



## City of Hamilton

### CITY COUNCIL REVISED

19-008

Wednesday, April 24, 2019, 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

3.1 2019 Women of Distinction Awards

#### 4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 10, 2019

#### 5. COMMUNICATIONS

5.1 Correspondence from York Region regarding their initial resolution from February 28, 2019 respecting Proposed Amendment 1 to the Growth Plan.

Recommendation: Be received.

5.2 Correspondence from the Ministry of Community Safety and Correctional Services respecting providing emergency response assistance to First Nations Communities located in the Province through an agreement with the Government of Canada.

Recommendation: Be received.

5.3 Correspondence from Cameron Kroetsch respecting the process that was recently used to select a citizen representative to sit on the Hamilton Police Services Board.

Recommendation: Be received.

5.4 Correspondence from Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission urging all municipalities in Ontario to engage Indigenous communities about the use of Indigenous-themed logos and team names in their sports arenas.

Recommendation: Be received.

5.5 Correspondence from Enbridge Gas Inc., respecting a Notice of Second Information Session Kirkwall-Hamilton Pipeline Project.

Recommendation: Be received.

5.6 Correspondence from the City of Brantford requesting support for their resolution respecting Single-Use Plastic Straws.

Recommendation: Be received.

\*5.7 Correspondence from Lakewood Beach Community Council respecting 310 Frances Avenue, Planning Committee Delegations - April 16, 2019.

Recommendation: Be received and referred to Item (f)(iii) of Planning Committee Report 19-006.

## **6. COMMITTEE REPORTS**

6.1 Board of Health Report 19-004 - April 15, 2019

6.2 Planning Committee Report 19-006 - April 16, 2019

Due to the size of Appendix A, it is only available online.

6.3 General Issues Committee Report 19-008 - April 17, 2019

6.4 Audit, Finance and Administration Committee Report 19-006 - April 18, 2019

## **7. MOTIONS**

7.1 Removal of the Stop Sign at Atkins Drive & Golfwood Drive

## 8. NOTICES OF MOTIONS

- \*8.1 Amendments to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management L.P. (Global Spectrum) and to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation  
and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group)

## 9. STATEMENTS BY MEMBERS

## 10. PRIVATE AND CONFIDENTIAL

- 10.1 Appointments to Various City of Hamilton Agencies, Boards and Committees for the 2018-2022 Term (distributed under separate cover)  
  
Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-section (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.

## 11. BY-LAWS AND CONFIRMING BY-LAW

- 11.1 077  
To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 2 (Speed Limits)  
Schedule 3 (Flashing School Zones – Reduced Speed Limit)  
Ward: 1, 9, 13
- 11.2 078  
To Establish City of Hamilton Land Described as Part of Block 54 on Plan 62M-1199 as Part of Morrissey Boulevard  
Ward: 9
- 11.3 079  
To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 612 Harvest Road (Flamborough)  
ZAH-19-024  
Ward: 13

11.4 080

To Adopt Official Plan Amendment No. 241 to the City of Hamilton Official Plan, respecting 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton

Ward: 2

11.5 081

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 80 and 92 Barton Street East, and 245 Catharine Street North, Hamilton

ZAC-17-090/OPA-17-041

Ward: 2

11.6 082

To Adopt Official Plan Amendment No. 121 to the Urban Hamilton Official Plan Respecting 1809, 1817 and 1821 Rymal Road East, Stoney Creek

Ward: 9

11.7 083

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek)

ZAC-16-064

Ward: 9

11.8 084

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek

ZAC-16-064

Ward: 9

11.9 085

To Establish City of Hamilton Land Described as Part 7 of 62R-20860, as Part of Columbus Gate

Ward: 9



11.10 086

To Establish City of Hamilton Land Described as Parts 1, 2 and 4 of 62R-20860; and, Part 2 of Plan 62R-21053, as Part of Soho Street

Ward: 9

11.11 087

To Establish City of Hamilton Land Described as Parts 6 and 8 of 62R-20860, as Part of Upper Mount Albion Road

Ward: 9

11.12 088

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 Zones)

Schedule 12 (Permit Parking Zones)

Schedule 14 (Wheelchair Loading Zones)

Ward: 1, 2, 4, 13

11.13 089

To Confirm the Proceedings of City Council

## 12. ADJOURNMENT



## CITY COUNCIL MINUTES 19-007

5:00 p.m.  
April 10, 2019  
Council Chamber  
Hamilton City Hall  
71 Main Street West

**Present:** Mayor F. Eisenberger  
Councillors T. Jackson (Deputy Mayor), B. Clark, C. Collins, J.P. Danko, J. Farr, L. Ferguson, B. Johnson, S. Merulla, N. Nann, J. Partridge, M. Pearson, A. VanderBeek, T. Whitehead and M. Wilson

**Absent:** Councillor E. Pauls - Personal

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 called upon Archpriest Geoffrey Korz, All Saints of North America Orthodox Church, to provide the invocation.

### CEREMONIAL ACTIVITIES

Mayor Eisenberger welcomed and congratulated the McMaster Women’s National Basketball Champions, the McMaster Marauders, for winning the Ontario University Athletics National Final.

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

#### 1. COMMUNICATIONS (Item 5)

- 5.5 Correspondence from Cycle Hamilton respecting their formal position regarding the motion for a hybrid solution to on-street parking on Bay Street North between Barton Street West and Stuart Street.
- 5.6 Local Planning Appeal Tribunal proceedings with respect to Sonoma Homes Inc., request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment.

- 5.7 Correspondence from John McLennan, Manager, Corporate Services, Legal and Risk Management Services respecting Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property.

**2. NOTICES OF MOTION (Item 8)**

- 8.1 Mountable Curbs in Ward 14
- 8.2 Removal of the Stop Sign at Atkins Drive and Golfwood Drive

**3. BY-LAWS AND CONFIRMING BY-LAW (Item 11)**

- 075 To Amend Zoning By-law No. 05-200, as amended by By-law 15-183, respecting Lands Located at 82 Parkside Drive, Flamborough

**(Merulla/Collins)**

That the agenda for the April 2, 2019 meeting of Council be approved, as amended.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

<b>DECLARATIONS OF INTEREST</b>
---------------------------------

Councillor Clark declared an interest with Item 10.2 Selection Committee Report respecting appointments to the Development Charges Stakeholders Sub-Committee as he has a former professional relationship with Habitat for Humanity as a client and the Executive Director, Sean Ferris, is being appointed to the Development Charges Stakeholders Sub-Committee.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**4.1 March 27, 2019**

**(Johnson/Ferguson)**

That the Minutes of the March 27, 2019 meeting of Council be approved, as presented.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

**COMMUNICATIONS**

**(Clark/Johnson)**

That Council Communications 5.1 to 5.7 be approved, as presented, as follows:

- 5.1 Correspondence from Stu Laurie respecting his resignation from his role as Director for the Hamilton Farmers' Market Board.  
  
Recommendation: Be received.
- 5.2 Correspondence from the Ontario Public Works Association (OPWA) respecting the 2019 National Public Works Week May 19 – 25, 2019, "It Starts Here".  
  
Recommendation: Be received.
- 5.3 Correspondence from Durham Region to the Minister of Transport Canada respecting their resolution regarding the Proposed Amalgamation of the Oshawa and Hamilton Port Authorities.  
  
Recommendation: Be received.

- 5.4 Correspondence from the Honourable Francois-Philippe Champagne, Minister of Infrastructure and Communities respecting the Government of Canada's provision for an additional \$2.2 billion to the Gas Tax Fund.

Recommendation: Be received and referred to the Acting General Manager of Finance and Corporate Services and General Manager of Public Works for appropriate action.

- 5.5 Correspondence from Cycle Hamilton respecting their formal position regarding the motion for a hybrid solution to on-street parking on Bay Street North between Barton Street West and Stuart Street.

Recommendation: Be received and referred to the consideration of Item (g)(i) of the Public Works Committee Report 19-005.

- 5.6 Local Planning Appeal Tribunal proceedings with respect to Sonoma Homes Inc., request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment.

Recommendation: Be received and referred to the consideration of Item (f)(ii) of the Planning Committee Report 19-005.

- 5.7 Correspondence from John McLennan, Manager, Corporate Services, Legal and Risk Management Services respecting Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property.

Recommendation: Be received and referred to the consideration of Item 7.2.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Jackson/Collins)**

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

**CARRIED**

**PUBLIC WORKS COMMITTEE REPORT 19-005**

**2. Intersection Control List (PW19001(a)) (Wards 3, 6, 9, 11, 12, and 15) (Item 7.5)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

**4. Truck Route Sub-Committee Report 19-001 - March 26, 2019 (Added Item 7.7)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

**5. Public Planning Results for 2018 Plan Local Initiative Resulting in Ward 2 Area Rating Funded Projects (Ward 2) (Item 11.1) (REVISED)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson

YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**6. Implementation of Alternate Concept Design for Concrete Planters on James St. S. Between Duke St. and Bold St. (Ward 2) (Item 11.2)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**7. Sidewalk Repairs and Rolled Curb Replacements (Ward 5) (Item 11.3)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**8. Area Rating Special Capital Re-Investment Reserve Funded Projects (Ward 4) (Item 11.4)**

**(Merulla/Collins)**

That sub-section (c) be amended by deleting \$1,030,000 and replacing it with \$1,330,000 to read as follows:

- (c) That **\$1,330,000** from Reserve #108054 – Ward 4 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the road rehabilitation design using asset preservation practices for the roadway noted above;

**Result: Amendment CARRIED by a vote of 14 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
NOT PRESENT - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**Result: Main Motion, As Amended, CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger



YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Farr/Wilson)**

That Item (g)(i) be Lifted from the Information Section and added as Item 9 to Public Works Report 19-005.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**9. Giovanni Puzzo, respecting Item 7.4 – On-Street Parking and Bicycle Lanes (PED19074) (Added Item 8.3)**

**(Farr/Wilson)**

That the following recommendations be withdrawn:

- (a) That Staff report back to the Public Works Committee on the hybrid solution suggested by the resident (Mr. Giovanni Puzzo) to provide for off-peak short-term parking on Bay Street North between Barton Street West and Stuart Street, and which may feature a sharrow approach versus delineated lanes; and,
- (b) That Public Works Committee Staff engage with the Hamilton Cycling Committee on the hybrid solution to provide for off-peak short-term parking on Bay Street North between Barton Street West and Stuart Street and invite Mr. Giovanni Puzzo to the meeting to inform the report back to the Public Works Committee.

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
NOT PRESENT - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Ferguson/VanderBeek)**

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

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**PLANNING COMMITTEE REPORT 19-005**

**1. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (Item 8.1)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**2. Early Payment Removal for Parking By-laws (PED19052) (City Wide) (Item 10.1)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Ferguson/Collins)**

That item (f)(ii) be Lifted from the information section of Planning Committee Report 19-005, and added as Item 3.

**3. Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Added Item 14.2)**

**Result: Motion DEFEATED by a vote of 8 to 7, as follows:**

NO - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
NO - Councillor Nrinder Nann  
NO - Councillor Sam Merulla  
YES - Councillor Chad Collins  
NO - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
NO - Councillor John-Paul Danko  
NO - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
NO - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
NO - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Pearson/Clark)**

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

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

## GENERAL ISSUES COMMITTEE REPORT 19-007

**2. Synapse Life Science Consortium Request for Funding - 2019 (PED19057) (City Wide) (Item 10.1)****(Clark/Pearson)**

That Report PED19057 respecting Synapse Life Science Consortium Request for Funding – 2019, be amended by adding sub-section (e):

- (e) *That the Synapse Life Sciences Consortium's Terms of Reference reflect the following goal: to support economic diversification and growth through the attraction of private sector investment, partnerships and the commercialization of innovation to enable the creation of new enterprises and scaling up of existing operations in the Hamilton region.***

**Result: Amendment CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Chad Collins  
 YES - Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**Result: Main Motion, As Amended, CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Chad Collins  
 YES - Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**3. Art and Monuments Donation Policy (PED19068) (City Wide) (Item 10.2)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**5. Hamilton Professional Fire Fighters' Association, Local 288 - Ratification of Collective Agreement (HUR19009) (City Wide) (Item 14.2)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Eisenberger/Partridge)**

That the SEVENTH Report of the General Issues Committee be adopted, *as amended*, and the information section received.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

<b>AUDIT, FINANCE &amp; ADMINISTRATION COMMITTEE REPORT 19-005</b>
--

**4. Appointments to the Various City of Hamilton Advisory Committee for the 2018 – 2022 Terms (Item 14.1)**

**(Wilson/Farr)**

That the recommendations of Appointments to the Various City of Hamilton Advisory Committees for the 2018 – 2022 Term, be released publicly following approval by Council.

(a) That the following citizens be appointed to the Advisory Committee for Immigrants and Refugees, for a term commencing April 10, 2019, and until a successor is chosen:

1. Aref Alshaikhahmed
2. Waleed Aslam
3. Anjum Chauhan
4. Leslyn Gombakomba
5. Dena Honig
6. Al Karsten
7. Marie Robbins
8. Rami Safi
9. Marie Scime

(b) That the following citizens be appointed to the Committee Against Racism, for a term commencing April 10, 2019, and until a successor is chosen:

1. Tyrone Childs
2. Marlene Dei-Amoah
3. Sylvia Gill
4. Leslyn Gombakomba

5. Shamini Jacob
6. Phillip Jeffrey
7. Annie Law
8. Louic Leblanc
9. Taimur Qasim

(c) That the following citizens be appointed to the Hamilton Mundialization Committee, for a term commencing April 10, 2019, and until a successor is chosen:

1. Rosemary Baptista
2. Rein Ende
3. Freja Gray
4. Jan Lukas
5. Anthony Macaluso
6. Patricia Semkow
7. Robert Semkow

(d) That the following citizens be appointed to the Hamilton Status of Women Committee, for a term commencing April 10, 2019, and until a successor is chosen:

1. Deanna Allain
2. Stephanie Bertolo
3. Anna Davey
4. Stephanie Frisina
5. Autumn Getty
6. Katie Hood
7. Jan Lukas
8. Erin O'neil
9. Marie Robbins
10. Doreen Ssenabulya
11. Yulena Wan

(e) That the following citizens be appointed to the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for a term commencing April 10, 2019, and until a successor is chosen:

1. Sean Cullen
2. James Diemert
3. Autumn Getty
4. Freja Gray
5. Cameron Kroetsch
6. Violetta Nikolskaya
7. Mitch Ray-Borsc
8. Kristeen Sprague
9. Kyle Weitz



**Result: Amendment CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**Result: Main Motion, as Amended, CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Wilson/Farr)**

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

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson

NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

<b>EMERGENCY &amp; COMMUNITY SERVICES COMMITTEE REPORT 19-003</b>
---

**1. Establishment of a Sub-Committee of Council: Expanding Housing and Support Services for Women and Transgender Community Sub-Committee (HSC19017) (City Wide) (Outstanding Business List) (Item 10.1)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**2. Renewal of Beasley Community Centre Operating Agreement (CS13018(c)) (Ward 2) (Item 10.2)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger

- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

**(Merulla/Nann)**

That the THIRD Report of the Emergency & Community Services Committee be adopted, as presented, and the information section received.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

**(Jackson/Collins)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>MOTIONS</b>
----------------

**7.1 Federation of Canadian Municipalities - Election to the Board of Directors**

**(Partridge/Whitehead)**

WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction;

WHEREAS FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government; and

WHEREAS FCM's Annual Conference and Trade Show will take place from May 30 to June 2, 2019, during which time the Annual General Meeting will be held and followed by the election of FCM's Board of Directors;

BE IT THEREFORE RESOLVED:

That Council of the City of Hamilton endorse Councillor Judi Partridge to stand for election on FCM's Board of Directors for the period starting in June 2019 to the end of the 2018 – 2022 Council term; and

That Council assumes all costs associated with Councillor Judi Partridge attending FCM's Board of Directors meetings.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**7.2 Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property**

**(Johnson/Pearson)**

That all park rental and insurance fees, for Easter Egg Hunts held on City owned property, be permanently waived, effective immediately.

**(Clark/Pearson)**

- (a) That all park rental and insurance fees, for **2019** Easter Egg Hunts held on City owned property, be waived, effective immediately.
- (b) That the City in waiving the insurance premiums for Easter Egg Hunts, pay the said premiums on a one-time basis for 2019 from the Tax Stabilization Reserve;
- (c) That staff be directed to review the policy, compare it with other municipalities and report back by February 2020; and,

- (d) That groups that have paid the 2019 Game Day insurance premium for Easter Egg Hunts be reimbursed by the City.

**Result: Amendment CARRIED by a vote of 11 to 3, as follows:**

NO - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
NO - Councillor Nrinder Nann  
NO - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**Result: Main Motion, As Amended, CARRIED by a vote of 11 to 3, as follows:**

NO - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
NO - Councillor Nrinder Nann  
NO - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**7.3 Special Enforcement Area with Increased Fines – Webster and Tews Falls and the Dundas Peak**

**(VanderBeek/Partridge)**

WHEREAS, the increased visitors to Webster and Tews Falls and the Dundas Peak, Greensville and Dundas neighbourhoods are experiencing serious negative impacts that include, but are not limited to, the following:

- traffic and parking issues for local residents on local streets;

- visitors blocking roadways and residents' driveways; and,
- emergency vehicle access impacts for residents;

WHEREAS, the installation of "No Parking" signs, extra staff, proactive by-law enforcement on weekends, and use of existing parking enforcement by-laws/fine structures have not been sufficient to address traffic and parking issues;

WHEREAS, it is necessary to implement additional remedial measures at the start of the waterfall viewing season to provide some relief for local residents; and,

WHEREAS, staff, in consultation with the Ward 13 Councillor, have recommended piloting a Special Enforcement Area utilizing an increased fine structure and enforcement strategy.

THEREFORE, BE IT RESOLVED:

That the By-Law to Amend By-law 01-218 (being a By-law to Regulate On-Street Parking) to enforce parking related matters utilizing a Special Enforcement Area, and 17-225 (being a By-Law to Establish a System of Administrative Penalties) by adding Item 91 to Table 3, attached hereto as Appendix "A", be enacted.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- NOT PRESENT - Tom Jackson
- NOT PRESENT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeeck
- NOT PRESENT - Councillor Lloyd Ferguson
- NOT PRESENT - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

**7.4 Amendment to Item 6 of Planning Committee Report 19-003 respecting Demolition Permits for 255 Wellington Street North (PED19044) (Item 10.1)**

**(Pearson/Farr)**

That Item 6 of Planning Committee Report 19-003, **be amended** by deleting sub-section (a) and renumbering the balance accordingly, and the new sub-section (a) **be amended** as follows:

**3. Demolition Permit 255 Wellington Street North**

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- ~~(a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;~~
- (a) ~~That the said building permit specifies that if the~~ **That if the** replacement building is not erected **on this property** within four years of the demolition of the existing building ~~on the property~~, the City be paid the sum of \$20,000 which sum:
- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
  - (ii) is a lien or charge on the property until paid;
- (b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Chad Collins  
 NOT PRESENT - Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**7.5 Amendment to Item 7 of Planning Committee Report 19-003 respecting Demolition Permits for 257 Wellington Street North (PED19045) (Item 10.2)**

**(Pearson/Farr)**

That Item 7 of Planning Committee Report 19-003, **be amended** by deleting sub-section (a) and renumbering the balance accordingly, and the new sub-section (a) **be amended** as follows:

**2. Demolition Permit 257 Wellington Street North**

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- ~~(a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;~~
- (a) ~~That the said building permit specifies that if the~~ **That if a** replacement building is not erected **on this property** within four years of the demolition of the existing building ~~on the property~~, the City be paid the sum of \$20,000 which sum:
- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
  - (ii) is a lien or charge on the property until paid;
- (b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Chad Collins  
 NOT PRESENT - Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

## 7.6 Operations and Maintenance of the Central Composting Facility

### (Merulla/Nann)

WHEREAS, the current operations and maintenance contract for the City of Hamilton's (City) Central Composting Facility (CCF) commenced in June 2006;

WHEREAS, the current operations and maintenance contract for the CCF will expire on December 31, 2020;

WHEREAS, the City's CCF temporarily closed in June 2018 due to odour issues;



WHEREAS, the City's CCF restarted operations in February 2019;

WHEREAS, there is a good example of bringing the operation of a City owned facility in-house in the City's Wastewater and Water Treatment Plants; and,

WHEREAS, Committee and Council need to have all available information relating to the cost and staffing of maintaining and operating the CCF by comparing contracted and in-house service providers;

THEREFORE, BE IT RESOLVED:

- (a) That the Manager of Procurement be authorized and directed to issue a Request for Proposals for the operations and maintenance of the City's Central Composting Facility;
- (b) That the General Manager of Public Works be authorized and directed to establish an in-house bid team to prepare and submit a bid to the Request for Proposals with the potential to transfer the operations and maintenance of the City's Central Composting Facility from a contracted service provider to an in-house service, as outlined in the City's Procurement Policy #22 – In-House Bid Submission;
- (c) That the General Manager of Public Works be directed to submit an Information Report to the Public Works Committee in lieu of the report contemplated in the City's Procurement Policy #22 – In-House Bid Submissions, Section 4.22 subsection (2);
- (d) That staff be directed to conduct a risk assessment of contracted operations and maintenance versus in-house operations and maintenance with respect to the City's Central Composting Facility; and,
- (e) That staff report back to the Public Works Committee with recommendations, based on the results of the risk assessment and both the in-house bid and external bids received in response to the Request for Proposals for the City's Central Composting Facility.
- (f) That an Independent Third Party Fairness Monitor be involved to ensure the procedural fairness of the bidding process.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
NOT PRESENT - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger

NOT PRESENT - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**7.7 Mountable Curbs in Ward 14**

**(Whitehead/VanderBeek)**

That \$54,000 from Reserve #108064 – Ward 14 Area Rating Special Capital Reinvestment Reserve – be utilized to replace and/or repair mountable curbs in Ward 14 for 2019.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
NOT PRESENT - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

<b>NOTICES OF MOTION</b>
--------------------------

**8.1 Mountable Curbs in Ward 14**

**(Whitehead/VanderBeek)**

That the Rules of Order be waived in order to allow for the introduction of a Motion respecting Mountable Curbs in Ward 14.

**Result: Motion CARRIED by a 2/3's majority vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
NOT PRESENT - Tom Jackson

NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.7.

## 8.2 Removal of the Stop Sign at Atkins Drive and Golfwood Drive

Councillor Whitehead introduced the following Notice of Motion respecting Removal of the Stop Sign at Atkins Drive and Golfwood Drive.

WHEREAS, many of the community members in the Gurnett neighbourhood have requested the removal of the stop sign at Atkins Drive and Golfwood Drive;

THEREFORE BE IT RESOLVED:

That the stop sign at Atkins Drive and Golfwood Drive, be removed.

### STATEMENTS BY MEMBERS

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

### PRIVATE & CONFIDENTIAL

## 10.1 Closed Session Minutes – March 27, 2019

### (Whitehead/Jackson)

That the Closed Session Minutes dated March 27, 2019 be approved, as presented, and remain confidential.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**10.2 Appointments to Various City of Hamilton Agencies, Boards and Committees for the 2018-2022 Term**

**(Johnson/Nann)**

(a) That the following citizens be appointed to the Development Charges Stakeholders Sub-Committee, for a term commencing April 10, 2019, and until a successor is chosen:

1. Sean Ferris
2. James Summers

(b) That the following citizens be appointed to the Conservation Halton, for a term commencing March 27, 2019, and until a successor is chosen:

1. Joanne DiMaio
2. Zobia Jawed

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Chad Collins  
YES - Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
CONFLICT - Councillor Brad Clark

**10.3 Update on Paramedic Litigation and Employment Matter (LS19014/HUR19012/HSC19019) (City Wide)**

**(Merulla/Clark)**

That Report LS19014/HUR19012/HSC19019 respecting Update on Paramedic Litigation and Employment Matter, be received and remain confidential.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- NOT PRESENT- Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Tom Jackson
- YES - Mayor Fred Eisenberger
- NOT PRESENT - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- NOT PRESENT - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

<b>BY-LAWS</b>
----------------

**(Clark/Pearson)**

That Bills No. 19-065 to No. 19-076, be passed 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.**

- 19-065** To Adopt Official Plan Amendment No. 240 to the City of Hamilton Official Plan Respecting Part of 128 Barton Street West; Part of 271 Bay Street North; 239 and 259 Caroline Street North; 249 Hess Street North; Part of 242 Queen Street North; Part of 243 Queen Street North; 245 Queen Street North; 107 Stuart Street; 175 Stuart Street; Part of 232 Stuart Street; and 26, 28, 30, 32 and 26 Tiffany Street, Hamilton  
Ward: 1, 2  
**Not Final and Binding**
- 19-066** To Amend Zoning By-law No. 05-200, Respecting Lands Located within Barton Tiffany (Hamilton)  
Production Studio  
Ward: 1, 2  
**Not Final and Binding**
- 19-067** 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 Zones)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Schedule 20 (School Bus Loading Zones)  
Ward: 3, 4, 7, 13, 14
- 19-068** Being a By-law to Amend On-Street Parking By-law No. 01-218, and

Administrative Penalty By-law No. 17-255 to Create Special Enforcement Areas  
Schedule 23 (Special Enforcement Areas)  
Ward: 13

- 19-069** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 5 (Stop Control)  
Ward: 3, 6, 9, 11, 12, 15
- 19-070** Respecting Removal of Part Lot Control, Block 203 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 227, 229, 231, 233, 235 and 237 Skinner Road  
PLC-18-033  
Ward: 15
- 19-071** Respecting Removal of Part Lot Control, Block 209 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 59, 61, 63 and 65 Riverwalk Drive  
PLC-18-033  
Ward: 15
- 19-072** Respecting Removal of Part Lot Control, Block 210 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 67, 69, 71 and 73 Riverwalk Drive  
PLC-18-033  
Ward: 15
- 19-073** Respecting Removal of Part Lot Control, Block 213 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 93, 95, 97 and 99 Burke Street  
PLC-18-033  
Ward: 15
- 19-074** Respecting Removal of Part Lot Control, Block 214 and 215 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 101, 103, 105, 107, 109, 111, 113 and 115 Burke Street  
PLC-18-033  
Ward: 15
- 19-075** To Amend Zoning By-law No. 05-200, as amended by By-law No. 15-183, Respecting Lands Located at 82 Parkside Drive, Flamborough  
ZAH-18-039  
Ward: 15
- 19-076** To Confirm the Proceedings of City Council

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- NOT PRESENT- Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Tom Jackson

YES - Mayor Fred Eisenberger  
NOT PRESENT - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Merulla/Johnson)**

That, there being no further business, City Council be adjourned at 7:24 p.m. on April 10, 2019.

**CARRIED**

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon  
Acting City Clerk



March 28, 2019

Ms. Rose Caterini  
City Clerk  
The City of Hamilton  
City Hall, 71 Main Street W.  
Hamilton, ON L8P 4Y5

Dear Ms. Caterini:

**Re: Comments on Proposed Amendment 1 to the Growth Plan**

Council first considered this matter on February 28, 2019 (see enclosed). On March 21, 2019, following a successful reconsideration motion, Council then made the following further decisions on this matter:

**Moved by** Regional Councillor Hamilton  
**Seconded by** Regional Councillor Jackson

Whereas, Regional Council adopted comments to forward to the Province regarding 'Proposed Amendment 1 to the Growth Plan' at its Regional Council meeting on February 28, 2019, and

Whereas, Regional Council directed staff to bring forward any additional comments for consideration at its Committee of the Whole meeting on March 7th, 2019:

Therefore be it resolved that:

1. The Regional Municipality of York make additional comment to the Government of Ontario to amend the proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe as follows:
2. Amend proposed policy 2.2.7.2 to set the minimum density target for York Region's designated greenfield area to 50 residents and jobs per hectare.

**Carried**



**Moved by Mayor Scarpitti**

**Seconded by Regional Councillor Jackson**

1. Be it resolved that the Regional Municipality of York request that the provincial government not include provincially significant employment zones in the Growth Plan for the City of Markham and along the 400 corridor from approximately Major Mackenzie Drive to the King-Vaughan border (as shown on Attachment 2, page 3 of the Region's original submission) for the City of Vaughan, the current level of protections in the 2017 Growth Plan with respect to upper-tier official plans should be maintained, including the prohibition of institutional and sensitive land uses in employment areas that would have qualified as 'prime employment areas'.
2. That in the event provincially significant employment zones remain in the Growth Plan it is requested that, prior to providing recommendations on mapping changes, Regional staff be provided the opportunity for further discussion with Provincial staff regarding the criteria for selection of the mapped employment areas, the intent and use of the PSEZ, and refinement to the mapping to reflect local planning considerations.
3. And further, that if provincially significant employment zones are included in the Growth Plan, staff support the inclusion of provincially significant employment zones in MTSAs in principle; however, provincially significant employment zones are not supported within MTSAs in the Markham Centre Urban Growth Centre.
4. And further, that the Regional Municipality of York advise the provincial government that we have removed our request to designate the Future Employment Area in the City of Markham's 2014 Official Plan as a provincially significant employment area.

**Carried**

**Moved by Mayor Lovatt**

**Seconded by Mayor Scarpitti**

Whereas Highway 404 is one of the most significant pieces of infrastructure for people and major goods movement in York Region;

Whereas the lands along the Highway 404 corridor are highly valued for employment growth;

Whereas the majority of the undeveloped lands along Highway 404 are considered a buffer between key natural heritage features and settlement areas by the provincial plans;

Whereas freezing miles of land as a buffer to protect the natural heritage features in this area is not only unnecessary, but also a huge waste of municipal and provincial investment and economic development opportunities;

Whereas not all industrial developments are a threat to the environment;

Whereas the Town has a shortage of Industrial and Commercial assessment;

Whereas York Region has a very well-established and effective land use planning system that requires proposed industrial developments to undertake rigorous studies and thorough assessments to ensure there is no adverse environmental impact; and

Whereas the provincial review of the Growth Plan is a superb opportunity for York Region to identify new and attractive employment lands for growth and convert existing less desirable employment lands to other uses.

Therefore be it resolved

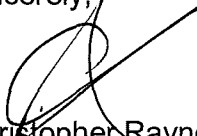
That Regional Council request the province to designate the lands on the east side of Highway 404 in the Town of Whitchurch-Stouffville, as identified in the attached map, Provincially Significant Employment Zone through Amendment #1 to the Growth Plan for the Greater Golden Horseshoe (2017).

**Carried**

The Council decision from February 28, 2019 and original staff report are enclosed for your information.

Please contact Paul Bottomley, Manager, Policy, Research and Forecasting at 1-877-464-9675 ext.71530 if you have any questions with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Raynor", written over a horizontal line.

Christopher Raynor  
Regional Clerk

Attachments

## Comments on Proposed Amendment 1 to the Growth Plan

On February 28, 2019 Regional Council made the following decision:

1. Council endorse this report and Attachments 1 and 2 as the Region's submission to the Province in response to the Environmental Registry of Ontario (ERO) postings: Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017 (ERO # 013-4504), Proposed Framework for Provincially Significant Employment Zones (ERO # 013-4506), Proposed Modifications to O.Reg. 311/06 (Transitional Matters – Growth Plans) (ERO # 013-4505) and Proposed Modifications to O.Reg. 525/97 (Exemption from Approval – Official Plan Amendments) (ERO 013-4507) *with the following amendment:*
  - a) *Council requests that the Province reduce the intensification target for York Region from 60% to 50%.*
2. The Regional Clerk forward this report and attachments to the Ministry of Municipal Affairs and Housing, the Clerks of the local municipalities and the Clerks of the other upper and single-tier municipalities in the GTHA.
3. *The Province be made aware that additional comments regarding provincially significant employment zones may be forthcoming.*

# The Regional Municipality of York

Committee of the Whole  
Planning and Economic Development  
February 21, 2019

Report of the Commissioner of Corporate Services and Chief Planner

## Comments on Proposed Amendment 1 to the Growth Plan

### 1. Recommendations

1. Council endorse this report and Attachments 1 and 2 as the Region's submission to the Province in response to the Environmental Registry of Ontario (ERO) postings: Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017 (ERO # 013-4504), Proposed Framework for Provincially Significant Employment Zones (ERO # 013-4506), Proposed Modifications to O.Reg. 311/06 (Transitional Matters – Growth Plans) (ERO # 013-4505) and Proposed Modifications to O.Reg. 525/97 (Exemption from Approval – Official Plan Amendments) (ERO 013-4507).
2. The Regional Clerk forward this report and attachments to the Ministry of Municipal Affairs and Housing, the Clerks of the local municipalities and the Clerks of the other upper and single-tier municipalities in the GTHA.

### 2. Summary

This report provides Council with proposed comments on the Province's proposed Amendment 1 to the Growth Plan, associated regulation changes and a framework for provincially significant employment zones for endorsement.

#### Key Points:

- Overall, staff generally support the direction of the proposed changes to the Growth Plan.
- Staff support proposed changes to intensification and density targets that apply to York Region and provincially significant employment zones, subject to modifications recommended in this report.
- Staff recommend that all employment land conversions and settlement area boundary expansions continue to be considered only at the time of a Regional municipal comprehensive review.

### **3. Background**

#### **Province is soliciting comments on proposed Amendment 1 to the 2017 Growth Plan**

The Provincial Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan) provides a long-term framework for managing growth and sets out where and how to grow. Policy direction on infrastructure planning and protecting resources is incorporated in the Plan as part of an integrated approach to growth management. The current Growth Plan came into effect in July 2017 and replaced the original 2006 Growth Plan. York Region's Official Plan and all land use planning decisions must conform with the Growth Plan.

In the fall of 2018, the Ministry of Municipal Affairs and Housing held a number of working group sessions and a stakeholder forum with representatives from the municipal sector, development industry and other stakeholder groups to discuss Growth Plan implementation issues, challenges and potential solutions.

#### **The deadline for comments is February 28, 2019**

On January 15, 2019, the Province released proposed Amendment 1 to the Growth Plan for comment. According to the Province, proposed changes are intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Comments are to be made through the Environmental Registry of Ontario (ERO) and are due by February 28, 2019. In addition to Amendment 1, there are associated postings for comment dealing with a Proposed Framework for Provincially Significant Employment Zones and modifications to two regulations related to Growth Plan implementation.

### **4. Analysis**

Staff comments on Amendment 1 to the Growth Plan are organized under the following themes: Intensification and Density Targets, Employment Planning, Settlement Area Boundary Expansion, Small Rural Settlements, Major Transit Station Areas and Agricultural and Natural Heritage Systems. Attachment 1 provides detailed comments.

#### **Overall, the proposed changes to the Growth Plan are generally supported**

Subject to the recommended modifications in this report and the attachment, overall, staff are generally supportive of the changes proposed for the Growth Plan. The proposed amendment maintains many of the key guiding principles of the current Growth Plan for York Region. These include prioritizing growth through intensification and higher densities for greenfield areas while providing increased flexibility for municipalities.

## INTENSIFICATION AND DENSITY TARGETS

### Proposed intensification targets reflect “one size does not fit all”

Throughout the consultation process, Greater Golden Horseshoe (GGH) municipalities highlighted the need for a “one size does not fit all” approach with respect to intensification targets. In response, Amendment 1 proposes application of different intensification targets for three geographic zones of upper and single-tier municipalities in the GGH. York Region is grouped with the City of Hamilton and the Regions of Peel and Waterloo, all with a minimum intensification target of 60 percent, the highest among the three zones. This means that 60 percent of residential growth is to occur within the Provincially delineated built-up area on an annual basis. This accelerates intensification from what is in the 2017 Growth Plan which phases in intensification from 50 percent to 2031 and then 60 percent from 2031 to 2041.

The second group of municipalities has an intensification target of 50 percent which includes the Regions of Durham and Halton, while the third group is to establish an intensification target based on maintaining or improving their current minimum intensification target. This multi-zoned approach recognizes varying abilities of different regions within the GGH to accommodate intensification. Table 1 below summarizes both intensification and Designated Greenfield Area density targets for the three zones.

**Table 1**  
**Intensification and Density Targets in Amendment 1**

<b>Municipalities by Geographic Zone</b>	<b>Intensification Target (Built-up area)</b>	<b>Designated Greenfield Area Density Target</b>
<b>Inner Zone</b>		
Regions of York, Peel, Waterloo and City of Hamilton	60%	60 residents and jobs per hectare
<b>Middle Zone</b>		
Cities of Barrie, Brantford, Guelph, Orillia and Peterborough and Regions of Durham, Halton and Niagara	50%	50 residents and jobs per hectare
<b>Outer Zone</b>		
City of Kawartha Lakes and the Counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe and Wellington	To establish a target based on maintaining or improving on their current minimum intensification target	40 residents and jobs per hectare

## **York Region is well-positioned to achieve increased intensification**

Staff support the placement of York Region within the Inner Zone and the associated intensification target. From 2006 to 2017, York Region has averaged 48 percent of annual housing growth occurring within the built-up area (i.e. 48% intensification rate). Significant investment in transit and other infrastructure combined with comprehensive planning for intensification allows York Region to accommodate the proposed intensification target. Over \$3 billion has been invested by all three levels of government in transit infrastructure in York Region including the Spadina subway extension and Bus Rapid Transit corridors along Highway 7, Yonge Street and Davis Drive, with additional transit expansions and improvement planned.

York Region's Centres and Corridors strategy has been in place since 1994 and local municipalities have been implementing the Regional structure by developing secondary plans for Regional and local centres and corridor intensification areas. In addition, there are opportunities for a range of more modest forms of intensification including smaller scale infill projects and second suites which will contribute to meeting the Region's intensification target.

## **Designated Greenfield Area density target is proposed to be maintained at 60 residents and jobs per hectare**

The current Growth Plan requires an overall minimum density of 60 residents and jobs per hectare for the existing Designated Greenfield Area and a minimum density of 80 residents and jobs per hectare for future urban expansion areas, if required. The proposed amendment would remove the requirement for a higher density for future urban expansion areas while maintaining the overall minimum 60 residents and jobs per hectare density target. This means that across the Designated Greenfield Area (excluding employment lands), both existing built and unbuilt areas together must reach a density of 60 residents and jobs per hectare.

Similar to the intensification target, the Province has taken an approach of customizing density targets by geographic zones of municipalities (see Table 1). York is grouped with the City of Hamilton and the Regions of Peel and Waterloo with a minimum density target of 60 residents and jobs per hectare. The second grouping of municipalities has a proposed minimum density target of 50 residents and jobs per hectare and third group, 40 residents and jobs per hectare.

Staff support the proposed minimum target of 60 residents and jobs per hectare across the Designated Greenfield Area. This is appropriate for York Region and also allows for the continued planning of the Region's New Community Areas at 70 residents and jobs per hectare, as set out in the Regional Official Plan. This density is intended to encourage the development of more complete communities.



## **Criteria for alternative intensification and Designated Greenfield Area density targets has been simplified**

Amendment 1 also proposes simplified criteria for establishing alternative intensification and Designated Greenfield Area targets. In considering alternative target requests, staff expect the Province will maintain the key principles and purpose of the Growth Plan. To do so, staff recommend that additional criteria be included when considering an alternative intensification target which would require improving upon the historic level of intensification being achieved in the upper or single-tier municipality. Consideration of alternative targets should only occur at the time of a municipal comprehensive review and not at any time as suggested by the proposed new policy.

## **Designated Greenfield Area minimum density targets proposed for other upper and single-tier municipalities is below transit supportive densities**

Although not directly applicable to York Region, a minimum Designated Greenfield Area density target of 40 or 50 residents and jobs per hectare is not considered to be transit supportive and does not generally promote walkable, compact and complete communities. The Designated Greenfield Area target of 50 residents and jobs per hectare as proposed is not equivalent to the 2006 Growth Plan 50 residents and jobs per hectare density policy since the latter included employment lands in the calculation which tend to be at a lower density than community lands. A Designated Greenfield Area density target at 40 or 50 for community lands is well below the minimum density target in the 2006 Growth Plan and could result in very low density and inefficient greenfield growth. Staff suggest that the Designated Greenfield Area target be set at 60 residents and jobs per hectare for all upper and single-tier municipalities in the Greater Golden Horseshoe in order to promote transit supportive and complete communities.

## **EMPLOYMENT PLANNING**

### **Consideration of employment land conversions should remain at the time of a municipal comprehensive review**

Under the current Growth Plan, conversions of employment lands to non-employment uses are only permitted through a municipal comprehensive review. Amendment 1 is proposing a one-time window for municipalities to undertake employment land conversions between the effective date of Amendment 1 and the next municipal comprehensive review, subject to criteria. Included in the criteria is a requirement to maintain a significant number of jobs on lands being proposed for conversion.

In staff's view, employment land conversions should continue to be considered only at the time of a municipal comprehensive review. In addition to other criteria, conversion of employment lands need to be assessed in the context of the Region's employment land base, regional employment trends and employment forecast for the local municipality and the Region. The proposed requirement to maintain "a significant number of jobs" on the lands

being considered for conversion is vague and open to a wide range of interpretation. If the Province decides to maintain this proposed policy, it is staff's recommendation that only municipally initiated employment land conversions be considered as part of the one-time window. In addition, the Province should clarify the wording in Amendment 1 to indicate that only a one-time window is being proposed.

Since York Region's Municipal Comprehensive Review process is currently well underway, it is not clear whether this new provision in the Growth Plan would apply to York Region. To date, York Region has received over 30 requests for employment land conversions. To evaluate these areas comprehensively, it is recommended that York Region continue with the current process of assessing employment land conversions only as part of the municipal comprehensive review.

### **Province is proposing provincially significant employment zones**

Associated with Amendment 1 is a proposed framework for provincially significant employment zones identified by the Minister of Municipal Affairs and Housing. Areas within these zones are deemed to be crucial to the province's economy and would not be able to be converted outside of a municipal comprehensive review. The proposed provincially significant employment zones mapping is shown in Attachment 2 (page 1). Twenty-nine zones across the Greater Golden Horseshoe are identified. Four zones include lands within York Region. Collectively, these zones cover a significant portion of the Region's employment land base in southern York Region (see page 2 of Attachment 2). The ability to designate prime employment areas as set out in the current Growth Plan would be removed under Amendment 1. Prime employment areas are defined as land extensive and low density employment uses that require locations near major good movement facilities and corridors.

Staff support identifying provincially significant employment zones to protect the Region's employment land base. It is recommended that the Province add designated employment lands along 400 series highways in the Region as shown on pages 3, 4 and 5 of Attachment 2: These areas all have potential to be significant concentrations of employment and economic output when they are developed and need to be protected for employment land uses. Any potential conversions should be considered comprehensively through the municipal comprehensive review. In addition to including these areas, staff recommend minor modifications to the boundaries of the zones proposed by the Province to include the full extent of the employment areas.

### **Province should clarify the intent of the change in definition of Office Parks**

Amendment 1 proposes to change the definition of office parks by deleting wording that states that they are employment areas designated in an official plan. This could be interpreted that office parks in employment areas would no longer be considered employment lands and therefore not subject to employment land conversion policies. Staff assume this is not the intent and request the Province to clarify the definition and policies around office parks.

## **SETTLEMENT AREA BOUNDARY EXPANSION**

### **The proposed amendment would permit small scale settlement area boundary expansions outside of a municipal comprehensive review**

Amendment 1 would allow a settlement area boundary expansion in advance of a municipal comprehensive review subject to the following requirements: the lands will achieve the Designated Greenfield Area density target or applicable employment area density target, the location of the lands will meet applicable Growth Plan requirements, the proposed area is not a rural settlement or in the Greenbelt, is no larger than 40 hectares, is municipally serviced with available capacity and will be taken into account in the forecast and land needs assessment for the next municipal comprehensive review.

Staff recommend any area boundary expansions only be considered at the time of a municipal comprehensive review when there can be a full assessment of the need for the expansion in the context of the overall Regional structure, supporting infrastructure and population and employment forecasts.

If the Province proceeds with this policy, the Province should specify there is a limit of a potential total expansion of 40 hectares outside of the municipal comprehensive review process. In addition, if this policy is maintained, any potential 40 hectare settlement area expansion should only occur if municipally initiated by an upper or single-tier municipality.

Amendment 1 also proposes a new policy which allows adjusting settlement area boundaries outside of a municipal comprehensive review provided there would be no net increase in land within settlement areas. The adjustment would need to support the ability to meet intensification and density targets and must not be a rural settlement or in the Greenbelt. Staff are not supportive of this policy as it could result in ad hoc exchanges of lands in the settlement area without regard to the impacts on overall Regional urban structure, necessary infrastructure and population and employment forecasts.

### **Criteria for determining the location of settlement area boundary expansions have been simplified**

The current Growth Plan contains criteria to determine feasibility and the most appropriate location for urban boundary expansions. Amendment 1 simplifies requirements and introduces more flexibility while maintaining key considerations in evaluating locational options for urban expansion. The amended criteria are intended to focus more on outcomes and demonstrating that a particular criterion has been met rather than specifying studies that need to be completed. The revised criteria are generally reasonable, subject to the recommended modifications in Attachment 1, since it maintains the key considerations for evaluating potential urban boundary expansions.

## **SMALL RURAL SETTLEMENTS**

### **Proposed amendment recognizes the role of small rural settlements in accommodating growth**

Under the current Growth Plan, many of the Region's hamlets and other rural settlement areas are categorized as undelineated built-up areas. These are settlement areas for which the Province has not delineated a built boundary. Initially, these areas were to be treated as part of the Designated Greenfield Area. In 2018, a regulation was passed that restricted this requirement to undelineated areas outside of hamlets in the Greenbelt Plan and rural settlements in the Oak Ridges Moraine Conservation Plan. In York Region, Ballantrae, Fairfields Estates and Maple Lake Estates remain as undelineated areas that are to be treated as part of the Designated Greenfield Areas. Inclusion of these areas in the Designated Greenfield Area make it more challenging to meet the required density target since they are developed and planned for relatively low densities.

Amendment 1 introduces a new term, rural settlements, which are existing hamlets or similar small settlement areas that are long-established and identified in official plans. The term "undelineated built-up area" is proposed to be deleted. These changes are reasonable since rural settlement areas are intended to accommodate relatively modest levels of growth at lower densities and should not be part of the Designated Greenfield Area.

A proposed new Growth Plan policy would allow for minor boundary adjustments of non-Greenbelt rural settlements outside of a municipal comprehensive review. The change would constitute minor rounding out of existing development in keeping with the rural character of the area, subject to confirmation that servicing can be provided and subject to provisions in the Provincial Policy Statement. Similar to the settlement area expansion policies, staff are of the view that boundary expansions of rural settlements should only be considered as part of a municipal comprehensive review. The fact that "minor" is not a defined term could potentially lead to broad interpretation of this policy. If the Province decides to proceed with this policy, rural settlement boundary adjustments should be municipally initiated.

## **MAJOR TRANSIT STATION AREAS**

### **More streamlined and flexible approach is proposed for delineating Major Transit Station Areas**

Major Transit Station Areas (MTSAs) are defined under the Growth Plan as the area including and around existing and planned higher order transit stations or stops within a settlement area. York Region is required to delineate and set minimum density targets for MTSAs located within provincially defined priority transit corridors. There is also the option to identify MTSAs beyond these corridors. MTSAs are classified as Strategic Growth Areas and are to be planned for specified minimum densities in the Growth Plan (e.g. 160 residents and jobs per hectare for Bus Rapid Transit stations).

Amendment 1 allows municipalities to delineate and set density targets for MTSAs in advance of the municipal comprehensive review, subject to identifying the MTSAs as “Protected” under the Planning Act. This provision protects MTSAs from planning appeals related to issues of land use, building height and density. The delineation and setting of density targets for MTSAs is currently well underway as part of the York Region municipal comprehensive review process. Therefore, this provision would likely not result in a more expedited process, at least for the current municipal comprehensive review. Going forward, it would be beneficial to employ a streamlined approach to delineate and set targets for new MTSAs or modifications to existing MTSA boundaries and/or density targets. This process can occur outside of the municipal comprehensive review since the density targets for MTSAs are long term targets that are most likely to be achieved beyond the horizon of the Growth Plan.

### **Province is proposing to simplify the process and criteria for alternative minimum density targets for Major Transit Station Areas**

Separate approval by Council and the Minister would no longer be required for alternative minimum density targets for Major Transit Station Areas. The proposed criteria considers whether development is severely restricted or prohibited by provincial policy as well as consideration whether a major trip generator or transit feeder service will sustain high ridership at the station. Staff request that an additional criterion be included which provides additional flexibility for the context of the lands surrounding a major transit station which may not be appropriate for extensive intensification (e.g. King City GO Station Major Transit Station Area).

Amendment 1 also clarifies that MTSA delineation can range from an approximate 500 to 800 metre radius of a transit station. This provides flexibility for situations where it is appropriate for a MTSA boundary to extend beyond 500 metres to include nearby intensification areas or areas of existing high density development.

The Province has also requested feedback on the question of whether employment areas that overlap with major transit station areas should be included in the provincially significant employment zones and implications associated with potential conversion requests. In staff’s view, MTSAs without residential uses can exist in employment areas and provincially significant employment zones at transit supportive densities.

### **AGRICULTURAL AND NATURAL HERITAGE SYSTEMS**

#### **Provincial agricultural lands and natural heritage system mapping may be refined through the municipal comprehensive review**

The Province is proposing that provincial mapping of the agricultural land base and Natural Heritage System does not apply until it has been implemented in upper and single-tier official plans. This direction is consistent with previous Regional comments on draft Provincial guidance for the Natural Heritage System and Agricultural System submitted in 2017.

Municipalities would be able to refine and implement mapping in advance of the municipal comprehensive review. Once provincial mapping of the agricultural land base has been implemented in official plans, further refinement may only occur through a municipal comprehensive review. During the period before provincial mapping is implemented in official plans, it is proposed that the Growth Plan policies for protecting prime agricultural areas and natural heritage systems apply. Staff support this proposed policy direction.

### **Proposed Growth Plan Amendment 1 supports objectives of Vision 2051, the Strategic Plan 2015 to 2019 and Regional Official Plan**

Provincial growth management policies in the Growth Plan have direct impact on Vision 2051 goals including Creating Liveable Cities and Complete Communities. The Growth Plan policies also support achievement of the Strategic Plan 2015 to 2019 objectives of ensuring optimal locations for business and employment growth are available, and encouraging growth in Regional Centres and Corridors. The Growth Plan and the proposed amendment support the key themes of the Regional Official Plan: a Sustainable Natural Environment, Healthy Communities and Economic Vitality.

## **5. Financial**

As part of the current Regional municipal comprehensive review process, Regional population and employment forecasts will be updated to 2041, consistent with Growth Plan policies. The growth forecast will be used in the next update of the development charges by-law. The proposed minimum intensification target of 60 percent will require directing growth to areas with existing infrastructure but will also require a continued shift in the housing market towards higher density forms of housing in areas with infrastructure investment providing the opportunity to capitalize on the existing investment.

A lower than anticipated growth rate for either ground-related or higher density housing could result in a shortfall of projected development charges collections and assessment growth revenue. This could cause delays in capital cost recovery, impact costs for debt repayment, create pressures on the Region's operating budget and result in a need for potential deferrals of elements in the capital program. Staff will be assessing financial implications and will report back to Council with a fiscal strategy.

## **6. Local Impact**

The proposed Growth Plan Amendment has direct implications for local municipalities. The new intensification target will affect local municipal intensification targets and growth forecasts. The other proposed changes to the Growth Plan will have potential local municipal impacts with regards to planning for new communities, centres and corridors planning and employment land planning.

Local municipal staff are working alongside the Region in updating their official plans to reflect the policies in the updated Regional Official Plan generated through the Regional

municipal comprehensive review, once approved. Under the Planning Act, local municipal official plans are required to update to conform to the ROP within one year of it coming into effect.

## 7. Conclusion

This report has provided a summary of staff's comments on the Province's proposed Amendment 1 to the Growth Plan. Proposed policies in the areas of Intensification and Density Targets, Employment Planning, Settlement Area Boundary Expansion, Small Rural Settlements, Major Transit Station Areas and Agricultural and Natural Heritage Systems are generally supported by staff subject to the comments outlined in this report.

It is recommended that staff submit this report and the attachments to the Province as the formal submission in response to proposed Amendment 1 to the Growth Plan. Once the Growth Plan changes are finalized, staff will assess the impacts of any further changes to the current Regional municipal comprehensive review process and report back to Council as necessary.

---

For more information on this report, please contact Paul Bottomley, Manager Policy, Research and Forecasting at 1-877-464-9675 ext.71530. Accessible formats or communication supports are available upon request.

Recommended by:

**Paul Freeman**  
Chief Planner

**Dino Basso**  
Commissioner of Corporate Services

Approved for Submission:

**Bruce Macgregor**  
Chief Administrative Officer

February 8, 2019  
Attachments (2)  
eDOCS # 9132693

## Attachment 1

### York Region Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017 (ERO # 013-4504), Proposed Framework for Provincially Significant Employment Zones (ERO # 013-4506), Proposed Modifications to O.Reg. 311/06 (Transitional Matters – Growth Plans) (ERO # 013-4505) and Proposed Modifications to O.Reg. 525/97 (Exemption from Approval – Official Plan Amendments) (ERO 013-4507)

#### ERO # 013- 4504 Amendment 1 to the Growth Plan for the Greater Golden Horseshoe

<b>General Comments</b>	
	<p>York Region staff are generally supportive of the Province’s direction proposed in Amendment 1 for York Region of continuing to prioritize growth through intensification and increasing flexibility for municipalities.</p> <p>The Growth Plan presents challenges for the Region with respect to meeting growth targets and providing the necessary infrastructure to service that growth. It is recommended that the review of the Growth Plan result in consequential amendments to other regulations to streamline Environmental Assessment and other provincial approval processes to bring infrastructure online more quickly to service designated and planned growth.</p>
<b>Intensification and Density Targets</b>	
2.2.2.1, 2.2.7.2	<p>Staff support the proposed minimum intensification target of 60 percent and the Designated Greenfield Density Target of 60 residents and jobs per hectare for York Region. Both are appropriate and reasonable targets for York Region given the level of transit infrastructure investment and the well-established land use planning framework for Regional centres and corridors as well as local centres and corridors and other intensification areas.</p> <p>Although not applicable to York Region, staff note that the proposed DGA densities of 40 and 50 residents and jobs per hectare proposed for the other two groups of municipalities in the GGH are lower than typical subdivisions being built today and are lower than the 2006 Growth Plan 50 density target since the 2006 DGA density calculation included employment lands (which are typically at a lower density than community lands). In staff’s view, the Designated Greenfield Area target should be set at 60 for all municipalities in order to promote transit supportive complete communities.</p>
2.2.2.4, 2.2.7.4	<p>Staff accept the reduced criteria for alternative intensification and density targets provided that the prime direction of the Growth Plan of prioritizing growth intensification is maintained when the Province is assessing alternative targets. An additional criterion is also recommended that requires that an alternative intensification target be higher than historic intensification levels.</p> <p>The proposed amendment states that Councils can request alternative targets for intensification at any time and not be restricted by the timing of a MCR. Alternative targets should only be requested at the time of a MCR in order to properly align with forecasting and</p>



	growth management work that is undertaken as part of the MCR.
<b>Employment Planning</b>	
2.2.5.10	<p>Staff recommend employment land conversions remain at the time of a Regional municipal comprehensive review. Conversions of employment lands need to be assessed in the context of the overall Regional employment land base and employment forecast. In addition, the requirement to maintain “a significant number of jobs” on lands being considered for conversion is too vague and open to a wide range of interpretation.</p> <p>Notwithstanding staff’s position stated above, if the Province decides to proceed with the one-time window for conversions, these should be limited to only municipally initiated conversions. Staff also request that language be clarified in the amendment to indicate that it would be only a one-time window for conversions.</p> <p>Staff request clarification on what constitutes “at the time of next municipal comprehensive review” in the context of the “one time window” for considering employment land conversions? It is not clear if this provision only applies to municipalities that have not commenced their municipal comprehensive review processes?</p>
2.2.5.4	Staff accept the proposed change to require municipalities to set multiple density targets for employment areas rather than a single target.
2.2.5.5 2.2.5.6 2.2.5.7	Staff agree with the policy direction on locating and preserving employment areas adjacent to major goods movement facilities and corridors and the requirement to provide for an appropriate interface between employment areas and adjacent non-employment areas. Staff also support the proposed policy to allow for employment area designations to be incorporated into upper or single-tier official plans by amendment at any time in advance of the next MCR.
2.2.5.8	This policy should prioritize the minimization or mitigation of adverse impacts on sensitive land uses and not the other way around.
2.2.5.12	Staff support identifying provincially significant employment zones to protect the Region’s employment land base but as stated above, maintain that all employment land conversions should only be considered at the time of a Regional municipal comprehensive review. Comments on the mapping for the provincially significant employment zones are provided under the comments section on the Proposed Framework for Provincially Significant Employment Zones in this Attachment.
2.2.5.14	“Outside of employment areas, redevelopment of any employment lands should retain space for a similar number of jobs to remain accommodated on site.” Suggest simplifying this policy to say that the redevelopment should accommodate a similar number of jobs.
Definitions	<p>Province should add a definition of provincially significant employment zones in the definition section of the Growth Plan.</p> <p>Amendment 1 proposes to change the definition of office parks to delete the component of the definition that states they are employment areas designated in an official plan. This could</p>

	<p>be interpreted that office parks in employment areas would no longer be considered employment lands and therefore would not be subject to any employment land conversion policies. Assuming this is not the intent, staff request the Province to clarify the definition and policies around office parks.</p>
<p><b>Settlement Area Boundary Expansion</b></p>	
<p>2.2.8.5 2.2.8.6</p>	<p>Settlement area boundary expansions should only be considered at the time of a municipal comprehensive review (MCR) when there can be a full assessment of the need for the expansion in the context of the overall Regional structure, supporting infrastructure and population and employment forecast.</p> <p>If the Province proceeds with this policy, it should be clarified there is a limit of a potential total expansion of 40 hectares outside of the MCR process. In addition, if this policy is maintained, any potential 40 hectare settlement area expansion should only occur as a result of an upper or single-tier municipally initiated process.</p>
<p>2.2.8.4</p>	<p>Staff do not support the proposed provision allowing municipalities to adjust settlement area boundaries outside the MCR if there is no net increase in land within the settlement area. This policy could lead to multiple ad hoc adjustments across the Region without proper regard for the Region’s population and employment forecast, planned urban structure and other considerations in planning for appropriate locations for growth. In addition, it is not clear whether the exchange of lands in the Province’s proposed policy would be an exchange of the same type of lands. For example, could there be an exchange of non-developable lands within the settlement area for developable lands outside of the settlement area?</p>
<p>2.2.8.3</p>	<p>Staff generally support the amended criteria to evaluate locations for settlement area boundary expansions which provide more flexibility and focus on outcomes rather than specific studies in meeting requirements. Staff do have concerns regarding the change in Section 2.2.8.3.d – which proposes to change the language from stating that the proposed expansion including the associated water, wastewater and stormwater servicing would not negatively impact the water resource system to minimize and mitigate potential negative impacts on watershed conditions. This is counter to other Provincial direction including source water protection and Section 4.2.1. – Water Resource Systems in the Growth Plan.</p>
<p><b>Small Rural Settlements</b></p>	
<p>2.2.9.7</p>	<p>Any boundary expansions of rural settlements should occur as part of a municipal comprehensive review. In addition, the lack of definition for the term “minor” could lead to misuse of this policy. If the Province decides to proceed with this policy, rural settlement boundary adjustments should be municipally initiated.</p>
<p>2.2.9.7.c</p>	<p>It is recommended that this section specify that servicing is achievable through reserve infrastructure capacity, similar to how it is addressed in section 2.2.8.5.d</p>
<p>Definitions</p>	<p>Staff support removal of the term “undelineated built-up area” and introduction of the defined term rural settlement to recognize areas which are not intended to accommodate significant</p>

	growth and which would not be considered part of the Designated Greenfield Area.
<b>Major Transit Station Areas</b>	
2.2.4.4	Staff request an additional criterion be added to allow alternative minimum density targets for MTSA's that have very limited intensification potential in both the short and long term based on existing development in the surrounding lands.
2.2.4.5.	Staff support the proposed policy to allow municipalities to delineate and set density targets for MTSA's in advance of the municipal comprehensive review. Staff note that this process is already underway as part of the Region's current MCR, so the new provision would likely not result in a more expedited process for the current MTSA delineation and target setting process. Going forward, it would be useful to employ a streamlined approach to delineate and set targets for new MTSA's or modifications to existing MTSA boundaries and/or density targets.
Definitions	Staff support additional flexibility provided in clarifying that MTSA's can range from an approximate 500 to 800 metre radius from a transit station subject to our comments on Section 2.2.4.5, giving flexibility to municipalities.
<b>Agricultural and Natural Heritage Systems</b>	
4.2.2.4 4.2.2.5 4.2.6.7 4.2.6.8	<p>Staff support proposed changes that specify provincial mapping of the agricultural land base and Natural Heritage System for the Growth Plan does not apply until implemented in the Regional Official Plan as well as the ability for municipalities to refine and implement provincial mapping in advance of the MCR. This provision provides upper and single-tier municipalities with the flexibility to advance the work associated with the mapping and policies required to conform to the Growth Plan or undertake it during the municipal comprehensive review process.</p> <p>Staff also agree with the specification that once provincial mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a MCR.</p>
4.2.6.3	With respect to the interface between agricultural and non-agricultural uses outside of settlement areas, staff agree with the new provision that mitigation measures, where appropriate, should be based on an agricultural impact assessment.
<b>Other Areas</b>	
1.2	Request clarification on how the Province is defining "market demand" and how that is to be balanced while ensuring housing supply meets local need through a full range and mix of housing types and tenures including affordable housing. Market demand should not be prioritized over unsustainable forms of development. The Province could consider linking the phrase "what is needed in local communities" to local housing needs identified through 10-year housing and homelessness plans, which would align with Growth Plan section 2.2.6.1.c.

York Region Comments – Proposed Growth Plan Amendment 1

	<p>With respect to rental housing supply, municipalities lack the necessary tools and resources to match demand with supply. The Province should consider introducing new tools, such as the ability to zone by tenure recently introduced in British Columbia, to assist municipalities in responding to market and local community needs.</p> <p>Staff support the Province's mandate of putting people first. To support this, it is recommended that re-inclusion of social equity in the Vision is needed. As noted in Section 2.2.1.4, social equity is an important element in complete communities where people live, work and play.</p>
2.1	<p>In third last paragraph of Section 1.2. request removing “in larger urban centres” and adding a revision that would indicate that all communities need to grow at transit supportive densities appropriate for the local context and transit service being contemplated, rather than just those in larger urban centres.</p> <p>As identified in York Region's submission on the Made-in-Ontario Environment Plan, the Growth Plan provides critical direction that supports Greenhouse Gas reduction and community resilience. It is recommended that the proposed GHG reduction target of 30% below 2005 levels by 2030 be considered a minimum. The Province is encouraged to establish a longer term (2050 target) aligned with the Intergovernmental Panel on Climate Change.</p>
2.2.1	<p>Section 2.2.1.4.f. – Amendment 1 proposes to remove the reference to “low carbon communities”, staff question how will the objective of being more environmentally sustainable be measured?</p> <p>Section 2.2.1.4.g. – Request that the word “appropriate” be removed with reference to low impact development. The inclusion of this word weakens the policy direction for the implementation of green infrastructure.</p>
2.2.6.1	<p>Staff accept the proposed removal of the requirement for a formal Housing Strategy but also recognize that the Housing Strategy is a key input to the Provincial Land Needs Assessment Methodology. Staff recommend that the Province amend the current Land Needs Assessment Methodology (LNA) to reflect the removal of the Housing Strategy. It should also be recognized that there will still be the need to plan for housing need with respect to determining housing mix options and affordable ownership and rental targets which will be required as inputs to the LNA.</p>
3.1	<p>In second paragraph, recommend returning text to “lower density development” from unmanaged growth in the statement “costs could be saved by moving from unmanaged growth to a more compact built form.” Unmanaged growth could include both low and high density development. The statement makes more sense as previously written since lower density development is generally more costly to service.</p> <p>More generally, there is reference throughout the proposed Amendment to “unmanaged growth.” This term implies municipalities and the Province have had little control over growth</p>

	<p>in the GGH. It is recommended that a term such as “non-transit supportive growth” or similar be used.</p> <p>It is stated that the Plan aligns with provincial asset management regulations on page 26. It is recommended that consideration be given to protecting lands needed to facilitate asset management activities (e.g. easements) through a similar mechanism used to protect for transit corridors or employment areas.</p>
3.2.6.2.c, 3.2.7.1a, & 4.2.1.3	<p>Water and Wastewater Systems, Stormwater Management, Water Resource Systems</p> <p>It is recommended that “or equivalent” be removed. Watershed plans are important tools that help ensure drinking water sources are protected and should not be overridden.</p>
4.2.10	<p>Climate Change</p> <p>It is recommended the Province define what “other provincial plans and policies” take the place of the Ontario Climate Change Strategy. It would be beneficial for these to be defined to provide clarity on the guidance municipalities can use to ensure a consistent approach in developing vulnerability risks assessments, assessment of climate change impacts, etc.</p>
5.2.2	<p>Supplementary Direction</p> <p>Staff have concern regarding the potential for the Province to identify, establish or update “provincially significant employment zones” without consultation with municipalities. Recommend modifying this direction by inserting “in consultation with upper and single tier municipalities.”</p>

**ERO # 013- 4506**

**Proposed Framework for Provincially Significant Employment Zones**

Staff support the concept of provincially significant employment zones to be identified by the Minister of Municipal Affairs and Housing. Recommended modifications to the employment zone mapping are provided in Attachment 2 (pages 3, 4 and 5). The modifications consist of areas that Regional staff are proposing be added based on local municipal employment area designations as well as areas recommended for removal based on non-employment land use designations. The mapping in Attachment 2 highlights selected larger suggested modifications to the provincially significant employment zone boundaries. It is requested that Provincial staff follow-up with York Region staff to review in detail the complete proposed mapping modifications. Staff are proposing that designated employment lands along 400 series highways in the Region be added as provincially significant employment zones. These areas have potential to be significant concentrations of employment and economic output when developed and need to be protected for employment uses.

The Province is seeking feedback on whether employment areas that overlap with MTSAs should be included in the provincially significant employment zones. In our view, certain MTSAs may only have employment generating uses but at transit supportive densities, therefore, there is no need to exclude MTSAs from provincially significant employment zones.

**ERO # 013- 4505**

**Proposed Modifications to O.Reg.311/06 (Transitional Matters – Growth Plans)**

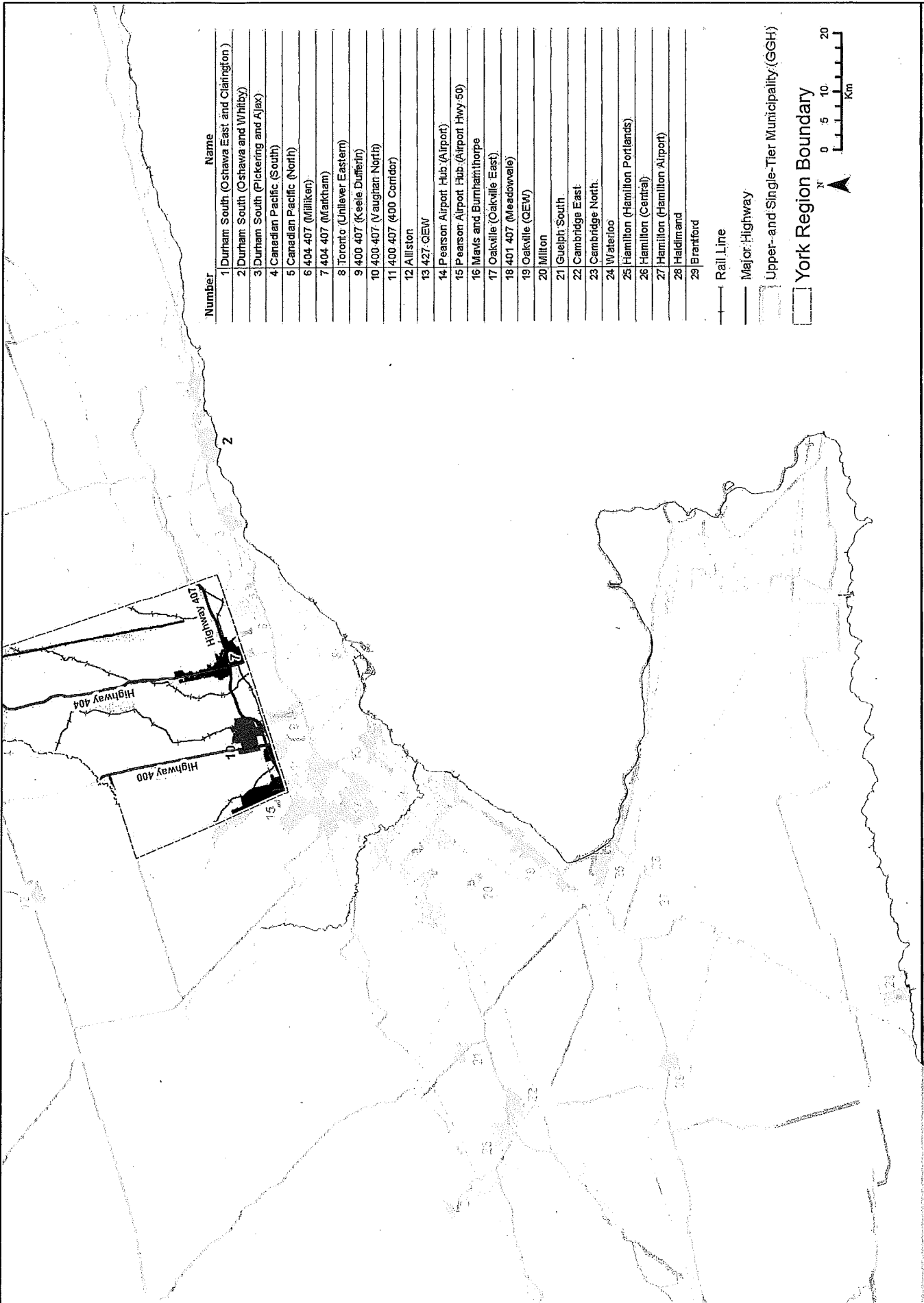
This regulation prescribes transition provisions for growth plans under the Places to Grow Act.

Although staff have been advised by Provincial staff that this regulation does not propose to eliminate the standard land needs assessment methodology, staff want to re-iterate the importance of having a consistent standard approach to land needs assessment. Staff support the current land needs assessment methodology as set out by the Province. In regards to this transition regulation, the Province is also seeking feedback as to whether there are any specific planning matters in process that should be addressed through the transition regulation. Staff would agree with the example provided by the Province that adopted official plan amendments under appeal should be subject to a transition regulation.

**ERO # 013- 4507**

**Proposed Modifications to O.Reg.525/97 (Exemption from Approval – Official Plan Amendments)**

The purpose of this regulation is to facilitate the proposed amendments to the Growth Plan that would allow municipalities the flexibility to make changes to their official plan to implement the Agricultural System for the Greater Golden Horseshoe mapping or the Natural Heritage System for the Growth Plan mapping before their next municipal comprehensive review, while ensuring that the Minister's approval would be required for these changes. Staff support the proposed changes to the regulation.



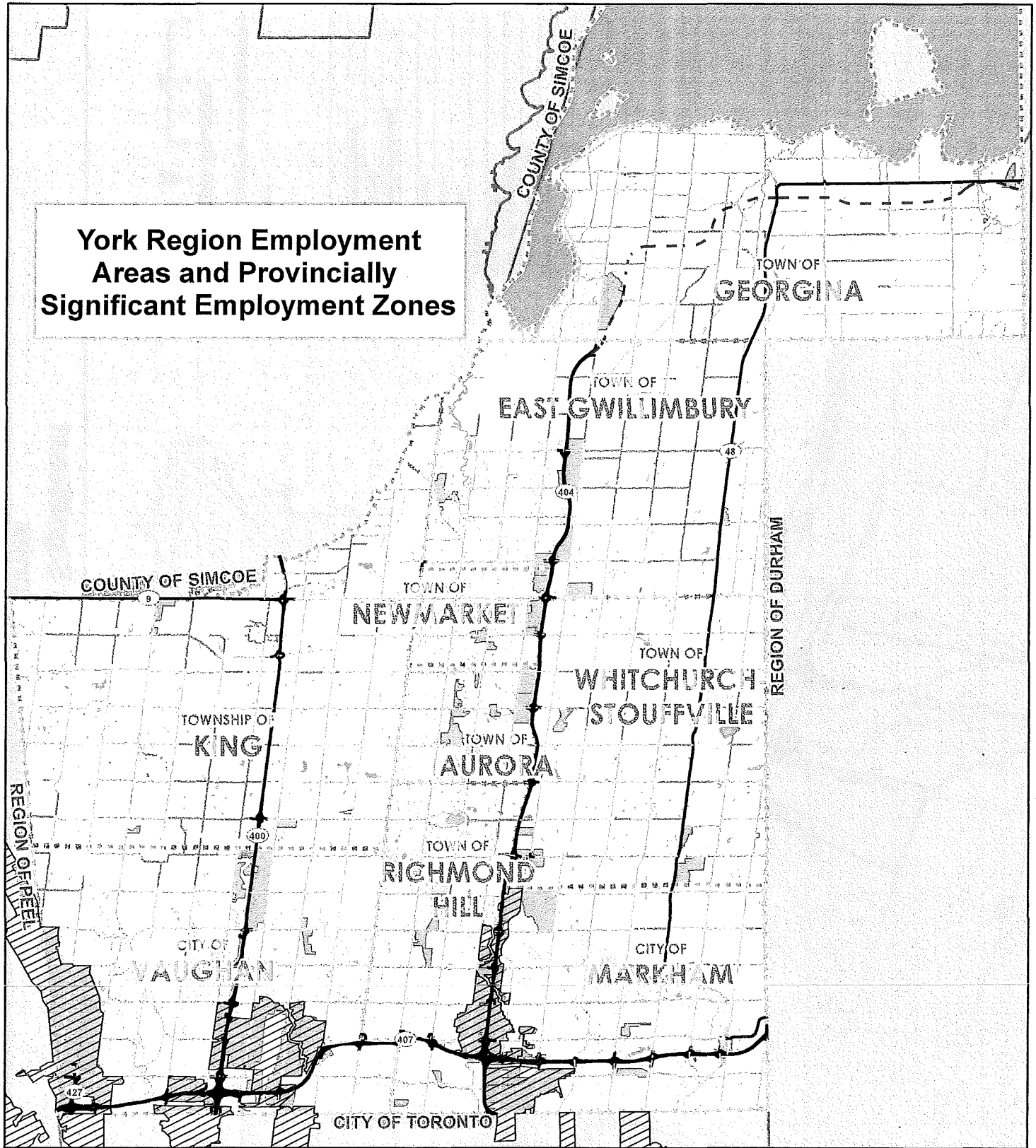
Number	Name
1	Durham South (Oshawa East and Clarington)
2	Durham South (Oshawa and Whitby)
3	Durham South (Pickering and Ajax)
4	Canadian Pacific (South)
5	Canadian Pacific (North)
6	404-407 (Milliken)
7	404-407 (Markham)
8	Toronto (Unilever Eastern)
9	400-407 (Keele/Dufferin)
10	400-407 (Vaughan North)
11	400-407 (400 Corridor)
12	Alliston
13	427-OEW
14	Pearson Airport Hub (Airport)
15	Pearson Airport Hub (Airport Hwy 50)
16	Mavis and Burnhamthorpe
17	Oakville (Oakville East)
18	401-407 (Meadowdale)
19	Oakville (OEW)
20	Milton
21	Guelph South
22	Cambridge East
23	Cambridge North
24	Waterloo
25	Hamilton (Hamilton Portlands)
26	Hamilton (Central)
27	Hamilton (Hamilton Airport)
28	Haldimand
29	Brantford

Rail Line  
 Major Highway  
 Upper- and Single-Tier Municipality (GGH)  
 York Region Boundary

N  
 0 5 10 20 Km

**Proposed Provincially Significant  
Employment Zones**

# York Region Employment Areas and Provincially Significant Employment Zones

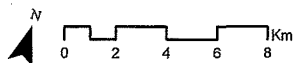


## REGIONAL MUNICIPALITY OF YORK Proposed Provincially Significant Employment Zones (PSEZ)



Produced by:  
The Regional Municipality of York  
Planning and Economic  
Development, Corporate Services  
March 2019

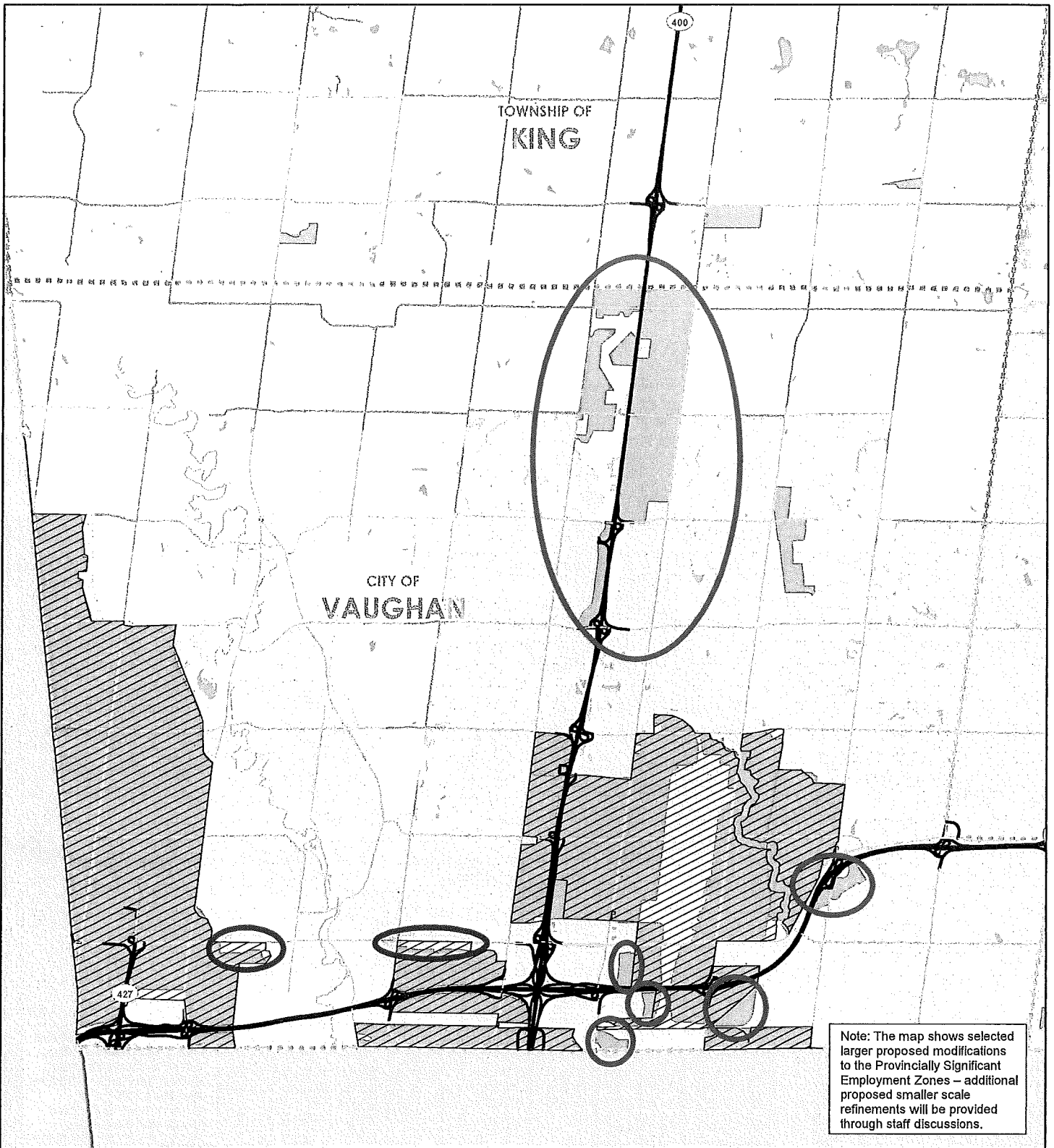
Data: © Queen's Printer for Ontario  
2003-2019



### Legend

- York Region Employment Areas
- PSEZ Boundaries as per Amendment 1
- Towns and Villages
- Urban Area
- Lake/River
- Highway
- Highway 404 Extension
- Road
- Railway
- Municipal Boundary
- Regional Boundary





## REGIONAL MUNICIPALITY OF YORK

### Proposed Provincially Significant Employment Zones (PSEZ)



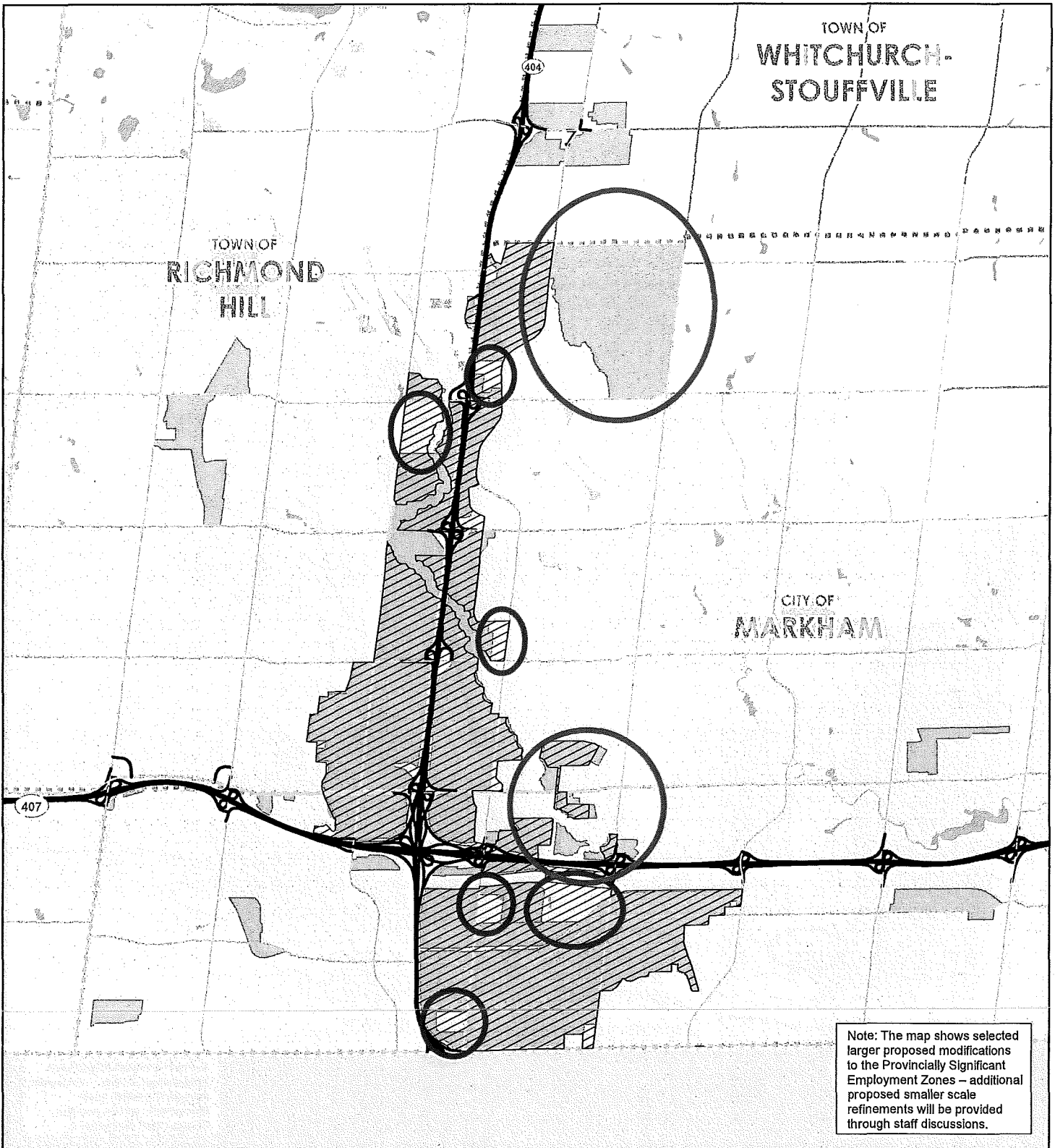
Produced by:  
The Regional Municipality of York  
Planning and Economic  
Development, Corporate Services  
March 2019

Data: © Queen's Printer for Ontario  
2003-2019



### Legend

- |  |                                       |  |                    |
|--|---------------------------------------|--|--------------------|
|  | York Region<br>Employment Areas       |  | Highway            |
|  | PSEZ Boundaries<br>as per Amendment 1 |  | Road               |
|  | Towns and Villages                    |  | Railway            |
|  | Urban Area                            |  | Municipal Boundary |
|  | Lake/River                            |  | Regional Boundary  |
|  | Recommended Deletions from PSEZ       |  |                    |
|  | Recommended Additions to PSEZ         |  |                    |

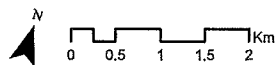


**REGIONAL MUNICIPALITY OF YORK**  
**Proposed Provincially Significant**  
**Employment Zones (PSEZ)**



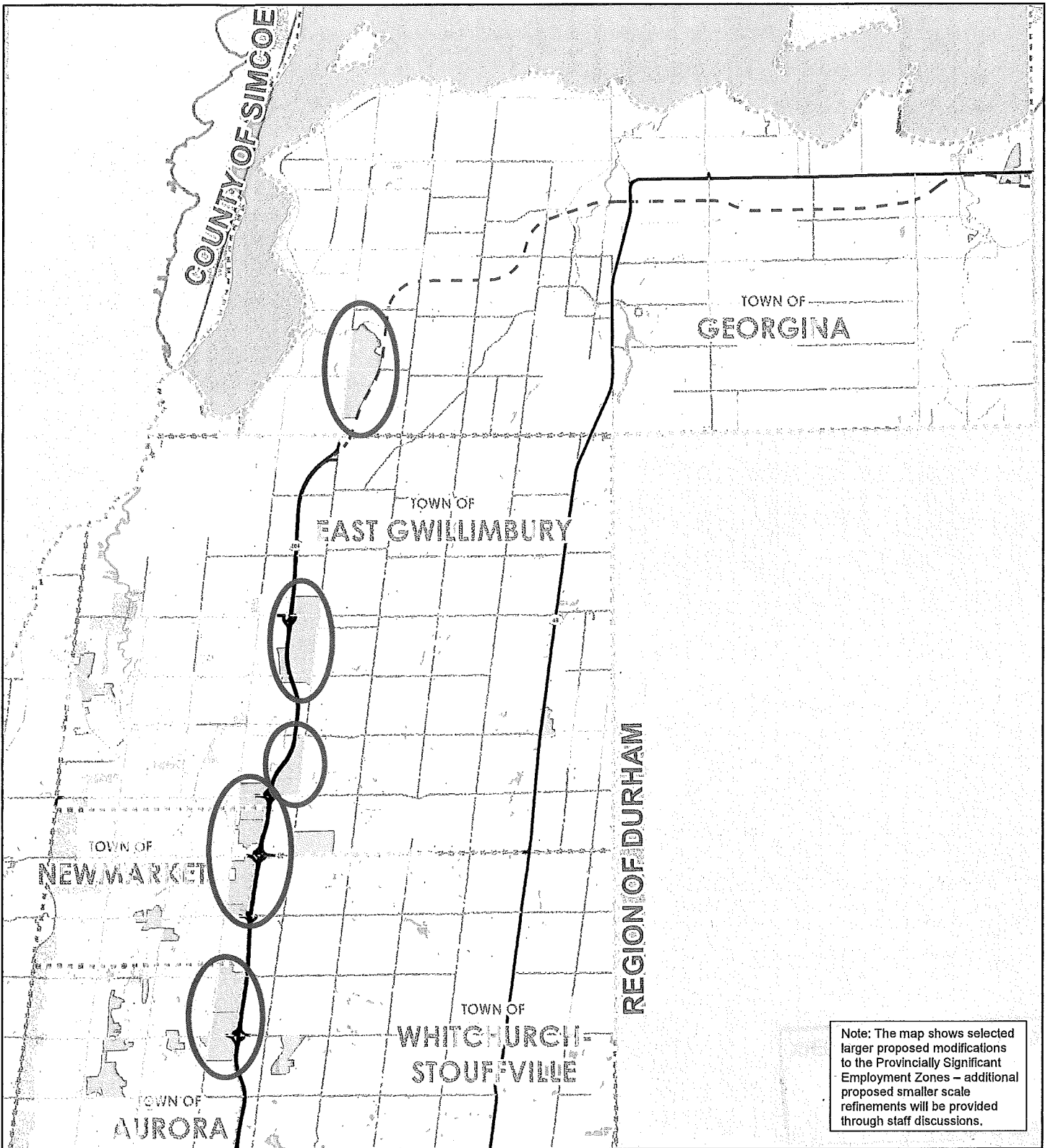
Produced by:  
 The Regional Municipality of York  
 Planning and Economic  
 Development, Corporate Services  
 March 2019

Data: © Queen's Printer for Ontario  
 2003-2019



**Legend**

- York Region Employment Areas
- PSEZ Boundaries as per Amendment 1
- Towns and Villages
- Urban Area
- Lake/River
- Recommended Deletions from PSEZ
- Recommended Additions to PSEZ
- Highway
- Road
- Railway
- Municipal Boundary
- Regional Boundary

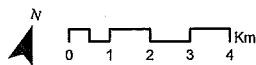


**REGIONAL MUNICIPALITY OF YORK**  
**Proposed Provincially Significant**  
**Employment Zones (PSEZ)**



Produced by:  
 The Regional Municipality of York  
 Planning and Economic  
 Development, Corporate Services  
 March 2019

Data: © Queen's Printer for Ontario  
 2003-2019



**Legend**

- York Region Employment Areas
- PSEZ Boundaries as per Amendment 1
- Towns and Villages
- Urban Area
- Lake/River
- Recommended Deletions from PSEZ
- Recommended Additions to PSEZ
- Highway
- Highway 404 Extension
- Road
- Railway
- Municipal Boundary
- Regional Boundary

**Ministry of Community Safety and  
Correctional Services**Office of the Fire Marshal and  
Emergency Management25 Morton Shulman Avenue  
Toronto ON M3M 0B1  
Tel: 647-329-1210  
Fax: 647-329-1143**Ministère de la Sécurité communautaire  
et des Services correctionnels**Bureau du commissaire des incendies  
et de la gestion des situations d'urgence25, avenue Morton Shulman  
Toronto ON M3M 0B1  
Tél. : 647-329-1210  
Télééc. : 647-329-1143March 28<sup>th</sup>, 2019

Dear mayor or head of council,

Now that spring is upon us, the Province of Ontario will soon be engaged in providing emergency response assistance to First Nations Communities located in the Province through an agreement with the Government of Canada. The Office of the Fire Marshal and Emergency Management (OFMEM), in partnership with other provincial ministries and federal departments, coordinates planning for and evacuation of First Nations communities when they are at risk due to flooding or forest fires.

As you may be aware, when the annual spring ice breakup begins on the river systems that empty into James Bay, the First Nations communities located on those river systems are at high risk of flooding and there is an identified need for 'Host Communities' to accommodate evacuees. Contingency planning is currently underway for the following James Bay communities, Kashechewan, Moose Cree, Fort Albany and Attawapiskat First Nations. There are approximately 6000 First Nations members across these James Bay communities.

The most recent threat assessment indicates that current snowpack, ice on rivers and anticipated temperature fluctuations with transition to spring is expected to result in a higher than normal downstream flow to these communities, putting them at higher risk of flooding and evacuation. The worst-case scenario would see more than one community trying to evacuate concurrently, which will overwhelm our existing host capacity of approximately 2200 beds.

The OFMEM is asking if your municipality would consider being a 'Host Community' for the 2019 James Bay flood season. The following questions are provided to assist you in your deliberations:

1. Could your Region/Municipality host evacuated residents?
2. Could your Region/Municipality host elders, families with young children, people with illnesses or disabilities, pregnant mothers in hotel/motel/dormitory-type accommodations?
3. Could your Region/Municipality host displaced community members in arena-type accommodations?
4. How soon could your municipality begin to accept evacuees (do you have any ongoing or near-future events which will decrease hotel or arena capacity – i.e. tournaments, garden shows, etc.)?
5. How much lead time would your municipality require to set-up for evacuees?
6. How long could your municipality host evacuees for?

7. What provincial and/or federal supports would your municipality require (OFMEM Field Officers and / or Liaison Officers from Indigenous Services Canada (ISC)?
8. What other supports would you foresee requiring (Canadian Red Cross, Salvation Army, other non-governmental organizations)?

OFMEM works closely with provincial and federal stakeholders to ensure a host community receives the appropriate funding and supports to safely accommodate displaced First Nation community members.

If you require further information about evacuations and becoming a host community, please do not hesitate to contact Aileen Cassells, Deputy Chief, Emergency Operations (647-329-1135, [Aileen.Cassells@ontario.ca](mailto:Aileen.Cassells@ontario.ca)) or Jason Redlarski, Program Manager, Provincial Emergency Operations (647-329-1194, [Jason.Redlarski@ontario.ca](mailto:Jason.Redlarski@ontario.ca)).

Regards,



Jon Pegg  
Assistant Deputy Minister  
Fire Marshal and Chief of Emergency Management

- cc. Community Emergency Management Coordinator  
Chief Administrative Officer  
Clerk  
OFMEM Field Officer  
Aileen Cassells, Deputy Chief, Emergency Management Operations  
Jason Redlarski, Program Manager, Provincial Emergency Operations Unit

To: Hamilton City Council  
Cc: Hamilton Police Services Board

I'm writing this letter to you as a resident of the City of Hamilton. I am not writing on behalf of any organization to which I may be affiliated. I'm asking that City Council seriously consider reviewing and revoking the process that it recently used to select a citizen representative to sit on the Hamilton Police Services Board.

I am confident that the current process must be improved and that serious mistakes were made when this process was used to select Fred Bennink as a citizen representative to the Board. I should state clearly, at this point, that I am thankful to Fred for his willingness to put his name forward to serve his community. My comments are not about Fred specifically, but about the process used for his selection. I want to make sure that this is clear so that no one misunderstands and so that what I say is not misconstrued in any way.

I am writing this letter, in part, because I identify as queer and am a member of Hamilton's 2SLGBTQIA+ community and feel that a disservice has been done to our community. For me, representation on the HPSB matters and I think that the current composition of the Board does not represent Hamilton's citizens and residents.

I realize that the City has little say in the HPSB's composition. The Province chooses some roles and others are filled by members of Council. In fact, that's why I think that the recruitment process for this citizen role is so important and must be done in a way that instills confidence in our communities and is representative of the concerns and aspirations of Hamiltonians with respect to its police services.

This position is also unique in its standing as an appointment when compared with most other agency, board, or committee positions because it is a paid position (not common). There is a burden, in my opinion, borne by this payment that exceeds the routine appointment of unpaid volunteers.

Apart from that, there are 2 specific things I would like to take this opportunity to outline:

**Interviews for the position were often short, at about 10 minutes.** In my opinion, this is not a sufficient amount of time to discuss someone's qualifications, suitability, expertise, education, or community involvement as it relates to a (paid) position of this nature. This is especially true when trying to evaluate how individuals from diverse communities might bring additional skills to the HPSB or how they might offer an important but as yet unheard perspective. The notion that transformative justice can come about quickly is not only misplaced but it fundamentally, and structurally, misunderstands what it means for the City to be willing to welcome underrepresented voices. Quick interviews like this can also leave candidates with the impression that either the position has already been filled or that the committee isn't interested in a dialogue with the candidate outside of the scripted questions that have been prepared.

Again, this is not the way to move forward in the spirit of change that recognizes a need for community input but, instead, the way to further instill the status quo.

**Interviews were conducted by Councillors only.** While it's important that Councillors are in the room to act as decision makers around the appointment process, it's not necessarily appropriate for Councillors to conduct the interviews themselves. The City has paid Human Resources professionals who should conduct these interviews. Those professionals have the necessary expertise and training to conduct interviews as well as the ability to answer questions about the position in an appropriate manner. As is evident from recent committee meetings, very few Councillors have this training (as they have admitted publicly) and many don't see the need to be trained to perform this work. Not only is this insulting of the staff who have spent years building up their professional profiles and honing their expertise in these areas, but it suggests that there isn't a genuine desire on behalf of Council to approach these processes with equity, diversity, or inclusion in mind.

In the case of this particular appointment, it's well-known to Council that there have been major public issues between Hamilton Police Services and the community, especially those that would make it obvious that welcoming members of marginalized and underrepresented communities to the Board would be in its best interest. As these issues are well-known to the public, and Council, I will not summarize them here.

As is clear now, members of marginalized and underrepresented communities came forward publicly to say that they had applied, had been interviewed, but had not been selected. Their qualifications and community activism are widely known, so I will not summarize those here. It is, to say the least, disappointing to me that one of these candidates was not selected for the position considering what I have outlined in this letter.

As a result of the things I mentioned above, and others which I have not detailed here, I strongly recommend that a full and open public review of this process take place before another appointment is made. Further, and perhaps more importantly, I also strongly recommend that Council revoke the current appointment (and the recent appointee, Fred Bennink) and restart the selection process under completely new terms of reference involving consultation from diverse, underrepresented, and marginalized communities in Hamilton.

I have also copied the Hamilton Police Services Board (HPSB) on this correspondence because I think it's important for that body to put this recommendation before Council if Council is unwilling to do so.

Sincerely,

Cameron Kroetsch  
Hamilton, ON

Ontario  
Human Rights  
Commission

Office of the Chief Commissioner

180 Dundas Street West, Suite 900  
Toronto ON M7A 2G5

Tel.: (416) 314-4537  
Fax: (416) 314-7752

Commission  
Ontarienne des  
Droits de la Personne

Bureau du Commissaire en Chef

180, rue Dundas ouest, bureau 900  
Toronto (Ontario) M7A 2G5

Tél. : (416) 314-4537  
Télééc. : (416) 314-7752



April 15, 2019

Mayor Fred Eisenberger  
Hamilton City Hall  
71 Main Street West, 2nd floor  
Hamilton, ON L8P 4Y5

Dear Mayor Fred Eisenberger:

**RE: Harmful impact of Indigenous-themed sports logos in city facilities**

We are writing to urge all municipalities in Ontario to engage Indigenous communities about the use of Indigenous-themed logos and team names in their sports arenas.

The Ontario Human Rights Commission (OHRC) recently intervened in an Application before the Human Rights Tribunal of Ontario (HRTO) which alleged that the use and display of Indigenous-themed logos and team names in the City of Mississauga sports arenas was discriminatory.

The OHRC conducted extensive outreach with Indigenous peoples to learn more about the impact of this use, and heard directly from youth across the province through the Indigenous Youth Council of the Ontario Federation of Friendship Centres. We intervened in the case to amplify the perspectives and voices of Indigenous youth and to highlight the harmful impact of stereotypes on youth.

The OHRC reached a settlement with the City of Mississauga and the Applicant. In the settlement, the City of Mississauga committed to:

1. Remove from its sports facilities all Indigenous-themed mascots, symbols, names and imagery related to non-Indigenous sports organizations.
2. Develop a policy on the use of Indigenous images and themes at its sports facilities, in collaboration with different groups such as the Mississaugas of the New Credit First Nation, the Peel Aboriginal Network, the Indigenous Youth



Council of the Ontario Federation of Friendship Centres and Indigenous Sport and Wellness Ontario.

3. Supplement its Diversity and Inclusion training with expanded material addressing reconciliation and Indigenous peoples.

The OHRC is now contacting municipalities in Ontario to ask that they follow suit. This is in keeping with the OHRC's mandate to identify, prevent, and eliminate discrimination, and to promote human rights within the province using a range of powers under the *Human Rights Code*.

### **Harmful Impact of Stereotypes on Indigenous Youth**

Sports are drivers of social inclusion; they bring communities together and help youth develop their self-esteem. We recognize that municipalities are committed to providing environments that promote healthy and active lifestyles in the most inclusive manner. To this end, the OHRC and municipalities have a shared goal of actively removing barriers to participation in sports for Indigenous youth.

The OHRC recognizes that the use of Indigenous-themed names and logos by sports teams has been a long-standing norm in our society. However, it is time to revisit these pervasive images.

One of the purposes of Ontario's *Human Rights Code (Code)* is the "creation of a climate of understanding and mutual respect for dignity and worth of each person so that each person feels a part of the community." As service providers, municipalities have obligations under the *Code* to provide a service environment free of discrimination. Human rights law has found that images and words that degrade people because of their ancestry, race, color and ethnic origin, among other grounds, violate the *Code*.

Derogatory images and words can have a significant impact on the ability of affected individuals and groups to participate and benefit equally in services such as participating as a member of a sports team or attending games as a spectator. There can also be broader social and psychological impacts on such individuals and groups, including how they are viewed and treated in their community.

The American Psychological Association is among over 100 professional organizations that have adopted formal resolutions recommending the immediate retirement of Indigenous-themed names and logos by schools, colleges, universities, athletic teams and organizations. These resolutions are based on a growing body of empirical

evidence that demonstrate the harmful effects of these images. The scientific literature shows that Indigenous-themed names and logos:

1. Misuse cultural practices and sacred spiritual symbols;
2. Deny Indigenous peoples control over social definitions of themselves;
3. Perpetuate stereotypes of Indigenous people;
4. Create hostile environments for students and others;
5. Negatively impact the psychological functioning of Indigenous people (decreased self-esteem and community worth).

This research is summarized in Appendix A, the expert report of Dr. Jesse A. Steinfeldt, a sports psychologist.

In 2015, the Honourable Murray Sinclair and Chair of the Truth and Reconciliation Commission (TRC) noted the profound impact that stereotypes in sports have on young Indigenous people.

The TRC Final Report documents the challenges Indigenous youth face in forming their identities and the important role of sports in developing self-esteem. One of the TRC's Calls to Action includes a call to ensure that sport policies and programs are inclusive of Indigenous peoples.

Additionally, the TRC calls for Indigenous peoples' right to self-determination to be integrated into civic institutions in a manner consistent with the principles norms and standards of the *United Nations Declaration on the Rights of Indigenous Peoples*. The Indigenous Youth Council of The Ontario Federation of Friendship Centres has stated: "For too long Indigenous peoples have been branded by communities other than our own... We are the ones who can best create images of identity for our people". Indigenous communities must have ownership over their own images.

