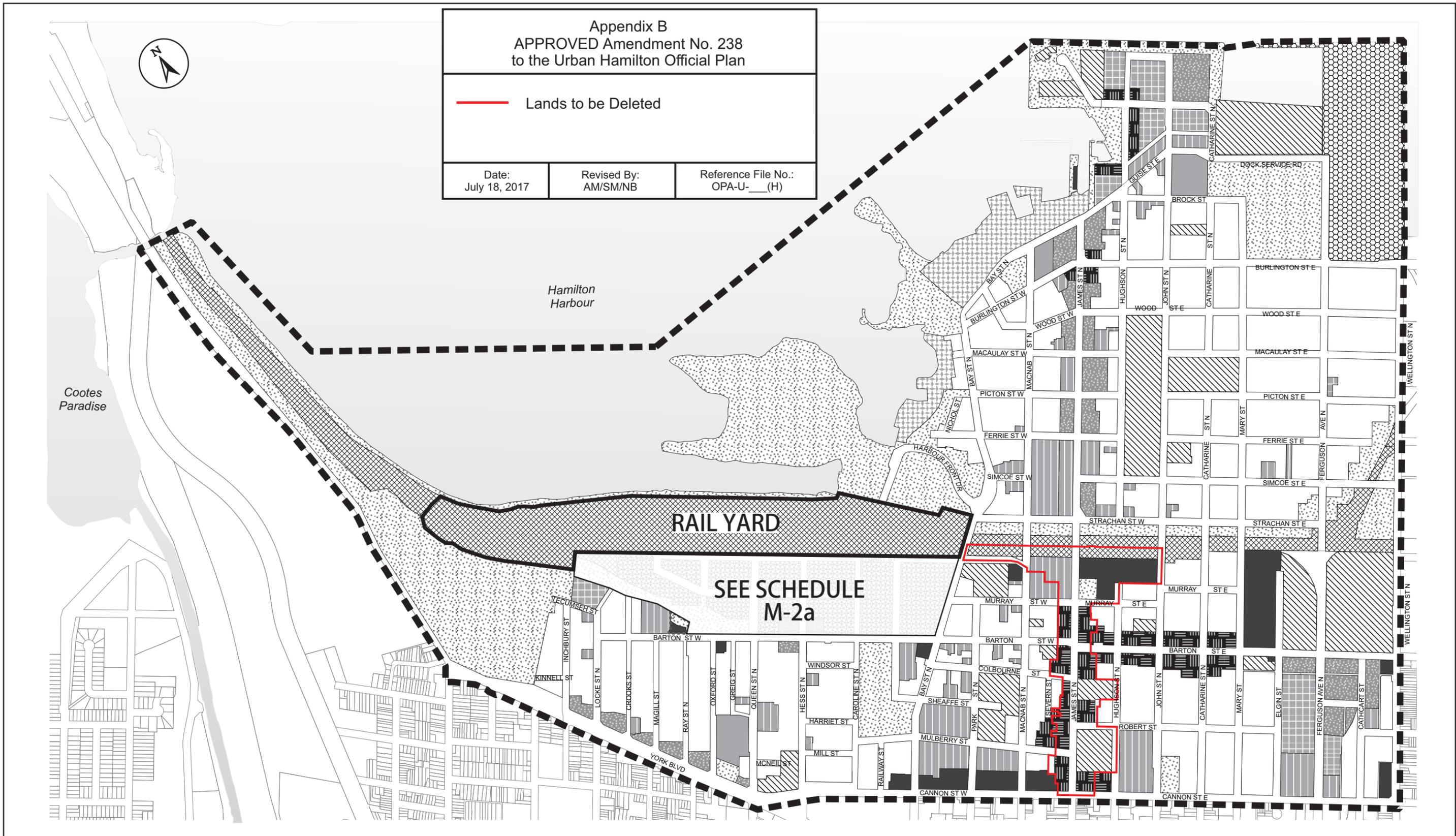
Appendix B
 APPROVED Amendment No. 238
 to the Urban Hamilton Official Plan

 Lands to be Deleted

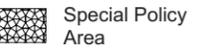
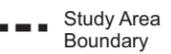
Date:
 July 18, 2017

Revised By:
 AM/SM/NB

Reference File No.:
 OPA-U-___(H)



Legend

- | | | | | | | | |
|--|--|--|---|---|--|---|---|
|  Low Density Residential |  Medium Density Residential 2 |  Mixed Use |  Institutional |  Open Space |  Utilities and Transportation |  Special Policy Area |  Special Policy Area '3' |
|  Medium Density Residential 1 |  High Density Residential |  Local Commercial |  Prime Retail |  Marine Recreational |  Shipping & Navigation |  Study Area Boundary | |



Hamilton West Harbour
 Planning Area Study



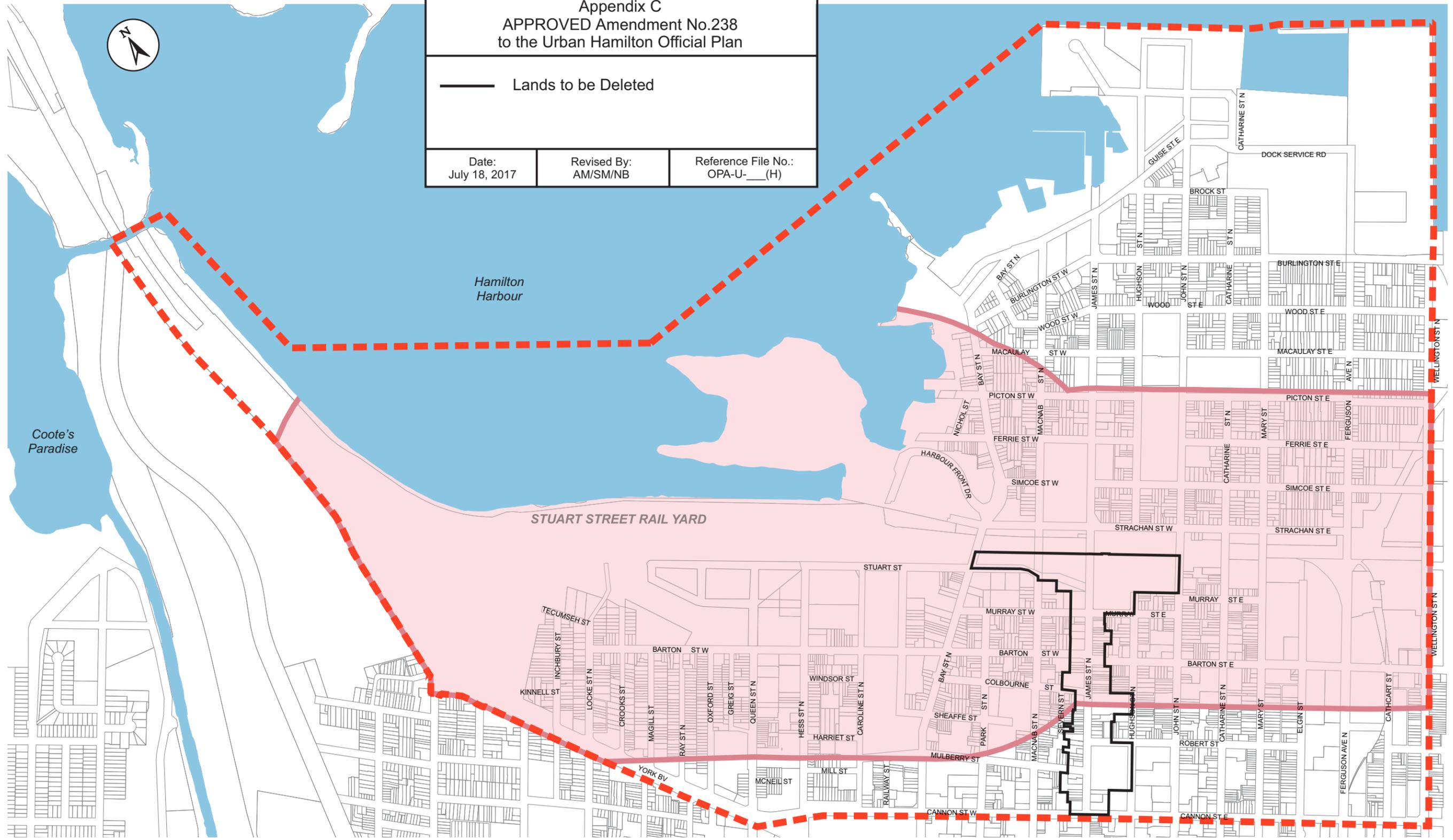
Schedule M-2: General Land Use
 West Harbour Secondary Plan

Waterfront
 April 2017

Appendix C
 APPROVED Amendment No.238
 to the Urban Hamilton Official Plan

— Lands to be Deleted

Date: July 18, 2017	Revised By: AM/SM/NB	Reference File No.: OPA-U-___(H)
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- Legend**
- Zone of Noise Influence
 - Study Area



Hamilton West Harbour
 Planning Area Study



Schedule M-3: Zone of Noise Influence
 West Harbour Secondary Plan

Waterfront
 October 2011

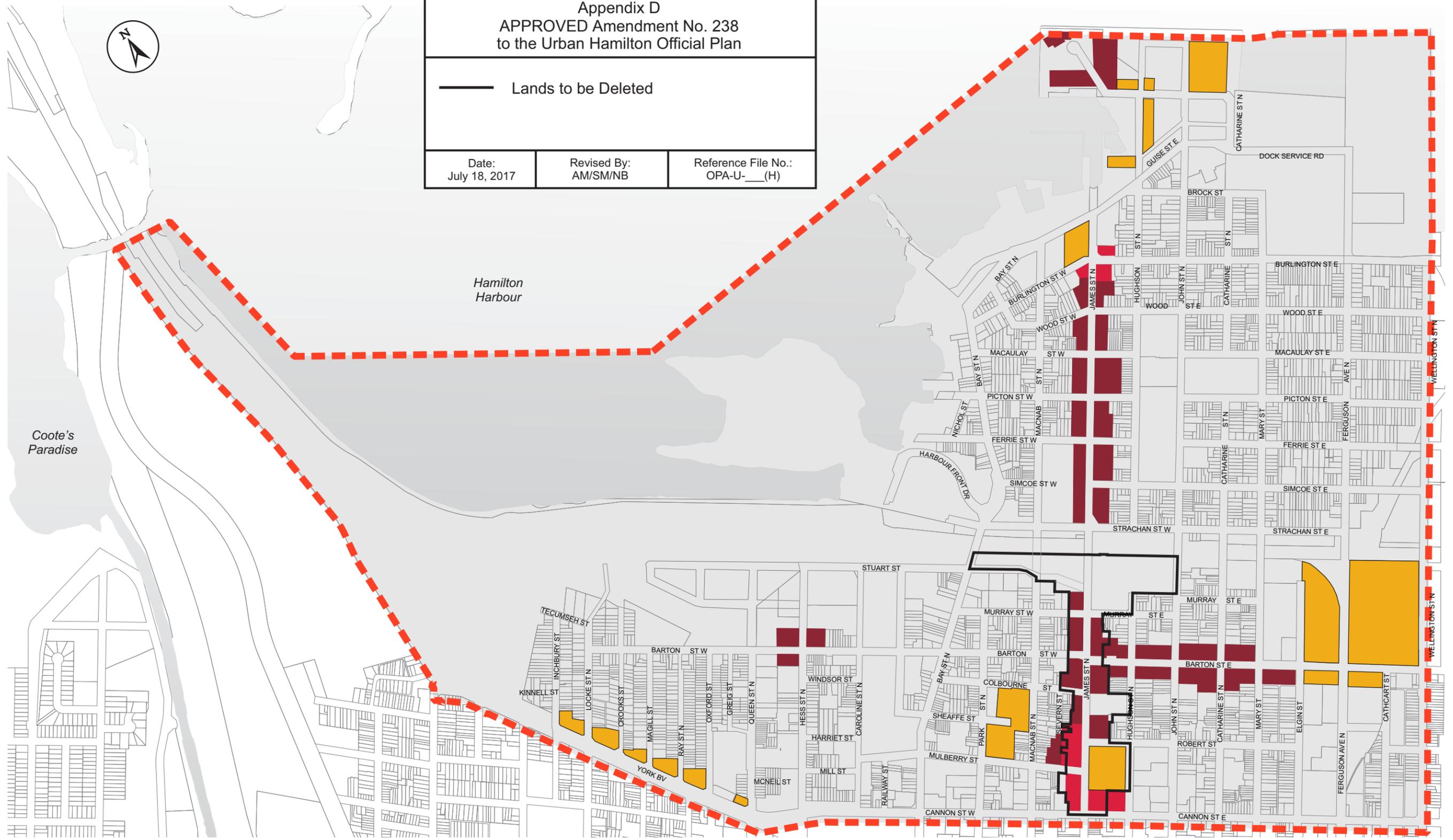
Appendix D
 APPROVED Amendment No. 238
 to the Urban Hamilton Official Plan

— Lands to be Deleted

Date:
 July 18, 2017

Revised By:
 AM/SM/NB

Reference File No.:
 OPA-U-____(H)



Legend

- 2-4 Storeys
- 4-6 Storeys
- Height is governed by the Secondary Plan Policies
- 3-5 Storeys
- Study Area



Hamilton West Harbour
 Planning Area Study



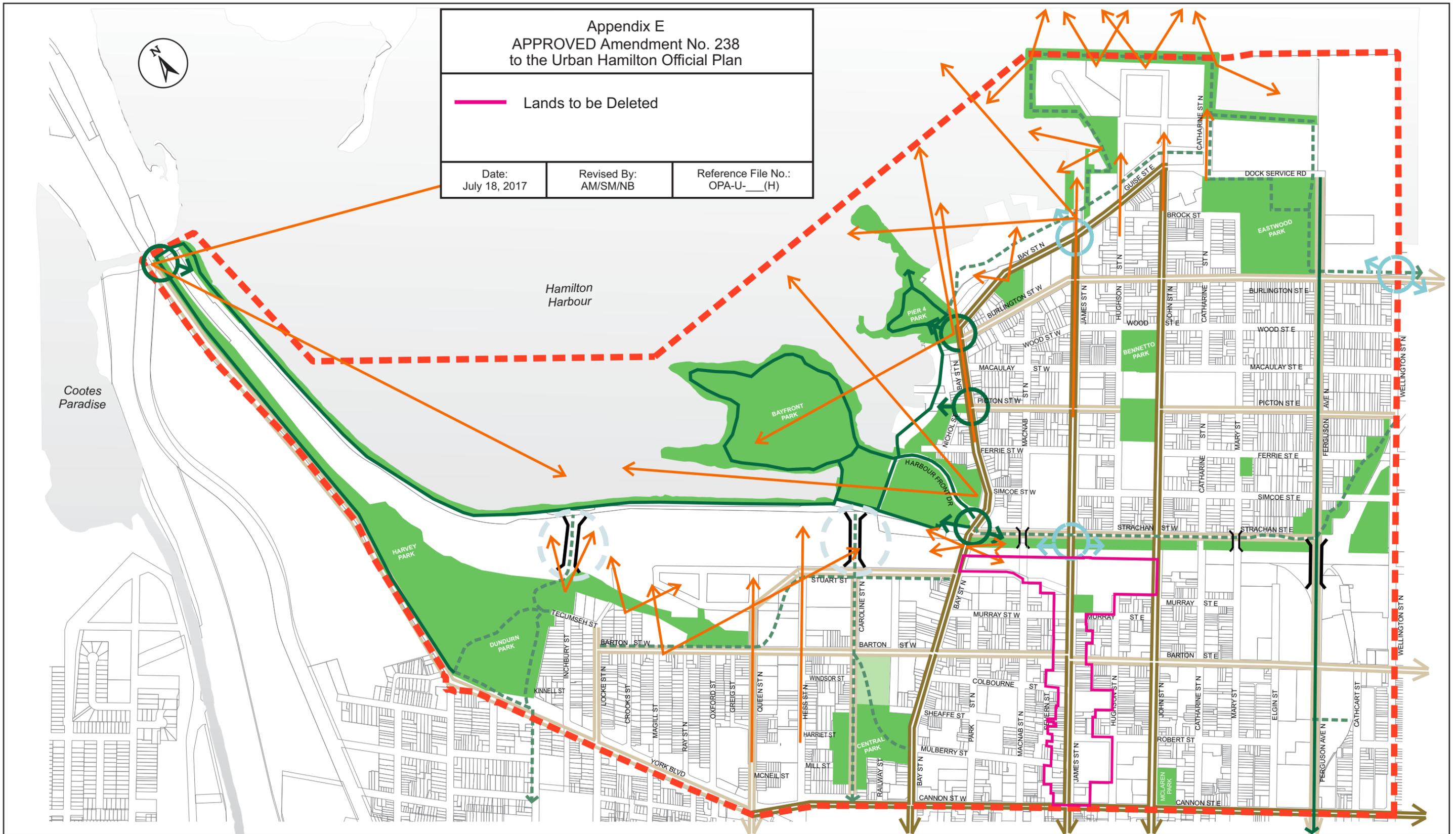
Appendix E
 APPROVED Amendment No. 238
 to the Urban Hamilton Official Plan

 Lands to be Deleted

Date:
 July 18, 2017

Revised By:
 AM/SM/NB

Reference File No.:
 OPA-U-___(H)



Legend

-  Existing Parks/Open Space
-  Potential Open Space
-  Current Mobility Streetscape Initiative
-  Existing Trail
-  Potential Trail Extension
-  Future Streetscape Initiative
-  Ferguson Ave N Streetscape Initiative
-  Key View/Vista
-  Potential Bridge Connection
-  Existing Trail Head Connection
-  Potential Trail Head Connection
-  Study Area



Hamilton West Harbour
 Planning Area Study





Appendix F
 APPROVED Amendment No. 238
 to the Urban Hamilton Official Plan

 Lands to be Deleted

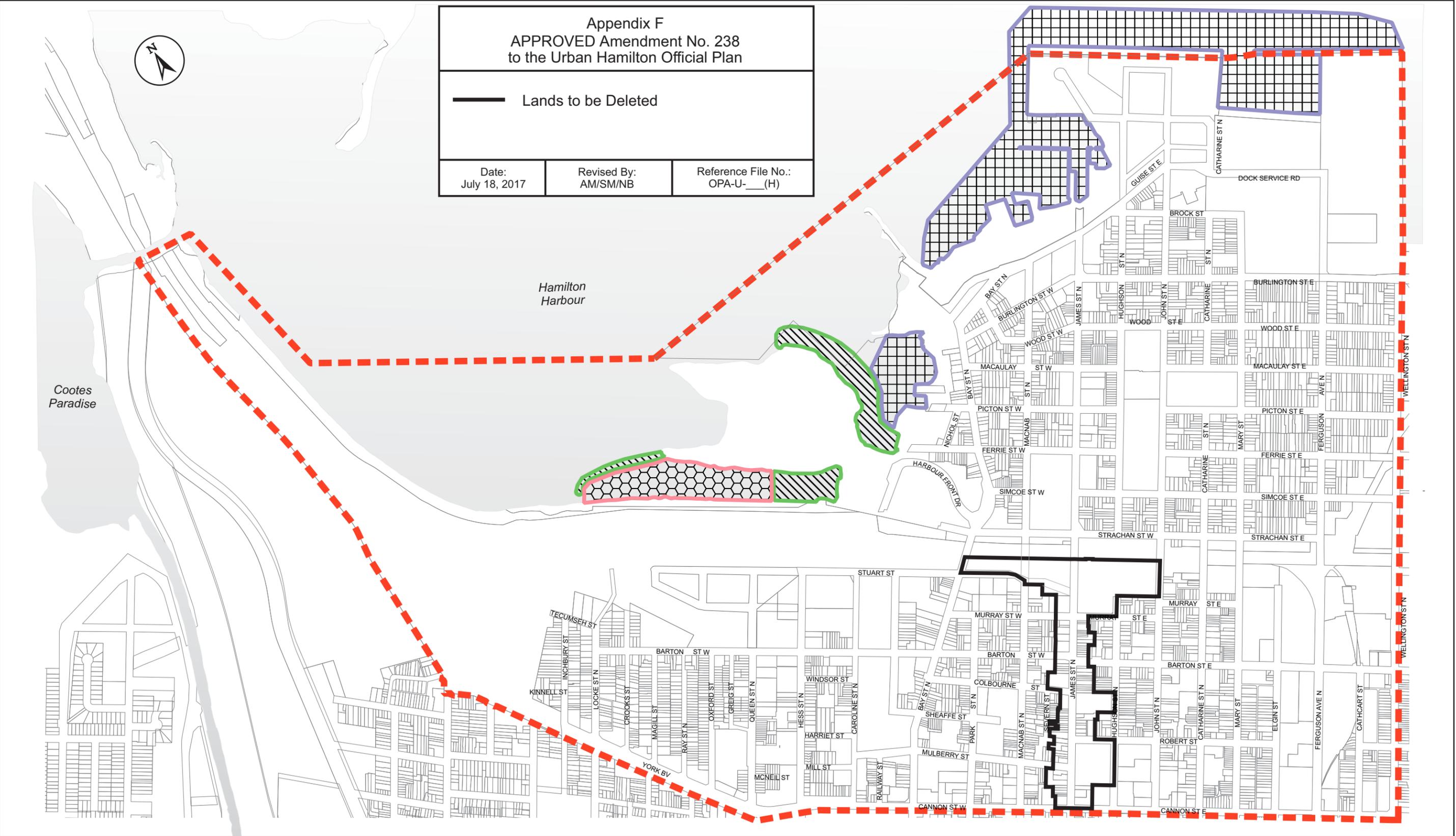
Date:
July 18, 2017

Revised By:
AM/SM/NB

Reference File No.:
OPA-U-____(H)

Hamilton
Harbour

Cootes
Paradise



Legend

-  Area of Significance
-  Area of Sensitivity
-  Area of Opportunity
-  Study Area



Hamilton West Harbour
 Planning Area Study



Schedule M-6: Fisheries Policy Areas
 West Harbour Secondary Plan

Waterfront
 March 2005

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 05-200 Respecting Downtown Zones & New Utility (U2) Zone

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item 7 of Report 18-006 of the Planning Committee, at its meeting held on the 25th day of April, 2018 which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

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

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION 1: ADMINISTRATION of By-law 05-200 is hereby amended as follows

1.1. That the following Section be added:

"1.12 TRANSITIONAL PROVISION

Notwithstanding Sections 1.4 and 1.7 of this By-law a building permit may be issued in accordance with the following provisions:

- a) Within the D1, D2, or D5 Zone, a building permit may be issued to permit the *erection* of a *building* or *structure* in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 18-114 was passed by Council, provided the Building Permit application complies with Zoning By-law 05-200, as amended, that affected the lot before By-law No. 18-114 came

into effect. For the purposes of determining zoning conformity the following shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a *building* or *structure* that is *erected* in accordance with Subsection a) above.
- ii) Once the permit or approval under Subsection a) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

2. That SECTION 2: INTERPRETATION of By-law 05-200 is hereby amended as follows:

2.1. That Section 2.1 a) be amended by deleting the following:

Downtown Local Commercial Zone D4

2.2. That Section 2.1 a) be amended by deleting reference to the “Downtown Prime Retail Zone” and replacing with “Downtown Mixed Use – Pedestrian Focus Zone”.

2.3. That Section 2.1 f) be amended by adding the following:

Utility Zone U2

3. That SECTION 3: DEFINITIONS of By-law 05-200 is hereby amended as follows:

3.1. That the following definitions be added:

Demolition	Any act or process which destroys in part or on whole any building or structure or any act or process which threatens to destroy a Cultural Heritage Resource by failure to maintain it in a condition of good repair and maintenance.
Development	A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.
Façade Height – Building Base	Shall mean the maximum vertical distance measured between the base of the façade at finished grade level to the first required stepback.
Green Roof	A treatment to a rooftop that supports living vegetation and includes a synthetic, high quality waterproof membrane, drainage layer, root barrier, soil layer, and vegetation layer.

Urban Square	Shall mean an unobstructed, publicly accessible and predominantly hardscaped open space located between non-residential ground floor façade and the street line exclusive of any driveway, aisle, or parking. An Urban Square shall not be considered as any required landscape area and/or amenity area.
--------------	---

4. That SECTION 4: GENERAL PROVISIONS of By-law 05-200 is hereby amended as follows:

4.1. That Subsection 4.12 g) is amended by adding the following:

(ii) Notwithstanding any other provisions of this By-law, parking spaces located within any D1, D2 or D5 Zone and approved or subject to a Formal Consultation request or Development Application after May 25, 2005 and prior to the effective date of the By-law 18-114, being 9th day of May, 2018, be recognized and deemed to comply with the Zoning By-law regulations in terms of length, width and are permitted by this By-law”

4.2. That Subsection 4.28 (a) (i) is amended by deleting reference to “D4” and adding “and D2” between the words “the D1” and “zones” so that it reads as follows:

“4.28 URBAN FARMERS MARKET

(a) No person shall conduct an urban farmers market except as permitted herein and in accordance with the requirements of subsection 4.28:

(i) An urban farmers market may be permitted in the D1 and D2 Zones in accordance with the requirements of Section 4.28;”

4.3. That Subsection 4.28 (a) (ii) is amended by deleting reference to “D4” so that it reads as follows:

(ii) Notwithstanding the definition of accessory, an urban farmers market may be permitted on the same lot as the following existing uses in the Downtown (D5) and (D6), Institutional (I1), (I2) and (I3), and Community Park (P2) and City Wide Park (P3) Zones:”

5. That SECTION 5: PARKING of By-law 05-200 is hereby amended as follows:

5.1. That Subsection 5.6 PARKING SCHEDULES be amended by deleting Subsection “a) Parking Schedules for all Downtown Zones”, including the table and replacing it with the following table:

a) Parking Schedule for all Downtown Zones

Column 1		Column 2	
i. Residential Uses			
Single Detached Dwelling, Semi-Detached Dwelling, Street Townhouse Dwelling Duplex Dwelling, Dwelling Unit		0 parking spaces per unit.	
a)	Multiple Dwelling	Minimum	Maximum
	i)	Dwelling units less than 50.0 square metres in gross floor area	
		Units 1-12	0 per unit
		Units 13+	0.3 per unit
			1.25 per unit
	ii)	Units greater than 50.0 square metres in gross floor area	
		Units 1-12	0 per unit
		Units 13-50	0.5 per unit
		Units 51+	0.7 per unit
			1.25 per unit
	iii)	Units with 3 or more bedrooms	
		Units 1-12	0 per unit
		Units 13+	0.3 per unit
			1.25 per unit
b)	Residential Care Facility, Emergency Shelter, Lodging House, Retirement Home	1 for each 3 persons accommodated or designed for accommodation.	
ii. Institutional			
a)	Long Term Care Facility	1 for each 3 patient beds.	
b)	Day Nursery	i.	1 for each 125.0 square metres of gross floor area which accommodates such use.

		ii.	Notwithstanding i. above, no parking shall be required where a Day Nursery is located within an Education Establishment.
c)	Social Services Establishment		1 for each 50.0 square metres of gross floor area which accommodates such use.
iii. Educational Establishments			
a)	Elementary School		1.25 for each classroom.
b)	Secondary School		3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium
c)	University, College		5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium <u>or</u> 5 spaces for every classroom plus 1 space for each 23 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.
d)	Residential use on the same lot as a University or College		No parking shall be required for any residential use on the same lot as a University or College.
iv. Commercial			No parking shall be required unless specifically listed in the subsection below.
a)	Commercial School		1 space for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
b)	Financial Establishment		1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
c)	Hotel		0.6 per guest room.

d)	Conference or Convention Centre	1 for each 100 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
e)	Medical Clinic	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
f)	Office	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
g)	Veterinary Service	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.

5.2. That Section 5.6 b) be deleted and replaced with the following:

- “b) For lands within a Downtown (D1), (D2), and (D5) Zone the following provisions shall apply,
- i) The number of parking spaces provided shall not exceed the maximum parking standard established in Section a) above.
 - ii) Where the number of existing parking spaces exceed the maximum parking standard in Section 5.6 a) above, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements for all uses listed in Section 5.6 a) above.
 - iii) Notwithstanding Section 5.6 a) above, for any permitted use, except a Medical Clinic, within any Downtown Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the increased gross floor area.
 - iv) Where the application of the parking standards in Section 5.6 a) above, results in a numeric fraction, fractions shall be rounded down to the nearest whole number.

5.3. That Subsection 5.7 c) is amended by adding the words “Downtown (D1), (D2) and (D5) Zones,” between the words “In the” and “Transit Oriented Corridor”, so that it reads as follows:

“c) In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:

<u>Column 1: Uses</u>	<u>Column 2: Short Term Spaces</u>
i) Residential Uses	
All Downtown (D1), (D2), and (D5) Zones, TOC and Commercial and Mixed Use Zones	
Multiple Dwelling	5
ii) Commercial Uses	
All Commercial and Mixed Use Zones	
Hotel	None
Commercial Parking Facility	None
Commercial Recreation	10
All Downtown (D1), (D2), and (D5) Zones, TOC and Commercial and Mixed Use Zones	
Commercial Entertainment	10
Other commercial	5

<u>Column 1: Uses</u>	<u>Column 2: Short Term Spaces</u>
uses not listed above	
iii) Institutional Uses	
All Downtown (D1), (D2), and (D5) Zones, TOC Zones and Commercial and Mixed Use (C4) and (C5) Zones	
Educational Establishment	2 for each classroom
All Downtown (D1), (D2), and (D5) Zones, TOC and Commercial and Mixed Use Zones	
Place of Worship	5

5.4. That Subsection 5.7 e) is amended by adding the words “Downtown (D1), (D2) and (D5) Zone and the” between the words “in the” and “Transit Oriented Corridor”, so that it reads as follows:

“e) Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zone and the Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:

Column 1: Uses	Column 2: Long- Term Spaces	
i) Residential Uses		
Multiple Dwelling		
Units 1-4	0 per unit	
Units 5+	0.5 per dwelling unit	
ii) Commercial Uses		
All commercial uses	i)	0 where less than 450.0 square metres of gross floor area;
	ii)	2 per unit for those uses

		between 450.0 square metres and 1,000.0 square metres of gross floor area; and,
	iii)	5 per unit for those uses between 1,001.0 square metres and 10,000.0 square metres of gross floor area; and,
	iv)	7 per unit for those uses in excess of 10,001.0 square metres of gross floor area.

5.5. That Subsection 5.7 f) is amended by adding the words “Downtown (D1), (D2) and (D5) Zones and the” between the words “within the” and “Transit Oriented Corridor” so that it reads as follows:

“f) Notwithstanding Sections c) and e) above, for any use within the Downtown (D1), (D2) and (D5) Zones and the Transit Oriented Corridor Zones or the Commercial and Mixed Use Zones located in all or part of a building existing on the effective date of this By-law, no bicycle parking spaces are required, provided that the number of bicycle parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional bicycle parking beyond that which is required by Section c) and e) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the bicycle parking requirements of Section c) and e) above shall only apply to the increased gross floor area of the building.”

5.6. That the following be added to Subsection 5.7:

“h) Where the application of the bicycle parking standards in Section 5.7 above, results in a numeric fraction, fractions shall be rounded down to the nearest whole number.”

6. That Section 6: DOWNTOWN ZONES of By-law 05-200 is hereby amended as follows:

6.1. That the following new Section 6.0 Downtown Zones General Provisions shall be added:

“6.0 DOWNTOWN ZONES GENERAL PROVISIONS

In addition to the regulations of Sections 6.1, 6.2, and 6.5 of this By-law, the following Downtown Zones General Provisions shall also apply:

- a) Notwithstanding Section 3: Definitions as it relates to the definition of Development and Front Lot Line – Corner Lot the following shall apply:
- i) Development A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction, demolition, or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.
 - ii) Front Lot Line – Corner Lot shall mean at the option of the owner, either of the lot lines abutting a public street.
- b) In the case of buildings constructed after the effective date of this By-law, for any building equal to or less than 44.0 metres in height the following special regulations shall also apply:
- i) A minimum 3.0 metre setback shall be required from the building base façade height shown in Schedule “F” – Special Figure 15.
 - ii) A minimum 3.0 metre setback shall be required for any portion of a building exceeding 22.0 metres in height from a side or rear lot line.
- c) In the case of buildings constructed after the effective date of this By-law, for any building exceeding 44.0 metres in height the following special regulations shall also apply:
- i) A minimum 3.0 metre setback shall be required from the building base façade height shown in Schedule “F” – Special Figure 15.
 - ii) A minimum 3.0 metre setback 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.
 - iii) The following additional setbacks shall be required for any portion of building exceeding 44.0 metres in height:
 - 1. Minimum of 9.5 metres from a lot line abutting a laneway; and,
 - 2. Minimum 12.5 metres from all side and rear lot lines

except any flankage lot line.

- iv) Notwithstanding Section 6.1.3 a) i) of this By-law, for lands zoned Downtown Central Business District (D1) Zone, a maximum 10.0 metre setback from a street line shall be permitted for a yard where an Urban Square with a minimum size of 135.0 square metres has been provided.
 - v) Notwithstanding Section 4.7 of this By-law a minimum lot frontage of 35.0 metres is required.
 - vi) Notwithstanding Section 4.7 of this By-law a minimum lot area of 1,575.0 square metres is required.
- d) In addition to 6.0 a) above, for that portion of a building exceeding 44.0 metres in height a distance of 25.0 metres shall be provided between exterior walls on the same property.
- e) For the lots delineated as a Heritage Character Zone on Figure 2 of Schedule “F” – Special Figures, where construction and/or alteration to the façade of a building are proposed, the following regulations shall also apply:
- i) A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area;
 - ii) A minimum of 25% and a maximum of 40% of the façade of the second and third storeys shall be composed of windows. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area;
 - iii) The ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height; and,
 - iv) Exterior building cladding for the first three storeys, except decorative architectural features (such as window and door frames, sills, lintels, surrounds, and cornices), shall be of either one or a combination of no more than two of the following

materials:

1. Brick;
 2. Concrete panels;
 3. Stone block, stone veneer or artificial stone;
 4. Stucco; or,
 5. Metal and metal panels, excluding aluminium siding or any metal variant thereof.
- f) Notwithstanding the above, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.
- g) Parking Unless otherwise regulated by the Downtown Zones, parking shall be provided in accordance with Section 5 of this By-law.
- h) Accessory Buildings Unless otherwise regulated by the Downtown Zones, Accessory Buildings shall be in accordance with the requirements of Section 4.8 of this By-law.

6.2. That Section 6.1 be deleted in its entirety and replaced with the following:

“6.1 DOWNTOWN CENTRAL BUSINESS DISTRICT (D1) ZONE

***Explanatory Note:** The D1 Zone represents the cultural, institutional, residential, and commercial make-up of Downtown Hamilton. The Zone provides for a wide variety of mixtures in stand-alone or mixed use buildings. The intent of the permitted uses and built form is to create a complete, vibrant, transit-oriented area where people come to live, work, and play.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D1 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

- 6.1.1 PERMITTED USES**
- Artist Studio
 - Beverage Making Establishment
 - Catering Service
 - Commercial Entertainment
 - Commercial Recreation
 - Commercial School

Community Garden
Conference or Convention Centre
Craftsperson Shop
Day Nursery
Duplex Dwelling
Dwelling Unit(s)
Educational Establishment
Exhibition Facility
Financial Establishment
Hotel
Laboratory
Lodging House
Long Term Care Facility
Medical Clinic
Motor Vehicle Rental Establishment
Multiple Dwelling
Office
Personal Services
Place of Assembly
Place of Worship
Repair Service
Restaurant
Retail
Retirement Home
Social Services Establishment
Tradesperson's Shop
Transportation Depot
Urban Farm
Urban Farmers Market
Veterinary Service

**6.1.1.1 RESTRICTED
USES**

- i) In addition to Section 6.1.1, the following uses shall only be permitted in accordance with Section 6.1.3 and the following additional restrictions:

1. Parking Facility

In the case of a Parking Facility developed after the effective date of this By-law, such facility:

- A. shall only be contained within a building; and,
B. with the exception of an access driveway to the parking facility, the ground floor of the facility

which faces any street shall only be used for permitted uses, other than parking.

C. in addition to 6.1.1.1 i) 1. B. above, any parking structure located above the ground floor shall be screened from view from the public sidewalk.

2. Microbrewery

A Microbrewery shall have a maximum Gross Floor Area of 700.0 square metres.

3. Motor Vehicle Rental Establishment

Any motor vehicles that are stored or parked for rental purposes shall only be located in an enclosed parking structure or a fully enclosed building.

4. Duplex Dwelling

A Duplex Dwelling shall only be permitted as a result of the conversion of an existing Single Detached Dwelling.

6.1.2 PROHIBITED USES

i) Notwithstanding Section 6.1.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
Dry Cleaning Plant
Motor Vehicle Dealership
Motor Vehicle Gas Bar
Motor Vehicle Service Station
Motor Vehicle Washing Establishment

ii) Notwithstanding Section 6.1.1, the following uses are prohibited, except if considered an accessory use to another permitted use:

Amusement Arcade
Garden Centre

6.1.3 REGULATIONS

- a) Building Setback from a Street Line
- i) Maximum 4.5 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access;
 - ii) Notwithstanding Section 6.1.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
 - iii) Section 6.1.3 a) i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 6.1.3 c) ii) or iii) below.
 - iv) Where a building(s) has been constructed and complies with Section 6.1.3 c) ii) or iii) below, additional buildings constructed on the subject property shall not be subject to Section 6.1.3 a) i) above, as it relates to the setback from a front lot line.
 - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to Section 6.1.3 a) i) above.
 - vi) Accessory buildings and structures shall not be subject to Section 6.1.3 a) i).
- b) Building Height
- i) Minimum 7.5 metres; and,
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.
- c) Built Form for New Development
- In the case of buildings constructed after the effective date of this By-law or additions to buildings existing as of the effective date of this By-law the following regulations shall apply:

- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,
- ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall:
 - 1. be greater than or equal to 75% of the measurement of the front lot line; and,
 - 2. comply with Section 6.1.3 a) i) above.
- iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall:
 - 1. be greater than or equal to 50% of the measurement of the front lot line and flankage lot line; and,
 - 2. comply with Section 6.1.3 a) i) above.
- iv) Notwithstanding Section 6.1.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.
- v) No parking or aisles shall be located between the required building façade and the front lot line or flankage lot line.
- vi) A minimum of one principal entrance shall be provided:
 - 1. within the ground floor façade setback the least distance from a street; and,
 - 2. shall be accessible from the building façade with direct access from the public sidewalk.
- vii) Notwithstanding the definition of a

planting strip, a sidewalk shall be permitted where required by Section 6.1.3 c) vi) above.

- d) Outdoor Storage
 - i) No outdoor storage of goods, materials, or equipment shall be permitted.
 - ii) Notwithstanding Section 6.1.3 d) i) above, the outdoor display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard.
- e) Maximum Lot Coverage 85%
- f) Minimum Amenity Area for Dwelling Units and Multiple Dwellings
 - On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:
 - i) An area of 4.0 square metres for each dwelling unit; and,
 - ii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.
- g) Green Roof for Multiple Dwelling
 - Notwithstanding Section 6.1.3 f) i) above, for every 0.5 square metres of Green Roof area provided, the required Amenity Area may be reduced by 1.0 square metre.
- 6.1.4 URBAN FARM REGULATIONS** In accordance with the requirements of Section 4.26 of this By-law.
- 6.1.5 COMMUNITY GARDEN REGULATIONS** In accordance with the requirements of Section 4.27 of this By-law.
- 6.1.6 URBAN FARMERS MARKET REGULATIONS** In accordance with the requirements of Section 4.28 of this By-law.

- 6.3. That Section 6.2 Prime Retail Streets (D2) Zone be deleted in its entirety and replaced with the following:

“6.2 DOWNTOWN MIXED USE - PEDESTRIAN FOCUS (D2) ZONE

Explanatory Note: *The D2 Zone applies along King Street, James Street and portions of Hess Village and King William Street. These streets have been acknowledged as vibrant streets with active street level uses and pedestrian oriented built form. To maintain the character of these streets the D2 Zone requires that commercial uses be located at the street level and allows for residential uses above the ground floor. The intent of the D2 Zone is to provide a range of uses and built form that creates an inviting pedestrian experience.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D2 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

**6.2.1 PERMITTED
USES**

Artist Studio
Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Recreation
Commercial School
Community Garden
Conference or Convention Centre
Craftsperson Shop
Day Nursery
Dwelling Unit(s)
Educational Establishment
Financial Establishment
Hotel
Laboratory
Lodging House
Medical Clinic
Microbrewery
Multiple Dwelling
Office
Personal Services
Place of Assembly
Place of Worship
Repair Service
Restaurant
Retail
Tradesperson’s Shop
Urban Farm

Urban Farmers Market
Veterinary Service

**6.2.1.1 RESTRICTED
USES**

i) In addition to Section 6.2.1, the following uses shall only be permitted in accordance with Section 6.2.3 and the following additional restrictions:

1. Day Nursery
Dwelling Unit(s)
Multiple Dwelling
Place of Worship

A. Shall not be permitted within the ground floor, except for access, accessory office and utility areas.

2. Microbrewery

A Microbrewery shall have a maximum Gross Floor Area of 700.0 square metres.

3. Parking Facility

In the case of a Parking Facility developed after the effective date of this By-law, such facility:

A. Shall only be contained within a building; and,

B. With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.

C. In addition to 6.2.1.1 i) 3. B) above, any parking structure located above the ground floor shall be screened from view from the public sidewalk.

**6.2.2 PROHIBITED
USES**

i) Notwithstanding Section 6.2.1, the following

uses are prohibited, even as an accessory use:

Drive-Through Facility
Dry Cleaning Plant
Motor Vehicle Dealership
Motor Vehicle Gas Bar
Motor Vehicle Rental Establishment
Motor Vehicle Service Station
Motor Vehicle Washing Establishment

- ii) Notwithstanding Section 6.2.1, the following uses are prohibited, except if considered an accessory use to another permitted use:

Amusement Arcade
Garden Centre

6.2.3 REGULATIONS

- a) Building Setback from a Street Line
- i) Maximum 2.0 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access;
 - ii) Notwithstanding Section 6.2.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
 - iii) Section 6.2.3 a) i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 6.2.3 c) ii) or iii) below.
 - iv) Where a building(s) has been constructed and complies with Section 6.2.3 c) ii) or iii) below, additional buildings constructed on the subject property shall not be subject to Section 6.2.3 a) i) above, as it relates to the setback from a front lot line.
 - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to Section 6.2.3 a) i) above.
 - vi) Accessory buildings and structures shall not be subject to Section 6.2.3 a) i).

- b) Building Height
- i) Minimum 11.0 metres;
 - ii) Maximum Building Height shall be in accordance Figure 1 of Schedule “F” – Special Figures.
- c) Built Form for New Development
- In the case of buildings constructed after the effective date of this By-law or additions to buildings existing as of the effective date of this By-law the following regulations shall apply:
- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;
 - ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall:
 - 1. Be greater than or equal to 75% of the measurement of the front lot line; and,
 - 2. Comply with Section 6.2.3 a) i) above.
 - iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall:
 - 1. Be greater than or equal to 50% of the measurement of the front lot line and flankage lot line; and,
 - 2. Comply with Section 6.2.3 a) i) above.
 - iv) Notwithstanding Section 6.2.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.
 - v) No parking or aisles shall be located between the required building façade and the front lot line or flankage lot line.
 - vi) A minimum of one principal entrance shall

be provided:

1. within the ground floor building façade setback the least distance from a street; and,
2. shall be accessible from the building façade with direct access from the public sidewalk.

- d) Outdoor Storage
- i) No outdoor storage of goods, materials, or equipment shall be permitted.
 - ii) Notwithstanding Section 6.2.3 d) i) above, the outdoor display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard.

6.2.4 URBAN FARM REGULATIONS In accordance with the requirements of Section 4.26 of this By-law.

6.2.5 COMMUNITY GARDEN REGULATIONS In accordance with the requirements of Section 4.27 of this By-law.

6.2.6 URBAN FARMERS MARKET In accordance with the requirements of Section 4.28 of this By-law.”

6.4. That Sections 6.4 Downtown Local Commercial (D4) Zone be deleted in its entirety.

6.5. That Section 6.5 Downtown Residential (D5) Zone be deleted and replaced with the following:

6.5 DOWNTOWN RESIDENTIAL (D5) ZONE

Explanatory Note: *The D5 Zone applies stable residential areas in the Downtown. A balance of both commercial and residential uses is required to create a health and vibrant Downtown Core. The intent of the D5 Zone is to maintain residential areas by allowing for a range of housing forms and create opportunities for the integration of retail and commercial uses to meet the daily needs of the local residents.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D5 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 Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

6.5.1 PERMITTED USES

Artist Studio
Community Garden
Commercial School
Day Nursery
Duplex Dwelling
Dwelling Unit
Educational Establishment
Emergency Shelter
Lodging House
Long Term Care Facility
Multiple Dwelling
Office
Personal Service
Place of Worship
Repair Service
Residential Care Facility
Restaurant
Retail
Retirement Home
Semi-Detached Dwelling
Single Detached Dwelling
Social Services Establishment
Street Townhouse Dwelling
Tradesperson Shop

6.5.1.1 RESTRICTED USES

i) In addition to Section 6.5.1, the following uses shall only be permitted in accordance with Section 6.5.3 and the following additional restrictions:

1. The following uses shall only be permitted on the ground floor of a Multiple Dwelling:

Artist Studio
Commercial School
Day Nursery
Personal Service
Repair Service
Retail
Restaurant
Tradesperson Shop

2. Office

An Office shall only be permitted on the ground floor of a Multiple Dwelling and shall be limited to a maximum gross floor area of 500.0 square metres.

6.5.2 PROHIBITED USES

Notwithstanding Section 6.5.1 above, an Outdoor Commercial Patio shall be prohibited even as an accessory use.

6.5.3 REGULATIONS

6.5.3.1 SINGLE DETACHED DWELLING AND DUPLEX DWELLING REGULATIONS

- a) Minimum Lot Area 225.0 square metres;
- b) Minimum Lot Width 9.0 metres;
- c) Maximum Front Yard
 - i) 4.5 metres; and,
 - ii) Notwithstanding Section 6.5.3.1 c) i) above, a maximum setback of 6.0 metre for that portion of a building providing an access driveway to an attached garage.
- d) Minimum Side Yard
 - i) 0.9 metres on one side and a minimum of 1.2 metres on the opposite side; and,
 - ii) Notwithstanding Section 6.5.3.1 d) i) above, a minimum 0.6 metres to an attached garage where the opposite side yard is a minimum of 1.2 metres.
- e) Minimum Rear Yard 7.5 metres;
- f) Building Height
 - i) Minimum 7.5 metres;
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.

- g) Driveway
 - i) A maximum of one driveway shall be permitted; and,
 - ii) A maximum width of 6.0 metres shall apply.

**6.5.3.2 SEMI-DETACHED
DWELLING
REGULATIONS**

- a) Minimum Lot Area for each Dwelling Unit 185.0 square metres;
- b) Minimum Lot Width for each Dwelling Unit 7.5 metres;
- c) Maximum Front Yard
 - i) 4.5 metres; and,
 - ii) Notwithstanding Section 6.5.3.2 c) i) above, a maximum of 6.0 metres for that portion of a building with an attached garage.
- d) Minimum Side Yard 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard.
- e) Minimum Rear Yard 7.5 metres;
- f) Building Height
 - i) Minimum 7.5 metres; and,
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.

**6.5.3.3 STREET
TOWNHOUSE
DWELLING
REGULATIONS**

- a) Minimum Lot Area 150.0 square metres;
- b) Minimum Lot Width 5.5 metres;
- c) Front Yard
 - i) Maximum 3.0 metres for the dwelling; and,
 - ii) Notwithstanding Section 6.5.3.3 c) i) above, a

maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.

- d) Minimum Side Yard 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard.
- e) Minimum Flankage Yard 3.0 metres;
- f) Minimum Rear Yard 7.5 metres;
- g) Building Height
 - i) Minimum 7.5 metres;
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.

6.5.3.4 EDUCATIONAL ESTABLISHMENT, EMERGENCY SHELTER, LODGING HOUSE, LONG TERM CARE FACILITY, MULTIPLE DWELLING, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME, AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS

- a) Minimum Lot Area 300.0 square metres;
- b) Minimum Lot Width 12.0 metres;
- c) Maximum Front Yard 4.5 metres;
- d) Maximum Side Yard 7.5 metres;
- e) Maximum Flankage Yard 3.0 metres;
- f) Minimum Rear Yard 7.5 metres;
- g) Building Height
 - i) Minimum 7.5 metres; and,
 - ii) Maximum Building Height shall be in accordance Figure 1 of Schedule “F” – Special Figures.
- h) Minimum Amenity Area for Dwelling Units and Multiple On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:

Dwellings

- i) An area of 4.0 square metres for each dwelling unit; and,
 - ii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.
- i) Green Roof for Multiple Dwelling Notwithstanding Section 6.5.3.4 h) i) above, for every 0.5 square metres of Green Roof area provided, the required Amenity Area may be reduced by 1.0 square metre.
- j) Minimum Landscaped Area for Multiple Dwellings Not less than 10% of the lot area shall be landscaped area.
- k) Maximum Capacity for Emergency Shelter, Long Term Care Facility and Residential Care Facility The maximum capacity shall not exceed 6 residents.
- l) Location of Emergency Shelter, Long term Care Facility and Residential Care Facility
 - i) Except as provided for in Subsection ii), herein, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.
 - ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, either of the existing Residential Care Facility or Emergency Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

- m) Prohibition of Residential Care Facility and Emergency Shelter Notwithstanding Section 6.5.1 within the lands bounded by Queen Street, Hunter Street, James Street and Main Street, no new Residential Care Facility or Emergency Shelter shall be permitted.
- n) Visual Barrier A visual barrier shall be required along any side or rear lot line abutting a Downtown D1 or D2 Zone in accordance with the requirements of Section 4.19 of this By-law.

6.5.3.7 COMMUNITY GARDEN REGULATIONS

In accordance with the requirements of Section 4.27 of this By-law.

7. That Section 13.2 Utility (U2) Zone be added to By-law 05-200 as follows:

“13.2 UTILITY (U2) ZONE

***Explanatory Note:** The U2 Zone applies to areas devoted to a railway use, including but not limited to freight, commuter, and passenger trains and any associated station locations.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Utility (U2) 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:

13.2.1 PERMITTED USES

Railway
Transportation Depot
Transport Terminal

13.2.2 REGULATIONS

- a) Minimum Yards 15.0 metres from any lot line.”

8. That Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, and 995 of Schedule “A” - Zoning Maps, of Zoning By-law No. 05-200, be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, “A1”, “A2”, “B”, “B1”, “B2”, “C”, “C1”, “C2”, “D”, “D1”, “D2” to this By-law, by:

- (i) Change in zoning from the Community Institutional (I2) Zone, Downtown Prime Retail (D2) Zone, Downtown Mixed Use (D3) Zone, Downtown Local Commercial (D4) Zone, Downtown Residential (D5) Zone, and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1) Zone;

- (ii) Change in zoning from the Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Downtown Local Commercial (D4) Zone, Downtown Residential (D5) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, H17, H19, H20) Zone;
- (iii) Change in zoning from the Local Commercial (D4) Zone to the Downtown Central Business District (D1, H17, H19, H20, 688) Zone;
- (iv) Change in zoning from the Downtown Mixed Use (D3) Zone, Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, H21) Zone;
- (v) Change in zoning from the Downtown Mixed Use (D3) Zone to the Downtown Central Business District (D1, H17, H19, H20, H21) Zone;
- (vi) Change from the Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, H21) Zone;
- (vii) Change in zoning from Community Institutional (I2) Zone to the Downtown Central Business District (D1) Zone
- (viii) Change in zoning from the Change in zoning from the Downtown Mixed Use (D3, 470) Zone to the Downtown Central Business District (D1, 470) Zone;
- (ix) Change in zoning from the Downtown Central Business District (D1) Zone, Downtown Mixed Use (D3) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone;
- (x) Change in zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone;
- (xi) Change in zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20, H21) Zone;
- (xii) Change in zoning from the Downtown Mixed Use (D3) Zone to the Downtown Mixed Use – Pedestrian Focus (D2) Zone;
- (xiii) Change in zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone;
- (xiv) Change in zoning from the Major Institutional (I3) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone;
- (xv) Change in zoning from Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, 620) Zone;
- (xvi) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H21, 619) Zone;

- (xvii) Change in zoning from the Downtown Local Commercial (D4) Zone, Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5) Zone;
- (xviii) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xix) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H17, H19, H20, 1) Zone;
- (xx) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H21) Zone;
- (xxi) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H21) Zone;
- (xxii) Change in zoning from the Downtown Local Commercial (D4) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xxiii) Change in zoning from the Downtown Local Commercial (D4) Zone to the Downtown Residential (D5, 660) Zone;
- (xxiv) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xxv) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xxvi) Change in zoning from the Neighbourhood Institutional (I1) Zone to the Downtown Residential (D5) Zone;
- (xxvii) Change in zoning from the Neighbourhood Institutional (I1, 4) Zone to the Downtown Residential (D5, 4) Zone;
- (xxviii) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H21) Zone;
- (xxix) Change in zoning from the Open Space (P4) Zone to the City Wide Park (P3) Zone;
- (xxx) Change in zoning from Downtown Mixed Use (D3) Zone to the Open Space (P4) Zone;
- (xxxi) Change in zoning from the Downtown Central Business District (D1) Zone to the City Wide Park (P3) Zone;
- (xxxii) Change in zoning from Downtown Central Business District (D1) Zone to the Open Space (P4) Zone;

- (xxxiii) Change in zoning from the Downtown Mixed Use (D3, 2) Zone to the Community Institutional (I2, 618) Zone
- (xxxiv) Change in zoning from the Downton Mixed Use (D3, 2) Zone to the Community Institutional (I2, 2) Zone;
- (xxxv) Change in zoning from the Neighbourhood Park (P1) Zone to the Open Space (P4) Zone;
- (xxxvi) Change in zoning from Open Space (P4) Zone to Community Park (P2) Zone;
- (xxxvii) Change in zoning from the Open Space (P4) Zone to the City Wide Park (P3) Zone;
- (xxxviii) Change in zoning from the Downtown Residential (D5) Zone to the Community Park (P2) Zone;
- (xxxix) Change in zoning from the Multiple Residential (I2, 18) Zone to the Community Institutional (I2, 18) Zone;
- (xl) Change in zoning from the Open Space (P4) Zone to the City Wide Park (P3) Zone;
- (xli) Change in zoning from the Downtown Central Business District (D1) Zone to the Open Space (P4) Zone;
- (xlii) Lands to be added to Zoning By-law 05-200 as Downtown Central Business District (D1, H17, H19, H20) Zone;
- (xliii) Lands to be added to Zoning By-law 05-200 as Downtown Central Business District (D1, H21) Zone;
- (xliv) Lands to be added to Zoning By-law 05-200 as Downtown Central Business District (D1) Zone;
- (xlv) Lands to be added to Zoning By-law 05-200 as Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone;
- (xlvi) Lands to be added to Zoning By-law 05-200 as Downtown Mixed Use – Pedestrian Focus (D2, 621) Zone;
- (xlvii) Lands to be added to Zoning By-law 05-200 as Downtown Mixed Use – Pedestrian Focus (D2) Zone;
- (xlviii) Lands to be added to Zoning By-law 05-200 as Downtown Residential (D5) Zone;
- (xlix) Lands to be added to Zoning By-law 05-200 as Downtown Residential (D5, H17, H19, H20) Zone;

- (l) Lands to be added to Zoning By-law 05-200 as Utility (U2) Zone;
 - (li) Lands to be added to Zoning By-law 05-200 as Utility (U2, 622) Zone;
 - (lii) Lands to be added to Zoning By-law 05-200 as Community Park (P2) Zone;
and,
 - (liii) Lands to be added to Zoning By-law 05-200 as Open Space (P4) Zone.
9. That SCHEDULE C – SPECIAL EXCEPTIONS of By-law 05-200 is hereby amended as follows:
- 9.1. That the following Special Exceptions be amended:
- a) Special Exception 1. shall be amended to delete the reference “6.6.2” and “D6” and replace with “6.5.3” and “D5”, so that it shall read as follows:

“Notwithstanding Section 6.5.3 of this By-law, within the lands zoned Downtown D5 Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 47 Caroline Street North, a multiple dwelling is permitted subject to the following:”
 - b) Special Exception 2. shall be amended to delete reference to “6.3.1” and “Downtown D3 Zone” and replace with “8.2.1” and “Community Institutional (I2) Zone” and delete reference to 147 Cannon Street West, so that it shall read as follows:

“Notwithstanding Section 8.2.1 of this By-law, within the lands zoned Community Institutional (I2) Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 79 Bay Street North, a utility plant for the generation and transmission of heat, steam and electricity shall also be permitted.”
 - c) Special Exception 4. shall be amended to add the words “and section 6.5.3.4” after the words “section 8.1.3.1 i)”, so that it shall read as follows:
“Notwithstanding section 8.1.3.1 i) and section 6.5.3.4 of this By-law, the following Maximum Capacity shall be permitted for the respective property.”
 - d) Special Exception 18. shall be amended to delete the words “Downtown Multiple Residential (D6) Zone” and replace them with “Community Institutional (I2, 18) Zone; and, delete subsection b) and replace it with the following:

“b) Notwithstanding Section 8.2.3.2 b) the maximum height shall be in accordance with Figure 1 of Schedule “F” – Special Figures of Zoning By-law 05-200”;

and, replace reference to Section 6.6 with Section 8.2 throughout, so that it shall read as follows:

“Within the lands zoned Community Institutional (I2, 18) Zone, identified on Map 953 of Schedule “A” – Zoning Maps and described as 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School), the following special provisions shall apply:

- a) That notwithstanding Section 8.2.1 of this By-law, a Community Centre shall also be permitted;
 - b) That notwithstanding Section 8.2.3.2b) the Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures of Zoning By-law 05-200.
 - c) “That notwithstanding Section 3 of this By-law, the definition of the Front Lot Line shall mean the lot line abutting Ferguson Avenue North;
 - d) That Section 5.1 a)v) and Section 5.1 a)vi) of this By-law shall not apply;
 - e) That Section 5.2a) of this By-law shall not apply;
 - f) That notwithstanding Section 5.6a) iii.a) of this By-law, a minimum of 39 parking spaces shall be provided and maintained for an Elementary School and Community Centre; and,
- e) Special Exception 442. shall be amended to delete reference to Section 6.3 Downtown Mixed Use and replace with Section 6.2 Downtown Mixed Use – Pedestrian Focus (D2) Zone so that it shall read as follows:

“Notwithstanding Section 6.2, on those lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone Identified on Maps 867 and 868 of Schedule “A” – Zoning Maps, the following special regulations shall apply:

No person shall erect or use any building in whole or in part, or use any land in whole or in part, within the Downtown Mixed Use – Pedestrian Focus (D2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto...”

- f) Special Exception 470. shall be amended to delete reference to “6.3.3” and Downtown Mixed Use (D3, 470) Zone and replace with “6.1.3” and “Downtown Mixed Use (D1, 470) Zone”, so that it shall read as follows:

“In addition to Sections 5.6(a) and 6.1.3 of this By-law, within the lands zoned Downtown Mixed Use (D1, 470) Zone, as identified on Map 953 of Schedule “A” – Zoning Maps and described as 220 Cannon Street East (Hamilton), the following special provisions shall apply:”

- g) Special Exception 473. shall be amended to delete the words “Downtown Prime Retail Streets” and replace them with “Downtown Mixed Use – Pedestrian Focus”; and delete reference to Section “6.2.3 a) ii)”, so that it shall read as follows:

“Within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 473) Zone, identified on Map 952 of Schedule “A” to By-law 05-200 and described as 46-52 James Street North, the following special provisions shall apply:

Notwithstanding Sections 5.5, 5.6a)i), 6.2.3a)i) and iv), 6.2.3b) and 6.2.3c)ii) the following special provisions shall also apply:...”

- h) Special Exception 467. shall be amended to delete the words “Downtown Prime Retail Streets” and replace them with “Downtown Mixed Use – Pedestrian Focus”, so that it shall read as follows:

“In addition to Section 6.2.3 of this By-law, within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 467, H56) Zone, identified on Map 952 of Schedule “A” to By-law 05-200 and described as 98 James Street South, the following special provisions shall apply:...”

9.2. That the following Special Exceptions be added:

“618. Within the lands zoned Community Institutional (I2) Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 130 York Boulevard the following special provisions shall apply:

- a) In addition to Section 8.2.1 of By-law 05-200, the following uses shall also be permitted:

Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Parking Facility
Commercial Recreation
Commercial School
Conference or Convention Centre
Craftsperson Shop
Dwelling Unit(s)
Exhibition Facility
Financial Establishment

Hotel
Laboratory
Lodging House
Long Term Care Facility
Medical Clinic
Microbrewery
Motor Vehicle Rental Establishment
Multiple Dwelling
Office
Personal Services
Place of Assembly
Repair Service
Restaurant
Retail
Studio
Tradesperson's Shop
Transportation Depot
Veterinary Service

b) The uses permitted in a) above, shall comply with the regulations of Section 6.1.3 of this By-law.

619. Notwithstanding Section 6.5.1 of this By-law, within the lands zoned Downtown Residential (D5) Zone, identified on Map 952 of Schedule "A" – Zoning Maps and described as 1-22 Wesandford Place and 130, 134, 136, 138, 140, 142, and 144 Hunter Street West only Single Detached Dwelling shall be permitted.
620. Notwithstanding Section 6.2.1.1 i) 1. A. of this By-law, within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Map 911 of Schedule "A" – Zoning Maps and described as 252-254 James Street North a Place of Worship shall be permitted within the ground floor façade.
621. In addition to Section 6.2.1 of this By-law, within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Maps 910 and 911 of Schedule "A" – Zoning Maps and described as 200 James Street North an Armoury shall also be permitted.
622. Notwithstanding Section 13.2.1 of this By-law, within the lands zoned Utility (U2) Zone, identified on Maps 952 and 994 of Schedule "A" - Zoning Maps and described as 36 Hunter Street East (Hunter Street GO Station) an Office shall also be permitted.
660. In addition to Section 6.1.1 of this By-law within the lands zoned Downtown Central Business District (D1) Zone, identified on Map 911 of Schedule "A" – Zoning Maps and described as 136-146 Cannon Street East the following uses shall also be permitted:

Duplex Dwelling
Single Detached Dwelling
Semi-Detached Dwelling
Street Townhouse Dwelling

688. Notwithstanding Section 6.1.1 of this By-law within the lands zoned Downtown Central Business District (D1) Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 107 MacNab Street North, Clothing Manufacturing shall also be permitted.

10. That SCHEDULE D – HOLDING PROVISIONS of By-law 05-200 is hereby amended as follows:

10.1. That the following additional Holding Provision be added:

“17. Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps development shall be restricted in accordance with the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (D1), (D2), or (D5) Zone.

b) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (D1), (D2), or (D5) Zones except where in conflict with the following:

i) No development exceeding the maximum height of 44.0 metres.

c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

i) That the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that sufficient land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with Section 6.0 of this By-law.

ii) That the landowner demonstrate that the proposal conforms to the policies of the Downtown Hamilton Secondary Plan by submitting

the following studies to the satisfaction of the Director of Planning, and Chief Planner, City of Hamilton:

1. Shadow Impact Study;
 2. Pedestrian Level Wind Study;
 3. Visual Impact Assessment;
 4. Traffic Impact Study; and,
 5. Functional Servicing Report.
- iii) That the landowner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.
- iv) That conditional site plan approval be received, which shall address matters including but not limited to Design Review Panel advice, to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.
19. Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps development shall be restricted in accordance with the following:
- a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (D1), (D2), or (D5) Zone.
 - b) Regulations
- For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (D1), (D2), or (D5) Zones except where in conflict with the following:
- i) No development exceeding 44.0 metres in height.
- c) Conditions for Holding Provision Removal
- The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:
- i) That the landowner shall be required to enter into a Section 37 Agreement to secure provision of Community Benefits to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

20. Notwithstanding Figure 1 – Special Figures of By-law 05-200 on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps development shall be restricted by the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (D1), (D2), or (D5) Zone.

b) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (D1), (D2), or (D5) Zones except where in conflict with the following:

i) No development exceeding 22.0 metres in height.

c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

i) That the landowner demonstrate that how any development having the effect of removing all or part of rental housing comprised of three or more units will be replaced to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

ii) That the landowner enter into an Agreement with the City of Hamilton.

21. Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps, no development shall be restricted by the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses listed in the (D1), (D2), and (D5) Zone, within the existing buildings and structures.

b) Regulations

For such time as the Holding Provision is in place, development of accessory structures shall be permitted in accordance with the regulations of the applicable (D1), (D2), or (D5) Zone.

c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

- i) A Cultural Heritage Impact Assessment has been submitted demonstrating how the cultural heritage value has been incorporated and maintained to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton; and,
- ii) That conditional site plan approval be received, to the satisfaction of the Director of Planning, and Chief Planner, City of Hamilton.”

10. That Schedule “F” – SPECIAL FIGURES of Zoning By-law 05-200 is hereby amended as follows:

- a) That Figure 1: Maximum Building Heights be deleted and replaced with Figure 1: Maximum Building Heights attached to this By-law.
- b) That Figure 15: Building Base Façade Heights attached to this By-law be added.

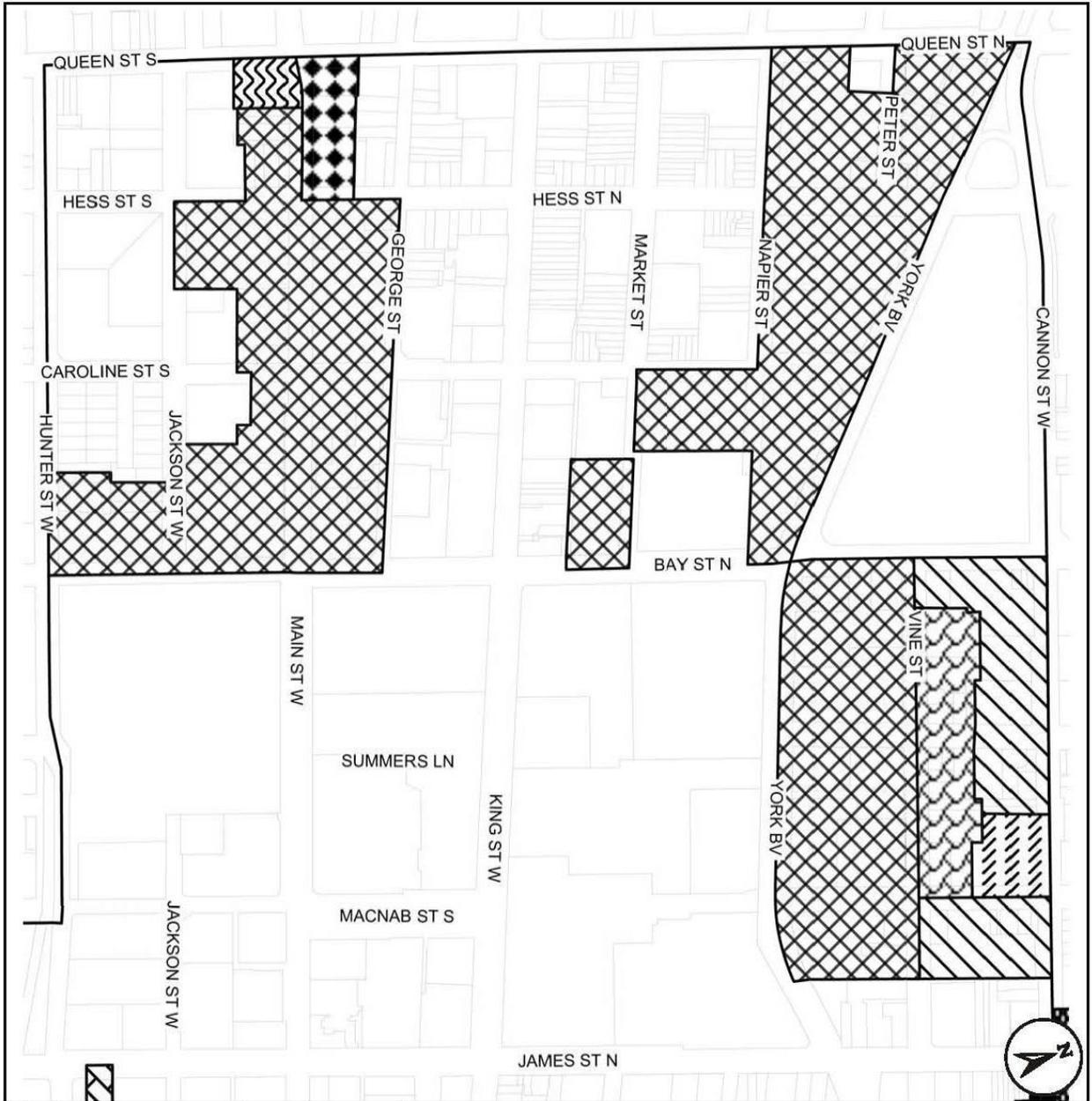
11. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.

12. That this By-law comes into force in accordance with section 34 of the Planning Act.

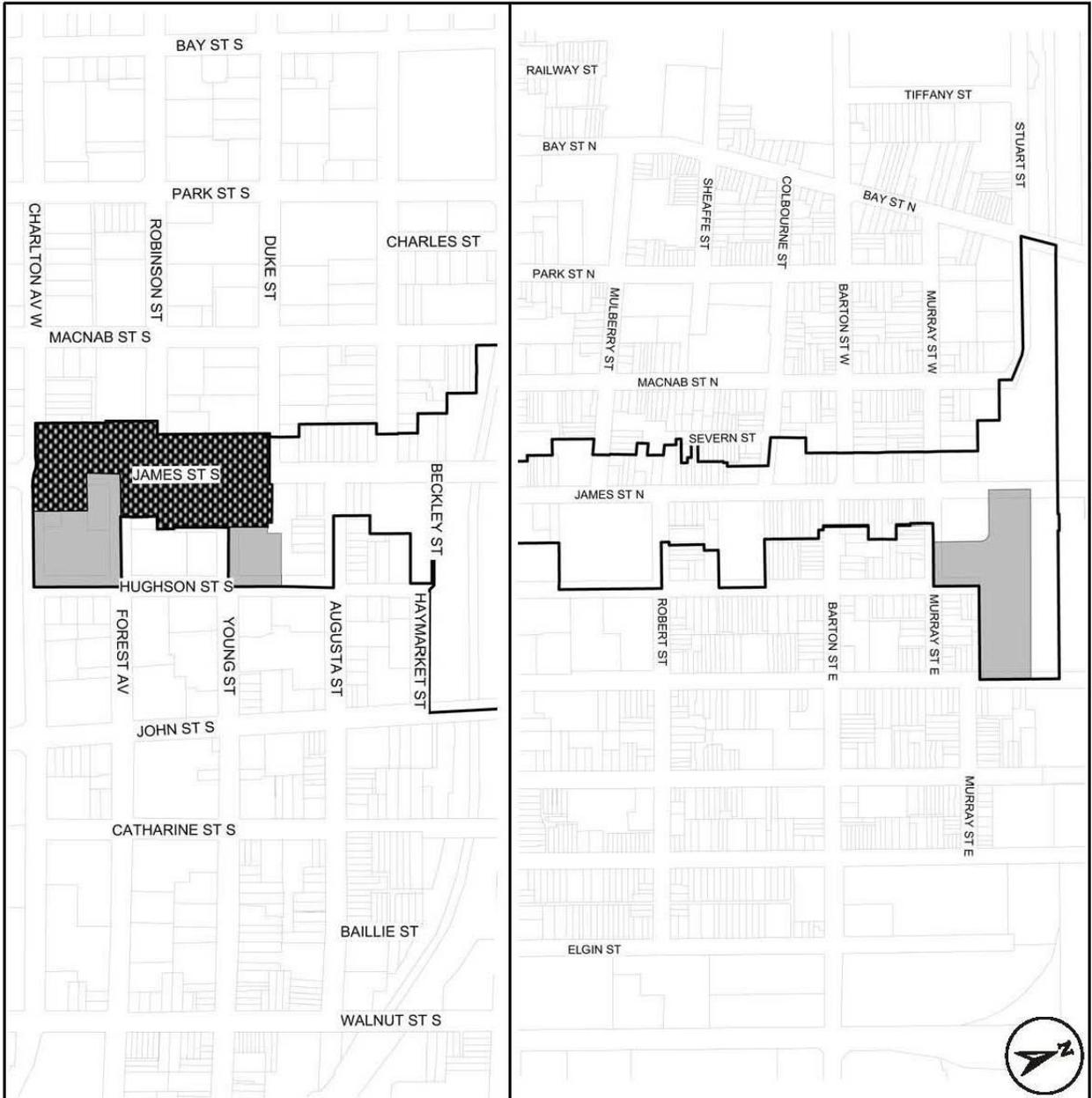
PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

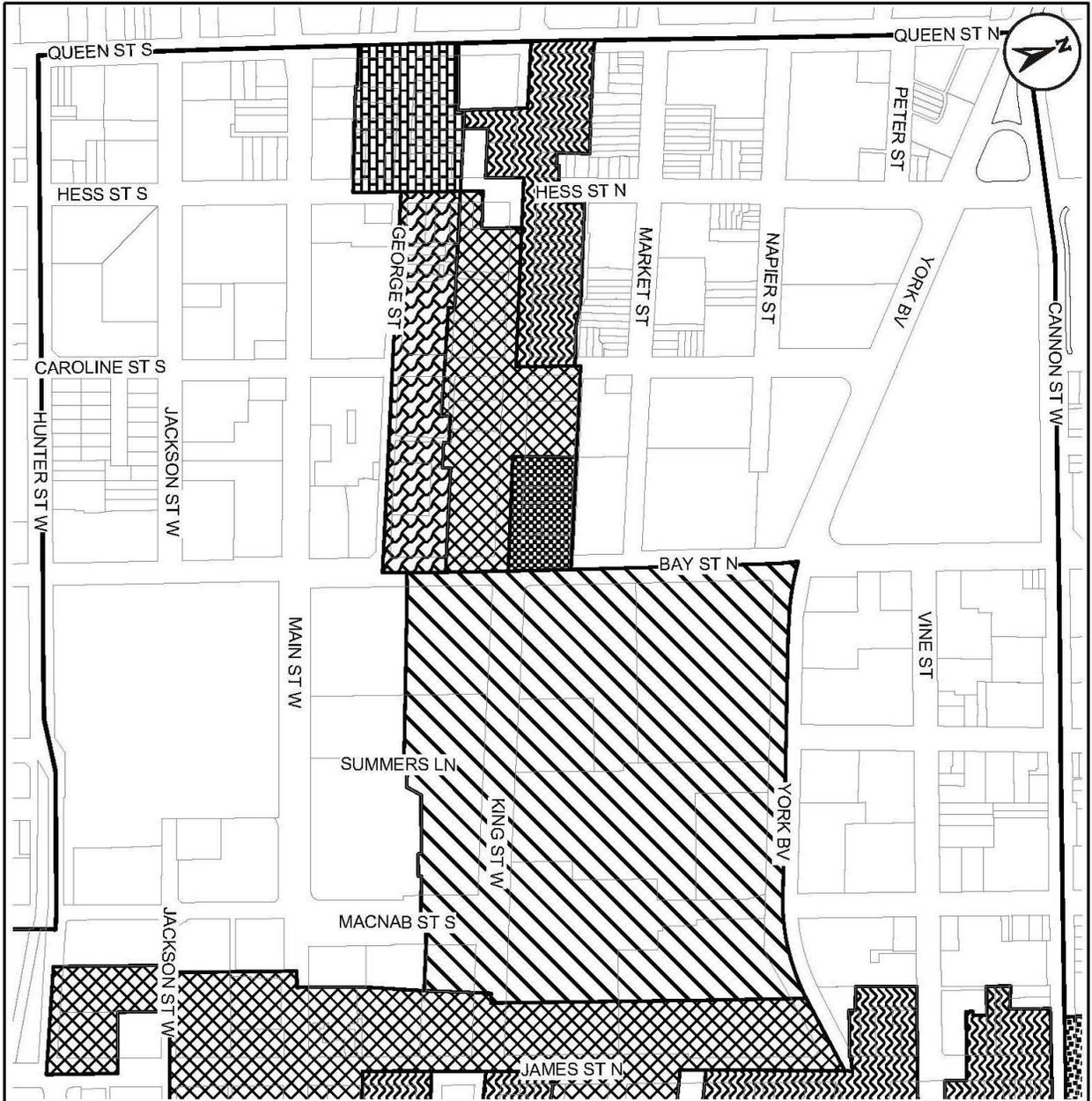
J. Pilon
Acting City Clerk



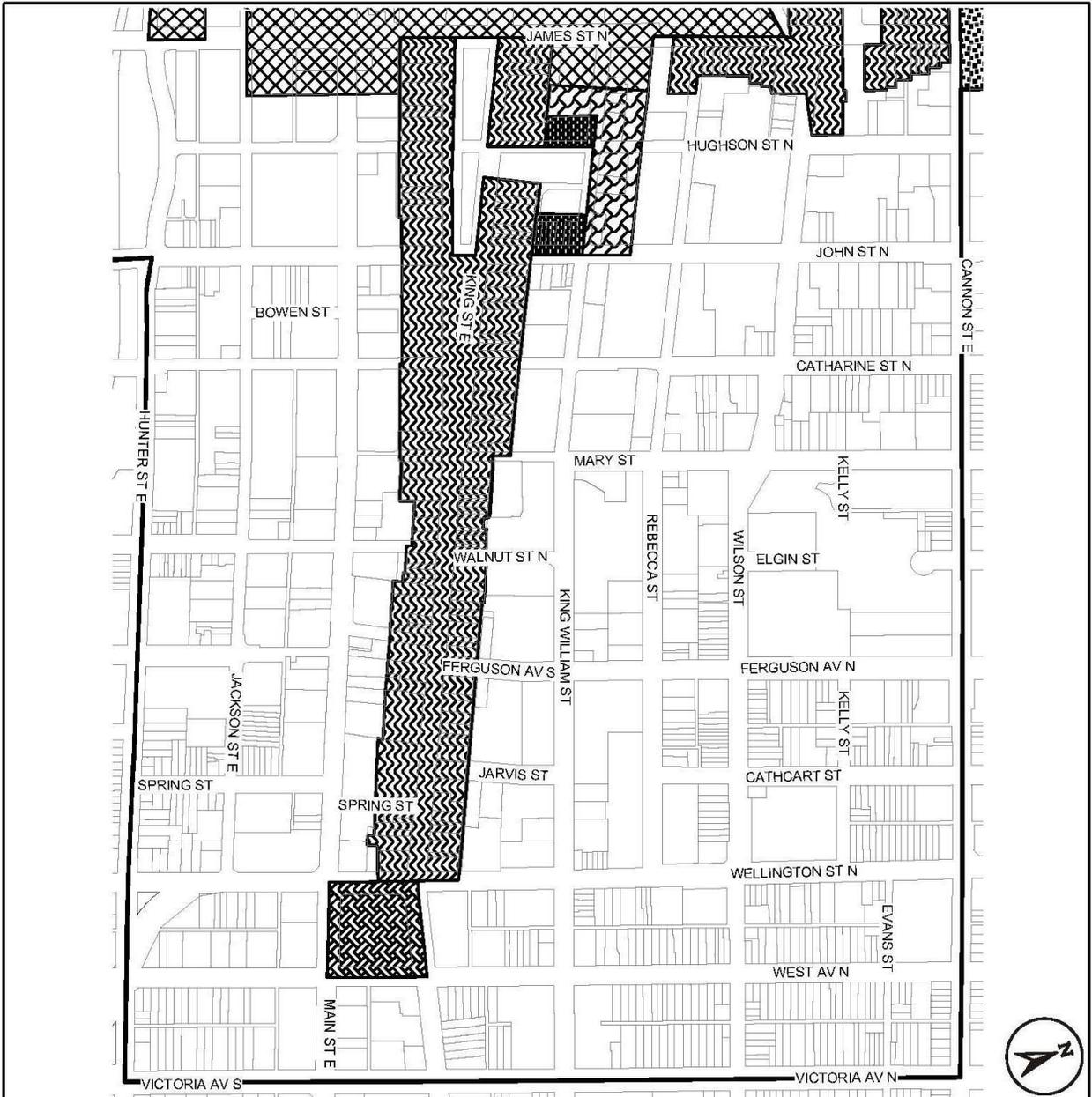
<p>Scale: N.T.S.</p> <p>Date: March 2018</p> <p>File Name/Number: Downtown Secondary Plan S.M.N.S.</p> <p>Planner/Technician: S.M.N.S.</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>This is Schedule "A" to By-law No. 18- Passed the day of 2018</p> <p style="text-align: center;">Schedule "A" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	<p>Hamilton Downtown Secondary Plan Boundary</p> <p>Major</p> <p>Clerk</p>	<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Central Business District (D1, H17, H19, H20, 689) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H21) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20, H21) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20, H21) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20, H21) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20, H21) Zone Change in Zoning from Downtown Residential (R5) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone
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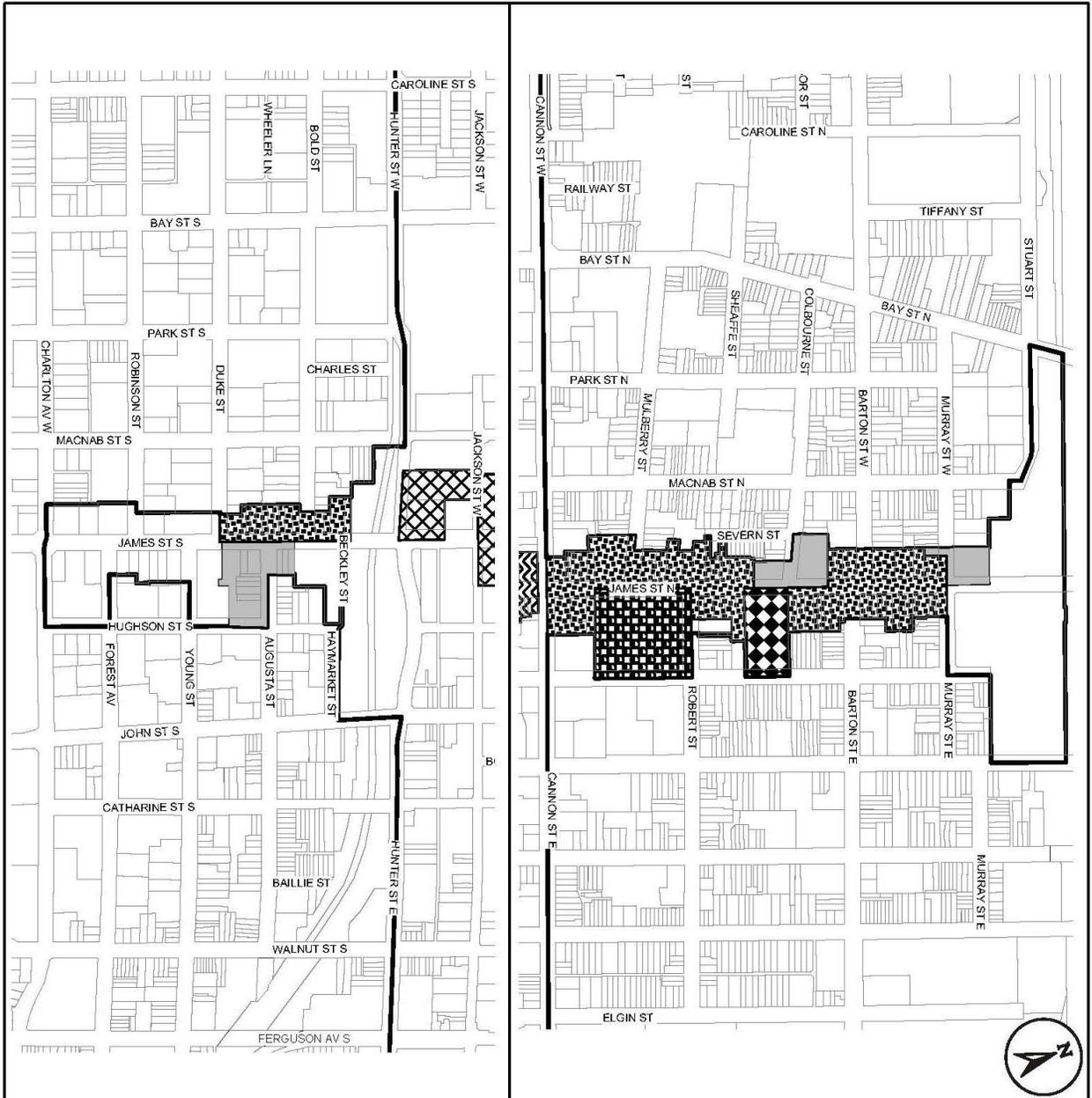
<p>Legend</p> <p>  Lands to be added to By-law No. 05-200 and zoned Downtown Central Business District (D1) Zone  Lands to be added to By-law No. 05-200 and zoned Downtown Central Business District (D1, H21) Zone  Hamilton Downtown Secondary Plan Boundary </p>	
<p> This is Schedule "A2" to By-law No. 18- Passed the day of 2018 </p>	
<p> Schedule "A2" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995 </p>	
<p> Scale: N.T.S. Date: March 2018 File Name Number: Downtown Secondary Plan Planner/Technician: SM/NB PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT </p>	<p> Mayor Clerk </p>
	



<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Central Business District (D1) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Hamilton Downtown Secondary Plan Boundary 	
<p>This is Schedule "B" to By-law No. 18.</p> <p>Passed the day of 2018</p>	
<p align="center">Schedule "B"</p> <p align="center">Map Forming Part of</p> <p align="center">By-law No. 18-</p> <p align="center">to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p> <p>Date: March 2018</p> <p>File Name/Number: Downtown Secondary Plan S/N/A/B</p> <p>Planned/Technician: S/N/A/B</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>Mayor</p> <p>Clerk</p> <p align="right"></p>



<p>Legend</p> <p>Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H18, H20) Zone</p> <p>Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone</p> <p>Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H18, H20) Zone</p> <p>Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone</p> <p>Change in Zoning from Major Institutional (S) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H18, H20) Zone</p> <p>Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone</p> <p>Hamilton Downtown Secondary Plan Boundary</p>	
<p>Scale: N.T.S.</p> <p>Date: March 2018</p> <p>File Name/Number: Downtown Secondary Plan</p> <p>Planner/Technician: SWANS</p>	<p>This is Schedule "B1" to By-law No. 18- Passed the day of, 2018</p> <p>Schedule "B1" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>
<p>Mayor</p> <p>Clerk</p>	<p>Hamilton</p>



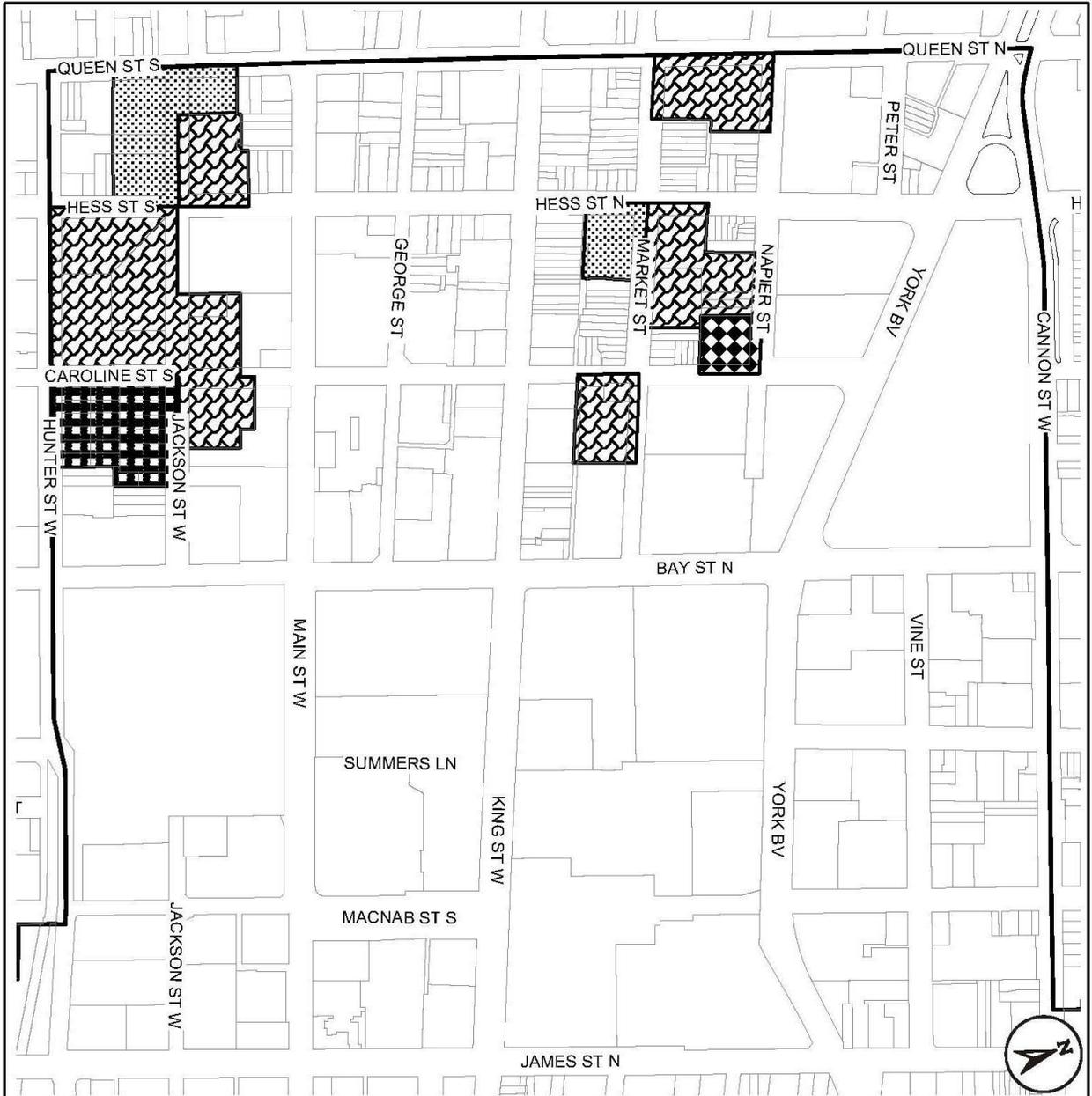
Legend

-  Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone
-  Changes in Zoning from Night to District Institutional (I1) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 620) Zone
-  Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2, 621) Zone
-  Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone
-  Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone
- Hamilton Downtown Secondary Plan Boundary

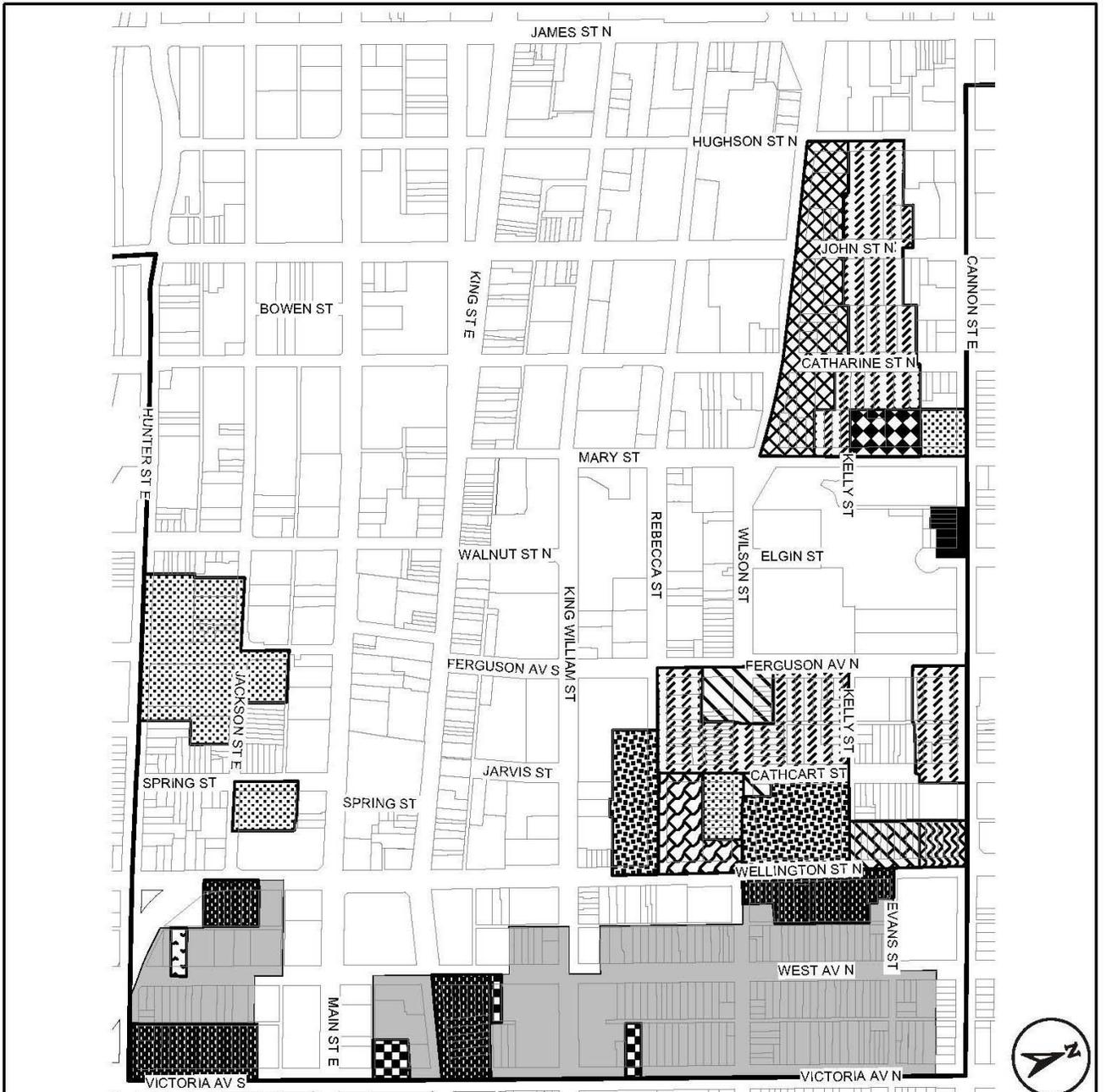
This is Schedule "B2" to By-law No. 18-
 Passed the day of 2018

Schedule "B2"
 Map Forming Part of
 By-law No. 18-
 to Amend By-law No. 05-200
 Map 868, 869, 909, 910, 911, 951,
 952, 953, 994, 995

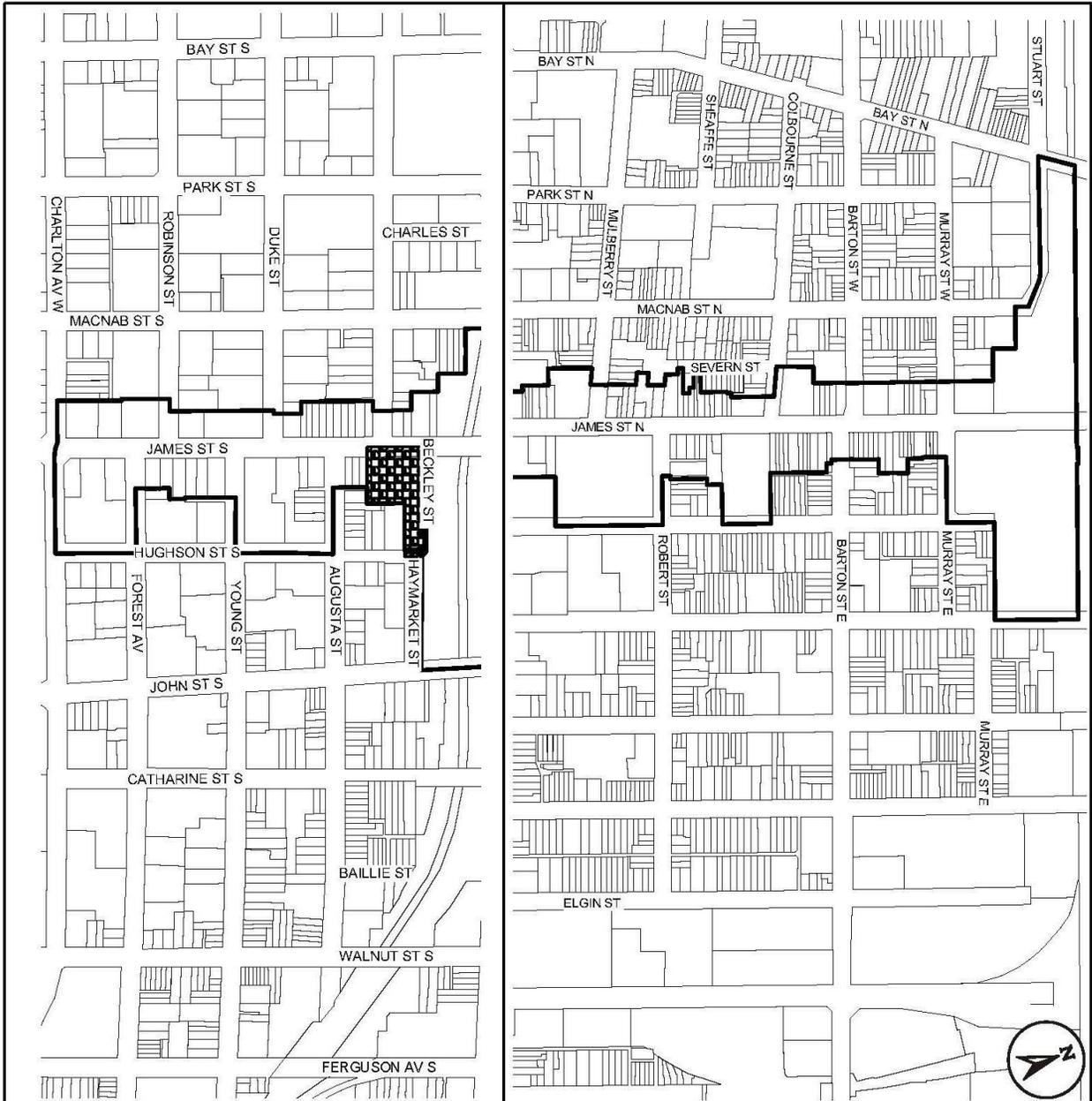
Scale:	File Name/Number:
N.T.S.	Downtown Secondary Plan
Date:	Drawn/Technician:
March 2018	SW/MS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
	



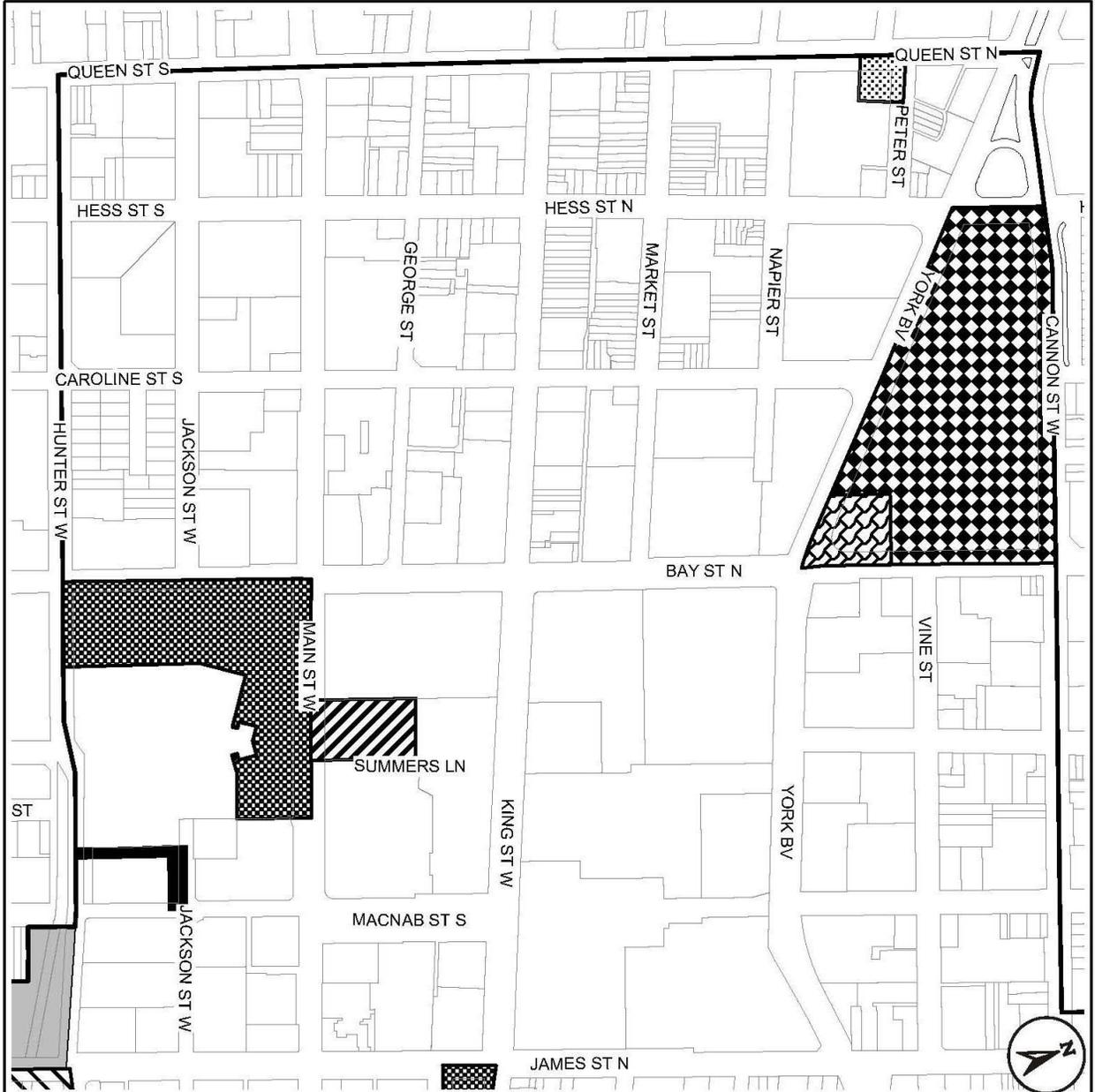
<p>Legend</p> <ul style="list-style-type: none">  Change in Zoning from Downtown Residential (D5) Zone to Downtown Residential (D5, 619, H21) Zone  Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5) Zone  Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H17, H19, H20) Zone  Change in Zoning from Downtown Multiple Residential (D6, 1) Zone to Downtown Residential (D5, H17, H19, H20, 1) Zone  Hamilton Downtown Secondary Plan Boundary 	
<p>----- Mayor</p> <p>----- Clerk</p>	
<p>This is Schedule "C" to By-law No. 18- Passed the day of, 2018</p>	
<p align="center">Schedule "C" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p> <p>Date: March 2018</p>	<p>File Name/Number: Downtown Secondary Plan</p> <p>Drawn/Technician: S.M.N.B.</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p align="right"> Hamilton</p>	



<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Residential (D5) Zone to Downtown Residential (D5, H21) Zone Change in Zoning from Downtown Residential (D5) Zone to Downtown Central Business District (D1, 66D) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H21) Zone Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Local Commercial (D4) Zone to Downtown Residential (D5, H17, H19, H20, H21) Zone Change in Zoning from Downtown Residential (D5) Zone to Downtown Residential (D5, H17, H19, H20) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H17, H19, H20) Zone Change in Zoning from Neighbourhood Institutional (I1) Zone to Neighbourhood Residential (D5) Zone Change in Zoning from Neighbourhood Institutional (I1, 4) Zone to Downtown Residential (D5, 4) Zone Lands to be added to By-law 05-200 and zoned Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H21) Zone Hamilton Downtown Secondary Plan Boundary 	
<p>----- Mayor</p> <p>----- Clerk</p>	
<p>This is Schedule "C1" to By-law No. 18- Passed the day of 2018</p>	
<p align="center">Schedule "C1" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S. Date: March 2018</p>	<p>File Name/Number: Downtown Secondary Plan Planner/Technician: SM/NBS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p align="right"></p>	



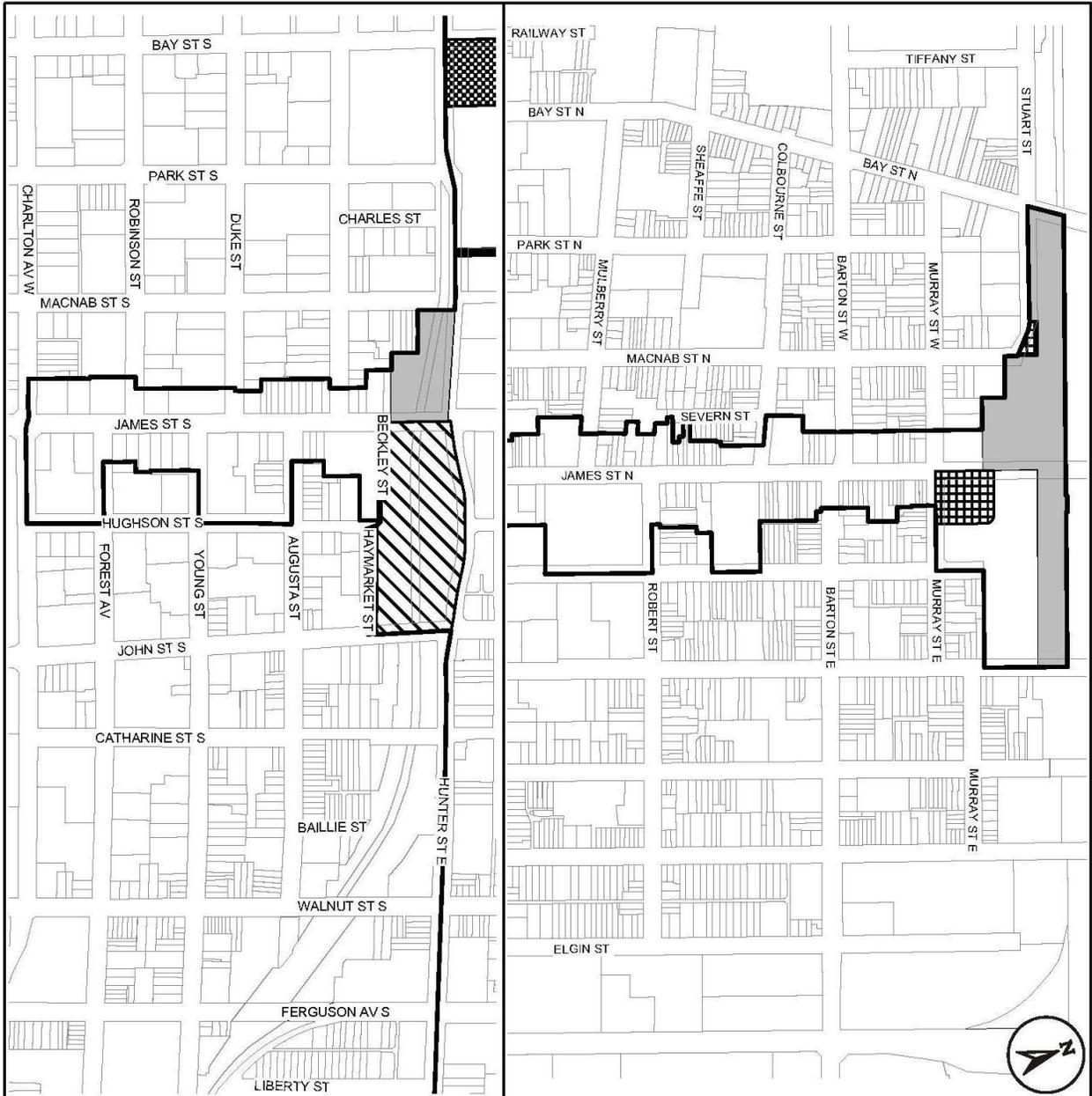
<p>Legend</p> <p> Lands to be added to By-law 05-200 and zoned Downtown Residential (D6, H17, H19, H20) Zone</p> <p> Hamilton Downtown Secondary Plan Boundary</p>	
<p>This is Schedule "C2" to By-law No. 18- Passed the day of 2018</p>	
<p>Schedule "C2" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Downtown Secondary Plan</p>
<p>Date: March 2018</p>	<p>Planner/Technician: SW/ND</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	



<p>Legend</p> <ul style="list-style-type: none">  Change in Zoning from Open Space (P4) Zone to City Wide Park (P3) Zone  Change in Zoning from Downtown Mixed Use (D3) Zone to Open Space (P4) Zone  Change in Zoning from Downtown Central Business District (D1) Zone to City Wide Park (P3) Zone  Change in Zoning from Downtown Central Business District (D1) Zone to Open Space (P4) Zone  Change in Zoning from Downtown Mixed Use (D3) Zone to Community Institutional (I2, 616) Zone  Change in Zoning from Downtown Mixed Use (D3) Zone to Community Institutional (I2, 616) Zone  Lands to be added to By-law 05-200 and zoned Utility (U2) Zone  Lands to be added to By-law 05-200 and zoned Utility (U2) Zone  Hamilton Downtown Secondary Plan Boundary 	
<p>This is Schedule "D" to By-law No. 18- Passed the day of 2018</p>	
<p>Schedule "D" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Downtown Secondary Plan</p>
<p>Date: March 2018</p>	<p>Prepared/Technician: SWMB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p> Hamilton</p>	



<p>Legend</p> <ul style="list-style-type: none">  Change in Zoning from Neighbourhood Park (P1) Zone to Open Space (P4) Zone  Change in Zoning from Neighbourhood Park (P1) Zone to Open Space (P4) Zone  Change in Zoning from Open Space (P4) Zone to Community Park (P2) Zone  Change in Zoning from Open Space (P4) Zone to Community Park (P2) Zone  Change in Zoning from Open Space (P4) Zone to City Wide Park (P5) Zone  Change in Zoning from Downtown Residential (D5) Zone to Community Park (P2) Zone  Change in Zoning from Downtown Residential (D5) Zone to Community Institutional (I2, I8) Zone  Lands to be added to By-law 05-200 and zoned Utility (U2, H21, H22) Zone  Lands to be added to By-law 05-200 and zoned Utility (U2) Zone  Hamilton Downtown Secondary Plan Boundary 	
<p>This is Schedule "D1" to By-law No. 18- Passed the day of, 2018</p>	
<p>Schedule "D1" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Downtown Secondary Plan</p>
<p>Date: March 2018</p>	<p>Planner/Technician: SW/MS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p>Hamilton</p>	



Legend

- Change in Zoning from Open Space (P4) Zone to City Wide Park (P3) Zone
- Change in Zoning from Downtown Central Business District (D1) Zone to Open Space (P4) Zone
- Lands to be added to By-law No. 05-200 and zoned Open Space (P4) Zone
- Lands to be added to By-law No. 05-200 and zoned Utility (U2, 622, H21) Zone
- Lands to be added to By-law No. 05-200 and zoned Utility (U2) Zone
- Hamilton Downtown Secondary Plan Boundary

_____ Mayor
 _____ Clerk

This is Schedule "D2" to By-law No. 18-
 Passed the day of, 2018

Schedule "D2"
 Map Forming Part of
 By-law No. 18-
 to Amend By-law No. 05-200
 Map 868, 869, 909, 910, 911, 951,
 952, 953, 994, 995

Scale: N.T.S.	File Name/Number: Downtown Secondary Plan
Date: March 2018	Planner/Technician: SVM/MS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

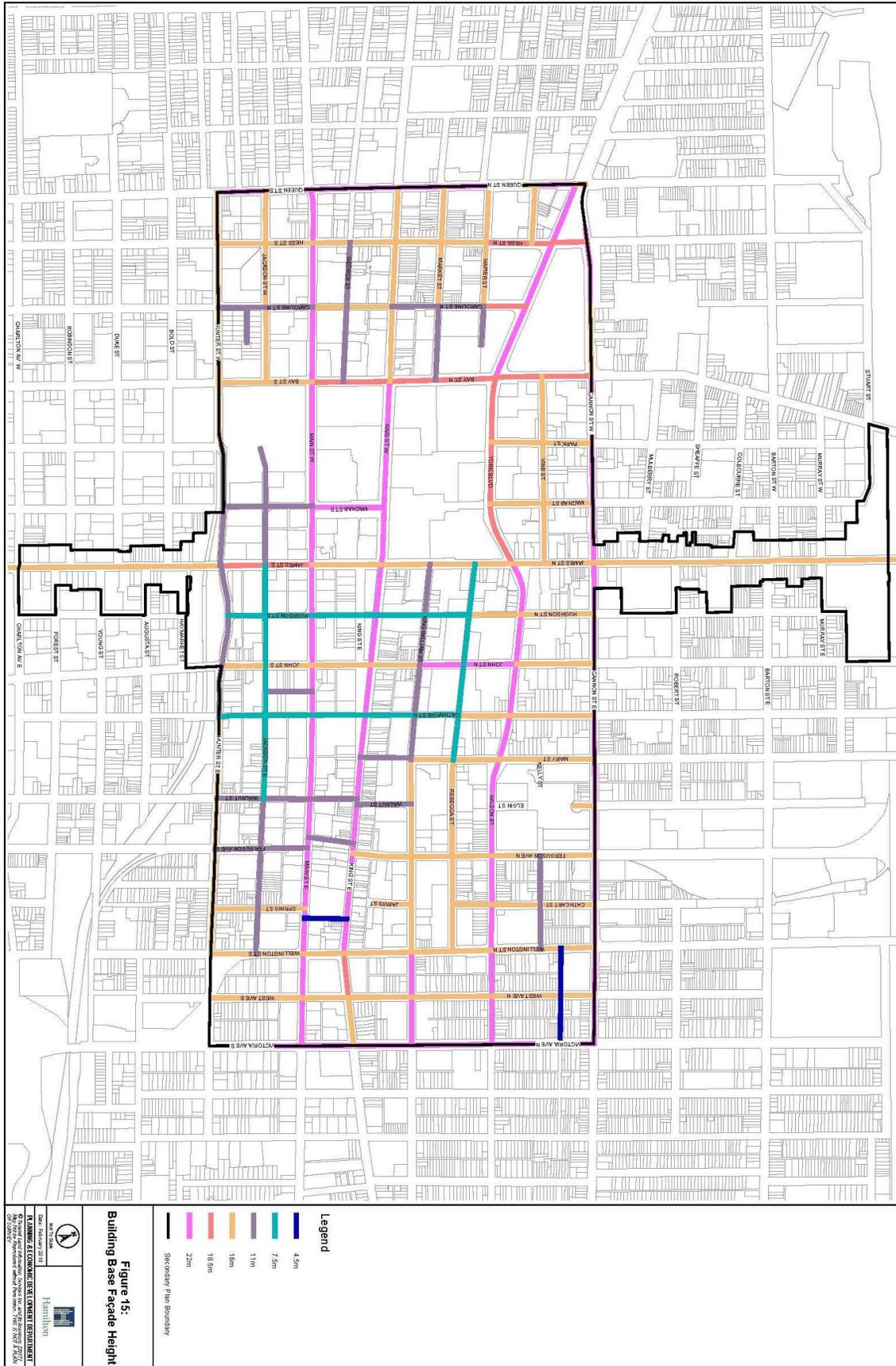


NOTE: Building Heights are represented by the number illustrated on the map. All Building Heights are in metres.

Legend

- # Maximum Building Heights in metres
- █ Park/Open Space
- Planning Boundary

Schedule F - Figure 1
Zoning By-law No. 05-200
Maximum Building Heights



CITY OF HAMILTON

BY-LAW NO. 18-

**To Amend Zoning By-law No. 05-200 Respecting Lands
Located at 240 Butter Road West, Ancaster**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by Virtue of the *City of Hamilton Act*, 1999 S.O. 1999, Chap. 14;

WHEREAS the City of Hamilton is the lawful successor of the former Municipalities identified in Section 1.7 of By-law No, 05-200;

WHEREAS the first stage of Zoning By-law, being By-law No. 05-200 came into force and effect on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item 3 of Report 18-007 of the Planning Committee, at its meeting held on the 9th day of May, 2018, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and.

WHEREAS this By-law amendment is in conformity with the Rural Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 175 of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone and Conservation / Hazard Land - Rural (P6) Zone to the Agriculture (A1, 675) Zone and Conservation / Hazard Land - Rural (P6, 675) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by adding an additional exception, 675 as follows:
 675. Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land – Rural (P6) Zone, identified on Maps 175, of Schedule "A" – Zoning Maps and described as:

Property Address	Map number
280 Butter Road West	175

The following special provisions apply:

- a) Notwithstanding 7.6.1, the following use shall be prohibited:

- i) single detached dwelling.
 - b) Notwithstanding 12.1.1, the following uses shall be prohibited:
 - i) single detached dwelling; and,
 - ii) residential care facility.
 - c) Notwithstanding Section 12.2.3.1 a), for the lands located at No. 280 Butter Road, the minimum lot area shall be 39 hectares.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
4. That this By-law No. 18-115 shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAA-18-004



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 175

Subject Property
240 Butter Road West

Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 675) Zone

Change in Zoning from Conservation / Hazard Land - Rural (P6) Zone to Conservation / Hazard Land - Rural (P6, 675) Zone

Scale: N.T.S.	File Name/Number: ZAA-18-004	<p><u>Hamilton</u></p>
Date: Feb. 21, 2018	Planner/Technician: RF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 3, General Issues
Committee Report 18-010
(FCS18045)
CM: May 9, 2018
Ward: City Wide

Bill No. 116

CITY OF HAMILTON

BY-LAW NO. 18-

To Authorize the Signing of a Municipal Funding Agreement for the Transfer of Main Street Revitalization Funds between the Association of Municipalities of Ontario and the City of Hamilton

WHEREAS the Council of the City of Hamilton wishes to enter into a Municipal Funding Agreement in order to participate in the Main Street Revitalization Initiative;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Mayor and City Clerk are hereby authorized to execute a Municipal Funding Agreement for the Transfer of Main Street Revitalization Funds between the Association of Municipalities of Ontario and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. This by-law shall come into force on the day it is passed.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Wards: 2, 3, 4, 5, 7, 13

Bill No. 117

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

WHEREAS Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*,

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 – No Parking	B	Main St.	West	King St. to 91.4m southerly	Anytime	Deleting
8 – No Parking	B	Main St.	West	50m south of King St. to 41m southerly	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 – Permit	<i>E</i>	Beechwood	South	from 101.2m east of Sherman to 5.9m easterly	Anytime	Deleting
12 – Permit	<i>E</i>	Somerset Ave.	North	12m east of Barnesdale Ave. to 6m easterly	Anytime	Adding
12 – Permit	<i>E</i>	McAnulty Blvd.	North	12m west of Holly Ave. to 6m westerly	Anytime	Adding
12 – Permit	<i>E</i>	Robert St.	South	40m west of Elgin St. to 6m westerly	Anytime	Adding
12 – Permit	<i>E</i>	Vansitmart Ave.	North	66m east of Kenilworth Ave. to 6m easterly	Anytime	Adding
12 - Permit	<i>E</i>	Birch	East	from 124.6m south of Barton to 5.5m southerly	Anytime	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
<i>14 - Wheelchair</i>	<i>E</i>	Cannon	North	from 113.9m west of Barnesdale to 6.7m westerly	Anytime	Deleting
<i>14- Wheelchair LZ</i>	<i>E</i>	Jacqueline Blvd.	West	5m south of Meadowpoint Dr. to 6m southerly	7am - 9am & 2pm - 4pm Mon - Fri, Sept. 1 - Jul. 1	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 3 of 3

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 8, Public Works Committee
Report 16-020 (PW16091)
CM: December 14, 2016
Ward: 4

Bill No. 118

CITY OF HAMILTON

BY-LAW NO. 18-

Being a By-law to Permanently Close an unassumed portion of an Alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (LT); City of Hamilton

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law; and

AND WHEREAS the Council of the City of Hamilton on December 14, 2016, in adopting Item 8 of Public Works Committee Report 16-020, authorized the City to permanently close and sell an unassumed portion of an alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (LT); City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on April 25, 2018, as Instrument No. WE1280419 to close a portion of an alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (LT); City of Hamilton;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the unassumed alley, set out as:

Part of Alley, Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706; City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-20706, hereby permanently closed, be sold to Richard Fieldsend Robertson and Beverley Ann Robertson for the appraised market value.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED on this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 31, Economic Development &
Planning Committee
Report 06-005
CM: April 12, 2006
Ward: 11

Bill No. 119

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 3692-92 3 Shippee Avenue, Stoney Creek

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Stoney Creek" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-183 of the Planning and Economic Development Committee at its meeting held on the 2nd day of June 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding Provision from By-laws where the conditions have been met; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows: by changing the zoning from the Single Residential "R1-6(H)" Zone, Modified, Holding to the Single Residential "R1-6" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. 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 Single Residential "R1-6" Zone, Modified provisions.

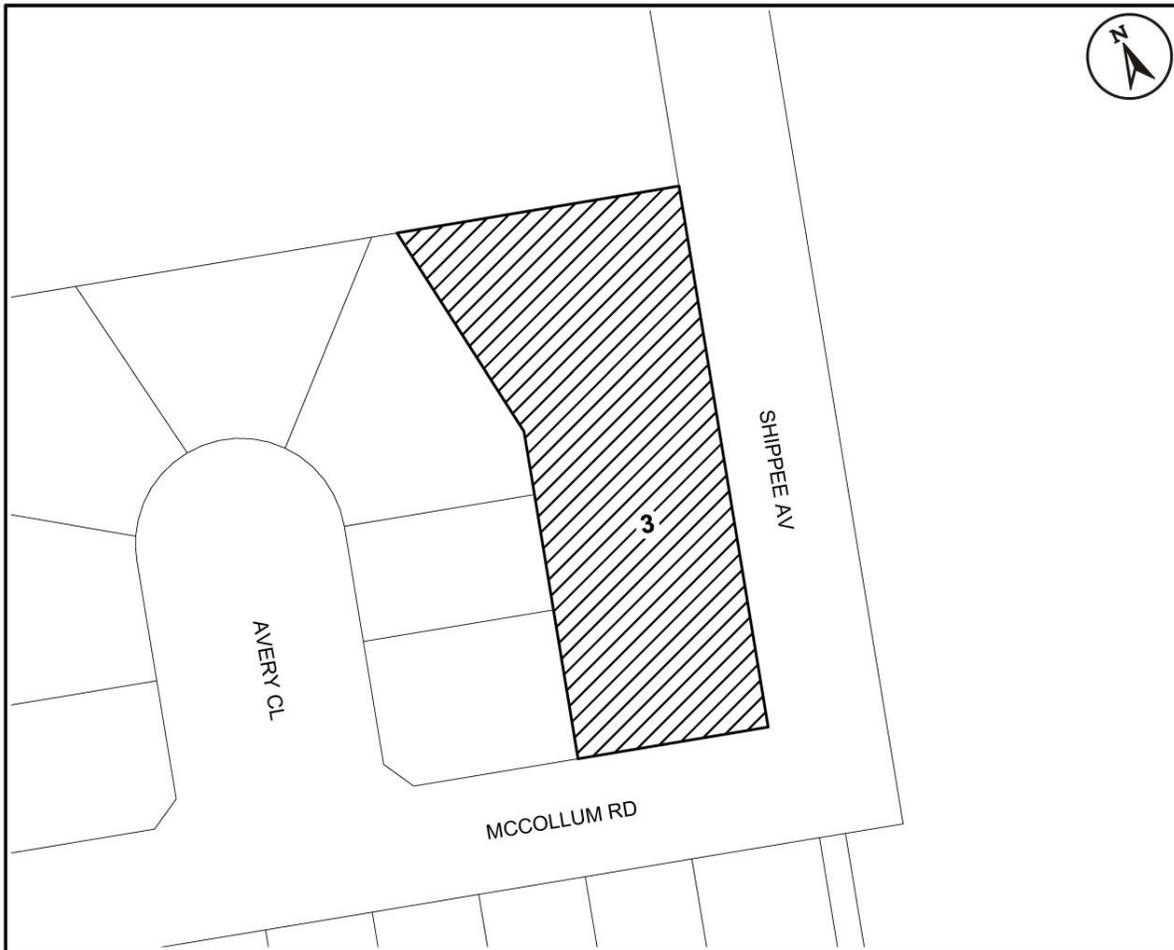
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 9th day of May, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAH-18-002



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 3692-92</p>	Subject Property 3 Shippee Avenue
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Scale: N.T.S.	File Name/Number: ZAH-18-002 / PLC-15-030	
Date: March 22, 2018	Planner/Technician: MS/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 11

Bill No. 120

CITY OF HAMILTON

BY-LAW No. 18-

Respecting Removal of Part Lot Control Block 151, Registered Plan No. 62M-950

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating five (5) lots for single detached dwellings, shown as Parts 1-5 and 7 inclusive, including a utility easement, shown as Part 7 as shown on Deposited Reference Plan 62R-20430 and for the purpose of creating a daylight triangle in favour of the City, shown as Part 6, as shown on Deposited Reference Plan 62R-20430, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 151, Registered Plan No. 62M-950, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.

3. This by-law shall expire and cease to be of any force or effect on the 9th day of May, 2020.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-15-030

CITY OF HAMILTON

BY-LAW NO. 18-

To Confirm the Proceedings of City Council at its meeting held on May 9, 2018.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 9th day of May, 2018, in respect of each recommendation contained in,

Public Works Committee Report 18-006 – April 30, 2018,
Planning Committee Report 18-007 – May 1, 2018,
General Issues Committee Report 18-010 – May 2, 2018,
Sole Voting Member of the Hamilton Farmers' Market Corporation Report 18-001 – May 2, 2018,
Audit, Finance & Administration Committee Report 18-006 – May 7, 2018,
and
Healthy and Safe Communities Committee Report 18-005 – May 7, 2018,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk