



City of Hamilton

CITY COUNCIL AGENDA

21-013

Friday, August 13, 2021, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. July 9, 2021

4. COMMUNICATIONS

4.1. Correspondence from the City of Mississauga requesting support for their resolution marking this years Canada Day virtually and calling upon the Government of Canada to terminate its appeal of the 2019 Human Rights Tribunal Ruling, ordering Ottawa to pay

compensation to First Nations Children and their families.

Recommendation: Be received.

- 4.2. Correspondence from the Municipality of Chatham-Kent requesting support for their resolution urging the Government of Ontario to immediately provide funding sources for Municipalities for the ongoing maintenance and preservation repair of abandoned cemeteries in their care.
- Recommendation: Be received.
- 4.3. Correspondence from the Municipality of Chatham-Kent requesting support for their resolution supporting the Big City Mayors (OBCM) call for action on ambitious mental health and addiction plan.
- Recommendation: Be received.
- 4.4. Correspondence from Viv Saunders requesting that Committee consider reviewing and/or establishing guidelines for basic core amenities and locational criteria for the Soupie Program locations.
- Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.
- 4.5. Correspondence from the City of Kitchener requesting support for their resolution advocating to the Federal and Provincial Governments to review actions that could be taken to help mitigate or offset the impacts related to the rising cost of building materials.
- Recommendation: Be received.
- 4.6. Correspondence from the Township of Georgian Bay requesting support for their resolution respecting the implementation of the remaining 84 Truth and Reconciliation Commission of Canada: Calls to Action.
- Recommendation: Be received.
- 4.7. Correspondence from Bob Berberick respecting Vacant property example.
- Recommendation: Be received and referred to the General Manager of Finance and Administration for appropriate action.
- 4.8. Correspondence from Grant Bivol, NPCA Clerk / Board Secretariat, Niagara Peninsula Conservation Authority respecting the NPCA Water Quality Summary Report for the Year 2020.
- Recommendation: Be received.

- 4.9. Correspondence from the City of Woodstock requesting support for their resolution calling on the Provincial government to immediately work together on both short and long term solutions, complete with funding, to take proper responsibility and action to address the affordable housing, homelessness, and addiction crisis.
- Recommendation: Be received.
- 4.10. Correspondence in response to Council's July 9, 2021 decision respecting the removal of the Sir John A. MacDonald Statue from Gore Park, Hamilton:
- 4.10.a. Rose Janson and Family
- 4.10.b. Equity Network of Dundas
- Recommendation: Be received.
- 4.11. Correspondence from Uzma Qureshi respecting the NCCM Recommendations brought forward by the National Council of Canadian Muslims (NCCM) released July 19, 2021.
- Recommendation: Be received and referred to the consideration of Item 6.2, Support for the NCCM Recommendations brought forward by the National Council of Canadian Muslims.
- 4.12. Correspondence from the Town of Cobourg requesting support for their resolution in support of Bill C-6, being an act to amend the Criminal Code of Canada (Conversion Therapy).
- Recommendation: Be received.
- 4.13. Correspondence from Elke Taylor requesting action to remedy the encampment on the beach.
- Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.
- 4.14. Correspondence from Grant Bivol, NPCA Clerk / Board Secretariat, Niagara Peninsula Conservation Authority requesting support and collaboration of their partner municipalities to include the provision of native pollinator habitat with specialized native plant species through future development and redevelopment processes.
- Recommendation: Be received.
- 4.15. Correspondence from Grant Bivol, NPCA Clerk / Board Secretariat, Niagara Peninsula Conservation Authority respecting Report FA-45021, Compliance and Enforcement 2021 Q2 Statistics.
- Recommendation: Be received.

- 4.16. Correspondence from the Honourable Steve Clark, Minister of Transportation in response to the Mayor's letter respecting concerns around the impacts of the COVID-19 outbreak on renters and residential evictions.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities.

- 4.17. Correspondence from Carole-Ann Durran respecting GRIDS 2 & Municipal Comprehensive Review - Consultation Update & Evaluation Framework & Phasing Principles.

Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 21-015.

- 4.18. Correspondence respecting 1269 Mohawk Road, Ancaster ZAC-19-006:

- 4.18.a. Sarbjit Juneja
- 4.18.b. Mridula and Thidula Ganatra
- 4.18.c. Nick Dobler
- 4.18.d. Alice Dobler
- 4.18.e. Harsukh Ganatra
- 4.18.f. Shalini Sharma
- 4.18.g. Rajeev Sharma
- 4.18.h. Yaser Rahim
- 4.18.i. Vurdhaan Prinza
- 4.18.j. Thomas Kurian
- 4.18.k. Sunanda Jadon
- 4.18.l. Sumbal Malik
- 4.18.m. Shahnaz Tehseen
- 4.18.n. Shilpa Sanjeev and Sanjeev Sreenivasan
- 4.18.o. Sanjay Kumar Sharma
- 4.18.p. Rhian Thomas-Parasu

- 4.18.q. Rama Sharma
- 4.18.r. Nasser Malik
- 4.18.s. Nalin Amin
- 4.18.t. Komil Bhalla
- 4.18.u. Jyoti Hansra
- 4.18.v. Dr. Jasdev Bhalla
- 4.18.w. Sergio and Domenica Succi
- 4.18.x. Rajeev Sharma
- 4.18.y. Abhishek Sharma
- 4.18.z. Hassan Alayche
- 4.18.aa. Garvit Sharma
- 4.18.ab. Ashish Sharma

Recommendation: Be received and referred to the consideration of Bill 128.

- 4.19. Correspondence from the Honourable Deputy Minister Kate Manson-Smith, Ministry of Municipal Affairs respecting Main Street Recovery Act: Proclamation of Amendments to the Municipal Act and City of Toronto Act.

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

- 4.20. Correspondence from the City of Toronto requesting support for their resolution respecting Building the Early Learning and Child Care System Toronto Needs.

Recommendation: Be endorsed and referred to the General Manager of Healthy and Safe Communities for appropriate action.

5. COMMITTEE REPORTS

- 5.1. Special General Issues Committee Report 21-015 - August 4, 2021
- 5.2. General Issues Committee Report 21-016 - August 9, 2021
- 5.3. Planning Committee Report 21-012 - August 10, 2021

- 5.4. Board of Health Report 21-008 - August 11, 2021
- 5.5. Public Works Committee Report 21-011 - August 11, 2021
- 5.6. Audit, Finance and Administration Committee Report 21-012 - August 12, 2021

6. MOTIONS

- 6.1. Amendment to Item 2 of the Audit, Finance & Administration Committee Report 21-006, respecting Report FCS20069(b) – Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy
- 6.2. Support for the NCCM Recommendations brought forward by the National Council of Canadian Muslims
- 6.3. Supporting Community Resilience through the Powell Park Community Garden in Ward 3
- 6.4. Block Party Assistance Program
- 6.5. Commemorating the 75th Anniversary of the Stelco Strike in Woodlands Park in Ward 3

7. NOTICES OF MOTIONS

8. STATEMENT BY MEMBERS (non-debatable)

9. COUNCIL COMMUNICATION UPDATES

- 9.1. July 2, 2021 to August 5, 2021

10. PRIVATE AND CONFIDENTIAL

- 10.1. Closed Council Minutes - July 9, 2021

Pursuant to Section 9.1, Sub-sections (b) of the City's Procedural By-law 21-021; and Section 239(2), Sub-Sections (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City or a local board employees.

11. BY-LAWS AND CONFIRMING BY-LAW

- 11.1. 125
To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking
Schedule 5 – Parking Meters
Schedule 8 – No Parking
Schedule 12 – Permit
Schedule 13 – No Stopping
Schedule 14 – Wheelchair LZ
Schedule 16 – Taxi
Ward: 1, 2, 3, 4, 5, 8, 9, 11, 15
- 11.2. 126
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 191 King Street West, Hamilton
Ward: 2
ZAD-20-021
- 11.3. 127
To Repeal and Replace By-law No. 21-094, Respecting Removal of Part Lot Control Block “A”, Registered Plan No. 865, 270 Melvin Avenue, Hamilton
Ward: 4
PLC-21-002
- 11.4. 128
To Amend Zoning By-law No. 87-57 Respecting Lands located at 1269 Mohawk Road (Ancaster)
Ward: 14
ZAC-19-006
- 11.5. 129
To Amend Zoning By-law No. 90-145-Z Respecting Lands located at 585 Skinner Road, in the Former Town of Flamborough, now in the City of Hamilton
Ward: 15
ZAH-21-013
- 11.6. 130
To Adopt Official Plan Amendment No. 152 to the Urban Hamilton Official Plan Respecting 15, 17 and 21 Stone Church Road East (Hamilton)
Ward: 8

11.7. 131

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 15, 17 and 21 Stone Church Road East, Hamilton
Ward: 8

ZAC-20-028

11.8. 132

To Adopt Official Plan Amendment No. 153 to the Urban Hamilton Official Plan Respecting 466, 478, 482 and 490 Highway No. 8 (Stoney Creek)
Ward: 10

11.9. 133

To Amend Zoning By-law No. 05-200 respecting lands located at 466 to 490 Highway No. 8, Stoney Creek
Ward: 10

ZAC-18-059

UHOPA-18-25

11.10. 135

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 822 and 914 Book Road West and 1276 Shaver Road, Hamilton
Ward: 12

RHOPA-20-028

ZAR-20-045

11.11. 136

To Adopt Official Plan Amendment No. 154 to the Urban Hamilton Official Plan Respecting 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road (Flamborough)
Ward: 15

11.12. 137

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 10, 39 and 40 Mallard Trail and 488 Dundas Street East (Flamborough)
Ward: 15

ZAC-19-046

11.13. 138

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 585 Skinner Road (Flamborough)

Ward: 15

ZAC-19-046

11.14. 139

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

Ward: 2,3,6,7 and 13

Schedule 8 – No Parking

Schedule 12 – Permit

Schedule 13 – No Stopping

Schedule 14 – Wheelchair LZ

Ward: 2, 3, 6, 7, 13

11.15. 149

To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 21-012

9:30 a.m.
July 9, 2021
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent: Councillor T. Whitehead – Leave of Absence

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

Added:

4.7 Correspondence respecting the restructuring of Hamilton's Board of Health:

- (c) Natasha Johnson, MD, FAAP, FRCPC; Kassia Johnson, MD, FRCPC; Ruth Rodney, RN, PhD; Claire Bodkin, MD and co-signed by 203 individuals.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

- 4.11 Correspondence from the Municipality of Chatham-Kent requesting support for their resolution respecting the Induction of Coloured All-Stars into the Canadian Baseball Hall of Fame.

Recommendation: Be received.

- 4.12 Correspondence from York Region requesting support for their resolution advocating for immediate regulatory and legislative amendments to provide municipal Provincial Offences Courts with the flexibility to respond to the critical pressures described in York Region's Court Services Annual Report 2020.

Recommendation: Be received.

- 4.13 Correspondence respecting the Regulating of Off-Road Vehicles:

- (a) N. Christine Morley and Ben Tagarelli
- (b) Jeff Hazzard

Recommendation: Be received and referred to the consideration of Item 10 of Planning Committee Report 21-011.

- 4.14 Correspondence respecting the removal of the Sir John A. MacDonald Statue from Gore Park, Hamilton:

- (a) Sarah Sheehan
- (b) Katelyne Clark
- (c) Randy Kay
- (d) Mouna Bile on behalf of Together We Rise Together We Rise S'Elever Ensemble

Recommendation: Be received and referred to the consideration of Item (f) of the Emergency and Community Services Committee Report 21-008

- 4.15 Correspondence respecting Report PW21034 recommending the sale of part of the Sunset Cultural Garden at the corner of Bay Street North and Strachan Street West:

- (a) Cameron Kroetsch
- (b) Tanya Ritchie
- (c) James Honey
- (d) Jessica Glegg

Recommendation: Be received and referred to the consideration of Item 5.7 (a) Report PW21034, Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 38 Strachan Street West, Hamilton.

Amended:

- 4.5 Correspondence from Gary Carr, Regional Chair, Halton Region requesting support for their resolution respecting the protection of Glen Abbey Lands.

Recommendation: Be **supported**.

5. COMMITTEE REPORTS

5.7 STAFF REPORTS

- 5.7 (a) Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 38 Strachan Street West, Hamilton (PW21034) (Ward 2)
(Referred to Council by the Public Works Committee at its meeting July 7, 2021)

11. BY-LAWS AND CONFIRMING BY-LAW

- 117 Respecting Removal of Part Lot Control, Blocks 609 to 621 within Registered Plan of Subdivision 62M-1266 "Waterdown Bay, Phase 3", 65-71 Westfield Crescent, 37-74 Great Falls Boulevard, 58-68 Skinner Road, 39-50 Kenesky Drive, 31-58 Westfield Crescent, and 4-30 Granite Ridge Trail
PLC-21-004
Ward: 15
- 118 Respecting Removal of Part Lot Control, Lots 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 59, 60, 61, 62, 63, 64, 65, 66, 76, 77, 106, 107, 108, 109, 110 and 111, Registered Plan of Subdivision 62M-1266, Municipally Known as 3, 5, 9, 11, 14-17, 20-23, 26-29, 33, 35, 39, 41, 45, 47 Mountain Heights Place, 4, 6, 10, 12, 15-18, 21-25, 27, 28, 30, 31, 33, 34, 36 Great Falls Boulevard, 143, 145, 149, 151, 155, 157, 166, 168, 172, 174, 178, 180, 184, 186, 190, 192, 196, 198 Agro Street, 6-9, 12-15, 18-21, 24-27, 75, 77, 80-83, 86-89, 92-95, 98-101 Westfield Crescent, 28, 30, 34, 36 Kenesky Drive
PLC-21-001
Ward: 15
- 119 A By-law to Establish Certain 2021 User Fees and Charges for Services, Activities, or the Use of Property, and to Repeal By-law No. 20-168
Ward: City Wide
- 120 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3140 and 3150 Binbrook Road (Glanbrook)
ZAC-19-039
25CDM-202002
Ward: 11
- 121 Being a By-law to Regulate Off-Road Vehicles
Ward: City Wide

- 122 To Amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties
Table 27: By-law No. 21-121 Off Road Vehicle By-law
Ward: City Wide

(Johnson/VanderBeek)

That the agenda for the July 9, 2021 meeting of Council be approved, ***as amended.***

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

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor J.P. Danko declared an interest to Item 6 of Emergency and Community Services Committee Report 21-008 respecting Removal of the Name Ryerson from the Recreation Centre at 251 Duke Street, Hamilton (Ward 1), as his wife is the Chair of the Hamilton-Wentworth District School Board.

Councillor J.P. Danko declared an interest to Item 6 of General Issues Committee Report 21-014 respecting School Board Properties Sub-Committee Report 21-002, June 22, 2021, as his wife is the Chair of the Hamilton-Wentworth District School Board.

Councillor B. Clark declared an interest to Item 8 of Planning Committee Report 21-011 respecting Report 21125, Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (Ward 12), due to his son's business interest with, the principal of the applicant's planning consultant.

Councillor S. Merulla declared an interest to Item 4 of General Issues Committee Report 21-014 respecting Report PED21115, Hamilton Tax Increment Grant - 154 Main Street East, Hamilton, as he and his wife are rental property landlords.

Councillor M. Pearson declared an interest to Item 4 of General Issues Committee Report 21-014 respecting Report PED21115, Hamilton Tax Increment Grant - 154 Main Street East, Hamilton, as she is a rental property landlord.

Councillor A. VanderBeek declared an interest to Item 4 of General Issues Committee Report 21-014 respecting Report PED21115, Hamilton Tax Increment Grant - 154 Main Street East, Hamilton, as she is a rental property landlord.

APPROVAL OF MINUTES OF PREVIOUS MEETING

3. June 23, 2021 (Item 3.1)

(Partridge/Pearson)

That the Minutes of the June 23, 2021 meeting of Council be approved, as presented.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Merulla/Collins)

That Council Communications 4.1 to 4.15 be approved, **as amended**, as follows:

4.1 Correspondence from the Township of Huron-Kinloss requesting support for their resolution in support of domestic production of a COVID-19 vaccine.

Recommendation: Be received.

4.2 Correspondence from the Town of Fort Erie requesting support for their resolution requesting that the Federal Government consider prohibiting the ability to obtain a licence to grow cannabis if any of the owners including those owners within a corporation have ever been convicted of operating an illegal cannabis operation.

Recommendation: Be received.

- 4.3 Correspondence from Grant Bivol, Clerk/Board Secretariat, Niagara Peninsula Conservation Authority respecting their resolution referring the transition actions listed in Report FA-41-21 (Revised) to their Governance Committee for consideration of next steps including discussions with municipal partners.

Recommendation: Be received.

- 4.4 Correspondence from the Office of the Ontario Ombudsman respecting the complaints about the display of electronic vote results.

Recommendation: Be received.

- 4.5 Correspondence from Gary Carr, Regional Chair, Halton Region requesting support for their resolution respecting the protection of Glen Abbey Lands.

Recommendation: Be supported.

- 4.6 Correspondence from Stantec Consulting Ltd. respecting Imperial Oil Pipeline Relocation Project - Notice of Study Commencement.

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

- 4.7 Correspondence respecting the restructuring of Hamilton's Board of Health:

- (a) Chloe Tse Tse
- (b) Han Godin
- (c) Natasha Johnson, MD, FAAP, FRCPC; Kassia Johnson, MD, FRCPC; Ruth Rodney, RN, PhD; Claire Bodkin, MD and co-signed by 203 individuals.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

- 4.8 Correspondence from the Township of West Lincoln requesting support for their resolution respecting Accessibility Issues for Seniors.

Recommendation: Be received.

- 4.9 Correspondence from the Municipality of St. Charles requesting support for their resolution respecting Municipal Land Transfer Tax.

Recommendation: Be received.

- 4.10 Correspondence from the Ministry of Municipal Affairs and Housing respecting Entering Step Two of the Roadmap to Reopen.

Recommendation: Be received.

- 4.11 Correspondence from the Municipality of Chatham-Kent requesting support for their resolution respecting the Induction of Coloured All-Stars into the Canadian Baseball Hall of Fame.

Recommendation: Be **supported**.

- 4.12 Correspondence from York Region requesting support for their resolution advocating for immediate regulatory and legislative amendments to provide municipal Provincial Offences Courts with the flexibility to respond to the critical pressures described in York Region's Court Services Annual Report 2020.

Recommendation: Be received.

- 4.13 Correspondence respecting the Regulating of Off-Road Vehicles:

- (a) N. Christine Morley and Ben Tagarelli
- (b) Jeff Hazzard

Recommendation: Be received and referred to the consideration of Item 10 of Planning Committee Report 21-011.

- 4.14 Correspondence respecting the removal of the Sir John A. MacDonald Statue from Gore Park, Hamilton:

- (a) Sarah Sheehan
- (b) Katelyne Clark
- (c) Randy Kay
- (d) Mouna Bile on behalf of Together We Rise Together We Rise S'Elever Ensemble

Recommendation: Be received and referred to the consideration of Item (f) of the Emergency and Community Services Committee Report 21-008

- 4.15 Correspondence respecting Report PW21034 recommending the sale of part of the Sunset Cultural Garden at the corner of Bay Street North and Strachan Street West:

- (a) Cameron Kroetsch
- (b) Tanya Ritchie
- (c) James Honey
- (d) Jessica Glegg

Recommendation: Be received and referred to the consideration of Item 5.7 (a) Report PW21034, Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 38 Strachan Street West, Hamilton.

At Council's request, Item 4.5 was voted on separately, as follows:

- 4.5 Correspondence from Gary Carr, Regional Chair, Halton Region requesting support for their resolution respecting the protection of Glen Abbey Lands.

Recommendation: Be supported.

Result: Motion on Item 4.5 of the Communication Items, CARRIED by a vote of 9 to 6, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

At Council's request, Item 4.7 was voted on separately, as follows:

- 4.7 Correspondence respecting the restructuring of Hamilton's Board of Health:

- (a) Chloe Tse Tse
(b) Han Godin
(c) Natasha Johnson, MD, FAAP, FRCPC; Kassia Johnson, MD, FRCPC; Ruth Rodney, RN, PhD; Claire Bodkin, MD and co-signed by 203 individuals.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

Result: Motion on Item 4.7 of the Communication Items, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Communication Items, as Amended, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Jackson)

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

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Farr)

That Section 5.8(2) of the City's Procedural By-law 21-021, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the General Issues Committee Report 21-014; Planning Committee Report 21-011; Board of Health Report 21-007, Public Works Committee Report 21-010, Audit, Finance and Administration Committee Report 21-011 and Emergency and Community Services Committee Report 21-008.

Result: Motion CARRIED by a 2/3 vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 21-014**(Merulla/Johnson)**

That General Issues Committee Report 21-014, being the meeting held on Monday, July 5, 2021, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 6 was voted on separately, as follows:

6. School Board Properties Sub-Committee Report 21-002, June 22, 2021 (Item 10.5)**(a) Hamilton-Wentworth District School Board Property at 350 Albright Road, Stoney Creek (PED21128) (Ward 5) (Item 10.1)**

- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 350 Albright Road, Stoney Creek, as shown on Appendix "A" attached to Report PED21128; and,
- (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton's site development requirements, as identified in Appendix "B" attached to Report PED21128.

- (b) Hamilton-Wentworth District School Board Property at 140 Glen Echo Drive, Stoney Creek (PED21129) (Ward 5) (Item 10.2)**
- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 140 Glen Echo Drive, Stoney Creek, as shown on Appendix “A” attached to Report PED21129; and,
 - (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21129.
- (c) Hamilton-Wentworth District School Board Property at 45 Randall Avenue, Stoney Creek (PED21130) (Ward 5) (Item 10.3)**
- (i) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 45 Randall Avenue, Stoney Creek, as shown on Appendix “A” attached to Report PED21130; and,
 - (ii) That staff be directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements, as identified in Appendix “B” attached to Report PED21130.
- (d) Hamilton-Wentworth District School Board Property at 630-640 Rymal Road East, Hamilton (PED21131) (Ward 7) (Item 14.1)**
- (i) That the Manager of Real Estate, or designate, be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton may have an interest in the acquisition of the lands located at 630-640 Rymal Road East, Hamilton, as shown and legally described in Appendix “A” attached to Report PED21131;
 - (ii) That staff be authorized and directed to complete the due diligence work in preparation for the potential acquisition of the of the lands located at 630-640 Rymal Road East, Hamilton, to be funded from the Property Purchases and Sales Capital Account No. 3562850200;
 - (iii) That staff be directed to report back to the School Board Properties Sub-Committee, as to its due diligence findings, refined acquisition and post-acquisition cost estimates, funding model and its recommendations for the City to submit an Offer to Purchase the Hamilton-Wentworth District School Board lands located at 630-640 Rymal Road East, Hamilton; and,
 - (iv) That Report PED21131, respecting Hamilton-Wentworth District School Board Property at 630-640 Rymal Road East, Hamilton, remain confidential and not be released as a public document.

- (e) **Hamilton-Wentworth District School Board Property at 20 Lake Avenue South, Stoney Creek (PED21132) (Ward 5) (Item 14.2)**
- (i) That the Manager of Real Estate, or designate, be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton may have an interest in the acquisition of the lands located at 20 Lake Avenue South, Stoney Creek, as shown and legally described in Appendix "A" attached to Report PED21132;
 - (ii) That staff be authorized and directed to complete the due diligence work in preparation for the potential acquisition of the Hamilton-Wentworth District School Board lands located at 20 Lake Avenue South, Stoney Creek;
 - (iii) That staff be directed to establish a Capital Account Project I.D. to be funded from the Parkland Acquisition Reserve No. 108050, for use as the funding source for all costs related to the due diligence for the potential acquisition of the Hamilton-Wentworth District School Board lands located at 20 Lake Avenue South, Stoney Creek;
 - (iv) That staff be directed to report back to the School Board Properties Sub-Committee, as to its due diligence findings, refined acquisition and post-acquisition cost estimates, funding model and its recommendations for the City to submit an Offer to Purchase the Hamilton-Wentworth District School Board lands located at 20 Lake Avenue South, Stoney Creek; and,
 - (v) That Report PED21132, respecting the Hamilton-Wentworth District School Board Property at 20 Lake Avenue South, Stoney Creek, remain confidential and not be released as a public document.

Result: Motion on Item 6 of the General Issues Committee Report 21-014, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
CONFLICT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

Due to declared conflicts, Item 4 was voted on separately, as follows:

4. Hamilton Tax Increment Grant - 154 Main Street East, Hamilton (PED21115) (Ward 2) (Item 10.1)

- (a) That a Hamilton Tax Increment Grant Program Application, submitted by 1970703 Ontario Inc. (Darko Vranich) for the property known as 154 Main Street East, Hamilton, estimated at \$1,211,018.67 over a maximum of a five (5) year period, based upon the incremental tax increase attributable to the development of 154 Main Street East, Hamilton, be authorized and approved, in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to give effect to the Hamilton Tax Increment Grant for 1970703 Ontario Inc. for the property known as 154 Main Street East, 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 Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

Result: Motion on Item 4 of the General Issues Committee Report 21-014, CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
CONFLICT - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
CONFLICT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
CONFLICT - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

At Council's request, Item 9 was voted on separately, as follows:

9. Investing in City Roads and Sidewalks Infrastructure with Canada Community-Building Funds (Item 11.1)

WHEREAS, Deputy Prime Minister Freeland announced Bill C-25, An Act to amend the *Federal-Provincial Fiscal Arrangements Act*, to authorize certain payments to be made out of the Consolidated Revenue Fund and to amend another Act, which would permanently rename the Federal Gas Tax Fund to the Canada Community-Building Fund and increase funding by \$2.2 billion in 2021, almost double the allocation for this year, totaling approximately \$4.5 billion;

WHEREAS, Bill C-25 has not yet been enacted by the House of Commons Canada;

WHEREAS, the City of Hamilton expects to receive \$32.7 million in one-time funding under Bill C-25 in 2021;

WHEREAS, Federal Gas Tax Funds must be spent within five years;

WHEREAS, highway infrastructure and infrastructure for local roads and bridges eligible projects under the Federal Gas Tax Agreements includes roads, bridges, tunnels, highways and active transportation infrastructure, referring to investments that support active methods of travel of cycling lanes and paths, sidewalks, hiking and walking trails;

WHEREAS, the City of Hamilton maintains roads related infrastructure with an estimated value of \$6 Billion, and,

WHEREAS, the City of Hamilton has a funding gap that does not maintain our current condition for Roads Related infrastructure;

THEREFORE, BE IT RESOLVED:

- (a) That \$30 million of the estimated \$32.7 million of the one-time funding under Bill C-25, be invested in sidewalk and road repairs (minor maintenance);
- (b) That the funds be allocated equally amongst 15 wards (\$2m per ward); and,
- (c) That staff be directed to report back to the Audit, Finance and Administration Committee with a procurement process that expedites the use of the funds to limit exposure to rising (inflationary) prices.

Result: Motion on Item 9 of the General Issues Committee Report 21-014, CARRIED by a vote of 12 to 3, as follows:

NO - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

NO - Ward 3 Councillor Nrinder Nann

YES - Deputy Mayor - Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins

YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the General Issues Committee Report 21-014, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 21-011

(Danko/Johnson)

That Planning Committee Report 21-011, being the meeting held on Tuesday, July 6, 2021, be received and the recommendations contained therein be approved.

Mayor Eisenberger relinquished the Chair to Deputy Mayor Merulla, to move the following motion:

(Eisenberger/Danko)

That the motion to defer consideration of Report PED21113 to the September 7, 2021 Planning Committee meeting, be lifted and added as Item 14 of the Planning Committee Report 21-011.

Result: Motion CARRIED by a vote of 14 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair.

14. Application for a Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster (PED21113) (Ward 14) (Item 9.1)

(Ferguson/Johnson)

That the consideration of Report PED21113 respecting the Application for a Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster, be deferred to the September 7, 2021 Planning Committee meeting.

Result: Motion on Item 14 of the Planning Committee Report 21-011, DEFEATED by a vote of 6 to 9, as follows:

NO - Ward 1 Councillor Maureen Wilson
NO – Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Chad Collins
NO – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

14. Application for a Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster (PED21113) (Ward 14) (Item 9.1)**(Danko/Pearson)**

- (a) That amended Zoning By-law Amendment Application ZAC-19-006, by Shine Mohawk Independent Living Enterprises Ltd. (Owner), for a change in zoning from the Agricultural "A" Zone (Block 1) and the Residential "R4-666" Zone, Modified (Block 2) to a Holding Residential Multiple "H-RM6-708" Zone, Modified, to facilitate the development of a four-storey, 19-unit multiple dwelling with 35 parking spaces on lands located at 1269 Mohawk Road (Ancaster), as shown on Appendix "A" to Report PED21113, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "B" to Report PED21113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H' to the proposed Residential Multiple "RM6-708" Zone, Modified, with the 'H' symbol being eligible to be removed conditional upon:
 - (1) That the owner shall submit and receive approval of a Documentation and Salvage Report which further details the approach for removing, labelling, storing, and if required, reassembly of material salvaged from the removal of any portions of existing building, to the satisfaction of the Director of Planning and Chief Planner.
 - (2) That the owner shall submit and receive approval of a Stage 3 (and if required, Stage 4) archaeological assessment for the site to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and complies with the Urban Hamilton Official Plan.
- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

Result: Motion on Item 14 of the Planning Committee Report 21-011, CARRIED by a vote of 12 to 3, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NO - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NO - Ward 12 Councillor Lloyd Ferguson
 NO - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

2. Demolition Permit – 202 Cannon Street East, Hamilton (PED21127) (Ward 2) (Item 7.2)

(Farr/Collins)

That Item 2 of Planning Committee Report 21-011, be **amended** to read as follows:

- (a) That the Chief Building Official be authorized to issue a demolition permit for 202 Cannon Street East, Hamilton in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, ***without the applicant having to apply for and receive a building permit for a replacement building on the property at the same time as the demolition permit***, subject to the following conditions:
 - (i) ***That if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:***
 - (1) the City Clerk is authorized to enter on the collector’s roll and collect in like manner as municipal taxes;
 - (2) is a lien or charge on the property until paid; and,
 - (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 on Item 2 of the Planning Committee Report 21-011 As Amended, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Due to a declared conflict, Item 8 was voted on separately, as follows:

- 8. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) (Item 9.5)**
- (a) That Rural Hamilton Official Plan Amendment application RHOPA-20-028, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner), to amend the Rural Hamilton Official Plan designation from “Open Space” to “Agricultural” on two portions of the subject lands (Knollwood Golf Course) and recognize a reduced lot area to permit the severance of the existing single detached dwellings for the lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster as shown on Appendix “A” to Report PED21125, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed Official Plan Amendment implements the direction given by Planning Committee on September 22, 2020 (PED21125) of Committee of Adjustment applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.
- (b) That Zoning By-law Amendment application ZAR-20-045, as amended, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner) to change the zoning from the Open Space (P4) Zone to the Agricultural (A1, 746) Zone to permit a single detached dwelling on each of the three lots to be created and modifications to the required setbacks, accessory structure size, height, for lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster, to reflect the existing buildings and structures on the subject lands as shown on Appendix “C” to Report PED21125, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed change in zoning is required in order to implement Condition No. 10 of Consent application AN/B-20:30, Condition No. 9 of Consent application AN/B-20:31 and Condition No. 9 of Consent application AN/B-20:32; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions were received and considered by the Committee in approving the application.

Result: Motion on Item 8 of the Planning Committee Report 21-011, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
CONFLICT - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Planning Committee Report 21-011, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

BOARD OF HEALTH REPORT 21-007

(Wilson/Nann)

That Board of Health Report 21-007, being the meeting held on Wednesday, July 7, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Board of Health Report 21-007, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 21-010

(VanderBeek/Nann)

That Public Works Committee Report 21-010, being the meeting held on Wednesday, July 7, 2021, be received and the recommendations contained therein be approved.

At Council’s request, Item 3 was voted on separately, as follows:

- 3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 315B Aberdeen Avenue, Hamilton (PW21041) (Ward 1) (Item 9.2)**
 - (a) That the application of the owner of 315B Aberdeen Avenue, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 315B Aberdeen Avenue, Hamilton, (“Subject Lands”), as shown on Appendix "A" attached to Public Works Committee Report 21-010, be approved, subject to the following conditions:
 - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:

- (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
 - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved;
- (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
 - (3) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to secure any requisite easement agreements (subject to the obligations of the applicant to negotiate such agreements as set out in recommendation (d)), right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 315B Aberdeen Avenue, Hamilton, as described in Report PW21041, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (4) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 315B Aberdeen Avenue, Hamilton and transfers of easement to all land owners requiring access to the Subject Lands as outlined in Report PW21041, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
 - (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;

- (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (iv) That the applicant be responsible to arrange, negotiate, and obtain agreements, at the applicant's sole cost, with respect to all necessary transfers of right of way easements as outlined and as a condition of the transfer of the Subject Lands and for all legal costs associated with the aforesaid as well as the registration of required right of way agreements on title with the land owners who require access as indicated within Report PW21041 and such agreements ensure the following terms are included;
 - (1) That 72 hours prior written notice delivered to all abutting landowners of the private right of way lands as shown on Appendix "B" attached to Public Works Committee Report 21-010, of any construction or other activities on or over the laneway;
 - (2) That any such construction or other activity not interfere with or impede access to or over the laneway except between the hours of 9:00am and 5:00pm on the days specified in the prior written notice;
 - (3) That at all other times there is to be unobstructed access to all abutting land owners;
- (v) That the applicant prepares a site drainage plan to the satisfaction of the Manager, Development Approvals;
- (vi) That the applicant works with the City of Hamilton to ensures all sight lines are clear at the intersection of Aberdeen Avenue and Locke Street South, Hamilton which fall on City property, to the satisfaction of the Manager, Traffic Safety;
- (vii) That the applicant abides by Committee of Adjustment decision HM/A-19:290 and subsequent Local Planning Appeal Tribunal decision PL200334;
- (viii) That the applicant be responsible for all costs associated with any construction related damages to the retaining wall and landscaping at 315 Aberdeen Avenue, Hamilton, excluding any costs related to the works proposed under recommendation "(a)(x)";
- (ix) That the proposed "right of way" lands as shown on Appendix "B" attached to Public Works Committee Report 21-010 be paved at the expense of the applicant once recommendations "(a)(v)" and "(a)(x)" have been cleared;

- (x) That a portion of the proceeds of the sale of the Subject Lands not exceeding \$40,000.00 be transferred to the appropriate account as determined by the Manager, Transportation, Operations, and Maintenance Division for the purpose of widening the sidewalk at the southwest corner of the intersection located at Locke Street South and Aberdeen Avenue, Hamilton, subject to the following:
- (1) That no building permits be submitted by the owner of 315B Aberdeen Avenue, Hamilton, or issued by the City of Hamilton until all works related to recommendation "(a)(x)" be completed;
 - (2) That the City of Hamilton retain ownership and maintenance responsibility of all works completed by the City of Hamilton related to recommendation "(a)(x)";
 - (3) That the owner of 315B Aberdeen Avenue, Hamilton, install at his own expense a stop sign at the south side of the property boundary between the proposed "right of way" lands and City of Hamilton road allowance;
 - (4) That the retaining wall be constructed of concrete to match the existing retaining walls at 315 Aberdeen Avenue, Hamilton and ensure the newly constructed retaining wall is adequately tied in to the existing step retaining wall at 315 Aberdeen Avenue, Hamilton.

Result: Motion on Item 3 of the Public Works Committee Report 21-010, CARRIED by a vote of 13 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Public Works Committee Report 21-010, CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-011
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(Ferguson/Pearson)

That Audit, Finance and Administration Committee Report 21-011, being the meeting held on Thursday, July 8, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Audit, Finance and Administration Committee Report 21-011, CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 21-008**(Nann/Jackson)**

That Emergency and Community Services Committee Report 21-008, being the meeting held on Thursday, July 8, 2021, be received and the recommendations contained therein be approved.

(Nann/Wilson)

That Item (f) from the Information Section be lifted and added as Item 7 of the Emergency and Community Services Committee Report 21-008 Committee Report 21-011.

Result: Motion CARRIED by a vote of 9 to 5, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
 NO - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 NO - Ward 8 Councillor John-Paul Danko
 NO - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NO - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 NO - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

7. Removal of Sir John A. MacDonald Statue from Gore Park, Hamilton (Item 11.1)**(Nann/Wilson)**

WHEREAS, in 1879 Sir John A. MacDonald said “When the school is on the reserve, the child lives with its parents, who are savages, and though he may learn to read and write, his habits and training mode of thought are Indian. He is simply a savage who can read and write. It has been strongly impressed upon myself, as head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men”;

WHEREAS, the atrocities of the residential school system were described by the 2015 Truth and Reconciliation Commission of Canada (TRC) as “a systematic, government- sponsored attempt to destroy [Indigenous] cultures and languages and to assimilate [Indigenous] peoples so that they no longer existed as distinct peoples”;

WHEREAS, Indigenous residents across Hamilton have been in profound grief since the unmarked graves of 215 Indigenous children were confirmed at the Kamloops

Residential School, 751 more at Marieval Residential School in Saskatchewan, now exceeding a thousand and counting;

WHEREAS, the Hamilton City Council committed to having “a trusting relationship with Indigenous communities where we communicate and work together appropriately to address the unique needs and issues of Indigenous people” through the adoption of the Urban Indigenous Strategy in July 2019 and the endorsement of the Urban Indigenous Strategy Implementation Plan on February 4, 2021;

WHEREAS, in adopting Urban Indigenous Strategy, Hamilton City Council committed to act in alignment with the Truth and Reconciliation Commission recommendations;

WHEREAS, Hamilton is falling behind the example set by other city councils, in Ontario and nationwide, starting in 2018, that have already removed statues of Sir John A. MacDonald from public spaces, including Victoria, Wilmont, Regina, Charlottetown, Picton and Kingston;

WHEREAS, over 17,000 people identify as Indigenous in the City of Hamilton; and

WHEREAS, over several years, survivors of residential schools, Indigenous elders and families, members of the Hamilton Aboriginal Advisory Committee, participants of the Urban Indigenous Strategy consultations, and hundreds more in the form of public demonstrations have clearly communicated to the City of Hamilton about the need to remove the Sir John A. MacDonald statue from Gore Park in order to facilitate healing.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to immediately remove the statue of Sir John A. MacDonald from City of Hamilton owned lands known as Gore Park and place it in storage; until the Landmarks and Monuments Review has been conducted; and
- (b) That the cost for removal and storage be covered through the Tax Stabilization Reserve Account.

Result: Motion on Item 7 of the Emergency and Community Services Committee Report 21-008, DEFEATED by a vote of 3 to 12, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Deputy Mayor - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Chad Collins
NO – Ward 6 Councillor Tom Jackson
NO - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead

NO - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

At Council's request, Item 3 was voted on separately, as follows:

**3. City of Hamilton Landmarks and Monuments Review
(HSC21025/PED21149/PW21038) (City Wide) (Item 10.1)**

- (a) That staff undertake a Historical Review of City of Hamilton owned landmarks, including park and street names, to determine opportunities to honour the Indigenous community in accordance with the Urban Indigenous Strategy action item #12 and to contribute to the City of Hamilton's journey towards meaningful Reconciliation;
- (b) That the estimated project budget at an upset limit of \$75,000 to complete the initial historical landmarks review and facilitate the community consultation process, be funded from the Tax Stabilization Reserve (110046);
- (c) That the single source procurement to Nation FPG Inc., operating as First Peoples Group, pursuant to Procurement Policy 11 – Non-competitive Procurements, for the consultancy work to complete the historical landmarks review and community consultation be approved; and,
- (d) That staff report back to the Emergency and Community Services Committee with next steps and recommendations following the completion of the Historical Review process.

Result: Motion on Item 3 of the Emergency and Community Services Committee Report 21-008, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6. Removal of the Name Ryerson from the Recreation Centre at 251 Duke Street, Hamilton (Ward 1) (Item 11.2)

(Wilson/Nann)

That the following be stricken from Item 6:

~~***That the following motion, be referred to the Facility Naming Sub-Committee for consideration:***~~

Result: Motion on Item 6 As Amended, of the Emergency and Community Services Committee Report 21-008, DEFEATED by a vote of 2 to 11, as follows:

YES- Ward 1 Councillor Maureen Wilson
NO – Ward 2 Councillor Jason Farr
YES- Ward 3 Councillor Ninder Nann
NO - Deputy Mayor - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Chad Collins
NO – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
CONFLICT - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NO - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

Due to a declared conflict, Item 6 was voted on separately, as follows:

6. Removal of the Name Ryerson from the Recreation Centre at 251 Duke Street, Hamilton (Ward 1) (Item 11.2)

That the following motion, be referred to the Facility Naming Sub-Committee for consideration:

WHEREAS the May 2006 Indian Residential Schools Settlement Agreement saw parties to the Agreement, including Canada and the churches responsible for the operations of the schools, formally acknowledge that “Canada and certain religious organizations operated Indian Residential Schools for the education of aboriginal children and certain harms and abuses were committed against those children”;

WHEREAS on June 11, 2008 then Canadian Prime Minister Stephen Harper issued a formal Statement of Apology on behalf of Canada to students of Indian residential schools, their families, and communities;

WHEREAS the 2015 Truth and Reconciliation Commission of Canada (TRC) concluded that Residential Schools were “a systematic, government-sponsored attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed as distinct peoples.” The TRC characterized this intent as “cultural genocide”;

WHEREAS Egerton Ryerson held the position of Chief Superintendent of Education in Upper Canada from 1844 to 1876;

WHEREAS Egerton Ryerson advocated for the creation of the residential school system for Indigenous children when asked by the Department of Indian Affairs for his suggestions on “Industrial Schools for the benefit of the aboriginal Indian tribes”;

WHEREAS in this report Ryerson stated that for Indigenous Peoples “nothing can be done to improve and elevate his character and condition without the aid of religious feeling. This information must be superadded to all others to make the Indian a sober and industrious man”;

WHEREAS Ryerson reasoned that White and Indigenous children required different education because “It is a fact established by numerous experiments, that the North American Indian cannot be civilized or preserved in a state of civilization (including habits of industry and sobriety) except in connection with, if not by the influence of, not only religious instruction and sentiment but of religious feelings”;

WHEREAS Ryerson’s report formed the blueprint of what would become the Indian Residential School System, including his recommendations that it be administered by religious institutions and that the majority of the children’s time would be spent in labour rather than instruction;

WHEREAS authorities would frequently take children to schools far from their home communities as part of a strategy to alienate them from their families, language, culture and familiar surroundings;

WHEREAS abuse at the schools was widespread: emotional and psychological abuse was constant, physical abuse was meted out as punishment, and sexual abuse was also common. Survivors recall being beaten and strapped; some students were shackled to their beds; some had needles shoved in their tongues for speaking their native languages;

WHEREAS the Truth and Reconciliation Commission final report provided conservative estimates that between 4,000 and 6,000 children died in the residential schools, causes of death including physical abuse, malnutrition, disease, neglect, suicide, or trying to escape;

WHEREAS the last of Canada’s residential schools closed in 1996, impacting several generations of Indigenous Peoples who share in the intergenerational effects of transmitted personal trauma and loss of language, culture, traditional teachings, and mental/spiritual wellbeing;

WHEREAS in addition to his role in the establishment of Residential Schools, Ryerson opposed the education of girls beyond elementary school, and supported racially segregated education, drafting legislation allowing for the creation of racially segregated schools that lasted in Ontario until 1965;

WHEREAS the city of Hamilton owns and operates a recreation centre that is adjoined to a public elementary school sharing the name Ryerson;

WHEREAS the city of Hamilton formally states that it is committed to creating and nurturing a city that is welcoming and inclusive where equity seeking communities will feel safe, supported and have an enhanced sense of belonging;

WHEREAS keeping the name Ryerson on the municipal recreation centre is inconsistent with the values set out in the city's vision and strategic priorities; and

WHEREAS at the June 6, 2021 meeting of the HWDSB the following motion was unanimously passed: "That In the spirit of Truth and Reconciliation, that an Indigenous process that is both locally relevant and responsive be struck to rename Ryerson Elementary school, through ethical engagement and in consultation with local Indigenous communities and key beneficiaries and stakeholders."

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton take all necessary steps, administrative and physical, to immediately remove the name Ryerson from the municipal recreation centre located at 251 Duke Street, Hamilton, Ontario;
- (b) That the City of Hamilton work in tandem with the HWDSB in the renaming of the elementary school/municipal recreation centre;
- (c) That the recommended name be submitted to the City's Facility Naming Sub-Committee for review and approval;
- (d) That the City's Tax Stabilization Reserve be used to fund this action; and
- (e) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: Motion on Item 6 of the Emergency and Community Services Committee Report 21-008, CARRIED by a vote of 11 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
CONFLICT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Emergency and Community Services Committee Report 21-008, CARRIED by a vote of 13 to 1, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

STAFF REPORTS

5.7 (a) Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 38 Strachan Street West, Hamilton (PW21034) (Ward 2)

(Farr/Collins)

- (a) That the application of the City of Hamilton’s Real Estate Section on behalf of CityHousing Hamilton Corporation to permanently close and sell a portion of road allowance abutting the west side of 38 Strachan Street West, Hamilton (“Subject Lands”), as shown as Parts A & B, on Appendix "A", attached to Report PW21034, be approved, subject to the following conditions:
 - (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;

- (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands as deemed necessary by the Real Estate Section, as described in Report PW21034, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands pursuant to an Agreement(s) of Purchase and Sale or Offer(s) to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
- (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (v) That the City Solicitor be authorized to amend and waive such terms as the City Solicitor considers reasonable to give effect to this authorization and direction;
- (vi) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (vii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Eisenberger)

That the Committee of the Whole Rise and Report.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Ferguson/Pearson)

That Council recess at 1:00 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Council reconvened at 1:30 p.m.

MOTIONS

6.1 Support for the Issuance of a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”) for West Avenue Cider House at Somerset Orchards

(Partridge/Johnson)

WHEREAS West Avenue Cider House at Somerset Orchards is operating at 84 Concession 8 East, Freelon, Ontario; and

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) requires written notice from the Council of the Municipality within which the applicant's site is located confirming that it has passed a resolution in support of the issuance of a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”), for tastings.

THEREFORE, BE IT RESOLVED:

That the Council of the City of Hamilton confirms their support for the issuance of a Manufacturer’s Limited Liquor Sales Licence (“By the Glass”) for West Avenue Cider House at Somerset Orchards located at 84 Concession 8 East, Freelon, Ontario.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- NOT PRESENT - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES**(Merulla/Eisenberger)**

That the listing of Council Communication Updates from June 18, 2021 to July 1, 2021, be received.

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

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

PRIVATE AND CONFIDENTIAL**(Pearson/Merulla)**

That Council move into Closed Session respecting Item 10.1 pursuant to Section 9.1, Sub-sections (b) of the City's Procedural By-law 21-021; and Section 239(2), Sub-Sections (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City or a local board employees.

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

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

10.1 Advisory Committee Update (FCS21072) (City Wide)

(Clark/Pearson)

(a) That the direction to staff in Closed Session, be approved; and

(b) That Report FCS21072, respecting an Advisory Committee Update, remain confidential.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

NOT PRESENT - Ward 3 Councillor Nrinder Nann

NOT PRESENT - Deputy Mayor - Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins

YES – Ward 6 Councillor Tom Jackson

NOT PRESENT - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead

NOT PRESENT - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

BY-LAWS AND CONFIRMING BY-LAW

(Jackson/Farr)

That Bills No. 21-115 to No. 21-123 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:

115 To Adopt: Amendment No. 246 to the City of Hamilton Official Plan:
respecting 179, 18, 183, 185, 187 and 189 Catharine Street North Hamilton
Ward: 2

116 To Amend Zoning By-law No. 6593 (Hamilton) as amended,
Respecting Lands Located at 179, 181, 183, 185, 187 and 189 Catharine Street
North, Hamilton
ZAC-20-027
Ward: 2

- 117 Respecting Removal of Part Lot Control, Blocks 609 to 621 within Registered Plan of Subdivision 62M-1266 “Waterdown Bay, Phase 3”, 65-71 Westfield Crescent, 37-74 Great Falls Boulevard, 58-68 Skinner Road, 39-50 Kenesky Drive, 31-58 Westfield Crescent, and 4-30 Granite Ridge Trail
PLC-21-004
Ward: 15

- 118 Respecting Removal of Part Lot Control, Lots 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 59, 60, 61, 62, 63, 64, 65, 66, 76, 77, 106, 107, 108, 109, 110 and 111, Registered Plan of Subdivision 62M-1266, Municipally Known as 3, 5, 9, 11,14-17, 20-23, 26-29, 33, 35, 39, 41, 45, 47 Mountain Heights Place, 4, 6, 10, 12, 15-18, 21-25, 27, 28, 30, 31, 33, 34, 36 Great Falls Boulevard, 143, 145, 149, 151, 155, 157, 166, 168, 172, 174, 178, 180, 184, 186, 190, 192, 196, 198 Agro Street, 6-9, 12-15, 18-21, 24-27, 75, 77, 80-83, 86-89, 92-95, 98-101 Westfield Crescent, 28, 30, 34, 36 Kenesky Drive
PLC-21-001
Ward: 15

- 119 A By-law to Establish Certain 2021 User Fees and Charges for Services, Activities, or the Use of Property, and to Repeal By-law No. 20-168
Ward: City Wide

- 120 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3140 and 3150 Binbrook Road (Glanbrook)
ZAC-19-039
25CDM-202002
Ward: 11

- 121 Being a By-law to Regulate Off-Road Vehicles
Ward: City Wide

- 122 To Amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties
Table 27: By-law No. 21-121 Off Road Vehicle By-law
Ward: City Wide

- 123 To Confirm Proceedings of Council

Result: Motion CARRIED by a vote of 11 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- NOT PRESENT - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Deputy Mayor - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Partridge)

That, there being no further business, City Council be adjourned at 2:16 p.m.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk



MISSISSAUGA

RESOLUTION 0155-2021
 adopted by the Council of
 The Corporation of the City of Mississauga
 at its meeting on June 30, 2021

0155-2021

Moved by: P. Saito

Seconded by: C. Parrish

WHEREAS The City of Mississauga operates on the Treaty and Traditional Territory of the Mississaugas of the Credit First Nation and Anishinaabe peoples, the Haudenosaunee Confederacy and the Huron-Wendat First Nation. We recognize that these peoples, and their ancestors live and lived on these lands since time immemorial on these lands called Turtle Island. The City of Mississauga is home to many First Nations, Métis and Inuit peoples; and

WHEREAS the residents of the Town, now City, of Mississauga chose for their name an anishinaabemowim name which speaks to the shared settler and Indigenous history within these lands; and

WHEREAS the City of Mississauga has committed to a path towards Reconciliation with Indigenous Peoples and has responded to the Truth and Reconciliation Commission's Calls to Action; and

WHEREAS the City of Mississauga is committed to speaking truths about our history to further our collective understanding of the past to help create a better future; and

WHEREAS the terrible uncovering of over one thousand unmarked and forgotten children burials at residential schools which have been reported over the past month is a truth about Canada's past; and

WHEREAS because of these truths the government of Canada has declared this year's Canada Day should be a time of reflection and focus on reconciliation; and

WHEREAS Gimaa Stacey LaForme of the Mississaugas of the Credit First Nation has called for this to be a time for supporting each other and contemplating the legacy and future of Canada; and

THEREFORE BE IT RESOLVED that the City of Mississauga will mark Canada Day virtually this year in a manner that provides an opportunity for reflection on our shared history and commitment to a better future:

- Singing of National Anthem
- Greetings and Opening Remarks, Mayor Bonnie Crombie
- Comments from Mayor of Kariya, Japan Takeshi Inagaki
- Comments from Gimaa Stacey LaForme
- Oath of Reaffirmation performed by Members of Council
- Closing Remarks, Mayor Bonnie Crombie
- Lighting the Clock Tower orange to remember those lives lost and changed forever as a result of residential schools

- Changing the digital signage at the Square to “As we mark Canada Day, the City of Mississauga stands in solidarity with Indigenous communities across Canada.”

AND FURTHER to mark this Canada Day:

That the Council of the City of Mississauga call upon the Government of Canada to terminate its appeal of the 2019 Human Rights Tribunal Ruling, ordering Ottawa to pay compensation to First Nations Children and their families, separated in a chronically underfunded child welfare system that sees Indigenous children making up more than half the children in foster care even though they comprise only 7% of all the children under the age of 15 in Canada.

AND That this Resolution be sent to all municipalities in Canada.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	X			
Councillor S. Dasko	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor R. Starr	X			
Councillor D. Damerla	X			
Councillor M. Mahoney	X			
Councillor P. Saito	X			
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Unanimous (12, 0)

July 6, 2021

Bereavement Authority of Ontario (BAO)
100 Sheppard Ave East, Suite 505
Toronto, ON M2N 6N5
(via e-mail) info@thebao.ca

**Support Resolution from the Council of Rideau Lakes passed May 20th re
Funding for Maintenance and Preservation Repair of Abandoned Cemeteries**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 28, 2021 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Moved by CI Latimer Second by CI Finn

Whereas Municipalities in Ontario have been made responsible for abandoned cemeteries within their boundaries, and are required by the Funeral, Burial and Cremation Services Act, 2002 “to ensure that the cemetery grounds, including all lots, structures, and markers, are maintained to ensure the safety of the public and to preserve the dignity of the cemetery;

And Whereas cemeteries are not only symbols of respect, preserving the memory of families, prominent citizens, and local history; some cemeteries are landmarks in themselves and hold great historical value worldwide;

And Whereas preservation repairs to older cemeteries are very costly, requiring the specialized services of stonemasons and archeologists;

And Whereas the care and maintenance funds of abandoned cemeteries are generally non-existent or so small as to produce insufficient annual interest to cover even the cost of lawn care at the site;

Now Therefore the Council of The Corporation of the Municipality of Chatham-Kent hereby Urges the Government of Ontario to immediately provide funding sources for Municipalities for the ongoing maintenance and preservation repair of abandoned

cemeteries in their care;

And Further that this Resolution be forwarded to the Bereavement Authority of Ontario, the Minister of Government and Consumer Affairs, the Rural Ontario Municipal Association (ROMA), and local MPP.

If you have any questions or comments, please contact Judy Smith at judys@chatham-kent.ca

Sincerely,

A handwritten signature in black ink that reads "Judy Smith". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Judy Smith, CMO
Director Municipal Governance
Clerk /Freedom of Information Coordinator

C
Local MP & MPP
Minister of Government and Consumer Affairs
ROMA

July 6, 2021

Via email: ontariobigcitymayors.ca@ONBigCityMayors

Jeff Lehman, Chair
Ontario's Big City Mayors

Re: Chatham-Kent support OBCM action on mental health and addiction plan

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 28, 2021 passed the following motion:

Moved by CI Finn Second by CI Crew

“That the Municipality of Chatham-Kent Council support Ontario's Big City Mayors (OBCM) call for action on ambitious mental health and addiction plan.”

If you have any questions or comments, please contact Judy Smith at ckclerk@chatham-kent.ca

Sincerely,



Judy Smith, CMO
Director Municipal Governance
Clerk /Freedom of Information Coordinator

C

Local MP & MPP

Ontario Municipalities

Pilon, Janet

Subject: Soupie Program

From: Viv Saunders

Sent: July 15, 2021 10:48 AM

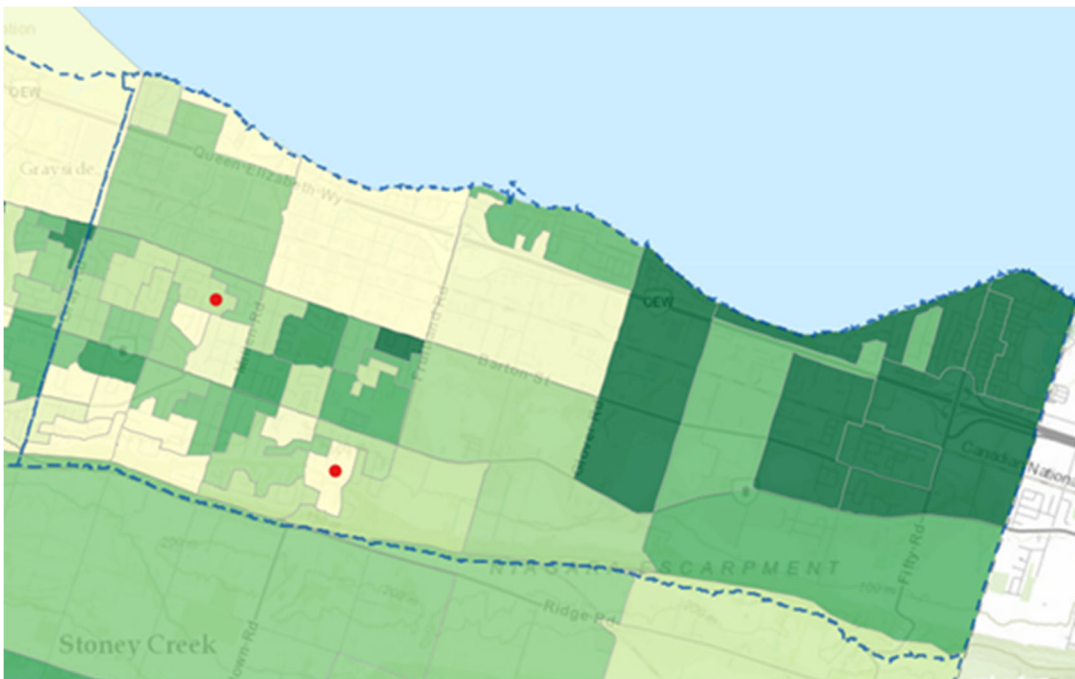
To: Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>

Cc: Pearson, Maria <Maria.Pearson@hamilton.ca>; clerk@hamilton.ca

Subject: Re: Soupie Program

Oops! Sorry about that. Neglected to include the mapping. It is here now. Also, c.c.'d clerk to add this correspondence on to your next Agenda.

Thanks. Viv



On Thu, Jul 15, 2021 at 10:45 AM Viv Saunders wrote:

Dear Chair Nann & E&CS Council Members
c.c. Clr Maria Pearson, Ward 10

It's wonderful to see the Soupie Program back! Thank you to all involved.

The reason for my correspondence is to bring to your attention the disconnect between locations and census data on the # of youths (at least within Ward 10) and request that Committee, for next year perhaps, establish some city-wide guidelines on the locations.

Specifically, in Ward 10 there are 2 locations. Ferris Park and Mapledene Park as indicated with red dots on the mapping attached. The map itself is also a depiction of the census data. The darker the green, the higher the percentage of youths under the age of 19 living in the area.

Since percentages are not always an indicator of the actual number of youths, I am also providing details on the Soupie Program Park locations:

Ferris Park - there are 444 children under the age of 14 within the square block

Mapledene Park - there are 345 children under the age of 14.

By comparison, other neighbourhood parks within Ward 10 have 1,000+ children within the census tract data's walkable/cyclable area.

In addition, both of the parks for the 2021 Soupie Program have zero amenities according to Hamilton Open Data. As I'm typing this email it is 29 degrees outside. Neither of those 2 locations have a Water Feature (Spray Pad), or a Shade Structure, or Drinking Water (fountains), or Washrooms.

I also took a look at the percentage of Lone Parent families which sometimes is an indicator of the need for Soupie programs and may be a factor in choosing which parks to offer this service. Both of the park locations chosen are in the lowest % at .04% of the census tract population distribution..

So in conclusion, I am respectfully requesting that Committee consider reviewing and/or establishing guidelines for basic core amenities and locational criteria for Soupie Program locations.

Sincerely,

Viv Saunders
Concerned Resident



CHRISTINE TARLING
Director of Legislated Services & City Clerk
Corporate Services Department
Kitchener City Hall, 2nd Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7
Phone: 519.741.2200 x 7809 Fax: 519.741.2705
christine.tarling@kitchener.ca
TTY: 519-741-2385

July 12, 2021

Right Honourable Justin Trudeau
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa ON K1A 0A2

Dear Prime Minister Trudeau:

This is to advise that City Council, at a meeting held on Monday June 28, 2021, passed the following resolution with respect to the rising cost of building materials:

“WHEREAS the prices for construction materials have seen dramatic increases during the pandemic; and,

WHEREAS reports by Statistics Canada noted that the price of lumber increased by 68 percent between March 2020 and March 2021, while fabricated metal products and construction material rose by 9 percent; and,

WHEREAS the Province of Ontario has seen an accelerated overall increase in demands for construction; and,

WHEREAS the Province of Ontario has deemed residential construction as essential activity during province-wide emergency declarations and stay-at-home orders; and,

WHEREAS Kitchener City Council considers it a matter of public interest as the increase in rates and demand could result in unsustainable costs on the local construction industry;

THEREFORE BE IT RESOLVED the City of Kitchener advocate to the Federal and Provincial Governments to review actions that could be taken to help mitigate or offset the impacts related to the rising cost of building materials; and;

THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Right Honourable Justin Trudeau; Honourable Doug Ford,

Premier Ontario; Honourable Peter Bethlenfalvy, Minister of Finance; Honourable Hon. Victor Fedeli, Minister of Economic Development, Steve Clark, Minister of Municipal Affairs; Job Creation and Trade; local MP's and MPP's, to the Federation of Canadian Municipalities, Association of Municipalities of Ontario, and all other municipalities in Ontario.”

Yours truly,

A handwritten signature in cursive script, appearing to read "C. Tarling".

C. Tarling
Director of Legislated Services
& City Clerk

c: Hon. Premiere Doug Ford
Hon. Minister Peter Bethlenfalvy
Hon. Minister Victor Fedeli
Hon. Minister Steve Clark
Federation of Canadian Municipalities
Association of Municipalities of Ontario (AMO)
Ontario Municipalities

**THE TOWNSHIP OF GEORGIAN BAY
Council**

DATE: 12 July 2021

	YEA	NAY		
Councillor Bochek	_____	_____	MOVED BY:	Bochek
Councillor Cooper	_____	_____		
Councillor Douglas	_____	_____	SECONDED BY:	Wiancko
Councillor Hazelton	_____	_____		
Councillor Jarvis	_____	_____		
Councillor Wiancko	_____	_____		
Mayor Koetsier	_____	_____		

DEFERRED _____ **CARRIED** X **DEFEATED** _____ **REFERRED** _____

WHEREAS only 10 items in the Truth and Reconciliation Commission of Canada: Calls to Action have been completed since its creation;

BE IT RESOLVED THAT Council fully supports, and requests, the implementation of the remaining 84 Calls to Action; and

THAT this resolution be sent to all Ontario municipalities, local MPs and MPPs, the Premier of Ontario and the Prime Minister of Canada.

Peter Koetsier
Mayor

Pilon, Janet

Subject: Vacant property example


From: Bob Berberick

Sent: July 14, 2021 12:22 PM

To: Clark, Brad <Brad.Clark@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>

Subject: Vacant property example

Good Morning Mayor Eisenberger and Councillors

I want to give you a visual of the reason that I think a vacant property tax is needed. 

The property in this photo has been like this for at least 10 years, likely 14 years or more. Years ago, I went to City Hall to find out who owns it, and was shocked to learn that it was registered to a Hamilton household. I have no idea if ownership has changed, but I doubt it.

It is a breeding ground for vermin and other unwanted pests. It is also common to see garbage strewn on the property. If I owned a house nearby, why would I want to look after my property when I have an ugly (even possibly dangerous) filthy uncared for property next door.

Ask yourself why a property owner would retain property like this?

Why would the City of Hamilton want to continue to allow this to occur here or anywhere else in the city?

I don't know when a vacant property tax is coming to your attention; but please, please take this into consideration when reviewing a policy. I know that this is not an isolated incident that you would not like to have in your neighbourhood.

Bob Berberick

(Sometimes the boss)



Pilon, Janet

Subject: Distribution of the NPCA Water Quality Summary Report for the Year 2020 to Member Municipalities

From: Grant Bivol <gbivol@npca.ca>

Sent: July 15, 2021 4:23 PM

To: clerk@hamilton.ca; Ann-Marie.Norio@niagararegion.ca; eeichenbaum@haldimandcounty.on.ca; billmatson@niagarafalls.ca; clerk@thorold.ca; clerk@welland.ca; clerk@westlincoln.ca; ptodd@notl.org; WKolasa@wainfleet.ca; jkirkelos@lincoln.ca; cschofield@forterie.ca; skim@grimsby.ca; hwillford@pelham.ca; cityclerk@portcolborne.ca; bdunk@stcatharines.ca

Subject: Distribution of the NPCA Water Quality Summary Report for the Year 2020 to Member Municipalities

Dear Mr./Madam Clerk;

At the June 18, 2021 meeting of the Niagara Peninsula Conservation Authority's Board of Directors, the following Resolution No. FA-124-2021 was presented and carried:

Resolution No. FA-124-2021

Moved by Member Ingrao

Seconded by Member Kawall

1. **THAT** Report No. FA-38-21 RE: Water Quality Monitoring Program Summary Report for the Year 2020 **BE RECEIVED**.
2. **THAT** the actions highlighted in the report to inform municipalities, stakeholders, and the public about the report findings and best practices to improve local water quality **BE IMPLEMENTED**.
3. **AND FURTHER THAT** a copy of this report **BE CIRCULATED** to municipalities, Ministry of Natural Resources and Forestry (MNR), Ministry of the Environment and Parks (MECP) and the Federal Ministry of Environment and Climate Change Canada (ECCC).

CARRIED

As such, I am pleased to provide:

- a) A link to Board Report No. FA-38-21 RE: Water Quality Monitoring Program Summary Report for the Year 2020 and the associated presentation: https://npca.ca/images/uploads/board_files/FA_Meeting_Agenda_Package_-_June_18%2C_2021.pdf
- b) A link to the Water Quality Monitoring Program Summary Report for the Year 2020: <https://npca.ca/watershed-health#water-quality-monitoring>
- c) The associated NPCA Water Quality Fact Sheet (attached)

At your municipality's request and convenience, the NPCA would be pleased to make a short presentation to Council and/or staff regarding the Water Quality Monitoring Program Summary Report for the Year 2020.

Sincerely,

Grant Bivol

Grant Bivol

NPCA Clerk / Board Secretariat

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor, Welland, ON L3C 3W2

Tel: (905) 788-3135 ext. 250

gbivol@npca.ca

www.npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



NPCA 2020 Annual Water Quality Monitoring Report Fact Sheet

The Niagara Peninsula Conservation Authority regularly collects and tests water samples at 80 surface water stations and 38 groundwater stations located throughout the NPCA's jurisdiction. Surface water quality samples are analysed for several indicators such as chloride, nutrients, E. coli, suspended solids, and metals.

For more information and to review the full report, scan with your smart phone



Surface Water What Did We Find?

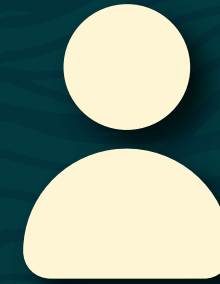


- Surface water monitoring results indicate most of the watersheds in the NPCA jurisdiction have poor water quality.
- The high levels of total phosphorus, E. coli, suspended solids, and chlorides within the surface water continue to be the major causes of poor water quality.
- The sources of these pollutants are generally from both rural areas (agricultural runoff and faulty septic systems) and urban areas (combined sewer overflows and urban stormwater runoff).
- The best water quality is found in watercourses where water is introduced from Lake Erie and the Niagara River, in watercourses with significant groundwater discharges and in watersheds with substantial natural landscapes.

Groundwater What Did We Find?



- The groundwater quality in NPCA's jurisdiction was found to be highly variable with some wells exceeding the Ontario Drinking Water Standards.
- All the Ontario Drinking Water Standards exceedances are a result of the natural conditions of the groundwater.
- Private well owners are responsible for having their well water tested regularly and to make sure that their well is properly maintained and in good condition.
- For information about private well testing, contact your municipality.



What Can You Do?

- Plant native trees, wildflowers, shrubs, and/or rainwater gardens.
- Reduce the amount of mown grass on your property.
- Reduce the amount of pesticides, herbicides and fertilizers you use.
- Conserve water by using low flow showers and toilets, high efficiency clothes washers and dishwashers.
- Install rain barrels to collect water for use around your yard.



What Can Your Community Do?

- Sponsor community clean ups to keep waste out of natural areas.
- Look for ways to expand the existing urban tree canopy.
- Reduce the amount of pesticides, herbicides and fertilizers used.

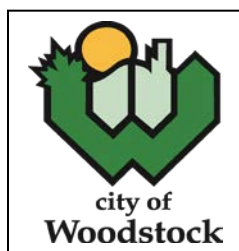


What Can Your Business Do?

- Establish a corporate volunteering program to support local initiatives such as tree plantings.
- Invest in 'greener' alternatives to current practices.
- Encourage recycling and composting in the workplace.
- Donate towards water quality and habitat improvement programs.
- Evaluate the effectiveness of environmental programs.

NPCA Restoration Grant Program

The NPCA is taking action to restore and improve water quality, wildlife habitat and forest cover across the NPCA watershed. If you have an idea for an environmental project, the NPCA welcomes you to apply for assistance through the NPCA's Restoration Grant Program. For further details, please visit the following link: npca.ca/restoration



Office of the City Clerk
Woodstock City Hall
P.O. Box 1539
500 Dundas Street
Woodstock, ON
N4S 0A7
Telephone (519) 539-1291

July 16, 2021

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Via email premier@ontario.ca

At the regular meeting of Woodstock City Council held on July 15, 2021, the following resolution was passed:

“WHEREAS the current affordable housing crisis in Canada and the quality of life implications caused by addiction, drug and opioid use, and mental health issues are impacting communities in Canada and around the world;

AND WHEREAS citizens in many communities are alarmed by the increase in homelessness, needles discarded in public spaces, visible signs of illegal activities, and are disillusioned with the justice system response;

AND WHEREAS policing and the justice system is not the solution to homelessness and addiction or an effective use of public funds;

AND WHEREAS Public health initiatives and programs aimed at addiction are provided by multiple Ministries and agencies and are clearly inadequate and new long-term solutions are required;

AND WHEREAS many of the programs and attempts from different agencies, government organizations, and Ministry service providers have created a disjointed delivery system;

NOW THEREFORE BE IT RESOLVED that Woodstock City Council calls on the Honourable Doug Ford, Premier of Ontario to bring together the Ministry of the Attorney General, the Ministry of Health, the Ministry of Municipal Affairs and Housing, and the Ministry of Children, Community and Social Services to immediately work together on both short and long term solutions, complete with funding, to take proper responsibility and action to address the affordable housing, homelessness, and addictions crisis;

AND FURTHER that this resolution be circulated to the Honourable Ernie Hardeman, Oxford MPP; the Association of Municipalities Ontario; and all Ontario municipalities.”

Yours Truly,



Alysha Dyjach, Deputy City Clerk

Cc via email:

- The Ministry of the Attorney General - attorneygeneral@ontario.ca
- The Honourable Christine Elliott – Minister of Health - christine.elliott@ontario.ca
- The Honourable Steve Clark – Minister of Municipal Affairs and Housing - steve.clark@pc.ola.org
- The Honourable Merrilee Fullerton – Minister of Children, Community and Social Services – MinisterMCCSS@ontario.ca
- The Honourable Ernie Hardeman, Oxford MPP - ernie.hardemanco@pc.ola.org
- Association of Municipalities Ontario – amo@amo.on.ca
- All Ontario Municipalities

Pilon, Janet

Subject: Thank you councilors Clark, Nann, and Wilson!

From: Rose Janson

Sent: July 13, 2021 5:24 PM

To: Clark, Brad <Brad.Clark@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; sam.medulla@hamilton.ca; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; lloydferguson@hamilton.ca; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; judy.partridge@hamilton.ca; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca

Subject: Thank you councilors Clark, Nann, and Wilson!

Dear Councilors Clark, Nann and Wilson

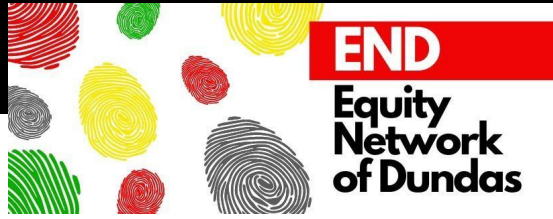
We are proud of your position in City Council last week when you stood up for taking down the Macdonald statue in Gore Park.

This showed your understanding of what Reconciliation means. We all need to listen and respect what indigenous citizens are saying, regarding the pain the presence of the statue causes them.

Thank you for your courage and wisdom!

We are grieved that the majority of councilors were so blocked, putting council process ahead of respect for indigenous peoples. Perhaps they can learn more, and then reconsider? It would be ever so much better than waiting until people lose patience and vandalize the statue.

With respect,
Rose Janson and Family



Wednesday , July 14, 2021

4.10 (b)

Attn: **Arlene VanderBeek**
City Councillor – Ward 13
Hamilton City Hall 2nd floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Sent via email to: arlene.vanderbeek@hamilton.ca
With copy to: clerk@hamilton.ca

**Re: Motion by Ward 3 Councillor N. Nann Voted Down at July 8, 2021
City of Hamilton Emergency and Community Services Committee**

Councillor VanderBeek,

The members of the Equity Network of Dundas (Ward 13) are profoundly disappointed at the failure of the motion raised by Councillor Ninder Nann (Ward 3 City Councillor), asking that the statue of Sir John A. MacDonald be removed from its position of prominence in Gore Park.

Indigenous communities have clearly communicated that the statue of the former Prime Minister causes ongoing harm and trauma to those directly affected by the Residential School System and the Indian Act. It is astonishing that the motion would not have passed with unanimous consent, especially in light of continued unearthing of Indigenous children in recent weeks.

By deferring the removal of MacDonald's likeness from Gore Park, Mayor F. Eisenberger, Councillor J. Farr, Councillor S. Merulla, Councillor C. Collins, Councillor T. Jackson, Councillor E. Pauls, Councillor J.P. Danko, Councillor M. Pearson, Councillor B. Johnson, Councillor L. Ferguson, Councillor A. VanderBeek and Councillor J. Partridge are implying to Indigenous communities that even though MacDonald called First Nations peoples "*savages*" and intended to "*kill the Indian in the child*", the City of Hamilton's councillors do not recognize the ongoing trauma.

Shrouding the statue and waiting for a Q4 review is a condescending gesture and not congruent with the demands outlined in the [Truth and Reconciliation Commission](#) (2015).

As your constituents, we cannot emphasize enough our displeasure for your lack of empathy at such a pivotal time where you have the power to acknowledge the harm and begin impactful change. We would like to commend Councillor N. Nann, Councillor M. Wilson and Councillor B. Clark for standing on the right side of history.

We request that this letter be read aloud at the next committee meeting.

Thank you,
Equity Network of Dundas



Pilon, Janet

Subject: Eid Mubarak and National Summit on Islamophobia**From:** Uzma Qureshi**Sent:** July 20, 2021 6:15 AM

To: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; bob.bratina@parl.gc.ca; Matthew.Green.p9@parl.gc.ca; filomena.tassi@parl.gc.ca; Chris Mockler <Scott.Duvall.A1@parl.gc.ca>; Taylor, Monique <Mtaylor@ndp.on.ca>; pmiller-co@ndp.on.ca; Andrea Horwath, MPP <ahorwath-co@ndp.on.ca>; sandy.shaw@ndp.on.ca; donna.skelly@pc.ola.org; david.sweet@parl.gc.ca; Frank Bergen <FBergen@hamiltonpolice.on.ca>

Cc: Ali Ghouse; Cutler, Christopher <Christopher.Cutler@hamilton.ca>**Subject:** Eid Mubarak and National Summit on Islamophobia

Good morning, respected community leaders,

May peace be upon you!

Today, Tuesday, July 20, 2021, Muslims across Canada are celebrating the most blessed Eid al Adha. It is a time to commemorate Prophet Ibrahim's devotion to God, and to spend time with community and loved ones in prayer, beautiful traditions and unity.

With the recent, horrific attacks that have taken place so close to home, this Eid will be a more sombre one.

We are grateful to you for reaching out to us after the heinous, terrorist attack on the Afzaal family in London, Ontario. A mere few weeks later, you reached out, once again, to express your concern after the Islamophobic attack, right here in Hamilton, on the wife and daughter of our dear Imam, Kamal Gurgi.

As you know, the National Council of Canadian Muslims (NCCM) had called for a National Summit on Islamophobia. This summit would engage all levels of government to take action on dismantling Islamophobia. We are grateful to the Government of Canada for recognizing the importance and urgency of these conversations and actions. The summit will be taking place this week on Thursday, July 22, 2021.

If you have received an invitation, we strongly encourage you to attend. It is only when all levels of government commit to working together that we can achieve a country that is inclusive and equitable. Kindly respond to this email, to let us know if you will be participating.

For those unable to participate, we have attached the 61 NCCM Recommendations for your review. We are asking for your endorsement and commitment to the recommendations being presented.

We trust the leadership of this great City will be supportive and show true allyship with the Muslim community.

On behalf of the Muslim Council of Greater Hamilton, Eid Mubarak!

Thank you,
Uzma Qureshi

cc: Dr. Ali T. Ghouse, President, Muslim Council of Greater Hamilton



NATIONAL
COUNCIL
OF CANADIAN
MUSLIMS

Your Voice. Your Future.

CONSEIL
NATIONAL
DES MUSULMANS
CANADIENS

Votre voix. Votre avenir.



NO
TO
HATE

JULY 19
2021

**NCCM RECOMMENDATIONS
NATIONAL SUMMIT ON ISLAMOPHOBIA**



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ABOUT US

The National Council of Canadian Muslims (NCCM) is an independent, non-partisan and non-profit organization that protects Canadian human rights and civil liberties, challenges discrimination and Islamophobia, builds mutual understanding, and advocates for the public concerns of Canadian Muslims.

We recognize that the NCCM's work takes place on the traditional territories and ancestral lands of Indigenous peoples occupied by Canada. We recognize the experiences and the contributions that First Nations, Métis, Inuit, and other Indigenous peoples have made and continue to make in strengthening our communities, provinces and country as a whole. As we work to challenge the discrimination Canadian Muslims face, we recognize that our work is interconnected with Indigenous struggles, past and present.

INTRODUCTION

More Muslims have been killed in targeted hate-attacks in Canada than any other G-7 country in the past 5 years because of Islamophobia.

This fact was in the air outside the London Muslim Mosque on June 8 of this year, when thousands of Londoners gathered in the aftermath of the terror attack that took the lives of four members of the Canadian Muslim community in an unthinkable act of Islamophobic violence.

The thousands that gathered that day were there to show their solidarity, pray, and stand with members of their community, as representatives of the London Muslim Mosque called for more than words from the politicians in attendance.

The reality is that Muslims in Canada have been here too many times.

- The Quebec City Mosque Attack.
- The killing of Mohamed-Aslim Zafis at the IMO mosque in Toronto.
- Violent attacks on racialized women wearing hijabs.
- Hateful rallies in front of mosques.
- The targeting of our communities by governments across Canada.

The list goes on.

Of course, there are many Canadians of all backgrounds who have been abiding allies of Canadian Muslim communities, and diverse communities in general. This is clear in the outpouring of support after Islamophobic incidents through messages of condolences and hope, human shields around mosques at prayer times, lawn signs to provide comfort as families go for walks, and solidarity in demanding change. Thus, while there is no doubt that we have a problem with Islamophobia in Canada, there is also no doubt that we as Canadians also have the collective will to do something about it.

While we have heard many words from politicians condemning Islamophobia and standing in solidarity with Muslims in Canada, action to tackle Islamophobia has been slow and piecemeal. It has been three years since the 2018 report by the Standing Committee on Canadian Heritage on combatting Islamophobia, and many of the recommendations have still not been implemented.

Five lives have been taken since then by Islamophobic violence in clear and vicious attacks, and numerous others have been shattered by the scourge of Islamophobia.

We cannot stand by and see any more lives lost.

Islamophobia is lethal and we need to see action now.

And action was what was called for at the vigil outside the London Muslim Mosque.

Bilal Rahall and Nusaybah Al-Azem, representing the London Muslim Mosque, called for all three levels of government to take action in solving the challenge of Islamophobia. They called for the creation of an Emergency National Action Summit on Islamophobia, bringing together all levels of government to ensure that binding policy change is brought forward.

This call was thereafter echoed by NCCM and hundreds of other organizations in Canada.





On June 11, 2021, a unanimous consent motion passed in the House of Commons that stated the following:

That, given that,

(i) Canada has been devastated over the last decade by repeated acts of violent Islamophobia, including but not exclusive to the Quebec City Mosque Attack, the IMO Mosque Attack, and the London Terror Attack,

(ii) Canada has been deeply affected by Islamophobia at a federal, provincial, territorial, and municipal level,

(iii) All political leaders at every level in government in Canada need to urgently change policy to prevent another attack targeting Canadian Muslims,

the House call on the government to convene an Emergency National Action Summit on Islamophobia to take place before the end of July 2021.

What follows are the policy recommendations we at NCCM are making to the federal government, provincial governments, and municipal governments across Canada to tackle violent and systemic forms of Islamophobia.

Islamophobia takes distinct shape at various intersections. For instance, many Muslim women experience distinctly gendered forms of Islamophobia that may stem from pre-conceived notions that Muslim women are oppressed or from seeing visible symbols of Islam such as the hijab as foreign or a menace. In a similar vein, Black Muslims experience distinct forms of Islamophobia that intersect with anti-Black racism.

With this in mind, our policy recommendations were generated after hosting consultation sessions over the past few weeks with mosques, community organizations and collectives from British Columbia to the Atlantic provinces, representing a diverse intersection of Muslims in Canada. The recommendations below represent, as closely as possible, recurring themes and submissions coming from organizations that collectively represent hundreds of thousands of Canadian Muslims, including from diverse sects within the Canadian Muslim community. The recommendations further take into account the ideas within the hundreds of submissions sent by those not affiliated with any institution, as per the Appendix.

However, we recognize that Canadian Muslims are not a monolithic body. Therefore, there may be Canadian Muslims with alternative viewpoints who will bring other recommendations forward. These voices are important – and we urge policymakers to listen to those who have alternate perspectives as well.

We have attached an Appendix with a full list of submissions and consultation notes that have informed our recommendations.

The recommendations are not numbered in order of priority because the reality is that we need a holistic approach to solving Islamophobia - from challenging Bill 21 (Recommendation 29) to creating an Office of the Special Envoy on Islamophobia (Recommendation 19) to building anti-Islamophobia strategies provincially in education (Recommendation 43) to public awareness campaigns in our cities (Recommendation 58). All are important, and we need to see action on all items.

Lastly, and most importantly, for political leaders participating in the Summit, please note the following carefully: The only metric of success for this Summit will be whether action is taken as per the recommendations laid out below and by other members of the diverse Muslim community.

We will track that metric of success by issuing:

1. A public document immediately after the Summit, highlighting initial action committed to by every level of government.
2. A joint report 60 days after the close of the Summit, highlighting which recommendations were accepted by various levels of government, and a commitment of timelines to making those recommendations pass into policy.

It is time for action.

See our calls for action below.

A black and white photograph of a woman wearing a hijab, speaking into a microphone. The image is partially obscured by a red box in the bottom right corner containing the number 06.

06



ABBREVIATED LIST OF **RECOMMENDATIONS**



FEDERAL RECOMMENDATIONS

- 01** Legislative review of the Canadian Human Rights Act (CHRA): As legislation is now being introduced to provide a civil remedy within the CHRA, there must be a comprehensive legislative review of the CHRA as part of an overall renewal of how Canada deals with modern forms of Islamophobia and hate, particularly in the digital space, while ensuring and protecting Canadians' freedoms to legitimately criticize various ideologies, state actions, and religious praxis.
- a. A review is especially important in order to update how the Canadian Human Rights Commission functions, and to ensure that ordinary Canadians without a legal background can take advantage of newly introduced remedies to online hate.
 - b. Commit to introducing a social media regulator with a special focus on ensuring that civil liberties are protected.
- 02** Designated funding for a National Support Fund for Survivors of Hate-Motivated Crimes: The funding program should cover expenses incurred by survivors as a result of the hate-motivated incident or attack. The funding must include eligible expenses such as paramedical services (physiotherapy etc.), medical treatment and equipment, mental health treatment and supports, as well as loss of earnings. Applications for funds or their release should be readily available in the immediate aftermath of an attack when survivors need it most. Funding should not be contingent on a final criminal sentence being rendered.
- 03** Legislation should be introduced to implement provisions that place any entity that finances, facilitates, or participates in violent white supremacist and/or neo-Nazi activities on a list of white supremacist groups, which is separate and distinct from the terror-listing provisions. We note that this option has been endorsed by at least one of the major federal parties.
- 04** Study of the failure of national security agencies to deal with white supremacist groups: Such a study should include:
- a. An investigation into whether national security agencies have unduly deprioritized the study of white supremacist groups. Specifically, such a study could point towards disparities in resources and funding have been put towards surveilling Indigenous, Black, and Muslim communities in contrast to white supremacist groups in Canada;

FEDERAL RECOMMENDATIONS

- b. A study of the degree of white supremacist permeation of our national security agencies. Even as the proliferation of banned white supremacist groups into our armed forces has become common knowledge, we need to examine the degree to which CSIS, CSE, and the RCMP themselves have been permeated by white supremacists. This is especially germane given numerous allegations and lawsuits of disturbing racist, xenophobic, and Islamophobic practices being tolerated at CSIS; and
- c. An analysis of why national security agencies do not release disaggregated data about how many of those surveilled belong to racialized communities.

05

Criminal Code Amendments: Introduce free-standing provisions in the Criminal Code around hate-motivated assault, murder, threats, and mischief that include specific penalties corresponding to each infraction respectively, and with an eye to potential diversionary measures;

06

Establish dedicated prosecutorial units for prosecuting hate-motivated crimes; and

07

Remove requirement for Attorney General's consent: The Attorney General's consent is currently required to begin any prosecution for the willful promotion of hatred and genocide. This is a uniquely high bar that should be abolished. The same should go for any future free-standing provision(s) around hate-motivated crimes.

08

The Security Infrastructure Program (SIP) Reform: The SIP should become rebate based, where mosques and community organizations under threat can make the relevant security upgrades needed, and then retroactively receive a rebate for the upfitting under a two-step process;

09

SIP should allow for institutions to receive up to 90% of eligible expenditures, up to a maximum of \$80 000, for securitization projects; and

10

SIP should also be broadened to allow for mosques to host broader community-building safety initiatives.

FEDERAL RECOMMENDATIONS

- 11** A federal Anti-Islamophobia Strategy by year end, including:
- A clear definition of Islamophobia, informed by robust community consultations, to be adopted across government;
 - Funding anti-Islamophobia work including research, programs, and education;
 - Develop anti-Islamophobia public education campaigns to drive down Islamophobic sentiments in Canada; and
 - Committing to the recommendations brought forward at the National Summit on Islamophobia with added consideration to implementing the previous recommendations brought forward by the Heritage Committee.
- 12** Commit to a full legislative review of the CHRA, with a specific focus on:
- Access to the Commission for complainants;
 - The role of the Commission in studying the impact of hate as proliferated across conventional media and social media;
 - The potential introduction of a public-interest based defamation fund for Canadians who are smeared on the basis of hate; and
 - Protecting the right of Canadians to engage in critique of foreign governments.
- 13** CVE Reform: Until there is a coherent set of policies enshrined to prevent the profiling and mass surveillance of our communities, pause the mandated “Countering Violent Extremism” programs at the federal level, and require Public Safety Canada to develop out a new program in consultation with racialized communities for broader public safety.
- 14** CRA Reform: Suspend the Canada Revenue Agency’s (CRA) Review and Analysis Division (RAD) pending review of Canada’s Risk-Based Assessment model and its National Strategy to combat extremism and radicalization;
- 15** Suspend discretionary use of revocation power where anti-terrorism financing or counter-radicalization policies inform the audit;
- 16** Enhance transparency between the CRA’s Charities Directorate and charities audited under suspicion of terrorism financing and/or radicalization; and
-

FEDERAL RECOMMENDATIONS

- 17** Provide anti-bias training and greater guidance to government officers and regularly assess whether their discretionary decisions are biased based on race or religious affiliation.
- 18** Establish a new oversight body specifically for the CBSA, which includes:
- a. Routine and comprehensive diversity, equity and inclusion reviews of the CBSA. These reviews must be conducted by the oversight body and include recommendations for improvement and timelines for implementation;
 - b. In addition to addressing complaints about on-duty CBSA officers, ensure that CBSA officers who engage in misconduct in an off-duty capacity can be investigated by the oversight body;
 - c. As complainants may be afraid to file complaints to the oversight body, ensure civil society organizations have standing to make complaints;
 - d. Ensure that the oversight body can hear complaints regarding CBSA policies and procedures, including detention;
 - e. Require the CBSA to implement the recommendations made by the oversight body;
 - f. Clarify the remedies and penalties available; and
 - g. Include language in the Act on zero tolerance for racial discrimination at the CBSA. Currently, while there is a policy active against racial discrimination at the CBSA, there exists no "zero tolerance" provision in legislation.
- 19** Immediately fund the creation of an appropriately funded Office of the Special Envoy on Islamophobia.
- 20** Media Representation: Incentivize production of Muslim stories, told by Canadian Muslims, through designated funding in the Canada Media Fund, Telefilm, the National Film Board, and provincial and municipal grants for arts and media;
- 21** Allocate a multi-million-dollar fund through the Anti-Racism Secretariat or the Ministry of Heritage for Canadian Muslim artists and community organizations to facilitate grassroots storytelling, visual and oral history projects, and building community archives; and
-

FEDERAL RECOMMENDATIONS

- 22** Commit to robust consultation with Canadian Muslim storytellers, artists, filmmakers and content creators to guide the allocation of funds and build capacity.
- 23** Allocate dedicated funding, in consultation with Muslim communities, for the study of Islamophobia through the Social Sciences and Humanities Research Council including creating related funding for:
- a. Tier 2 Canada Research Chairs;
 - b. Post-doctoral fellowships; and
 - c. Research grants.
- 24** Arising from the Treasury Board Secretariat (TBS) review, a zero-tolerance rule for Islamophobic practices be enshrined across government; and
- 25** Commit to changes in the Access to Information and Privacy (ATIP) regime as per concerns raised about scope of secrecy and timeliness of the process.
- 26** GBA+ Reform: Review and provide an update as to how many self-identifying Canadian Muslims are employed in the federal public service, and whether they are in low-level jobs or higher executive positions;
- 27** Review as to whether the GBA+ lens has appropriately balanced an intersectional approach in integrating members of diverse communities, including members of Canada's Muslim community, into the workforce; and
- 28** Adopt Recommendation 12 & 13 of the Heritage Committee Report so as to ensure that policies, programs and initiatives in the federal public sector are approached from an intersectional lens.
- 29** Bill 21: Attorney General intervention in all future cases challenging Bill 21 before the courts; and
- 30** Create a fund to help those affected by Bill 21 have a degree of financial security until the legislation is struck down. This is not a transition-plan fund; for no Quebecer should have to change their chosen vocation because of discrimination. This federal fund is to provide assistance while the court challenge is pending.
-

FEDERAL RECOMMENDATIONS

- 31** Mandate in regulation that anti-Islamophobia training becomes mandatory continuing education for all judges.
 - 32** New directives should be brought forward to make clear that the intentional violation of the duty of candour has, at minimum, consequences for the Director of Canadian Security Intelligence Service (CSIS). The Minister of Public Safety should require the resignation of the Director of CSIS for any violations of the duty of candour.
 - 33** Global Affairs Canada commits to challenging Islamophobia globally;
 - 34** Provide direction to all agencies to cease the usage of biased and inherently fallacious sources produced by the Islamophobia industry; and
 - 35** Through the Special Envoy, or through another body, conduct audits across agencies like the CBSA and CSIS to determine whether biased, Islamophobic, or other fallacious guides are utilized in decision-making processes.
-

PROVINCIAL RECOMMENDATIONS

- 36** Institute a provincial Hate Crimes Accountability Unit in all provinces;
 - 37** Make Hate Crimes Accountability Units responsible for providing guidance on appropriate penalties for police officers or officers who discourage reporting; and
 - 38** Through Hate Crimes Accountability Units, build out methodologies for third-party reporting.
 - 39** Legislative change to empower relevant registrars to prevent white supremacist groups from registering as a society.
 - 40** Review existing legislation, and pass legislation that prohibits violent white supremacist rallies on provincial property, while paying careful attention to ensure that the legislation is not overbroad and does not limit freedom to dissent.
-

PROVINCIAL RECOMMENDATIONS

- 41** Provinces mandate municipalities to pass bylaws to combat and deter street harassment; and
- 42** Periodic review of bylaw enforcement, including stakeholder consultation, to ensure that the municipal bylaws are effective in addressing street harassment and to not do further damage to vulnerable communities.
- 43** Anti-Islamophobia strategy in education: Ministries of Education should work with school boards, in consultation with local Muslim communities, to develop anti-Islamophobia strategies that are responsive to local contexts and speak to broader issues of Islamophobia. Such strategies should be based on quantitative and qualitative data on student voice and representation in staffing, and should include consideration of the following:
- a. Review and reform of curriculum that relates to Islam and Muslims;
 - b. Development of curriculum, resources and programs that affirm Muslim identities and include nuanced representations of Islam and Muslims;
 - c. Audits of adequacy of religious accommodations for Muslim students and staff and recommendations for change where necessary;
 - d. Anti-Islamophobia trainings and educational opportunities (such as the [Green Square](#) campaign and the National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia) for students, educators and staff;
 - e. Clear, accessible and effective complaints mechanism, including mitigation strategies for fears of reprisal, for students and staff who have experienced Islamophobia and racism; and
 - f. Culturally-responsive resource development for student well-being that addresses mental health needs and trauma supports for Muslim students.
- 44** All provinces should adopt the recommendations of the Tulloch Report during reviews of policing acts.
- 45** Establish (as needed) and ensure provincial Anti-Racism Directorates are well-funded and well-resourced in consultation with local communities.
- 46** Establish anti-racism councils or panels across provinces that represent a diverse intersection of community voices, including Muslims, to tackle some of the most immediate challenges communities are facing in tackling racism locally.
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PROVINCIAL RECOMMENDATIONS

- | | |
|-----------|---|
| 47 | Make Foreign Qualification Recognition/Foreign Credential Recognition a central mandate requirement for Ministries of Labour to achieve across provinces. |
| 48 | Recruit minorities, including Muslims, into Agencies, Boards, and Commissions. |
| 49 | Allocate funding to ensure that human rights commissions can decrease wait times, increase access, and provide needed education; and |
| 50 | Extend limitation periods for human rights complaints to 5 years (to take into account the trauma victims face), while allowing a claimant to seek an extension to the limitation period if the claimant has extenuating circumstances reasonably demonstrating why they were unable to file a formal human rights complaint within the 5-year limitation period. |
| 51 | Provinces should conduct regular polls to determine the state of racism and Islamophobia in their particular province, and to determine the relevant aspects of Islamophobic sentiment. |
| 52 | Ensure that settlement services are appropriately funded so that newcomers have the necessary opportunities to succeed in Canada; and |
| 53 | Ensure that social services agencies are mandated to provide regular training on anti-racism and anti-Islamophobia for frontline staff. |
| 54 | Provide funding to organizations supporting racialized youth navigating turbulent times through education and other forms of support. |
-

MUNICIPAL RECOMMENDATIONS

- 55** Pass municipal street harassment bylaws that are proportional and constitutional, such as the approach now being adopted in Edmonton after an NCCM initiative. Bylaws should also address clearly hateful verbal assaults and give authorities the ability to ticket and fine when necessary.
- 56** Municipalities provide dedicated funding for local community-based anti-Islamophobia initiatives.
- 57** Mayors should build Anti-Islamophobia Advisory Councils/Circles while ensuring that there is appropriate representation of diverse local Muslim communities.
- 58** Municipalities dedicate specific funding for anti-Islamophobia public awareness campaigns.
- 59** Invest in celebrating the history of local Canadian Muslims and initiatives through a concrete program that brings these figures and names to the forefront of local-level recognition. Municipalities should fund events and spaces where their accomplishments are celebrated in a way that clearly shows that Muslims have made real contributions to Canadian society and are far from the violent caricatures that constantly make the news.
- 60** Redirect funding towards alternative measures to policing in municipal budgets.
- 61** Develop models for training young Muslim leaders for the future such as the Youth Fellowship program in Toronto.
-



FEDERAL GOVERNMENT

VIOLENT ISLAMOPHOBIA

- 18 Online Hate
- 20 National Victims of Hate Support Fund
- 21 New Legislation on Listing White Supremacist Groups
- 22 Study of the Failure of National Security Agencies to Deal with White Supremacist Groups
- 24 Amendments to the Criminal Code to more effectively deal with White Supremacist Groups
- 26 Changing the Security Infrastructure Program

SYSTEMIC ISLAMOPHOBIA

- 28 Release an Islamophobic Strategy by End of 2021
- 29 Legislative Review of Canadian Human Rights Act to Improve the Functioning of the Commission
- 31 Review and Revise Canada's Approach to Countering Violent Extremism (CVE) and Counter-Terrorism Tactics
- 33 CRA Reform
- 35 New Oversight Bill for the Canada Border Services Agency
- 37 Establish an Office of the Special Envoy on Islamophobia
- 38 Empowering Canadian Muslims to Tell Their Own Stories
- 39 Allocate Funding for Research on Islamophobia
- 40 Enshrine Zero Tolerance for Islamophobia Across Government Departments
- 41 Going Beyond GBA+ in the Federal Public Service
- 43 Bill 21
- 44 Require Anti-Racism Training for Judges
- 45 New Legislation Penalizing CSIS for Misleading Public Institutions
- 46 Further to the Christchurch Declaration, the Government of Canada Must Champion an International Anti-Islamophobia Strategy

ONLINE HATE



During the sentencing of Alexandre Bissonnette who killed six Muslim worshippers in Quebec City in 2017, Justice Francois Huot [indicated](#) that the convicted mass murderer consulted multiple anti-Muslim online sources before the attack. Bissonnette accessed racist content on YouTube, Facebook, and he was consulting #MuslimBan on Twitter before the attack. There is no clearer evidence of the existential threat presented by the dangers of online hate to the Canadian Muslim community and to Canadians in general.

In 2016, media research company Cision [documented](#) a 600% rise in the amount of intolerant and hate speech in social media postings between November 2015 and November 2016. Their study focused on the usage of hashtags like #banmuslims and #sieghel. According to a 2019 survey by Leger Marketing, 60% of Canadians report having seen hate speech on social media, and 62% of Quebecers stated that they had seen hateful or racist speech on the internet/social media in relation to Muslims.

There is far more empirical data demonstrating this point than can be adequately condensed into these recommendations.

Recent research on how Canadian hate groups utilize online platforms, including social media platforms, demonstrates that white supremacist and online hate groups use online platforms to create an “enabling environment”. Groups like the Soldiers of Odin (founded by a neo-Nazi), Pegida Canada, and other organizations routinely used Twitter and Facebook as organizing tools and to spread misinformation and hate about Canadian Muslims.

Examples abound relating to the continued and real-life impact of online hate against local Muslim communities. The Fort McMurray Mosque, for instance, has faced numerous threats online for years, including most recently after the 2019 Christchurch mosque massacres in New Zealand. Some Facebook users called for the Fort McMurray Mosque to be [burned down and blown up](#).

To our knowledge, while the RCMP did investigate these clear instances of online hate speech, potentially breaching the Criminal Code, no charges were laid.

A recent [report](#) estimates that more than 6,600 far-right extremist social media pages, groups, and accounts based in Canada reached approximately 11 million users worldwide from 2017-19. According to the study, such anti-Muslim rhetoric spiked during and in the immediate aftermath of the Christchurch-mosque massacres.

Given the status quo, we need to look for deep and meaningful changes that are attuned to the modern contours of hate in Canada and ensure that our legislative frameworks are equipped to keep up with a quickly evolving digital landscape.

We are mindful that the federal government has already committed to introducing new legislation that will bring in a social media regulator, and that [new legislation has already been introduced](#) that will bring back a civil remedy for those who suffer online hate. These are important commitments. As the social media regulator is being introduced, it is critical to ensure that regulatory changes being brought forward are balanced, respectful of civil liberties, and protect freedom of expression – including the freedom to critique any country’s foreign policy, for example.

Furthermore, any changes must be premised on principles of ensuring access for complainants, and of a balanced approach that weeds out vexatious complaints and protects civil liberties.

RECOMMENDATION

1. Legislative review of the Canadian Human Rights Act (CHRA): As legislation is now being introduced to provide a civil remedy within the CHRA, there must be a comprehensive legislative review of the CHRA as part of an overall renewal of how Canada deals with modern forms of Islamophobia and hate, particularly in the digital space, while ensuring and protecting Canadians’ freedoms to legitimately criticize various ideologies, state actions, and religious praxis.
 - a. A review is especially important to update how the Canadian Human Rights Commission functions, and to ensure that ordinary Canadians without a legal background can access newly introduced remedies to online hate.
 - b. Commit to introducing a social media regulator with a special focus on ensuring that civil liberties are protected.



NATIONAL VICTIMS OF HATE SUPPORT FUND

Hate-motivated crimes have spiked in Canada over the past decade. Sadly, victims of hate-motivated crimes – whether from Asian, Muslim, Indigenous, LGBTQ2S+, Black, or Jewish communities - face significant financial burdens related to accessing mental health treatment, physiotherapy, medical treatment, and other services after enduring traumatic events. Alongside coping with both physical and psychological trauma, survivors of hate-motivated crimes often find themselves facing significant financial expenses on the path to recovery. For many, this means that they are unable to afford taking steps to recovery at all.

We have heard from many community leaders that there is a major gap; victims of hate are further made to bear financial burdens related to rehabilitation and recovery.

Provincial supports for victims of crime vary widely and are often inaccessible and oversubscribed. This is why, for instance, a [report](#) by the Ontario Hate Crimes Community Working Group found that the services provided by Ontario Victims Services, “are inadequate to meet the specific needs of communities and victims in regard to hate crimes and hate incidents.”

Given the challenges faced by communities today, we need to see a federal program that harmonizes existing provincial supports and provides a specialized fund that offers widespread coverage. This funding must support and expand provincial victim support programs that already exist, and in some provinces (like Alberta) no longer exist at all. The fund should exist as a modality to help make survivors of hate-motivated crimes whole again.

RECOMMENDATION

2. Designated funding in the Federal Budget for a National Support Fund for Survivors of Hate-Motivated Crimes: The funding program should cover expenses incurred by survivors as a result of a hate-motivated incident or attack. The funding must include eligible expenses such as paramedical services (physiotherapy etc.), medical treatment and equipment, mental health treatment and supports, as well as loss of earnings. Applications for funds or their release should be readily available in the immediate aftermath of an attack when survivors need it most. Funding should not be contingent on a final criminal sentence being rendered.



NEW LEGISLATION ON LISTING VIOLENT WHITE SUPREMACIST GROUPS

We welcome the recent listing of violent white supremacist extremist groups on Canada's official list of terrorist organizations and entities such as Combat 18, the Proud Boys, The Base, Russian Imperial Movement, Atomwaffen Division, Aryan Strikeforce and the Three Percenters. The banning of these groups degrades their abilities to organize to incite and commit acts of violence.

However, there are several groups that appear not to meet the threshold of a terrorist entity but are key actors in facilitating and participating in violent white supremacist or neo-Nazi activities in Canada that pose a threat to racialized communities.

Groups like the Soldiers of Odin – which was founded by a neo-Nazi – may not currently meet the threshold of being listed as a terrorist entity, but endanger communities by patrolling and surveilling mosques, or assaulting anti-racism protestors at rallies.

We do not recommend expanding the reach of anti-terrorism legislation.

Rather, a new methodology where government can clearly track, label, and dismantle white supremacist groups is necessary and urgent for public safety.

RECOMMENDATION

3. Legislation should be introduced to implement provisions that place any entity that finances, facilitates, or participates in violent white supremacist and/or neo-Nazi activities on a list of violent white supremacist groups, which is separate and distinct from the terror-listing provisions. We note that this option has been endorsed by [at least one of the major federal parties](#).



STUDY OF THE FAILURE OF NATIONAL SECURITY AGENCIES TO DEAL WITH WHITE SUPREMACIST GROUPS

As suggested by leading experts, white supremacist hate groups have recently expanded and [proliferated](#) throughout Canada, growing from about 100 groups in 2015 to roughly 300 groups by 2021.

The deadly escalation in Islamophobic attacks in recent years deserves closer scrutiny, particularly when it comes to whether our security agencies have been able to effectively deal with white supremacist hate groups – all while disproportionately profiling Canadian Muslims.

That Canada is now the site of two of North America’s worst anti-Muslim mass murders – the London terror attack and the Quebec City Mosque massacre – suggests that there have been system failures to prevent violent Islamophobic attacks.

In other words, we suggest that Canada’s national security agencies have been more preoccupied with profiling Canadian

Muslims than those who are harming and killing them. Director David Vigneault [acknowledged](#) that the Canadian Security Intelligence Service (CSIS) has major problems with systemic racism and harassment, stating, “Yes, systemic racism does exist here, and yes there is a level of harassment and fear of reprisal within the organization.” An ex-CSIS operative further argued that “CSIS should have seen Alexandre Bissonette coming...He was online. He was contributing to discussions with far-right organizations.” There have also been various reports of Muslim CSIS employees formally raising disturbing cases of overt discrimination and Islamophobia against them.

Beyond CSIS, there have been reports of white supremacist and Islamophobic incidents in other federal agencies, such as the Canadian Armed Forces, who are charged with the responsibility of keeping Canadians safe. An internal report at the Canadian Armed Forces revealed that several members of the armed forces were

associated with white supremacist and neo-Nazi groups such as the Proud Boys and Atomwaffen – groups that have recently been listed as terrorist entities.

Muslim communities across the country have shouldered the consequences of public safety failures and are calling for a parliamentary study that investigates and identifies shortcomings in our current public safety approach.

RECOMMENDATION

4. Study of the failure of national security agencies to deal with white supremacist groups. Such a study should include:

- a. An investigation into whether national security agencies have unduly deprioritized the study of white supremacist groups. Specifically, such a study could point towards disparities in resources and funding have been put towards surveilling Indigenous, Black, and Muslim communities in contrast to white supremacist groups in Canada;
- b. A study of the degree of white supremacist permeation of our national security agencies. Even as the proliferation of banned white supremacist groups into our armed forces has become common knowledge, we need to examine the degree to which CSIS, the Communications Security Establishment (CSE), and the Royal Canadian Mounted Police (RCMP) themselves have been permeated by white supremacists. This is especially germane given numerous allegations and lawsuits of disturbing racist, xenophobic, and Islamophobic practices being tolerated at CSIS; and
- c. An analysis of why national security agencies do not release disaggregated data about how many of those surveilled belong to racialized communities.

AMENDMENTS TO THE CRIMINAL CODE TO MORE EFFECTIVELY DEAL WITH HATE-MOTIVATED CRIMES

CENTURY PARK

4:50
Wed, Feb 24

(Edmonton Southgate Mall – the site of an [attack](#) in December 2020. A mother and daughter who identify as Black Muslim women who wear hijab, were viciously beaten by two individuals who also smashed the windows of their vehicles).

Since 2015, there has been an [upward trend](#) in police-reported hate crimes. Canada went from 1,362 hate crimes reported in 2015 to 1,946 in 2019. While Canadian Muslims account for 3% of Canada's population, they account for an average of 11.6% of victims of police-reported hate crimes over the five-year period. Statistics Canada further notes that hate-motivated crimes are significantly under-reported – nearly two thirds of hate-motivated crimes go unreported. Despite under-reporting, police-reported hate crimes [spiked](#) by 47% in 2017 and kept growing for at least two years, including an increase in anti-Muslim hate crimes by an alarming 151% in 2017, the year of the Quebec City mosque massacre.

Hate-motivated crimes have particularly devastating effects. They make entire communities feel unsafe. [Research](#) suggests that survivors of hate-motivated crimes suffer psychological injuries that survivors of non-hate-motivated crimes do not. Additionally, hate-motivated crimes are becoming a growing public health crisis with an increase in attacks on Muslim, Asian, Black, Indigenous, and other minority communities.

Amending the Criminal Code by introducing a free-standing provision around hate-crimes is critical to fill several gaps.

Most Canadians do not realize that there is no specific legal provision that deals with what many colloquially call a “hate crime.” That means that if an individual walks up to another person on the street and assaults them while yelling racial epithets, and it is determined that the attack was indeed hate-motivated, there is no specific “hate crime” section of the Criminal Code that the offender would be charged with as such.

As the courts [have noted](#), the phrase “hate crimes” leaves the impression that the law criminalizes acts motivated by hate or the outright expression of racist hate. It does neither.

Rather, hate is generally looked at in sentencing under section 718.2(a)(i) of [the Criminal Code](#), which notes that it would be a potentially aggravating factor if the offence was motivated by, “bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor.”

There are also hate speech provisions of the Criminal Code, but these clearly do not canvass the kind of scenario laid out above.

First, we suggest that through the creation of free-standing provisions, hate-motivated crimes could be treated as indictable offenses, in the same way that aggravated assault is an indictable offense. Therefore, stronger penalties could be invoked. Secondly, charging individuals under hate-motivated provisions sends a strong signal that encourages denunciation and deterrence, but that also provides new tools and approaches.

In contrast to the existing Canadian approach to hate crimes and to Parliament's codification of it, other [jurisdictions](#) take a stronger approach in dealing with hate crimes. In Wisconsin, for example, The Wisconsin Hate Crimes Act mandates a penalty enhancement provision for hate-motivated crimes. This provision has [survived constitutional scrutiny](#) in the United States.

Furthermore, beyond penalty-enhancing provisions at sentencing, by 1991, over [28 states had passed legislation](#) akin to an offence of hate-motivated intimidation, which relates to specific charges.

We must be cautious, of course, to assume that strengthening our Criminal Code will eliminate hate crimes. It will not. We must also be cognizant that criminalization can often have disproportionate effects on racialized communities. We encourage policymakers to also take seriously the concern that many in our communities have around the general utility of criminalization and carceral institutions in response to hate. Therefore, we also suggest that a new provision on hate crimes should premise within it a commitment to a diversionary system that allows for alternate restorative justice models for offenders and a commitment to review and study to ensure that the system works in a fair and just manner.

A new standing provision is, however, an important tool to consider that allows for those who commit hate-motivated offences to be adequately charged and prosecuted.

RECOMMENDATION

5. Introduce free-standing provisions in the Criminal Code around hate-motivated assault, murder, threats, and mischief that include specific penalties corresponding to each infraction respectively, and with an eye to potential diversionary measures;
6. Establish dedicated prosecutorial units for prosecuting hate-motivated crimes; and
7. Remove requirement for Attorney General's consent: The Attorney General's consent is currently required to begin any prosecution for the willful promotion of hatred and genocide. This is a uniquely high bar that should be abolished. The same should go for any future free-standing provision(s) around hate-motivated crimes.

CHANGING THE SECURITY INFRASTRUCTURE PROGRAM

The spike in mosque attacks and vandalism throughout Canada in recent years have triggered calls for funding programs to help prevent acts of violence being visited upon Muslim places of gathering, businesses, and community spaces. The Security Infrastructure Program (SIP) has generally been a positive initiative to this end. While it should not be needed, SIP is an important measure that allows religious communities to protect themselves. NCCM was also pleased to advocate successfully for the list of eligible expenditures under SIP to be expanded to include basic training for staff to respond to hate-motivated incidents.

However, changes need to be brought in to make it easier for mosques to apply for SIP funding, and for mosques to be able to apply prophylactically before something bad happens.

Right now, programs in place allow Muslim organizations to apply for funding to shore up their security measures. However, applicants must demonstrate that they, “are at risk of being victimized by hate-motivated crime.” Typically, given that there are more applicants than there is funding, applicants demonstrate that



(April 5, 2021 - Montreal mosque, the Centre Communautaire Islamique Assahaba, targeted by a mask man firing an air gun at the windows of the masjid)

risk by showing how they have already been attacked before. In addition, SIP application processes are long and arduous, typically requiring multiple letters of support, multiple security quotes, floor plans, and much more. Once the application process is complete, applicants still must wait for months before being approved.

What that means practically is that communities that need funding urgently for protection often cannot get access to the program that is meant to protect them.

Another significant challenge is that communities under siege do not receive full funding under SIP – rather, approved projects may receive up to 50% of the total project. We were told in consultations that

the institutions that often receive the most threats are sometimes the least able to secure the other 50% required. We recommend that the coverage of SIP is expanded.

Lastly, security for local communities means more than building fences. This was recognized in recent changes that allowed for volunteers to be trained, for example, in responding to active-shooter drills. We are recommending that SIP be further expanded to allow for communities under siege to host bystander-intervention trainings, community meetings, and gatherings with their neighbours.

Good fences do not necessarily make good neighbors; and many Canadian Muslims believe that their long-term safety needs require strong relationships with their neighbors. Increasing the capacity of communities to engage positively with their neighbours is critical.

A broad-based set of voices have called for funds from all levels of government to be geared more towards a more holistic approach to prevention. Muslim organizations, aided by their elected officials, law enforcement partners, or another trusted third party, should be able to apply and secure funding for safety reasons to prevent the worst from happening.

RECOMMENDATION

8. The SIP program should become rebate based, where mosques and community organizations under threat can make the relevant security upgrades needed, and then retroactively receive a rebate for the upfitting under a two-step process;

9. SIP should allow for institutions to receive up to 90% of eligible expenditures, up to a maximum of \$80 000, for securitization projects; and

10. SIP should also be broadened to allow for mosques to host broader community-building safety initiatives.

RELEASE AN ISLAMOPHOBIA STRATEGY BY END OF 2021

The federal Anti-Racism Strategy is set to expire this year. Our community members have long felt that a dedicated strategy focused on Islamophobia is needed.

This is even more urgent given that Canada is now, as mentioned, the site of North America's two worst Islamophobic mass murders. This is a deeply confronting fact that also represents the culmination of a long-standing trend of pervasive Islamophobia not only on the fringes but mainstream public discourse as well.

Combatting this pervasive discourse requires a multi-pronged strategy focused on reducing Islamophobic attitudes in Canada. The federal government's [campaign against tobacco usage](#), which aims to reduce tobacco usage from 15% to 5% by 2035, is an example of how federal campaigns in the public interest can be structured in holistic ways.

It is time to develop and publicly release a federal Anti-Islamophobia Strategy that puts forward a roadmap for ending violent and systemic Islamophobia.

Such a strategy must also take into account how Islamophobia manifests at various intersections of gender, race, and socio-economic stratifications.

RECOMMENDATION

11. A federal Anti-Islamophobia Strategy by year end, including:
 - a. A clear definition of Islamophobia, informed by robust community consultations, to be adopted across government;
 - b. Funding anti-Islamophobia work including research, programs, and education;
 - c. Develop anti-Islamophobia public education campaigns to drive down Islamophobic sentiments in Canada; and
 - d. Committing to the recommendations brought forward at the National Summit on Islamophobia with added consideration to implementing the previous recommendations brought forward by the Heritage Committee.



LEGISLATIVE REVIEW OF THE CANADIAN HUMAN RIGHTS ACT TO IMPROVE THE FUNCTIONING OF THE COMMISSION

In relation to our aforementioned recommendations regarding a legislative review of the CHRA, the review should also consider how to improve the Canadian Human Rights Commission in order to aid claimants and issue penalties.

So much has changed in Canada over the last twenty years since the CHRA was last reviewed – especially in our approach to human rights and in our understanding of the complex web of remedies and approaches in challenging human rights violations domestically. For this reason alone, it is important to update Canada’s guiding human rights statute and modernize it appropriately.

We believe this is especially necessary to ensure that the Commission is fulfilling its mandate of study, education and access, which remain a challenge for the Commission.

In updating the CHRA to keep up with the changing world of online hate and various forms of Islamophobia, racism, and far-right extremism, the Commission should have

resources allocated to conduct regular studies into the spread of hate in Canada.

Furthermore, those affected by human rights violations need to be better served by the Commission as claimants, as the Commission has historically suffered from long delays and backlogs.

In the same way that the Court Challenges Program provides financial support to individuals and groups in Canada to bring cases of national significance related to certain constitutional and quasi-constitutional official language and human rights before the courts, we suggest that the Commission sets forward a new fund where victims of hate-motivated defamation could apply to seek financial support in cases that have significant public-interest. A major challenge faced by Canadian Muslims, slandered by Islamophobes (see, for example, the case of *Paramount v Kevin J Johnston*, 2019 ONSC 2910) is the lack of funding to challenge such hate through a court proceeding. We believe that should be changed.

Lastly, even as a civil remedy to combat hatred was proposed in new legislation, a review of the CHRA must provide clarity on protecting the rights of Canadians to critique foreign governments and policies. NGOs, charities, and relief organizations play an important role in humanitarian assistance throughout conflict zones around the world. This has put many of them into the paths of dictatorial and authoritarian regimes that try very hard to hide their conduct, often by maligning or silencing dissenting entities.

Relief organizations on the ground in some of these countries often speak out against the brutality and violations they witness against civilians. This puts them in the crosshairs of regimes that do not want this sort of critical scrutiny, exposure, and attention. Recently, foreign states have retaliated against some well-respected global charities by [designating](#) them as terrorist entities.

A revised CHRA can provide guidance and protection to ensure that Canadians who have bona fide critiques of foreign policy issues are not tarnished by allegations of hate.

RECOMMENDATION

12. Commit to a full legislative review of the CHRA, with a specific focus on:

- a. Access to the Commission for complainants;
- b. The role of the Commission in studying the impact of hate as proliferated across conventional media and social media;
- c. The potential introduction of a public-interest based defamation fund for Canadians who are smeared on the basis of hate; and
- d. Protecting the right of Canadians to engage in critique of foreign governments.

REVIEW AND REVISE CANADA'S APPROACH TO COUNTERING VIOLENT EXTREMISM (CVE) AND COUNTER-TERRORISM TACTICS

Counter-terrorism measures by various national security agencies have created a lack of trust between these agencies and Muslim communities.

One of the perennial concerns of many Muslims across Canada is that entire communities are put under a microscope, as if they aid, abet, or condone the violent acts of a few extremists.

Yet Muslims everywhere, from mosques to university student associations, continue to report [visits](#) by CSIS agents that amount to “fishing expeditions” in search of possible terrorists within mainstream community spaces. This happened so much in Canadian universities that the Institute of Islamic Studies at the University of Toronto, alongside the NCCM and Canadian Muslim Lawyers Association, set up a hotline for Muslim students to call when CSIS comes knocking.

This overall practice of conflating our main community spaces and organs with extremism both mirrors and perpetuates ideas and stereotypes that every Muslim has proximity to potentially violent ideologies.

It is a problematic direction that, according to a broad range of voices we have heard from across the community, must be reversed.

Our community is calling for a stop to CSIS “fishing expeditions,” including mass surveillance of our mosques and community spaces, be it through the usage of undercover informants or other means. Entrapping mentally ill Canadians into terrorism plots, as occurred in the case of the Nuttall family (see *R. v. Nuttall*, 2018 BCCA 479), needs to end.

The Canadian government, rather than spending time to fix the core problems at the heart of our national security agencies, has endorsed the strategic policy direction of “Countering Violent Extremism” (CVE), a methodology that attempts to prevent terrorist attacks by pre-emptively targeting the motivating ideology. While this may sound like a good idea, CVE methodologies, when employed by ill-informed government and broken national security agencies, have unintended consequences. The Prevent program in the UK is a well-known example of the disastrous impact of CVE policies.

For example, under the Prevent program, a four-year-old child was threatened with detention and to be taken to a deradicalization program after drawing a picture of a cucumber.

We have no reason to trust that the CVE experience in Canada would be any different, given the existing stance of national security agencies in profiling Muslim communities, schools, and students.

RECOMMENDATION

13. Until there is a coherent set of policies enshrined to prevent the profiling and mass surveillance of our communities, the federal government should pause the mandated “Countering Violent Extremism” programs at the federal level, and require Public Safety Canada to develop a new program in close consultation with racialized communities.



CRA REFORM

Recently, major reports by [academics](#) and [civil society groups](#), including NCCM and the University of Toronto, have shed light on potential biases in Canada Revenue Agency (CRA) audit practices that unfairly target registered Muslim-led charities across the country. These audits often take place within the context of whole-of-government approaches to anti-terrorism financing and counter-radicalization, without any indication to the charity that these considerations are part of the audit. This ill-conceived approach has resulted in the revocation of charitable status, which has left community organizations hollowed out and no longer able to provide much-needed services and spaces for the marginalized communities they serve. Yet none have been charged with anything related to financing terrorism.

Canada's approach to anti-terrorism financing is structured by its international commitments to the Financial Action Task Force (FATF). As part of its commitments to the FATF, Canada identifies organizations

that pose the greatest risk of terrorist financing through its risk-based assessment model. In its [2015 risk assessment](#), Canada indicated a "Canadian nexus" of several entities that allegedly pose the threat of financing terrorist activities. This determination was made without the citation of any corroborating evidence. 100% of the groups identified in the assessment are racialized, and 80% are related to Islam or Muslims.

This risk-based assessment model integrates a structural bias that puts Muslim-led organizations in Canada in the crosshairs of CRA audits related to anti-terrorism financing. These audits are conducted by a special division at the CRA known as the Review and Analysis Division (RAD), which is ostensibly structured around the biased risk assessment protocol mentioned above. The RAD is responsible for identifying and preventing terrorist financing threats in Canada.

In addition to anti-terrorism financing, Muslim-led charities are also unfairly treated in relation to Canada's approach to counter-radicalization. This involves identifying and penalizing charities that promote "extreme ideas." However, with little guidance as to what constitutes an extreme idea as well as discretionary

decision-making authority given to auditors, the potential result of this approach is an inconsistent application of counter-radicalization principles informed by unconscious (or even conscious) biases about racialized and religious communities.

RECOMMENDATION

14. Suspend the Review and Analysis Division (RAD) pending review of Canada's Risk-Based Assessment model and its National Strategy to combat extremism and radicalization;
15. Suspend discretionary use of revocation power where anti-terrorism financing or counter-radicalization policies inform the audit;
16. Enhance transparency between the CRA's Charities Directorate and charities audited under suspicion of terrorism financing and/or radicalization; and
17. Provide anti-bias training and greater guidance to government officers and regularly assess whether their discretionary decisions are biased based on race or religious affiliation.



NEW OVERSIGHT BILL FOR THE CANADA BORDER SERVICES AGENCY

A recent CBC access-to-information request [revealed](#) over 500 allegations of misconduct by Canada Border Services Agency (CBSA) officers filed between 2018-19, many of which back the broader allegation that the agency engages in racial profiling that disproportionately targets Muslims. This revelation aligns with the [lived experiences](#) of Canadian Muslims who have for decades raised the issue of Islamophobic [profiling](#) and discrimination while travelling. Moreover, the 2019 Fall Report of the Auditor General of Canada to the Parliament of Canada confirms widespread systemic issues with organizational culture at the CBSA in terms of discrimination and harassment, as does the Diversity Equity and Inclusion Audit of the CBSA that was tabled to Parliament in March 2020. There is no independent oversight of the conduct of CBSA officers and agents.

As such, there is little recourse to address discrimination at our borders, or even within the CBSA. This includes a lack of accountability for extreme measures such as indefinite detention, which, according to a recent report by international human rights advocates, has considerable and unjustifiable mental health impacts on detainees.

Before it died on the order papers, [Bill C-3](#), An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act, was introduced in Parliament and included recommendations to extend the RCMP oversight body to include oversight of the CBSA. Given recent concerns around the ability of the RCMP oversight body to provide effective oversight over the RCMP, we suggest a new and specific oversight body for the CBSA.

RECOMMENDATION

18. Establish a new oversight body specifically for the CBSA, which includes:

a. Routine and comprehensive diversity, equity and inclusion reviews of the CBSA. These reviews must be conducted by the oversight body and include recommendations for improvement and timelines for implementation;

b. In addition to addressing complaints about on-duty CBSA officers, ensure that off-duty CBSA officers who engage in misconduct can be investigated by the oversight body;

c. As complainants may be afraid to file complaints to the oversight body, ensure civil society organizations have standing to make complaints;

d. Ensure that the oversight body can hear complaints regarding CBSA policies and procedures, including detention;

e. Require the CBSA to implement the recommendations made by the oversight body;

f. Clarify available remedies and penalties; and

g. Include language in the Act around zero tolerance for racial discrimination at the CBSA. Currently, while there is a policy active against racial discrimination at the CBSA, there exists no "zero tolerance" provision in legislation.

ESTABLISH AN OFFICE OF THE SPECIAL ENVOY ON ISLAMOPHOBIA

We propose that the Government of Canada immediately funds the creation of the Office of the Special Envoy on Islamophobia, and subsequently appoints a Special Envoy.

This position needs to work with various ministries to inform policy, programming and financing of efforts that impact Canadian Muslims. The Envoy should have the powers of a commissioner to investigate different issues relating to Islamophobia in Canada, and to conduct third-party reviews across all sectors of the federal government relating to concerns of Islamophobia. For example, a Special Envoy, could conduct a particular review of the security certificate process and its relationship to Islamophobia. Under [security certificates](#), individuals under suspicion can be removed from Canada, without accessing evidence assembled against them by the Crown. Many argue that this is an infringement on Canadian civil liberties that Canadian Muslims have long opposed.

The Envoy should also have an international scope given how different forms and motivations for Islamophobia

are not limited by national borders. That the [Christchurch shooter had the Quebec City Mosque shooter's name](#) on his rifle illustrates this fact with gruesome reality.

An Islamophobia envoy would ideally travel to various countries to explore different approaches to solving the challenges of Islamophobia and how threat environments abroad might import or export different elements of narratives of Islamophobia.

Therefore, we stress that the Office of the Special Envoy must be well funded and resourced so as to better carry out a domestic and international mandate.

RECOMMENDATION

19. Immediately fund the creation of an Office of the Special Envoy on Islamophobia.

EMPOWERING CANADIAN MUSLIMS TO TELL THEIR OWN STORIES

Opposing the extensive and entrenched narratives of fear, suspicion, and hatred toward Muslims in Canada requires counter-narratives of humanization. This is no longer simply the niche interest of a small minority community of content creators. Nor is it simply in the interest of over a million Muslims who are part of Canada's social fabric. In light of three separate lethal Islamophobic attacks on Canadian soil, empowering Muslims in this country to tell their own stories is now a matter of national concern.

A recent study from the [University of Southern California](#) maps both the underrepresentation of Muslims in popular films globally as well as the disproportionate representation of Muslim characters as linked to violence or subservience. Muslim women are largely invisible or represented in harmful and reductive stereotypes. The study claims that their findings suggest a bias in content creation that renders Muslims invisible or maligned in popular film. There is ample academic research that establishes the role of harmful stereotypes in popular culture in begetting hostility and violence against racialized communities.

The shortcomings of the film industry are coupled with a news media landscape that has transformed in the digital age where Islamophobic and racist content circulates with impunity. When Canadian news outlets trot out dangerous [Islamophobic](#) tropes on a regular basis and [disinformation networks in Canada](#) produce fake news that target Muslims, it is imperative that Canadian Muslims be empowered to counter these harmful narratives with resources and programming that challenges xenophobic, Islamophobic, and bigoted narratives and humanizes their image and heals their pain.

RECOMMENDATION

20. Incentivize production of Muslim stories, told by Canadian Muslims, that counter Islamophobic narratives through designated funding in the Canada Media Fund, Telefilm, the National Film Board, and provincial and municipal grants for arts and media;
21. Allocate a multi-million-dollar fund through the Anti-Racism Secretariat or the Ministry of Heritage for Canadian Muslim artists and community organizations to facilitate grassroots storytelling, visual and oral history projects, and building community archives on experiences of and resistance to Islamophobia; and
22. Commit to robust consultation with Canadian Muslim storytellers, artists, filmmakers and content creators to guide the allocation of funds and build capacity.

ALLOCATE FUNDING FOR RESEARCH ON ISLAMOPHOBIA

Serious academic study of how to tackle Islamophobia in Canada has not kept pace with the exponential rise of the phenomenon of Islamophobia, particularly in recent years.

Civil society groups that study Islamophobia often do so on a shoestring budget as they witness the spike of anti-Muslim incidents around them. Few scholars in Canada have a research agenda that primarily focuses on the sources and growth of Islamophobia or its potential remedies.

Universities need to dedicate resources to encourage this research to create a rich knowledge base on Islamophobia in Canada. Furthermore, such research can often be a springboard for informing and encouraging discussions, policy changes and appropriate learning to tackle Islamophobia.

The federal government should support universities to establish dedicated research infrastructure to enable the study of Islamophobia and anti-Islamophobia approaches in Canada.

RECOMMENDATION

23. Allocate dedicated funding for the study of Islamophobia through the Social Sciences and Humanities Research Council including creating related funding for:

- a. Tier 2 Canada Research Chairs;
- b. Post-doctoral fellowships; and
- c. Research grants.

ENSHRINE ZERO TOLERANCE FOR ISLAMOPHOBIA ACROSS GOVERNMENT DEPARTMENTS

Canada's Treasury Board Secretariat is currently exploring measures and strategies to challenge systemic racism and a lack of diversity in the public service. This broad approach is welcomed as systemic barriers continue to exist for Black, Indigenous and other racialized communities to enter and rise within the service. However, we know that discrimination, racism, and other forms of xenophobia exist in the federal public service.

To that end, we recommend that a zero-tolerance policy should thus be instituted against Islamophobia in the federal public services.

In order for accountability measures to be effective, we also recommend that the Access to Information and Privacy (ATIP) process be refined and improved. In June 2019, the Government passed Bill C-58, which brought forward significant amendments to the Access to Information Act. The Government also committed to begin a full review of the access to information process within one year of Bill C-58 coming into force. This process is currently ongoing.

During our consultation process, a number of academics and critics suggested that a significant gap in assessing the government's commitment to eliminating Islamophobia has been deficiencies in the ATIP process. The World Press Freedom Canada, an advocacy group for journalists, recently [noted](#) in its submission to the Treasury Board review, "[t]he numerous flaws in Canada's access-to-information regime can be reduced to just two: the law provides far too many reasons to keep information secret; and releasing information takes far too long." This should be changed.

RECOMMENDATION

24. Arising from the TBS review, a zero-tolerance rule for Islamophobic practices be enshrined across government agencies; and
25. Commit to changes in the ATIP regime as per concerns raised about scope of secrecy and timeliness of the process.

GOING BEYOND GBA+ IN THE FEDERAL PUBLIC SERVICE

Canada's new Impact Assessment Act (2019) requires attention to "the intersection of sex and gender with other identity factors" as a mandatory consideration in impact assessments. The provision was the culmination of the GBA+ (Gender-based Analysis Plus) approach that has been operational in government (in various forms) since 1995. According to the Government of Canada, "GBA+ is an analytical process that provides a rigorous method for the assessment of systemic inequalities, as well as a means to assess how diverse groups of women, men, and gender diverse people may experience policies, programs and initiatives." In the introductory section of Budget 2018, then-Finance Minister Bill Morneau's noted that every single budget decision was vetted through the GBA+.

It is clear, at both the policy level and at the level of hiring in the federal public service, that an intersectional approach that accounts for the needs of diverse Canadians was not always prioritized. These were precisely the concerns highlighted in [Recommendations 12 & 13](#) of the Heritage Committee.

Unfortunately, GBA+ has often been instrumentalized through what many call "white feminism," resulting in the reality where public service jobs are disproportionately staffed by white women. In [2016](#), for instance, while women comprised 55.1% of the federal public service, only 16% of the federal public service was made up of visible minorities (whereas visible minorities represented at the time close to 23% of Canada's population).

The numbers get worse when we look at levels of executive representation in the core public administration in 2016: [Only 9% of executive jobs](#) were staffed by members of a visible minority. Even though a significant number of Muslims now work in the public sector, they are not represented in executive and senior management roles.

Canada's public service is run by and for all Canadians. As such, it should reflect the diversity of the Canadian population. We do not suggest that having a proportionate number of Canadian Muslims in federal public service jobs will in and of itself eliminate racism and Islamophobia. However, it is still important that equity and fairness be core principles on which the Canadian public service operates.

RECOMMENDATION

26. Review and provide an update as to how many self-identifying Canadian Muslims are employed in the federal public service, and whether they are in low-level jobs or higher executive positions;

27. Review as to whether the GBA+ lens has appropriately balanced an intersectional approach in integrating members of diverse communities, including members of Canada's Muslim community, into the workforce; and

28. Adopt Recommendation 12 & 13 of the Heritage Committee Report to ensure that policies, programs and initiatives in the federal public sector are approached from a truly intersectional lens.

BILL 21

Canada cannot seriously commit to supporting the right to religious freedom, and to standing against systemic racism, while Bill 21 remains on the books in Quebec.

Currently, many public sector workers in Quebec are not allowed to wear religious symbols. This includes kippahs, hijabs, turbans, and crucifixes. This ban strips Quebecers of their fundamental right to religious expression and freedom. It also disproportionately affects minorities – many of whom are Muslim – by forcing them to choose between making a living and leaving their faith at the door.

RECOMMENDATION

29. Attorney General intervene in all future cases challenging Bill 21 before the courts; and

30. Create a fund to help those affected by Bill 21 have a degree of financial security until the legislation is struck down. This is not a transition-plan fund; for no Quebecer should have to change their chosen vocations because of discrimination. This federal fund is to provide assistance while the court challenge is pending.

As a recent court [decision](#) pointed out, “the evidence undoubtedly shows that the effects of Law 21 will be felt negatively above all by Muslim women...On the one hand by violating their religious freedom, and on the other hand by also violating their freedom of expression, because clothing is both expression, pure and simple, and can also constitute a manifestation of religious belief.”

Our community has long viewed the Laicity Act, or Bill 21, as a way to create second-class citizenship in Quebec that punishes many minorities by suppressing their identities. It is a fundamentally discriminatory law that has been criticized internationally for violating basic human rights. It also helps perpetuate the idea that Islam, Muslims, and open religious expression in general, have no place in Quebec.

NCCM is [challenging](#) this law along with a host of other civil liberties groups and we call on the Attorney General to commit to being an official intervenor in the court battle. Those who are barred from getting a public sector job in Quebec—because they refuse to make the absurd choice between religious freedom and job security—should be supported by a federal fund that helps them stay afloat financially and otherwise until the legislation is struck down.

REQUIRE ANTI-RACISM TRAINING FOR JUDGES

It is vital that the realities of systemic racism and Islamophobia are made aware to the very people adjudicating the cases resulting from incidents of such violence. Recently, an investigation was launched into a judge allegedly [mocking](#) an expert who testified in court because of his accent. In the case of [Rania El-Alloul](#), NCCM and others were involved in reviewing the conduct of a Quebec judge who removed Ms. El-Alloul from a courtroom for wearing a hijab. Similarly, Canada's Chief Justice of the Supreme Court publicly called for more diversity in the judicial system while citing numerous instances of judges pushing racist bias and stereotypes.

In 2020, the government introduced proposed changes to the Judges Act and the Criminal Code in the House of Commons. Those changes have now received royal assent. We are glad to see [legislation](#) passed this session mandating that judges undergo training around sexual assault.

While this legislation also mentions racial and systemic discrimination in relation to sexual violence in the continuing education for judges, there also need to be regulations to ensure that judges all receive distinct anti-racism and anti-Islamophobia training that is delivered by diverse facilitators.

All Canadians deserve to see themselves reflected in the system that upholds justice in their country.

RECOMMENDATION

31. Mandate anti-Islamophobia training for all judges.

ENSHRINE ZERO TOLERANCE FOR ISLAMOPHOBIA ACROSS GOVERNMENT DEPARTMENTS

Recent federal court decisions have listed how the Canadian Security Intelligence Service (CSIS) failed to live up to a commitment of honesty and integrity by misleading judges and the courts to get what they want.

One instance concerned [getting warrants](#) to wire-tap Canadians; another has to do with [illegally](#) obtaining intelligence while withholding evidence against an alleged terrorist recruiter.

These decisions suggest a systemic pattern of behaviour where CSIS regularly obfuscates, fails to disclose, or misleads courts. CSIS has been complicit in this pattern for over a decade. Federal court decisions have consistently provided scathing rebukes of CSIS for violating the “duty of candour” towards the court. For example, the Federal Court of Appeal upheld Justice Mosley’s decision in 2014 that CSIS had made “[a deliberate decision to keep the court in the dark](#)

RECOMMENDATION

32. New directives should be brought forward to make clear that the intentional violation of the duty of candour has, at minimum, consequences for the Director of CSIS. The Minister of Public Safety should require the resignation of the Director of CSIS for any violations of the duty of candour.

[about the scope and extent of the foreign collection efforts.](#)”

How do we trust an agency that consistently and unabashedly misleads the courts? This is spelled out most explicitly by Justice Patrick Gleeson in a 2020 [decision](#), where he also observed a “pattern of abuse” by CSIS in its conduct relating to a failure to live up to the duty of candour. In response to Justice Gleeson’s decision, CSIS Director David Vigneault [stated](#) that “...we have taken a significant number of concrete actions to address the Court’s concerns over our lack of candour.” The federal government then subsequently [appealed](#) Justice Gleeson’s decision. The CSIS Director’s cavalier response to scathing decisions, and the decision to refuse to accept accountability by appealing, points to the need for much more significant accountability measures.

At minimum, CSIS agents should be punished for misleading courts. Such acts need to be punished by new provisions that clearly sends the message that Canada’s domestic spies are not above Canada’s legal processes. This is not an issue of a few bad apples but, as Justice Gleeson observed, a “cavalier institutional approach” that needs to be addressed.

FURTHER TO THE CHRISTCHURCH DECLARATION, THE GOVERNMENT OF CANADA MUST CHAMPION AN INTERNATIONAL ANTI-ISLAMOPHOBIA STRATEGY

Having signed the "[Christchurch Declaration](#)" in the aftermath of the mass murder of over 50 Muslim worshippers in Christchurch, New Zealand, the Government of Canada now must champion and help build a global strategy to dismantle Islamophobia.

Canada cannot hope to fulfil its commitments as a signatory without pushing for a global end to the ideological premise of the Christchurch attack: Islamophobia. As Canada has also continued to suffer at the hands of Islamophobes, Canada must step up to join with allies in confronting the rising tide of Islamophobia globally. This must also include utilizing diplomatic channels to confront nations and allies who proliferate and export Islamophobia globally.

Unfortunately, the prolonged climate of Islamophobia throughout North America, Europe, and beyond has given rise to numerous voices and organizations that profit from the marginalization of Muslims in public life. Extensive studies and analysis of these entities have generally concluded that such Islamophobic voices have evolved into transnational networks that amount to an industry.

Numerous reports have detailed the extent to which this phenomenon of online Islamophobia has portrayed Islam as an inherently violent, sexist belief system that cannot fit into Western societies. Relevant organs in government must familiarize themselves with these entities, reject them, and draw a clear line between fair criticism of religious praxis versus Islamophobic attempts to foment hatred among constituencies.

For example, reports prepared by foreign dictatorships or well-known Islamophobes are often utilized by Canadian agencies. In *Kablawi v. Canada (Citizenship and Immigration)*, 2010 FC 888, for example, the adjudicating officer relied on the writings of Daniel Pipes. Daniel Pipes is an American academic and founder of the right-wing think-tank, Middle East Forum. It has been argued that Pipes supports racial profiling and the surveillance of Muslim communities and believes Muslims in the United States seek to infiltrate and overthrow the country. It has been further argued that Pipes has spent decades promoting anti-Muslim tropes and has financed numerous activists and organizations that spread misinformation about Muslims and Islam. Canadian agencies should never be relying on such suspect or biased sources.

RECOMMENDATION

33. A commitment by Global Affairs Canada to combat Islamophobia globally;
34. Provide direction to all federal government agencies to cease the usage of biased and inherently fallacious sources produced by the Islamophobia industry; and
35. Through the Special Envoy, or through another body, conduct audits across agencies like the CBSA and CSIS to determine whether biased, dictatorship-produced, or other fallacious materials are utilized in decision-making and policymaking processes.

PROVINCIAL GOVERNMENTS

VIOLENT ISLAMOPHOBIA

- 49 Hate Crimes Accountability Unit Across All Provinces
- 51 Provisions that Ban White Supremacist Groups from Incorporating
- 52 Legislation Barring Hateful Rallies on Public Property
- 53 Give Municipalities Authority to Develop Street Harrassment Bylaws

SYSTEMIC ISLAMOPHOBIA

- 54 Addressing Islamophobia in Education
- 56 Ensure All Police Acts Reflect Recommendations from Ontario's Tulloch Report
- 57 Funding ARDs with a Clear Anti-Islamophobia Mandate
- 58 Developing Provincial Anti-Racism Councils wiht Muslim Representation
- 59 Creating and/or Furthering Plans for Clear FQR/FCR
- 60 Ensure BIPOC and Muslim Representation in Agencies, Boards, and Commissions
- 61 Funding for and Access to Provincial Human Rights Commissions and Increasing Limitations Human Rights Complaints
- 62 Regular Attitudinal Surveys by Provinces to Gauge Different Forms of Xenophobia
- 63 Funding and Training for Resettlement Social Services
- 64 Support Healing and Educational Programs for Communities

HATE CRIMES ACCOUNTABILITY UNIT ACROSS ALL PROVINCES

Many of our community members who experience the traumas of hateful assaults often opt to move on with their lives without reporting the incident. A 2015 [report](#) by the Department of Justice noted that it is “likely that hate crimes are among the most under-reported forms of criminality.”

There are many causes of this under-reporting. One of the most pressing reasons is that when many Muslims bring forward their complaints about hate crimes, cases are often dropped or charges are never laid. For example, the newly-banned group the Three Percenters [surveilled mosques in Alberta](#). To the best of our knowledge, although these issues were reported to law enforcement, no charges were ever laid despite the incidents being reported. In [another incident](#), a man on an LRT station made a noose, held it up in front of a woman wearing hijab in Edmonton, told her that the noose was for her, and sang the national anthem. The police did nothing on the premise that the man was performing a magic trick. In another instance, the Wolves of Odin [trespassed and illegally entered the Al-Rashid mosque – the oldest mosque](#) in Canada. No charges were ever laid.

These stories – of reporting, but where no charges are laid – are commonplace.

Many in our community want Hate Crimes Accountability Units in each province, established under the provincial Ministries of the Attorney General. In the instance that a local police agency elects to not pursue an investigation of a hate-motivated incident, a complainant could report directly to the provincial Hate Crime Accountability Unit, which would have powers to investigate what happened in the process.

These units can also gather hate crime unit data and keep the information they collect to help coordinate services between jurisdictions and share intelligence about potential perpetrators.

The Hate Crimes Accountability Unit could also advise on penalties to be imposed on police officers or liaisons who unfairly discourage reporting of incidents by telling complainants not to move forward with their complaints, or who unreasonably refuse to move forward with an investigation.

Finally, a Hate Crimes Accountability Unit could build out methodologies for third-party reporting, where those who are uncomfortable to directly report to police could report through a social service agency, a law firm, or through a civil liberties group.

RECOMMENDATION

36. Institute a provincial Hate Crimes Accountability Unit in all provinces;

37. Make Hate Crimes Accountability Units responsible for providing guidance on appropriate penalties for police officers or officers who discourage reporting; and

38. Through Hate Crimes Accountability Units, develop methodologies for third-party reporting.

PROVISIONS THAT BAN WHITE SUPREMACIST GROUPS FROM INCORPORATING

Think about this: the [Canada Nationalist Party \(CNP\)](#), for example, run by a notorious anti-Semite, succeeded in [registering](#) as a political party to run in federal elections. This enabled the CNP to theoretically have access to voter lists.

This is concerning. It is important to prevent organizations with white supremacist ideologies or ties to be officially recognized or incorporated in any way. In Alberta, for instance, the [KKK was a registered society until 2003](#). Simply put, that is unacceptable.

In Alberta, Bill 206, or the Societies (Preventing the Promotion of Hate) Amendment Act, 2018 put forward by then MLA Craig Coolahan, set forward draft provincial legislation that would give the registrar the power to look at whether a registering society has a purpose affiliated with hate. We suggest that provincial Registrars be empowered to strike down groups with white supremacist ties, but to also ensure that there are safeguards for appeal in the case of over-reach by the Registrar.

RECOMMENDATION

39. Legislative change to empower relevant registrars to prevent white supremacist groups from registering as a society.

LEGISLATION BARRING HATEFUL RALLIES ON PUBLIC PROPERTY

We all saw the violence on the Capitol in Washington earlier this year where organizations like the Proud Boys and the Three Percenters attacked and stormed the Capitol.

The reality is that hateful white supremacist rallies, often targeted at the Muslim community, have been a consistent part of the Canadian Muslim experience over the last decade.

After the 2017 mass murder of six Muslims in Quebec City, alt-right groups held [rallies](#) in downtown Toronto. These alt-right groups argued that motion M-103 was a “gateway drug for the Muslim Brotherhood.” [Similar rallies](#) across the country [popped up](#), often sparking violent confrontations involving protestors tied to [groups](#) like the Soldiers of Odin.

The Proud Boys, the Three Percenters, the Soldiers of Odin, La Meute, and many other groups of concern have organized rallies across the country. While some of these groups are now banned, legislators need to do more in relation to white supremacist rallies and gatherings.

Most recently, the conflation of anti-vaxxers and white supremacist rallies has been of particular concern. In Edmonton, in February 2021, an anti-masker rally was held in Edmonton, attended by prominent Islamophobes and white supremacist groups, where attendees carried torches – in an homage to [Charlottesville](#) where white nationalists marched with torches – while shouting racist and hateful messages.

Lawmakers across each province must make sure that this does not play itself out again. The freedom to gather is a fundamental right of Canadians. However, we propose that provinces explore constitutionally valid methods to curtail white supremacist rallies.

Provinces need to review their existing laws regarding public gatherings and clarify their application processes by defining what is and is not allowed in legislation.

RECOMMENDATION

40. Pass legislation that prohibits violent white supremacist rallies on provincial property, while paying careful attention to ensure that the legislation is not overbroad and does not limit freedom to dissent.

GIVE MUNICIPALITIES AUTHORITY TO DEVELOP STREET HARASSMENT BYLAWS

Be it the [attacks](#) on Black Muslim women in Alberta over the course of recent months, or violent [confrontations](#) at a park in Quebec, street-harassment forms a major bulk of anti-Muslim hate-motivated incidents in Canada. These incidents often come at the intersection of gendered Islamophobia as Muslim women wearing hijabs are frequent targets. These incidents upend the sense of safety in public spaces for Muslims in Canada and have led to fear and trepidation that greatly impacts everyday life. These concerns with safety in public spaces dovetail with the those raised by

other groups, including organizations advocating against gender-based violence.

Municipalities can introduce by-laws to keep our public spaces safe. Bylaws addressing street harassment have already been introduced in [some municipalities](#) and [motions](#) have been passed in others to consider bylaws on street harassment. Some of these bylaws include penalties such as tickets and fines for individuals engaging in targeted harassment in public spaces.

RECOMMENDATION

41. Provinces mandate municipalities to pass bylaws to combat and deter street harassment; and
42. Periodic review of bylaw enforcement, including stakeholder consultation, to ensure that the municipal bylaws effectively address street harassment.

ADDRESSING ISLAMOPHOBIA IN EDUCATION

Schools are far too often the site of some of the most scarring lived experiences of Islamophobia in Canada for children who are Muslim and those who are perceived to be Muslim. However, schools are also sites that hold great potential for transformative social change.

Studies and reports of the [lived experiences](#) of Muslim children in Canadian school systems tell us that Islamophobia takes many forms in educational contexts. This includes

- 1) experiences of [bullying and alienation](#) by peers,
- 2) [lack of understanding and supports](#) for Muslim students, including those who have been through an Islamophobic experience,
- 3) Islamophobic content in curriculum,
- 4) absence of nuanced and affirming representations of Islam and Muslims,
- 5) resistance to or [lack of religious accommodations](#) for Muslim students,

6) normalized or unchecked Islamophobic discourse. These experiences are further shaped by various forms of gendered and racialized Islamophobia.

While the Muslim community is one of the most educated communities within Canada, they are still overrepresented in [unemployment and under employment rates](#). With this context in mind, Muslim student success and Muslim excellence are key areas that need to be prioritized in anti-Islamophobia work in education.

Beyond the student experience, Muslim parents, educators, and administrators often face Islamophobia. This includes parents being unreasonably dismissed for their concerns, discrimination in employment and promotions for teachers and administrators, harassment, and toxic spaces.

In our consultations, education was consistently identified as a long-term solution towards eradicating all forms of xenophobia, and towards ending the violence faced by Canadian Muslims today.

RECOMMENDATION

43. Ministries of Education should work with school boards, in consultation with local Muslim communities in particular districts, to develop anti-Islamophobia strategies that are responsive to local contexts and speak to broader issues of Islamophobia. Such strategies should be based on student voice data, student success, and representation in staffing within the context of districts' commitments to human rights and equity. The anti-Islamophobia strategies in education should include consideration of the following:

- a. Review and reform of curriculum that relates to Islam and Muslims;
- b. Development of curriculum, resources and programs that affirm Muslim identities, contribute to Muslim student success and excellence, and include nuanced representations of Islam and Muslims;
- c. Audits of adequacy of religious accommodations for Muslim students and staff and recommendations for change where necessary;
- d. Anti-Islamophobia trainings and educational opportunities (such as the [Green Square](#) campaign and the National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia) for students, educators and staff;
- e. Clear, accessible and effective complaints mechanism, including mitigation strategies for fears of reprisal, for students and staff who have experienced Islamophobia and racism; and
- f. Culturally-responsive resource development for student well-being that addresses mental health needs and trauma supports for Muslim students.

ENSURE ALL POLICE ACTS REFLECT RECOMMENDATIONS FROM ONTARIO'S TULLOCH REPORT

Abdirahman Abdi. Ejaz Choudry. Soleiman Faqiri. The names of Canadian Muslims who lost their lives at the hands of agents of the state are seared into our collective conscience. Their names are part of a longer list of Indigenous and Black victims, amongst other vulnerable communities, who have suffered at the hands of the police.

We cannot presume to expect that we can work towards the eradication of violence from our streets when police brutality, and failed systems of police accountability, continue to be major concerns for our communities. Things must change.

Incidents like the [shooting death](#) of 62-year-old Ejaz Choudry, who struggled with mental illness, last summer in his Malton, Ontario home represents a good case of why community members do not trust police officers to always show the best judgement, even if it is a matter of life and death.

This suspicion then extends to oversight committees that usually [clear](#) the officers in question, as they did in the case of Choudry.

Justice Michael Tulloch released his [major report](#) in 2017 after conducting an independent review of Ontario's three civilian oversight bodies: the Special Investigations Unit (SIU), the Office of the Independent Police Review Director (OIPRD), and the Ontario Civilian Police Commission (OCPC). His conclusions include an lengthy list of dozens of recommendations, from instituting separate legislation for all civilian police oversight bodies, to hiring more diverse investigators with various cultural competencies, to expanding and clarifying mandates (via legislation), to releasing reports of investigations and names of officers in question, to limiting the length of certain investigations, and so on.

The recommendations of the Tulloch Report should be taken seriously by lawmakers not just in Ontario, but across the country.

RECOMMENDATION

44. All provinces should adopt the recommendations of the Tulloch Report.

FUNDING ARDs WITH A CLEAR ANTI-ISLAMOPHOBIA MANDATE

Anti-Racism Directorates (ARDs) study and respond to systemic racism within Canada. With that in mind, ARDs and similar bodies across the country must incorporate Islamophobia as a distinct segment of their mandates, and work to develop provincial anti-Islamophobia plans in accordance to the respective circumstances in each province.

These bodies also need much more funding, particularly in a post-COVID era and the concomitant rise of racism and xenophobia.

RECOMMENDATION

45. Establish (as needed, in consultation with local communities) and fund provincial ARDs.

DEVELOPING PROVINCIAL ANTI-RACISM COUNCILS WITH MUSLIM REPRESENTATION

There is a pressing need to ensure that action against Islamophobia and racism cannot simply be a commitment of words and must involve action. That requires continued stakeholder conversations and consultations.

Hearing from community members in meaningful and sustained ways is integral to developing appropriate and effective policies and programs to combat Islamophobia and other forms of hate.

RECOMMENDATION

46. Establish anti-racism councils or panels across provinces that represent a diverse intersection of community voices, including Muslims, to tackle some of the most immediate challenges communities are facing in tackling racism locally.

CREATING AND/OR FURTHERING PLANS FOR CLEAR FQR/FCR

So many talented, often highly educated members in our community come to Canada seeking a better life but have to toil for years due to this country not accepting their credentials and qualifications. A 2019 report found that [Canadian Muslims were consistently over-educated and under-employed](#). This gap is most highlighted when it comes to Canadian Muslim women.

A failure to provide better paths to foreign credential assessments and qualification processes exacerbates social conditions and existing challenges for new Canadians.

Remedying this reality needs to include bold steps towards improving Foreign Qualification or Credentials Recognition (FQR/FCR) in each province.

Fairness-to-newcomers programs thus need to be put in place so as to guarantee fair access for all skilled newcomers to employment opportunities, and to empower them to leverage their learning and competencies to contribute to their provinces. This will not just benefit newcomers, but will also empower and enrich the cities and provinces that they reside in.

RECOMMENDATION

47. Make FQR/FCR improvement a central mandate requirement for Ministries of Labour.

ENSURE BIPOC AND MUSLIM REPRESENTATION IN AGENCIES, BOARDS AND COMMISSIONS

Provinces are often made up of hundreds of agencies, boards, and commissions (ABCs) that span dozens of different sectors, from agriculture to public works to community affairs. These entities affect people on a daily basis in very intimate ways.

Unfortunately, leadership positions among these ABCs do not represent the diversity of Canada. One recent [study](#) of almost 10,000 individuals across eight cities revealed that Black and racialized people make up just 10% of board positions despite being over 28% of the population in these cities.

This has serious effects on our community, which has long called for more diversity and better representation on entities that define much of our everyday lives. We welcome the federal government's Gender Based Analysis Plus (GBA+) approach to ensure more gender diversity in leadership positions. However, a distinct racial equity approach is needed as well, as noted above.

We call for a more intersectional approach where racism and Islamophobia are not relegated below other considerations, but are taken together in distinct analysis in order to improve representation in leadership positions across all government entities, and particularly ABCs.

RECOMMENDATION

48. Actively recruit Muslims and other minority groups into provincial ABCs.

FUNDING FOR AND ACCESS TO PROVINCIAL HUMAN RIGHTS COMMISSIONS AND INCREASING LIMITATION PERIODS FOR HUMAN RIGHTS COMPLAINTS

Canadians are encouraged to bring their human rights complaints to commissions that are directly tasked with promoting and enhancing these rights in respective provinces.

These bodies are at the centre of how provinces inquire into issues of systemic discrimination, including racism and Islamophobia. It is also where people can bring complaints forward when they believe their individual rights, which are protected by the law, have been violated.

In a time of social polarization and increased hate crimes, these commissions must be armed with the proper resources to protect victims of abuse. Provincial governments must increase funding in this respect to help the commissions do their jobs and assist as many people as possible.

There are also currently limits on how much time passes after an incident for it to be reported and considered by the commissions. Depending on the nature of the alleged violation and the province, limitations vary up to several months or a year. This does not take into consideration how many people need encouragement to report a traumatic incident of racism or Islamophobia. This can take years to happen.

In 2017, the Alberta legislature amended the limitations period for survivors of sexual misconduct. Ontario also passed Bill 132, Sexual Violence and Harassment Action Plan Act, which likewise abolished time limits for suing for sexual assault, domestic violence, or child abuse. The above precedents establish that in particular circumstances, there can be appropriate legislative change to limitation periods given what we have learned about the difficulties victims of hate face in filing complaints.

RECOMMENDATION

49. Allocate funding to ensure that human rights commissions can decrease wait times, increase access, and provide needed education; and

50. Extend limitation periods for human rights complaints to 5 years (to take into account the trauma victims face), while allowing a claimant to seek an extension to the limitation period if the claimant has extenuating circumstances reasonably demonstrating why they were unable to file a formal human rights complaint within the 5-year limitation period.

REGULAR ATTITUDINAL SURVEYS BY PROVINCES TO GAUGE DIFFERENT FORMS OF XENOPHOBIA

Violent Islamophobia and its accompanying attitudes have become a serious challenge to Canadian society. The disturbing rate of violent and sometimes deadly attacks are buoyed by wider suspicions and attitudes about Islam and Muslims that have been pushed by certain segments of mass media, and certain politicians, over the last two decades.

Diagnosing these trends requires surveys that focus on different aspects of Islamophobic sentiment, including Islamophobia at multiple intersections, such as gendered and anti-Black Islamophobia. This could include studying aversions to the hijab or inter-religious marriages with Muslims.

Previous surveys have included these aspects but have been few and far between. [One](#) was conducted in 2018 with over 1,000 Canadians and found that the Canadians surveyed were “more than twice as likely to be uncomfortable with a prime minister who wears a hijab (44%), than with a prime minister who wears a cross (21%),” for instance, and “31% were uncomfortable with a family member getting engaged to a Muslim.”

Provinces should fund and conduct them regularly to locate trends or changes in attitudes, which will help inform appropriate responses to negative sentiments.

RECOMMENDATION

51. Provinces should conduct regular polls to determine the state of racism and Islamophobia in their province and to determine the relevant aspects of Islamophobic sentiment.

FUNDING AND TRAINING FOR RESETTLEMENT SOCIAL SERVICES

Resettlement services and programs across Canada have suffered precipitous cuts to their capacities for helping newcomers in this country.

This has long had a serious effect on Muslims who come to Canada for a better life and face often unforeseen social challenges, be it housing, work, or healthcare. Those who struggle need help with their language skills, job search skills, and various other issues that arise in the course of trying to get on one's feet, a process that this country needs to have more respect for.

Canada has a checkered history, with moments of honour but also moments of shame, in resettling refugees and other newcomers. However, coming to Canada as a refugee itself is not the end of the process. If anything, it is the beginning. Those who come start their lives as refugees in Canada are often left to their own devices. They are left to start over in a country with which they have little familiarity.

Settlement services should help fill this gap, but [dozens](#) of organizations across Ontario alone have reported cuts to their budgets. This is unhelpful in an era of [increasing](#) displacement around the world.

RECOMMENDATION

52. Appropriately fund settlement services to ensure that newcomers have the necessary opportunities to succeed in Canada; and

53. Ensure that social services agencies are mandated to provide regular training on anti-racism and anti-Islamophobia for frontline staff.

SUPPORT HEALING AND EDUCATIONAL PROGRAMS FOR RELIGIOUS COMMUNITIES

The recent rise in Islamophobia and antisemitism has highlighted how discrimination based on religious identity has made its way to the forefront of social violence in Canada today. Other religious groups that include Sikh Canadians often experience Islamophobia as well by hateful actors who mistake them for Muslims.

Sadly, many of the most vulnerable individuals who receive this hate are children or youth who confront these issues at school and elsewhere. These experiences often take distinct shape depending on the intersectional identities of survivors of trauma. Provinces have to make it a priority for these respective communities to assemble resources and strategies to help their young people both heal from and respond to the trauma of hate.

RECOMMENDATION

54. Fund programs and organizations supporting youth navigating turbulent times through education, mental health supports, community spaces and other forms of support.

MUNICIPAL GOVERNMENTS

VIOLENT ISLAMOPHOBIA

- 66 Pass Street Harassment Bylaws with Ticketing Authority

SYSTEMIC ISLAMOPHOBIA

- 67 Community Funding for Local Anti-Islamophobia Initiatives
- 68 Build Anti-Islamophobia Mayoral Advisory Circles/Councils
- 69 Public Education Campaigns to Confront Islamophobia
- 70 Celebrating the History of Canadian Muslims
- 71 Invest in Alternative Measures to Policing
- 72 Increase Opportunities for Young Canadian Muslims in City Decision Making

PASS STREET HARASSMENT BYLAWS WITH TICKETING AUTHORITY

Not all forms of Islamophobic or hateful acts or crimes take the shape of violently fatal attacks that make the news. Many happen regularly on the streets where perpetrators can easily flee after spewing a hateful verbal assault.

For example, if an individual walks up to another individual on public transit, and screams “terrorist” and the n-word in their face (as has happened to a survivor who NCCM is assisting), in the absence of a direct threat or actual assault, there are limited tools by which to hold the offender accountable.

Charging offenders with criminal harassment in the Criminal Code is rarely exercised by police officers for a single-instance of harassment.

This issue with street harassment has obviously gender-related impacts, with thousands of Canadian women dealing with the issue of “cat-calling” while on the street. That is why the [2017 Taking Action to End Violence Against Young Women and Girls in Canada](#) report recommended that the Government of Canada strengthen the harassment offence provisions in the Criminal Code. However, no implementation has occurred to-date and municipalities are left to fill this gap.

This is a perennial problem that our community members across the country have voiced for years, but to little effect. It has taken a huge spike of incidents of harassment for this to be taken seriously.

RECOMMENDATION

55. Pass municipal street harassment bylaws that are proportional and constitutional, such as the approach now being adopted in Edmonton after an NCCM initiative. Bylaws should also address clearly hateful verbal assaults and give authorities the ability to ticket and fine when necessary.

COMMUNITY FUNDING FOR LOCAL ANTI-ISLAMOPHOBIA INITIATIVES

Local communities often have the most nuanced grasp of the issues they face in relation to Islamophobia and other forms of hate. Communities who face these problems often have the most productive ideas on how to address and resolve them. Municipalities therefore need to aid local community initiatives in the fight against Islamophobia.

More funding is needed for local groups, including religious institutions, advocacy organizations, or education programs, to both educate their constituents of the problems of Islamophobia and to brainstorm the best solutions for local communities, neighbourhoods, and individuals.

RECOMMENDATION

56. Municipalities provide dedicated funding for local community-based anti-Islamophobia initiatives.

BUILD ANTI-ISLAMOPHOBIA MAYORAL ADVISORY CIRCLES/COUNCILS

Circles or councils made up of a diverse set of Muslim voices should be formed by cities as direct advisors to mayors and other decision makers. They should meet regularly and sustain a consistent conversation around Islamophobia and how to combat it, which would then be presented to the broader public.

These meetings should develop a concrete plan to help mayors strategize against the rise and spread of Islamophobia. The councils should be comprised of representatives who come from every corner of the community, with specific attention paid to ensure that the diversity of the local Muslim population is appropriately represented.

RECOMMENDATION

57. Mayors should build Anti-Islamophobia Advisory Councils/Circles while ensuring that there is appropriate representation of diverse local Muslim communities.

PUBLIC EDUCATION CAMPAIGNS TO CONFRONT ISLAMOPHOBIA

Now, more than ever, there is a clear need for municipalities to build locally driven public awareness campaigns that confront Islamophobic attitudes and perspectives.

For example, in 2017, the Ontario Council of Agencies Serving Immigrants (OCASI), the Canadian Arab Institute (CAI), NCCM and the Ontario Human Rights Commission (OHRC) collaborated with media studio

Mass Minority on a range of public education strategies. These included public service announcements and a social media campaign called #BreaktheBehaviour. Similar public service awareness campaigns that confront Islamophobic attitudes and perspectives, with local faces and with local context, is critically important.

RECOMMENDATION

58. Municipalities dedicate specific funding for anti-Islamophobia public awareness campaigns.

CELEBRATING THE HISTORY OF CANADIAN MUSLIMS

In addition, to addressing to violent and systemic discrimination against Muslims today, it is important to commemorate and build public awareness of the historical experiences and contributions that Muslims have made to our hometowns in Canada.

Sadly, the image of Muslims as foreign outsiders who do not fit into Canadian society has suppressed and marginalized Muslim Canadians who have contributed to Canadian society and culture.

The recognition of Hodan Nalayeh, a Somali-Canadian journalist who once resided in Vaughan, in the renaming of the Vaughan Secondary-School provides an important example of celebrating the history of Canadian Muslims. Nalayeh made immeasurable and immense contributions to the Canadian community, and told the stories of our communities that are often doubly-marginalized – stories of Black Muslims in Canada, and stories of how communities flourished.

RECOMMENDATION

59. Invest in celebrating the history of local Canadian Muslims and initiatives through a concrete program that brings these figures and names to the forefront of local-level recognition. Municipalities should fund events and spaces where their accomplishments are celebrated in a way that clearly shows that Muslims have made real contributions to Canadian society and are far from the violent caricatures that constantly make the news.

INVEST IN ALTERNATIVE MEASURES TO POLICING

Problems with policing and over-policing have been felt by many Muslim community in Canada, not least of which because our community members often [find themselves](#) on the fatal end of police violence. The gradual [increase](#) in police budgets, now in the billions, have corresponded with a post-9/11 era where surveillance, infiltration, and policing of racialized communities have often been used as justifications for such budget increases.

Various communities have called for redeployment of funds and resources from post-9/11 surveillance, weaponry, and over-policing towards alternative forms of community safety and investigations that do not rely solely on our current, overused pool of officers.

RECOMMENDATION

60. Redirect funding towards alternative measures to policing in municipal budgets.

INCREASE OPPORTUNITIES FOR YOUNG CANADIAN MUSLIMS IN CITY DECISION MAKING

Our community has long voiced concerns over the exclusions of Muslims from various spaces. This is especially true for Muslim youth who feel that their identity simply is not accepted in decision-making circles that otherwise purport to be accepting and tolerant. This gap plays a major role in fostering mistrust between various minority communities and official decision-making bodies.

The Youth Fellowship in Toronto provides an important example of what positive opportunities for young Canadian

Muslims can look like. The Youth Fellowship is a leadership development program building the next generation of Muslim, Tamil, Filipino, and Black public servants. The fellowship program consists of a training course developing civic engagement skills and a paid part-time placement in a Toronto city councillor's office.

We recommend that other municipalities adopt similar measures to train a next generation of diverse leaders.

RECOMMENDATION

61. Develop models for training young Muslim leaders for the future such as the Youth Fellowship program in Toronto.

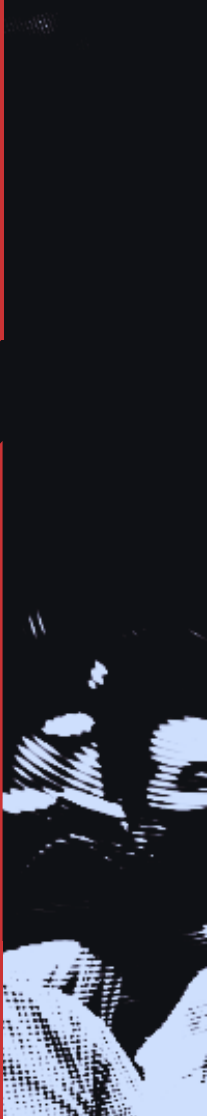


**NATIONAL
COUNCIL
OF CANADIAN
MUSLIMS**

Your Voice. Your Future.

**CONSEIL
NATIONAL
DES MUSULMANS
CANADIENS**

Votre voix. Votre avenir.





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Monday July 19, 2021

David Lametti
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Dear David Lametti. Minister of Justice, Attorney General of Canada

**Re: Resolution 272-21 – Support for Bill C-6 An Act to amend the Criminal Code
(Conversion Therapy)**

Please be advised that the Municipal Council of the Corporation of the Town of Cobourg at its Regular Council meeting held on June 28, 2021 passed the following Resolution in regards to Councils support for Bill C-6 An Act to amend the Criminal Code (Conversion Therapy).

Resolution 272-21

WHEREAS at the Committee of the Whole Meeting on June 21, 2021, Council considered a Memo from the Secretary of the Equity, Diversity and Inclusion Committee regarding support for Bill C-6 An Act to amend the Criminal Code (Conversion Therapy)

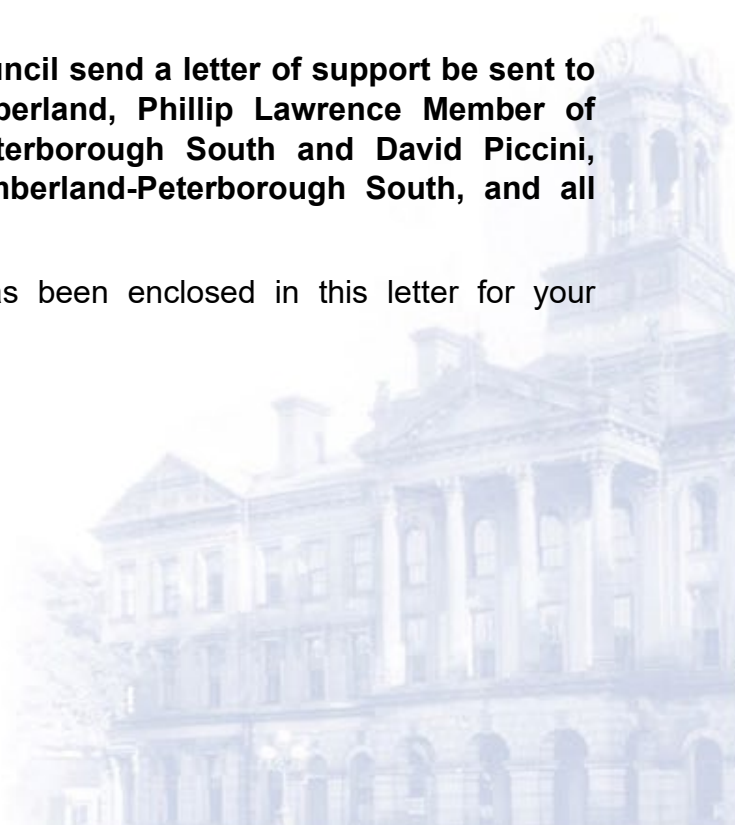
NOW THEREFORE BE IT RESOLVED THAT Council send a letter of support be sent to all municipalities in the County of Northumberland, Phillip Lawrence Member of Federal Parliament for Northumberland— Peterborough South and David Piccini, Member of Provincial Parliament for Northumberland-Peterborough South, and all other municipalities in Ontario.

The accompanying Council Resolution Sheet has been enclosed in this letter for your information.

Yours truly,

Brent Larmer
Municipal Clerk/Manager of Legislative Services
Legislative Services Department

Encl.
Resolution 272-21





Moved By

NICOLE BEATTY

Resolution No.:

Last Name Printed

N. BEATTY

272-21

Seconded By

ADAM BUREAU

Council Date:


Last Name Printed

A. BUREAU

June 28, 2021

WHEREAS at the Committee of the Whole Meeting on June 21, 2021, Council considered a Memo from the Secretary of the Equity, Diversity and Inclusion Committee regarding support for Bill C-6 An Act to amend the Criminal Code (Conversion Therapy)

NOW THEREFORE BE IT RESOLVED THAT Council send a letter of support be sent to all municipalities in the County of Northumberland, Phillip Lawrence Member of Federal Parliament for Northumberland—Peterborough South and David Piccini, Member of Provincial Parliament for Northumberland-Peterborough South, and all other municipalities in Ontario.

	THE CORPORATION OF THE TOWN OF COBOURG
	EQUITY, DIVERSITY, AND INCLUSION ADVISORY COMMITTEE
TO:	Brent Larmer, Municipal Clerk/Manager of Legislative Services
FROM:	Jamie Kramer, Secretary
MEETING DATE:	Thursday, June 17, 2021
SUBJECT:	Motion to Support Bill C-6 An Act to amend the Criminal Code (Conversion Therapy)

The following Motion was adopted at the Thursday, June 17, 2021 Cobourg Equity Diversity and Inclusion Advisory Committee (EDIAC) Meeting:

Moved by Member Councillor Beatty

THAT the Equity Diversity and Inclusion Advisory Committee recommend Council write a letter of support to Justin Trudeau, Prime Minister of Canada and David Lametti the Minister of Justice and Attorney General and the Federal Government on behalf of Municipal Council in support of Bill C-6, being an act to amend the Criminal Code of Canada (Conversion Therapy) as it has been presented without any amendments; and

FURTHER THAT this motion and the letter of support be sent to all municipalities in the County of Northumberland, Phillip Lawrence Member of Federal Parliament for Northumberland—Peterborough South and David Piccini, Member of Provincial Parliament for Northumberland-Peterborough South, and all other municipalities in Ontario.

Carried

Pilon, Janet

Subject: Encampment on Beach

From: Elke Taylor
Sent: July 21, 2021 10:13 PM
To: Office of the Mayor <mayor@hamilton.ca>
Cc: clerk@hamilton.ca
Subject: Encampment on Beach

What an eyesore the beach area at Van Wagners Beach (between Confederation Park and Wild Waterworks) has become. Several weeks ago, tents were erected on the beach by homeless people. The beach is now littered with garbage, left behind clothing, various other items and shopping carts.

I am unable to take my granddaughter to this beach as I have done in the past. I do not feel safe when these drugged up people stagger past me. I have found needles in the sand. I have seen people high on drugs in the parking lot where my car and others are parked. Will my car be broken into?

People go to the beach to enjoy themselves, but now they see all this litter and people high on drugs wandering about. I have also seen these people washing clothes in the lake – what else do they use the lake for? Some of the same people are regularly begging on Centennial. One cannot drive down Centennial without being exposed to this. I hope you will do something to remedy this. This situation is deplorable and just not acceptable. It will certainly not enhance Hamilton's reputation when tourists come to this beach.

I also contacted (by phone) the Hamilton Police Department on King Street in Stoney Creek on July 15 and informed the officer I talked to about the situation. I was advised to also contact Hamilton City, which I did (by phone) on July 16. I left my name, telephone number and email. I hope to hear from you.
Elke Taylor



July 22, 2021

Andrea Holland
City Clerk
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON
L8P 4Y5

SENT ELECTRONICALLY

Dear Ms. Holland,

Please be advised that the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following resolution at its meeting of July 16, 2021:

Resolution No. FA-147-2021

Moved by: Member Malcolm Woodhouse

Seconded by: Member Rick Brady

WHEREAS globally, pollinator species, including bees and monarch butterflies are declining at a concerning rate due to anthropogenic activity such as habitat loss and degradation as well as pollution and climate change;

WHEREAS the dramatic global decline in the pollinator species population could seriously affect the pollination of human food crops around the world;

WHEREAS Health Canada's Pest Management Regulatory Agency (PMRA) has developed Best Management Practices (BMP's), resources, and guidelines to ensure agricultural practices across the country protect pollinators, and is collaborating with the Provincial Ministry of Agriculture and Rural Affairs to advance these resources and BMP's;

AND WHEREAS the Niagara Peninsula Conservation Authority (NPCA) is committed to maintaining and enhancing pollinator habitat through its enhanced restoration and stewardship programs, community partnerships, as well as advising land development proponents through planning and development processes;

NOW THEREFORE, BE IT RESOLVED:

1. **THAT** the NPCA **REQUESTS** the support and collaboration of conservation authorities and (through the CAs) their partner municipalities across the Province of Ontario to include the provision of native pollinator habitat with specialized native plant species through future development and redevelopment projects.
2. **THAT** by copy of this motion, NPCA partner municipalities **BE REQUESTED** to advance the use of native pollinator plant species to promote pollinator habitat through projects on their own lands as well through planning and development processes.

3. **THAT** a copy of this resolution **BE CIRCULATED** to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities for their consideration.
4. **AND FURTHER THAT** both the governments of Ontario and Canada **BE REQUESTED** to adopt a plan of action for properties within their control to protect pollinators and plant native pollinator species and entrench this priority with the appropriate legislation with circulation of NPCA jurisdiction federal and provincial political representatives.

CARRIED

Should you have any questions regarding the above issue, please feel free to contact CAO Chandra Sharma at csharma@npca.ca or 905-788-3135.

Sincerely,

Grant Bivol

Grant Bivol
NPCA Clerk



250 Thorold Road, 3rd Floor, Welland ON L3C 3W2
 Tel: 905-788-3135
 Fax: 905-788-1121
 www.npca.ca

July 28, 2021

Andrea Holland
 City Clerk
 City of Hamilton
 71 Main Street West, 1st Floor
 Hamilton, ON
 L8P 4Y5

SENT ELECTRONICALLY

Dear Ms. Holland,

Please be advised that the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following resolution at its meeting of July 16, 2021:

Resolution No. FA-141-2021

Moved by Member Smith

Seconded by Member Woodhouse

1. **THAT** Report No. FA-45-21 RE: Compliance and Enforcement 2021 Q2 Statistics **BE RECEIVED**.
2. **THAT** a meeting with jurisdiction municipalities be **CONVENED** to address environmental compliance and enforcement challenges identified in the staff report.
3. **AND FURTHER THAT** a copy of this report be **CIRCULATED** to the Niagara Peninsula Conservation Authority (NPCA) municipalities.

CARRIED

Accordingly, for your reference, please find the subject Report No. FA-45-21 attached hereto. Staff from the NPCA will be in contact with your municipality in the coming weeks to discuss the matter. In the interim, should you have any questions or concerns, feel free to contact Chandra Sharma, NPCA CAO, at (905) 788-3135 or at csharma@npca.ca.

Sincerely,

Grant Bivol

Grant Bivol
 NPCA Clerk / Board Secretariat

att.

Report To: Board of Directors

Subject: Compliance and Enforcement 2021 Q2 Statistics

Report No: FA-45-21

Date: July 16, 2021

Recommendation:

1. **THAT** Report No. FA-45-21 RE: Compliance and Enforcement 2021 Q2 Statistics **BE RECEIVED**.
2. **THAT** a meeting with jurisdiction municipalities be **CONVENED** to address environmental compliance and enforcement challenges identified in the staff report.
3. **AND FURTHER THAT** a copy of this report be **CIRCULATED** to the Niagara Peninsula Conservation Authority (NPCA) municipalities.

Purpose:

The purpose of this report is to provide the Board with an overview of activities related to the Compliance and Enforcement within NPCA Jurisdiction from April 1, 2021 to June 30, 2021 (Q2 of 2021).

Background:

The Compliance and Enforcement Service Area of the Niagara Peninsula Conservation Authority plays a pivotal role in the protection and conservation of wetlands, shorelines and escarpment areas in the NPCA jurisdiction. The overall goal is to protect life and property from natural hazards such as flooding and erosion.

As previously reported in Report No. FA-03-2021, the Compliance and Enforcement unit committed to providing three quarterly reports and one annual report to the Board of Directors on statistics tracked by staff.

Discussion:

Compliance and Enforcement Statistics

The Regulations team tracks a significant amount of data in relation to each complaint and potential violation reported to and investigated by staff. This is done to support progressive compliance or enforcement actions if required, provide all regulations staff with access to pertinent file data, and to identify and assess on-going or continuing concerns, trends, and resourcing requirements. These statistics are only for Section 28 complaints and violations and do not include concerns in relation to Section 29 of the *Conservation Authorities Act* (Conservation Authority owned Land).

Quarterly updates on abatement, compliance and enforcement statistics will also be provided to the Board in October in 2021 and an annual summary for 2021 in January 2022.

The statistics below are from April 1, 2021 to June 30, 2021.

General Q2 File Statistics

Total number of complaints and concerns received by regulations staff in Q2 = 118 (this translates to approximately 2 complaint per working day on average)

Number of Q2 files Open = 53

Number of Q2 files Closed = 65

Complaint / Occurrence Validity

Total number of occurrences investigated and determined to be within NPCA jurisdiction = 47

Total number of occurrences under review = 27

Total number of occurrences not within NPCA jurisdiction or frivolous = 44

Reporting / Intake Avenues

Voicemail / phone = 8

Email to staff or TIPS email online = 55

Personal / Professional Communication = 24

Officer Found (no complaint received) = 3

Other/NA = 28

Notices of Violation

Issued = 15

Resolved = 2

Complaints / Occurrences by Municipality

Fort Erie = 14

Grimsby = 1

Haldimand = 3

Hamilton = 4

Lincoln = 9

Pelham = 5

Niagara Falls = 6
Niagara-On-The-Lake = 8
Port Colborne = 7
St. Catharines = 20
Thorold = 2
Wainfleet = 22
Welland = 8
West Lincoln = 7
Unknown = 2 (due to anonymous complaints with no location information)

The Q2 statistics for 2021 demonstrate a significant increase in demands on the compliance and enforcement service area in relation to complaints and violation response. The total number of complaints received and investigated by the regulations staff in 2021 is currently 183. This far exceeds the total of 119 complaints and concerns investigated in 2019 and is set to surpass the 225 complaints received and investigated in 2020.

Issues and Challenges

As indicated by the statistics, there are a significant portion of concerns or complaints received from the public that are outside of the NPCA's current enforcement and compliance mandate and include:

- Tree cutting or vegetation removal on private property
- Destruction or disturbance of wildlife and wildlife habitat
- Planning related matters such as tree removal in approved subdivisions
- General environmental concerns the nature of which are not within the enforcement and compliance mandate of the NPCA

To provide additional perspective, the most common complaints are in relation to the cutting of trees and/or the removal of vegetation on private property, often after the complainant has been directed to the NPCA by their local municipality. However, tree removal and/or vegetation removal or disturbance in many instances does not constitute a contravention of the *Conservation Authorities Act* or is not the jurisdiction of the NPCA. For example, unless the tree cutting is in a wetland (and would be significant enough to constitute interference) or is in a regulated area and involves the removal of the roots (constitutes development/site grading), the individual act of tree cutting itself would not be considered a violation. In this instance, the incident may be a concern under the Region of Niagara's Woodlands By-law or a private property tree by-law implemented by the local municipality under the authority of the *Municipal Act*. Additionally, if tree cutting does not take place in a wooded area which meets the definition of a woodland under the Region's by-law then a regulatory tool does not exist with the NPCA to manage this activity. These type of issues are being addressed through local tree-by-laws or ravine by-laws by several municipalities across Ontario or through management agreements with conservation authorities.

Regulations staff work closely in partnership with numerous regulatory agencies including municipal bylaw staff on a day-to-day basis. There is a need (and opportunity) to provide additional guidance for the NPCA's municipal partners and to collectively develop enhanced tools and communication resources to address this significant issue.

Staff recommends formal discussions with local municipal partners in order to develop or enhance tools and communication resources in relation to compliance and enforcement within the Region of

Niagara, Hamilton and Haldimand service areas. This may also include additional legislative options available to them under the *Municipal Act* such as tree, watercourse, ravine and site-alteration by-laws.

In an effort to reduce the number of concerns and complaints which are directed to the NPCA and are not within the NPCA's regulatory framework, the NPCA is also working to inform the public about the regulatory jurisdiction of the NPCA with regards to what is enforceable under our legislation.

Financial Implications:

There are no additional financial implications for the current day-to-day operations of the Compliance and Enforcement business unit as the work is accounted for in the 2021 budget. However, should any complaint or violation proceed to the issuance of a summons and court proceedings, there will be costs associated with these activities. Based on the statistics presented for the first two quarters of 2021, the NPCA will very likely need to consider the requirement for additional resources for 2022. Alternatively, NPCA staff will also look into other strategies such as adjustment in service levels to appropriately respond to the more significant and high-risk contraventions of the *Conservation Authorities Act*.

Regulations staff are committed to enhanced statistical reporting, recording and analysis of compliance and enforcement related data which will continue to assist in quantifying resource and staffing requirements moving forward.

Links to Policy/Strategic Plan:

The duties carried out by the Compliance and Enforcement business unit are part of the Niagara Peninsula Conservation Authority's mandate and are essential to our watershed.

Related Reports and Appendices:

None

Authored by:

Original Signed by:

Jason Culp, C.Tech., EP
Manager, Compliance & Enforcement

Reviewed by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

Pilon, Janet

Subject: Your correspondence to the Honourable Steve Clark - MAH File 21-2212

From: Minister (MMAH) <minister.mah@ontario.ca>

Sent: July 30, 2021 12:22 PM

To: Office of the Mayor <mayor@hamilton.ca>

Cc: donna.skelly@pc.ola.org

Subject: Your correspondence to the Honourable Steve Clark - MAH File 21-2212

234-2021-2212

July 30, 2021

Your Worship
Mayor Fred Eisenberger
City of Hamilton
mayor@hamilton.ca

Dear Mayor Eisenberger:

Thank you for your correspondence regarding concerns around the impacts of the COVID-19 outbreak on renters and residential evictions. I appreciate the time you have taken to write.

The health and safety of Ontarians continue to be our government's top priority. This is why, in response to increased COVID-19 cases, we have issued another emergency order to temporarily pause the enforcement of residential eviction orders and writs of possessions, so no one is forced to leave their homes while a stay-at-home-order is in force. The pause took effect on April 8, 2021 and will end when the stay-at-home order is lifted.

To further protect tenants, especially those impacted by COVID-19, we are now requiring the Landlord and Tenant Board (LTB) to consider, during an eviction hearing, whether the landlord tried to negotiate a repayment agreement with the tenant if the tenant fell behind in rent after March 17, 2020. This must happen before the LTB can issue an eviction order for non-payment of rent. This will help encourage landlords and tenants to work together on a fair repayment agreement and maintain the tenancy – instead of resorting to evictions for rent arrears accumulated during COVID-19.

Our government has announced a range of measures that will help protect residential tenants and provide supports to those most affected by the pandemic. The temporary pause on residential evictions builds on our response to date, including the 2021 rent freeze and providing \$765 million in **Social Services Relief Fund** (SSRF) money to local Service Managers and Indigenous Program Administrators to help address a range of critical short-term needs and create long-term solutions for those most in need, including those experiencing or at risk of homelessness. This funding may be used for activities like rent banks and utility banks to prevent people from becoming homeless, securing motel and hotel spaces, and funding additional staff to support physical distancing of shelter residents.

In partnership with the federal government, we also launched the **Canada-Ontario Housing Benefit**. Over 7,900 households have been approved to date for direct rent assistance payments - with more households receiving approvals every day. This is a portable benefit, that tenants can use in any type of housing, anywhere in the province.

We are working to increase housing supply by building the right types of homes in the right places, as we believe everyone deserves a home that meets their needs and budget. In 2020-21 alone, including the SSRF, we allocated \$1.75 billion to sustain, repair and grow community housing and provide supports to

prevent homelessness. As well, we are simplifying the rules to make access fairer and more transparent, and to shorten waitlists.

To address homelessness, we are continuing to invest in homelessness prevention and supportive housing programs, including the **Community Homelessness Prevention Initiative** and **Home For Good**. Our whole-of-government approach involves working across ministries to improve supportive housing programs so people get the help they need, including mental health and addiction supports.

We will also be requiring Service Managers across the province to implement By-Name Lists. A By-Name List is a real-time list of people experiencing homelessness, along with information about their needs, to help Service Managers better understand who is experiencing homelessness in their communities. This will help Service Managers better understand the needs in their communities and help match individuals not just with housing, but with the right housing and supports.

As you know, the LTB is an independent adjudicative tribunal under the purview of Tribunals Ontario and the Ministry of the Attorney General. To preserve the independence of the LTB, I cannot interfere in tribunal processes or decisions. I have taken the liberty of copying my colleague, the Honourable Doug Downey, Attorney General, for his review and consideration.

Our government continues to call on landlords and tenants to come together and be reasonable with each other – and we know many landlords and tenants across the province have been doing just that. Tenants who can pay their rent must continue to do so to the best of their abilities.

Our government will continue to work with tenants, landlords, the LTB, and all of our partners to support a safe and gradual recovery of our province.

Once again, thank you for bringing your concerns to our attention. Please accept my best wishes.

Sincerely,



Steve Clark
Minister

- c. The Honourable Doug Downey, Attorney General
The Honourable Sylvia Jones, Solicitor General
The Honourable Todd Smith
Minister of Children, Community and Social Services
Donna Skelly, MPP Flamborough – Glanbrook

Pilon, Janet

Subject: Reference Item 8.1 on the Agenda:

From: carole-ann

Sent: August 3, 2021 3:48 PM

To: clerk@hamilton.ca

Cc: Lynda Lukasik

Subject: Reference Item 8.1 on the Agenda:

August 3rd, 2021

Mayor Eisenberger & Members of the General Issues Committee:

Reference Item 8.1 on the Agenda:

GRIDS 2 & Municipal Comprehensive Review –Consultation Update & Evaluation Framework & Phasing Principles

I am an ordinary citizen of the City of Hamilton (Ancaster) who wishes to add my thoughts to this meeting.

Over the years I have watched our climate change in ways that are detrimental to our health. "Air Quality" warnings have become a regular occurrence, unswimmable beaches due to water contamination. In addition, we now import more food than ever before. Thereby incurring rising prices and use of non-renewable resources to accommodate the production and transport these imports.

We live in what is one of the richest agricultural areas in Canada. More and more of this oasis is being changed in ways that will forever keep it from producing the food that in years past nourished us at a cost that was affordable and sustainable.

There is a song that I heard long ago which stated: "they paved over paradise and put up a parking lot". That is, I fear, what is happening to our precious Niagara Region, which as you well know includes our City of Hamilton.

Our large extended family have lived in the Hamilton area for many generations and I can tell you first hand that the water quality has notably deteriorated. The foul chemical taste will only increase as natural watersheds are tampered with; more roads are added (and are over salted in winter), and more chemicals are added to the water to meet the minimum quality standards for "safe" drinking water.

We do not need to increase our carbon footprint, raising the greenhouse gasses that lead to even more climate change. We need to build up rather than over our prized farmland.

In closing, more roads, increasing poor air quality, squandering our ever-decreasing ability to feed ourselves, through diminishing land use, and water use that brings not only flooding but contaminants to the water available, is going to decrease the quality of our lives exponentially. We need to stop this by voting option 2, not to expand the present footprint of our City.

Sincerely,

Carole-Ann Durran (Mrs.)

Scenic woods.

4.18 (a)

Dear Councilors and Mayor Office,

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. **Walk to Work:** This project will be accessible for the employees and residence of the under construction offices building which is just across the street.
2. **Affordable:** This project will be only affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
3. **Heritage:** This project will support the combination of modern and civilized architect with the inclusion of unique heritage touch emphasizing the unique landscaping theme.
4. **Transit:** This project will support City of Hamilton transit policy and intensification and Taxes.
5. This project will provide underground **parking**. **Bus stop** is right at property.
6. **Unit Sizes:** This project will support affordability and accessibility to many youngsters whose elderly parents and relatives are the residence of Seniors Housing in the same neighborhood.
7. Last but not the least, this project will give business to the City of Hamilton and the other Business Community of Ancaster which includes Daycare, Gyms, Grocery Stores, Restaurants, Plazas, Gas Stations and many other local stores in the neighborhood of Ancaster community.

We can nurture the City collectively with the support of residence of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and the Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: SARBJIT Juneja

Phone:

[REDACTED]

Address:

[REDACTED]

Scenic woods

Dear Councilors and Mayor Office,

4.18 (b)

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

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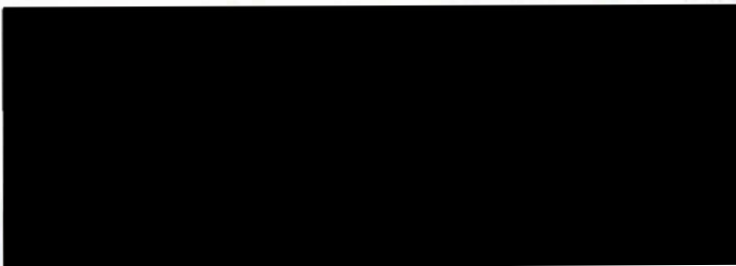
We can nurture the City collectively with the support of residence of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and the Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: MRIDULA GANAPATI

Mridula Ganapaty
July 7th 2021



June 21, 2021

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

4.18 (c)

**Re: 1269 Mohawk Road, Application for Zoning By-Law Amendment (File No. ZAC-19-006)
(Application 20 157038 STE 04 MV)**

I/We are writing as the resident(s) of [REDACTED] I/We are aware of the Zoning By-Law Amendment application submitted for 1269 Mohawk Road and have reviewed the drawings and documents submitted with the application. I/We have also discussed the application with the owners of 1269 Mohawk Road.

It is my/our understanding that this application is on the July 6, 2021 agenda of the Planning Committee. I/We have no objections to this application and are in support of the proposal for this property. Please contact the undersigned directly with any questions about this correspondence.

I am pleased that the Heritage Building will remain up front

Yours truly,

[REDACTED]

Print Name

Nick Dobler

[REDACTED]

4.18 (d)

June 21, 2021

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

Re: **1269 Mohawk Road, Application for Zoning By-Law Amendment (File No. ZAC-19-006)**
(Application 20 157038 STE 04 MV)

I/We are writing as the resident(s) of [REDACTED]. I/We are aware of the Zoning By-Law Amendment application submitted for 1269 Mohawk Road and have reviewed the drawings and documents submitted with the application. I/We have also discussed the application with the owners of 1269 Mohawk Road.

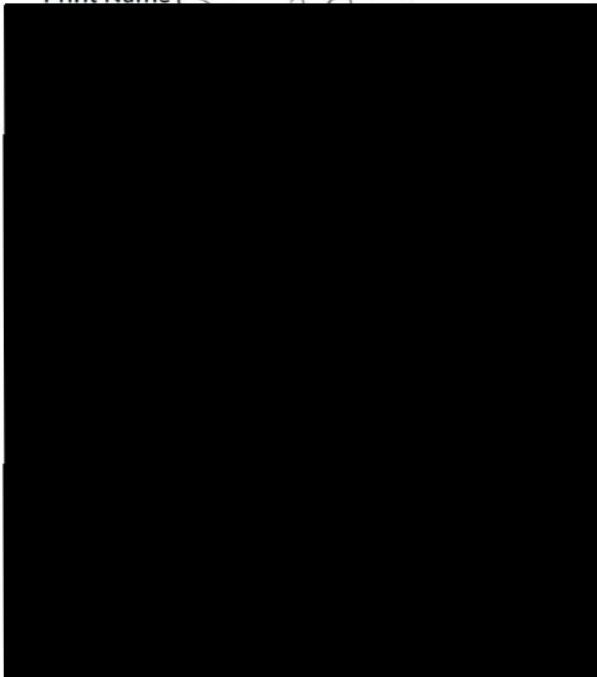
It is my/our understanding that this application is on the July 6, 2021 agenda of the Planning Committee. I/We have no objections to this application and are in support of the proposal for this property. Please contact the undersigned directly with any questions about this correspondence.

We have been a neighbour to this property since 1972

Yours truly,

Alice Dobler

Print Name



Scenic Woods

Dear Councilors and Mayor Office,

4.18 (e)

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. **Walk to Work:** This project will be accessible for the employees and residence of the under construction offices building which is just across the street.
2. **Affordable:** This project will be only affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
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We can nurture the City collectively with the support of residence of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and the Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: HARSHVITA GANAPATI →

JULY 07/2021

Pilon, Janet

Subject: 1269 Moahwk rd-Confirm signatures and your views

From: shalini SHARMA

Sent: Tuesday, July 6, 2021 6:11 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Andrews, Mark <Mark.Andrews@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Michael Barton

Subject: 1269 Moahwk rd-Confirm signatures and your views

Hi All

I am completely baffled by Mr Ferguson's misrepresentation of General public and Council.

As to my understanding Our esteemed councillor Mr Ferguson had commented that he is here filling in and representing Mr Terry Whitehead who is currently on a sick leave.

But to my observation it was not just Mr Ferguson repeatedly discarded the views of Mr Whitehead instead he also undermined the support of all the city officials and our multiple neighbors who are in direct and closest vicinity to us.

He brought upon his own personal opinion that he just was able to form by a 5 minutes drive at night by the property.

Also by making such outrageous comments about the Authenticity of support letters .

His comments, however damaging they were to the project were made not as a public servant who has the knowledge and wisdom needed to take in required information and study about what was being presented , but rather his comments seemed quite outrageously prejudiced based on his personal opinions and affiliation.

I do believe in fair system and I do believe that the rest of the city council will have some answers to the above .

Sincerely yours

Shalini Sharma

From: Rajeev SHARMA

Sent: Tuesday, July 6, 2021 3:53:11 PM

To: lisa.kelsey@hamilton.ca <lisa.kelsey@hamilton.ca>; kristin.prince@hamilton.ca <kristin.prince@hamilton.ca>; jason.farr@hamilton.ca <jason.farr@hamilton.ca>; mark.andrews@hamilton.ca <mark.andrews@hamilton.ca>; nikola.wojewoda@hamilton.ca <nikola.wojewoda@hamilton.ca>; ward8@hamilton.ca <ward8@hamilton.ca>; maureen.wilson@hamilton.ca <maureen.wilson@hamilton.ca>; chad.collins@hamilton.ca <chad.collins@hamilton.ca>; maria.pearson@hamilton.ca <maria.pearson@hamilton.ca>; brenda.johnson@hamilton.ca <brenda.johnson@hamilton.ca>; lloyd.ferguson@hamilton.ca <lloyd.ferguson@hamilton.ca>; judi.partridge@hamilton.ca <judi.partridge@hamilton.ca>; arlene.vanderbeek@hamilton.ca <arlene.vanderbeek@hamilton.ca>; nrinder.nann@hamilton.ca <nrinder.nann@hamilton.ca>; sam.merulla@hamilton.ca <sam.merulla@hamilton.ca>; tom.jackson@hamilton.ca <tom.jackson@hamilton.ca>; esther.pauls@hamilton.ca <esther.pauls@hamilton.ca>; brad.clark@hamilton.ca <brad.clark@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>;

Subject: 1269 Moahwk rd-Confirm signatures and your views

Hi,

As you know our Goal is to make our city ready for the future and attractive.

But

I am sorry to bother you but I have never had such an issue in the past as I do here.

As you all know, we had our plans for 1269 Mohawk Rd W presented to the Planning Committee today which was represented in public domain. All the good things on this project are for the community and 100% supported by City Staff, majority of residents and the Ward Councillor, Terry Whitehead.

In place of Councillor Terry Whitehead (who is on sick leave), Councillor's Lloyd Ferguson and Tom Jackson took oath at Council that they would represent Councillor Whitehead's interests on his behalf until he returns to work. They made the commitment to work with the Ward 14 office on an as needed basis to continue the work of Councillor Whitehead while he is away. On this confirmation, me and my team trusted them to do so.

In this circumstance it was Councillor Ferguson, who as a member of the Planning Committee was entrusted to represent Councillor Whitehead's interests. Unfortunately, Councillor Ferguson raised his own issues with our project despite the clear direction and clarification provided to him from Councillor Whitehead's office. In essence, Councillor Ferguson acted in opposition to the wishes of Councillor Whitehead.

Councillor Ferguson questioned the authenticity of your comments and signatures that you so graciously submitted in support of our project at 1269 Mohawk Rd W.

My request is this:

I request each of you to please reply back with confirmation of your views (feel free to ADD any suggestions or relevant idea) and if these signatures are genuine (signed papers are attached for your review). I am asking that you please provide your response by the morning of Thursday July 8th as we will need to submit your confirmation emails to the city clerk for the Council meeting this Friday July 9th.

RajeeV Sharma

Pilon, Janet

Subject: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

From: Yaser Rahim

Sent: Thursday, July 8, 2021 3:14 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>;

Subject: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

Dear Councilors and Mayor Office,

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. Walk to Work: This project will be accessible for the employees and residents of the under construction offices building which is just across the street.
2. Affordable: This project will be only affordable accommodation for many residents of the Ancaster who are currently residing in big bungalows for the last 30 years and looking forward to moving into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
3. Heritage: This project will support the combination of modern and civilized architecture with the inclusion of unique heritage touch emphasizing the unique landscaping theme.
4. Transit : This project will support City of Hamilton transit policy and intensification and Taxes.
5. This project will provide underground parking. Bus stop is right at the property.
6. Unit Sizes: This project will support affordability and accessibility to many youngsters whose elderly parents and relatives are the residence of Seniors Housing in the same neighborhood.
7. Last but not the least, this project will give business to the City of Hamilton and the other Business Community of Ancaster which includes Daycare, Gyms, Grocery Stores, Restaurants, Plazas, Gas Stations and many other local stores in the neighborhood of Ancaster community.

We can nurture the City collectively with the support of residents of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: Yaser Rahim

Pilon, Janet

Subject: 1269 Moahwk rd-Confirm signatures and your views

From: Vurdhaan Prinza

Sent: Tuesday, July 6, 2021 4:57 PM

To: Rajeev SHARMA

Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Andrews, Mark <Mark.Andrews@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Michael Barton Spadafora, Gemma <Gemma.Spadafora@hamilton.ca>

Subject: 1269 Moahwk rd-Confirm signatures and your views

I Vurdhaan Prinza a member of the hamilton youth , resident of [REDACTED] ancaster, confirm that i shared my following comments with the city regarding the project at 1269 Mohawk Rd, Ancaster

I had seen my first city planning committee meeting today , and as a young teenager, had high expectations for the professionalism and delivery of the meeting.

while majority of the meeting had gone impressively, I was appalled when I had listened to Councillor Lloyd ferguson's remarks, resorting to essentially an insult towards the owner of the property, stating that he believed the fact that the letters were of a specific format ,Mr.Ferguson had stated that "maybe they were collected by someone else,and got his friends or somebody to sign them", this comment in my perspective, is capable of tarnishing Mr.Sharma's reputation, and are suggesting that Mr.Sharma had committed fraud , which is an extreme comment to make , considering that there were addresses and signatures provided on the letters of support , even though the people that Mr.Ferguson was supporting, the people directly behind the property, had created a format requesting people to send to the hamilton clerk "I've attached a letter that can be emailed to clerk@hamilton.ca." . I do not know if this is mere speculation, but upon doing my research i had seen that mr ferguson has made inappropriate comments a couple years ago as well, during a city meeting I believe, Mr.Ferguson had stated many things about the city of Bogota in Colombia, one of them being "the only wealthy people in Colombia are drug lords" (CBC) .

. Obviously these are completely different contexts,and I am not sure if mr.ferguson has a reputation of saying such comments, but as a member of the youth I was quite disturbed by what transpired during this meeting, and do not wish to tarnish mr ferguson's reputation in any manner, but just wish to comprehend how to approach these meetings in my future,and share my thoughts with the people in charge of my city.

Thank you so much for reading my comments , much appreciated, Vurdhaan Prinza

Date: Wed, Jun 30, 2021 at 10:59 PM

Subject: Notice of Public Meeting of the Planning Committee for Application by MB1 Development Consulting Inc. on behalf of Shine Mohawk Independent Living Enterprises Ltd. for Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster, (Ward 14)

To: <clerk@hamilton.ca>

Application ZAC-19-006 for the re-zoning of 1269 Mohawk Road, which is on a heritage list of interest. I am writing an email extending my support for this project, which would be a welcome addition to the city of hamilton's plans for increasing population density, which is an integral part of continuing the future

development of the city,in my opinion, rejection of this project would be exhibiting a backwards mindset and rejecting the progress of the city and the mohawk road area. Thank you so much for listening to my comments. Greatly appreciated

Pilon, Janet

Subject: Project 1269 Mohawk Road

From: Thomas Kurian

Sent: Wednesday, July 7, 2021 7:11 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>;

Subject: Project 1269 Mohawk Road

Dear councillors and Mayor

Re: project 1269 Mohawk Rd, Ancaster

ZAC-19-006

As the residence and neighbour of Hamilton community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
2. This project will be affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
3. This project will support the combination of modern and civilized architect with the inclusion of unique heritage touch emphasizing the unique landscaping theme.
4. This project will support City of Hamilton, Tax department.
5. This project will provide underground parking.
6. This project will support affordability and accessibility to many youngsters whose elderly parents and relatives are the residence of Seniors Housing in the same neighbourhood.
7. Last but not the least, this project will give business to the City of Hamilton and the other Business Community of Ancaster which includes Daycare, Gyms, Grocery Stores, Restaurants, Plazas, Gas Stations and many other local stores in the neighbourhood of Ancaster community.

Hamilton is the beautiful city and blessed with the beauty of nature and many other resources which are making City of Hamilton one of the best place to live on the earth. We can nurture the City collectively with the support of residence of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and the Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion.

Kind Regards,

Name: Thomas Kurian

Pilon, Janet

From: Sunanda Jadon
Sent: Thursday, July 8, 2021 9:28 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject:

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As a residence and neighbour of the Hamilton community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
2. This project will be affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
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Wish you all the Best for the positive conclusion.

Kind Regards,

Name:Sunanda jadon

Pilon, Janet

Subject: Project 1269 Mohawk Rd

From: Sumbal Malik

Sent: Thursday, July 8, 2021 9:00 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Cc: Prince, Kristin <Kristin.Prince@hamilton.ca>;

Subject: Project 1269 Mohawk Rd

Dear Councilors and Mayor Office,

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. Walk to Work: This project will be accessible for the employees and residence of the under construction offices building which is just across the street.
2. Affordable: This project will be only affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
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Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: Sumbal Malik

Pilon, Janet

Subject: URGENT: City of Hamilton Meeting , July 6, 2021 10:30 am

From: shahnaz tehseen

Sent: Tuesday, July 6, 2021 1:00 AM

To: Neighbour Rajeev Sharma ; Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Andrews, Mark <Mark.Andrews@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Zahid Butt

Subject: URGENT: City of Hamilton Meeting , July 6, 2021 10:30 am

Dear all,

Re: project 1269 Mohawk Rd, Ancaster
July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the under construction McMaster building which is just across the street.
2. This project will be affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
3. This project will support the combination of modern and civilized architect with the inclusion of unique heritage touch emphasizing the unique landscaping theme.
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Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards, Shahnaz Tehseen

Pilon, Janet

Subject: project 1269 Mohawk Rd, Ancaster-ZAC-19-006

-----Original Message-----

From: Sanjeev, Shilpa

Sent: Friday, July 9, 2021 6:58 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>

Subject: project 1269 Mohawk Rd, Ancaster-ZAC-19-006

Dear Councilors and Mayor Office,

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. Walk to Work: This project will be accessible for the employees and residence of the under construction office building which is just across the street.
2. Affordable: This project will be only affordable accommodation for many residence of the ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vascinity due to the familiarity of the neighbourhood.
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Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: Ms.Shilpa Sanjeev and Mr. Sanjeev Sreenivasan

Pilon, Janet

Subject: 1269 Mohwak Rd Ancaster Project

From: sanjay sharma

Sent: Wednesday, July 7, 2021 11:20 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: 1269 Mohwak Rd Ancaster Project

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
2. This project will be affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
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Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards,

SANJAY KUMAR SHARMA

Pilon, Janet

Subject: Support for the change in zoning

From: Rhian Parasu

Sent: Tuesday, July 6, 2021 9:44 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>

Subject: Support for the change in zoning

Hi Lisa and Kristin,

I am writing to you to give my support for the zoning change at the property 1269 Mohawk Road, Ancaster. I believe that the proposed development of the 4 storey, 19-unit multiple dwelling will be a great asset, transforming the land and area surrounding the property.

Thank you,

Kind regards,

Mrs Rhian Thomas-Parasu

Pilon, Janet

Subject: Mohawk Rd Project

From: rama sharma

Sent: Wednesday, July 7, 2021 11:07 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>

Subject: 4.18 (q) Mohawk Rd Project

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
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Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards,
Rama Sharma

Pilon, Janet

Subject: Project 1269 Mohawk Rd

From: Naseer Malik

Sent: Thursday, July 8, 2021 9:05 AM

To: Prince, Kristin <Kristin.Prince@hamilton.ca>; R P Sharma Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Project 1269 Mohawk Rd

Dear Councilors and Mayor Office,

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. Walk to Work: This project will be accessible for the employees and residence of the under construction offices building which is just across the street.
2. Affordable: This project will be only affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
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Wish you all the Best for the positive conclusion of this development.

Thanks

Name: Naseer Malik

Pilon, Janet

Subject: 1269 Moahwk rd-Confirm signatures and your views

From: Nalin Amin

Sent: Wednesday, July 7, 2021 9:26 PM

To: Rajeev SHARMA

Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Andrews, Mark <Mark.Andrews@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Michael Barton ; Office of the Mayor <mayor@hamilton.ca>

Subject: 1269 Moahwk rd-Confirm signatures and your views

All,

Mr Sharma has requested that I email all of you to verify the accuracy and intent of the previously signed letter supporting the project planned for 1269 Mohawk Rd West. I am the homeowner of [REDACTED], Ancaster, ON which happened to be one of the homes that borders this property.

I had the opportunity to watch the live feed of the subcommittee meeting yesterday and was a little surprised that the decision and vote was deferred for a later date. From what I could gather the project, following modifications, now fulfills all city bylaws addressing units per hectare, green space, distance from lot lines and a 45 degree site line from the lot line. Mohawk has already become a commercial area with a dentist and childcare center, long term care facility, a retirement home and a new commercial construction currently ongoing across the street. I appreciate the opposition to having new constructions occur in the proximity of one's home but don't really believe that 1 or 2 homeowners preferences are the primary issue when considering a municipalities goal of increased intensification and density.

I've listed my contact information below and am more than happy to provide any further information at any time.

Sincerely,

Nalin Amin

Pilon, Janet

Subject: Support letter

From: Komil Bhalla
Sent: Tuesday, July 6, 2021 6:02 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Support letter

Many neighbours sent many support letters and thank you to each one.

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
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Hamilton is the beautiful city and blessed with the beauty of nature and many other resources which are making City of Hamilton one of the best place to live on the earth. We can nurture the City collectively with the support of residence of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and the Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards,
Komil Bhalla

Pilon, Janet

Subject: Project 1269 Mohawk Rd, Ancaster

From: Jyoti Hansra
Sent: Tuesday, July 6, 2021 10:27 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Cc: kristin.prince@hotmail.ca
Subject: 4.18 (u) Project 1269 Mohawk Rd, Ancaster

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
2. This project will be affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
3. This project will support the combination of modern and civilized architect with the inclusion of unique heritage touch emphasizing the unique landscaping theme.
4. This project will support City of Hamilton, Tax department.
5. This project will provide underground parking.
6. This project will support affordability and accessibility to many youngsters whose elderly parents and relatives are the residence of Seniors Housing in the same neighbourhood.
7. Last but not the least, this project will give business to the City of Hamilton and the other Business Community of Ancaster which includes Daycare, Gyms, Grocery Stores, Restaurants, Plazas, Gas Stations and many other local stores in the neighbourhood of Ancaster community.

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Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards,

Pilon, Janet

Subject: Support

From: Jasdev

Sent: Tuesday, July 6, 2021 9:10 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Support

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
2. This project will be affordable accommodation for many residence of the Ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
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Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards,

Dr Jasdev Bhalla
B.D.S,MSc,FADSA

Pilon, Janet

Subject: 1269 Mohawk Road

From: Domenica Succi

Sent: July 6, 2021 10:39 AM

To: clerk@hamilton.ca

Subject: 1269 Mohawk Road

I am writing to you to respectfully request a deferred/delayed meeting and/or do not making any final decisions until the residents have an opportunity to put together their concerns.

I was told a couple of years ago that the residents would be given plenty of notice and we hadn't heard anything till today. Not during holiday summer season!

I heard about this meeting of July 6th third hand and found out that they only mailed the notice Friday June 18th, which I received today, June 21st. This is not enough notice to have our neighbours able to respond to this, since many have booked off for holidays in July and August.

According to the Hamilton Zoning map (attached) for applications the request is for a 3 story retirement residence, yet the Developer has said that it will be 4 story and wouldn't necessarily be a retirement residence, so it could be a condominium.

The developer showed plans at our meeting back in 2019 but the average person cannot understand these plans which is totally misleading and erroneous.

You simply have to eyeball the site to see that it's too small to erect a 4 story building. The setbacks won't work at all and it will not fit in with the neighbourhood.

There will be no room for emergency vehicles like fire trucks, ambulance's, police, etc, garbage pick up and buses to take seniors shopping. No room to enter turn around and leave.

This is a fast moving bend on Mohawk Road and there is a fear of personal injury and accidents happening here.

There are major concerns regarding the size of the lot being too small and that the land is raised much higher than the surrounding properties. The toddlers at the DayCare (on the east side) will definitely be affected in their play area which is approximately 8 feet lower and butts right onto the subject property proposed for development. It is totally unsafe. This side is the only place you could bring in noisy heavy equipment which would not only terrify the children for as long as it takes to build, but it runs the risk of the rocks (retaining wall) toppling over.

This will be totally unsafe and terrifying for the children playing next door below where the big machines will enter and leave while building. This is the only place the equipment could enter the property.

The back of the property butts up against ([REDACTED]) our private driveway and you can simply eyeball the site and see it's too small. The building of the lower parking lot and support structures could absolutely cause damage and perhaps cracks in our homes foundations.

1269 Mohawk Road is the last remnant representing the entrance to Ancaster. Where the Loyalists from the US and others came to the Hamiton and Ancaster area. You could picture horse and buggies heading to Wilson Street from here.

Plus, there is a beautiful century's old massive tree in the farmhouse's backyard. You are also changing the water levels in the forest around the area, thus destroying all the trees.

Please do not approve these plans at all.

Regards

Sergio and Domenica Succi

Pilon, Janet

Subject: Motion - 1269 Mohawk road- Punitive delays-900 Days**From:** Rajeev SHARMA**Sent:** July 8, 2021 11:36 PM**To:** Ward 8 Office <ward8@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; chadcollins@rogers.com; Clark, Brad <Brad.Clark@hamilton.ca>**Cc:** clerk@hamilton.ca**Subject:** Motion - 1269 Mohawk road- Punitive delays-900 Days

Respected Councillor and Honorable Mayor,
Allow motion to approve on Jul.08 2021 meeting
Please Correct mistakes happened

History:

Regarding 1269 project Motion:

I have started application after a lengthy discussion with Councillor Llyod Furguson in 2016-17 that we should provide multi unit facility at 1269 mohawk road w.(Now he is against it) i started this expensive project.

Committee meeting:

Councillor Whitehead and staff spent 3years to get this final product,

But

On Jul.06 2021 under your chairmanship Llyod had broke all limits to harass and tear my credibility.

Sad part was that he had no idea but it was all based on his personal Subjective beliefs (Staff has all objective answers and you can see they supported 100% and Mark Andrew's has all answer to his non Valid questions) and he was able to figure out in his 5 min drive in neighbourhood.

Mr Furguson still believes that Ancaster by law allows only 3 stories when across me we have 4 stories building and Bylaw clearly states 6 stories are allowed.??

Worst of all that Chairman Danko allowed him to breach trust of me and my councillor (Terry Whitehead whose letter clearly indicated his wishes for project otherwise= Supportive).

Llyod agreed under oath to pass on Terry's perspective to public but he went totally against?

2nd thank you for taking ethical standing (decision) and agreed to give us fair chance by bringing motion.

Motion:

As applicant and resident of war 14 i request to give me opportunity for fair hearing (Avoud LPAT).

Chairman/ councillor Danko its your ethics which i admire (and forced you) along with Councillor Wilson and Jason Farr with Tom Jackson to bring this motion.

Cleaely: This motion is not based on Terry letter but its
Unfair treatment of Rajeev And Shalini Sharma
Who live with their family in same house 1269 Mohawk road.

So why stop now.....what i believe is that any citizen of my country and city has right to say and write regardless of their health and status.

Its my sincere request to please allow me fair treatment (Bandaid to Planning committee wounds) and please forward your motion in council on Friday Jul 09 2021.

Atleast me and my family deserve this.

Thanks

Rajeev Sharma

Pilon, Janet

Subject: Project 1269 Mohawk RD

From: Abhishek sharma

Sent: Thursday, July 8, 2021 4:46 PM

To: Prince, Kristin <Kristin.Prince@hamilton.ca>; Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Rajeev Sharma

Subject: Project 1269 Mohawk RD

Dear Councilors and Mayor Office,

Re: project 1269 Mohawk Rd, Ancaster-ZAC-19-006 (900 Days+)

As the residence of Hamilton community I would fully support the above subject project due to many reasons including:

1. Walk to Work: This project will be accessible for the employees and residence of the under construction offices building which is just across the street.
2. Affordable: This project will be only affordable accommodation for many residence of the ancaster who are currently residing in big bungalows for last 30 years and looking forward to move into downsize condominiums in the same vicinity due to the familiarity of the neighbourhood.
3. Heritage: This project will support the combination of modern and civilized architect with the inclusion of unique heritage touch emphasizing the unique landscaping theme.
4. Transit : This project will support City of Hamilton transit policy and intensification and Taxes.
5. This project will provide underground parking. Bus stop is right at property.
6. Unit Sizes: This project will support affordability and accessibility to many youngsters whose elderly parents and relatives are the residence of Seniors Housing in the same neighborhood.
7. Last but not the least, this project will give business to the City of Hamilton and the other Business Community of Ancaster which includes Daycare, Gyms, Grocery Stores, Restaurants, Plazas, Gas Stations and many other local stores in the neighborhood of Ancaster community.

We can nurture the City collectively with the support of residence of Hamilton, City of Hamilton and Investors who are bringing revolutionary modern ideas of Real Estate which are the combination of Ancestry Heritage and the Modern City Culture. Lets help each other to implement positivity in the Real Estate of Hamilton's Residence and Hamilton Community.

Wish you all the Best for the positive conclusion of this development.

Kind Regards,

Name: Abhishek sharma

Pilon, Janet

Subject: 1269 Moahwk rd-Confirm signatures and your views

From: Hassan Alayche

Sent: Tuesday, July 6, 2021 10:26 PM

To: Rajeev SHARMA

Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Andrews, Mark <Mark.Andrews@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Michael Barton

Subject: 1269 Moahwk rd-Confirm signatures and your views

Good evening,

I am the next door neighbour, our comments and support for this proposed project is genuine and I'm presenting my signatures. I am not sure why councillor Lloyd Ferguson has doubts on my supporting comments and signatures.

If you have any further concerns feel free to give me a call to further discuss.

Thank you

Hassan Alayche

Pilon, Janet

Subject: Project Mohawk Rd

From: garvit sharma

Sent: Wednesday, July 7, 2021 11:03 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>

Subject: Project Mohawk Rd

Dear councillors,

Re: project 1269 Mohawk Rd, Ancaster

July 6th, 2021 City of Hamilton meeting 10:30 am

As the residence and neighbour of Ancaster community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
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Wish you all the Best for the positive conclusion of today's meeting.

Kind Regards,
Garvit Sharma

Pilon, Janet

Subject: 1269 Mohawk Rd , Ancaster ZAC-19-006

From: Ashish Sharma

Sent: Thursday, July 8, 2021 3:38 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>

Cc:

Subject: 4.18 (ab) Re: 1269 Mohawk Rd , Ancaster ZAC-19-006

Dear councillors and Mayors

Re: project 1269 Mohawk Rd, Ancaster
ZAC-19-006

As the residence and neighbour of Hamilton community I would fully support the above subject project due to many reasons including:

1. This project will be accessible for the employees and residence of the services homes and under construction Medical / Offices building which is just across the street. Also for adjacent commercial buildings.
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Wish you all the Best for the positive conclusion.

Kind Regards,

Name: Ashish Sharma

Ministry of Municipal
Affairs and Housing

Ministère des Affaires
Municipales et du Logement

Office of the Deputy Minister

Bureau du ministre

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100



August 3, 2021

SUBJECT: *Main Street Recovery Act: Proclamation of Amendments to the Municipal Act and City of Toronto Act*

Dear Chief Administrative Officers and Clerks:

As you may know, in fall 2020, the government introduced amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006* through [Bill 215, *Main Street Recovery Act, 2020*](#). I am writing to update you that these legislative changes are scheduled to come into force on **September 19, 2021**.

As we collectively work to recover from the impacts of the pandemic, these legislative changes will help support economic recovery on main streets across Ontario and help ensure that important goods can continue to be delivered to businesses in our communities as efficiently as possible. Past pilot projects, which worked with municipal partners, have shown that the changes could also help reduce rush-hour traffic, lower fuel costs for businesses, and reduce greenhouse gas and other emissions.

From September 19, 2021 onwards, municipalities will not be able to regulate noise related to the delivery of goods to the following destinations:

1. Retail business establishments;
2. Restaurants, including cafes and bars;
3. Hotels and motels; and
4. Goods distribution facilities.

These changes will come into force on the same day as the expiry of temporary regulations (O. Reg. 70/20 and O. Reg. 71/20). These regulations, introduced at the outset of the pandemic, limit municipalities from regulating all noise related to the delivery of goods. From September 19, 2021 onwards, once the temporary regulations expire, municipalities will again have the authority to regulate delivery noise to destinations other than the four categories listed above.

Many municipalities, as well as business and logistics sector stakeholders, have expressed support for providing more flexibility for deliveries because of the benefits they offer Ontario's main street businesses and the local communities these businesses serve. Local businesses also have an interest in working to ensure that they continue to be good neighbours while planning for deliveries of goods to their businesses.

Prior to these amendments coming into force and for clarity for your stakeholders, your municipality may wish to review any applicable bylaws and consider whether any changes are necessary to align with the new framework. If your municipality has any questions on these changes, I would encourage you to contact your local [Municipal Services Office](#).

We will continue to monitor the implementation of this new framework. The Minister of Municipal Affairs and Housing has regulation-making authority to authorize municipalities to regulate delivery noise to the businesses noted above. No regulations are proposed to be made at this time to minimize burden for municipalities and businesses but may be considered in the future if deemed necessary.

Thank you for your continued support and collaboration as we work to support economic recovery in Ontario's communities.

Yours truly,



Kate Manson-Smith

Deputy Minister

- c: Laurie LeBlanc, Deputy Minister, Transportation
Giles Gherson, Deputy Minister, Economic Development, Job Creation and Trade
Brian Rosborough, Executive Director, Association of Municipalities of Ontario
Bill Bond, President, Municipal Law Enforcement Officers' Association
Jonathan Lebi, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing
Hannah Evans, Assistant Deputy Minister, Municipal Services Division, Ministry of Municipal Affairs and Housing



John D. Elvidge
City Clerk

City Clerk's Office

Secretariat
Marilyn Toft
Council Secretariat Support
City Hall, 12th Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416-392-7032
Fax: 416-392-2980
e-mail: Marilyn.Toft@toronto.ca
web: www.toronto.ca

In reply please quote:
Ref.: 21-MM32.12

ONTARIO MUNICIPALITIES:

**Subject: Member Motion Item 32.12
Building the Early Learning and Child Care System Toronto Needs (Ward All)**

City Council on May 5 and 6, 2021, adopted the following:

1. City Council reaffirm the City of Toronto's support for building a system of early learning and child care services that are high-quality, public and not-for profit, affordable, inclusive and accessible for all families.
2. City Council express its support for the Government of Canada's April 19, 2021 budget announcement to invest in building a Canada wide system of Early Learning and Child Care and Indigenous Early Learning and Child Care, that builds on City of Toronto policies and service plans, and has adequate and ongoing operating and capital funding.
3. City Council communicate to the Provincial and Federal Governments, the City of Toronto's interest in working collaboratively, and participating in tri-lateral discussions as soon as possible, with the goal of achieving intergovernmental agreements by Fall 2021, and City Council make these negotiations a priority in our intergovernmental strategies.
4. City Council direct the General Manager, Children's Services to include in the June 2021 Growth Strategy Update report to the Economic and Community Development Committee and City Council, the opportunities and funding the Federal announcement could provide to expedite the Growth Strategy in Toronto, and to report to the Budget Committee on the City's share of new committed funding for child care once it is known.
5. City Council direct the General Manager, Children's Services to work closely with, and leverage the expertise of partners including the Province, City divisions, school boards and service providers to expand existing and develop new licensed child care services.

6. City Council request the City Clerk to distribute City Council's decision to other municipalities in Ontario, the Ontario Municipal Social Services Association and the Association of Municipalities of Ontario.

A handwritten signature in black ink, appearing to be 'M. Toft', written over the text 'for City Clerk'.

for City Clerk

M. Toft/wg

Attachment

Sent to: Prime Minister of Canada
Premier, Province of Ontario
Executive Director, Ontario Municipal Social Services Association
Executive Director, Association of Municipalities of Ontario
Municipalities in Ontario

c. City Manager

City Council

Member Motions - Meeting 32

MM32.12	ACTION	Adopted		Ward: All
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Building the Early Learning and Child Care System Toronto Needs - by Councillor Mike Layton, seconded by Councillor Shelley Carroll

City Council Decision

City Council on May 5 and 6, 2021, adopted the following:

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6. City Council request the City Clerk to distribute City Council's decision to other municipalities in Ontario, the Ontario Municipal Social Services Association and the Association of Municipalities of Ontario.

Summary

The lack of affordable, high-quality early learning and child care is one of the most significant challenges for families in our City. The pandemic has exacerbated the situation, and

accentuated the importance of child care for Toronto parents.

We have seen the gendered-impact of the pandemic on women. We have experienced the toll on parents, particularly mothers, because of the lack of access to child care. We know women will continue to face huge barriers to equitable participation in our economy if child care is not at the centre of COVID-19 recovery strategies. We also know that underserved communities, low-income and BIPOC families, people with disabilities, and those who are precariously-employed will not share in the benefits of economic renewal without access to affordable child care.

A broad consensus has emerged across all sectors, including business, academic, social service and feminist organizations, that a robust system of accessible, high-quality child care services is essential for Canada's economic renewal. The time is now to make long-awaited progress on child care for Toronto families.

The Government of Canada has recognized that investment in child care is urgently needed, and of national importance, for families and the economy. As part of the Budget 2021, it has committed to build a Canada-wide Early Learning and Child Care system that is affordable, high-quality and accessible for all families. The plan calls for \$30 Billion over 5 years, with an ongoing annual expenditure of \$8.3 Billion. The goal is to reduce fees by 50 percent by 2022, and achieve an average cost of \$10.00 per day by 2026.

The announcement is welcome news for women, their families, and cities across the Country. Toronto manages the second largest system of child care services in the Country, and it is important for our City to show its support for building a strong system of Early Learning and Child Care in Toronto and across Ontario – and that we are ready to work with the Federal and Provincial governments to achieve it.

City Council must reinforce the urgency, and express our willingness to be partners with all levels of government, and to act now, with urgency, to ensure this promise becomes a reality for Toronto children and families.

Background Information (City Council)

Member Motion MM32.12

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-166359.pdf>)



SPECIAL GENERAL ISSUES COMMITTEE REPORT 21-015

9:30 a.m.

Wednesday, August 4, 2021

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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

Absent: Councillor T. Whitehead – Leave of Absence

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-015, AND RESPECTFULLY RECOMMENDS:

1. **GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (PED17010(I)) (City Wide) (Item 8.1)**
 - (a) That the GRIDS 2 / MCR: Final Growth Evaluation Framework and Phasing Criteria, attached as Appendix “A”, as amended, to Report 21-015, be approved;
 - (b) That the GRIDS 2 / MCR – Screening Criteria and Evaluation Tool (Waterdown and Binbrook), attached as Appendix “B” to Report 21-015, be approved;
 - (c) That staff be directed to publicly release the results of the city-wide survey, regarding the Land Needs Assessment and the Municipal Comprehensive Review, the week of September 13, 2021; and,
 - (d) That staff be directed to conduct a 5 to 10-day comment period respecting the Evaluation Framework and report back to the General Issue Committee with those results.

2. GRIDS 2 and Municipal Comprehensive Review – Employment Land Review (PED17010(k)) (City Wide) (Item 8.2)

- (a) That the Employment Land Review Report, dated August 4, 2021, attached as Appendix “E”, as amended, to Report 21-015, and the following conversions of Employment Lands, be approved for implementation through the Municipal Comprehensive Review process:
- (i) The conversion of 49.5 ha of Employment Lands to non-employment designations, as identified in Appendices “C” to “E”, as amended, attached to Report 21-015;
 - (ii) The following conversions of lands in the vicinity of the Confederation GO Station, as identified in Appendix “D” attached to Report PED17010(k):
 - (1) The southern portion of lands, known municipally as 185 Bancroft Street and 25 Arrowsmith Drive, with an area of 2.13 ha, be redesignated to a site-specific Mixed Use – High Density Designation; and,
 - (2) The northern portion of lands, known municipally as 395 Centennial Parkway North and 460 Kenora Avenue, with an area of 1.92 ha, be redesignated to a site-specific Utilities Designation;
- (b) That the following five privately-initiated conversion requests be DEFERRED for consideration to later in the Municipal Comprehensive Review process to allow for additional information to be provided and evaluated and for the requests to be considered as part of the GRIDS 2 / MCR review of growth options:
- (i) McMaster Innovation Park lands within the West Hamilton Innovation District, Hamilton (approximate area of conversion request 3.1 ha);
 - (ii) 70 – 100 Frid Street (West Hamilton Innovation District “ANNEX precinct”), Hamilton (approximate area of conversion request 2.24 ha);
 - (iii) Lands in the vicinity of Twenty Road West, bounded by Upper James Street, Twenty Road West, Dickenson Road and Glancaster Road, Glanbrook (approximate area of conversion request 55.2 ha);

- (iv) 700 Garner Road East, Ancaster (approximate area of conversion request 26.6 ha); and,
- (v) 1725 Stone Church Road East (approximate area of conversion request 7.38 ha);
- (c) That, following the review of the five deferred conversion requests identified in Recommendation (b), staff be directed to report back with a final recommendation on each request and a confirmation of the Employment Area land need calculations in the City's Land Needs Assessment to 2051 that is scheduled to be presented to the General Issues Committee in October, 2021, to ensure that the City's Employment Area land needs are met.

3. Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(e)/PED16248(e)) (Item 10.1)

That Report LS16029(e)/PED16248(e), respecting the Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, be received.

4. Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans (LS16029(d)/PED16248(d)) (City Wide) (Item 14.1)

- (a) That the direction provided to staff in Closed Session, respecting Report LS16029(d)/PED16248(d), respecting Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) appeals of Rural and Urban Hamilton Official Plans, be approved; and,
- (b) That Report LS16029(d)/PED16248(d), respecting Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) appeals of Rural and Urban Hamilton Official Plans and its appendices, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

(i) **ADDED COMMUNICATION ITEMS (Item 5)**

Respecting Item 8.1 – Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles:

5.1.n. Marguerite Page

5.1.o. Vanessa Hall

5.1.p. Tanya Darby

5.1.q. Don Sephton

5.1.r. Ruth Woods

5.1.s. Carmen Cuming

5.1.t. Tracy Mewhort-Buist

5.1.u. David Sunday, Gowlings WLG, on behalf of 1507565 Ontario Limited, otherwise known as the Frisina Group

5.1.v. Gord McNulty, Hamilton Naturalists' Club

5.1.w. Grant Rinalli

5.1.x. Ian Branston and Angela Fabe

5.1.y. Marie Covert

5.1.z. Gail Moffatt

5.1.aa. Nancy Dingwall

5.1.bb. Reverend Daniela Mertz, Reverend Thomas Mertz, Reverend Loretta Jaunzarins, Barbara Alken, and Deborah Lindeman

5.1.cc. Stephen Fraser, A.J. Clark and Associates, on behalf of Multi-Area Developments

5.1.dd. Sheila O'Neal

5.1.ee. Laurie Neilson

(ii) ADDED DELEGATION REQUESTS (Item 6)

- 6.2 Nancy Hurst respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.3 Summer Thomas respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.4 James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review
- 6.5 Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.6 Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.7 Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.8 Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review
- 6.9 Philip Pothen, Environmental Defence, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.10 Don McLean, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.11 Michelle Tom, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles

- 6.12 T. Anne Wilcox, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.13 Mariam Hanhan, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.14 Zoe Green, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.15 Caroline Hill Smith, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.16 Akira Ourique, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.17 Alex Wilson, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.18 Lilly Noble respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.19 Mike Crough, IBI Group Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles
- 6.20 Nathan Savelli, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles

10. DISCUSSION ITEMS

- 10.1 GRIDS 2 and Municipal Comprehensive Review – Employment Land Review (PED17010(k)) (City Wide)

As there is a presentation to accompany this report, this matter has been moved to Item 8.2 on today's agenda. The balance of the Discussion Items will be renumbered accordingly.

The agenda for the August 4, 2021 special General Issues Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Johnson declared an interest to Item 14.1, respecting Report LS16029(e)/PED16248(e), Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, as her Administrative Assistant’s family is a party to the Appeal.

(c) COMMUNICATION ITEMS (Item 5)

(i) Correspondence respecting Report PED17010(I) - GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 5.1)

The following Communication Items, respecting Report PED17010(I) - GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, were received and referred to consideration of Item 8.1:

- (1) Gabriel Nicholson (Item 5.1.a.)
- (2) Linda Chenoweth (Item 5.1.b.)
- (3) Rose Janson and Family (Item 5.1.c.)
- (4) Denise Baker, WeirFoulds, on behalf of the Twenty Road East Landowners’ Group (Final Land Needs Assessment) (Item 5.1.d.)
- (5) Denise Baker, WeirFoulds, on behalf of the Twenty Road East Landowners’ Group (Draft Evaluation Framework and Phasing Criteria) (Item 5.1.e.)
- (6) Sue Markey (Item 5.1.f.)
- (7) Elvis Mizzau (Item 5.1.g.)
- (8) Rick Johnson (Item 5.1.h.)
- (9) John Bullock (Item 5.1.i.)
- (10) Iris Tesch (Item 5.1.j.)

- (11) Evelyn Greenwood (Item 5.1.k.)
- (12) Susan F. Pegg (Item 5.1.l.)
- (13) Norman Forrester (Item 5.1.m.)
- (14) Marguerite Page (Item 5.1.n.)
- (15) Vanessa Hall (Item 5.1.o.)
- (16) Tanya Darby (Item 5.1.p.)
- (17) Don Sephton (Item 5.1.q.)
- (18) Ruth Woods (Item 5.1.r.)
- (19) Carmen Cuming (Item 5.1.s.)
- (20) Tracy Mewhort-Buist (Item 5.1.t.)
- (21) David Sunday, Gowlings WLG, on behalf of 1507565 Ontario Limited, otherwise known as the Frisina Group (Item 5.1.u.)
- (22) Gord McNulty, Hamilton Naturalists' Club (Item 5.1.v.)
- (23) Grant Rinalli (Item 5.1.w.)
- (24) Ian Branston and Angela Fabe (Item 5.1.x.)
- (25) Marie Covert (Item 5.1.y.)
- (26) Gail Moffatt (Item 5.1.z.)
- (27) Nancy Dingwall (Item 5.1.aa.)
- (28) Reverend Daniela Mertz, Reverend Thomas Mertz, Reverend Loretta Jaunzarins, Barbara Alken, and Deborah Lindeman (Item 5.1.bb.)
- (29) Stephen Fraser, A.J. Clark and Associates, on behalf of Multi-Area Developments (Item 5.1.cc.)
- (30) Sheila O'Neal (Item 5.1.dd.)
- (31) Laurie Neilson (Item 5.1.ee.)

For disposition of this Item, please refer to Item 1.

(d) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved to appear before the General Issues Committee on August 4, 2021:

- (i) Ed Fothergill, Fothergill Planning and Development Inc., respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 6.1)
- (ii) Nancy Hurst respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.2)
- (iii) Summer Thomas respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.3)
- (iv) James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 6.4)
- (v) Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.5)
- (vi) Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.6)
- (vii) Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.7)
- (viii) Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 6.8)
- (ix) Philip Pothen, Environmental Defence, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review -

Consultation Update and Evaluation Framework and Phasing Principles (Item 6.9)

- (x) Don McLean, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.10)
- (xi) Michelle Tom, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.11)
- (xii) T. Anne Wilcox, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.12)
- (xiii) Mariam Hanhan, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.13)
- (xiv) Zoe Green, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.14)
- (xv) Caroline Hill Smith, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.15)
- (xvi) Akira Ourique, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.16)
- (xvii) Alex Wilson, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.17)
- (xviii) Lilly Noble respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.18)
- (xix) Mike Crough, IBI Group Hamilton, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.19)

- (xx) Nathan Savelli, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 6.20)

For disposition of these matters, please refer to Items 1 and 2.

(e) PRESENTATIONS (Item 8)

(i) GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (PED17010(I)) (City Wide) (Item 8.1)

Heather Travis, Senior Project Manager, Planning Policy and Zoning By-law; and, Paddy Kennedy, Dillon Consulting, provided a PowerPoint presentation respecting Report PED17010(I) – GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation, respecting Report PED17010(I) - GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

Consideration of Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was DEFERRED until after the delegations had been heard.

- (1)** Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was **amended** by adding a new sub-section (c), to read as follows:

(c) *That staff be directed to publicly release the results of the city-wide survey on Land Needs Assessment and the Municipal Comprehensive Review the week of September 13, 2021.*

- (2)** (a) The second consideration on page 8 of 35 of Appendix "A" to Report PED17010(I), was **amended** by adding the words "**Prime Agricultural Land classifications 1, 2 and 3**", to read as follows:

Does the growth option avoid, minimize, and mitigate impacts on the Agricultural System **Prime Agricultural Land classifications 1, 2 and 3?**

- (b) Sub-section (b) to Report PED171010(I), was amended by adding the words "**as amended**", to read as follows:
- (b) That the GRIDS 2 / MCR: Final Growth Evaluation Framework and Phasing Criteria, attached as Appendix "A", **as amended**, to Report PED17010(I), be approved; and,
- (3) Pages 8, 17 and 21 of Appendix "A" to Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was **amended to invite the broader Hamilton Watershed Action Plan to the Evaluation Framework.**,
- (4) Report PED17010(I), respecting GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was **amended** by adding a new sub-section (d), to read as follows:
- (d) **That staff be directed to conduct a 5 to 10-day comment period respecting the Evaluation Framework and report back to the General Issue Committee with those results.**
- (5) (a) That the first bullet point under "Data Source" on page 8 of 35 of Appendix "A" to Report PED171010(I), was **amended** by adding the words "**include the Agricultural and Rural Affairs Committee and the Canada Land Inventory**", to read as follows:
- Agricultural Impact Assessment **include the Agricultural and Rural Affairs Committee and the Canada Land Inventory.**
- (b) The second bullet point, under "Avoid Prime Agricultural Land / Mitigate Impact on Agricultural System", on page 27 of 35 of Appendix "A" to Report PED1701(I), was **amended** by deleting the words "Agricultural System" and replacing

them with the words “**Canada Land Inventory classifications 1, 2 or 3**”, to read as follows:

- Does the Candidate Expansion Area provide an opportunity to mitigate or minimize impacts on **Canada Land Inventory Classes 1, 2 and 3**?

For disposition of this matter, please refer to Item 1.

(ii) **GRIDS 2 and Municipal Comprehensive Review – Employment Land Review (PED17010(k)) (City Wide) (Item 8.2)**

Lauren Vraets, Planner, provided a PowerPoint presentation respecting Report PED17010(k) - GRIDS 2 and Municipal Comprehensive Review – Employment Land Review.

The presentation, respecting Report PED17010(k) - GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, was received.

Consideration of Report PED17010(k) - GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, was DEFERRED until after the delegations had been heard.

- (1) WHEREAS, based on the broader community needs that these lands will meet;
- (a) Appendices “A” to “C” of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, were **amended to include the lands known as 1280 Rymal Road East/385 Nebo Road for conversion to permit commercial uses**;
- (b) Sub-section (a)(i) of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, was **amended** by deleting the figure of “44.2” and replacing with the with figure of “**49.5**”; and by adding the words “**as amended**” to read as follows:
- (a) That the Employment Land Review Report, dated August 4, 2021, attached as Appendix “C”, **as amended**, to Report PED17010(k), and the following conversions of Employment Lands, be approved for implementation through the Municipal Comprehensive Review process:

- (i) The conversion of 44.2 **49.5 ha** of Employment Lands to non-employment designations, as identified in Appendices “A” to “C”, **as amended**, attached to Report PED17010(k); and,
- (c) Sub-section (b) of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review – Employment Land Review, was **amended** by deleting the word “four” and replacing it with the word “**five**” and, by adding a new sub-section (v), to read as follows:
 - (b) That the following ~~four~~ **five** privately-initiated conversion requests be deferred for consideration to later in the Municipal Comprehensive Review process to allow for additional information to be provided and evaluated; and, for the requests to be considered as part of the GRIDS 2 / MCR review of growth options:
 - (i) McMaster Innovation Park lands within the West Hamilton Innovation District, Hamilton (approximate area of conversion request 3.1 ha);
 - (ii) 70 – 100 Frid Street (West Hamilton Innovation District “ANNEX precinct”), Hamilton (approximate area of conversion request 2.24 ha);
 - (iii) Lands in the vicinity of Twenty Road West, bounded by Upper James Street, Twenty Road West, Dickenson Road and Glancaster Road, Glanbrook (approximate area of conversion request 55.2 ha);
 - (iv) 700 Garner Road East, Ancaster (approximate area of conversion request 26.6 ha); and,
 - (v) **1725 Stone Church Road East (approximate area of conversion request 7.38 ha);**
- (d) Sub-section (c) of Report PED17010(k), respecting the GRIDS 2 and Municipal Comprehensive Review –

Employment Land Review, was **amended** by deleting the word “four” and replacing it with the word “five”, to read as follows:

- (c) That following the review of the ~~four~~ **five** deferred conversion requests identified in Recommendation (b), staff report back with a final recommendation on each request and a confirmation of the Employment Area land need calculations in the City’s Land Needs Assessment to 2051 that is scheduled to be presented to the General Issues Committee in October, 2021, to ensure that the City’s Employment Area land needs are met.

- (2) Appendix “C” to Report PED17010(k), respecting GRIDS 2 and the Municipal Comprehensive Review – Employment Land Review, was **amended** to **add SE375 to include the residential properties located at 28 – 34 Oriole Avenue**, as shown on page 102.

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

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) Ed Fothergill, Fothergill Planning and Development Inc., respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 9.1)**

Ed Fothergill, Fothergill Planning and Development Inc., addressed Committee respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review.

The presentation provided by Ed Fothergill, Fothergill Planning and Development Inc., respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review, was received.

(ii) Nancy Hurst, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.2)

Nancy Hurst addressed Committee respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Nancy Hurst, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(iii) Summer Thomas respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.3)

Summer Thomas addressed Committee respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Summer Thomas, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(iv) James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 9.4)

James Webb, Webb Planning Consultants, addressed Committee respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review.

The presentation provided by James Webb, Webb Planning Consultants, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review, was received.

For disposition of this matter, please refer to Item 1.

- (v) **Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.5)**

Mike Collins-Williams, West End Home Builders' Association, addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Mike Collins-Williams, West End Home Builders' Association, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

- (vi) **Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.6)**

Dave Aston, MHBC Planning, addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Dave Aston, MHBC Planning respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

- (vii) **Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.7)**

Lynda Lukasik, Environment Hamilton, addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Lynda Lukasik, Environment Hamilton, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(viii) Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review (Item 9.8)

Lynda Lukasik, Environment Hamilton, addressed Committee respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review.

The presentation provided by Lynda Lukasik, Environment Hamilton, respecting Item 8.2 - Report PED17010(k), GRIDS 2 and Municipal Comprehensive Review - Employment Land Review, was received.

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

(ix) Philip Pothen, Environmental Defence, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.9)

During the meeting, this delegate advised that he would not be able to join the meeting, due to internet connectivity issues. The delegate was advised that he could also join by phone but did not rejoin the meeting.

(x) Don McLean, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.10)

Don McLean addressed Committee respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Don McLean, respecting Item 8.1 - Report PED17010(l), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xi) Michelle Tom, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.11)

Michelle Tom addressed Committee, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Michelle Tom, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xii) T. Anne Wilcox, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.12)

T. Anne Wilcox addressed Committee, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by T. Anne Wilcox, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xiii) Mariam Hanhan, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.13)

Mariam Hanhan addressed Committee, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

That the presentation provided by Mariam Hanhan, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review -

Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xiv) Zoe Green, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.14)

Zoe Green addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Zoe Green, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xv) Caroline Hill Smith, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.15)

Caroline Hill Smith addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Caroline Hill Smith, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xvi) Akira Ourique, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.16)

Akira Ourique addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Akira Ourique, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xvii) Alex Wilson, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.17)

Alex Wilson addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Alex Wilson, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

(xviii) Lilly Noble respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.18)

Lilly Noble addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Lilly Noble respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

- (xix) **Mike Crough, IBI Group Hamilton, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.19)**

During the meeting, this delegate advised that he would be leaving the meeting to attend to another commitment and would not be able to appear before Committee.

The delegates PowerPoint presentation is available on the City's web site.

- (xx) **Nathan Savelli, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles (Item 9.20)**

Nathan Savelli addressed Committee respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles.

The presentation provided by Nathan Savelli, respecting Item 8.1 - Report PED17010(I), GRIDS 2 and Municipal Comprehensive Review - Consultation Update and Evaluation Framework and Phasing Principles, was received.

For disposition of this matter, please refer to Item 1.

- (g) **PRIVATE & CONFIDENTIAL (Item 14)**

Committee moved into Closed Session respecting Item 14.1, pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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.

- (i) **Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans (LS16029(d)/PED16248(d)) (City Wide) (Item 14.1)**

For disposition of this matter, please refer to Item 4.

(h) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 5:04 p.m.

Respectfully submitted,

Chad Collins, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



CITY OF HAMILTON GRIDS 2 / MCR –
PLANNING FOR GROWTH TO 2051:
FINAL GROWTH EVALUATION FRAMEWORK AND
PHASING CRITERIA

PREPARED BY DILLON CONSULTING LIMITED



PART 1: CONTEXT

Deciding how and where to grow is an important step of the planning process which will help to shape the future of the City of Hamilton for the next 30 years. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G) is a Provincial planning policy document that provides guidance and requirements for municipalities in planning for long term growth. P2G includes population and employment growth forecasts to 2051 for which the City is required to plan. P2G also requires completion of a land needs assessment which takes into account market demand for housing. The land needs assessment is a tool that allows the City to understand the land need implications for different growth options, including intensification targets (how much growth will happen in the built up area) and greenfield density targets (how many people per hectare will new greenfield development have). It is the land needs assessment and a Council-approved growth option that will determine whether or not a settlement (urban) area boundary expansion is necessary. If an expansion is required, P2G provides guidance and requirements on the approach to determining where settlement area boundary expansions can occur. In addition to the mechanics of population, employment and land needs, P2G also lays out a comprehensive set of planning policies to guide and shape various aspects of growth planning. The following document presents a framework informed by the City's policies and P2G (and other relevant provincial policies) to assist the City in making some key decisions around growth management, including:

- **How to grow?** Providing guidance based on P2G for how to select a preferred growth option for the City. The City is contemplating two alternatives at the City-scale: an 'Ambitious Density' Growth Option (1,330 ha expansion for new Designated Greenfield Lands) and a second alternative, called the 'No Urban Boundary Expansion' Growth Option. The growth options have different intensification targets, greenfield densities and housing mixes. They would also require different long term urban structure plans/policies to manage growth pressures.
- **Where to grow?** Depending on the Preferred 'How to Grow' Option, if an urban boundary expansion is required, determining where the City can feasibly expand its urban boundary by evaluating Candidate Expansion Areas.
- **When to grow?** Once the feasible Candidate Expansion Areas are determined, evaluating phasing scenarios to decide when these areas should be planned for development.

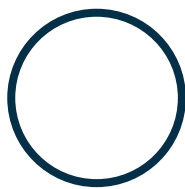
The following document is organized into four main parts. This first part provides a brief introduction on the background and purpose for the document. The subsequent parts are organized into the following:

- Part 2: "How Should Hamilton Grow?" - Evaluation Approach for Growth Options (Step 1),
- Part 3: Evaluation Approach for Expansion Options, Whitebelt Lands (Step 2), and
- Part 4: Evaluation Approach for Phasing, Whitebelt Lands (Step 3).

PART 2: 'HOW SHOULD HAMILTON GROW?' - EVALUATION APPROACH FOR GROWTH OPTIONS – STEP ONE

To assist Council in making a decision on the question of 'How to Grow', the following presents a framework on the evaluation approach for comparing two 'How to Grow' growth options: 'No Urban Boundary Expansion' and 'Ambitious Density'. This framework is informed by specific policies in P2G which provide municipalities directions on how to plan for growth. In particular, the policies of section 2.2.1 Managing Growth are of relevance and are used as the basis for the framework. The framework also reflects the Council-approved themes of the GRIDS 2 / MCR 10 Directions to Guide Development. To assess each option, the analysis will draw upon a number of information sources to test how well each option aligns with the Council approved themes and Provincial policy.

The evaluation results will show the line-by-line findings for each theme and the associated considerations.. Based on the balance of considerations, each 'How to Grow' growth option will receive a theme-level assessment according to the following categories which are used for illustrative purposes only:



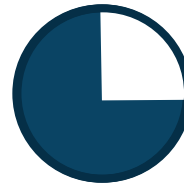
No aspect of the consideration is being addressed or considered



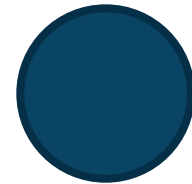
One or a couple aspects of the consideration are addressed or considered



Approximately half of the considerations are addressed or considered



The majority of the considerations are addressed or considered



All aspects of the consideration are reasonably addressed or considered

A recommendation and planning rationale as to which growth option should be used as the basis for long term planning will be made based on an interpretation of how well each growth option achieves the themes.

"HOW SHOULD HAMILTON GROW?" EVALUATION CRITERIA THEMES



1. Growth Allocation



2. Climate Change



3. Natural Hazards



4. Municipal Finance



5. Infrastructure & Public Service Facilities



6. Transportation Systems



7. Complete Communities





8. Agricultural System








9. Natural Heritage and Water Resources






10. Conformity with Provincial Methodology

THEME	CONSIDERATIONS	GROWTH OPTION 1: NO URBAN BOUNDARY EXPANSION	GROWTH OPTION 2: AMBITIOUS DENSITY (1,340 HA EXPANSION)	DATA SOURCES
<p>Growth Allocation</p> 	<p>Does the growth option direct the vast majority of growth to the settlement area?</p> <p>Does the growth option focus growth in:</p> <p>a) Delineated built-up areas</p> <p>b) Strategic growth areas</p> <p>c) Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned</p> <p>d) Areas with existing or planned public services facilities</p>			<ul style="list-style-type: none"> • Anticipated growth allocations based on identified intensification rates and density targets
<p>Climate Change</p> 	<p>Does the growth scenario contribute to the City's goal of carbon neutrality by 2050 by providing opportunities for reductions in greenhouse gas emissions?</p> <p>Does the growth option present any significant opportunities or risks associated with climate change?</p>			<ul style="list-style-type: none"> • GHG Emissions Analysis • Input from City staff and stakeholders

THEME	CONSIDERATIONS	GROWTH OPTION 1: NO URBAN BOUNDARY EXPANSION	GROWTH OPTION 2: AMBITIOUS DENSITY (1,340 HA EXPANSION)	DATA SOURCES
<p>Natural Hazards</p> 	<p>Does the growth option direct development away from hazardous lands?</p>			<ul style="list-style-type: none"> • Input from City staff and Conservation Authorities
<p>Municipal Finance</p> 	<p>Are there any significant municipal financial risks associated with the growth option?</p>			<ul style="list-style-type: none"> • Fiscal Impact Assessment • Input from City staff
<p>Infrastructure & Public Service Facilities</p> 	<p>Does the growth option result in significant impacts to the City's existing or planned infrastructure and public service facilities?</p>			<ul style="list-style-type: none"> • Assessment of infrastructure and public service facility requirements
<p>Transportation System</p> 	<p>Does the growth option result in significant impacts to the City's existing or planned transportation infrastructure?</p>			<ul style="list-style-type: none"> • Transportation network review • Input from City staff
	<p>Does the growth option provide an urban form that will expand convenient access to a range of transportation options including active transportation, to promote complete communities?</p>			

THEME	CONSIDERATIONS	GROWTH OPTION 1: NO URBAN BOUNDARY EXPANSION	GROWTH OPTION 2: AMBITIOUS DENSITY (1,340 HA EXPANSION)	DATA SOURCES
	Does the growth option prioritize development of areas that would be connected to the planned BLAST network or existing transit?			
<p data-bbox="164 720 396 806">Complete Communities</p> 	Does the growth option provide a diverse mix of land uses in a compact built form, with a range of housing options to accommodate people at all stages of life and to accommodate the needs of all household sizes and incomes?			<ul style="list-style-type: none"> • Proposed housing mix • Anticipated growth allocations based on identified intensification rates and density targets • Input from City staff
Does the growth option improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes?				
Does the growth option expand convenient access to an appropriate supply of open spaces, parks, trails and recreation facilities?				

THEME	CONSIDERATIONS	GROWTH OPTION 1: NO URBAN BOUNDARY EXPANSION	GROWTH OPTION 2: AMBITIOUS DENSITY (1,340 HA EXPANSION)	DATA SOURCES
<p>Agricultural System</p> 	<p>Does the growth option prioritize development of areas that are non-prime agricultural?</p>			<ul style="list-style-type: none"> • Agricultural Impact Assessment, include the Agricultural & Rural Affairs Advisory Committee and the Canadian Land Inventory
<p>Does the growth option avoid, minimize and mitigate impacts on the Agricultural System, including Prime Agricultural Lands classifications 1, 2 and 3?</p>				
<p>Does the growth option promote healthy, local and affordable food options, including urban agriculture?</p>				
<p>Natural Heritage and Water Resources</p> 	<p>Does the growth option avoid and protect Natural Heritage Systems as identified by the City and the Growth Plan?</p>			<ul style="list-style-type: none"> • Input from City staff, Conservation Authorities and the Hamilton Watershed Action Plan Team • Available mapping (UHOP / RHOP) and information /studies
<p>Does the growth option demonstrate an avoidance and / or mitigation of potential negative impacts on watershed conditions and the water resource system including quality and quantity of water?</p>				

THEME	CONSIDERATIONS	GROWTH OPTION 1: NO URBAN BOUNDARY EXPANSION	GROWTH OPTION 2: AMBITIOUS DENSITY (1,340 HA EXPANSION)	DATA SOURCES
<p>Conformity with Provincial Methodology</p> 	<p>Has the growth option been assessed in accordance with the Provincial Land Needs Assessment Methodology to determine the quantity of land required to accommodate growth to the planning horizon?</p>			<ul style="list-style-type: none"> • Input from City staff, consultant, and the Province



PART 3: EVALUATION APPROACH FOR EXPANSION OPTIONS, WHITEBELT LANDS – STEP TWO

In the event that it has been determined that planned growth cannot be accommodated within the existing urban area, then an urban boundary expansion may be considered. The following section outlines the framework for assessing an urban boundary expansion.

An urban boundary expansion means that whitebelt lands may be added to the urban area, if appropriate and feasible. **Figure 1** shows community area and employment area whitebelt lands. Urban boundary expansions require justification to satisfy a number of Provincial and local policy tests. The land needs assessment for GRIDS 2 / MCR

Whitebelt lands are lands located within Rural Hamilton but not part of the Greenbelt and outside the existing City of Hamilton urban boundary.

Candidate Expansion Areas are Whitebelt lands located outside of the existing City of Hamilton urban boundary that may be able to accommodate the City of Hamilton's future population and employment growth should there be a need for an urban expansion. .

provides the overall justification for additional greenfield lands from a land needs perspective. If Council supports the 'Ambitious Density' scenario, approximately 1,340 ha of lands will need to be added to the urban area to support future Community Area growth. To assist the City with determining 'where' urban expansion growth should occur, there is a requirement to assess the feasibility of potential Candidate Expansion Areas to determine which lands are suitable for new urban designation. The Province and the City outline very specific feasibility criteria to be assessed for an urban boundary expansion.

Specifically, Policy 2.2.8.3 of the Growth Plan outlines the policy tests for assessing the feasibility of lands for urban boundary expansion. The City's Urban Hamilton Official Plan and the GRIDS 2 / MCR 10 Directions to Guide Development complement and support the policies outlined in 2.2.8.3 of the Growth Plan.

The overall approach for assessing Candidate Expansion Areas is a two-step process:

1. Evaluation to determine which whitebelt lands are feasible for expansion based on provincial and local criteria (Part 3 of this framework); and,
2. Phasing analysis, including more detailed technical analysis and modelling to determine which areas are most suitable for expansion and the associated timing for development (Part 4 of this framework).



This version of the expansion evaluation framework has been developed based on feedback from the public, stakeholders, and the GRIDS 2 / MCR Technical Working Group.

This part of the document presents the approach to item 1 identified above, the evaluation of whitebelt lands. The evaluation criteria outlined in this document will be used to assess the four Candidate Expansion Areas in Hamilton's whitebelt area. For ease of understanding, the urban boundary expansion evaluation criteria are organized around ten major themes (following page). While the themes have been identified as distinct items for simplicity, it is important to note that they are complementary and sometimes overlap. For example, prioritizing public transit as part of the consideration of the transportation system also supports climate change mitigation.

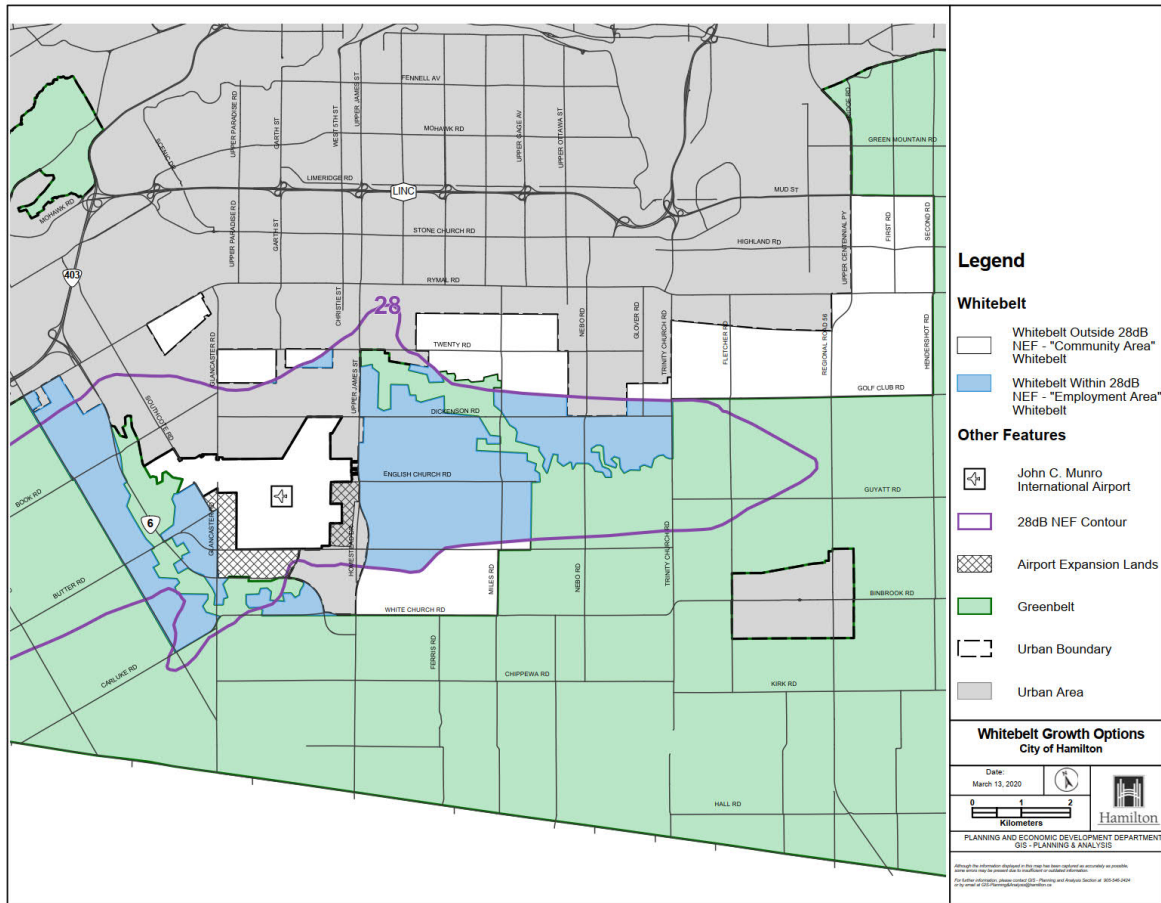


FIGURE 1: WHITEBELT LANDS IN HAMILTON

WHITEBELT EVALUATION CRITERIA THEMES



1. Climate Change



2. Natural Hazards



3. Municipal Finance



4. Servicing Infrastructure



5. Transportation Systems



6. Natural Heritage and Water Resources



7. Complete Communities



8. Agricultural System

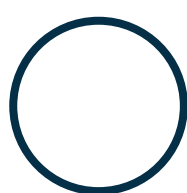


9. Natural Resources



10. Cultural Heritage

Each of the evaluation criteria themes includes multiple key considerations. The considerations are connected to the policy tests outlined in the Growth Plan, Urban Hamilton Official Plan and the GRIDS-2 10 Directions to Guide Development. To assess each consideration, the analysis will draw upon a number of information sources to test the feasibility of each Candidate Expansion Area. The evaluation results will be documented in a detailed Technical Appendix, showing the line-by-line findings for each theme and the associated considerations. A theme-level summary will also be provided to help communicate how well each Candidate Expansion Area addresses the key considerations. Based on the balance of considerations, each Candidate Expansion Area will receive a theme-level assessment according to the following categories which are used for illustrative purposes only:



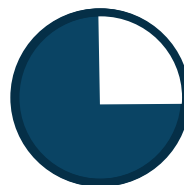
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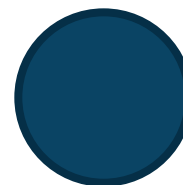
One or a couple aspects of the consideration are addressed or considered



Approximately half of the considerations are addressed or considered



The majority of the considerations are addressed or considered



All aspects of the consideration are reasonably addressed or considered

The overall recommendation as to whether a given Candidate Expansion Area is feasible for expansion will be based on the comprehensive application of all of the criteria and the most appropriate areas will advance to a more detailed Phasing Analysis in Part 4. The policies of P2G require that the City consider the Plan's policies in their entirety, accordingly there is no specific weighting that can be applied in the framework, rather the results will be used to assess whether a Candidate Expansion Area is considered feasible for a boundary expansion under P2G. Depending on the policy guidance in P2G, a

How will we formulate an opinion on which Candidate Expansion Areas are feasible for expansion?

The information gathered and considered will not use a specific weighting for the different themes, rather the assessment in this part of the process will be informed by an interpretation of the provincial policy framework in P2G and associated provincial and local plans. Accordingly, this will require an interpretation of the objective facts and a balancing of a range of policy considerations, which will be used as the basis for formulating a planning recommendation. The results of the evaluation along with the supporting rationale for which areas should proceed to the Phasing analysis will be supported by and documented in a planning report.

Candidate Expansion Area may not be carried forward to the detailed phasing analysis in an instance where the evaluation shows that the area addresses none or very few of the considerations.

It is also important to note that from a policy alignment perspective, there are foundational considerations which must be addressed in a fulsome manner in order for a growth option to proceed to the next steps, including a phasing analysis. For example, Growth Plan Policy 2.2.8.3(a) states that there is to be “sufficient capacity in existing or planned infrastructure and public service facilities” to accommodate the expansion which includes (but is not limited to) consideration of sewage and water systems, transit and transportation corridors and facilities, police and fire protection, and recreational, health and educational facilities. Similarly, Growth Plan Policy 2.2.8.3(b) requires that the “infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets”. In this example, the interpretation of provincial policy would be that a Candidate Expansion Area which has access to existing or nearby infrastructure and public service facilities to support growth and that future planning (such as a secondary plan, development charges review, fiscal impact assessment, etc.) would be required to identify specific needs to service the area. These considerations differ from others, such as agriculture, where the Provincial direction is to avoid prime agricultural lands where possible and to minimize and mitigate the impact on the agricultural system where prime agricultural lands cannot be avoided. Accordingly, based on the interpretation of Provincial Growth Plan policies, if any one of the Candidate Expansion Areas addresses none of the considerations for Infrastructure Services, Transportation Systems or Municipal Finance, then the Candidate Expansion Area would likely not be feasible for expansion. However, from the perspective of agriculture, it’s possible that a Candidate Expansion Area could result in a loss of prime agricultural lands (if there are no alternative locations on lower priority lands), but still be brought forward within the Provincial planning framework for further analysis and consideration for a boundary expansion.



Climate Change

Climate change has the potential to have a range of impacts on the City including on infrastructure, the natural environment, and on existing and future residents and their communities. This demands consideration of climate change in the context of long range planning, recognizing both the risks and opportunities for climate change mitigation and climate change adaptation.

What are the key considerations?

Reduced GHGs and Sustainable Transportation

- Does the Candidate Expansion Area have the ability to promote a community form that reduces reliance on private automobiles helping to reduce transportation GHG's?

Energy Efficient Community Design

- Does the Candidate Expansion Area provide opportunities for energy efficient community

What information will we use?

- Level of connectivity of Candidate Expansion Area to existing or planned transit and active transportation network
- Review of City's planned urban structure

- Input from City staff
- Best practices for energy efficient community design including United

What are the key considerations?

What information will we use?

<p>design, including alternative energy systems such as (but not limited to) district energy?</p>	<p>Nations' District Energy Cities: Unlocking the Potential of Energy Efficiency and Renewable Energy</p>
<p>Infrastructure Resiliency</p> <ul style="list-style-type: none"> • Is there sufficient capacity in existing stormwater management systems to manage potential changes in weather patterns and increased climate variability? • Can the area be planned for stormwater management that provides resilience and consider climate change adaptability, such as Low Impact Development where appropriate? • Can the area be planned to use stormwater management Best Management Practices? 	<ul style="list-style-type: none"> • Capacity in existing stormwater management system based on population and employment forecast • Available subwatershed studies • Input from City staff on potential stormwater management constraints and opportunities and ability to implement best management practices and input from the Hamilton Watershed Action Plan Team
<p>Prioritizing Tree Canopy Protection/Enhancement</p> <ul style="list-style-type: none"> • Does the Candidate Expansion Area support the maintenance and enhancement of the existing tree canopy? 	<ul style="list-style-type: none"> • Assessment of existing tree canopy and potential for maintenance and enhancement should a boundary expansion occur • Based on input from City with reference to available mapping and data
<p>Avoid Natural Hazardous Lands</p> <ul style="list-style-type: none"> • Does the Candidate Expansion Area contain any natural hazards? 	<ul style="list-style-type: none"> • Please refer to Natural Hazards Theme



Natural Hazards

Natural hazards, such as erosion and flooding hazards, have the potential to have a range of impacts on the City including on infrastructure, the natural environment as well as health and safety of residents and their communities. The Provincial policy framework generally prohibits development in natural hazard lands. Depending on the size and known risks related to hazardous lands, a particular expansion area may or may not be suitable for expansion.

What are the key considerations?

Avoid Natural Hazardous Lands

- Does the Candidate Expansion Area contain any natural hazards?
- Does the Candidate Expansion Area contain a significant amount of hazardous lands that would make the area unfeasible for future development?

What information will we use?

- Assessment of identified hazardous lands including but not limited to flood plains, slope stability, meander belt and erosion allowances, karst and other Conservation Authority regulated areas
- Based on input from City and Conservation Authority staff with reference to available mapping and data



Municipal Finance

Municipal Finance involves managing existing and future financial impacts on the City, to ensure that the costs associated with growth are financially viable over the long term.

What are the key considerations?

- Does the Candidate Expansion Area have an unreasonable or unanticipated financial impact on the City?
- Would the municipal infrastructure (water, wastewater and transportation) and public service facilities needed be financially viable over the full life cycle of the assets?

What information will we use?

- High level assessment of potential financial impacts for Candidate Expansion Areas
- Based on input from City staff with reference to the Financial Impact Assessment
- Relative assessment of new infrastructure costs



Servicing Infrastructure

Servicing Infrastructure includes the physical structures that form the foundation for development and generally include water and wastewater systems, stormwater management systems and waste management systems. Transportation systems are addressed in the following section.

What are the key considerations?

Water Infrastructure

- Is there sufficient capacity in existing or planned water distribution and treatment systems?
- Are significant extensions / expansions beyond planned/budgeted trunk

What information will we use?

- High level assessment of new infrastructure requirements
- Assessment of capacity in existing and planned water/wastewater systems (where available/applicable)

What are the key considerations?

What information will we use?

<p>infrastructure required in order to service this area?</p>	<ul style="list-style-type: none"> Based on input from City staff and with reference to Water/Wastewater Master Plan
<p>Wastewater Infrastructure</p> <ul style="list-style-type: none"> Is there sufficient capacity in existing or planned wastewater collection and treatment systems? Are significant extensions / expansions beyond planned/budgeted trunk infrastructure required in order to service this area? 	<ul style="list-style-type: none"> High level assessment of new infrastructure requirements Assessment of capacity in existing and planned water/wastewater systems (where available/applicable) Based on input from City staff and with reference to Water/Wastewater Master Plan
<p>Stormwater Management</p> <ul style="list-style-type: none"> Is there sufficient capacity in existing or planned stormwater management systems based on current stormwater management criteria? 	<ul style="list-style-type: none"> Assessment of capacity in existing and stormwater management systems Assessment of capacity of any planned stormwater management systems (most areas do not have any planned systems, as this would be required as part of more detailed secondary planning) Assessment of new infrastructure requirements and costs (where available/applicable) Based on input from City staff and with reference to existing master plans and related documents and input from the Hamilton Watershed Action Plan Team
<p>Integrated Waste Management Planning</p> <ul style="list-style-type: none"> Is there sufficient capacity in existing waste management facilities? Is there sufficient capacity in planned waste management facilities? 	<ul style="list-style-type: none"> Assessment of capacity in existing and planned waste management facilities (where available/applicable) Based on input from City waste management staff and with reference to the Solid Waste Management Master Plan



Transportation System

Transportation Systems support the movement of residents and goods within the city as well as establishing a connection to the wider regional transportation network. Transportation Systems are comprised of facilities, corridors and rights-of-way and include roads, transit stops and stations, sidewalks, cycle lanes, bus lanes, HOV lanes, rail facilities, park and ride lots and a host of other transportation facilities.

What are the key considerations?

Prioritizing Public Transit

- Is the Candidate Expansion Area adjacent to an existing City transit route or stops?
- Can the Candidate Expansion Area be connected to a