## **Next Steps**

In our strategic plan, the OHRC committed to using our mandate and powers to engage in sustained trusting relationships with Indigenous communities that are built on dignity and respect, and by working to advance reconciliation and substantive equality.

The OHRC urges the City of Hamilton to take the first step in removing barriers to participation for Indigenous peoples by collaborating with diverse Indigenous communities to develop a policy on the use of Indigenous-themed logos and names in their sports facilities and arenas. We have copied the Hamilton Regional Indian Centre.

We have identified the following non-Indigenous sports organizations that use Indigenous-themed names and/or logos: Dundas Chiefs and the Stoney Creek Minor Hockey Association.

We believe that the City of Mississauga is taking important steps to show leadership and a commitment to reconciliation. The above-noted settlement sets a positive path forward for other municipalities to follow.

In keeping with the OHRC's commitment to public accountability and its duties in serving the people of Ontario, this letter and the response received may be made public.

Thank you for considering this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Renu Mandhane". The signature is fluid and cursive, with a small flourish at the end.

Renu Mandhane, B.A., J.D., LL.M.  
Chief Commissioner  
Ontario Human Rights Commission

CC: Clerk's Office  
Hamilton Regional Indian Centre



**INDIANA UNIVERSITY**

---

SCHOOL OF EDUCATION  
Department of Counseling and  
Educational Psychology  
Bloomington

**Expert Report of**

**Jesse A. Steinfeldt, Ph.D., CC-AASP**

**Associate Professor, Counseling Psychology**

**Department of Counseling and Educational Psychology**

**Indiana University**

**Psychologist at Assessment, Sport and Performance**

**Psychology Services (ASPPS), LLC**

**Bloomington, IN**

**October 25, 2018**

## Introduction

The use of Indigenous culture and images by sports teams is a practice that has a longstanding history and tradition in our society. The omnipresence of these Indigenous-themed mascots, nicknames, and logos (e.g., *Indians*, *Redskins*, *Fighting Sioux*) gives members of mainstream society the (mis)perception that this is an acceptable practice that honors and respects the Indigenous communities that are depicted. However, there is emerging evidence indicating that this is not the case. Because of this misperception, it is important to include scientific peer-reviewed research in order to provide empirical insight into this issue. An empirically informed perspective can help people have a productive and civil dialogue about a practice that is hegemonically woven into the fabric of our society, yet has the potential to negatively impact the psychological functioning of Indigenous people.

To provide context to this report, it is necessary to report that I have a dual professional identity as a psychologist and as an associate professor of Counseling Psychology at Indiana University. In addition to having experience providing psychological services to Indigenous communities, I have conducted empirical research that has been published in peer-reviewed scientific journals that addresses the psychological implications of Indigenous-themed mascots, nicknames, and logos. My research productivity in this area, combined with my clinical experiences and my knowledge of the psychological literature, allows me to provide informed perspectives on this issue. Furthermore, I am in a unique position to testify about how this practice impacts the psychological functioning of Indigenous people, as a biracial man of Oneida heritage. I am tribally recognized as Descendent status, and my father is an enrolled Tribal Member of the sovereign Oneida Nation of Wisconsin. My clinical work with Indigenous populations was conducted at the Oneida Behavioral Health Center on the Oneida Reservation in Wisconsin. As such, I have heard first-hand accounts of the impact that these stereotypic images can have on the psychological functioning of Indigenous patients in a mental health setting. This dynamic compounds an existing problem because Indigenous communities are disproportionately impacted by serious mental health issues (e.g., depression, anxiety, substance abuse, suicide). Subsequently, a racially hostile environment wherein Indigenous people are readily stereotyped can contribute to the onset and entrenchment of these mental health issues. In addition to the misinformation and stereotypes produced by Indigenous-themed mascots, nicknames, and logos, “an increase in accurate information about Native Americans is viewed as necessary for the achievement of other goals such as poverty reduction, educational advancements, and securing treaty rights” (King, Staurowsky, Baca, Davis, & Pewewardy, 2002, p. 392).

In 2005, my primary professional organization, the American Psychological Association (APA), produced a formal resolution recommending the immediate retirement of Indigenous-themed mascots, symbols, images and personalities by schools, colleges, universities, athletic teams, and organizations (APA, 2005). To date, over a hundred additional professional organizations (e.g., American Counseling Association, Society of Indian Psychologists, United States Commission on Civil Rights) have produced similar resolutions condemning this practice. These professional organizations—which represent groups that speak on behalf of large volumes of people and professionals—have based their resolutions on the categorical assertions that, among other reasons, Indigenous-themed mascots, nicknames, and logos:

- (a) misuse cultural practices and sacred spiritual symbols;
- (b) deny Indigenous people control over societal definitions of themselves;
- (c) perpetuate stereotypes of Indigenous people (e.g., the *noble savage*; the *bloodthirsty savage*; a historic race that only exists in past-tense status; one singular pan-Indian culture);
- (d) activate/create a racially hostile environment for students and others;
- (e) negatively impact the psychological functioning of Indigenous people.

These categorical assertions are situated within an emerging body of scientific research that has empirically demonstrated the existence of stereotyping and harassment that accompanies Indigenous-themed mascots, nicknames, and logos. Much has been written about this issue from a conceptual perspective across a variety of interdisciplinary fields (e.g., sociology of sport, indigenous philosophy, law, anthropology; Baca, 2004; Fenalon, 1999; King et al., 2002; King, 2004; Russel, 2003; Staurowsky, 2007; Vanderford, 1996; Williams, 2007), which provide valuable insight and context into the deleterious nature of Indigenous-themed mascots, nicknames, and logos. While I will include aspects of these conceptual pieces in my report, I will focus the attention primarily upon empirical research that has appeared in peer-reviewed scientific journals. Doing so can increase the validity of the emerging understanding of the negative psychological impact of Indigenous-themed mascots, nicknames, and logos in order to further demonstrate the applicability of these psychological research findings in the United States and in Canada.

As I begin this report, it is also important to clarify terminology. The terms *mascots*, *nicknames*, and *logos* are often used interchangeably to describe the Indigenous-themed images used by sports teams. These terms generally describe a similar dynamic, but there are subtle differences. While the term *mascot* more specifically refers to a costumed character that parades along the sideline or in the audience (e.g., University of Illinois now retired mascot, Chief Illiniwik), the term *mascot* has been generally used as the default term for Indigenous-themed images used in sport, and the term *mascot* is often attached to a logo (i.e., *mascot logo*) or a nickname (i.e., *mascot nickname*). The term *logo* generally refers to the image of a team that appears on uniforms, walls, programs and other places (e.g., see Figure 1 for examples of *mascot logos* in Mississauga; see Figure 2 for examples of *mascot logos* that were used in scientific studies cited in this report), and the term *nicknames* refers to the verbal terms used to identify teams (e.g., *Redskins*, *Indians*, *Warriors*; e.g., see Figure 1 for examples of *mascot nicknames* in Mississauga; see Figure 2 for examples of *mascot nicknames* that were used in scientific studies cited in this report). While much of the research has indicated that overall, the use of Indigenous-themed images in sport impacts the psychological functioning of Indigenous people, in this report, I will attempt to provide the reader with clarity by using the definitions outlined above in regard to which type of term was used in each study, largely based on stimuli images (i.e., *mascot logo*) or stimuli words (i.e., *mascot nickname*) that were evaluated in the study.

### **Misusing Cultural Practices and Sacred Spiritual Symbols; Denying Indigenous People Control over Social Representations of Themselves**

Popular culture is inundated with stereotypic representations that appropriate Indigenous culture. One need not look further than the aisles of a grocery store (e.g., Land o' Lakes Butter), the local YMCA (e.g., Y-Princess camps), Halloween costumes (e.g., Indian warriors), cars on the street (e.g., Jeep Cherokee), the floor under one's feet (e.g., Mohawk carpet), or on

television, to see the highlights of the Washington *Redskins* or Cleveland *Indians* games. This use of cultural and spiritual iconography is largely done without compensation to or consent from Indigenous communities (Merskin, 2001). To this point, the eagle feather is considered a sacred spiritual item to many Indigenous people, so its presence on a football helmet is out of place and potentially problematic. According to Steinfeldt and Steinfeldt (2012), this practice would be analogous to having rosary beads or a crucifix used in a sporting context (e.g., a mascot named Father Guido dancing and genuflecting on the sidelines of a football game for a team named the East High School *Catholics*), something that Christians would likely protest and advocate for its removal because using these sacred images in this manner would constitute appropriating and misusing sacred spiritual iconography.

The misuse of these images not only prevent Indigenous people from having effective control over how they are societally portrayed, but these omnipresent images also perpetuate misinformation and stereotypes about Indigenous people, particularly because there is an imbalance of presentation of images. That is, for many people, sports mascots and other comparable stereotypic representations of Indigenous people are often the only images they have of Indigenous people. Empirical research (e.g., Fryberg et al., 2008) suggests that Indigenous-themed mascots, nicknames, and logos have a negative psychological impact not only because they are inherently stereotypic in nature, but also because there are relatively few alternative characterizations of Indigenous people in the contexts in which these images appear. As such, these mascots, nicknames, and logos become powerful communicators of what Indigenous people should look like and how they should behave. And concurrently, these stereotypic images remind Indigenous people of the limited way in which others see them, which in turn has the internalizing impact of limiting the number of ways in which Indigenous people can see themselves (Fryberg et al., 2008).

In an empirical research study examining implicit attitudes on this subject, Chaney, Burke and Burkley (2011) assessed whether people could differentiate between Indigenous-themed mascot nicknames and actual Indigenous people. Using the Implicit Attitudes Test (IAT) to control for social desirability and to assess implicit beliefs that people hold toward subjects, results demonstrated that participants not only held implicitly negative biases against Indigenous-themed mascots, but study participants also perceived Indigenous-themed mascot nicknames to be effectively interchangeable with Indigenous people. This result indicates that stereotypic images of Indigenous people in society may serve as de facto sources of information about how Indigenous people should look and act. This is potentially problematic given the presence of the caricatured image of the Cleveland *Indian's* Chief Wahoo (i.e., big nosed, red faced, caricatured stereotypic image), when watching the half time dance of the University of Illinois' former mascot, Chief Illiniwik (i.e., perpetuating the stereotype of the noble savage), or when listening to sport broadcasts (i.e., "the Indians are on the warpath"). When combined with the limited number of accurate portrayals of Indigenous people in popular culture, the results of this study indicate that not only do people have an implicitly negative view of Indigenous-themed mascot nicknames, but people may also have difficulties differentiating mascot nicknames from real Indigenous people, subsequently transferring these negative views toward mascot nicknames into negative biases toward real Indigenous people.

## Perpetuating Stereotypes: Stereotype Activation and Stereotype Application

In addition to empirical evidence illustrating negative implicit beliefs that equate Indigenous mascots with Indigenous people, emerging scientific research has attempted to address the nature of the stereotype-generating process that Indigenous-themed mascots, nicknames, and logos can elicit. These studies have examined both stereotype activation (i.e., how accessible the stereotype is in a person's mind) and stereotype application (i.e., extent to which the person uses the stereotype to judge a member of a stereotyped group). Stereotype activation is considered an automatic cognitive process that is implicitly activated, whereas stereotype application is considered a more controllable cognitive process that involves people making judgments about an individual member of a stereotyped group. When a group of people is actively stereotyped, their psychological functioning is negatively impacted.

In assessing stereotype activation, Kim-Prieto, Goldstein, Okazaki, and Kirschner (2010) conducted two experimental studies to determine if stereotypes about Indigenous people that were potentially elicited by Indigenous-themed sport mascot logos would be extended to other marginalized groups, even if the other group was not directly targeted by the stereotypic representation. The authors used an Indigenous-themed mascot logo (e.g. Indigenous person portrayed as a bloodthirsty savage warrior) as a primer to determine if these images increased stereotyping of another racial group (e.g., Asian Americans as socially inept). Results indicated that participants who were exposed to the Indigenous-themed mascot logo (see Figure 2) endorsed significantly more stereotypes of Asian Americans than the control group. The results were consistent across two conditions—one condition used an unobtrusive prime, and the other condition used a more engaged exposure. In both conditions, simply seeing an Indigenous-themed mascot logo appeared to activate a stereotype-generating process about Asian-Americans among participants. These results suggest that exposure to stereotypic representations (i.e., an Indigenous-themed mascot logo) can increase the likelihood that people will endorse stereotypes of other groups, even when the stereotypes are different. Kim-Prieto et al. (2010) concluded that the use of American Indian images in sports serves to activate a stereotype-generating process within people, creating a racially hostile environment for all parties who are exposed to stereotype-inducing Indigenous-themed sport mascot logos.

Burkley, Burkley, Andronde, and Bell (2016) conducted a research study to assess dynamics related to stereotype application as it relates to exposure to Indigenous-themed sports mascot logos. The researchers found that the effect of exposure to an Indigenous-themed mascot logo existed, and that this effect was also moderated by participants' attitudes toward Indigenous people. That is, participants with more prejudicial attitudes toward Indigenous people were significantly more likely to judge an Indigenous person as more aggressive when exposed to an image of an Indigenous-themed mascot logo (e.g., *Fighting Sioux*, *Indians*, *Redskins*; see Figure 2 for illustrations of these logos). This same effect did not occur when participants were exposed to an image of a White mascot logo (e.g., *Fighting Irish*, *Vikings*, *Pirates*) or a neutral image (e.g., *carrot*, *cupcake*, *hamburger*). Additionally, this effect was not observed when participants were asked to judge the behavior of a non-Indigenous person engaging in the same behavior as an Indigenous person. As a result, the presence of Indigenous-themed mascot logos facilitates the stereotype application process by which people selectively make negative and harmful evaluations of Indigenous people, particularly when they hold pre-existing prejudicial attitudes. Taken together, the results of these empirical investigations indicate that Indigenous-themed sports mascots logos and nicknames can not only activate a stereotype generating process, it can



also facilitate the process by which people selectively apply pejorative judgments based on these stereotypes to Indigenous people, a process that creates a racially hostile environment and threatens their psychological functioning.

### **Creating a Racially Hostile Environment**

In conjunction with the psychological research of my colleagues on this issue, the results of empirical research studies that I have conducted and published in scientific peer-reviewed journals (e.g., Steinfeldt, Foltz, Kaladow, Carlson, Pagano, Benson, & Steinfeldt, 2010; Steinfeldt, Foltz, LaFollette, White, Wong, & Steinfeldt, 2012; Steinfeldt & Wong, 2010) indicate that the presence of Indigenous-themed mascots, nicknames, and logos not only perpetuates stereotypes, but its presence can also create a racially hostile environment that can threaten the psychological well-being of Indigenous people. This research attempts to identify domains wherein the racially hostile environments exist (e.g., online), while also attempting to provide explanatory theoretical frameworks to conceptualize the dynamics of racism and invalidation that flourish within these contexts.

In one study, Steinfeldt and Wong (2010) examined the relationship between color-blind racial attitudes and the awareness of Indigenous-themed mascot nicknames among a group of counseling graduate students. Similar to the later work of Neville, Yeung, Todd, Spanierman, and Reed (2011), this study attempted to link the rationale of mainstream society for maintaining racialized mascots to the beliefs underlying colorblind racial attitudes (Neville, Lilly, Duran, Lee, & Browne, 2000). Conceptualized as the denial, distortion, or minimization of race and racism (Neville, Spanierman, & Doan, 2006), the adoption of colorblind racial attitudes among White Americans reflects an attempt to reduce the dissonance associated with a sincere desire to believe in racial equality (Neville, Worthington, & Spanierman, 2001). While this contemporary ideology appears egalitarian on the surface, colorblindness ignores the role of power in society, it invalidates the experiences with racism that racial/ethnic minority group members endure, and it serves to maintain the societal status quo wherein members of racial/ethnic minority groups have inequitable access to societal resources. To this point, research has established significant relationships between colorblindness and a wide range of social attitude indexes, including negative attitudes toward affirmative action (Awad, Cokley, & Ratvich, 2005), increased racial prejudice (Neville et al., 2000), and lower multicultural counseling competencies (Neville et al., 2006).

The results of Steinfeldt and Wong's (2010) study demonstrated that awareness of the offensiveness of Indigenous-themed mascot nicknames was significantly inversely related to color-blind racial attitudes. That is, the more a person indicated that Indigenous-themed mascot nicknames were problematic, the less likely (s)he was to endorse color-blind racial ideologies. Individuals with color-blind racial attitudes endorse the belief that "race should not and does not matter" (Neville et al., 2000, p. 60), and supporters of Indigenous-themed mascots, nicknames, and logos suggest that tradition and honor—and not race—are the primary reasons for supporting this practice (King et al., 2002; Russel, 2003; Staurowsky, 2007). Thus, both colorblindness and supporting Indigenous-themed mascots nicknames serve to minimize the role of racism in society, a dynamic that can threaten the psychological functioning of members of racial minority groups. Furthermore, the authors asserted that the belief that Indigenous-themed mascots honor Indigenous people may serve as an ego defense that helps preserve an individual's sense of egalitarianism, while simultaneously masking the destructive and genocidal acts of White

Americans toward Indigenous communities, both in past and contemporary times (Grounds, 2001). In short, the use of Indigenous-themed mascot nicknames can invalidate the reality of Indigenous people, while giving White Americans the perception of a false sense of unity with Indigenous people (Black, 2002). Steinfeldt and Wong (2010) concluded that colorblind racial attitudes may serve as the glue that binds this false union, serving to facilitate resentment, disempowerment, and subjugation among Indigenous people who are exposed to a racially hostile environment.

Another study (Steinfeldt et al., 2010) analyzed 1699 online forum comments that appeared in newspapers in a community with a college team with an Indigenous-themed mascot nickname and logo. These comments were coded over a two-year period, and results indicated that the majority of these comments expressed negative attitudes toward Indigenous people. These online forum comments were categorically organized within themes of: (a) surprise about how the nickname/logo could be construed as negative; (b) power and privilege exerted in defending the nickname/logo; (c) trivialization of issues salient to Indigenous people; and (d) denigration and vilification of Indigenous communities. The results indicated that Indigenous people were subjected to not only continued societal ignorance and misinformation about their culture, but they are also being actively excluded from the process of prioritizing which issues needed to be addressed. Results also indicated that a critical mass of online forum comments represented ignorance about Indigenous culture and even disdain toward Indigenous people by providing misinformation, by perpetuating stereotypes, and by expressing explicitly racist attitudes toward Indigenous people. While some online forum comments examined in the study did contain the words *honor* and *respect*, the results indicated that the sentiment underlying and surrounding these comments did not reflect a genuine sense of honor or respect—instead, these comments expressed sentiments of entitlement, privilege, power, and even subjugation and oppression.

The findings of this study were interpreted within the tenets of Two-Faced Racism (Picca & Feagin, 2007), an established theoretical model for conceptualizing dynamics of contemporary racism. According to this framework, boundaries for the expression of racial attitudes exist within shifting social contexts. Subsequently, racial ideologies—particularly those about members outside of the dominant culture (e.g., Indigenous people)—exist, but the expression of these ideologies take place in private (i.e., backstage) settings rather than public (i.e., frontstage) settings. Because public opinion has shifted to condemn blatant racist attitudes and behaviors in public settings (Picca & Feagin, 2007), explicit expressions of racist attitudes have begun to find a home in electronic communication formats (Bargh & McKenna, 2004; Melican & Dixon, 2008). As it relates to the findings of the Steinfeldt et al. (2010) study, the relative anonymity afforded to online forum participants provided the privacy experienced in traditional backstage settings. Results suggested that expressing these ideas in contemporary backstage settings (e.g., weblogs, online forums) allowed people to avoid the scrutiny and negative social consequences that these attitudes might otherwise receive in physical frontstage settings. For example, an online forum commenter might more readily call an Indigenous person a derogatory name in an online forum comment, but it is likely that (s)he might not say the same thing aloud at a social gathering, for fear of social repercussions. Subsequently, due to the omnipresence and power of the internet, the presence of an Indigenous-themed nickname and logo can facilitate the posting of virulent racist rhetoric in online forums. And because these types of racist messages are able to electronically spread out with greater ease to a larger audience, the daily ritual of reading the newspaper can subject an Indigenous person to content that can negatively impact his/her

psychological well-being. The results of this study suggests that Indigenous-themed nicknames and logos can create a racially hostile environment wherein stereotypes are allowed to flourish. In conclusion, the presence of an Indigenous-themed nickname and logo can threaten the psychological functioning of Indigenous people by providing misinformation, by activating stereotypic representations, and by facilitating the expression of explicitly racist attitudes toward Indigenous people.

In assessing the impact of Indigenous-themed mascots, nicknames, and logos as it relates to stereotyping and creating a racially hostile environment, it is useful to examine how these images are used in the contexts in which they exist. Sports generate passionate responses from participants and fans, and rivalries generate heightened levels of passion. A few days ago, a headline about a story appeared online that illustrates this dynamic (Springer, 2016). The story describes how Dr. Dean Bresciani, President of the North Dakota State University *Bison*, wrote a letter in the NDSU campus newspaper asking his students to stop using “hateful” chants in football games against their rival, the University of North Dakota *Fighting Hawks*. UND had previously been the *Fighting Sioux*, but in 2012 they begrudgingly retired their Indigenous-based team nickname after fighting the NCAA’s 2005 mandate to remove their Indigenous-themed nickname and logo. Despite the change, *Bison* fans still routinely chant “Sioux Suck (expletive)!” when their *Bison* team makes a first down in the football game against the *Fighting Hawks*. Figure 3 shows additional ways that fans have taken to demeaning and dehumanizing uses of the Indigenous-themed mascot logo and nickname (e.g., T-shirts of a slovenly-looking Indigenous person sodomizing a Bison; T-shirts with an image of a severed head of a headdress wearing Indigenous “chief” drinking a beer bong underneath the phonetically altered Indigenous-themed nickname [and specific Tribal name] used as an adjective to describe inebriation [*Siouxper Drunk*]; T-shirts with a caricatured Indigenous person fellating a Bison; fans cheering and engaging Indigenous people in Red-face, an image that conjured comparisons to the racist practice of wearing Black-face). Being exposed to this use of Indigenous-themed sports nicknames and logos as a means to ridicule, mock, and dehumanize Indigenous people has a profoundly negative impact on their psychological functioning.

This phenomenon of harmful appropriation of imagery in sporting events at the expense of the psychological functioning of First-Nations individuals is widespread. The image in Figure 2 of cheerleaders holding a banner for a high school football game represents a common practice where the opponents of an Indigenous-themed team find creative ways to demean their opponent. However, using race-based mascots, nicknames, or logos creates the opportunity for a marginalized group to be exposed to a racially hostile environment that can negatively impact their psychological functioning. In this particular example depicted in Figure 3 that occurred prior to a high school football game in Ohio in 2016, the cheerleaders for the McLain *Tigers* created a banner for their football players to run through prior to their game against the Hillsboro *Indians*. The banner reads, “Hey Indians, Get Ready for a Trail of Tears Part 2”, which was intended to convey the message that their football team was going to be sad by the impending defeat in the game. However, the reference to the *Trail of Tears* represents an objectively horrific act of government-enacted genocide, a black mark on the history of the United States. The use of this reference trivializes this traumatic event and exposes Indigenous people to potential psychological harm. While the school (i.e., Hillsboro) can assert that they institute policies that attempt to prevent their students from misusing their Indigenous-themed nickname, they cannot fully control the ways that opponents and others may choose to use that Indigenous-themed

nickname, logo, or mascot, quite often in a negative manner and at the expense of Indigenous populations.

Furthermore, the impact of Indigenous-themed sports mascots, nicknames, and logos extends beyond sporting events. In an empirical study that appeared in a scientific peer-reviewed journal, Steinfeldt, Foltz, LaFollette, White, Wong, and Steinfeldt (2012) analyzed qualitative data obtained from social justice activists who advocated for the removal of Indigenous-themed mascots, nicknames, and logos. These people described harrowing situations where they were threatened, harassed, physically assaulted, and had their property vandalized as a result of proposing to change the Indigenous-themed sports nickname and logo in their community. The stories of the advocates illustrated the points highlighted in the Steinfeldt et al. (2010) study on online forums by demonstrating the potential for physical and psychological harm that exists in a racially hostile environment that can be created by the presence of Indigenous-themed mascots, nicknames, and logos in sport.

### **Impacting Psychological Functioning**

In addition to scientific research highlighting the impact of stereotypes and racially hostile environments, an emerging body of psychological research findings have demonstrated the direct psychological ramifications of Indigenous-themed mascots, nicknames, and logos. Fryberg et al. (2008) published a manuscript that addressed the four empirical studies they conducted that examined the impact of these Indigenous-themed mascot nicknames and logos on the psychological well-being of both Indigenous and White American participants. In their study, Indigenous high school and college students who were exposed to images of Indigenous-themed mascot logos reported significantly fewer achievement related possible selves, along with lower levels of self-esteem and community worth when compared to members of the control group who were not exposed to such images. So seeing these stereotypic representations (e.g., *noble savage*; *the caricatured image of Chief Wahoo*) can make Indigenous people feel worse about themselves and it can facilitate the internalization of negative views about their own community. Additionally, the presence of these images can contribute to Indigenous people reducing the number of future-related goals they have for themselves, thereby internalizing the narrow and prejudicial view society has of them. Doing so limits the possibilities they see for themselves. Across all of these findings, the authors concluded that these Indigenous-themed images effectively threaten the psychological functioning of Indigenous people in a variety of different ways (Fryberg et al., 2008).

In another peer-reviewed study that was also published in the scientific literature, LaRocque, McDonald, Weatherly, and Ferraro (2011) also attempted to empirically assess the direct psychological impact that Indigenous-themed sports images had on Indigenous people. The authors investigated the impact of two categories of on both White participants and Indigenous participants, with experimental and control groups for each racial group. The first category of images was referred to as *neutral*, based on societal expectations that these images are omnipresent and readily visible (e.g., team logos that are present on uniforms, shirts, and other areas on campus and beyond; Examples can be found in Table 2). The other category of images was referred to as *controversial* in that they represented images and logos that depicted caricatured or demeaning images of Indigenous people and misuse of tribal names (e.g., *Sioux-venirs*, caricatured images of Indigenous-themed logos; Examples can be found in Table 2).

Results indicated that Indigenous participants reported significantly higher levels of psychological distress and negative affect, compared to their baseline scores, after viewing both sets of images, when compared to the control group and to the group of White participants. When compared to their own control group, White participants did report higher levels of negative affect above their baseline scores, but only after viewing the controversial images, and they reported no significant differences on neutral images. The result that the Indigenous participants reported higher psychological distress and more negative affect on the neutral images contributed to the authors determining that the term *neutral* was not actually applicable to these images because these “neutral” images negatively impacted the psychological functioning of Indigenous people, as demonstrated in this study and in other studies in the psychological literature. Subsequently, Indigenous students can be negatively impacted by simply walking around campus and seeing the omnipresent “neutral” Indigenous-themed sport logo, a school-sanctioned image that appears on shirts, campus buildings, and elsewhere.

### **Conclusion**

In this report, I have reviewed relevant empirical research in the scientific literature that addresses the psychological impact of Indigenous-themed mascots, nicknames, and logos in sport. This emerging body of research has produced results that indicate that this practice has a negative impact on the psychological functioning of Indigenous people in number of ways, both direct (e.g., lower self-esteem, higher levels of negative affect, higher psychological distress, less possible selves, lower community worth) and indirect (e.g., stereotype activation, stereotype application, creating a racially hostile environment; generating dehumanizing images of Indigenous people). Additionally, I included relevant theoretical frameworks from the psychological literature (e.g., Two-Faced Racism, Colorblind Racial Attitudes) to provide a context to help explain the results concerning racially hostile environments. While the majority of the research cited in this report has been conducted in the United States, I do not have any reason to believe that the impact would be drastically different in Canada. The Indigenous-themed mascot logos and nicknames used in the empirical research studies I reviewed in this report are similar--and in some cases even identical--to the logos and nicknames presented in the City of Mississauga complaint (see Figure 1 and Figure 2). Furthermore, the process by which people internalize stereotypes is similar in the United States and Canada (e.g., Schneider, 2003), so based on my best professional judgment, it is reasonable to assume that these Indigenous-themed images of stereotypic representations would have a comparable impact on the psychological functioning of Indigenous people in Canada.

Additionally, Indigenous people generally lack the social power and influence to effectively advocate for removal of these Indigenous-themed nicknames and logos. These images are firmly entrenched into the natural order of society (Davis-Delano, 2007), and members of the dominant culture are the most zealous defenders of this practice (Farnell, 2004). This ardent support, combined with the small population of Indigenous peoples (i.e., less than 2% of the U.S. population) and the lack of resources available to Indigenous communities (i.e., the rate of Indigenous people living below the poverty line is twice the rate found in the overall population; Merskin, 2001), help explain how Indigenous people in the United States have lacked the power that other minority groups have exerted in removing comparable racist stereotypes from the domain of social acceptability. Examples include the racist image of *Frito Bandito* as a stereotypic representation of Latinos and the racist image of *Li'l Black Sambo* as a stereotypic representation of African Americans (Steinfeldt, Hagen, & Steinfeldt, 2010; Westerman, 1989). Based on the Truth and Reconciliation Report (2015), a variety of parallels can be readily drawn

between the experience of Indigenous populations in Canada and the experience of Indigenous populations in the United States. Subsequently, it is reasonable to assume that the same level of disenfranchisement, marginalization, and invalidation experienced by Indigenous people in both countries contributes to comparably low levels of social influence, which in turn contributes to the omnipresence and entrenchment of Indigenous-themed mascots, nicknames, and logos in society. In the absence of empirical scientific evidence supporting the continuation of using Indigenous-themed mascots, nicknames, and logos in sport, the arguments of *history* and *tradition* remain the primary reasons given for maintaining a practice that has the potential to inflict psychological harm on a specific group of people (Steinfeldt et al., 2011). In sum, this is an issue that warrants serious consideration, and it is important that empirical evidence be included in the discussion so that a fully informed conversation can be had that includes the psychological impact of Indigenous-themed sport mascots, nicknames, and logos.

## References

- American Psychological Association (2005, October 18). *APA resolution recommending the immediate retirement of American Indian mascots, symbols, images, and personalities by schools, colleges, universities, athletic teams, and organizations*. Retrieved October 11, 2018, from <https://www.apa.org/pi/oema/resources/indian-mascots.aspx>
- Awad, G. H., Cokley, K., & Ratvich, J. (2005). Attitudes toward affirmative action: A comparison of color-blind versus modern racist attitudes. *Journal of Applied Social Psychology, 35*, 1384-1399.
- Baca, L. R. (2004). Native images in schools and the racially hostile environment. *Journal of Sport and Social Issues, 28*, 71-78.
- Bargh, J. A., & McKenna, K.Y.A. (2004). The Internet and social life. *Annual Review of Psychology, 55*, 573-590.
- Black, J.E. (2002). The ‘mascotting’ of Native America. *American Indian Quarterly, 26*, 605-622.
- Burkley, M., Burkley, E., Andrade, A., & Bell, A. C. (2016). Symbols of pride or prejudice? Examining the impact of Native American sports mascots on stereotype application. *The Journal of Social Psychology, 156*, 1-13.
- Cheney, J., Burke, A., & Burkley, E. (2011). Do American Indian mascots = American Indian people? Examining implicit bias towards American Indian people and American Indian mascots. *American Indian and Alaska Native Mental Health Research: The Journal of the National Center, 18*, 42-62.
- Davis-Delano, L. R. (2007). Eliminating Native American mascots: Ingredients for success. *Journal of Sport and Social Issues, 31*, 340-373.
- Farnell, B. (2004). The fancy dance of racializing discourse. *Journal of Sport and Social Issues, 28*, 30-55.
- Fenelon, J. V. (1999). Indian icons in the World Series of racism: Institutionalization of the racial symbols of Wahoos and Indians. *Research in Politics and Society, 6*, 25-45.
- Fryberg, S. A., Markus, H. R., Oyserman, D., & Stone, J. M. (2008). Of warrior chiefs and Indian princesses: The psychological consequences of American Indian mascots. *Basic and Applied Social Psychology, 30*, 208-218.
- Grounds, R. (2001). Tallahassee, Osceola, and the hermeneutics of American place-names. *Journal of the American Academy of Religion, 69*, 287-322.
- Kim-Prieto, C., Goldstein, L. A., Okazaki, S., & Kirschner, B. (2010). Effect of exposure to an American Indian mascot on the tendency to stereotype a different minority group. *Journal of Applied Social Psychology, 40*, 534-553.
- King, C. R. (2004). This is Not an Indian: Situating claims about Indianness in sporting worlds. *Journal of Sport and Social Issues, 28*, 3-10.
- King, C.R., Staurowsky, E.J., Baca, L., Davis, L.R., & Pewewardy, C. (2002). Of polls and prejudice: *Sports Illustrated*'s errant ‘Indian Wars.’ *Journal of Sport & Social Issues, 26*, 381-402.

- LaRocque, A., McDonald, J. D., Weatherly, J. N., & Ferraro, F. R. (2011). Indian Sports Nicknames/Logos: Affective Difference between American Indian and Non-Indian College Students. *American Indian and Alaska Native Mental Health Research: The Journal of the National Center*, 18, 1-16.
- Melican, D. B., & Dixon, T. L. (2008). News on the net: Credibility, selective exposure, and racial prejudice. *Communication Research*, 35, 151-168.
- Merskin, D. (2001). Winnebagos, Cherokees, Apaches, and Dakotas: The persistence of stereotyping of American Indians in American advertising brand names. *Howard Journal of Communications*, 12, 159-169.
- Neville, H. A., Lilly, R. L., Duran, G., Lee, R. M., & Brown, L. (2000). Construction and initial validation of the Color-Blind Racial Attitudes Scale (CoBRAS). *Journal of Counseling Psychology*, 47, 59-70.
- Neville, H. A., Worthington, R. L., & Spaniermann, L. B. (2001). Race, power, and multicultural counseling psychology: Understanding White privilege and color-blind racial attitudes. In J. G. Ponterotto, J. M. Casas, L. A. Suzuki, & C. M. Alexander (Eds.), *Handbook of multicultural counseling* (2<sup>nd</sup> Ed., pp. 257-288). Newbury Park, CA: Sage.
- Neville, H., Spanierman, L., & Doan, B. (2006). Exploring the association between color blind racial ideology and multicultural counseling competencies. *Cultural Diversity and Ethnic Minority Psychology*, 12, 275-290.
- Neville, H. A., Yeung, J. G., Todd, N. R., Spanierman, L. B., & Reed, T. D. (2011). Color-blind racial ideology and beliefs about a racialized university mascot. *Journal of Diversity in Higher Education*, 4, 236-249.
- Picca, L.H., & Feagin, J.R. (2007). *Two-faced racism: Whites in the backstage and frontstage*. New York, NY: Routledge/Taylor & Francis Group.
- Russel, S. (2003). Ethics, alterity, incommensurability, honor. *Ayaangwaamizin: The International Journal of Indigenous Philosophy*, 3, 31-54.
- Schneider, D. J. (2003). *The Psychology of Stereotyping*. New York: Guilford Press.
- Springer, D. (2016, October 17). NDSU president calls for end of 'hateful' Sioux chant at Bison football games. Retrieved online from *Grand Forks Herald* at <http://www.grandforksherald.com/news/4138709-ndsu-president-calls-end-hateful-sioux-chant-bison-football-games>
- Staurowsky, E. J. (2007). "You know, we are all Indian" Exploring White power and privilege in reactions to the NCAA Native American mascot policy. *Journal of Sport and Social Issues*, 31, 61-76.
- Steinfeldt, J. A., Foltz, B. D., Kaladow, J. K., Carlson, T., Pagano, L., Benton, E., & Steinfeldt, M. C. (in press). Racism in the electronic age: Role of online forums in expressing racial attitudes about American Indians. *Cultural Diversity and Ethnic Minority Psychology*.
- Steinfeldt, J. A., Foltz, B. D., LaFollette, J. R., White, M. R., Wong, Y. J. & Steinfeldt, M. C. (2012). Perspectives of social justice activists: Advocating against Native-themed mascots, nicknames, and logos. *The Counseling Psychologist*, 40, 326-362.



- Steinfeldt, J. A., Hagen, P. E., & Steinfeldt, M. C. (2010). Psychological Implications of Stereotyping of American Indians Through the Use of Native-themed Mascots, Nicknames, and Logos. In E. Simon (Ed.), *Psychology of Stereotypes* (pp. 213-228). Hauppauge, NY: Nova Science Publishers.
- Steinfeldt, J. A., & Steinfeldt, M. C. (2012). Components of a training intervention designed to produce attitudinal change toward Native-themed mascots, nicknames, and logos. *Counselor Education and Supervision, 51*, 17-32.
- Steinfeldt, J. A., & Wong, Y. J. (2010). Multicultural training on American Indian issues: Testing the effectiveness of an intervention to change attitudes toward Native-themed mascots. *Cultural Diversity and Ethnic Minority Psychology, 16*. 110-115.
- Vanderford, H. (1996). What's in a name? Heritage or hatred: The school mascot controversy. *Journal of Law and Education, 25*, 381-388.
- Westerman, M. (1989, March). Death of the Frito bandito: Marketing to ethnic groups. *American Demographics, 11*, 28-32.
- Williams, D. M. (2007). Where's the honor? Attitudes toward the "Fighting Sioux" nickname and logo. *Sociology of Sport Journal, 24*, 437-456.

**Figure 1**  
**Mississauga Hockey League Team Nicknames and Logos:**



Figure 2

**Table of Indigenous-Themed Mascots, Nicknames, and Logos Used in Studies:**

Study	Stimuli Type (Word/Image)	Indigenous-Themed Nicknames/Logos/Images Used (Examples, not necessarily a comprehensive list)
Fryberg et al. (2008)	Images (Mascot Logos)	
Kim-Prieto et al. (2010)	Images (Mascot Logos)	
Steinfeldt & Wong (2010)	Words (Mascot Nicknames)	Redskins, Chiefs, Seminoles, Fighting Sioux, Braves, Indians
Chaney et al. (2011)	Words (Mascot Nicknames)	Chiefs, Redskins, Indians, Warriors, Braves, Fighting Sioux
LaRocque et al. (2011) and Steinfeldt et al (2010)	Images (Mascot Logos)  Online Forum Words (Mascot Nicknames)	<p data-bbox="678 1134 1404 1165"><b>Images of University of North Dakota Fighting Sioux</b></p> <p data-bbox="657 1270 852 1302"><i>Neutral Images</i></p>  <p data-bbox="657 1396 933 1428"><i>Controversial Images</i></p> 
Burkley et al. (2016)	Images (Mascot Logos)	



**Figure 3**  
**Images of Fan Use of Indigenous-Themed Mascots, Nicknames, and Logos**



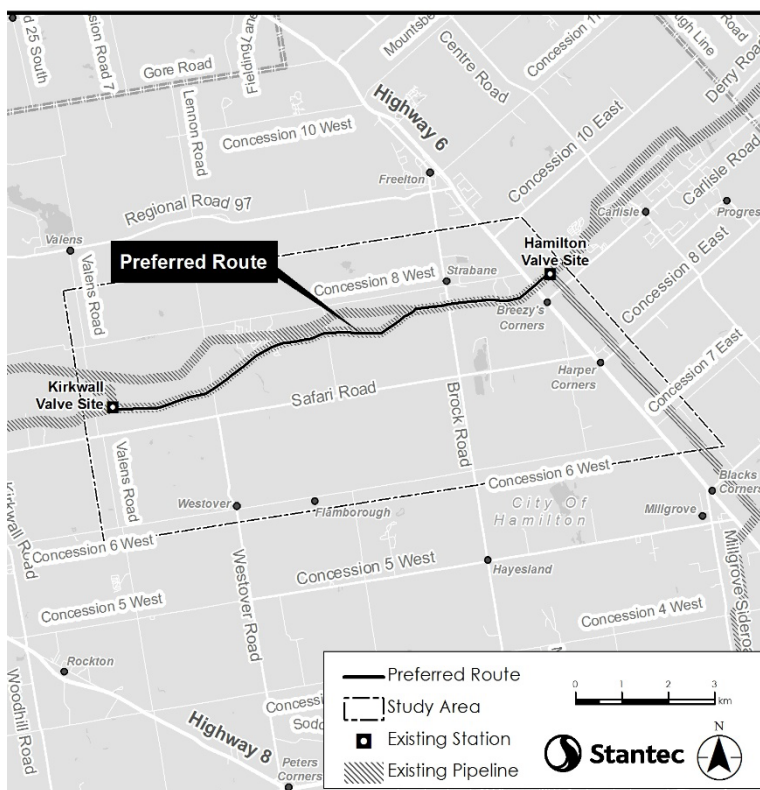
## ENBRIDGE GAS INC. - NOTICE OF SECOND INFORMATION SESSION KIRKWALL-HAMILTON PIPELINE PROJECT

To increase existing capacity and accommodate additional demand for natural gas, Enbridge Gas is proposing to construct a new 48-inch diameter natural gas pipeline located within the City of Hamilton.

Please note: As of Jan. 1, 2019, Union Gas and Enbridge Gas Distribution have amalgamated into one utility with the legal name Enbridge Gas Inc.

The proposed pipeline will be constructed between Enbridge Gas' existing Kirkwall valve site, located northeast of the intersection of Safari Road and Valens Road and Enbridge Gas' existing Hamilton valve site, located east of Highway 6 and north of Carlisle Road. The Preliminary Preferred Route and Alternate Route were presented during an Information Session held on February 27<sup>th</sup>, 2019.

Feedback on the routes was taken into consideration during the route evaluation process. The evaluation resulted in the selection of the Preferred Route, which will parallel three existing Enbridge Gas pipelines and will be 10 km in length. If approved, construction of the pipeline could begin as early as spring/summer 2021 and be complete by the end of 2021.



An integral part of this project is the completion of an environmental study of the construction and operation of the proposed pipeline and related facilities by an independent environmental consultant, Stantec Consulting Ltd. (Stantec). Stantec is hosting an Information Session to provide those interested in the project an opportunity to review the project in general and the Preferred Route, and provide input to the planning process. The Information Session will be conducted as a drop-in centre, with representatives from both Enbridge Gas and Stantec available to receive comments and answer questions.

The Information Session will be held at the following time and location:

**Thursday May 9, 2019**  
**5 p.m. to 8 p.m.**  
**Valens Community Centre**  
**1818 Valens Road**  
**Flamborough, ON N0B 2J0**

If you cannot attend the Information Session but would like to learn more, please contact:

**Michael Candido**  
**Project Manager**  
**Stantec Consulting Ltd.**  
**Phone: 519-780-8139**  
**Email: michael.candido@stantec.com**

**Enbridge Gas**  
**Phone: 1-855-381-9138**  
**Email: projects@uniongas.com**  
**Or visit our project webpage:**  
**www.uniongas.com/projects/Kirkwall-Hamilton**



April 16, 2019

Below is a copy of a Resolution adopted by Brantford City Council at its meeting held March 26, 2019. In keeping with City Council's direction, a copy is being distributed to other municipalities in the Province of Ontario.

C. Touzel  
City Clerk

---

## RESOLUTION

### 6.1 Single-Use Plastic Straws

WHEREAS section 8(1) of the *Municipal Act, 2001* requires that the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS section 8(3) of the *Municipal Act, 2001* permits the municipality to pass by-laws under section 10 and 11 which: regulates or prohibits the matter; and to require persons to do things respecting the matter; and

WHEREAS section 10(2) of the *Municipal Act, 2001* permits single-tier municipalities to pass by-laws respecting the following matters: economic, social and environmental well-being of the municipality, including respecting climate change; and

WHEREAS the Council of The Corporation of the City of Brantford wishes to consider regulating or prohibiting the sale and distribution of single-use plastic straws in the municipality in order to reduce: (a) littering; (b) the impact on landfills; (c) the impact on sewers; and (d) the contribution to climate change;

NOW THEREFORE BE IT RESOLVED THAT City Staff BE DIRECTED to:

1. Analyze the impacts of single-use plastic straws in the municipality; and how to reduce those impacts through the regulation and prohibition of single-use plastic straws;

2. Consult with the public and impacted industries, including but not limited to:
  - i. Retail Stores;
  - ii. Restaurants;
  - iii. Manufacturers and Distributors, as applicable;
  - iv. Chamber of Commerce;
  - v. Brantford Accessibility Advisory Committee; and
  - vi. Brantford Environmental Policy Advisory Committee;
3. THAT City Staff REPORT BACK to Council on the results of their analysis and consultation; along with a process, including timelines, to:
  - a. In the first phase, regulate the sale and distribution of single-use plastic straws, taking into account existing inventories and the sourcing of alternate suppliers; and
  - b. In the final phase, prohibit the sale and distribution of single-use plastics straws.
4. THAT a copy of this resolution BE FORWARDED to the MP and MPP Brantford-Brant, the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and other municipalities in the Province of Ontario.



**Pilon, Janet**

---

**Subject:** 310 Frances Avenue - Planning Committee Delegations - April 16, 2019

**From:** Lakewood Beach Community Council <[LakewoodBeachCC@hotmail.com](mailto:LakewoodBeachCC@hotmail.com)>

**Sent:** April 22, 2019 11:38 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>

**Subject:** 310 Frances Avenue - Planning Committee Delegations - April 16, 2019

*Clerks, please add this correspondence to the Council Agenda for April 24, 2019*

Dear Honourable Mayor and Council,

On behalf of the residents, we would like to extend our appreciation to the Planning Committee Members for formulating and recommending a Motion intended to engage the community with regards to 310 Frances Avenue site plan application process.

The Motion will be before you on April 24 to ratify. We are optimistic, that all of Council will approve the recommendation.

In addition, we have put together the attached spreadsheet which may aid everyone going forward. We believe it is accurate, but should Council or Staff find any errors, please let us know.

Respectfully,

Viv / Anna / Nancy  
Lakewood Beach Community Council



Until 2010, the subject land was zoned RM5, with Special Exemptions.

In February 2010, Staff recommended & Council approved, changing the zoning from multi-residential only (RM5- 7), to Mixed-Use Commercial (MUC), with special exemptions.

Legend: ' - ' indicates same as / parent by-law and ' ? ' indicates possible modifications required but not shown in Presentations.

	Parent RM5 Zoning By-law (for reference purposes only)	RM5 - 7 Site Specific Mods.	MUC-4 ( Special Exemptions)	Additional site specific modifications proposed?	Parent MUC Zoning By-Law (for comparison purposes only)
<b><u>Regulations for Mass/Scale:</u></b>					
Minimum Front Yard	7.5 metres; increased by 1 m for every 3 ms building exceeds 15 metres	- -	0 metres	-	9 metres
Minimum Side Yard	7.5 metres; increased by 1 m for every 3 ms building exceeds 15 metres	-	3 metres; except 0 metres for a flankage yard	-	9 metres
Minimum Flankage Yard	9 metres;  increased by 1 m for every 3 ms building exceeds 15 metres	-	0 metres	-	12 metres
Minimum Rear Yard	7.5 metres; increased by 1 m for every 3 ms building exceeds 15 metres	-	3 metres; except 0 metres for a through lot	reduce to 2.5 metres -	9 metres
Maximum Density	150 units / hectare	-	No maximum (minimum 585 units)	- -	80 units / hectare
Maximum Building Height	none	-	none	-	20 metres
Maximum # of Buildings on Same Lot	n/a	n/a	None	-	1
Maximum Lot Coverage	35%	-	None	-	30%

	Parent RM5 Zoning By-law (for reference purposes only)	RM5 - 7 Site Specific Mods.	MUC-4 ( Special Exemptions)	Additional site specific modifications proposed?	Parent MUC Zoning By-Law (for comparison purposes only)
<b><u>Regulations for Open Spaces &amp; Amenity Spaces</u></b>					
Minimum Landscaped Open Space	1. Not less than 50%, of which 25% in one area that isn't front yard  2. A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress & egress n/a n/a	-  -  -  -	-  -  -  -	1. Reduce to 20%, and consider parking podium rooftop amenity space as Landscaped Open Space  Reduce to ?  <i>Note: Staff Presentation doesn't state what reduction is sought</i>  Reduce to ?  ?	1. (same) Not less than 50%, of which 25% in one are that isn't front yard  2. A landscaped strip having a minimum width of 5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress & egress  3. 9 metres adjacent to a residential 4. 1.5 metres to lot line that abuts another lot (other than residential)
Minimum Amenity Areas					
Bachelor Unit	1.5 sq ms per unit	-	-	?	14 sq ms per unit
One Bedroom Unit	2 sq ms per unit	-	-	?	18 sq ms per unit
Two Bedroom Unit	3 sq ms per unit	-	-	?	53 sq ms per unit
Three Bedroom Unit	4 sq ms per unit	-	-	?	88 sq ms per unit
Four Bedroom Unit	4 sq ms per unit	-	-	-	125 sq ms per unit
	Not less than 10 percent of the total of the amenity areas shall be provided inside the applicable apartment dwelling and such inside area shall not be less than 93 square metres	-	-	?	Not less than 10 percent of the total of the amenity areas shall be provided inside the applicable apartment dwelling and such inside area shall not be less than 93 square metres

	Parent RM5 Zoning By-law (for reference purposes only)	RM5 - 7 Site Specific Mods.	MUC-4 ( Special Exemptions)	Additional site specific modifications proposed?	Parent MUC Zoning By-Law (for comparison purposes only)
<b>Regulations for Parking</b>					
(a) Minimum Number	1) 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one bedroom dwelling unit other than a townhouse or maisonette.	1 space and .2 visitor parking spaces per unit	-	Reduce minimum number of parking spaces from 2,769 required to 2,409	1.5 per dwelling unit for Residential
	2) 1.5 parking spaces and 0.35 visitor parking spaces for each two bedroom dwelling unit other than a townhouse or maisonette	removed	-	<i>* Note, we believe the 2,769 calculation may not be accurate due to 1,836 units indicated however breakdown of units total 1,842</i>	and number of Commercial spaces is as per Section 4.10 however minimum of 1 per 28 sq metres Gross Floor Area
	3) 1.75 parking spaces and 0.35 visitor parking spaces for each dwelling unit other than a townhouse or maisonette.	removed	-	-	n/a
Distance to Residential Zones	3 metre setback	-	n/a	n/a	n/a
Tenant Parking	All tenant parking <b>shall</b> be provided underground	-	-	?	Commercial & residential separated with separate points of ingress/egress
	Above ground shall be setback a minimum 3 metres from any lot line	-	-	-	n/a
Parking Structures					
Minimum Distance between Buildings on the Same Lot	21 metres	-	15 metres	-	n/a
Loading Areas	As per Section 4.9	-	-	?	As per Section 4.9

	Parent RM5 Zoning By-law (for reference purposes only)	RM5 - 7 Site Specific Mods.	MUC-4 ( Special Exemptions)	Additional site specific modifications proposed?	Parent MUC Zoning By-Law (for comparison purposes only)
<b>Permitted Uses</b>	<p>Apartments</p> <p>Home Occupations; and uses, buildings, structures accessory to permitted uses</p>	<p>-</p> <p>-</p> <p>as per Parent by-law, plus retail, convenience stores, day nursery, drug stores, personal service shops &amp; business offices</p> <p>(to an apartment bldg containing a minimum of 80 units)</p>	<p>-</p> <p>-</p> <p>Nursing homes, Homes for the Aged, &amp; Residential Care Facilities also permitted (subject to 300m radial separation distance)</p>	<p>Allow Residential on Ground Floor</p> <p>-</p>	<p>Apartments and Home Occupations above Commercial Uses accessory to the above permitted uses provided they are part of the comprehensive development</p> <p>Banks or Financial Institutions, Day Nurseries, Personal Service Shops and</p> <p>Professional or Business Offices Service and Repair Shops Restaurants - Standard Retail Stores</p>
<b>Additional Regulations:</b>					
Maximum Gross Leasable Floor Space	n/a	n/a	7,000 sq metres	-	7,500 sq metres
Minimum Lot Area	1 hectare	-	19,400 sq ms	-	1,500 sq ms
Minimum Lot Frontage	60 metres	-	-	-	30 metres

Source: City of Stoney Creek Zoning By-Law 3292-92, Consolidated December 2017 (city's website Apr 22, 2019) and Staff Presentation to DRP, April 11 & Planning Committee, April 16, 2019



**BOARD OF HEALTH  
REPORT 19-004  
1:30 p.m.  
Monday, April 15, 2019  
Council Chambers  
Hamilton City Hall**

---

**Present:** Mayor F. Eisenberger (Chair)  
Councillors J. Farr, S. Merulla, T. Jackson, J.P. Danko, B. Clark, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek, T. Whitehead and J. Partridge

**Absent with Regrets:** Councillors M. Wilson, N. Nann and E. Pauls – Personal; and Councillor C. Collins – City Business

---

**THE BOARD OF HEALTH PRESENTS REPORT 19-004 AND RESPECTFULLY RECOMMENDS:**

1. **Correspondence from the Windsor Essex County Health Unit in support of Peterborough Health Unit's Support for Increased Actions to the Opioid Crisis (Item 5.1)**

That the Correspondence from the Windsor Essex County Health Unit in support of Peterborough Health Unit's Support for Increased Actions to the Opioid Crisis, be endorsed.

2. **Semi-Annual Infectious Diseases and Environmental Health Report (BOH19007) (City Wide) (Item 7.1)**

That Report BOH19007, respecting a Semi-Annual Infectious Diseases and Environmental Health Report, be received.

3. **Semi-Annual Public Health Performance Report (BOH19008) (City Wide) (Item 7.2)**

That Report BOH19008, respecting a Semi-Annual Public Health Performance Report, be received.

**4. Communications Policy Between Medical Officer of Health and Board of Health (BOH19011) (City Wide) (Item 7.3)**

That Report BOH19011, respecting Communications Policy Between Medical Officer of Health and Board of Health, be received.

**5. Heat Warning Information System (BOH19014) (City Wide) (Item 7.4)**

That Report BOH19014, respecting a Heat Warning Information System, be received.

**6. Hamilton Wentworth Detention Centre Deaths Inquest Jury Recommendations (BOH19016) (City Wide) (Item 10.1)**

That Report BOH19016, respecting Hamilton Wentworth Detention Centre Deaths Inquest Jury Recommendations, be received.

**7. City of Hamilton Tick Management Plan and Committee (BOH19012) (City Wide) (Item 10.2)**

That Report BOH19012, respecting the City of Hamilton Tick Management Plan and Committee, be received.

**8. Ontario Health Teams (BOH19020) (City Wide) (Added Item 10.3)**

That Report BOH19020, respecting Ontario Health Teams, be received.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES (Item 1)**

There were no ceremonial activities.

**(b) CHANGES TO THE AGENDA (Item 2)**

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

**5. COMMUNICATIONS**

- 5.4 Correspondence from the Association of Local Public Health Agencies respecting the 2019 Provincial Budget

**Recommendation: Be received.**

**10. DISCUSSION ITEMS**

10.3 Ontario Health Teams (BOH19020) (City Wide)

The agenda for the April 15, 2019 Board of Health be approved, as amended.

**(c) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) March 18, 2019 (Item 4.1)**

The Minutes of the March 18, 2019 meeting of the Board of Health were approved, as presented.

**(e) COMMUNICATIONS (Item 5)**

**(i) Correspondence from the Toronto Board of Health, Urging the Ministry of Health and Long-Term Care to Support Managed Opioid Programs (Item 5.2)**

The Correspondence from the Toronto Board of Health, Urging the Ministry of Health and Long-Term Care to Support Managed Opioid Programs, was received and referred to staff for a report back to the Board of Health.

**(ii) Correspondence from the Association of Local Public Health Agencies respecting the Winter Symposium held on February 21, 2019 (Item 5.3)**

The Correspondence from the Association of Local Public Health Agencies respecting the Winter Symposium held on February 21, 2019, was received.

**(iii) Correspondence from the Association of Local Public Health Agencies respecting the 2019 Provincial Budget (Added Item 5.4)**

The Correspondence from the Association of Local Public Health Agencies respecting the 2019 Provincial Budget, was received.

**(f) DELEGATION REQUESTS (Item 6)**

**(i) Krista D'Aoust, Danielle Boissoneau and Amy Angelo, Neighbour to Neighbour Centre, respecting Activities and Community Impact as a Result of Board of Health 2018 Funding (Items 6.1, 6.2 and 6.3)**

The delegation from Krista D'Aoust, Danielle Boissoneau and Amy Angelo Neighbour to Neighbour Centre, respecting Activities and Community Impact as a Result of Board of Health 2018 funding, was approved for today's meeting.

**(g) PUBLIC HEARINGS/DELEGATIONS (Item 8)**

**(i) Jeffrey Martin, respecting the Hamilton Millennial Survey Study (Item 8.1)**

Jeffrey Martin addressed the Board respecting the Hamilton Millennial Survey Study, with the aid of a presentation.

The delegation from Jeffrey Martin, respecting the Hamilton Millennial Survey Study, was received.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

(a) That staff were directed to report back to the Board of Health on recommending a course of action through a critical path needed to address the issue of employment precarity and basic income, from a City of Hamilton perspective, and perspective of the Provincial and Federal governments; and,

(b) The information found in the Executive Summary of The Generation Effect: Millennials, Employment Precarity and the 21st Century Workplace was referred to staff for consideration in their report back to the Board of Health.

**(ii) David Carson, respecting the Need to Increase City Efforts on Mitigating and Adapting to Climate Change (Item 8.2)**

David Carson addressed the Board respecting the Need to Increase City Efforts on Mitigating and Adapting to Climate Change, with the aid of a presentation.

The delegation from David Carson, respecting the Need to Increase City Efforts on Mitigating and Adapting to Climate Change, was received.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.



**(iii) Krista D'Aoust, Danielle Boissoneau and Amy Angelo, Neighbour to Neighbour Centre, respecting Activities and Community Impact as a Result of Board of Health 2018 funding (Added Item 8.3)**

Krista D'Aoust, Danielle Boissoneau and Amy Angelo, Neighbour to Neighbour Centre, addressed the Board respecting Activities and Community Impact as a Result of Board of Health 2018 funding, with the aid of a presentation.

The delegation from Krista D'Aoust, Danielle Boissoneau and Amy Angelo, Neighbour to Neighbour Centre, respecting Activities and Community Impact as a Result of Board of Health 2018 funding, was received.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

**(h) ADJOURNMENT (Item 15)**

There being no further business, the Board of Health adjourned at 3:43 p.m.

Respectfully submitted,

Mayor F. Eisenberger  
Chair, Board of Health

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



## **PLANNING COMMITTEE**

### **REPORT 19-006**

**9:30 a.m.**

**Tuesday, April 16, 2019**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Councillors M. Pearson (Chair), M. Wilson, J. Farr (1<sup>st</sup> Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson and J. Partridge

**Absent with Regrets:** Councillor C. Collins – City Business  
Councillor T. Whitehead – Personal

**Also Present:** Councillor T. Jackson

### **THE PLANNING COMMITTEE PRESENTS REPORT 19-006 AND RESPECTFULLY RECOMMENDS:**

#### **1. Hamilton Municipal Heritage Committee Report 19-002 (Item 7.1)**

##### **Dunnington-Grubb Gardens, 1000 Main Street East (Item 11.1)**

WHEREAS, the Hamilton Municipal Heritage Committee has received a verbal update respecting the Dunnington-Grubb Gardens; and

WHEREAS, the property known as Gage Park is currently on staff's work plan for Designation;

THEREFORE BE IT RESOLVED:

- (a) That the Hamilton Municipal Heritage Committee recommends that areas of Gage Park remain as a historic passive Victorian park;
- (b) That the preservation and conservation of Dunnington-Grubb Gardens continue;
- (c) That the Hamilton Municipal Heritage Committee recommends that Gage Park continue to be used for educational programs geared towards youth, post-secondary students and potential tourism programs;

**Council – April 24, 2019**

- (d) That the Hamilton Municipal Heritage Committee support “non-financial” initiatives of the Friends of Gage Park and the Dunnington-Grubb Gardens Foundation; and,
- (e) That City staff continue their engagement with the Friends of Gage Park and Dunnington-Grubb Gardens Foundation.

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19070) (City Wide) (Item 7.2)**

That Report PED19070 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**3. Licensing and By-law Services Housekeeping and Technical Amendments to By-laws (PED19011(a)) (City Wide) (Item 7.3)**

That Report PED19011(a) respecting Licensing and By-law Services Housekeeping and Technical Amendments to By-laws, be received.

**4. To Incorporate City Lands into Soho Street By By-law (PED19079) (Ward 9) (Item 7.4)**

- (a) That the following City lands designated as Parts 1, 2, and 4 on Plan 62R-20860 and Part 2 on Plan 62R-21053, be established as a public highway to form part of Soho Street;
- (b) That the By-law to incorporate the City lands to form part of Soho Street be prepared to the satisfaction of Corporate Counsel and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

**5. To Incorporate City Lands into Upper Mount Albion Road by By-law (PED19080) (Ward 9) (Item 7.5)**

- (a) That the following City lands designated as Parts 6 and 8 on Plan 62R-20860, be established as a public highway to form part of Upper Mount Albion Road;
- (b) That the By-law to incorporate the City lands to form part of Upper Mount Albion Road be prepared to the satisfaction of Corporate Counsel and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

**6. To Incorporate City Lands into Columbus Gate by By-law (PED19081) (Ward 9) (Item 7.6)**

- (a) That the following City lands designated as Part 7 on Plan 62R-20860, be established as a public highway to form part of Columbus Gate;
- (b) That the By-law to incorporate the City lands to form part of Columbus Gate be prepared to the satisfaction of Corporate Counsel and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

**7. Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) (Item 8.1)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-025 by Losani Homes Limited (Owner), for changes in land use designation in Volume 1 from Mixed Use – Medium Density to Neighbourhoods; from Arterial Commercial to Mixed Use – Medium Density; and Volume 2 from Mixed Use – Medium Density to Medium Density Residential 2; from Low Density Residential 2 to Medium Density Residential 2; to remove a public road from the Land Use Map; to add lands to Site Specific Policy Area “C” to permit a minimum residential density of 55 units per net hectare; to establish a Site Specific Policy Area to permit a minimum residential density of 50 units per net hectare; and, to establish a Site Specific Policy Area to permit a maximum of eight stories and a maximum residential density of 170 units per net hectare, in the Trinity West Secondary Plan, for lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix “A” to Report PED19030, be approved on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19030, be adopted by City Council;
  - (ii) That the proposed Official Plan 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-16-064 by Losani Homes Limited (Owner), for a further modification to the Multiple Residential “RM3-57” Zone, Modified (Block 4); and changes in zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified (Block 5); Single Residential “R1” Zone to Single Residential “R3-41” Zone, Modified (Block 6); Single Residential “R1” Zone

to Single Residential “R3-41a” Zone, Modified (Block 7); Neighbourhood Development “ND” Zone to Multiple Residential “RM3-67” Zone, Modified (Block 8); Multiple Residential “RM2-43” Zone to Multiple Residential “RM3-67” Zone, Modified (Block 9); and Service Commercial “CS-1” Zone, Modified, to Multiple Residential “RM3-67” Zone, Modified (Block 10), to permit an increased maximum density from 100 to 170 units per hectare and an increase in maximum height from 6 storeys to 8 storeys for multiple dwellings (Blocks 4 & 5), to permit a decrease in minimum density from 60 to 50 units per net hectare, consisting of townhouses, maisonette dwellings and stacked townhouses (Blocks 8, 9 and 10), and four single detached dwellings, to accommodate additional lands and reconfiguration of the road network as part of a residential community on lands located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED19030, be approved, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. \_\_\_.
- (c) That Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner), for changes in zoning from Service Commercial “CS-1” Zone, Modified to Mixed Use - Medium Density (C5) Zone (Block 1); Single Residential (R1) Zone to Mixed Use - Medium Density (C5) Zone (Block 2); and Neighbourhood Development (ND) Zone to Mixed Use - Medium Density (C5) Zone (Block 3), to permit reconfiguration of commercial uses on lands located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED19030, be approved, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That Draft Plan of Subdivision Application 25T-201609 by Losani Homes Limited (Owner), to establish a Draft Plan of Subdivision known as “Midtown”, on lands located at 1809, 1817 and 1821 Rymal Road East,

Stoney Creek, as shown on Appendix “F” to Report PED19030, be approved, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “Midtown”, 25T-201609, prepared by MHBC and certified by D. McLaren, O.L.S., dated November 16, 2018, consisting of one block for multiple dwellings and street townhouses including karst spring SP-3 (Block 1), one block for commercial development (Block 2), and one block for the purpose of a right of way widening along Rymal Road East (Block 3), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “G”, as amended, to Report PED19030.
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of Development; and,
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, for each said Block, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
- (e) That the public submissions received did not affect the decision.

**8. Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1) (Deferred from the March 19, 2019 meeting)**

- (a) That Appendix “A” attached to Planning Committee Report 19-006 respecting the Peer Review and Recommendations on Zoning: Durand Neighbourhood Character Study be received;
- (b) That the recommendations of the Peer Review of the Durand Neighbourhood Character Study Final Report be referred to the new Residential Zoning project;
- (c) That the appropriate staff from PED be directed to meet and work together with the DNA as required and up to October 31, 2019 to develop a tool (based on the Durand Neighbourhood Character Study Final Report) that assesses and guides character within all future Planning Act applications or projects proposed for properties listed in the Durand Built Heritage Inventory; and,

- (d) That staff be directed to use that tool for assessing and guiding Durand Neighbourhood Character until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 2)**

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

**1. CORRESPONDENCE (Item 5)**

- 5.2 Correspondence from Dan van den Beukel respecting Development at 310 Frances Avenue, Hamilton (Referred to the General Manager of Planning and Economic Development at the March 27, 2019 Council meeting)

**2. DELEGATION REQUESTS (Item 6)**

- 6.2 Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton (For today's meeting)

**3. PUBLIC HEARINGS / DELEGATIONS (Item 8)**

8.1.a Written Comments

1. Bashir Dhalwani
2. Sam Destro

8.1.b Staff Presentation

- 8.5 Delegation from Frank D'Amico has been withdrawn and he has submitted written comments instead.

**4. DISCUSSION ITEMS**

- 10.1 Report PED19017 is being moved up in the agenda to be heard before Item 8.2

The agenda for the April 16, 2019 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)**

**(i) April 2, 2019 (Item 4.1)**

The Minutes of the April 2, 2019 meeting were approved, as presented.

**(d) CORRESPONDENCE (Item 5)**

**(i) Correspondence from the City of Toronto respecting support for their Resolution to adequately fund the Local Planning Appeal Tribunal (Item 1 and 2 referred from the March 27 Council meeting) (Item 5.1)**

The correspondence from the City of Toronto respecting support for their Resolution to adequately fund the Local Planning Appeal Tribunal, was received.

**(ii) Correspondence from Dan van den Beukel respecting Development at 310 Frances Avenue, Hamilton. (Referred to the General Manager of Planning and Economic Development at the March 27, 2019 Council meeting) (Added Item 5.2)**

The correspondence from Dan van den Beukel respecting Development at 310 Frances Avenue, Hamilton, was received.

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review (Item 6.1)**

The Delegation Request from Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review, was approved for today's meeting.

**(ii) Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton (Added Item 6.2)**

The Delegation Request from Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton, was approved for today's meeting.



**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

**(i) Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) (Item 8.1)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 Amendment, Zoning By-law Amendment or Draft Plan of Subdivision 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.

Yvette Rybensky, Senior Project Manager – Suburban Team, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City’s website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

The staff presentation was received.

David Aston, MHBC Planning, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. David Aston provided an overview of the proposal.

The overview of the proposal by David Aston, MHBC Planning, was received.

**Delegations:**

**1. Lynda Lukasik, Environment Hamilton**

Lynda Lukasik, Environment Hamilton, addressed the Committee in support of the proposal, but noted some concerns.

The delegation from Lynda Lukasik, Environment Hamilton, was received.

The written comments from Bashir Dhalwani and Sam Destro (Item 8.1.a), were received.

The public meeting was closed.

- (a) The Conditions of Draft Plan of Subdivision Approval (Appendix G to Report PED19030) were amended by adding Condition 19:

**19. That staff be directed to retain an independent firm to conduct a Peer Review of the Hydrogeological and Geotechnical studies of the natural spring known as SP3 which includes; Monitoring Plan, Karst Management Protection, Buffering and Implementation.**

- (b) The recommendations in Report PED19030 were amended by adding the following sub-section (e):

**(e) That the public submissions received did not affect the decision.**

For disposition of this matter, refer to Item 7.

**(ii) Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review (Added Item 8.1)**

Janice Brown, Durand Neighbourhood Association (DNA), addressed the Committee respecting the Durand Neighbourhood Character Study Review. Janice Brown noted that the staff report indicates “that following completion of the Peer Review, the DNA opted not to pursue the implementation of a zoning overlay at this time”, but the DNA has not opted out of pursuing the implementation of the zoning overlay. Janice Brown noted that the Study “perceives the Durand Neighbourhood’s primary concern to be with the design and location of taller buildings and more intense residential forms rather than concerns related to inappropriate low-rise development”, and the DNA does not agree with this perception.

The delegation from Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review, was received.

**(g) DISCUSSION ITEMS (Item 10.1)**

**(i) Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1) (Deferred from the March 19, 2019 meeting)**

The recommendations of Report PED19017 respecting Durand Neighbourhood Character Study Review were amended by deleting sub-section (c) in its entirety and adding a new sub-section (c) and (d):

- ~~(c) That staff be directed to use the Durand Neighbourhood Character Study Final Report as a tool for assessing character within the Planning Act applications in the Durand Neighbourhood, until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.~~

- (c) *That the appropriate staff from PED be directed to meet and work together with the DNA as required and up to October 31st, 2019 to develop a tool (based on the Durand Neighbourhood Character Study Final Report) that assesses and guides character within all future Planning Act applications or projects proposed for properties listed in the Durand Built Heritage Inventory; and,*
- (d) *That staff be directed to use that tool for assessing and guiding Durand Neighbourhood Character until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.*

For disposition of this matter, refer to Item 8.

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8) (Continued)**

Melanie Schneider, Planner II, provided an overview of the status of the Development at 310 Frances Avenue, Hamilton.

The overview of the status of the Development at 310 Frances Avenue, Hamilton by Melanie Schneider, was received.

**(iii) Lakewood Beach Community Council respecting Development at 310 Frances Avenue, Hamilton (Item 8.2)**

Vivian Saunders, Lakewood Beach Community Council addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

Vivian Saunders was granted an additional five minutes to speak.

**(iv) Jen Davis respecting Development at 310 Frances Avenue, Hamilton (Item 8.3)**

Jen Davis did not attend the meeting.

**(v) Mark Victor respecting Development at 310 Frances Avenue, Hamilton (Item 8.4)**

Mark Victor addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

**(vi) Frank D'Amico respecting Development at 310 Frances Avenue, Hamilton (Item 8.5)**

Frank D'Amico was unable to attend the meeting and submitted written comments.

**(vii) Sherry Hayes respecting Development at 310 Frances Avenue, Hamilton (Item 8.6)**

Sherry Hayes addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

**(viii) Eleanor Boyle respecting Development at 310 Frances Avenue, Hamilton (Item 8.7)**

Eleanor Boyle did not attend the meeting.

**(xi) David Bertrand respecting Development at 310 Frances Avenue, Hamilton (Item 8.8)**

David Bertrand did not attend the meeting.

**(x) Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton (Added Item 8.10)**

Lachlan Holmes, HamiltonForward, addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

The following delegations and written comments respecting Development at 310 Frances Avenue, Hamilton, were received:

1. Vivian Saunders (Delegation)
2. Mark Victor (Delegation)
3. Frank D'Amico (Written comments)
4. Sherry Hayes (Delegation)
5. Lachlan Holmes (Delegation)

(a) That staff be directed to report back to the Planning Committee on the proposed developments on the subject property, 310 Frances Avenue, with the Minutes of the Design Review Panel, and any studies required for future Site Plan approval, with staff recommendations for consideration by the Planning Committee and;

(b) That staff consult with the Ward Councillor to provide proper public notice.

**(h) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

**(i) Outstanding Business List (Item 13.1)**

The following changes to the Outstanding Business List, were approved:

Item JJ – Housekeeping Amendments to City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118  
(Addressed as Item 7.3)

**(ii) General Manager's Update (Added Item 13.2)**

Jason Thorne, General Manager of Planning and Economic Development, advised the Committee that a Press Release announcing a call for submissions for the Urban Design and Architecture awards was scheduled for April 17, 2019.

**(i) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – April 2, 2019 (Item 14.1)**

- (a) The Closed Session Minutes of the April 2, 2019 Planning Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the April 2, 2019 Planning Committee meeting, are to remain confidential.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee was adjourned at 1:42 p.m.

Respectfully submitted,

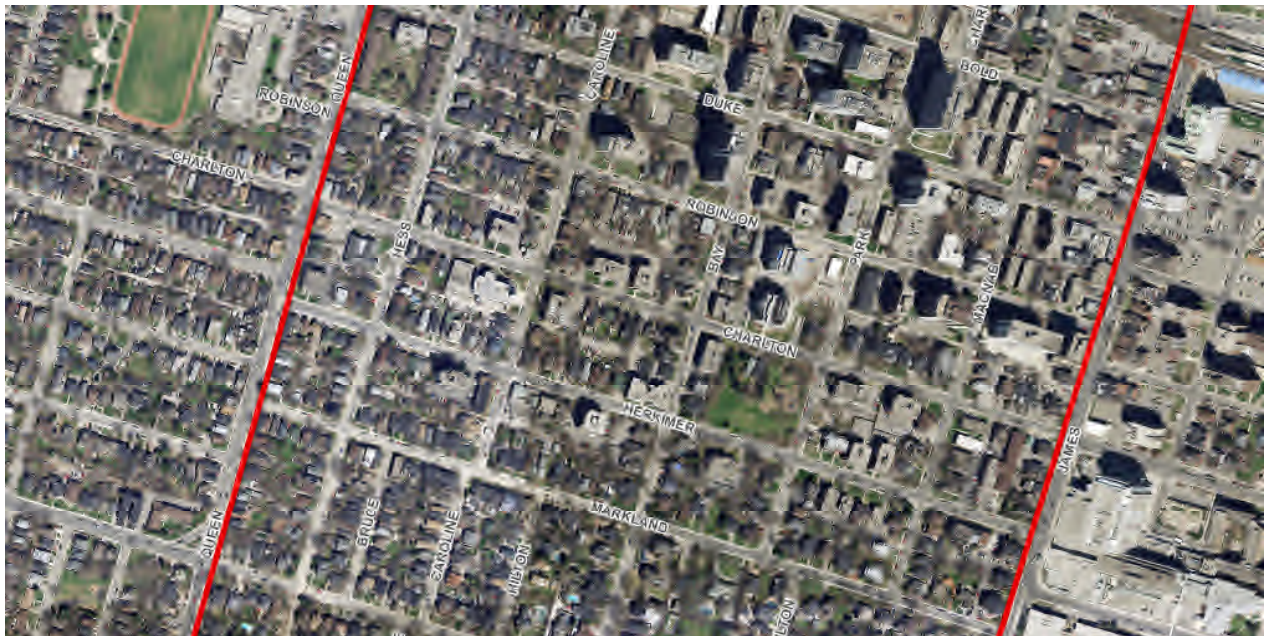
Councillor M. Pearson  
Chair, Planning Committee

Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk

# Peer Review and Recommendations on Zoning

---

## Durand Neighbourhood Character Study



City of Hamilton  
January 2019

# Contents

1.	Introduction .....	1
1.1	Background and Purpose .....	1
1.2	Area of Study .....	1
1.3	Scope .....	2
1.4	Contents.....	2
2.	Key Character Study Findings.....	6
2.1	Ottawa Approach (Section 2.0) .....	6
2.2	Streetscape Character Factors (Section 4.3).....	6
2.3	Study Recommendations for Zoning .....	7
3.	Mechanics of Ottawa Character Zoning.....	8
3.1	Background.....	8
3.2	Mature Neighbourhoods Overlay.....	8
3.3	Streetscape Character Analysis .....	13
3.4	OMB Proceedings.....	13
4.	Demonstration of Ottawa Zoning.....	15
4.1	Method .....	15
4.2	Site 1 (Duke).....	17
4.3	Site 2 (Robinson) .....	21
4.4	Site 3 (Hess between Herkimer and Charlton).....	25
4.5	Site 4 (Hess south of Aberdeen) .....	29
4.6	Site 5 (Markland west of Bay).....	33
4.7	Site 6 (Markland east of Bay) .....	37
4.8	Comparison of Existing and SCA Zoning .....	41

5.	Assessment .....	47
5.1	Appropriate Characteristics .....	47
5.2	Applicable Dwelling Types.....	52
5.3	Parking.....	54
5.4	Evaluation Extent.....	55
5.5	Heritage Influences.....	56
6.	Conclusions on Suitability of SCA Tool.....	59
7.	Recommendations.....	61



# 1. Introduction

## 1.1 Background and Purpose

GSP Group was retained by the City of Hamilton to undertake a Peer Review of the Durand Neighbourhood Character Study prepared by Civicplan dated April 2017 (referenced throughout this Peer Review as the “Character Study”). The Durand Neighbourhood is an older neighbourhood in central Hamilton that is bounded by Main Street to the north, Queen Street to the west, James Street to the east, and the Escarpment to the south (**see Figures 1 and 2**). The Character Study was prepared on behalf of the Durand Neighbourhood Association to “*understand the neighbourhood context and make recommendations for future policy to help maintain neighbourhood character through periods of change*”.

The Character Study describes the context, character and planning and development issues with the Durand Neighbourhood. It provides a comprehensive description of the history and context of the Durand Neighbourhood, outlines the applicable planning policy and regulatory framework directing growth and development in the area, and it summarizes an inventory of existing conditions and audit of neighbourhood preferences in the area. The Character Study culminates with a series of recommendations related to the planning documents and mechanisms applicable to the Durand Neighbourhood, which includes recommendations concerning official plan policy and zoning for the area.

Specific to zoning, the Character Study recommends considerations for the formulation of the residential zones as part of the City’s ongoing comprehensive zoning by-law process. This includes recommendations for the use of a recent City of Ottawa zoning tool related to streetscape character zoning and analysis for low-rise residential forms, which provides additional considerations for established neighbourhoods where sensitivity to existing character is particularly pronounced. The purpose of this Peer Review is to review the suitability of the Ottawa approach applied to the Durand Neighbourhood context and provide recommendations to the City of Hamilton to inform the comprehensive zoning update process relating to the formulation of residential zones for the Durand context.

## 1.2 Area of Study

This Peer Review focuses on those areas of the Durand Neighbourhood zoned “C” (Urban Protected Residential) District, “D” (Urban Protected Residential – One and Two Family Dwellings) District or “DE” (Low Density Multiple Dwellings) District in City of Hamilton Zoning By-law No. 6593. These areas are where low-rise residential redevelopment or infill development would be principally expected, ensuring a comparable assessment to that of the Ottawa character zoning approach. Areas that are subject to the “E” (Multiple Dwellings, Lodges, Clubs, Etc) District, the “E-1” (Multiple Dwellings, Lodges, Clubs, Etc) District, the “E-2” (Multiple Dwellings) District, or the “E-3” (High Density Multiple Dwellings) District within By-

law No. 6593 are excluded as they have been largely developed as mid-rise and high-rise residential developments. Areas that are subject to the City of Hamilton's Comprehensive Zoning By-law No. 05-200 have been excluded as these areas are either within the downtown zones that are not intended for low-rise residential infill development or institutional and park zones that do not permit residential uses (see Figure 3).

### 1.3 Scope

This Peer Review focuses on those sections of the Character Study related to zoning and the application of the Ottawa character zoning approach. This includes Section 2.0 ("The Ottawa Approach) describing Ottawa's approach and its application to Durand; Section 4.3 ("Resident Survey") which outlines factors influencing streetscape character; and Section 5.2 ("Zoning") concerning zoning recommendations and Ottawa's Streetscape Character Analysis tool. There are five general questions that this Peer Review specifically explores per direction from City of Hamilton staff:

1. Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?
2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?
3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?
4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?
5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

### 1.4 Contents

This Peer Review is organized with the following structure:

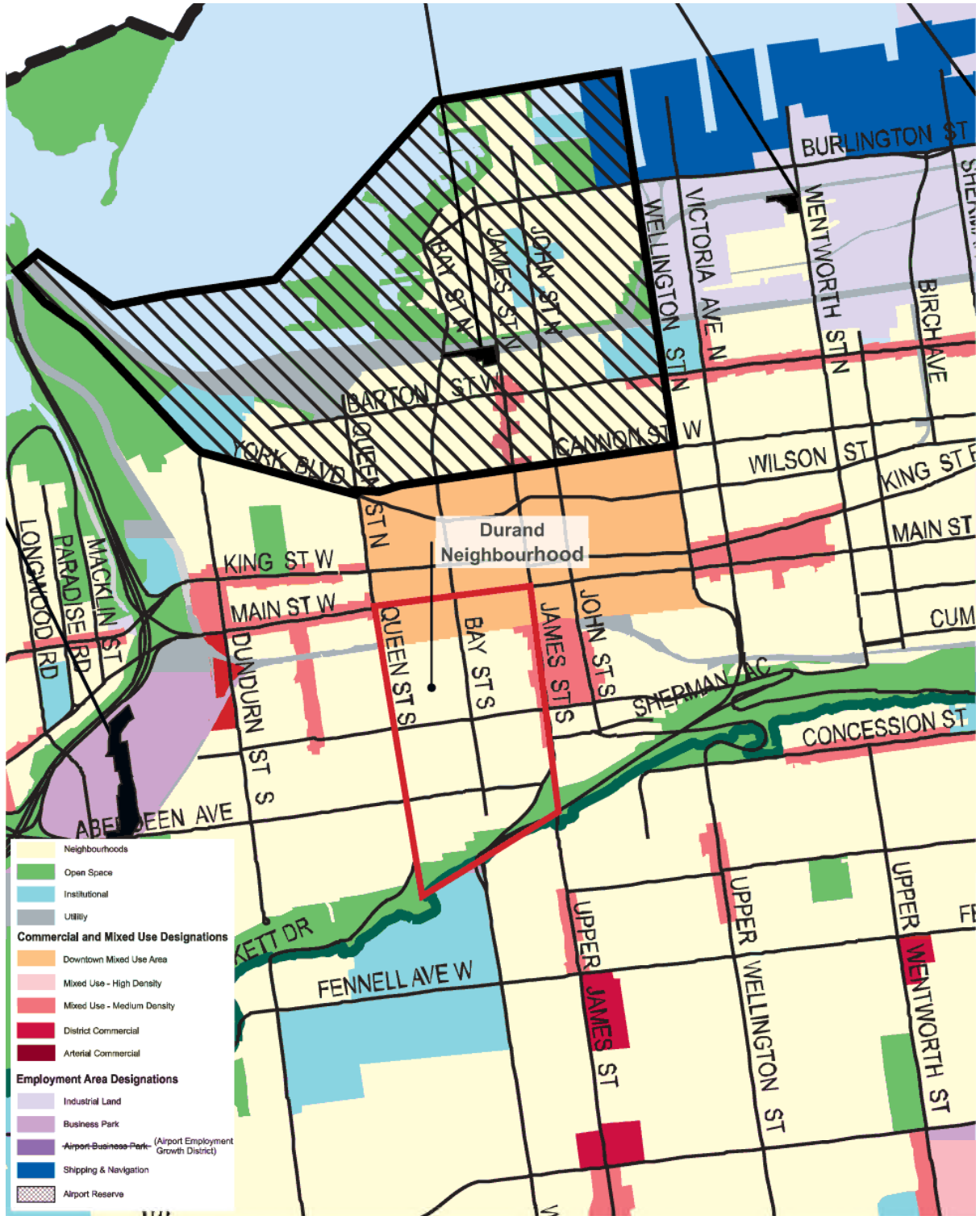
- o Section 2 summarizes the key findings of the Character Study as they inform zoning,
- o Section 3 outlines the mechanics of Ottawa's approach to character zoning and analysis,
- o Section 4 applies the Ottawa streetscape character analysis tool to six different streets segments within the Durand Neighbourhoods to test its application to the Durand context and shed light on suitability and efficacy,
- o Section 5 assesses the above five questions in the review scope and provides recommendations for zoning in respect to each, and,
- o Section 6 provides a summary of the recommendations resulting from this Peer Review.



Durand Neighbourhood Location  
Source: Google Aerial Imagery (2017)

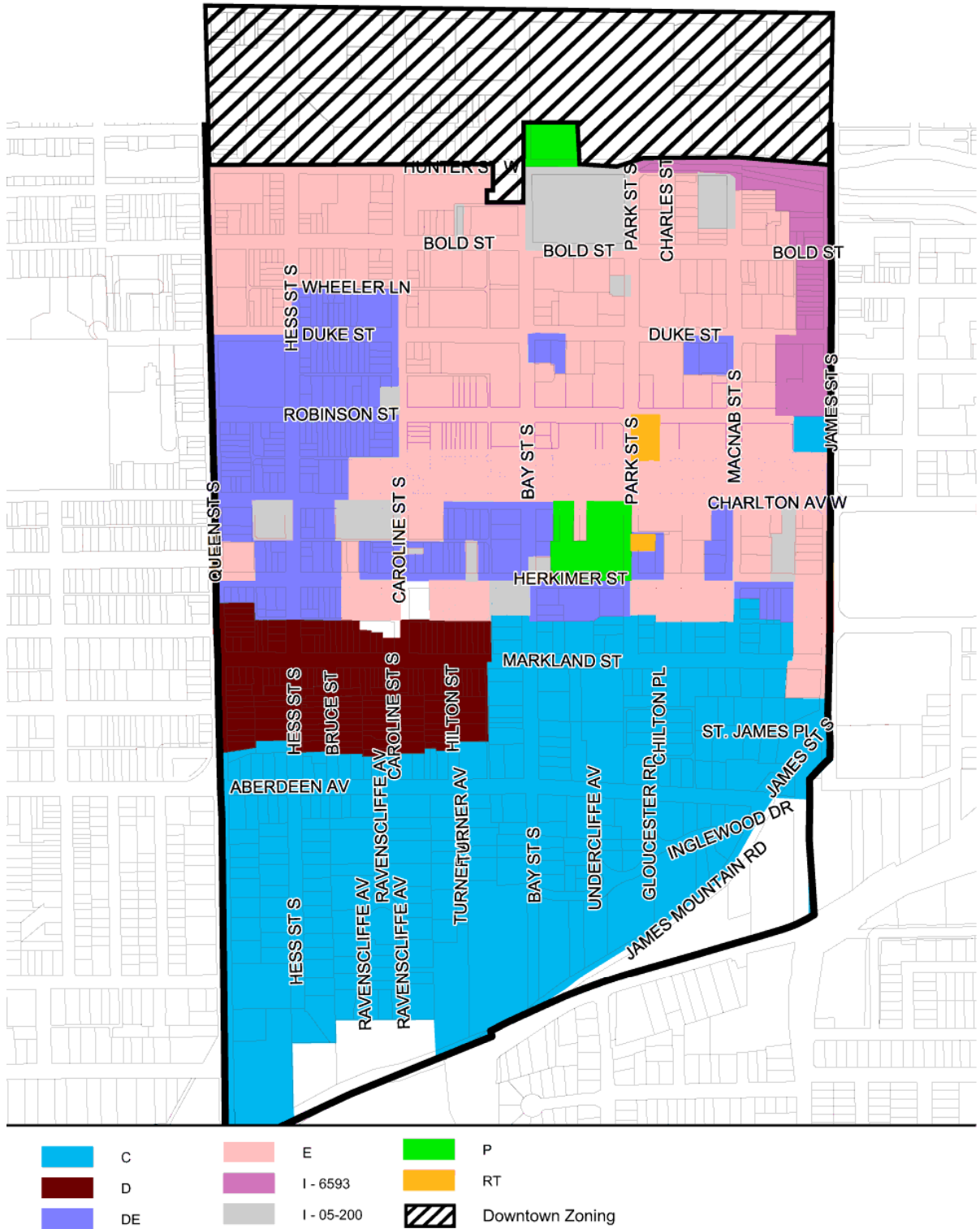
Figure  
**1**





Urban Hamilton Official Plan - Land Use  
Source: City of Hamilton Official Plan Schedule E-1 (April 2014)

Figure  
**2**



Durand Neighbourhood Zoning  
Source: City of Hamilton (September 2017)

Figure  
**3**

## 2. Key Character Study Findings

### 2.1 Ottawa Approach (Section 2.0)

Section 2.0 of the Character Study provides an illustration of the application of the “Ottawa Character Analysis” tool to a selection of four streets within the Durand Neighbourhood. The streets include Charlton Avenue between James Street and Bay Street, Hess Street south of Aberdeen Street, Robinson Street between Hess Street and Caroline Street, and Wesanford Place east of Caroline Street. There is no clearly distinguished method in the Character Study for selecting these street sections; however, it appears that factors of land use composition, property sizes, building age, and building height are meant to show four different sections of varying character.

These demonstrations apply three considerations of the Ottawa Character Analysis (front yards, parking and driveways, and main door) to the applicable properties surrounding a property along each street section. The “Dominant Character” for each of these considerations was identified through site audits. This demonstration does provide insights into the composition of varying character experienced in Durand and the application of the character analysis tool to the Durand context, but acknowledges that these demonstrations are an “initial sample” and are not meant to evaluate the suitability and efficacy of the Ottawa approach for Durand.

### 2.2 Streetscape Character Factors (Section 4.3)

Section 4.3 of the Character Study outlines the “Streetscape Character Factors” that are identified as influencing street character in the Durand Neighbourhood. These factors were characterized through site audits and their importance to residents evaluated through resident surveys. The Character Study found:

- Mature Trees: 95% see it as a positive influence,
- Landscaped Front Yards: 95% see it as a positive influence,
- Front Entrance Location: 86% see it as a positive influence,
- Dwelling Heights (1-3 Storeys / 4-6 Storeys / 7+ storeys): the positive influence of height diminishes between the height categories, from 69% to 41% to 29%,
- Similarity in the Type of Housing: 53% see it as positive influence,
- Garages: 43% see it as neutral influence and 35% as a negative influence,
- Front Yard Parking: 29% see it as neutral influence and 37% as a negative influence, and,
- Similar Façade Materials: 57% see it as a positive influence.

## 2.3 Study Recommendations for Zoning

Section 5.2.2 of the Character Study recommends using the findings from the audits and surveys as part of the residential zones in the ongoing Comprehensive Zoning By-law No.05-200 process. This section specifically identifies how the “*dominant lower heights (e.g. 2.5 storeys) around many parts of the neighbourhood* could inform an update to where larger scale development is allowed and not allowed (e.g. up to 10-12 storeys)”. This section also speaks to other character-defining elements being incorporated into the zoning by-law update. It does not, however, outline those elements except to reference approved general sections of By-law No.05-200 regarding parking that needs to fit with the intended character approach for Durand.

Section 5.3.3 of the Character Study recommends exploring the opportunity for a new Durand Neighbourhood Zoning Overlay based on the Ottawa model as part of the residential zones in Comprehensive Zoning By-law No.05-200. It specifically highlights the concept of context-specific zoning regulations that respond to neighbourhood character and transparency in the application of rules. It identifies that while the Ottawa approach uses three character elements that “*additional character factors could be managed through other mechanism and policies (e.g. secondary plan, zoning)*” could be used in the context of the Durand Neighbourhood.

## 3. Mechanics of Ottawa Character Zoning

### 3.1 Background

The City of Ottawa undertook a comprehensive Infill Study process further to their Infill Design Guidelines prepared in 2009. This Infill Study was initiated largely given the limitations of design guidelines concerning projects not requiring site plan approval and in the interests of reducing the number of undesirable infill development conditions within the city. The Infill Study included Parts I and II, each of which resulted in zoning by-law amendments to the City's Comprehensive Zoning By-law No. 2008-250.

Part I of the Infill Study resulted in the "Mature Neighbourhoods By-law" (2012-147) that was approved in May 2012. It dealt with those publicly-visible elements of residential development such as front setbacks, front projections, physical elements of the building, location of parking, and hard and soft surfaces. It established "streetscape character" changes to the zoning regulations within the lower intensity residential zones of the Zoning By-law. The by-law was appealed to the Ontario Municipal Board and following revisions, additional consultation, and endorsement by City Council in 2014 was ultimately approved by the Board in May 2015.

Part II of the Infill Study resulted from a Council direction to staff further to the Part I Mature Neighbourhood By-law. It was meant to investigate height, massing, rear/side setbacks and projections within the above mature neighbourhoods as well as surrounding neighbourhoods. Resulting from Part II, the "Infill II By-Law (2015-228)" was approved by City Council and appeals against this by-law were resolved by June 2016. These regulations complement those of the Part I by-law that addressed the front interface along the streetscape.

The City of Ottawa is currently monitoring the performance of these regulations and will be considering adding other mature neighbourhoods where warranted.

### 3.2 Mature Neighbourhoods Overlay

Section 139 and 140 of Zoning By-law 2008-250 contain the "Mature Neighbourhoods Overlay". The Overlay applies to all properties zoned Residential First Density Zone (R1), Residential Second Density Zone (R2), Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay establishes that the regulations for development on a property are tied in part to the prevailing dominant patterns on that property's surrounding street ("*Your street gives you your rules*"). Specifically, the purpose of the Overlay is "*to regulate the character of low-rise residential development in order to recognize and reflect the established character of the streetscapes within the area of the Overlay*". The Overlay requires a context-specific documentation of the streetscape, known as a "Streetscape Character Analysis" as described in Section 3.3 of this Peer Review, to determine the prevailing patterns and direct the application of the regulations.



The Overlay's regulations apply to residential dwellings that are four storeys or less on properties zoned R1 through R4 within the identified Overlay area. Further to the regulations of the R1 through R4 Zones, the Overlay additionally regulates five elements that are tied to the prevailing patterns with the property's context. These five elements and their principal zoning mechanisms are as follows.

1. **Yard setbacks for yards abutting streets:** the building must align with the front yard setbacks for the buildings on the immediately abutting properties (generally the average setback for an interior lot and lined up for a corner lot), but in no case do setbacks need to be greater than 6 metres.
2. **Landscaping of yards other than rear yards:** the landscaping of front yards must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. Landscaping includes different patterns of landscaping types (hard versus soft), walkways, driveways, dwelling placement, and/or projections. The Character Groups include:
  - Character Group A: Fully landscaped front yard,
  - Character Group B: Landscaped front yard in front of the principal dwelling,
  - Character Group C: Landscaped front yard in front of a portion of the principal dwelling, and,
  - Character Group D: Small or no landscaped front yard.

Walkways in front or corner side yards are only permitted where they either provide access between a driveway and a dwelling entranceway (1.25 metre maximum depth) or extend from the street right-of-way to the dwelling without abutting the driveway (1.25 metre maximum width).

3. **Location and width of driveways:** the location and access arrangements of driveways must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. The Character Groups include:
  - Character Group A: No streetscape impact from on-site parking,
  - Character Group B: Driveways are less than or equal to one-third in width than the actual lot width,
  - Character Group C: Driveways are more than one-third but no more than half of the actual lot width, and,
  - Character Group D: Driveways measure half or more of the actual lot width.



*Photos: Examples of infill and redevelopment projects in established neighbourhoods of Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate driveway elements that are out of character with the surrounding context (source: Google Earth and City of Ottawa).*



*Photos: Examples of infill and redevelopment projects in Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate building forms and parking orientations that are out of character with the surrounding context (source: Google Earth and City of Ottawa).*



Together with regulations concerning driveway locations, maximum driveway widths (shared, single, or and potentially double driveways) are tied to the lot width. Lots must be at least 6 metres wide to be permitted a single driveway and 15 metres wide to allow a double driveway, subject to the location considerations of the Streetscape Character Analysis.

- 4. Location and size of all parking spaces, garages, and carports:** the Overlay does not require parking for buildings with less than 12 dwelling units. Where parking is provided, it must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis, per the Character Groups for driveways above. The location and size of parking and garages is further regulated by the following:
  - Parking for lots that abut a travelled rear lane must be accessed from the rear lane, and may not be in the front, interior side, or corner side yards.
  - The maximum width of the attached car garage doors and carport entranceways where they are permitted by the SCA is three metres for a single garage or six metres for a double garage.
  - Garages or carports may not extend closer to the front or corner lot lines than the residential building's walls, regardless of the determined dominant pattern.
  - The following are not permitted unless they are determined as a dominant pattern through an SCA: garages and carports that are in line with the dwelling's front wall; legally-established front yard parking; and, front yard parking spaces created where a driveway ceases to function as an access to legal parking that is outside the front or corner side yards.
  
- 5. Orientation of principal entranceways:** the orientation of a dwelling's principal entranceway must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. This applies to each dwelling unit in detached dwellings and street townhouse dwellings and at least one dwelling unit in semi-detached and duplex dwellings that faces the front lot line. For all dwellings types, a dwelling's first floor must contain at least 40 square metres of habitable floor space. The Character Groups include:
  - Character Group A: Principal entranceway is located along the front wall of the dwelling; and
  - Character Group B: Principal entranceway is not located along the front wall of the dwelling.

### 3.3 Streetscape Character Analysis

Section 139(2) of the Mature Neighbourhoods Overlay requires approval of a Streetscape Character Analysis (“SCA”) for zoning by-law amendment, minor variance, site plan, or building permit applications in respect to:

- a new dwelling on a new lot or an existing lot,
- a change in permitted residential building type,
- an addition to an existing residential building that abuts the front yard or corner side yard;
- the incidental use of lands (including a new driveway or parking space) within front interior side and corner side yards, and,
- to establish a new, or relocate an existing, driveway that was not undertaken at the same time as development approval and building permit approval of the dwelling.

Section 139(5) requires documenting the respective Character Group for three factors (front and corner yards, driveways and parking, and main door) along the street. Documentation includes lots on either side of and opposite the respective property. The actual number of surrounding lots required for documentation varies between 11 and 21 lots, largely depending on whether the property is located mid-block or end-block on the street.

Section 139(1) defines the dominant Character Group as *“most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the attributes being documented in a Streetscape Character Analysis”*. Where there is a “tie” between two Character Groups, it is considered a multiple dominant character and the allowed patterns of either Character Group are permitted on the affected lot. Lots that are vacant or developed with institutional, office, or open space uses must be documented, but may not be counted towards determining the dominant character of the streetscape.

### 3.4 OMB Proceedings

The Mature Neighbourhoods By-law 2012-147 was the subject of a comprehensive appeal at the Ontario Municipal Board (“OMB”) between 2013 and 2015. At the outset, the appeal focused on the legislative basis of the Mature Neighbourhood By-law, and whether the City of Ottawa had the authority under the *Planning Act* to regulate “character” through a zoning by-law. The appellants challenged the method of zoning (particularly related to use of “averaging” of surrounding properties); the legislative support for the municipal zoning authority (such as location or alignment of parking spaces; architectural elements like doors and windows; driveways and parking spaces; walkways; and landscaping); and the jurisdiction for adopting zoning related to aesthetics.

The OMB ordered in its March 2013 interim order that the municipality did have the authority to regulate “character” if it was grounded in prominent existing streetscape patterns found in context and did have the authority to regulate ancillary functions such as parking and landscaping as part of their regulation of “use”. Also, it found that “aesthetic” matters are allowed for municipal consideration within the zoning process. Concerning the By-law’s content as originally approved, the OMB determined that:

- The municipality did have the jurisdiction to regulate many of the challenged provisions. This included the averaging formula; the direction and location of parking; the treatment of balconies and other projections; the treatment of other architectural elements provided they are part of the streetscape pattern; and driveways, walkways, hard surfaces, and landscaping.
- That some of the provisions appeared to be applied independently of the streetscape pattern, and thus were not supportable under the “character” definition in the legislation. This includes the direction of carports and garage doors, garage setbacks in relation to the main façade setback, and garage door widths. The OMB referred this provision back to the City for further consideration.
- It was not satisfied that the matter of ground floor glazing was sufficiently addressed at the time for the interim order, and that it warranted further consideration.
- There was no demonstrated basis for municipal authority through zoning to regulate whether doors have direct access to a dwelling (meaning directly to the interior areas of the dwelling rather than through a garage).

Further to this interim order, the planning merits of the Mature Neighbourhoods By-law remained under appeal before the Board as the City revised the by-law for further consideration. This revised by-law was endorsed by City Council in May 2014 further to significant additional consultation with stakeholders. Through Board-assisted mediation, consensus was reached on the substantive content of the by-law in January 2015 and the OMB approved the revised by-law in May 2015. In the end, the intent of the Mature Neighbourhoods By-law largely survived the appeal challenge, although the content and mechanics of application were refined through the process.

## 4. Demonstration of Ottawa Zoning

### 4.1 Method

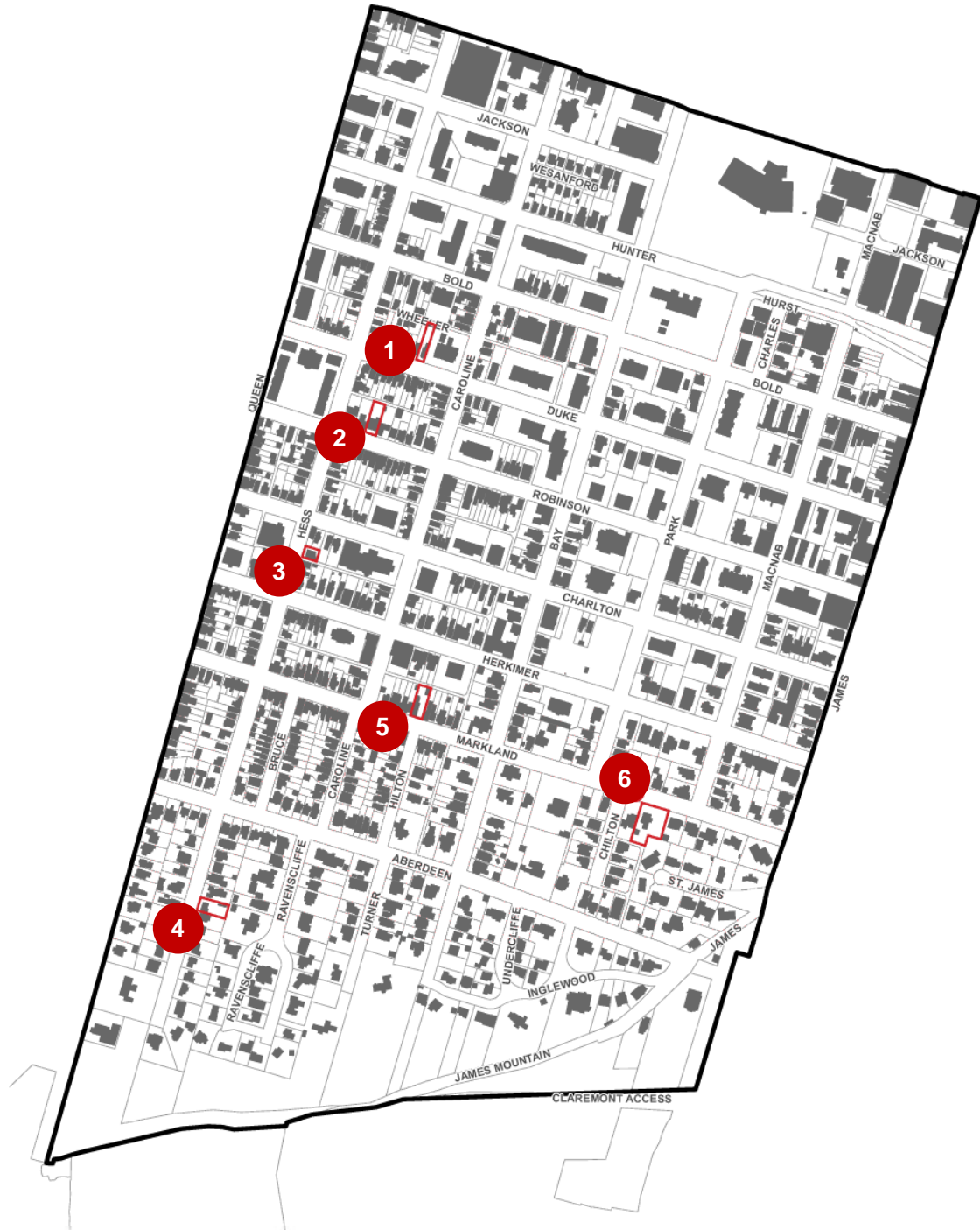
This section seeks to understand the application of Ottawa's Streetscape Character Analysis ("SCA") approach to the Durand Neighbourhood. The Character Study undertook a general characterization using the SCA method for different blocks within the Durand Neighbourhood. It did not, however, assess the applicability and suitability of the SCA approach in terms of the effects on infill developments. This section of the Peer Review takes the characterization further by applying the entirety of the Ottawa SCA zoning to various blocks throughout the Durand Neighbourhood to demonstrate a comparison to the in-effect zoning to assess the suitability for Durand.

Six sites within the Durand Neighbourhood were selected to demonstrate the application of the SCA zoning. The selected sites illustrate different compositions of streetscape character elements to show a breadth of application, including sites on blocks that are more "uniform" in composition to those that are more "diverse". The sites were selected considering their context within the block (middle versus end block sites), the presence of rear lanes, the nature and placement of buildings, parking arrangements and access, and landscaping treatments. The selected sites for demonstration (see **Figure 4**) are:

- Site 1: Duke Street between Hess Street and Caroline Street,
- Site 2: Robinson Street between Hess Street South and Caroline Street,
- Site 3: Hess Street South between Charlton Street and Herkimer Street,
- Site 4: Hess Street South south of Aberdeen Avenue,
- Site 5: Markland Street between Caroline Street and Hilton Street, and
- Site 6: Markland Street between Chilton Place and James Street.

These six demonstration sites show hypothetical scenarios for redevelopment or building additions that compare the existing in-effect zoning to the additional regulations of the Ottawa SCA zoning. They are not meant to support the feasibility or suitability of a development scheme on these properties but rather are intended to inform recommendations concerning the suitability and efficacy of the SCA zoning approach for Durand.





Streetscape Character Analysis -  
Demonstration Sites  
Source: City of Hamilton Data (2018), GSP Group (March 2018)

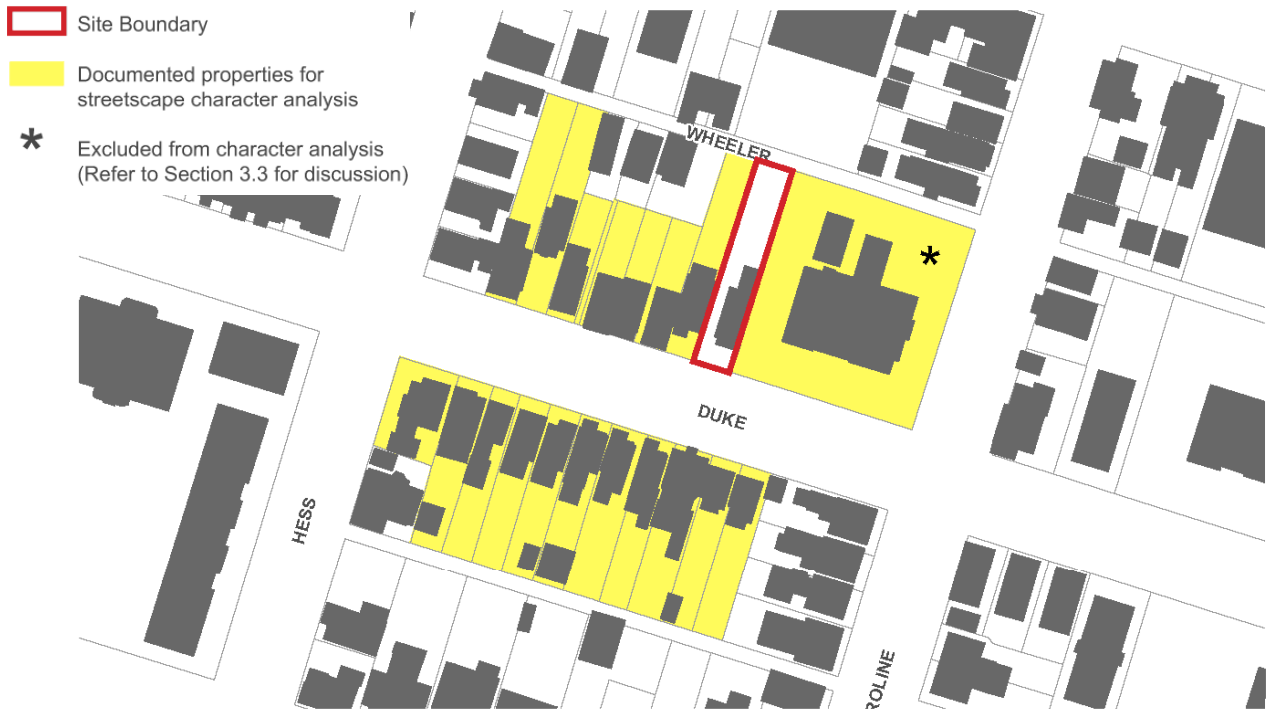
Figure  
**4**



## 4.2 Site 1 (Duke)

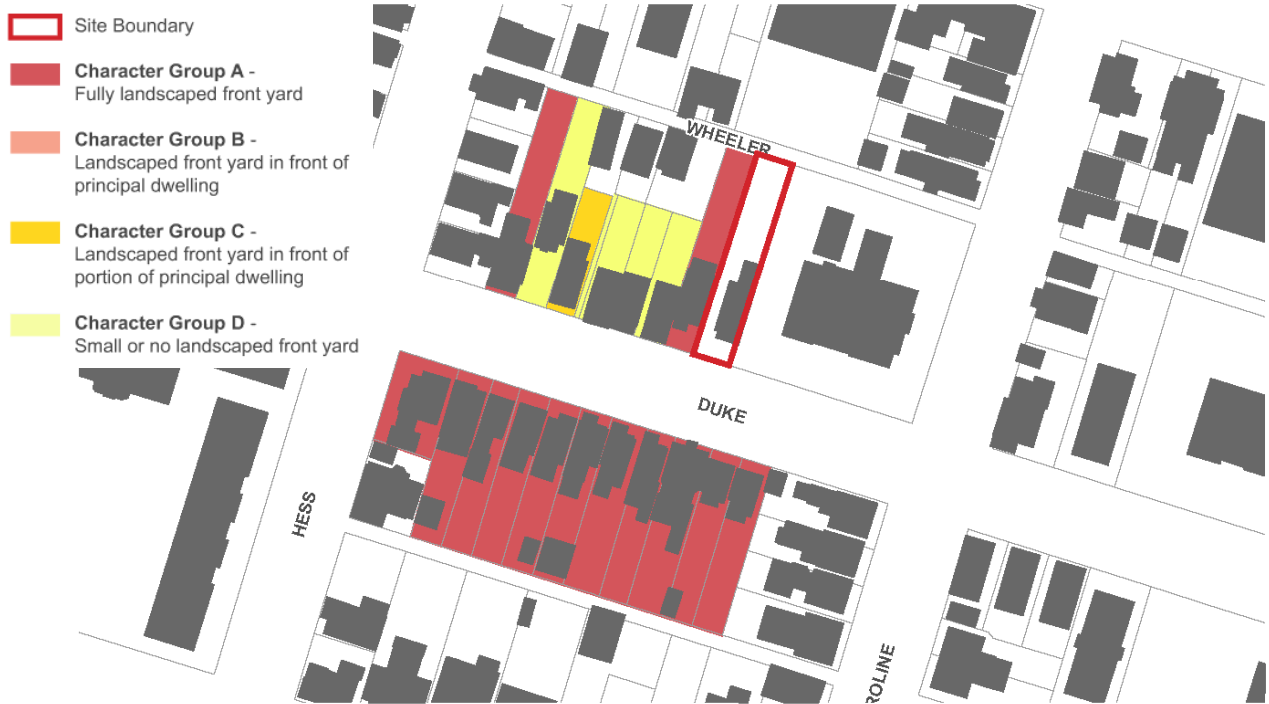
Site 1 is situated on the north side of Duke Street between Hess Street and Caroline Street. The site is approximately 465 square metres in total area and is approximately 9.25 metres wide and 50 metres deep. The site abuts Wheeler Lane to the north, an assumed rear lane for access and parking. It contains a two-and-a-half-storey detached dwelling set back approximately 5.75 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from Wheeler Lane.





Site 1: Duke Street Property  
**Property Location** **Figure 5a**

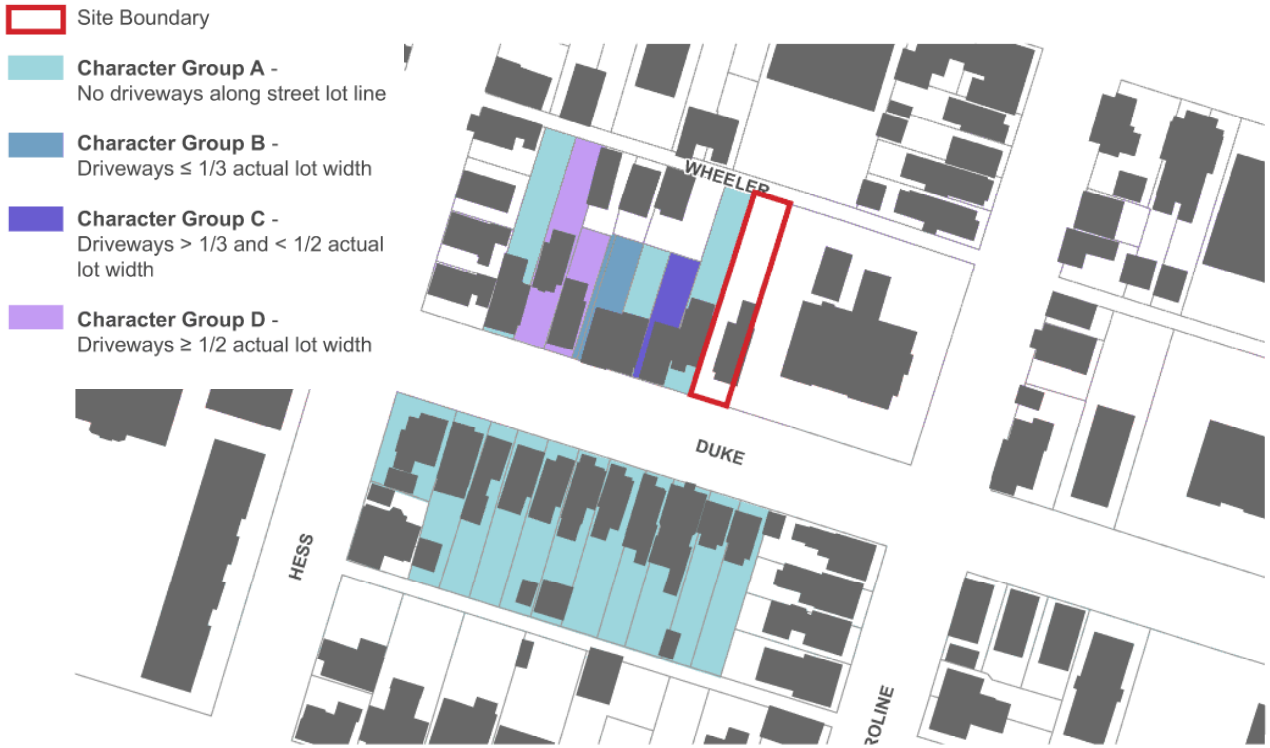
Source:: City of Hamilton Data (2018), GSP Group (March 2018)



Site 1: Duke Street Property  
**Front Yard Patterns** **Figure 5b**

Source:: City of Hamilton Data (2018), GSP Group (March 2018)





Site 1: Duke Street Property  
**Parking Access and Parking Space Patterns**

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure  
**5c**



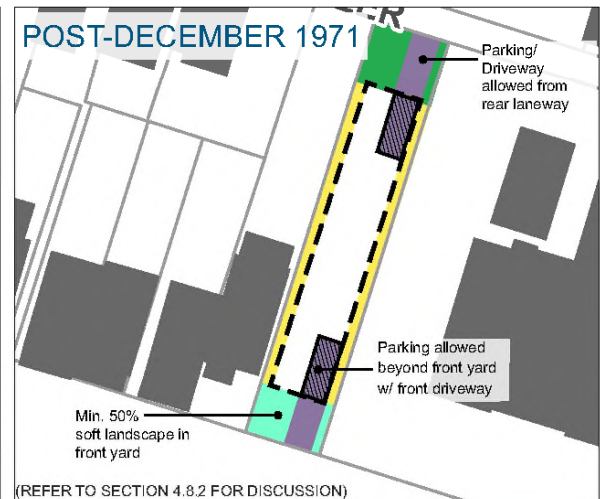
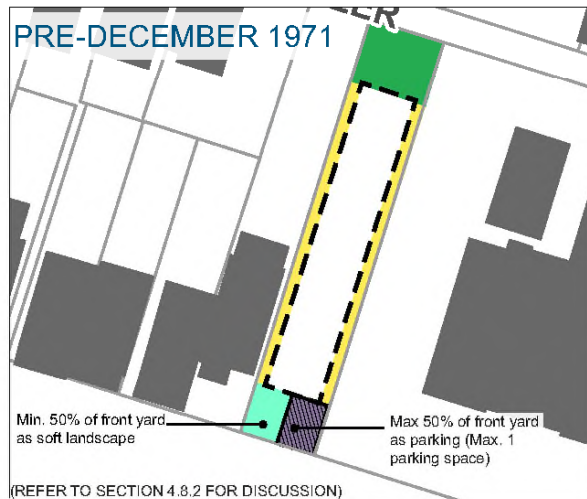
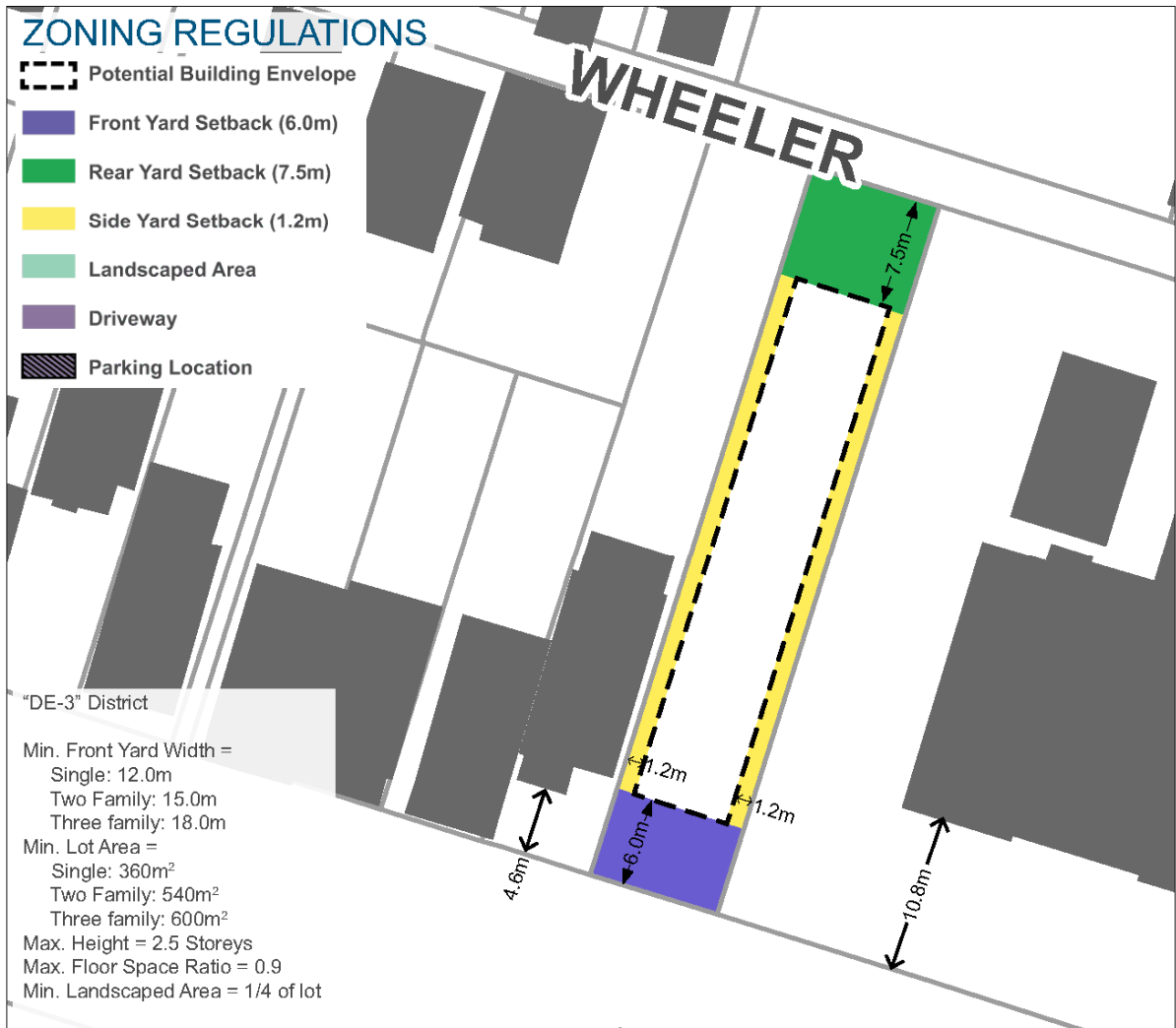
Site 1: Duke Street Property  
**Entranceway Patterns**

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure  
**5d**







Site 1: Duke Street Property  
As-of-Right Zoning

Figure  
**5e**

Source: City of Hamilton Data (2018), GSP Group (March 2018)

### 4.3 Site 2 (Robinson)

Site 2 is situated on the north side of Robinson Street between Hess Street and Caroline Street. It is approximately 650 square metres in total area and is approximately 15.5 metres wide and 42 metres deep. It abuts an assumed rear lane to the north for access and parking. The site contains a one-storey detached dwelling set back approximately 5 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from the rear lane.





Site 2: Robinson Street Property  
Property Location

Figure 6a

Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 2: Robinson Street Property  
Front Yard Patterns

Figure 6b

Source: City of Hamilton Data (2018), GSP Group (March 2018)





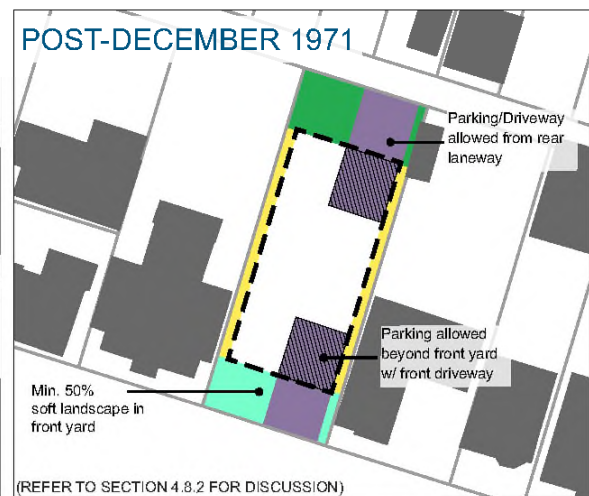
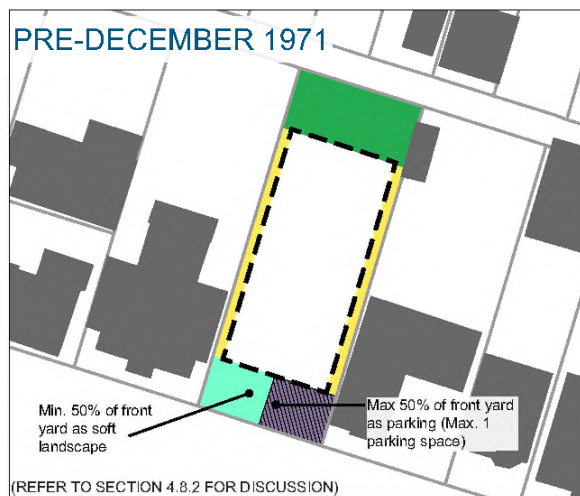
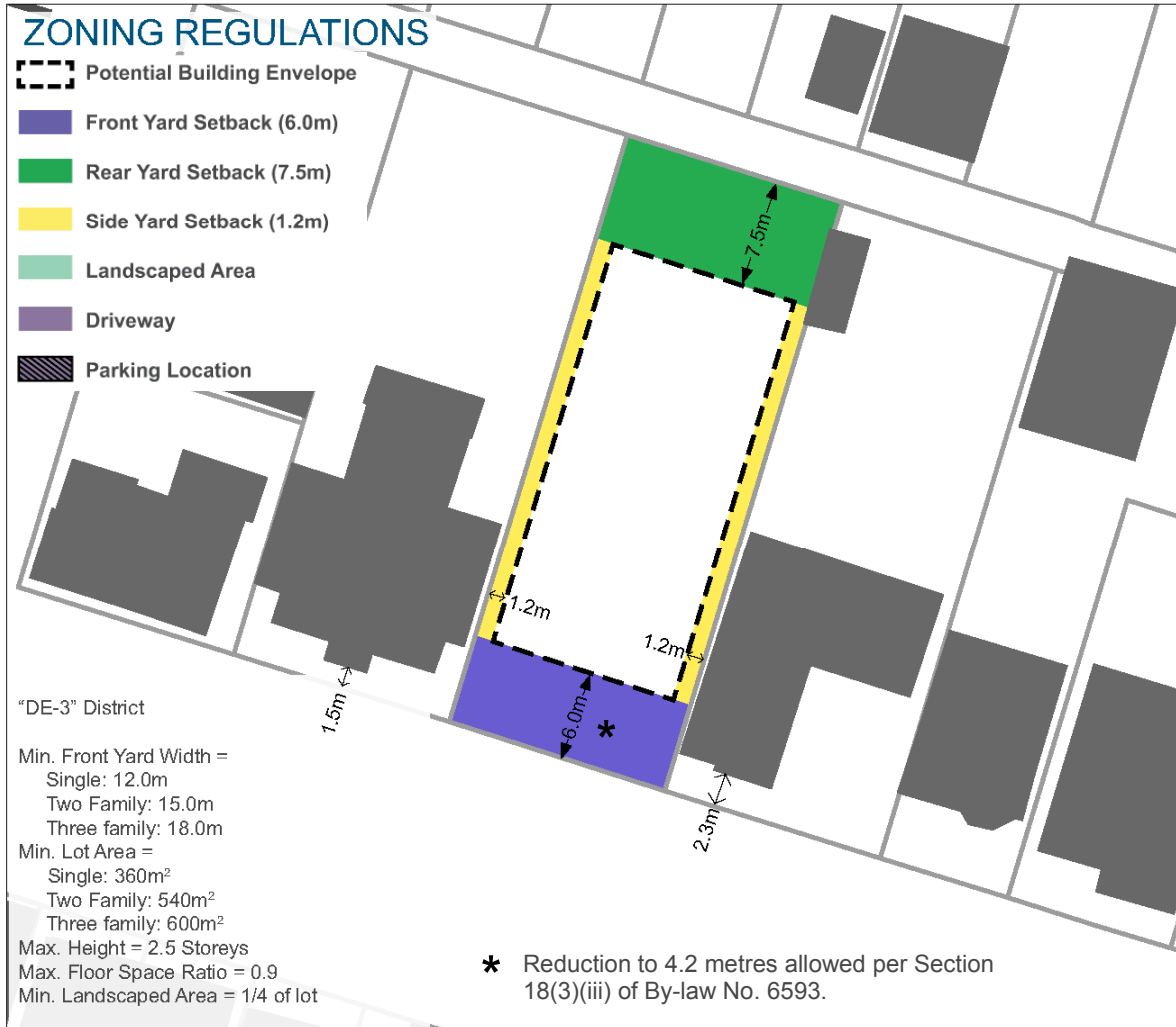


Site 2: Robinson Street Property Figure 6c  
**Parking Access and Parking Space Patterns**  
 Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 2: Robinson Street Property Figure 6d  
**Entranceway Patterns**  
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 2: Duke Street Property  
As-of-Right Zoning

Figure 6e



Source: City of Hamilton Data (2018), GSP Group (March 2018)



#### 4.4 Site 3 (Hess between Herkimer and Charlton)

Site 3 is situated on the east side of Hess Street South between Charlton Avenue West and Herkimer Street. It is approximately 285 square metres in total area and is approximately 15 metres wide and 19 metres deep. It flanks an assumed rear lane to the south for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 4 metres from the front lot line (with additional porch projections), a hardscaped front yard, and a driveway on the north side yard.



-  Site Boundary
-  Documented properties for streetscape character analysis








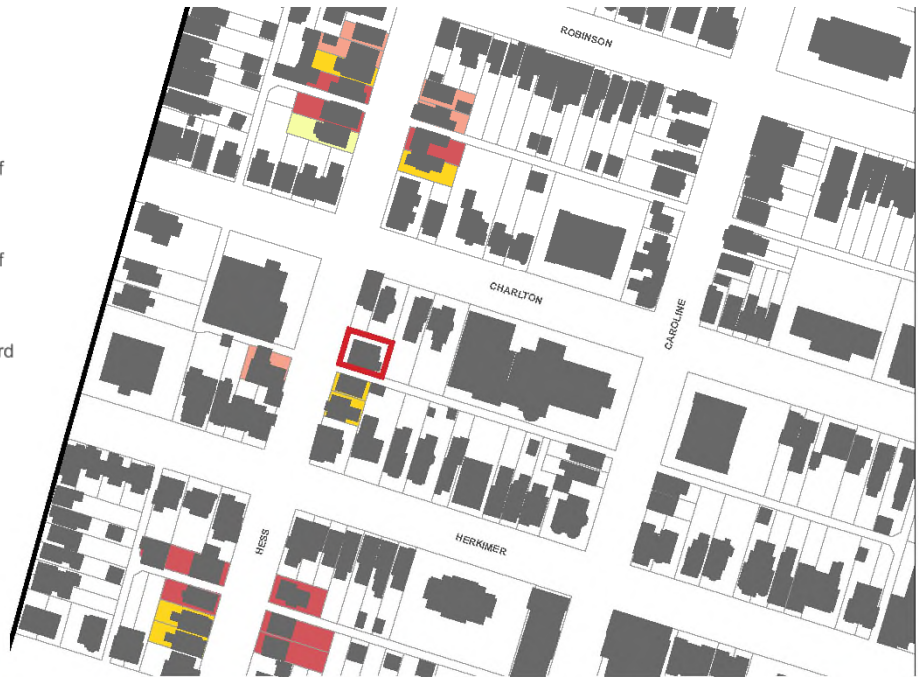
Site 3: Hess Street Property  
Property Location

Figure

7a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

-  Site Boundary
-  Character Group A - Fully landscaped front yard
-  Character Group B - Landscaped front yard in front of principal dwelling
-  Character Group C - Landscaped front yard in front of portion of principal dwelling
-  Character Group D - Small or no landscaped front yard



Site 3: Hess Street Property  
Front Yard Patterns

Figure

7b

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



- Site Boundary
- Character Group A** -  
No driveways along street lot line
- Character Group B** -  
Driveways  $\leq$  1/3 actual lot width
- Character Group C** -  
Driveways  $>$  1/3 and  $<$  1/2 actual lot width
- Character Group D** -  
Driveways  $\geq$  1/2 actual lot width

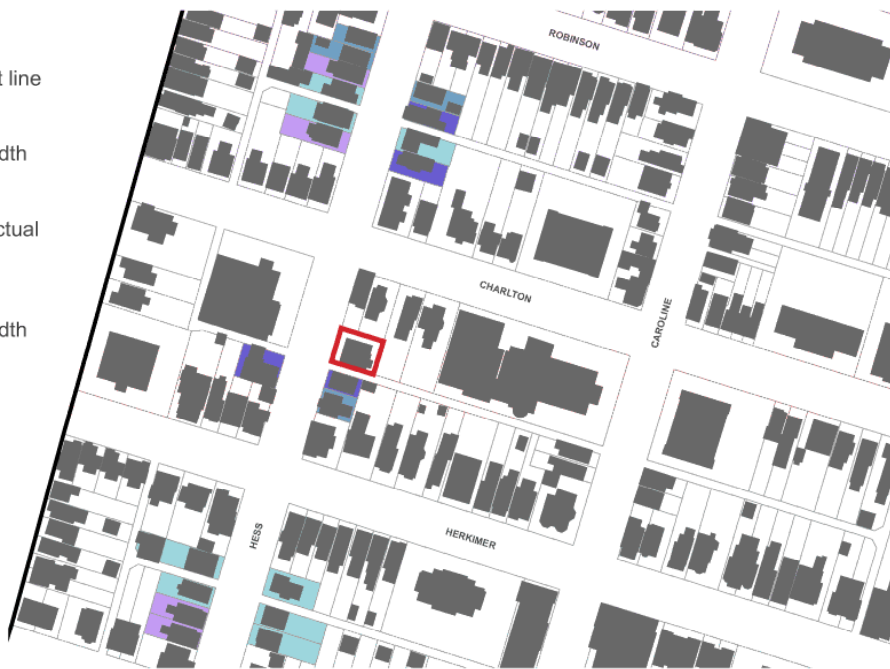


Figure  
**7c**

**Site 3: Hess Street Property  
Parking Access and Parking Space Patterns**  
Source: City of Hamilton Data (2018), GSP Group (March 2018)

- Site Boundary
- Character Group A** -  
Principal entranceway located along front wall of dwelling
- Character Group B** -  
Principal entranceway not located along front wall of dwelling

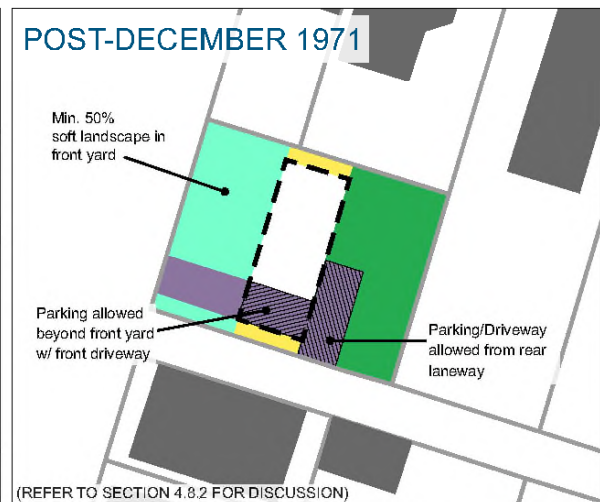
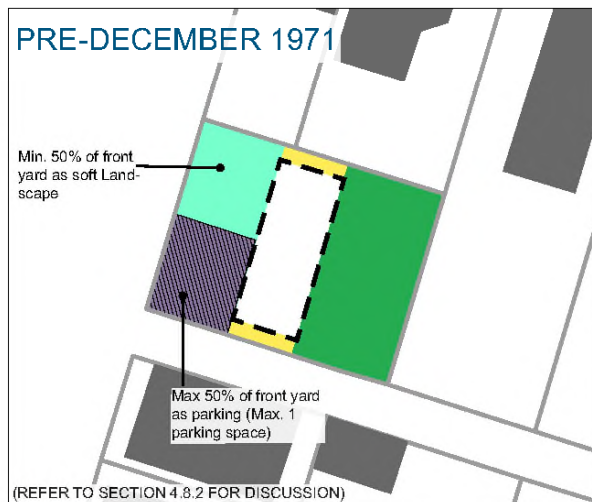
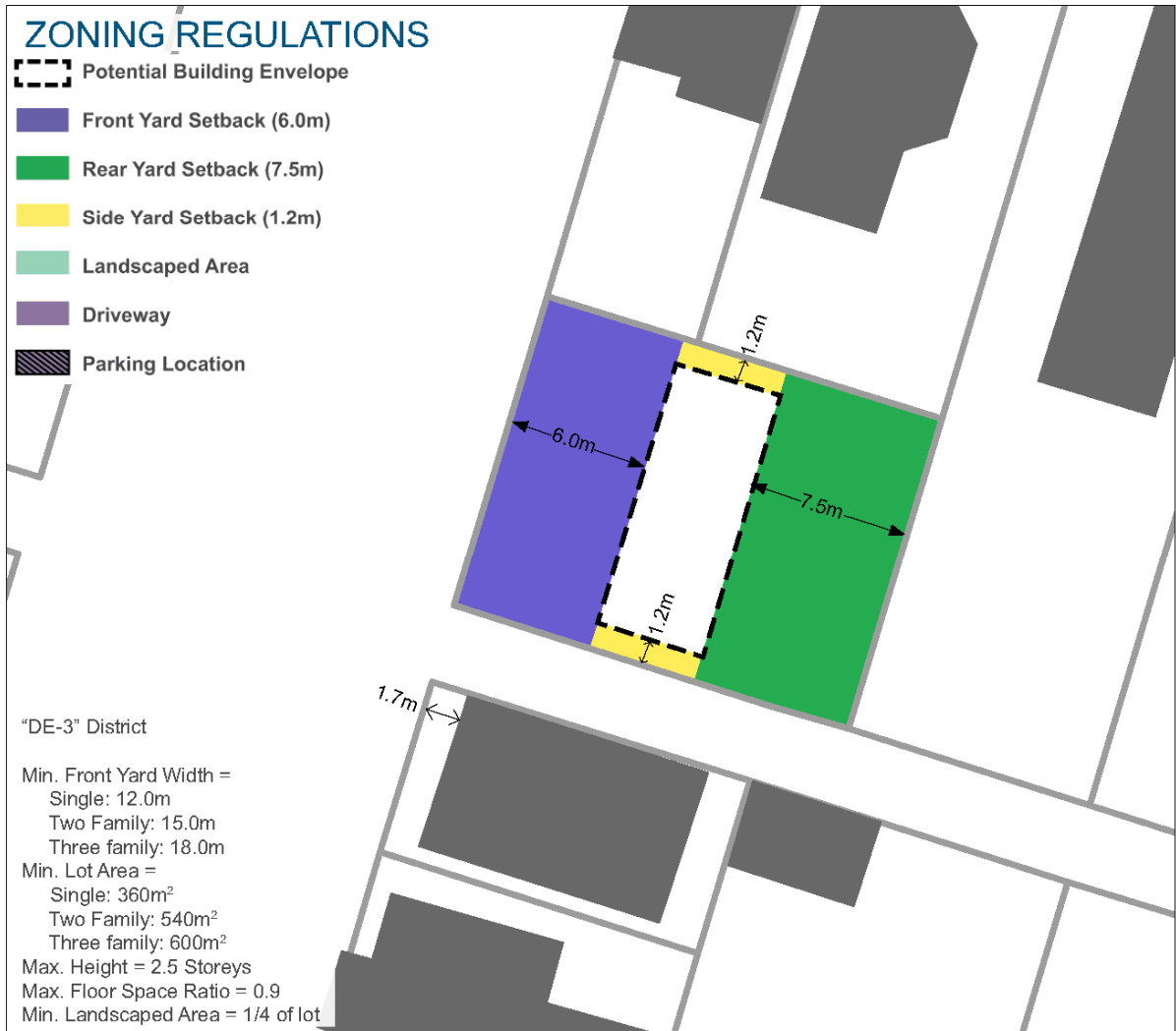


Figure  
**7d**

**Site 3: Hess Street Property  
Entranceway Patterns**  
Source: City of Hamilton Data (2018), GSP Group (March 2018)







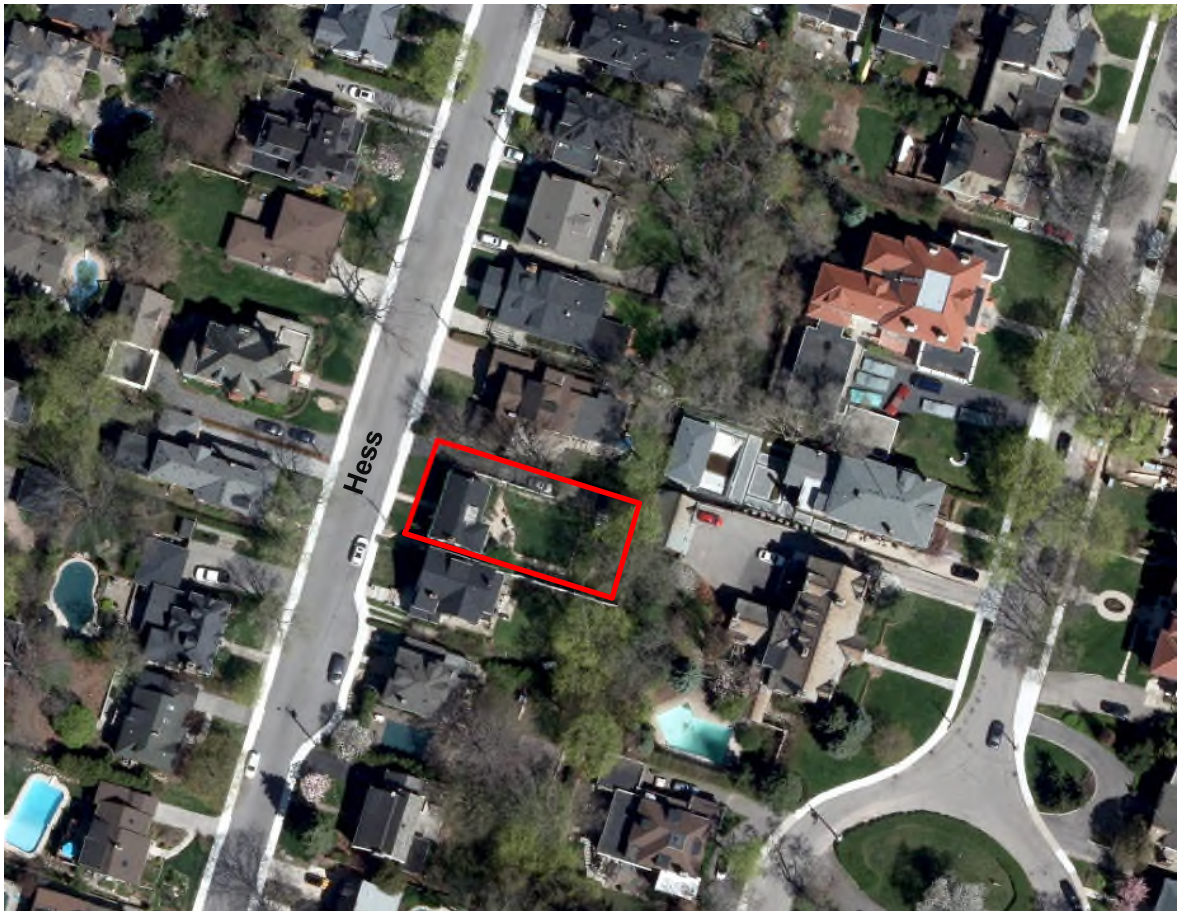
Site 3: Hess Street Property  
As-of-Right Zoning

Figure  
**7e**

Source: City of Hamilton Data (2018), GSP Group (March 2018)

#### 4.5 Site 4 (Hess south of Aberdeen)

Site 4 is situated on the east side of Hess Street South between Aberdeen Avenue and the base of the Niagara Escarpment. It is approximately 700 square metres in total area and is approximately 18.5 metres wide and 38 metres deep. The site contains a two-storey detached dwelling set back approximately 4.5 metres from the front lot line, a hardscaped front yard, and a driveway in the northern side yard leading to rear yard garage.





Site 4: Hess Street Property  
Property Location

Figure

**8a**

Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 4: Hess Street Property  
Front Yard Patterns

Figure

**8b**

Source: City of Hamilton Data (2018), GSP Group (March 2018)








-  Site Boundary
-  **Character Group A** - No driveways along street lot line
-  **Character Group B** - Driveways  $\leq 1/3$  actual lot width
-  **Character Group C** - Driveways  $> 1/3$  and  $< 1/2$  actual lot width
-  **Character Group D** - Driveways  $\geq 1/2$  actual lot width



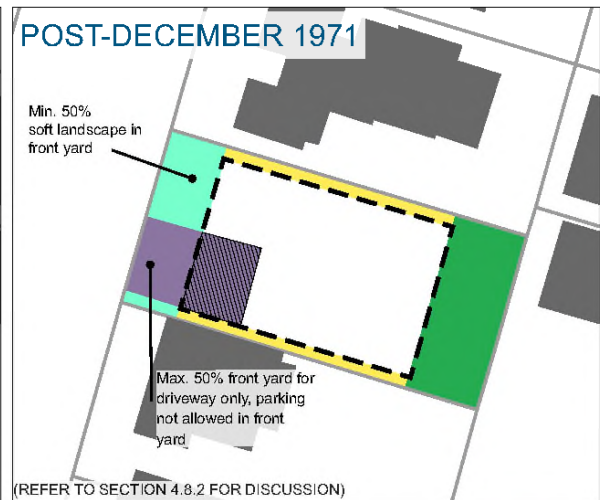
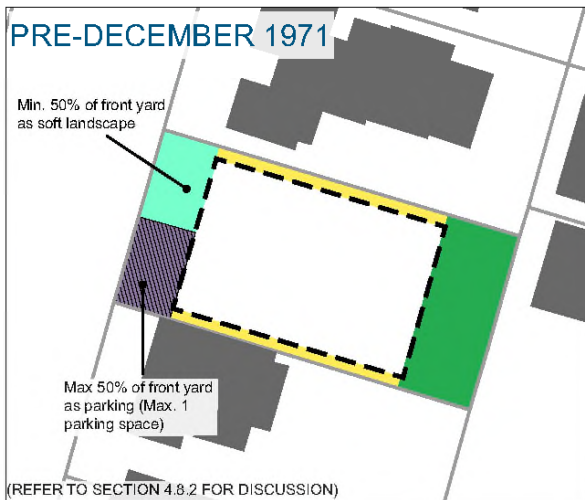
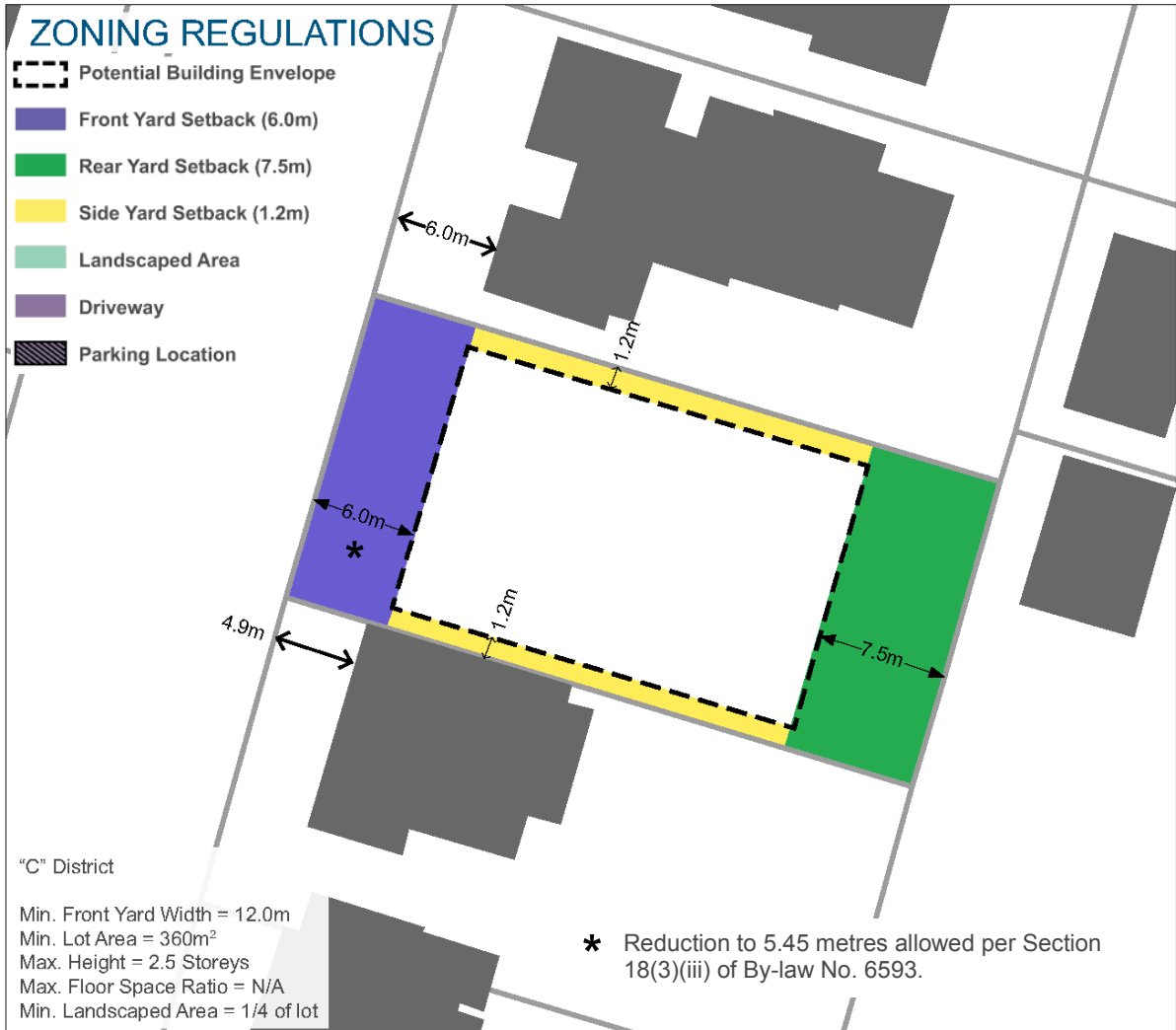
Site 4: Hess Street Property Figure 8c  
**Parking Access and Parking Space Patterns**  
 Source: City of Hamilton Data (2018), GSP Group (March 2018)

-  Site Boundary
-  **Character Group A** - Principal entranceway located along front wall of dwelling
-  **Character Group B** - Principal entranceway not located along front wall of dwelling



Site 4: Hess Street Property Figure 8d  
**Entranceway Patterns**  
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 4: Hess Street Property  
As-of-Right Zoning

Figure

**8e**

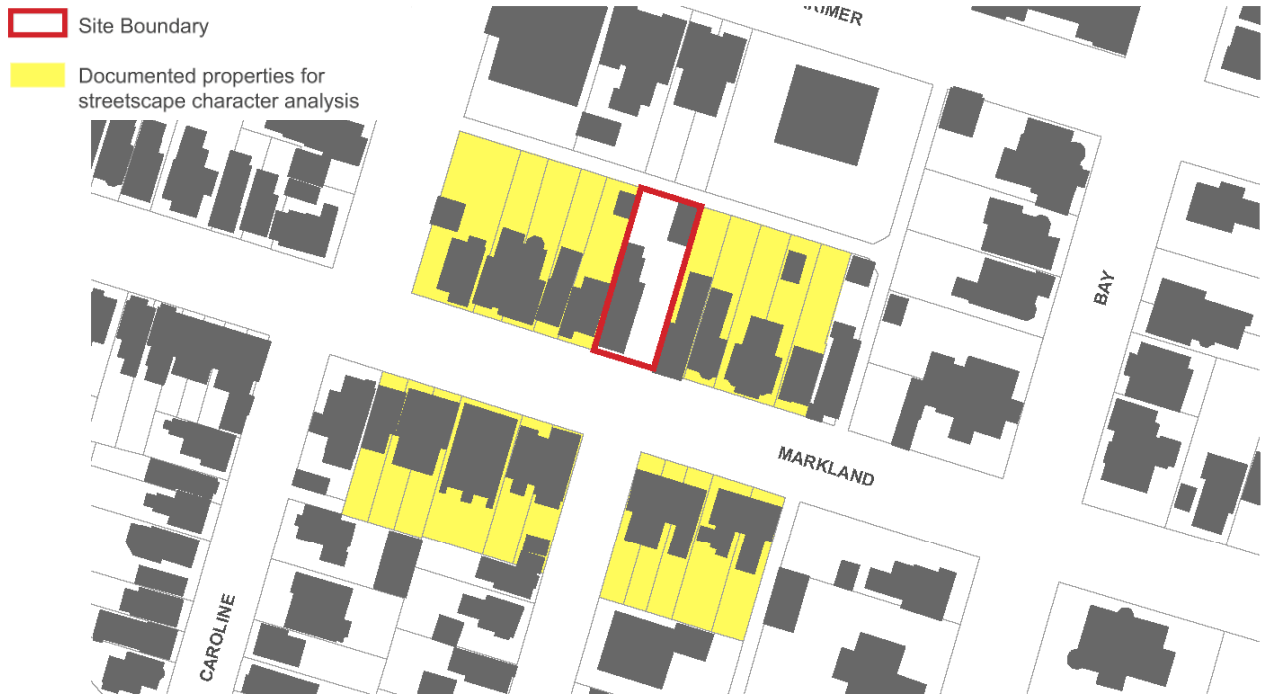
Source: City of Hamilton Data (2018), GSP Group (March 2018)



#### 4.6 Site 5 (Markland west of Bay)

Site 5 is situated on the north side of Markland Street between Caroline Street and Bay Street. It is approximately 635 square metres in total area and is approximately 15.5 metres wide and 41 metres deep. It flanks an assumed rear lane to the north for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 5 metres from the front lot line (with a covered porch projection), a landscaped front yard, surface parking and a garage in the rear yard accessed from the rear lane, and a significant eastern side yard that is landscaped.





Site 5: Markland Street Property  
Property Location

Figure

9a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



Site 5: Markland Street Property  
Front Yard Patterns

Figure

9b

Source:: City of Hamilton Data (2018), GSP Group (March 2018)





Figure

**9c**

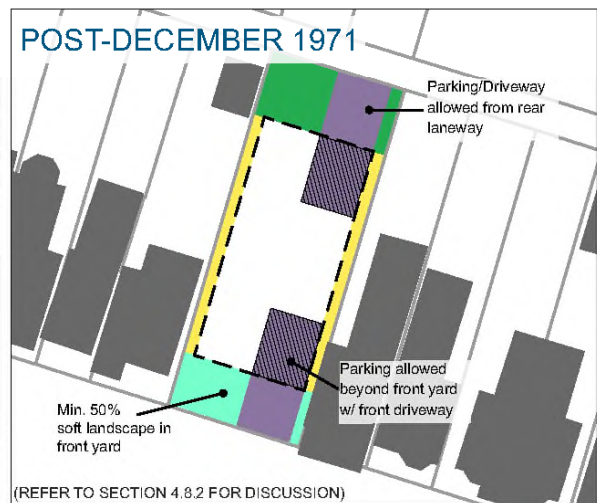
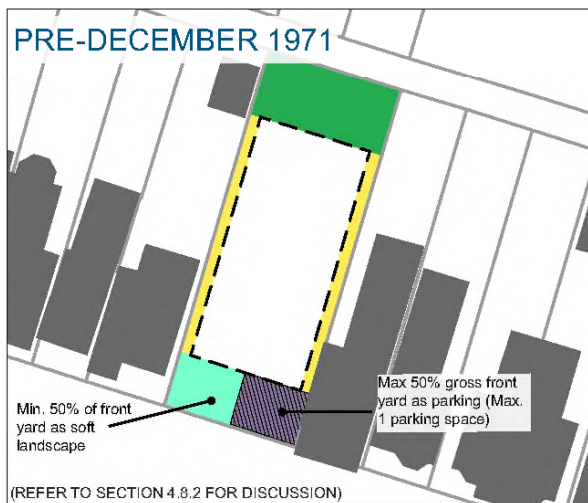
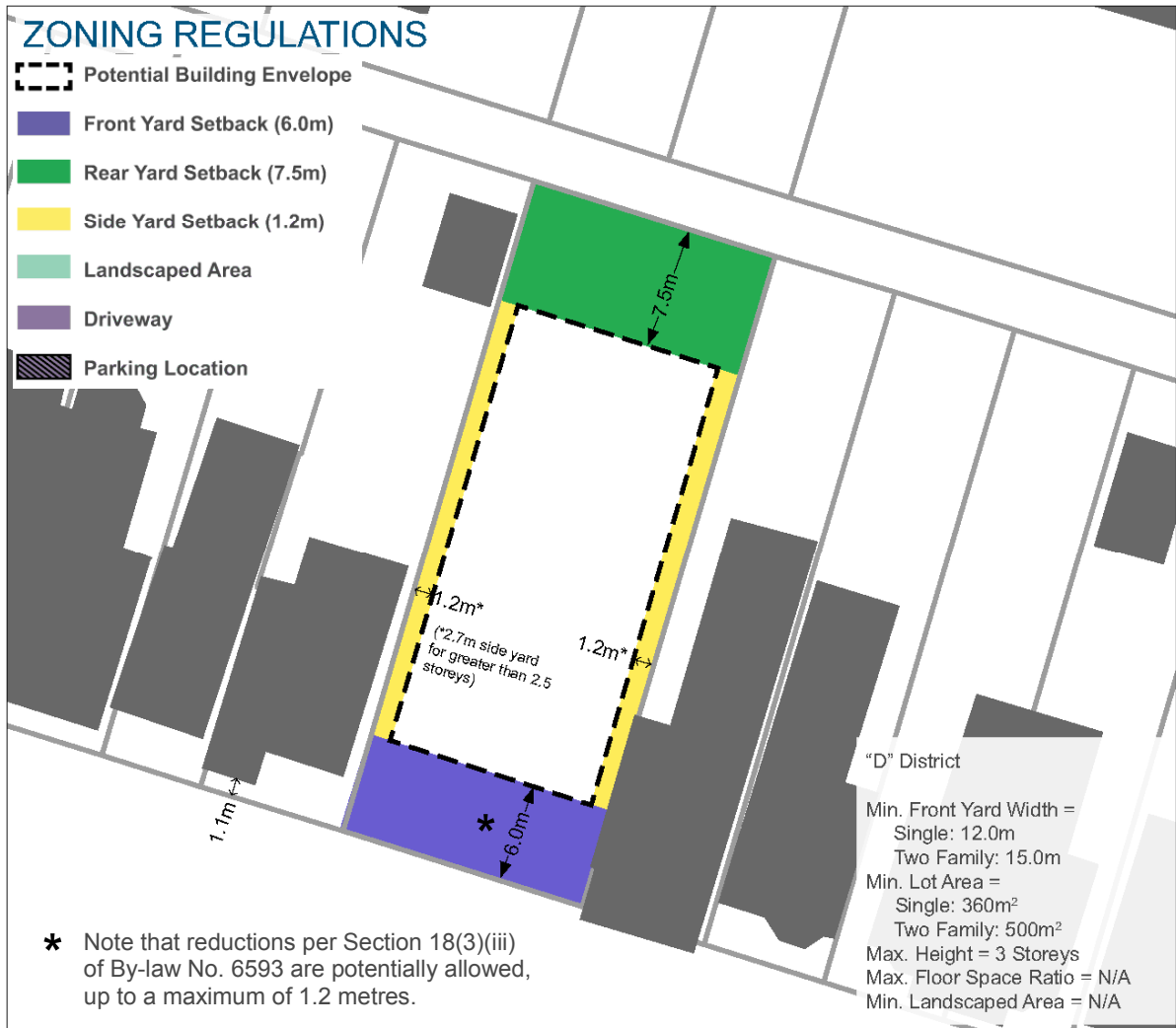


Figure

**9d**







Site 5: Markland Street Property  
As-of-Right Zoning



Source: City of Hamilton Data (2018), GSP Group (March 2018)

#### 4.7 Site 6 (Markland east of Bay)

Site 6 is situated on the north side of Markland Street between Chilton Place and Macnab Street. It is approximately 1,650 square metres in total area and is approximately 37 metres wide and between 38.5 and 51.5 metres deep. The site contains a two-and-a-half-storey detached dwelling set back approximately 14 metres from the front lot line, with a landscaped front yard, a driveway in the northern side yard leading to a rear yard, and a large landscaped eastern side yard.







Site 6: Markland Street Property **Figure 10a**  
Property Location

Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property **Figure 10b**  
Front Yard Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)



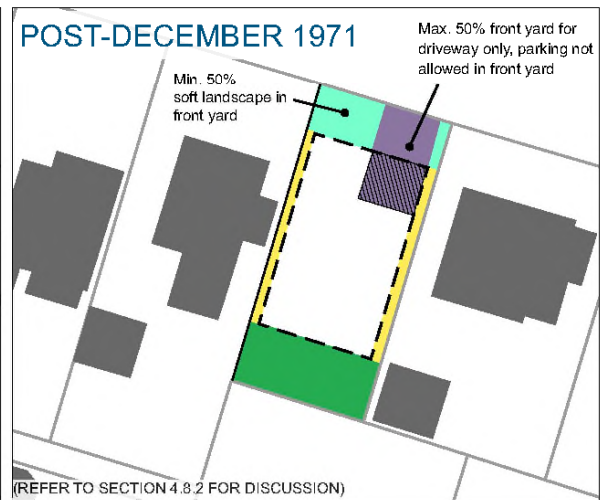
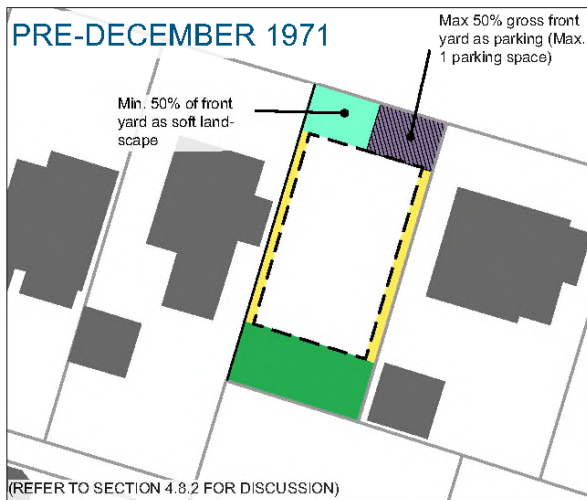
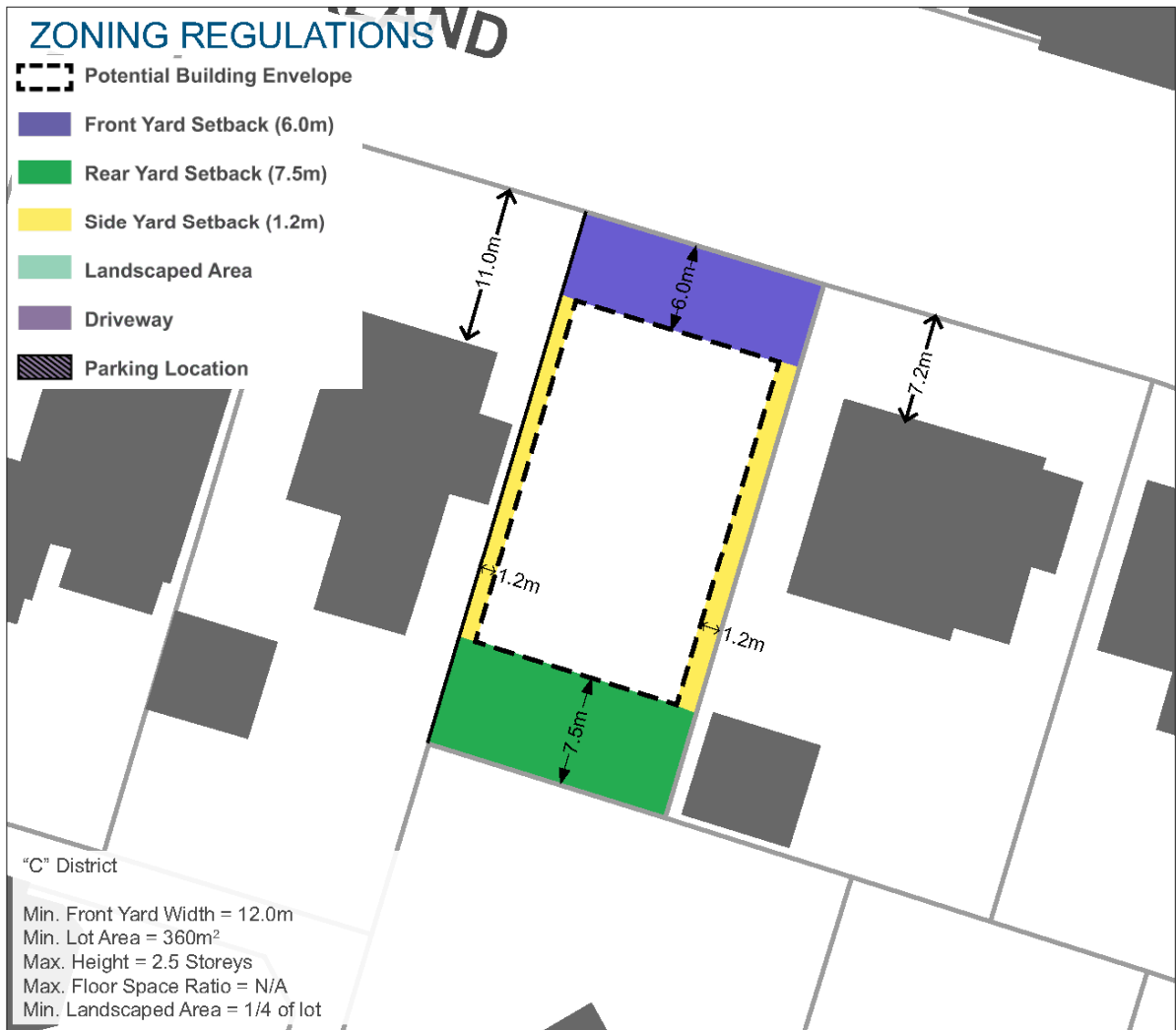


Site 6: Markland Street Property Figure  
**Parking Access and Parking Space Patterns 10c**  
 Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property Figure  
**Entranceway Patterns 10d**  
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 6: Markland Street Property  
As-of-Right Zoning

Figure

**10e**

Source: City of Hamilton Data (2018), GSP Group (March 2018)



## 4.8 Comparison of Existing and SCA Zoning

### 4.8.1 Front Yard Setbacks (see Table 1)

#### In-effect Zoning

The “C”, “D” and “DE-3” District regulations each require a minimum front yard setback of 6 metres. Section 18(3)(iii) of By-law No. 6593, however, allows for reductions to this setback based on the placement of adjacent existing buildings. Specifically, this section indicates that the minimum front yard setback will be the average of the existing adjacent front yards (for buildings within 30 metres of the proposed building) up to a maximum 30% reduction from the 6 metre setback. Thus, a maximum reduction of 1.8 metres and a minimum front yard setback of 4.2 metres is allowed in such instances within the “C”, “D” and “DE-3” District,

#### Ottawa SCA Zoning

The Ottawa SCA Zoning includes additional regulations concerning front yard setbacks further to the regulations of the R1 through R4 Zones in the Ottawa Zoning By-law. These additional SCA regulations require that the front yard setback must align with the average of the buildings on the abutting properties or align with the abutting lot facing the same street in respect to corner lots. In no case does the front yard setback need to be greater than six metres, but the SCA regulations do not preclude such a setback.

### 4.8.2 Front Yard Patterns (see Table 2)

#### In-effect Zoning

Section 18A of By-law No. 6593 distinguishes between those buildings constructed before and after December 14, 1971 for the purposes of front yard patterns and regulations:

- a) For single detached, duplex/semi-detached and triplex dwellings constructed pre-December 1971, the regulations permit parking within the front yard provided that such parking does not occupy more than 50% of the gross front yard area, and that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials). For single detached dwellings, only one of the required two parking spaces may be located in the front yard.
- b) For single detached, duplex/semi-detached and triplex dwellings constructed post-December 1971, the regulations do not permit a parking space in a required front yard and require that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials).

#### Ottawa SCA Zoning

The Ottawa SCA Zoning regulates the use of front yards depending on the dominant character as identified through a SCA. Per the SCA demonstrated in Section 4 above, Sites 1, 2, 3 and 5 are characterized as “Character Group A” and Sites 4 and 6 are characterized as “Character Group C” concerning front yard patterns. For Character Group A sites, the front yard may be

either soft landscaping or a combination of soft and hard landscaping across the entire front yard (side to side). For Character Group C sites, the front yard may additionally be soft landscaping or soft and hard landscaping that is across the entire front wall of the dwelling and a driveway in the remaining portion; the entire front wall of the dwelling that does not contain a garage and a driveway in the remaining portion; or the entire front yard not occupied by a legally established front yard parking space. Neither Character Group would allow projections beyond the distance permitted by zoning between front lot line and principal dwelling, or principal dwellings that extend to front lot line.

#### **4.8.3 Parking Access and Parking Space Patterns (see Table 3)**

##### In-effect Zoning

For parking purposes, Sections 18A(14a) and (14b) of Bylaw No. 6593 distinguishes between parking for buildings constructed before or after December 14, 1971. Both allow for rear yard parking and access. The pre-December 1971 buildings regulations allow for rear yard parking as well as one parking space in the front yard provided that at least 50% of the gross front yard area is a soft landscaped area. The post-December 1971 building regulations allow for parking accessed from the front lot line provided that such parking it is not within the front yard.

##### Ottawa SCA Zoning

The Ottawa SCA Zoning does not require parking for dwellings with 12 units or less. Where parking is provided, it must be provided in keeping with the dominant character identified by a SCA. The Ottawa SCA Zoning requires that for lots abutting travelled rear lanes, where parking spaces are provided they can only be in a rear yard and accessed from the rear lane.

Sites 1, 2, 4 and 5 are characterized as “Character Group A”, which only allows surface parking or garages that are accessed from a travelled rear lane or driveways through flanking side yard to garages beyond minimum setback for corner lots. Sites 3 and 6 are characterized as “Character Group B”, which additionally allows driveways accessing interior side yard or rear yard parking spaces, garages or carports; that no longer lead to legal interior side yard or rear yard parking and that result in front yard parking that is not in front of principal dwelling; and that are through carriageway providing access to interior yard.

#### **4.8.4 Principal Entranceway Patterns (see Table 4)**

##### In-effect Zoning

By-law No. 6593 does not regulate the location or orientation of principal entranceways.

##### Ottawa SCA Zoning

All sites are documented as Character Group A, which only allows principal entranceway to be along the dwelling’s front wall facing the front lot line or facing the side if they are part of a permitted front wall projection.

**Table 1: Comparison of Minimum Front Yard Setbacks**

Site	Assumed Scenario	Minimum Front Yard Setbacks	
		In-Effect Zoning	Ottawa SCA Zoning
<b>1</b> <i>Duke</i>	Addition to existing pre-1971 detached dwelling	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)
<b>2</b> <i>Robinson</i>	Redevelopment of site for detached dwelling	4.2 metres (average of 1.9 metres for abutting properties at 1.5 metres and 2.3 metres, but maximum reduction of 1.8 metres per Section 18(3)(iii))	1.9 metres (abutting properties at 1.5 metres and 2.3 metres)
<b>3</b> <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	6 metres (reduction not allowed given Section 18(3)(iii) requires two "adjoining" front yards)	1.7 metres (matches the property to the south given abutting property to north is a corner lot facing a different street)
<b>4</b> <i>Hess (south)</i>	Redevelopment of site for detached dwelling	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)
<b>5</b> <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	4.2 metres (average of 0.55 metres for abutting properties at 1.1 metres and 0, but maximum reduction of 1.8 metres per Section 18(3)(iii))	0.55 metres (average of abutting properties at 1.1 metres and 0)
<b>6</b> <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)

**Table 2: Comparison of Allowed Front Yard Patterns**

Site	Assumed Scenario	Allowed Front Yard Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
<b>1</b> <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
<b>2</b> <i>Robinson</i>	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
<b>3</b> <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
<b>4</b> <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).
<b>5</b> <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
<b>6</b> <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).

**Table 3: Comparison of Allowed Parking Patterns**

Site	Assumed Scenario	Allowed Parking Access and Parking Space Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
<b>1</b> <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting Wheeler Lane (Character Group A would only permit parking from a rear travelled lane anyways).
<b>2</b> <i>Robinson</i>	Redevelopment of site for detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
<b>3</b> <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
<b>4</b> <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space
<b>5</b> <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
<b>6</b> <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space

**Table 4: Comparison of Allowed Principal Entranceway Patterns**

Site	Assumed Scenario	Principal Entranceway Patterns	
		In-effect Zoning	Ottawa SCA Zoning
<b>1 Duke</b>	Addition to existing pre-1971 detached dwelling	Does not regulate location of principal entranceways	Character Group A requires the principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
<b>2 Robinson</b>	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
<b>3 Hess (north)</b>	Redevelopment of site for detached or semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
<b>4 Hess (south)</b>	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
<b>5 Markland (west)</b>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
<b>6 Markland (east)</b>	Severance for purposes of a new detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall

## 5. Assessment

This section assesses the suitability of the Ottawa SCA zoning approach for the Durand Neighbourhood context, addressing the questions identified in Section 1.3 of this Peer Review. It does not make any conclusions or recommendations but rather forms the basis of those contained in Section 6 and 7 of this Peer Review.

### 5.1 Appropriate Characteristics

***Question: Which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?***

The Character Study addresses two sets of characteristics for consideration as part of a zoning review for Durand. Section 2.0 of the Character Study addresses the four characteristics within the Ottawa SCA Zoning approach and Section 3.0 of the Character Study addresses a series of “streetscape characteristic factors” that were audited, some of which that overlap the Ottawa characteristics. The below considers the appropriateness of these characteristics as additional zoning requirements: Section 5.1.1 assesses the appropriateness of the Ottawa SCA Characteristics and Section 5.1.2 assesses the appropriateness of the “streetscape characteristic factors” from the Character Study. These sections do not endorse a particular form or approach for such a zoning regulation (which is further outlined in Section 6 and 7 of this Peer Review) but rather indicates the appropriateness of regulating the characteristic for Durand.

#### 5.1.1 Ottawa SCA Characteristics

##### (a) Front Yard Setbacks

The consistency of building positioning along the street is an important component of streetscape character patterns in established neighbourhoods. Pronounced differences in front yard setbacks between abutting properties can be determinantal to the character of a streetscape. While some streetscape variation is positive, differences resulting from buildings that are set back considerably further from or closer to the street line than abutting buildings are generally not desirable. Reflecting this thought, the Ottawa SCA Zoning uses an “averaging” approach that establishes minimum setbacks tied to the existing setbacks of abutting properties and includes a maximum cap that does not need to, but may, be exceeded.

The site demonstrations in Section 4 of this Peer Review suggest that most of the older, traditional stock of the Durand Neighbourhood is closer than 6 metre from the street lines and in many cases considerably less than 6 metres. In these instances, the 6 metre minimum front yard setback in the “C”, “D”, and “DE-3” does not reflect what exists in the neighbourhood fabric. Section 18(3)(iii) of By-law No. 6593 does allow for reductions to reflect the average of



adjacent buildings; however, this relief is capped to a 30% reduction and, although providing a better reflection of existing streetscape character, it appears arbitrary and does not provide a full reflection of existing streetscape character.

Table 1 in Section 4.8 shows the variety of setbacks when the In-Effect Zoning of By-law No. 6593 and the SCA Zoning are applied to the six demonstration sites. Sites 2, 3 and 5 reveal significant differences between the In-Effect Zoning and the SCA Zoning in instances where buildings are located tight to the street edge (0.5 to 2 metres in these instances). The SCA Zoning allows for the adjacent front yard depths to dictate entirely the minimum front yard setback but the In-Effect Zoning includes a maximum reduction, which in these instances leaves a significant gap between the allowed and existing minimum setbacks. If the rationale of character zoning is that of fairness, transparency and “your street setting the rules”, then the latter runs counter to this rationale. Accordingly, zoning requirements for front yard setbacks (and potentially porch projections) that are set by those on abutting lots, without any maximum reductions or caps, is appropriate to better reflect the existing streetscape patterns in Durand.

### **(b) Front Yard Patterns**

Front yard patterns are principally concerned with landscape treatments along the streetscape, however, they are largely tied to parking allowances. Front yard patterns in mature neighbourhoods are an important characteristic of streetscape character, particularly when considering the potential cumulative degradation of the streetscape character from higher proportions of the streetscape occupied by driveways and parking. By-law No. 6593 does address front yard patterns to a certain degree, requiring that at least 50% of the gross front yard area is soft landscaped for new single detached, semi-detached or duplex, and triplex dwellings. However, a driveway that is 50% of the lot width is still relatively larger than the existing pattern within the Durand Neighbourhood.

The Ottawa SCA Zoning provides a more robust control on the use and patterns of the front yards. Lots abutting rear lanes must have parking from the rear lanes, eliminating any interruption of the front yard pattern. Lots without abutting rear lanes are allowed front access driveways, although maximum driveway widths are imposed relative to the lot width. Using the demonstration sites, this has the effect of increasing the landscaped front yard area to 70 to 85% (depending on a single or double driveway) for Sites 4 and 6, or 70% for narrower sites like Site 1 if it was accessed from the front. Such limitations on maximum driveway widths relative to overall lot width is appropriate to add as additional zoning requirements for Durand.

### **(c) Parking Access and Parking Space Patterns**

The pattern of parking and parking spaces is the most influential factor concerning streetscape character and they directly influence the character of other patterns, including patterns for front yards and principal entranceways. Along the front lot line abutting public streets, the creation



of new parking spaces or the expansion of existing hardscaped area has significant potential impacts on streetscape character in the subject areas of Durand. This is especially true on blocks served by existing travelled lanes to the rear, which comprise a large proportion of the Durand Neighbourhood where blocks remain intact with parking from the rear. Thus, regulating parking access and parking space patterns is expected to be the most impactful from the perspective of maintain existing streetscape character in Durand.

Concerning parking access, the Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided. The SCA may determine that parking access may only be from a rear travelled lane or cannot be accommodated from a front or rear lot line, where the streetscape patterns dictate; however, parking is not required so it would not preclude development of the addition of new units. However, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of additional units for certain properties. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line is an appropriate additional zoning requirement for Durand; regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate for Durand given the preclusions affecting certain properties.

Concerning front yard parking, there are numerous instances in Durand where parking spaces in the front yard occupies most of or all the lot's width (whether legally or illegally). This presents the most significant detrimental effect on the quality of the streetscape in the lower-rise portions of Durand, particularly when considering the cumulative effect of abutting situations on the streetscape. By-law No. 6593 allows front yard parking spaces for up to 50% of the lot width for pre-December 1971 single detached, semi-detached, duplex, and triplex dwellings, but not for new construction after that date which must be outside of the front yard. The SCA Zoning does not allow front yard parking in any of the Character Groups. Patterns of front yard parking is an appropriate characteristic to regulate and should be continued, recognizing there is a larger parking matter in terms of access that is addressed in Section 5.3 of this Peer Review.

#### **(d) Principal Entranceway Patterns**

The relationship between principal entrances and public street edges is an important component of streetscape character from a functional and visual perspective. Ottawa's response to regulating entranceway patterns reflected emerging patterns where garages and carports dominated a new dwelling's front face with entranceways positioned under or to the

side of the buildings. This does not appear to be a prevailing pattern within Durand, where front-facing entrances are the norm, or side-facing entrances as part of a front projecting porch or addition were documented in limited cases in the demonstration sites above. Such a regulation is appropriate as part of a broader streetscape character-based approach, but it does not address a current or expected undesirable condition with the Durand Neighbourhood.

### **5.1.2 Character Study Streetscape Characteristic Factors**

#### **(a) Mature Trees**

Most street trees within the Durand neighbourhood appear to be within the public right-of-way, which is not regulated through zoning. For private properties, zoning can regulate that adequate space is provided to potentially accommodate additional tree plantings in front yards (as part of the front yard patterns and front yard setbacks considerations above in the SCA Zoning), but it cannot regulate what gets planted. While not appropriately regulated through zoning, tree plantings can be encouraged through other planning mechanisms (such as Site Plan Control where applicable and Infill Guidelines) or other municipal programs (such as tree planting programs).

#### **(b) Landscaped Front Yards**

As discussed in Section 5.1.1(b) above, landscaped front yard patterns in mature neighbourhoods are an important characteristic of streetscape character. The in-effect regulations of By-law No. 6593 do regulate the “quantity” of landscaped space required in the front yards. It requires that at least 50% of the gross front yard area be soft landscaped (excluding concrete, asphalt, gravel, pavers, or other similar materials) for single detached, semi-detached, duplex and triplex dwellings. The cursory review of this Peer Review concerning existing streetscape conditions in Durand, however, suggests “mixed” front yard landscaping patterns, including soft and hard elements, are not uncommon throughout the neighbourhood. Ensuring a minimum amount area in the front yards for landscaping purposes continues to be an appropriate characteristic to regulate as additional zoning requirements in Durand, which may warrant redefinition of what is permitted as landscaped areas.

The SCA Zoning also regulates the “quantity” of landscaped space required in the front yards. It is distinguished from By-law No. 6593, however, in that it allows required front yard landscaped areas to be either soft landscaping or a mix of soft and hard landscaping in the non-driveway portions of the front yard. Ottawa’s Zoning By-law defines “soft landscaping” as vegetation elements such as trees, shrubs, hedges, grass and ground cover and defines “hard landscaping” as non-vegetation materials such as bricks, pavers, stone, and concrete. It is less prescriptive in terms of the general composition of front yard landscaped areas as compared to By-law No. 6593. In Ottawa, front yard landscaped areas could be just grassed areas and still meet the requirement for a “soft landscaped” area, while mixed landscape areas

could predominately of pavers and stone with minimal planted areas sand still meet the SCA requirements.

In terms of “quality” of front yard landscaped spaces, neither By-law No. 6593 or the SCA Zoning regulates what specifically must constitute front yard landscape patterns. Zoning cannot require specific landscape treatments or planting details, nor can it require professional designs. These characteristics are not appropriate to regulate as additional zoning requirements.

### **(c) Front Entrances**

The orientation of entranceways is assessed by the SCA Zoning addressed in Section 5.1.1(d) of this Peer Review.

### **(d) Height of Dwellings**

The intent of Ottawa’s character zoning is not to downzone properties or areas in terms of permitted heights and intensity, but rather direct the form. The existing “C”, “D”, and “DE-3” Districts currently have a maximum height up to three storeys. Section 5.2.2 of the Character Study implies that concerns are not focused on residential infill at such lower-rise heights or the forms but rather with controls on integrating taller buildings within the neighbourhood fabric, the latter which are not subject to Ottawa SCA Zoning. Notwithstanding this, conceivably, minimum or maximum building heights could be tied to the existing building height of abutting or surrounding properties using a character-based approach. However, this would not be an appropriate additional zoning requirement given a maximum of three storeys is appropriate for the low-rise portions of Durand and variety along the streetscape of mature neighbourhoods is desirable.

Shapes of rooflines can affect the perceived height and mass of the buildings and can influence streetscape character. Pitched roofs are the prevailing pattern through the lower-rise residential stock of Durand, with sharper pitches for the oldest areas of the neighbourhood. The additional mass created using flat roofs particularly for 3-storey forms (demonstrated by the Ottawa examples on pages 10 and 11 in this Peer Review) is noticeable. Seemingly, controlling height depending on the roof pitch could be regulated under the “character” discussion but it likely would be difficult to craft and administer and may stifle the desire for architectural creativity and flexibility that is desirable for new infill developments. Given this, it may not be an appropriate additional zoning requirement.

### **(e) Similar Housing Types**

The “C”, “D”, and “DE-3” Districts all allow for a similar, compatible low-rise form of residential development. A mixed composition of lower-rise building types is an important component of any established neighbourhood. In this sense, it is not appropriate to require new developments

to match the residential type of abutting properties or the prevailing patterns along the street (unless the existing zoning only permits such a residential type). This does not infer there is no need for further direction and guidance concerning the sensitive incorporation of taller, more intense residential forms into the neighbourhood fabric through other planning mechanisms.

#### **(f) Garages**

The SCA Zoning regulates the positioning of garages. Garages may only be accessed from the rear lot line for lots abutting a “travelled” rear lane. Where front-facing garages are permitted, the regulations generally seek to reduce the prominence of garages by requiring that they align with the dwelling’s principal wall from at a minimum and with maximums on the width of garage doors. Further, the SCA may dictate that garages must be further recessed behind the dwelling’s principal building wall. These garage regulations are further complemented by regulations for driveways that include allowing double driveways only for the wider lots, maximum driveway widths depending on the lot’s width, and not allowing the smallest lots to have driveways at all. Applying the SCA regulations, Sites 1, 2 and 5 would not be allowed front-accessed garages while Sites 3, 4 and 6 would be allowed a front-accessed garage at the very least that is flush with the building’s front wall. These are effective regulations for controlling garage impacts on the streetscape character and are appropriate characteristics to regulate as additional zoning requirements for Durand.

#### **(g) Front Yard Parking**

Front yard parking is addressed in Section 5.1.1(c) of this Peer Review.

#### **(h) Façade Materials**

A municipality can regulate exterior design materials under the definition of “character” per the OMB’s order regarding the Ottawa SCA Zoning provided it is grounded in the prevailing patterns of the streetscape. Such controls on façade materials, however, would be significantly more difficult to administer as compared to more easily quantifiable elements like parking locations and front yard space. Such regulation is not appropriate as additional zoning requirements as it strips flexibility from the architectural design process and the ability for contemporary yet compatible forms of development within Durand.

## **5.2 Applicable Dwelling Types**

***Question: Which areas and what types of buildings should be subject to these characteristics?***

### **5.2.1 Areas**

Ottawa’s Mature Neighbourhoods Overlay applies to properties within the defined area that are zoned Residential First Density Zone (R1), the Residential Second Density Zone (R2),

Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay supersedes the parent regulations of the R1 through R4 Zones. The advantage of such an overlay approach is the relative ease of administrative set-up compared to the “upfront” effort of neighbourhood-by-neighbourhood study. Ottawa’s Overlay identifies a broadly delineated area with regulations that are triggered by residential uses four storeys and less, without the need for a property-by-property review of the boundary. This is clearly advantageous for incorporating multiple established neighbourhoods, but this advantage diminishes for a single neighbourhood application such as Durand. Additionally, the Durand context includes pockets of low-rise properties within higher-rise contexts, such as the general area to the north of Herkimer Street and east of Bay Street, where, where an SCA would be skewed in terms of the determination of character.

If the “overlay” approach is desired, a tighter defined scoped overlay for Durand makes sense. The area bounded by Herkimer Street, the Escarpment, Queen Street, and James Street is a largely intact low-rise residential portion of Durand that would benefit from such character zoning. Additionally, the area bounded by Herkimer Street, Bold Street, Queen Street, and Bay Street, generally share many of the same characteristics and would also be appropriate to include in such a scoped overlay area.

A tailored character “sub-zone” or zoning “suffix”, however, would also achieve the same result. Such a character analysis regulation could be applied to properties zoned in “C”, “D”, or “DE” Districts at a minimum, as well as potentially “E” zones, for buildings that are four storeys and less. This could either be tied to a SCA or pre-established regulations set by a study of existing patterns in the neighbourhood as part of the zoning review process.

### 5.2.2 Type of Buildings

Ottawa’s R1 through R4 Zones increase in the intensity and the permitted range of residential uses, moving generally from just detached dwellings (R1 Zone) up to a range of residential uses including detached dwellings to low-rise apartments (R4 Zone). The strength of Ottawa’s SCA Zoning is that it provides a level of design control in respect to development that would otherwise not be controlled by *Planning Act* mechanisms. Without this SCA Zoning, buildings additions and developments not subject to Minor Variances or Site Plan Control simply proceed to building permits without any additional site and building design control.

For Durand, at a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, provides an additional level of control over and above the site plan process and any design guidelines that may be available. Existing zoning

only permits up to three storeys currently in Durand, however, up to four storeys in height is an appropriate threshold for these low-rise characteristics

### 5.3 Parking

***Question: How should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?***

The Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided at the property owner's discretion. Conversely, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units for properties where:

- a) the lot does not abut a rear lane; and
- b) the documented character regarding parking would not allow for a driveway from the front lot line (Character Group A); or,
- c) where existing on-street parking would prevent a new curb-cut for a driveway where the dominant character group allows a front lot line driveway (Character Groups B, C and D).

These situations appear on a preliminary review basis to be isolated and relatively minor in extent, most likely to occur in the oldest areas of Durand. The south side of Markland Street between Queen Street and Bay Street, for instance, is one example where properties would be captured by a Character Group A rating and would be without rear lane access, thus, precluding such properties from providing a parking space. The redevelopment of these types of buildings may not be realistic, however, the addition of units could be realistic.

This situation also assumes no relief from zoning requirements through a Minor Variance. Based on a review of a summary of Committee of Adjustment decisions since 2006, 7 of the 19 granted variance applications by the Committee did include reductions or exemptions of parking requirements for additional units. So, the ongoing granting of minor variances and the supporting rationale needs to be considered as part of this broader discussion.

Section 5.1.1(c) discusses the appropriateness of the parking characteristics as additional zoning requirements. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line and patterns of front yard parking is an appropriate characteristic to regulate as additional parking requirements. However, regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate at this time



based on the information at hand and the existing in-effect zoning. Without a full understanding of implications of the SCA tool on parking through a more fulsome parking review and without either reductions to or exemptions from the in-effect zoning requirements for parking, the Ottawa approach would preclude development on certain lots.

## 5.4 Evaluation Extent

***Question: How far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?***

### 5.5.1 Extent

The Ottawa SCA Zoning considers up to 21 surrounding properties for the documentation of prevailing streetscape patterns. Generally, this documentation includes the 10 lots on the same block of the subject property and 11 lots on the facing block. Documentation is more complicated for properties on block ends. It may require documentation on the next abutting blocks or documentation extending along the length of the property's own subject block to capture the required number of lots. The explanation in Ottawa's SCA Zoning for the various SCA documentation requirements is complicated.

The Ottawa SCA Zoning's extent of documentation employs a reasonable and appropriate extent for the identification of prevailing character patterns. A smaller extent would create the potential for pockets of built form patterns "anomalies" along the block that would skew the evaluation and determination of the prevailing pattern of character. A larger extent may result in cases where documented properties may not be visually perceived together as they extend onto different blocks, given the short block lengths in Durand in the lower-rise sections of the neighbourhood. Additionally, a larger extent carries additional efforts of documentation.

Given the generally short blocks within the subject portions of Durand ("C", "D", and "DE" Districts), a mid-block application of the SCA to Durand would generally capture all the fronting lots on the respective streets. In interests of simplicity, a character-based zoning approach for Durand's purposes could simply document all the lots that front onto that street without meaningfully impacting the results of the determination of prevailing patterns. End-block applications are more complicated and depend on the property's context given the nature of the ends of blocks vary throughout Durand.

### 5.5.2 Inclusions

In terms of inclusions, the Ottawa SCA Zoning model requires that vacant properties or properties developed with institutional, office, or open space uses be documented as part of the total unit count but may not contribute to the determination of the applicable character group. The Ottawa SCA Zoning does not speak to other uses such as retail commercial or other similar uses that may influence the determination of character. For Durand, this discussion largely affects the area generally north of Herkimer, which has a limited number of

non-residential and multiple residential forms interspersed within and surrounding the “C”, “D”, and “DE” Districts, as compared to the south which demonstrates a more uniform pattern of residential forms.

Exclusions do make sense as they have the effect of tightening the geographic extent of the character documentation. The above excluded types of uses are often on sites with much larger frontages as compared to lower-rise residential forms, which would not unduly influence the determination of prevailing character patterns given such properties only count as one lot for documentation purposes. Given the character-based zoning approach is meant to regulate the form and patterns of low-rise development, the simplest and most reasonable approach for Durand would be to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

## 5.5 Heritage Influences

***Question: Should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?***

The Durand-Markland Heritage Conservation District Plan (HCD Plan) applies to properties on Markland Street between James Street and Bay Street South as well as properties on Chilton Place and those on Macnab Street and Park Street to Herkimer Street. Section 4.2 of the HCD Plan provides guidance related to alterations or additions to sites and buildings within the District. This includes:

- Site guidelines (4.2.2) speaks to the maintenance of front lawns and plantings and existing means of access. Application of SCA characteristics to a certain degree would reflect these guidelines, including front yard patterns and driveway access in keeping with the determined character of the surrounding area.
- Existing building fabric guidelines (4.2.3) principally relate to restoration and repair of architectural details, which are not applicable for zoning purposes. Guidelines for maintaining the existing principal entrances on buildings is to a certain degree is regulated by the SCA tool concerning Principal Entranceways in keeping with the determined character of the surrounding area.
- Additions guidelines (4.2.4) relate to guidance for building additions to be positioned in ways that do not detract from the building or neighbourhood, particularly directed to side and rear locations of the property. Zoning could restrict building additions to the front wall or through additional height by not allowing future building in the front yard of existing buildings as of a certain date. However, this would be more appropriately controlled through the heritage permit processes to adequately address these guidelines.



Section 4.4 of the HCD Plan identifies a series of design guidelines for the construction of new buildings within the District. These form the basis of considering additional requirements for zoning of subject properties, whether new development or building additions:

- a) Height: the District is regulated by the maximum height of two-and-a-half storeys per the "C" District regulations. The HCD guidelines desire new buildings that "*maintain the building height of adjacent properties and the immediate streetscape and should [not] be noticeably higher nor lower*". Buildings greater than two-and-a-half storeys would require a Minor Variance or Zoning By-law Amendment, so control on compatible heights is maintained with those instruments. Within the as-of-right height permission of the "C" District, additional regulations could tie the building height of the height to that of the abutting properties to determine a minimum and maximum height range.
- b) Width: the lotting fabric is established in the District, recognizing the potential for future severances. The HCD guidelines desire that the width of new buildings and side yards spaces maintain the general pattern of adjacent properties and the immediate streetscape. Minimum and maximum side yard setbacks could be tied to the average of abutting properties or properties to a further extent similar to the SCA method.
- c) Proportion: the proportion of height-to-width can be addressed as part of the height discussion above, with zoning mechanisms recognizing the height of the abutting properties.
- d) Street Relationship: the front yard setbacks regulation of the SCA tool requiring the minimum setback to be the average of the abutting properties in part reflects this guideline to maintain existing setbacks. It would need to include a maximum front yard setback to ensure consistency with abutting properties.
- e) Roof Forms: roof forms could be indirectly regulated through zoning with controls on heights depending on the pitch of roofs, however, but such regulations would be complicated and not appropriate. Heritage permit processes can adequately address these guidelines.
- f) Composition: the architectural composition of new buildings within such areas is not appropriately or easily regulated through zoning. Heritage permit processes can adequately address these guidelines.
- g) Proportion of Openings: openings on building elevations are not appropriately regulated through zoning, particularly for areas with a such a varied composition of openings. Heritage permit processes can adequately address these guidelines.
- h) Materials and Colours: materials are colours are not appropriately regulated through zoning. Heritage permit processes can adequately address these guidelines.

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.

## 6. Conclusions on Suitability of SCA Tool

The Character Study prepared on behalf of the Durand Neighbourhood Association recommended exploring the use of the City of Ottawa's "Streetscape Character Analysis" zoning approach for informing development and redevelopment in Durand. Generally, this Peer Review finds that Ottawa's SCA Zoning inherently offers many benefits. It offers a level of transparency related to the zoning's formulation in that regulations are not static or "one-size-fits-all". Rather, regulations depend on the existing prevailing streetscape patterns surrounding a property to set the "rules" for new development and additions. It naturally adjusts to neighborhoods with different sub-areas that feature varying compositions of development patterns. It also provides a level of design control in respect to development that would otherwise not be controlled through a *Planning Act* mechanism, which includes instances where building additions and infill developments are not subject to Minor Variances or Site Plan applications.

The Ottawa SCA Zoning, however, does not address what is perceived by this Peer Review as the main thrust of the Character Study concerning Durand. The location and design of taller and more intense residential forms within the neighbourhood fabric appears to be the principal concern of the Character Study, rather than concerns related to inappropriate low-rise infill developments. Conversely, the latter was a principal concern of the City of Ottawa for its mature neighbourhoods and was specifically the motivation for developing its SCA Zoning.

Thus, a character-based zoning approach in Durand would be a proactive rather than reactive tool for neighbourhood change in the sense that it is not addressing infill concerns that are currently occurring in the neighbourhood. There have not been many recent infill developments in the subject portions of Durand, at least not to the level approaching that experienced in Ottawa. In the future it is reasonable to conclude that new residential units in the assessed low-rise portions of Durand will principally occur by building addition or establishment of new units within existing buildings rather than through development and redevelopment of properties. Nonetheless, such a character-based zoning approach does have benefits as a tool for directing low-rise infill development and redevelopment in Durand.

It is important to note, however, that an effective character-based zoning approach for Durand does not mean a recommendation for Ottawa's overlay approach or its SCA tool. The contextual situation of Ottawa's "Mature Neighbourhood Overlay" in the Zoning By-law is distinct from that of Durand, principally for three main reasons.

First, the Overlay targets specific issues related to low-rise infill developments that were deemed to be significantly inappropriately out of character with their host neighbourhood. These inappropriate examples principally contained garage-dominated front building walls and

driveway-dominated front yards that significantly contrasted the existing streetscape patterns. As a general observation, it appears that many of Ottawa's inappropriate infill examples were on underutilized sites situated in desirable locations (such as older, smaller bungalows redeveloped for new two- or three-storey residential buildings). Cumulatively, such infill developments can have detrimental impacts on streetscape character when left unchecked, although that is not a pattern currently observed in the Durand context. The nature and character of Durand's housing stock suggests that such cases would be isolated.

Second, the Overlay applies to a broad geographical extent of Ottawa that included the downtown core and the surrounding belt of inner neighbourhoods surrounding the core. A simple comparison of this general scale for Durand's purposes would be the area within the boundaries of the former City of Hamilton. The Overlay's extent includes a diversity of neighbourhoods with different compositions of housing age, forms and patterns. Such diversity would make crafting character-based regulations tailored to individual neighbourhoods on such a broad scale onerous as part of a comprehensive zoning by-law process. The Overlay essentially defers determination of regulations for a property to the Streetscape Character Analysis at the time plans are proposed. This approach makes sense for such a broad extent, but less so for an individual neighbourhood like Durand where that assessment can be done more easily upfront as part of new zoning provisions.

Third, the Overlay functions with an exemption for parking for low-rise developments. The SCA Zoning does not require any parking for low-rise forms with up to 12 dwelling units, but rather regulates parking where it is provided at the property owner's discretion. The City of Ottawa made this choice on a broad scale as part of the SCA Zoning, conscientiously recognizing the walkability, transit service levels and car ownership rates in these neighbourhoods and acknowledging the dated nature of the existing parking regulations in the former by-laws. It was based on an understanding of contemporary municipal parking approaches through reviews of minimum parking standards. Applying the Ottawa SCA Zoning method while requiring parking as is presently required by Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units on certain properties. This includes lots that do not abut a rear lane and for which the determined dominant character does not allow a front access driveway or for which such an access could not be accommodated. Such a preclusion would not be appropriate or fair, undermining one of the strengths of the SCA Zoning approach.

Given these conditions, a similar zoning overlay and SCA tool is not warranted for Durand. However, certain regulated characteristics of the Ottawa SCA Zoning are appropriate as part of potential new zoning provisions for Durand to ensure streetscape character is maintained in the future. These are highlighted in the recommendations section of Section 7 of this Peer Review.

## 7. Recommendations

While Ottawa's approach using an Overlay and SCA Tool for Durand is not warranted per the conclusions in Section 6, tailoring zoning regulations for Durand using character-based approach offers benefits. The City of Burlington recently used such an approach, which progresses from a detailed assessment of existing built form patterns and zoning implications leading to tailored regulations for specific "character areas". Such an approach avoids the additional efforts required with administering the SCA process, which can be relatively complicated and brings a learning curve for City staff and residents. Unless the City of Hamilton is looking for a wider-ranging application of character-based zoning, tailored zoning regulations for Durand per the below recommendations can be easily formulated without the need for the use of the SCA tool (although a similar review of the entire block conditions per the extent of Ottawa's SCA tool could be adapted). This would involve "upfront" efforts in formulating the residential zones concerning quantifying the existing development patterns on a block-by-block within Durand.

This Peer Review makes the following recommendations concerning zoning for the Durand Neighbourhood in respect to the five questions per Section 1.3 of this Peer Review.

### 1. **Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?**

The following are appropriate characteristics to add as additional zoning requirements:

- a) Front yard setbacks: regulations that require buildings to be aligned with the setbacks of abutting lots using averaging or a minimum/maximum range set by those abutting lots,
- b) Parking for lots abutting travelled rear public lanes: regulations requiring parking on such lots to be accessed solely from the rear lot line lots abutting the lane,
- c) Front yard parking: regulations that prohibit parking within the front yard of a building between the front building line and a street line,
- d) Driveway Widths: regulations concerning the maximum width of driveways relative to lot width for lots with front access parking,
- e) Garage Placement: regulations regarding minimum requirements for positioning and setbacks of front-access garages, and
- f) Landscaping: regulations concerning requirements for the remainder of non-driveway front yard to be landscaped, either as soft landscaping or a mix of soft and hard landscaping.

**2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?**

The area that would benefit most from character-based zoning in Durand is the largely intact low-rise residential portion bounded by Queen Street to the west, Herkimer Street to the north, the Niagara Escarpment to the south, James Street to the east from the Escarpment to Herkimer Street, and Bay Street to the east from Herkimer Street to Hunter Street. Residential buildings that are four storeys or less should be subject to the above additional zoning requirements for Durand. At a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, would provide an additional level of control over and above the site plan process and any design guidelines that may be available.

**3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?**

Ottawa's SCA Zoning would not function the same in the Durand context given that Hamilton By-law No.6593 requires parking for low-rise residential buildings, whereas none is required by the Ottawa zoning by-law. This is a key component of the SCA Zoning and would have the effect of precluding certain properties for additions or development given parking could not be accommodated in keeping with prevailing streetscape patterns.

While they may be justified in an urban context such as Durand, changes to the in-effect minimum parking requirements are not being recommended through this Peer Review. They would need to be addressed as part of a parking review (which may address such matters as car ownership rates, contemporary zoning practices, and utilization rates of on-street parking) to establish new parking requirements. This was not part of the scope of this Peer Review. Such a review needs to be done on a comprehensive basis and is not appropriate on an individual neighbourhood basis such as Durand.

Thus, the parking regulations identified above in the "Appropriate Characteristics" would operate under the in-effect zoning parking rates requiring lots with rear lanes solely to be serviced from rear lot lines, prohibiting parking in front yards, and limiting driveway widths.

**4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?**

The above recommendations do not incorporate evaluation beyond the abutting properties. Should a similar character evaluation be desired for Durand's purposes to that of Ottawa, the simplest and most reasonable approach for Durand would be to simply

document all the lots that front onto that street given the short block lengths and to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

**5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?**

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.





## **GENERAL ISSUES COMMITTEE REPORT 19-008**

9:30 a.m.

Wednesday, April 17, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor B. Clark (Chair)  
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, T. Jackson,  
J. P. Danko, M. Pearson, L. Ferguson, A. VanderBeek, T. Whitehead,  
J. Partridge

**Absent:** Councillor B. Johnson, C. Collins – Other City Business  
Councillor E. Pauls - Personal

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 19-008 AND RESPECTFULLY RECOMMENDS:**

**1. Labour Relations Activity Report (2014 - 2018) (HUR19007) (City Wide) (Item 10.1)**

That Report HUR19007, respecting the Labour Relations Activity Report (2014 - 2018), be received.

**2. 2018 Municipal Tax Competitiveness Study (FCS19023) (City Wide) (Item 10.2)**

That Report FCS19023, respecting the 2018 Municipal Tax Competitiveness Study, be received.

**3. Office Tenancy Assistance Program - 286 Sanford Avenue North, 2nd Floor, Hamilton (PED19020) (Ward 3) (Item 10.3)**

- (a) That a conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 2nd Floor, Hamilton, be

authorized and approved under the Office Tenancy Assistance Program in accordance with the Program's terms and conditions;

- (b) That the Mayor and City Clerk be authorized and directed to execute the Loan agreement together with any ancillary documentation required, to give effect to the conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 2nd Floor, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements together with any ancillary amending documentation, if required, provided that the terms and conditions of the Office Tenancy Assistance Program, as approved by City Council, are maintained.

**4. Office Tenancy Assistance Program - 286 Sanford Avenue North, 3<sup>rd</sup> Floor, Hamilton (PED19021) (Ward 3) (Item 10.4)**

- (a) That a conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 3<sup>rd</sup> Floor, Hamilton, be authorized and approved under the Office Tenancy Assistance Program in accordance with the Program's terms and conditions;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Loan agreement together with any ancillary documentation required, to give effect to the conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 3<sup>rd</sup> Floor, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Office Tenancy Assistance Program, as approved by City Council, are maintained.

**5. Airport Sub-Committee Report 19-002, March 29, 2019 (Item 10.5)**

**(a) Appointment of Chair and Vice-Chair (Item 1.1)**

That Councillors L. Ferguson and B. Johnson be appointed as Co-Chairs of the Airport Sub-Committee on a rotating basis for the 2018-2022 term.

- (b) **Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation regarding the John C. Munro Hamilton International Airport (PED19082) (City Wide) (Item 7.1)**

That Report PED19082, respecting the Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation regarding the John C. Munro Hamilton International Airport, be received.

- (c) **2019 - 2020 John C. Munro Hamilton International Airport (HIA) - City of Hamilton Joint Marketing Initiatives (PED19086) (City Wide) (Item 10.1)**

That the City of Hamilton approve and allocate \$100,000 from the Airport Joint Marketing Reserve Fund No. 112217 as the City's contribution to the 2019-2020 John C. Munro Hamilton International Airport (HIA) – City of Hamilton Joint Marketing Initiatives, as outlined in Report PED19086.

- (d) **2019 - 2030 Capital Expenditure Request for John C. Munro Hamilton International Airport (HIA) (PED19083) (City Wide) (Item 14.1)**

That the contents of Report PED19083, respecting the 2019 - 2030 Capital Expenditure Request for John C. Munro Hamilton International Airport (HIA), including recommendations remain confidential, until final execution of the pending agreement.

- (e) **Tradeport / City Lease Negotiation Information Report (PED19084) (City Wide) (Item 14.2)**

That Report PED19084, respecting Tradeport / City Lease Negotiation Information Report, be received and remain confidential.

6. **Annual Assessment Appeals as of December 31, 2018 (FCS19030) (City Wide) (Item 10.6)**

That Report FCS19030, respecting the Annual Assessment Appeals as of December 31, 2018, be received.

**7. Annual Tax Arrears as of December 31, 2018 (FCS19031) (City Wide) (Item 10.7)**

That Report FCS19031, respecting the Annual Tax Arrears as of December 31, 2018, be received.

**8. 2019 Tax Policies and Area Rating (FCS19022) (City Wide) (Item 10.8)**

(a) That the following optional property classes be continued for the 2019 taxation year:

- (i) Parking Lot and Vacant Land; and,
- (ii) Large Industrial.

(b) That, based on the 2019 final approved Tax Operating Budget, the following final tax ratios be established for the 2019 taxation year:

(i)	Residential	1.0000
(ii)	Multi-Residential	2.5671
(iii)	New Multi-Residential	1.0000
(iv)	Commercial	1.9800
(v)	Parking Lot and Vacant Land	1.9800
(vi)	Industrial	3.3696
(vii)	Large Industrial	3.9513
(viii)	Pipeline	1.7947
(ix)	Farm	0.1767
(x)	Managed Forest	0.2500
(xi)	Landfills	2.9696

(c) That the following tax reductions be established for the 2019 taxation year:

(i)	Excess Land Subclass (Residual Commercial)	30%
(ii)	Excess land Subclass (Residual Industrial)	30%
(iii)	Vacant land Subclass (Residual Industrial)	30%
(iv)	Excess land Subclass (Large Industrial)	30%
(v)	Farmland awaiting development (1 <sup>st</sup> Subclass)	25%
(vi)	Farmland awaiting development (2 <sup>nd</sup> Subclass)	0%

(d) That the existing Seniors' (65+) Tax Rebate Program be continued for the 2019 taxation year;

- (e) That the Deferral of Tax Increases for Seniors and Low-Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2019 taxation year;
- (f) That the Full Tax Deferral Program for Seniors and Low-Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2019 taxation year as the second year of the three-year pilot;
- (g) That the existing 40% Tax Rebate for eligible charities and similar organizations be continued for the 2019 taxation year;
- (h) That the existing Tax Rebate for eligible charities and similar organizations be amended to include a 100% tax rebate for Veteran's Clubhouses and Legion Halls, which use and occupy land as a memorial home, clubhouse or athletic grounds and would otherwise be tax exempt under Section 3(1) of the *Assessment Act, R.S.O. 1990, c. A.31*;
- (i) That the City of Hamilton By-law 12-116 to provide property tax rebates for Veteran's Clubhouses and Legion Halls occupying property in the City of Hamilton be repealed as they are now exempt;
- (j) That, for the 2019 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial and Industrial property classes be set at the maximum allowable of 10% of previous year's Current Value Assessment (CVA) level taxes;
- (k) That, for the 2019 taxation year, any capped property in the Commercial and Industrial property classes that is within \$500 of its Current Value Assessment (CVA) taxes in 2019, be moved directly to its full Current Value Assessment (CVA) taxes;
- (l) That capping protection will be limited only to reassessment related changes prior to 2017;
- (m) That the four-year capping phase-out option be continued for the Commercial property class with 2019 being year 2 of 4;
- (n) That, if conditions are met pending release of the education tax rate, the four-year capping phase-out option be started for the Industrial property class;
- (o) That vacant lands that are currently subject to capping protection be excluded from the phase-out eligibility criteria where all properties must be within 50% of CVA level taxes;

- (p) That, for the 2019 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (q) That for the 2019 taxation year, any property in the Commercial and Industrial property class, which paid full Current Value Assessment (CVA) taxes in 2018, no longer be eligible for capping protection in 2019 and future years;
- (r) That, for the 2019 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;
- (s) That, for the 2019 taxation year, the Area Rated Levies be approved as identified in Appendix "A" attached to Report 19-008;
- (t) That Schedule "C" of the City of Hamilton By-law 18-131 be amended to reflect the provincially prescribed Education tax rate for the small-scale on-farm business subclasses;
- (u) That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2019 taxation year.

**9. Open for Business Sub-Committee Report 19-001, February 27, 2019 (Item 10.9)**

**(a) Appointment of Chair and Vice Chair (Item 1)**

- (i) That Councillor M. Pearson be appointed Chair of the Open for Business Sub-Committee for the 2018-2022 term; and
- (ii) That Councillor J. Farr be appointed Vice-Chair of the Open for Business Sub-Committee for the 2018-2022 term.

**(b) Continuous Improvement Team - Process Review - Micro-breweries - Case Study No. 20 (Item 7.1)**

That the Continuous Improvement Team - Process Review - Micro-breweries - Case Study No. 20, be received.

**(c) Continuous Improvement Team - 2018 Special Occasion Permit Review – Case Study No. 21 (Item 7.2)**

That the Continuous Improvement Team - 2018 Special Occasion Permit Review – Case Study No. 21, be received.

**(d) Open for Business Future Ready Leadership Program (PED19058) (City Wide) (Item 7.3)**

That Report PED19058 respecting the Open for Business Future Ready Leadership Program, be received.

**(e) 2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22 (Added Item 7.4)**

That the 2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22, be received.

**(f) Rural Development and Sustainable Private Servicing (PED18191) (Wards 9, 11, 12, 14, 15) (Item 9.1)**

That Report PED18191, respecting Rural Development and Sustainable Private Servicing, be received.

**(g) Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19 (Item 9.2)**

That the Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19, be received.

**10. Advisory Committee for Persons with Disabilities Report 19-002, March 12, 2019 (Item 10.10)**

- (a) That sub-section (a) to the Advisory Committee for Persons with Disabilities Report 19-002, respecting Hamilton Street Railway Bus Transfers, which reads as follows, be referred to staff for a report back to the Public Works Committee:



**(a) Hamilton Street Railway Bus Transfers (Item 11.1)**

WHEREAS, Accessibility for Ontarians with Disabilities Act (AODA) Standards stress the need for equity of services on transit;

WHEREAS, those experiencing disabilities such as mobility challenges are frequently slow moving, requiring a longer time to reach bus stops, especially those mid-block and, similarly more time to complete tasks such as shopping and appointments;

WHEREAS, there is no actual financial costs to implement this practice; and,

WHEREAS, benefit may be gained from the goodwill and educational process that acknowledges diversity in ridership.

THEREFORE, BE IT RESOLVED:

That staff be directed to investigate the feasibility of the Hamilton Street Railway (HSR) extending the duration of the HSR bus transfers for persons with disabilities, including consultation with Advisory Committee for Persons with Disabilities on the process.

**(b) City's Commitment to the Lives of Persons with Disabilities in the City of Hamilton (Added Item 11.2)**

That the Mayor and Council be invited to attend and speak to the Advisory Committee for Persons with Disabilities respecting the City's commitment to the betterment of the lives of persons with disabilities in the City of Hamilton.

**11. Interview Sub-Committee (to the General Issues Committee) Report 19-001, March 29, 2019 (Item 10.12)**

**(a) Appointment of Chair and Vice Chair (Item 1)**

- (i) That Councillor B. Clark, be appointed as Chair of the Interview Sub-Committee (to the General Issues Committee) for the balance of the 2018 to 2022 term of Council; and,
- (ii) That Councillor J. Farr, be appointed as Vice Chair of the Interview Sub-Committee (to the General Issues Committee) for the balance of the 2018 to 2022 term of Council; and,

**(b) Arts Advisory Commission Citizen Member Appointments (Item 4.1)**

- (i) That the citizen appointments to the Arts Advisory Commission, as outlined in Private & Confidential Appendix “A” to Report 19-001, be approved for the balance 2018 to 2022 term of Council or until successors are appointed by Council;
- (ii) That, upon approval of Council, the names of the citizen appointments to the Arts Advisory Commission, as outlined in Private & Confidential Appendix “A” to Report 19-001 to the Interview Sub-Committee, be released to the public; and,
- (iii) That the Terms of Reference for the Arts Advisory Commission be amended, by changing the composition from “up to 8 members” to “up to 9 members”.

**12. Judicial Investigation Red Hill Valley Parkway (LS19017) (City Wide) (Item 10.14)**

- (a) That the Terms of Reference for the Judicial Investigation on the Red Hill Valley Parkway matter, attached as Appendix “B” to Report 19-008, be approved and be forwarded to the Chief Justice of the Superior Court;
- (b) That the City Manager be authorized and directed to take such actions and to execute such documents in a form satisfactory to the City Solicitor as required to give effect to Council’s decision to initiate a Judicial Investigation on the Red Hill Valley Parkway matter, including such actions required by the Justice presiding over the Investigation;
- (c) That the costs of the Judicial Investigation on the Red Hill Valley Parkway matter be paid from the Tax Stabilization Reserve (110046);
- (d) That staff provide regular status reports identifying the costs to date associated with the Judicial Investigation on the Red Hill Valley Parkway; and,
- (e) That the law firm of Lenczner Slaght Royce Smith Griffin LLP be appointed as legal counsel for the City of Hamilton for the Judicial Investigation on the Red Hill Valley Parkway.

**13. Update respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province (Item 13.2)**

That the update respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province, be received.

**14. Disposition of Real Estate in the Barton-Tiffany Area (PED19063(a)) (Ward 2) (Item 14.3)**

That the entirety of Report PED19063(a) remain confidential and not be released as a public document with the exception of the recommendations in this Report that may be released after the execution of the Memorandum of Understanding (MOU) for the media industry hub (Film & TV Studio District) in the Barton-Tiffany area.

**15. Strathearne Avenue North Monitoring - Potential Regulatory Litigation (PW19036 / LS19016) (Ward 4) (Item 14.4)**

That Report PW19036/LS19016, respecting Strathearne Avenue North Monitoring - Potential Regulatory Litigation, remain confidential.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES**

Mayor Eisenberger congratulated Debbie Edwards, Deputy City Solicitor, on her upcoming retirement and provided her with a certificate of appreciation on behalf of Council.

**(b) APPROVAL OF AGENDA (Item 2)**

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

**1. DISCUSSION ITEMS (Item 10)**

10.8 2019 Tax Policies and Area Rating (FCS19022) (City Wide)

Report FCS19022 has an added Appendix "C".

10.13 Downtown Entertainment Assets Operating Agreements  
(CM18013(a)) (City Wide)

This report has been withdrawn from the agenda at this time.

As this item was withdrawn from the agenda, the matter will remain on the Outstanding Business List and not be removed under Item 13.1.

10.14 Judicial Investigation Red Hill Valley Parkway (LS19017) (City Wide)

As there will be external legal counsel present to speak to this matter, if need be, and in order to reduce legal costs, staff are requesting this matter be moved up on the agenda to be considered prior to Item 10.1.

**2. GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

13.2 Update respecting the Province's Intention to Move from 52 Paramedic Services to 10 across the Province (no copy)

**3. PRIVATE & CONFIDENTIAL (Item 14)**

14.4 Strathearne Avenue North Monitoring - Potential Regulatory Litigation (PW19036 / LS19016) (Ward 4)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, 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.

The agenda for the April 17, 2019 General Issues Committee meeting, was approved, as amended.

**(c) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(d) APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS (Item 4)**

**(i) April 3, 2019 (Item 4.1)**

The Minutes of the April 3, 2019 meeting of the General Issues Committee were approved, as presented.

**(e) CONSENT ITEMS (Item 7)**

**(i) Arts Advisory Commission Minutes, November 27, 2018 (Item 7.1)**

The the Arts Advisory Commission Minutes, November 27, 2018, were received.

**(f) DISCUSSION ITEMS (Item 10)**

**(i) Navy League Licence Agreement-Barton Community Hub (PED19077) (Ward 2) (Item 10.11)**

Consideration of Item 10.11, respecting Report PED19077 - Navy League Licence Agreement-Barton Community Hub, was deferred until after discussion of the Private & Confidential Appendix "B" to Report PED19077.

Report PED19077, respecting the Navy League Licence Agreement-Barton Community Hub, was DEFERRED until such time as staff reports to the General Issues Committee with respect to the Operating Agreement and Request for Proposals for this location.

**(g) MOTIONS (Item 11)**

**(i) Strategies to Reduce Tax Arrears (Item 11.1)**

Staff was directed to communicate with other municipalities to determine strategies that those municipalities may be using to reduce their tax arrears and report back to the General Issues Committee with potential options.

**(ii) Assessment of the Business Tax Reduction Program (Item 11.2)**

Staff was directed to provide an assessment of the historical pros and cons of the Business Tax Reduction Program, implemented in 2001, through an analysis, based on a return on investment that was justified by the suggestion that the ratio of residential-to-commercial/industrial would be improved by shifting additional taxes onto the residential base from the commercial/industrial base, and report back to the General Issues Committee.

**(h) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List (Item 13.1)**

The following amendments to the General Issues Committee's Outstanding Business List, were approved:

**(1) Proposed New Due Dates:**

- (aa) Tourism Gateway Centre in Winona  
Current Due Date: March 20, 2019  
Proposed New Due Date: December 4, 2019
- (bb) Corporate Strategic Growth Initiatives – Annual Update  
Current Due Date: March 20, 2019  
Proposed New Due Date: October 2, 2019
- (cc) Pier 8 Development Opportunity RFP – Summary of the 4 Proposals  
Current Due Date: March 20, 2019  
Proposed New Due Date: July 8, 2019
- (dd) CityLAB Pilot Update  
Current Due Date: March 20, 2019  
Proposed New Due Date: May 1, 2019

**(2) Items to be Removed:**

- (aa) Review of the Downtown and Community Renewal Improvement Program (Addressed as Item 1(b) at the February 21, 2019 AF&A Agenda – Development Charges Stakeholder Sub-Committee Report 19-002 (FCS18062(a))

- (bb) Policy to Govern the Process for the Installation of Signage, Art, Statues and Other Such Public Projects that are Donated to the City by the Private Sector (Addressed as Item 10.2 on today's agenda (Report PED19068)

**(ii) Update respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province (Item 13.2)**

Paramedic Chief Sanderson and Paul Johnson, General Manager, Healthy & Safe Communities Department, provided a verbal update respecting the Province's intention to move from 52 paramedic services to 10 across the Province.

The verbal update, respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province, was received.

**(i) PRIVATE & CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – March 22, 2019 (Operating Budget) (Item 14.1)**

- (a) The Closed Session Minutes of the March 22, 2019 General Issues Committee (Operating Budget) meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the March 22, 2019 General Issues Committee (Operating Budget) meeting shall remain confidential.

**(ii) Closed Session Minutes – April 3, 2019 (Item 14.2)**

- (a) The Closed Session Minutes of the April 3, 2019 General Issues Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the April 3, 2019 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session, respecting Appendix "B" to Item 10.11, as well as Items 14.3 and 14.4, pursuant to Section 8.1, Sub-sections (c), (e), (f) and (k), of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (c), (e), (f) and (k) 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; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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.

**(iii) Disposition of Real Estate in the Barton-Tiffany Area (PED19063(a)) (Ward 2) (Item 14.3)**

Staff was provided with direction in Closed Session. For further disposition of this matter, please refer to Item 14.

**(iv) Strathearne Avenue North Monitoring - Potential Regulatory Litigation (PW19036 / LS19016) (Ward 4) (Item 14.4)**

Staff was provided with direction in Closed Session. For further disposition of this matter, please refer to Item 15.

**(j) ADJOURNMENT (Item 13)**

There being no further business, the General Issues Committee adjourned at 1:22 p.m.

Respectfully submitted,

B. Clark, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk



2019 AREA RATED LEVIES SUMMARY

AREA RATED SERVICES - URBAN / RURAL

SERVICE	BUDGET	URBAN / RURAL			
		URBAN		RURAL	
Fire	\$ 92,626,801	\$ 85,527,922	92.3%	\$ 7,098,879	7.7%
Recreation	\$ 35,919,945	\$ 33,316,658	92.8%	\$ 2,603,287	7.2%
Sidewalk	\$ 2,900,330	\$ 2,829,463	97.6%	\$ 70,867	2.4%
Street Lighting	\$ 5,754,212	\$ 5,393,749	93.7%	\$ 360,463	6.3%

AREA RATED SERVICES - FORMER AREA MUNICIPALITY

SERVICE	BUDGET	FORMER AREA MUNICIPALITY											
		HAMILTON		ANCASTER		DUNDAS		FLAMBOROUGH		GLANBROOK		STONEY CREEK	
Transit	\$ 58,912,940	\$ 48,578,306	82.5%	\$ 2,610,666	4.4%	\$ 1,209,374	2.1%	\$ 1,461,202	2.5%	\$ 1,314,148	2.2%	\$ 3,739,245	6.3%
Sidewalk Snow Removal	\$ 139,256	\$ -	0.0%	\$ 139,256	100.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%
Parkland Purchases	\$ 1,884,769	\$ 1,227,857	65.1%	\$ 340,013	18.0%	\$ 69,546	3.7%	\$ -	0.0%	\$ -	0.0%	\$ 247,353	13.1%
Special Infrastructure Re-investment	\$ 13,428,870	\$ 13,428,870	100.0%		0.0%		0.0%		0.0%		0.0%		0.0%
<b>TOTAL AREA RATED LEVIES</b>	<b>\$ 211,567,123</b>												

**WHEREAS** under s. 274 of the *Municipal Act, 2001* S.O. 2001, c. 25, the council of a municipality may, by resolution, request a judge of the Superior Court of Justice to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business;

**AND WHEREAS** any judge so requested shall make inquiry and shall report the results of the investigation or inquiry to the council as soon as practicable;

**AND WHEREAS** on February 6, 2019, Council of the City of Hamilton (“**Council**”) was advised that a draft report by Tradewind Scientific Ltd. with respect to friction on the Red Hill Valley Parkway (the “**RHVP**”), dated November 20, 2013 (the “**Report**”), was not disclosed to Council;

**AND WHEREAS** the Report was provided to the City of Hamilton’s Department of Engineering Services in January, 2014 by Golder Associates Ltd;

**AND WHEREAS** the Ontario Ministry of Transportation (the “**MTO**”) conducted friction testing on the RHVP in 2007, but did not disclose the results of the testing (the “**MTO Report**”) to Council or to the public;

**AND WHEREAS** concerns have been raised about why the Report, or the information and recommendations in the Report, were not disclosed to Council;

**NOW THEREFORE** Council does hereby resolve that:

1. An inquiry is hereby requested to be conducted pursuant to s. 274 of the *Municipal Act*, S.O. 2001, c. 25, which authorizes the Commissioner to inquire into any matter related to a supposed malfeasance, breach of trust, or other misconduct on the part of a member of Council, or an officer or employee of the City of Hamilton or of any person having a contract with it, in regards to the duties or obligations of the member, officer, or other person to the corporation, or to any matter connected with the good government of the municipality, or the conduct of any part of its public business; and
2. The Honourable Chief Justice Smith, Chief Justice of the Superior Court of Ontario, be requested to designate a judge of the Superior Court of Ontario as Commissioner for the inquiry and the judge so designated as Commissioner is hereby authorized to conduct the inquiry in two stages:
  - (a) To obtain, bearing in mind cost and the principles of proportionality, all documents necessary to answer the following questions:

- (i) Identify all individuals who received a copy of the Report or were advised of the Report or the information and recommendations contained therein after it was provided to the City’s Department of Engineering Services in January, 2014;
- (ii) Based on the City’s by-laws, policies and procedures, as they were in 2014, should Council have been made aware of the Report, or the information and recommendations contained therein, once the Report was submitted to the Department of Engineering Services in 2014?
- (iii) Why was the information in the Report, or the information and recommendations contained therein, not provided to Council or the public once the Report was submitted to the Department of Engineering Services in 2014?
- (iv) Who, if anyone, was responsible for the failure to disclose a copy of the Report, or the information and recommendations contained therein, to Council in 2014?
- (v) Was there any negligence, malfeasance or misconduct in failing to provide the Report, or the information and recommendations contained therein, to Council or the public?
- (vi) How was the Report discovered in 2018?
- (vii) Identify all individuals who received a copy of the Report or were advised of the Report or the information and recommendations contained therein, in 2018;
- (viii) Were appropriate steps taken to disclose the Report, or the information and recommendations contained therein, once it was discovered in 2018?
- (ix) Was there any negligence, malfeasance or misconduct in failing to disclose the Report, or the information and recommendations contained therein, once the Report was discovered in 2018?
- (x) Were users of the RHVP put at risk as a result of the failure to disclose the Report’s findings?
- (xi) Did the Report contain findings or information that would have triggered Council to make safety changes to the roads or order further studies?

- (xii) Did the failure to disclose the Report, or the information and recommendations contained therein, contribute to accidents, injuries or fatalities on the RHVP since January, 2014?
- (xiii) Did anyone in the Public Works Office or Roads Department request, direct or conduct any other friction test, asphalt assessment, or general road safety reviews or assessments on the RHVP?
- (xiv) Did subsequent consultant reports provide additional support or rebuttal to the conclusions contained in the Report?
- (xv) Identify any changes to the City’s bylaws, policies and procedures to prevent any such future incidents of non-disclose of significant information to Council;
- (xvi) Did the MTO Report provide additional support or rebuttal to the conclusions contained in the Report?
- (xvii) Why was the MTO Report not provided to Council or made publicly available?
- (xviii) Who was briefed within the MTO’s office about the MTO Report?
- (xix) Did the MTO Report contain findings or information that would have triggered Council to make safety changes to the roads or order further studies?
- (xx) Did the failure to disclose the MTO Report, or the information and recommendations contained therein, contribute to accidents, injuries or fatalities on the RHVP since January, 2014?
- (xxi) Did the MTO request, direct or conduct any friction tests, asphalt assessments, or general road safety reviews or assessments on the RHVP other than the MTO Report?
- (xxii) What is the standard in Ontario, if any, with respect to the acceptable levels of friction on a roadway?
- (xxiii) Is information with respect to the friction levels of the roadways in Ontario publicly available?
- (xxiv) To what extent do other factors, including, but not limited to, driver behaviour, lighting and weather conditions, contribute to motor vehicle accidents when compared to the impact of friction levels on motor vehicle accidents on the RHVP?

- (b) Having concluded the documentary review, to hold a public hearing to answer the questions listed in items 2 (a) (i) – (xxiv).
3. **AND IT IS FURTHER RESOLVED THAT** the Terms of Reference of the Inquiry shall be to inquire into all aspects of the above matters listed in items 2 (a) (i) – (xxiv), their history and their impact on the ratepayers of the City of Hamilton as they relate to the good government of the municipality, or the conduct of its public business, and to make any recommendations which the Commissioner may deem appropriate and in the public interest as a result of the inquiry.

LSRSG 100936599



## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 19-006

9:30 a.m.  
April 18, 2019  
Council Chambers  
Hamilton City Hall

**Present:** Councillors C. Collins (Chair), M. Wilson (Vice-Chair), B. Johnson, M. Pearson, J. Partridge, A. VanderBeek, B. Clark and L. Ferguson

**Also Present:** Councillors J.P. Danko, N. Nann and T. Whitehead

### THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-006 AND RESPECTFULLY RECOMMENDS:

**1. Human Resources Branding Strategy (HUR19005) (City Wide) (Item 7.2)**

That Report HUR19005, respecting the Human Resources Branding Strategy, be received.

**2. Internal Administrative Pool Update (HUR19011) (City Wide) (Item 7.3)**

That Report HUR19011, respecting the Internal Administrative Pool Update, be received.

**3. Ward-Specific Funding Initiatives Report as of December 31, 2018 (FCS19021) (City Wide) (Item 7.4)**

That Report FCS19021, respecting the Ward-Specific Funding Initiatives Report as of December 31, 2018, be received.

**4. 2019 Development Charges Background Study and By-law Update (FCS19036) (City Wide) (Item 8.1)**

That Report FCS19036, respecting the 2019 Development Charges Background Study and By-law Update, be received.

**5. Tax and Rate Operating Budget Variance Report as at December 31, 2018 – Budget Control Policy Transfers (FCS18067(b)) (City Wide) (Item 9.1)**

(a) That, in accordance with the “Budgeted Complement Control Policy”, the 2018 complement transfer transferring complement from one department /

division to another with no impact on the levy, as outlined in Appendix “A” of the Audit, Finance & Administration Report 19-006, be approved; and,

- (b) That, subject to final audit, the Disposition of 2018 Year-End Operating Budget Surplus / Deficit be approved as follows:

**Table 1**

<b>DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)</b>	<b>\$</b>	<b>\$</b>
<b>Corporate Surplus from Tax Supported Operations</b>		<b>\$ 8,291,887</b>
<b>Less: Disposition to Self-Supporting Programs &amp; Agencies</b>		<b>\$ (1,132,176)</b>
Police (Transfer to Police Reserve)	\$ (1,055,515)	
Library (Transfer to Library Reserve)	\$ (37,144)	
Farmers Market (Transfer to Hamilton Farmers Market Reserve)	\$ (39,517)	
<b>Balance of Corporate Surplus</b>		<b>\$ 7,159,711</b>
Less: Transfer to Unallocated Capital Levy Reserve		\$ (5,085,049)
Less: Transfer to Flamborough Capital Reserve		\$ (346,362)
Less: Transfer to the Non-Residential Roads Development Charge Reserve		\$ (538,630)
Less: Transfer to Hamilton Entertainment Facilities - Capital Projects Reserve		\$ (464,325)
Less: Transfer to Vehicle Replacement Reserve - Fire		\$ (725,345)
<b>Balance of Tax Supported Operations</b>		<b>\$ 0</b>
<b>Corporate Surplus from Rate Supported Operations</b>		<b>\$ 16,467,202</b>
Less: Transfer to the Rate Supported Water Reserve		\$ (8,002,578)
Less: Transfer to the Rate Supported Wastewater Reserve		\$ (5,764,624)
Less: Transfer to the Unfunded Rate Development Charge Reserve		\$ (2,700,000)
<b>Balance of Rate Supported Operations</b>		<b>\$ 0</b>

**6. Governance Review Sub-Committee Report 19-002 – March 25, 2019 (Item 10.1)**

**(a) Appointment of Chair and Vice-Chair (Item 1.1)**

- (i) That Councillor Whitehead be appointed as Chair of the Governance Review Sub-Committee for the 2018 – 2022 term.
- (ii) That Councillor Wilson be appointed as Vice-Chair of the Governance Review Sub-Committee for the 2018 – 2022 term.

**(b) Board of Health Self-Evaluation Results (BOH18011(a)) (City Wide) (Referred to Governance Review Sub-Committee at September 26, 2018 Council) (Item 10.1)**

That Report BOH18011(a), respecting the Board of Health Self-Evaluation Results, be received.

- (i) That the Board of Health appoint a Vice-Chair for the Term of Council; and,
- (ii) That By-law 18-270, A By-law to Govern the Proceedings of Council and Committees of Council, be amended to reflect the term of appointment for the Board of Health’s Vice-Chair.

**7. Terrapure Environmental - Heritage Green Community Trust Indenture (LS19013 / FCS19034) (Ward 9) (Item 10.2)**

That the General Manager of Finance and Corporate Services, or his designate, be authorized and directed to negotiate and execute, on behalf of the City of Hamilton, an Amended and Restated Heritage Green Community Trust Indenture with Revolution Landfill LP (known as Terrapure Environmental), the owner and operator of the Stoney Creek Regional Facility, and the current trustees of the Heritage Green Community Trust, on such other terms and conditions as are satisfactory to the General Manager of Finance and Corporate Services, and in a form satisfactory to City Solicitor.

**8. Lead Water Service Replacement Loan Program Amendments (FCS19025) (City Wide) (Outstanding Business List Item) (Item 10.3)**

- (a) That the General Manager of Corporate Services be authorized to amend the Lead Water Service Replacement Loan Program (LWSRLP) so that effective May 1, 2019, loan amounts provided under the LWSRLP will be added to the property owner's Alectra Utilities water account to be repaid on a monthly basis over a period of up to 10 years;
- (b) That staff be authorized to offer property owners with a current outstanding loan the option to have the remaining balance transferred to their Alectra water account to be repaid monthly on the same terms when the loan was originally approved;
- (c) That the City Solicitor be authorized to make necessary changes to documents related to the LWSRLP to implement recommendations (a) and (b) of Report FCS19025;
- (d) That Hamilton Water staff report back to the Public Works Committee by Q3 2019 on the feasibility of replacing all known public lead water service lines; and,
- (e) That the Mayor, on behalf of City Council, submit a request to the Minister of Government and Consumer Services, seeking that legislative and regulatory enactments be made as part of implementation of the *Home Inspection Act, 2017*, to prescribe the requirement of testing water services to identify the presence of lead water service lines.

**9. Development Charges Stakeholders Sub-Committee Report 19-003 (Item 10.4)**

**(a) Development Charges By-law Policy – 2019 Development Charges Academic Comparators (FCS18062(b\ld)) (City Wide) (Item 7.1)**

That Report FCS18062(d) respecting Development Charges By-law Policy – 2019 Development Charges Academic Comparators, be received.



**(b) 2019 Background Study for GO Transit Development Charges By-law Amendment (FCS19020) (City Wide) (Item 7.2)**

- (i) That Report FCS19020 be recognized as a Development Charge Background Study under Section 10 of the *Development Charges Act, 1997*, as amended for the purpose of providing background for amending policy of the existing GO Transit Development Charge By-law 11-174, as amended;
- (ii) That the Development Charges Stakeholder Sub-Committee approval of Report FCS19020 be considered the Public Release of the DC Background Study as required by Section 10(4) of the *Development Charges Act, 1997*, as amended; and,
- (iii) That the item respecting amendments to the GO Transit Development Charges By-law be identified as complete and removed from the Outstanding Business List.

**(c) 2019 Development Charges – Background Study (Item 10.1)**

That the 2019 Development Charges – Background Study, be received.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**1. PUBLIC HEARINGS/DELEGATIONS (Item 8.1)**

**8.1(a) Morning Session (9:30 a.m.)**

8.1(a)(d) Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc.

**8.1(b) Evening Session (7:00 p.m.)**

8.1(b)(b) Nafia Al-Mutawaly, Microgrid Solutions

8.1(b)(c) Stephanie Bertolo & Scott Robinson, McMaster Students Union

8.1(b)(d) Savan Chandaria, Tibro Group

8.1(b)(e) Karin Dearness

**8.1(c) Written Submissions**

8.1(c)(e) Mike Cope

8.1(c)(f) McMaster Students Union

8.1(c)(g) Joel Farber, Fogler, Rubinoff LLP

8.1(c)(h) Karl Gonnson, Metropolitan Consulting Inc.

8.1(c)(i) T. Johns Consulting Group Ltd.

8.1(c)(j) Hamilton-Halton Home Builders' Association

## **2. STAFF PRESENTATIONS (Item 9.1)**

- 9.1 Tax and Rate Operating Budget Variance Report as at December 31, 2018 – Budget Control Policy Transfers (FCS18067(b)) (City Wide)

Wording within Table 1 on page 2 of the report was revised, along with wording to page 17 and 18 of the Presentation.

The agenda for the April 18, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

### **(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor Wilson declared an interest in Item 8.1 respecting the 2019 Development Charges Background Study and By-law Update (FCS19036) pertaining to affordable housing, as a family member is involved in affordable housing financing (not delivery).

### **(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

#### **(i) April 4, 2019 (Item 4.1)**

The Minutes of the April 4, 2019 meeting of the Audit, Finance and Administration Committee were approved, as presented.

### **(d) CONSENT ITEMS (Item 7)**

#### **(i) Minutes of Various Advisory Committees (Item 7.1)**

The following minutes from various Advisory Committee meetings, were received as presented:

- (1) Hamilton Status of Women Committee – January 24, 2019 (Item 7.1(a))
- (2) Hamilton Status of Women Committee – February 28, 2019 (Item 7.1(b))
- (3) Hamilton Mundialization Committee – November 21, 2018 (Item 7.1(c))
- (4) Hamilton Mundialization Committee – January 16, 2019 (Item 7.1(d))
- (5) Hamilton Mundialization Committee – February 20, 2019 (Item 7.1(e))
- (6) Advisory Committee for Immigrants and Refugees – October 11, 2018 (Item 7.1(f))

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

**(i) 2019 Development Charges Background Study and By-law Update (FCS19036) (City Wide) (Item 8.1)**

The Chair advised that Item 8.1 was a public meeting pursuant to Section 12 of the Development Charges Act, 1997, to present and obtain public input on the City's proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City's GO Transit Development Charges By-law 11-174, and the respective underlying Background Study. The Chair further advised that notice of the public meeting was published in the Hamilton Spectator on March 22, 2019 and the Hamilton Community News on March 21, 2019, inviting interested parties to make representations at today's meeting. Any person in attendance was able to make representation.

Gary Scandlan, from Watson & Associates, addressed the Committee respecting the 2019 Development Charges Background Study, with the aid of a presentation.

The presentation from Gary Scandlan, Watson & Associates respecting the 2019 Development Charges Background Study, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the office of the City clerk.

**Registered Speakers (9:30 a.m.)**

The following Registered Speakers addressed the Committee respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City's GO Transit Development Charges By-law 11-174, and the respective underlying Background Study:

- 8.1(a)(a) Robert Graham and David Zeitsma, Redeemer University College (a copy of the presentation and handout is available at [www.hamilton.ca](http://www.hamilton.ca))
- 8.1(a)(b) Jesse Newton, Oak Hill Academy (a copy of the handout is available at [www.hamilton.ca](http://www.hamilton.ca))
- 8.1(a)(c) Dan Postma, Calvin Christian School (a copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca))
- 8.1(a)(d) Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc.

### **Non-Registered Speakers (9:30 a.m.)**

The following Non-Registered Speakers addressed the Committee respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study:

Don McLean  
Lynda Lukasik, Environment Hamilton  
Gail McKeegan

The 9:30 a.m. Registered and Non-Registered delegations respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study, were received.

The public meeting respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study recessed at 12:32 p.m.

The public meeting respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study reconvened at 7:00 p.m. to allow for the evening session of Registered and Non-Registered Speakers.

### **Registered Speakers (7:00 p.m.)**

The following Registered Speakers addressed the Committee respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study:

- 8.1(b)(a) Dr. Patrick Deane, President and Vice-Chancellor, Roger Couldrey, Vice-President, McMaster University (a copy of the presentation and submission is available at [www.hamilton.ca](http://www.hamilton.ca))

- 8.1(b)(b) Dr. Nafia Al-Mutawaly, Microgrid Solutions, Lotfi Belkhir, McMaster University Engineering, Brian de Nobriga, Claybar Contracting Inc, and Dr. Maryam Rostami, McMaster University, Department of Family Medicine (a copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca))  
The video is available at the following link: <https://www.youtube.com/watch?v=70SUt7Qwgk>
- 8.1(b)(c) Stephanie Bertolo and Scott Robinson, McMaster Students Union (a copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca))
- 8.1(b)(d) Savan Chandaria, Tibro Group (a copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca))
- 8.1(b)(e) Karin Dearnness (a copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca))

### **Non-Registered Speakers (7:00 p.m.)**

The Chair called for any Non-Registered Speakers to address the Committee respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study and no one came forward to speak.

The 7:00 p.m. Registered delegations respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study, were received.

### **Written Submissions**

The following written submissions respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City' s GO Transit Development Charges By-law 11-174, and the respective underlying Background Study, were received:

- 8.1(c)(a) Patrick Deane, McMaster University  
8.1(c)(b) Thomas Ferns, Mohawk College  
8.1(c)(c) David Zietsma, Redemeer University College  
8.1(c)(d) Matthias Feiner  
8.1(c)(e) Mike Cope  
8.1(c)(f) McMaster Students Union

- 8.1(c)(g) Joel Farber, Fogler, Rubinoff LLP
- 8.1(c)(h) Karl Gonnsen, Metropolitan Consulting Inc.
- 8.1(c)(i) T. Johns Consulting Group Ltd.
- 8.1(c)(j) Hamilton-Halton Home Builders' Association

The public meeting respecting the proposed 2019 Development Charges By-law and the respective underlying Background Study, as well as proposed amendments to Development Charges Exemption Policy contained within the City's GO Transit Development Charges By-law 11-174, and the respective underlying Background Study, closed.

For further disposition of this matter, refer to Item 4.

**(f) STAFF PRESENTATIONS (Item 9)**

**(i) Tax and Rate Operating Budget Variance Report as at December 31, 2018 – Budget Control Policy Transfers (FCS18067(b)) (City Wide) (Item 9.1)**

Brian McMullen, Acting General Manager, Finance and Corporate Services, addressed the Committee respecting Tax and Rate Operating Budget Variance Report as at December 31, 2018 - Budget Control Policy Transfers, with the aid of a presentation.

The presentation respecting Tax and Rate Operating Budget Variance Report as at December 31, 2018 - Budget Control Policy Transfers, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the office of the City Clerk.

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

**(g) NOTICES OF MOTION (Item 12)**

Councillor Collins relinquished the Chair to introduce the following Notices of Motion respecting the 2019 Development Charges Background Study and By-law Update:

**(i) 2019 Development Charges By-law – Garden Suites (Added Item 12.1)**

WHEREAS, the proposed 2019 Development Charges By-law provides an exemption for Laneway Houses;

WHEREAS, a Garden Suite is an alternative form of a detached dwelling that only exists on a lot ancillary to a principal dwelling which expands the

housing stock on properties with existing single and semi-detached dwellings in a manner similar to Laneway Houses; and,

WHEREAS, a Garden Suite is already defined within the proposed 2019 Development Charges By-law;

BE IT THEREFORE RESOLVED:

That a Garden Suite be added to the list of exempted uses within Section 25 of the proposed 2019 Development Charges By-law.

**(ii) 2019 Development Charges By-law – Commercial Greenhouse (Added Item 12.2)**

WHEREAS, the proposed 2019 Development Charges By-law lists Commercial Greenhouse within the definition of Industrial Development;

WHEREAS, per the proposed 2019 DC By-law a Commercial Greenhouse “means a Building, that is made primarily of translucent building material, used, designed or intended to be used for the sale and display of plants products grown or stored therein gardening supplies and equipment, or landscaping supplies and equipment” which is a retail use, not an industrial use;

WHEREAS, comparator municipalities assess these types of retail greenhouses as commercial; and,

WHEREAS, “Retail Greenhouse” is a more descriptive term to ensure that there is no confusion with a wholesale greenhouse, which is an agriculture use;

THEREFORE BE IT RESOLVED:

That the term Commercial Greenhouse be removed from the definition of Industrial Development in the proposed 2019 DC By-law, thereby having the use default to being assessed as non-industrial; and,

That the defined term Commercial Greenhouse be restated as Retail Greenhouse.

**(iii) 2019 Development Charges By-law – CityHousing Hamilton (Added Item 12.3)**

WHEREAS, buildings developed and used for the City of Hamilton and Local Boards is exempt pursuant to Section 3 of the Development Charges Act, 1997 and Section 20 of the proposed 2019 Development Charges By-law;

WHEREAS, the 2019 Development Charges Background Study includes capital projects by CityHousing Hamilton to fulfil the service of social housing provided by the City of Hamilton;

WHEREAS, CityHousing Hamilton is not a Board per the enacting legislation; and,

WHEREAS, the capital cost of social housing projects would increase, thereby increasing the overall Development Charge rates if the City were to charge Development Charges on projects owned and used by CityHousing Hamilton to fulfillment of the social housing service provided by the City of Hamilton;

THEREFORE BE IT RESOLVED:

That CityHousing Hamilton be added to the list of exempted organizations in Section 20 of the proposed 2019 Development Charges By-law.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List:**

The following amendments to the Audit, Finance & Administration Committee's Outstanding Business List, were approved:

**(a) Items to be removed:**

Item: 19-D

That the subject matter respecting "the feasibility of a grant program for residents for any lead pipe watermain replacement" be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

**(i) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 10:02 p.m.

Respectfully submitted,

Councillor Collins, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON  
BUDGETED COMPLEMENT TRANSFER SCHEDULE**

**STAFF COMPLEMENT CHANGE**

**Complement Transfer to another division or department <sup>(1)</sup>**

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title (2)	FTE	Department	Division	Position Title (2)	FTE
1.1	Planning & Economic Development	Economic Development	Sr Landscape Architect	1.0	Planning & Economic Development	Tourism and Culture	Sr Landscape Architect	1.0
	Explanation: To support Placemaking, Public Arts and Projects new section in Tourism and Culture Division. No financial impact on PED.							
1.2	Planning & Economic Development	Waste	Customer Service Rep	1.0	Planning & Economic Development	Customer Service - Customer Contact Centre	Customer Service Rep	1.0
	Explanation: The transfer of 1 FTE from PW to Customer Service as a result of call consolidation. Job grade G (salary and all associated position costs).							
1.3	Healthy and Safe Communities	Recreation	Recreation Development Consultant	1.0	Healthy and Safe Communities	Children's Services and Neighbourhood Development	Project Manager, Strategic Youth Initiatives	1.0
	Explanation: Transferring resources from Recreation to CSND to support youth strategy projects.							
1.4	Public Works	Transit	Business Application Analyst	3.0	Corporate Services	Information Technology	Business Application Analyst	3.0
	Explanation: IT Centralization							
1.5	Public Works	Transit	Senior Project Manager	1.0	Corporate Services	Information Technology	Senior Project Manager	1.0
	Explanation: IT Centralization							
1.6	Planning and Economic Development	Technology Services	Manager Technology Services	1.0	Corporate Services	Information Technology	Manager Technology Services	1.0
	Explanation: IT Centralization							
1.7	Planning and Economic Development	Technology Services	AMANDA Application Analyst	3.0	Corporate Services	Information Technology	AMANDA Application Analyst	3.0
	Explanation: IT Centralization							
1.8	Planning and Economic Development	Technology Services	AMANDA Support Analyst and Programmer	1.0	Corporate Services	Information Technology	AMANDA Support Analyst and Programmer	1.0
	Explanation: IT Centralization							

**Note** - Complement transfers include the transfer of corresponding budget.

**(1)** - All other budgeted complement changes that require Council approval per Budgeted Complement Control Policy must be done through either separate report or the budget process (i.e. Increasing/decreasing budgeted complement).

**(2)** - If a position is changing, the impact of the change is within 1 pay band unless specified.

In addition to the complement transfers from City departments to Corporate Service - Information Technology division, there are 3 FTEs at City Housing Hamilton (CHH) that are being reviewed as CHH is a separate employer.

# CITY OF HAMILTON

## MOTION

Council: April 24, 2019

**MOVED BY COUNCILLOR T. WHITEHEAD.....**

**SECONDED BY COUNCILLOR.....**

### **Removal of the Stop Sign at Atkins Drive & Golfwood Drive**

WHEREAS many of the community members in the Gurnett neighbourhood have requested the removal of the stop sign at Atkins Drive & Golfwood Drive;

THEREFORE BE IT RESOLVED:

That the stop sign at Atkins Drive & Golfwood Drive, be removed.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: April 24, 2019

**MOVED BY MAYOR F. EISENBERGER.....**

**Amendments to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P.(Global Spectrum) and to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen’s Group).**

WHEREAS, the City of Hamilton underwent the “External Audit Review of HECFI Operations” with the assistance of KPMG in 2011;

WHEREAS, upon completing the “External Audit Review of HECFI Operations” in 2013, Council directed and authorized staff to enter into a Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) and into a Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group;

WHEREAS, the initial 5-year terms of the Management Agreement between the City of Hamilton and Global Spectrum and the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group were set to expire on December 31, 2018;

WHEREAS, at the July 13, 2018 Council Meeting, Council approved a report titled “Downtown Entertainment Assets Operating Agreements CM19013 (City Wide)”, which authorized 6-month extensions of both the Management Agreement between the City of Hamilton and Global Spectrum and the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group, while staff initiated a competitive renewal process;

WHEREAS, at the January 23, 2019 Council Meeting, and with the consent of Global Spectrum and Carmen’s Group, Council approved a motion directing staff to forgo the competitive renewal process and negotiate 5-year extensions of the existing Management Agreement between the City of Hamilton and Global Spectrum and the existing Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group and report back to General Issues Committee;

WHEREAS, staff are currently in the process of finalizing their negotiation of 5-year extensions with Global Spectrum and Carmen’s Group;

WHEREAS, both the Management Agreement between the City of Hamilton and Global Spectrum and the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen's Group contain a right of extension in favour of the City, which right must be exercised at least 60 days prior to expiry of the term;

THEREFORE BE IT RESOLVED

- (a) That the Mayor and City Clerk be authorized and directed to execute an amendment to the existing Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) as amended by Extension Agreement dated as of August 3, 2018, to reduce the notice period by which the City of Hamilton must exercise its right to extend the Management Agreement from 60 days to any time prior to expiry of the Management Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute an amendment to the existing Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group) as amended by Extension Agreement dated as of August 3, 2018, to reduce the notice period by which the City of Hamilton must exercise its right to extend the Facility Operating Agreement from 60 days to any time prior to expiry of the Facility Operating Agreement.

**Authority:** Item 9, Public Works Committee Report  
07-016 (PW07153)  
CM: December 12, 2007  
Ward: 1, 9, 13

**Bill No. 077**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend By-law No. 01-215 Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by removing from section "G" (Former Regional Roads) thereof the following items, namely;

Main Street West	Cootes Drive/Leland Street	200 ft. west of Dundurn Street	60
Sydenham Rd.	Town of Dundas Limits	King's Hwy. 5	60
Highway 20	East Regional Boundary	2,450 m south of King Street	80
Highway 20	2,450 m south of King Street	450 m south of King Street	70

And by adding to section "G" (Former Regional Roads) thereof the following item, namely;

Sydenham Road	Highway 5	Fallsview Road	60
Highway 20	East Regional Boundary	First Road East	80
Highway 20	First Road East	Green Mountain Road	60
Highway 20	Green Mountain Road	450 m south of King Street	70
Highway 20	450 m south of King Street	King Street	60

2. Schedule 3 (Flashing School Zones – Reduced Speed Limit) of By-law No. 01-215, as amended, is hereby further amended by removing from section “E” (Hamilton) thereof the following items, namely;

Main St. W.	90 m west of Stroud Road	83 m west of Macklin Street	8:05 a.m. to 8:55 a.m. 11:15 a.m. to 12:30 p.m. 2:30 p.m. to 3:35 p.m.
-------------	--------------------------	-----------------------------	--

And by adding to section “E” (Hamilton) thereof the following item, namely;

Main Street West	Cootes Drive/ Leland Street	A point 83 m west of Macklin Street	8:05 a.m. to 9:30 a.m. 11:00 a.m. to 1:00 p.m. 2:30 p.m. to 4:00 p.m.
------------------	--------------------------------	-------------------------------------	---

3. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 7, Economic Development and  
Planning Committee Report 10-005  
(PED10051)  
CM: March 10, 2010  
Ward: 9

**Bill No. 078**

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Establish City of Hamilton Land  
Described as Part of Block 54 on Plan 62M-1199  
as Part of Morrisey Boulevard**

**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 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part of Block 54 on Plan 62M-1199 being Part 1 on Plan 62R-21135, is established as a public highway, forming part of Morrisey Boulevard.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 31, Planning and Economic  
Development Committee Report  
06-005  
CM: April 12, 2006  
Ward: 13

**Bill No. 079**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 612 Harvest Road (Flamborough)**

WHEREAS the City of Hamilton Act, 1999 Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

WHEREAS the Council of the City of Hamilton, in adopting Item 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12<sup>th</sup> day of April, 2006, which 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;

WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5<sup>th</sup> of November 1990 and approved by the Ontario Municipal Board on the 21<sup>st</sup> of December, 1991; and,

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, approved March 7, 2012.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "A-36" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended to rezone from the Settlement Residential "R2-14 (H)" Zone to the Settlement Residential "R2-14" Zone, on the lands the extent and boundaries of which are shown on Schedule "A", annexed hereto and forming part of this By-law.
2. 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*.

**PASSED** this April 24, 2019.

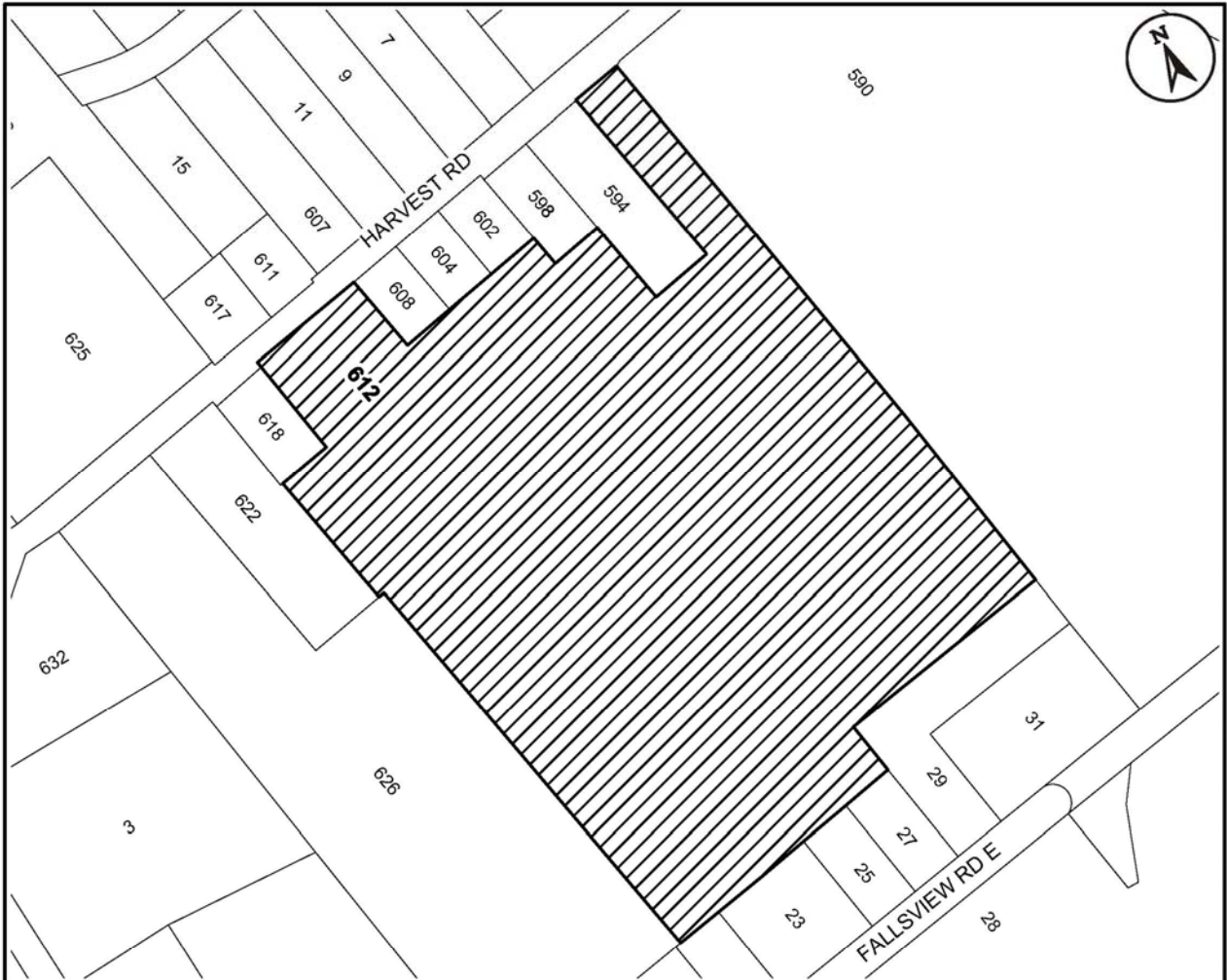
---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk





This is Schedule "A" to By-law No. 19-  Passed the ..... day of ....., 2019	----- Mayor  ----- Clerk
---	--------------------------------------

<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 90-145-Z</p>	<p><b>Subject Property</b> 612 Harvest Road</p> <p> Change in Zoning from Settlement Residential "R2-14(H)" Holding Zone, Modified to Settlement Residential "R2-14" Zone, Modified</p>
---	---

Scale: N.T.S.	File Name/Number: ZAH-19-024		PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Date: March 28, 2019	Planner/Technician: RF/AL		

**Authority:** Item 1, Planning Committee  
Report: 19-005 (PED19060)  
CM: April 24, 2019  
Ward: 2

**Bill No. 080**

**CITY OF HAMILTON**

**BY-LAW NO.19-**

**To Adopt:**

**Official Plan Amendment No. 241 to the  
City of Hamilton Official Plan**

Respecting:

**80 and 92 Barton Street East and 245 Catharine Street North, Hamilton**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 241 to the City of Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

## City of Hamilton Official Plan Amendment No. 241

The following text, together with:

Appendix “A”	Schedule M-2: General Land Use
Appendix “B”	Schedule M-4: Building Heights

attached hereto, constitutes Official Plan Amendment No. 241 to the City of Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Setting Sail Secondary Plan by increasing the building height of the subject lands, and by changing the designation and establishing a Site Specific Policy Area on a portion of the subject lands to permit the development of Multiple Dwellings, Maisonette, Stacked Townhouse, and Block Townhouse Dwelling Units.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 80 and 92 Barton Street East and 245 Catharine Street North, in the City of Hamilton.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape, and makes use of an underutilized lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in that it maintains Barton Street East as a primary retail street, while providing intensification at a form and scale that is in keeping with the surrounding neighbourhood; and,
- The Amendment is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017.

### 4.0 Changes:

#### **4.1 Text Changes:**

4.1.1 That a new Policy be added to the City of Hamilton Official Plan as Policy No. A.6.3.3.1.18.1:

"A.6.3.3.1.18.1 The following shall apply to the lands known municipally as 245 Catharine Street North, designated "Prime Retail" and identified as Site Specific Policy Area 7 on Schedule "M-2": General Land Use Map of West Harbour Secondary Plan:

- i) That in addition to the uses permitted by Policy A.6.3.3.1.18 i) and iv), multiple dwellings, maisonettes, stacked townhouse and block townhouse dwelling units are also permitted."

#### **4.2 Schedule Change:**

4.2.1 That Schedule "M-2": General Land Use of the West Harbour (Setting Sail) Secondary Plan be amended by:

- a) redesignating the southerly portion of the subject lands from "Low Density Residential" to "Prime Retail"; and,
- b) identifying the southerly portion of the subject lands as "Site Specific Policy Area 7",

as shown on Appendix "A" to this Amendment.

4.2.2 That Schedule "M-4": Building Heights of the West Harbour (Setting Sail) Secondary Plan be amended by changing the building height from:

- a) "2-4 storeys" to "3-5 storeys" for the northerly portion; and,
- b) "Height is governed by the Secondary Plan policies" to "2-4 storeys" for the southerly portion,

as shown on Appendix "B" to this Amendment.

#### **5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan Control will give effect

to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 19-080 passed on the 24<sup>th</sup> day of April, 2019.

**The  
City of Hamilton**

---

F. Eisenberger  
MAYOR

---

J. Pilon  
ACTING CITY CLERK

Appendix A  
 APPROVED Amendment No. 241  
 to the City of Hamilton Official Plan

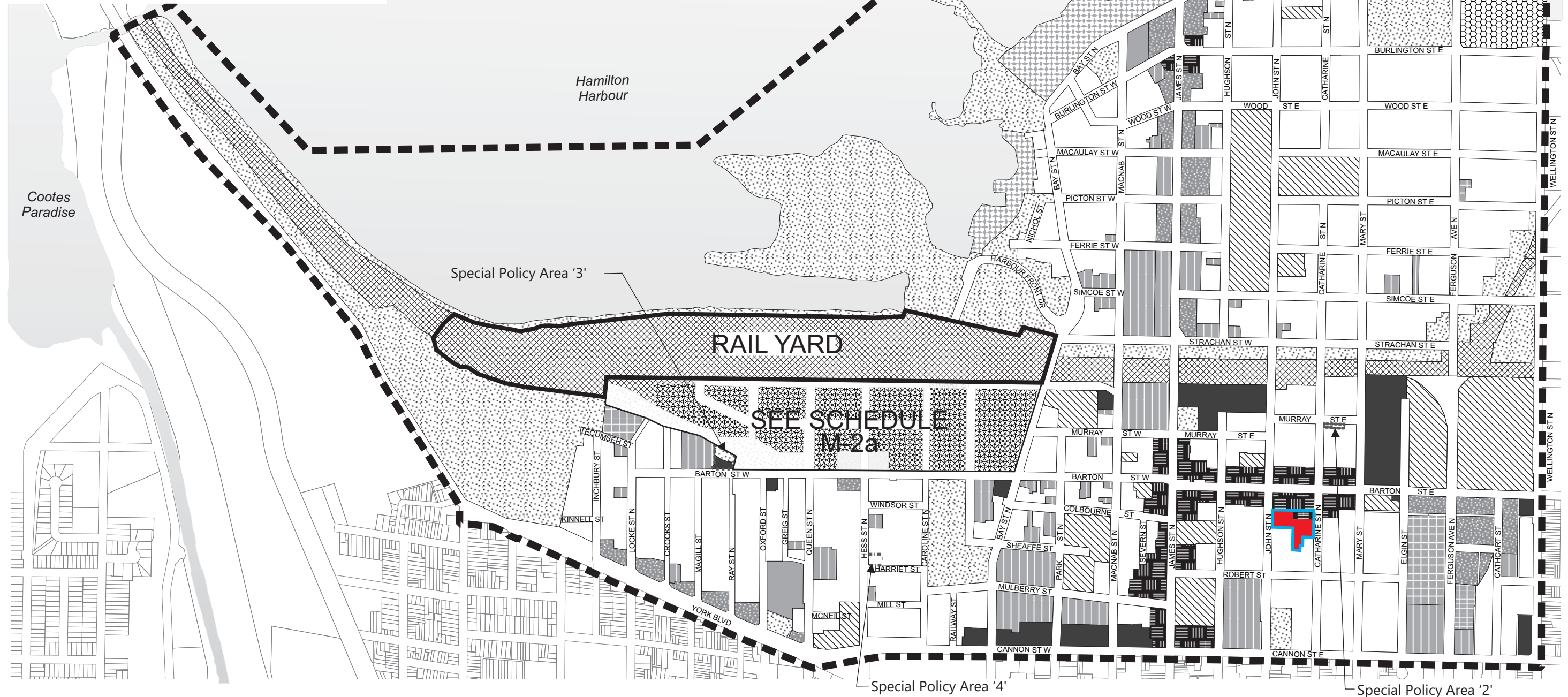
- Lands to be redesignated from "Low Density Residential" to "Prime Retail"
- Lands to be identified as Site Specific Policy Area 7

(80-92 Barton Street East & 245 Catharine Street North)

Date:  
 April 9, 2019

Revised By:  
 SM/NB

Reference File No.:  
 OPA241(H)



Legend	
Low Density Residential	Medium Density Residential 2
Medium Density Residential 1	High Density Residential
Mixed Use	Institutional
Utilities and Transportation	Open Space
Prime Retail	Marine Recreational
Local Commercial	Shipping & Navigation
Special Policy Area	Study Area Boundary
Special Policy Area '2'	Special Policy Area '3'
Special Policy Area '4'	



Hamilton West Harbour  
 Planning Area Study



Schedule M-2: General Land Use  
 West Harbour Secondary Plan

Waterfront  
 September 25, 2018



Appendix B  
 APPROVED Amendment No. 241  
 to the City of Hamilton Official Plan

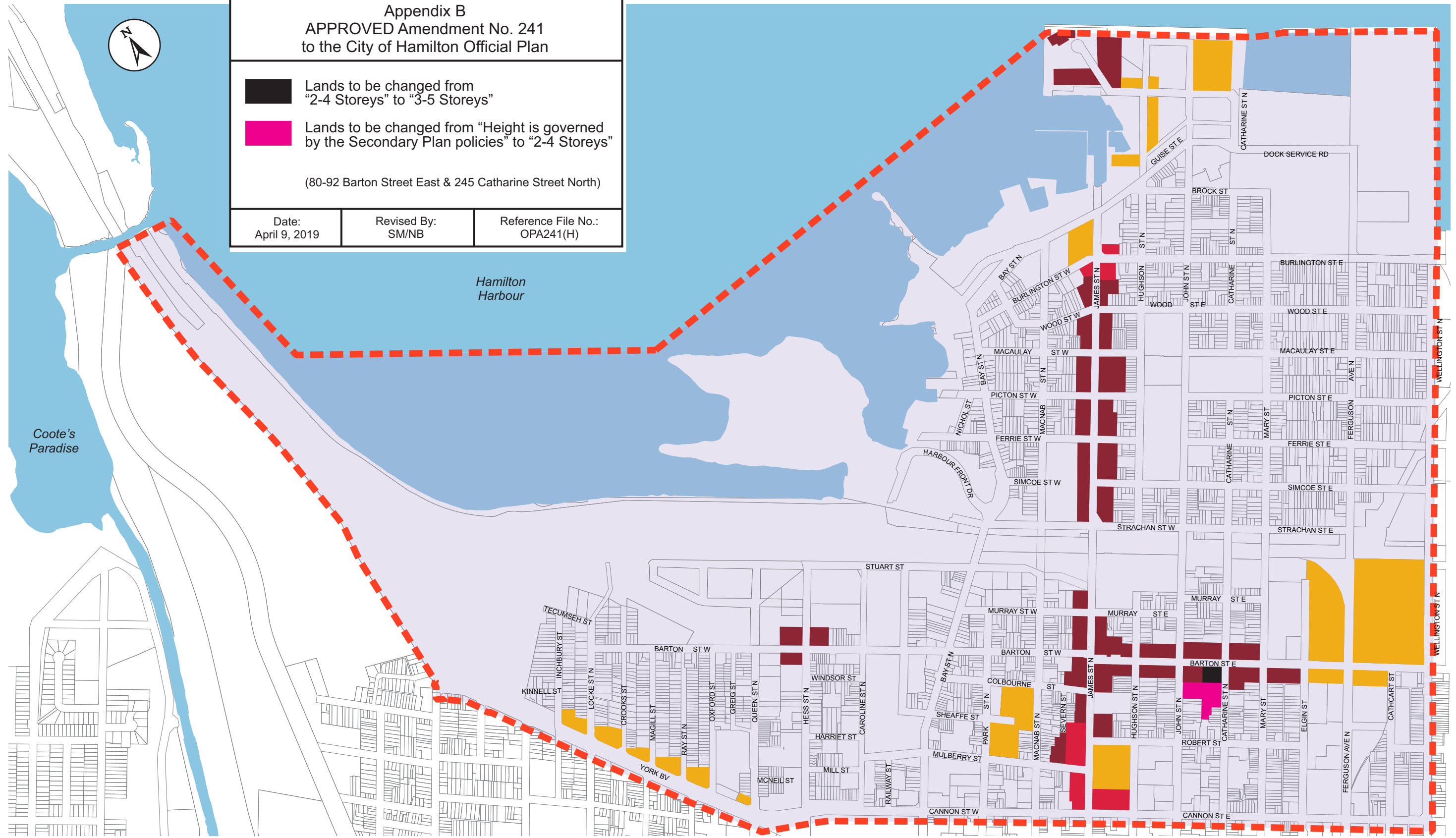
- Lands to be changed from "2-4 Storeys" to "3-5 Storeys"
- Lands to be changed from "Height is governed by the Secondary Plan policies" to "2-4 Storeys"

(80-92 Barton Street East & 245 Catharine Street North)

Date:  
 April 9, 2019

Revised By:  
 SM/NB

Reference File No.:  
 OPA241(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



Schedule M-4: Building Heights  
 West Harbour Secondary Plan

Waterfront  
 March 2005

**Authority:** Item 1, Planning Committee  
Report 19-005 (PED19060)  
CM: April 24, 2019  
Ward: 2

**Bill No. 081**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 80 and 92 Barton Street East, and 245 Catharine Street North, Hamilton**

**WHEREAS** Council approved Item 1 of Report 19-005 of the Planning Committee at its meeting held on the 10<sup>th</sup> day of April, 2019;

**AND WHEREAS** this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. 241.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 911 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by adding lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone for the applicable lands, the extent and boundaries of which are shown as in Schedule "A" annexed as hereto and forming of this By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"723. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map No. 911 of Schedule "A" – Zoning Maps and described as 80 and 92 Barton Street East and 245 Catharine Street North, the following special provisions shall apply:

- a) The lands zoned Mixed Use Medium – Pedestrian Focus (C5a, 723) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.
- b) In addition to Section 3: Definitions of Zoning By-law No. 05-200, the following definition shall also apply:

Stacked Townhouse Dwelling

Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units,



with each Dwelling Unit having one or more private entrances at grade.

- c) Notwithstanding Section 3: Definitions as it relates to the definition of front lot line, Barton Street East shall be deemed to be the front lot line.
- d) Notwithstanding Section 5.2 b) i), and in addition Section 5.6 c), 10.5a.1 and 10.5a.1.1, the following uses shall only be permitted on a lot where a commercial use occupies more than 75% of the Barton Street East street line:

Multiple Dwelling  
Stacked Townhouse Dwelling

in accordance with the following provisions:

- i) Maximum Building Setback from a Street Line 3.0 metres.
- ii) Minimum Rear Yard 1.5 metres.
- iii) Minimum Side Yard
  - i) 3.0 metres for a Multiple Dwelling, and;
  - ii) 0.9 for a Stacked Townhouse Dwelling.
- iv) Maximum Building Height 14.0 metres.
- v) Built Form for New Development
  - In the case of new buildings constructed after the effective date of this by-law the following shall apply:
    - A) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.

- B) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
- vi) Minimum Amenity Area 8.6 square metres per unit.
- vii) Parking
- A) In accordance with the requirements of Section 5 of this By-law.
- B) Notwithstanding A) above the following parking standards shall apply:
1. 1.22 space per dwelling unit shall be required.
  2. Parking space size shall be a minimum of 2.6 metres in width and 5.5 metres in length.
- viii) Minimum Bicycle Parking Requirements 0.2 Short Term Bicycle Parking Spaces shall be provided per dwelling unit.
- e) Notwithstanding Sections 5.2 b) i), 10.5a.3 b), c), d) i) and ii), h) and i), and in addition to Section 5.6 c) the following special provisions shall apply for all other uses:
- i) Minimum Rear Yard 1.0 metre.
- ii) Minimum Side Yard 0.9 metres.
- iii) Building Height
- A) Maximum 15.3 metres.
- B) Notwithstanding A) above, any building height above 15.3 metres may be

equivalently increased as the step back is increased, to a maximum of 21.0 metres.

iv) Built Form for New Development

In the case of new buildings constructed after the effective date of this by-law the following shall apply:

- A) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- B) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- C) In addition to B) above, the minimum ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.
- D) No parking, stacking lands, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
- E) A minimum of one principal entrance shall be provided:

1. within the Barton Street East ground floor façade; and,
  2. shall be accessible from the building façade with direct access from the public sidewalk.
- F) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
- G) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.
- v) Parking
- A) In accordance with the requirements of Section 5 of this By-law.
- B) Notwithstanding A) above the following special requirements shall apply:
1. 117 parking spaces shall be provided.
  2. Parking space size shall be 2.6 metres in width and 5.5 metres in length.
  3. 5.2 b) iii) shall not apply.
- vii) Loading Space
- One loading space is required.

viii) Minimum Bicycle Parking Requirements                      5 Short Term Bicycle Parking Spaces shall be provided.

- f) In addition to Section 10.5a.3 15% of the total lot area shall be provided as landscaped area.
3. That Map 911 on Schedule “A” – Zoning Maps of By-law No. 05-200, be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law by adding lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73).
4. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- “73. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone on Map 911 on Schedule “A” – Zoning Maps, and described as 80 and 92 Barton Street East, and 245 Catharine Street North, no development shall be permitted until such time as:
- i) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;
  - ii) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals; and,
  - iii) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
5. 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*.
6. That this By-law No. 19-081 shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North (Hamilton)

Page 7 of 8

**PASSED** this 24<sup>th</sup> day of April , 2019.

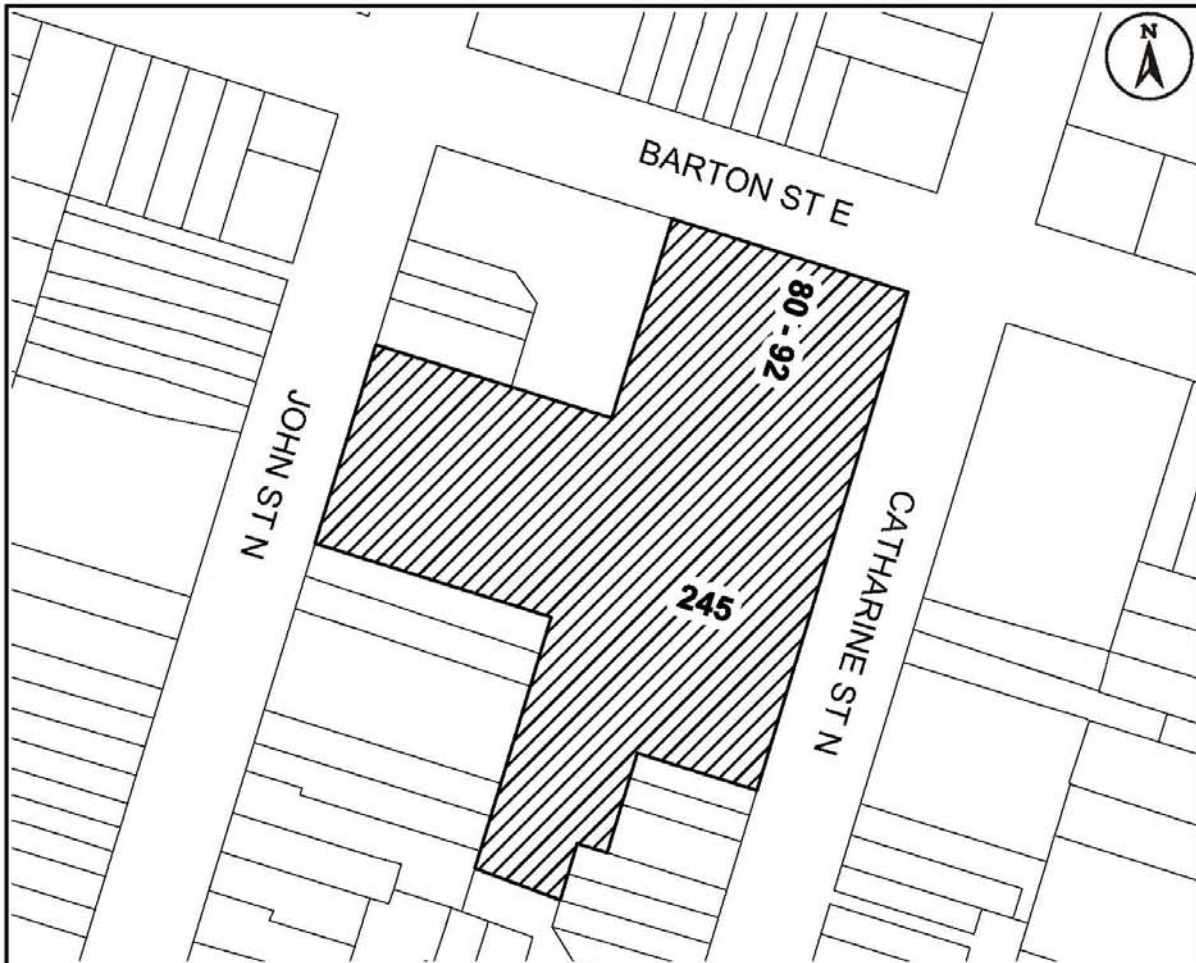
---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

ZAC-17-090/OPA-17-041



This is Schedule "A" to By-law No. 19-  Passed the ..... day of ....., 2019		_____ Mayor  _____ Clerk
<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 19-_____</h3>  <h3 style="margin: 0;">to Amend By-law No. 05-200 Map 911</h3>		<p><b>Subject Property</b>                  80 - 92 Barton Street East &amp; 245 Catharine Street North</p> <p> Lands to be added to Zoning By-law 05-200 as                  Mixed Use Medium Density - Pedestrian Focus                  (C5a, 723, H73) Zone</p>
Scale: N.T.S.	File Name/Number: ZAC-17-090/OPA-17-041	
Date: January 31, 2019	Planner/Technician: SM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 7, Planning Committee  
Report: 19-006 (PED19030)  
CM: April 24, 2019  
Ward: 9

**Bill No. 082**

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Adopt:**

**Official Plan Amendment No. 121 to the  
Urban Hamilton Official Plan**

**Respecting:**

**1809, 1817 and 1821 Rymal Road East,  
Stoney Creek**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 121 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk



## **Urban Hamilton Official Plan Amendment No. 121**

The following text, together with:

Appendix “A” – Volume 1, Schedule E-1 – Urban Land Use Designations; and,

Appendix “B” – Volume 2, Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 121 to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend the Urban Hamilton Official Plan and Trinity West Secondary Plan by redesignating a portion of the subject lands from “Mixed Use – Medium Density” to “Medium Density Residential 2”, incorporating additional lands within Site Specific Area C to permit the development of multiple dwellings and street townhouses having a minimum net residential density of 55 units per hectare, creating a new Site Specific Policy to apply to a portion of the subject lands to permit the development of multiple dwellings and street townhouses having a minimum net residential density of 50 units per hectare, and creating a new Site Specific Policy to apply to a portion of the subject lands to permit the development of multiple dwellings having a maximum net residential density of 170 units per hectare.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 1809, 1817 and 1821 Rymal Road East, in the former City of Stoney Creek.

### 3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development provides for a range of housing types within the Trinity West Secondary Plan and is supported by transportation and service infrastructure;
- The proposed development considers the impact of the Karst feature and surrounding buffer within the subject lands;
- The proposed development is in keeping with the character of the surrounding neighbourhood; and,
- 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*

##### 4.1.2 Schedule

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

## 4.2 Volume 2 – Secondary Plans

### *Text*

#### 4.2.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.7 – Trinity West Secondary Plan

- a. That Volume 2, Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan, Subsection B.7.7.13.4 – Site Specific Policy – Area C be amended by adding the words “1809, 1817, 1821 and” between the words “located at” and “1831 Rymal Road East”, so that the policy reads as follows:

##### **“Site Specific Policy – Area C**

B.7.7.13.4 Notwithstanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at the north east corner of Upper Red Hill Valley Parkway and Soho Street, the minimum net residential density of development shall not be less than 55 units per net hectare.”

- b. That Volume 2, Chapter B-7 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan be amended by adding a new Site Specific Policy, as follows:

##### **“Site Specific Policy – Area E**

B.7.7.13.6 Notwithstanding Policy B.7.7.3.6 b), for the lands located at the south east corner of Upper Red Hill Valley Parkway and Soho Street, designated Medium Density Residential 2 lands and identified as Site Specific Policy Area “E” on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan,, the net residential density of development shall not be less than 50 units per hectare, and shall not exceed 75 units per hectare.”

- c. That Volume 2, Chapter B-7 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan be amended by adding a new Site Specific Policy, as follows:

## **“Site Specific Policy – Area F**

B.7.7.13.7 For the lands located at the south east corner of Upper Red Hill Valley Parkway and Highland Road West, designated “Medium Density Residential 3 and identified as Site Specific Policy Area “F”, on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan,” the following policy shall apply”

- a) Notwithstanding Section E.3.5.8 of Volume 1, the maximum height shall be 32.0 metres or eight storeys, whichever is less; and,
- b) Notwithstanding Policy B.7.7.3.7 a), the net residential density of development shall be greater than 75 units per hectare, and shall not exceed 170 units per hectare.”

## ***Maps***

### 4.2.2 Map

- a. That Volume 2, Map B. 7.7-1 – Trinity West Secondary Plan – Land Use Plan be amended by:
  - i) redesignating lands from “Mixed Use – Medium Density” to “Medium Density Residential 2”;
  - ii) deleting the proposed road and redesignating lands from “Low Density Residential 2” to “Medium Density Residential 2”;
  - iii) identifying portions of the subject lands as Site Specific Policy Area “C”;
  - iv) identifying portions of the subject lands as Site Specific Policy Area “E”;  
and,
  - v) identifying portions of the subject lands as Site Specific Policy Area “F” ,as shown on Appendix “B”, attached to this Amendment.

**5.0 Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. 19-082 passed on the 24<sup>th</sup> day of April 2019.

**The  
City of Hamilton**

---

F. Eisenberger  
MAYOR

---

J. Pilon  
ACTING CITY CLERK

Appendix A  
**APPROVED Amendment No.121**  
 to the Urban Hamilton Official Plan

- Lands to be redesignated from "Arterial Commercial" to "Mixed Use - Medium Density"
- Lands to be redesignated from "Mixed Use - Medium Density" to "Neighbourhoods"

Date:  
 April 17, 2019

Revised By:  
 YR/NB

Reference File No.:  
 OPA-U-121(S)

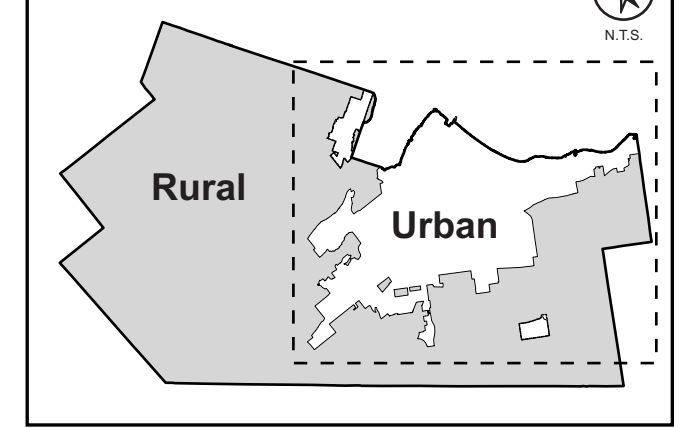
**APPEALS**

----- 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.

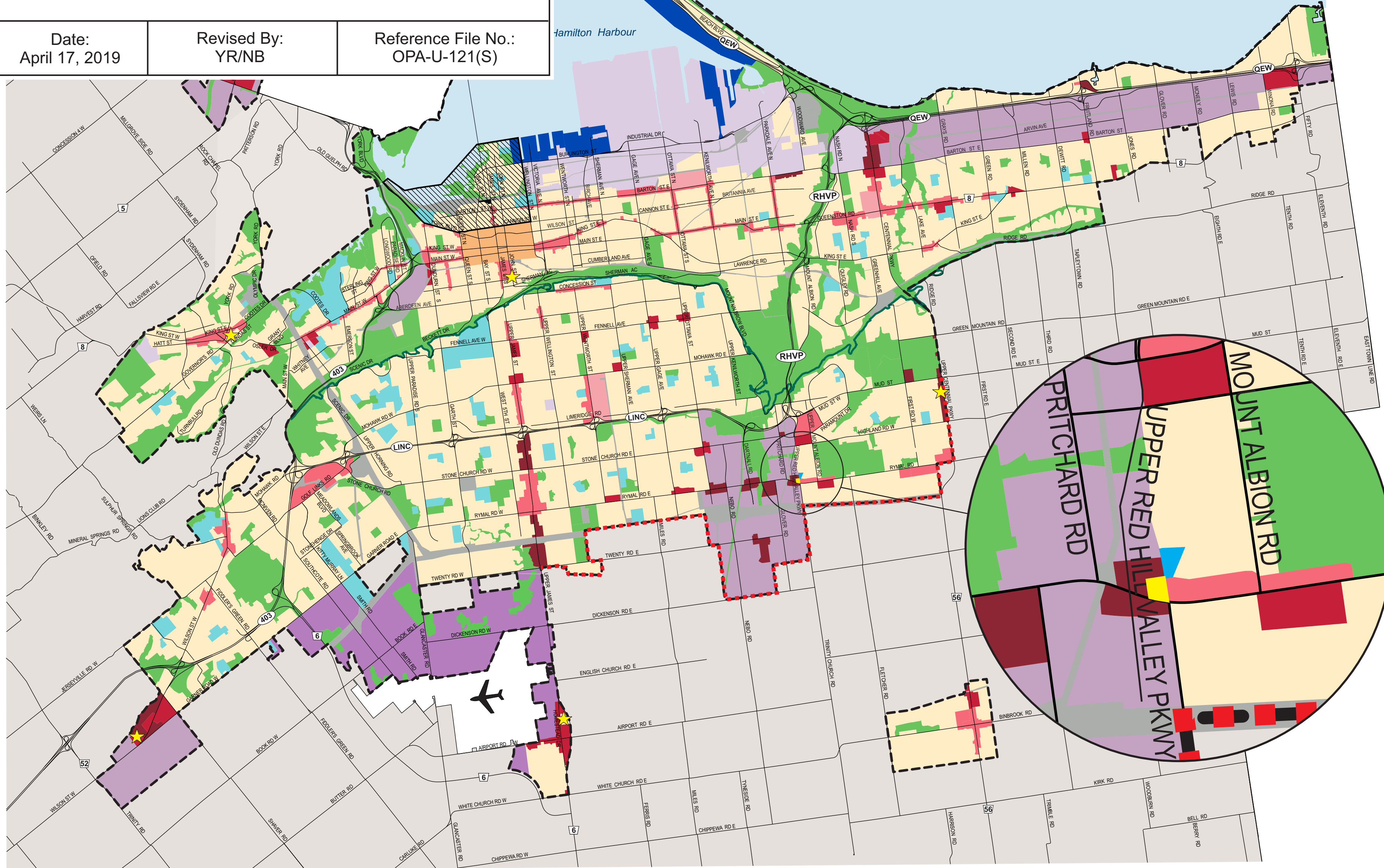
**UHOA NO. 69 APPEALS - PL171450**

- ★ - 71 Main Street West and 10 Baldwin Street, Appellant # 8
- 3011 Homestead Drive (Glanbrook), Appellant # 4
- Certain Lands between Wilson Street West and south and north of Portia Drive (Ancaster), Appellant # 15
- 221-225 John Street South and 70-78 Young Street (Hamilton), Appellant # 20
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14

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: Nov. 26, 2018

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

© Teranet Land Information Services Inc. and its licensors. [2009] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY



Appendix B  
Approved Amendment No. 121  
to the Urban Hamilton Official Plan

- Lands to be redesignated from "Mixed Use - Medium Density" to "Medium Density Residential 2"
  - Delete Proposed Roads and lands to be redesignated from "Low Density Residential 2" to "Medium Density Residential 2"
  - C Lands to be identified as Site Specific Policy Area "C"
  - E Lands to be identified as Site Specific Policy Area "E"
  - F Lands to be identified as Site Specific Policy Area "F"
- (1809, 1817 & 1821 Rymal Rd. E., Stoney Creek)

Date:  
April 17, 2019

Revised By:  
YR/NB

Reference File No.:  
OPA-U-121(S)

**Legend**

**Residential Designations**

- Low Density Residential 1
- Low Density Residential 2
- Medium Density Residential 2
- Medium Density Residential 3

**Parks and Open Space Designations**

- Neighbourhood Park
- General Open Space
- Natural Open Space

**Other Designations**

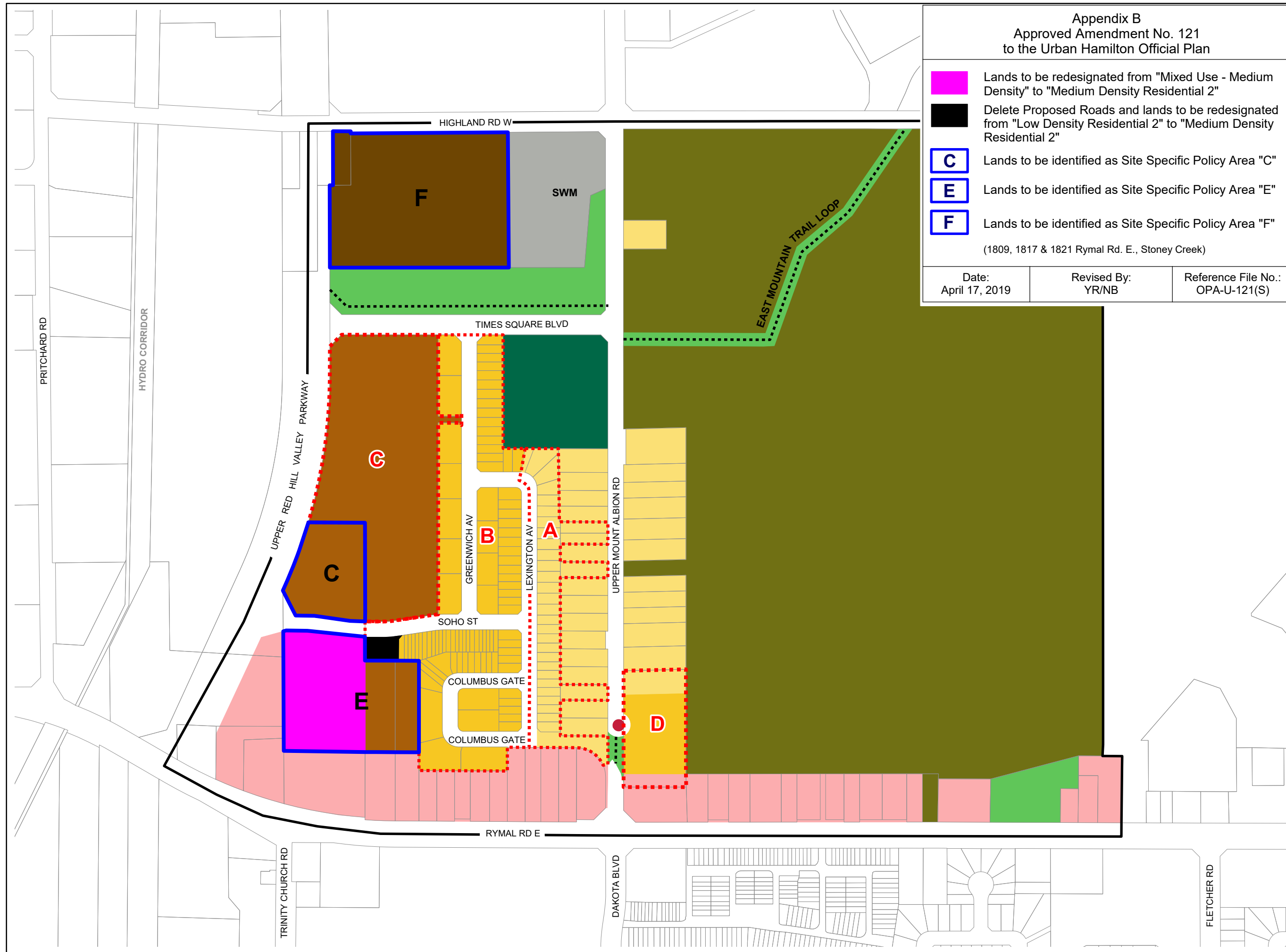
- Mixed Use - Medium Density
- Utility
- SWM** Storm Water Management

**Other Features**

- Area or Site Specific Policy
- Road Closure
- Trail Links
- Proposed Roads
- Secondary Plan Boundary

Council Adopted: July 9, 2009  
Ministerial Approval: March 16, 2011  
Effective Date: August 16, 2013

**Urban Hamilton Official Plan**  
**Trinity West Secondary Plan**  
Land Use Plan  
Map B.7.7-1



**Authority:** Item 7, Planning Committee Report  
19-006 (PED19030)  
CM: April 24, 2019  
Ward: 9

**Bill No. 083**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East (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 Hamilton” 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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 19-006 of the Planning Committee at its meeting held on the 24<sup>th</sup> day of April 2019, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, upon adoption of UHOPA No. 121;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 15, 1501 & 1548 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 5;



- (b) by changing the zoning from Single Residential “R1” Zone to Single Residential “R3-41” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 6;
  - (c) by changing the zoning from Single Residential “R1” Zone to Single Residential “R3-41a” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 7;
  - (d) by changing the zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-67” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 8;
  - (e) by changing the zoning from Multiple Residential “RM2-43” Zone, Modified, to Multiple Residential “RM3-67” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 9; and,
  - (f) by changing the zoning from Service Commercial “CS-1” Zone, to Multiple Residential “RM3-67” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 10.
2. That Subsection 6.4.7, “Special Exemptions” of Section 6.4 Single Residential “R3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “R3-41a”, as follows:

**R3 – 41a 16 Columbus Gate (Block 7), Schedule “A”, Map No. 15**

For the purposes of this By-law, 16 Columbus Gate shall be considered an interior lot, with Columbus Gate being deemed Lot Line- Frontage.

All other provisions of the Single Residential “R3-41” Zone, Modified shall apply.

3. That Subsection 6.10.7, “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be modified by changing the following provisions:

**RM3-57 1809, 1817, 1821 and 1831 Rymal Road East (Blocks 4 and 5)**

Notwithstanding Section 6.10.3, Multiple Residential “RM3” Zone, Paragraphs (i) and (j), “Zone Regulations”, the following shall apply:

## REGULATIONS

- |      |     |                          |  |
|------|-----|--------------------------|--|
| (ii) | (i) | Density:                 | A minimum of 75 units per net residential hectare and a maximum of 170 units per net residential hectare shall be permitted. |
|      | (j) | Maximum Building Height: | 32.0 metres or 8 storeys, whichever is less.   |
4. That Subsection 6.10.7, "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM3-67", as follows:

### **RM3 – 67 1809, 1817, 1821 and 1831 Rymal Road East (Blocks 8, 9 and 10)**

Notwithstanding the provisions of Part 2 "Definitions" as it relates to the definition of "Highway" or "Street", and in addition to Definition "Dwelling – Stacked Townhouses", Section 6.10.2 "Permitted Uses", Section 6.10.3 "Zone Regulations", Paragraphs (c), (d), (f), (h), (i), (j), (l) and (m), Section 6.10.5 (a) 1., the following shall apply:

## DEFINITIONS

Notwithstanding the definition of "Highway" or "Street" of Part 2 – Definitions of Zoning By-law No. 3692-92, the following shall apply:

"Highway" or "Street"

For the purpose of this By-law, a condominium road shall be deemed to be a "Highway" or "Street", and visitor parking, landscaping and amenity areas for the dwellings are permitted within the Highway or Street.

The following additional definition shall be added to Part 2-Definitions of Zoning By-law No. 3692-92:

"Dwelling - Stacked Townhouses"

Means a "Dwelling - Street Townhouse" containing a maximum of three dwelling units on one lot, where each unit shall have a separate entrance from the Street.

In addition to the permitted uses of Subsection 6.10.2 for the Multiple Residential "RM3" Zone, those lands zoned "RM3-67" by this By-law, Stacked Townhouses shall also be permitted.

ZONE REGULATIONS

- (c) Minimum Front Yard: 3.0 metres
- (d) Minimum Side Yard for  
Maisonettes,  
Townhouses, Stacked  
Townhouses and  
Dwelling Groups: 1.2 metres, except for 7.5 metres for a  
flankage yard, 7.5 metres abutting a zone  
permitting a single detached, semi-detached or  
duplex dwellings and 3 metres where an end  
unit abuts any lot line of a street townhouse.
- (f) Minimum Rear Yard for a  
Townhouse or Stacked  
Townhouses: 6.0 metres.
- (h) Minimum Distance  
Between Buildings on the  
Same Lot:
1. 3.0 metres between end walls; and,
  2. 13.5 metres between front walls.
- (i) Density:
1. Minimum of 50 units per hectare.
  2. Maximum of 75 units per hectare.
- (j) Maximum Building  
Height: 13.5 metres or 3 storeys, whichever is the less  
of the two.
- (l) Privacy Area: Notwithstanding the yard requirements, privacy  
area requirements shall not apply to  
maisonette units.
- (m) Minimum Landscaped  
Open Space:
1. Not less than 38% of the lot area for  
maisonettes, townhouses, stacked  
townhouses and dwelling groups shall  
be landscaped including privacy areas.
  2. No landscaped strip is required adjacent  
to every portion of any lot that abuts a  
street.
  3. One outdoor amenity space, having a

minimum area of 480 square metres, shall be provided, and thereafter maintained, excluding easements and excluding the area containing a natural spring and required buffer associated with said spring.

PARKING

- (a) Minimum Number of Parking Spaces: 2 parking spaces and 0.25 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM3-41” Zone, Multiple Residential “RM3-41a” Zone, Multiple Residential “RM3-57” Zone and Multiple Residential “RM3-67” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this 24th day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon,  
Acting City Clerk

ZAC-16-064



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

-----  
 Mayor

-----  
 Clerk


## Schedule "A"


Map Forming Part of  
 By-law No. 19-\_\_\_\_\_


to Amend By-law No. 3692-92


### Subject Property


1809, 1817 & 1821 Rymal Road East


 **Block 4** – Modify the existing Multiple Residential "RM3-57" Zone, Modified

 **Block 5** – Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified

 **Block 6** – Change in zoning from Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified

 **Block 7** – Change in zoning from Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified

 **Block 8** – Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-67" Zone, Modified

 **Block 9** – Change in zoning from Multiple Residential "RM2-43"

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-16-064

Date:  
 Jan. 16, 2019

Planner/Technician:  
 BN/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Authority:** Item 7, Planning Committee Report  
19-006 (PED19030)  
CM: April 24, 2019  
Ward: 9

**Bill No. 084**

**CITY OF HAMILTON  
BY-LAW NO. 19-**

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1809, 1817  
and 1821 Rymal Road East, Stoney Creek**

WHEREAS Council approved Item 7 of Report 19-006 of the Planning Committee, at its meeting held on April 24, 2019;

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan No.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 1501 and 1548 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended by adding lands to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone on lands described as 1809, 1817 and 1821 Rymal Road East, to the extent and boundaries of which are shown as Blocks 1, 2 and 3 on Schedule "A" annexed hereto and forming part of this By-law.
2. 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*.
3. That this By-law No. 19-084 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 24th day of April, 2019.

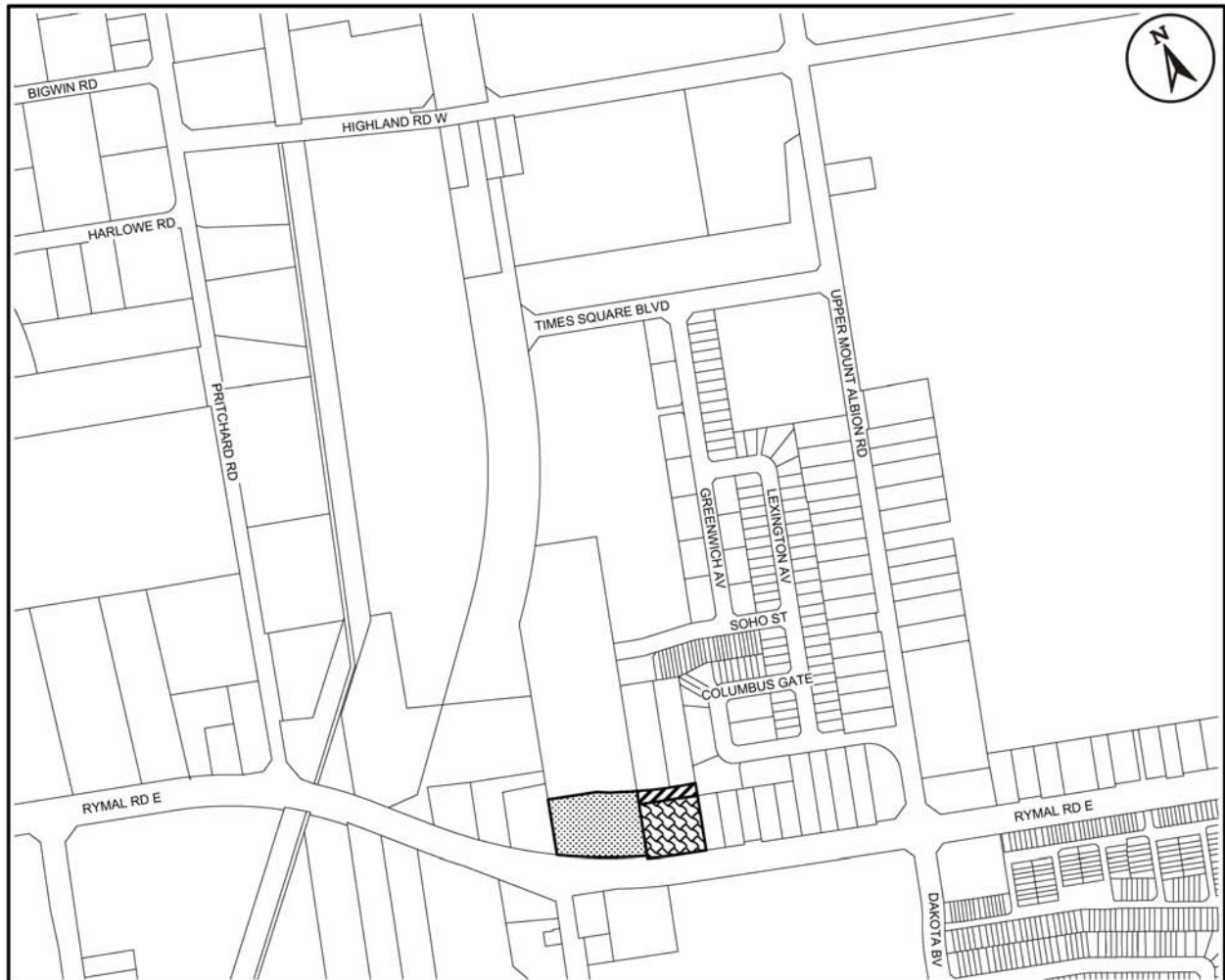
---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

ZAC-16-064



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1501 &amp; 1548</p>		<p><b>Subject Property</b> 1809, 1817 &amp; 1821 Rymal Road East</p> <p> <b>Block 1</b> – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use – Medium Density (C5) Zone</p> <p> <b>Block 2</b> – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone</p> <p> <b>Block 3</b> – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone</p>
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-16-064</p>	<p style="margin: 0;">Hamilton</p>
<p><b>Date:</b> March 13, 2019</p>	<p><b>Planner/Technician:</b> BN/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Authority:** Item 7, Economic Development and  
Planning Committee Report 10-005  
(PED10051)  
CM: March 10, 2010  
Ward: 9

**Bill No. 085**

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Establish City of Hamilton Land  
Described as Part 7 of 62R-20860,  
as Part of Columbus Gate**

**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 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part 7 of 62R-20860, is established as a public highway, forming part of Columbus Gate.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk



**Authority:** Item 7, Economic Development  
and Planning Committee Report  
10-005 (PED10051)  
CM: March 10, 2010  
Ward: 9

**Bill No. 086**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Establish City of Hamilton Land Described as Parts 1, 2, and 4 of 62R-20860; and, Part 2 of Plan 62R-21053, as Part of Soho Street**

**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 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Parts 1, 2, and 4 of 62R-20860; and, Part 2 of Plan 62R-21053, is established as a public highway, forming part of Soho Street.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk



**Authority:** Item 7, Economic Development  
and Planning Committee Report  
10-005 (PED10051)  
CM: March 10, 2010  
Ward: 9

**Bill No. 087**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Establish City of Hamilton Land Described as Parts 6 and 8 of 62R-20860, as Part of Upper Mount Albion Road**

**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 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Parts 6 and 8 of 62R-20860, is established as a public highway, forming part of Upper Mount Albion Road.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 24th day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 14, Committee of the Whole  
Report 01-003 (FCS01007)  
CM: February 6, 2001  
Wards: 1, 2, 4, 13

**Bill No. 088**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **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:

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Duration</b>	<b>Times</b>	<b>Days</b>	<b>Adding/ Deleting</b>
<i>6 – Time Limit</i>	<i>E</i>	Traymore Ave.	South	Forsyth Ave. to Dalewood Ave.	1 Hr	8 am - 6 pm	Mon -Fri	Adding

To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
8 – No Parking	C	Old Brock Rd.	West	Crooks Hollow Rd to 50m northerly	Anytime	Adding
8 – No Parking	C	Old Brock Rd.	East & North	Cora Rd. to Brock Rd	Anytime	Adding
8 – No Parking	C	Old Brock Rd.	South	Crooks Hollow Rd. to Brock Rd.	Anytime	Adding
8 – No Parking	E	Charlton Ave. W.	North	MacNab to 26.3m westerly	7:00 a.m. to 12 Noon Mondays	Deleting
8 – No Parking	E	Charlton Ave. W.	North	From 26.3m west of MacNab St. S. to 47.4m westerly	anytime	Deleting
8 – No Parking	E	Charlton Ave. W.	North	MacNab St. to 75m westerly	Anytime	Adding
<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
12 – Permit	B	Park	North	from 50m east of Brock to 6m easterly	Anytime	Deleting
12 – Permit	E	Ferrie St.	North	34m west of Hughson St. to 6m westerly	Anytime	Adding
12 – Permit	E	Traymore	South	Forsyth to Dalewood	Anytime	Deleting
<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
14 – Wheelchair LZ	E	Roxborough	North	from 33.3m west of Paling to 5.8m westerly	Anytime	Deleting

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 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

To Confirm the Proceedings of City Council at its meeting held on April 24, 2019.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 24<sup>th</sup> day of April, 2019, in respect of each recommendation contained in

Board of Health Report 19-004 – April 15, 2019,  
Planning Committee Report 19-006 – April 16, 2019,  
General Issues Committee Report 19-008 – April 17, 2019,  
and

Audit, Finance and Administration Committee Report 19-006 – April 18, 2019,

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 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 24<sup>th</sup> day of April, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk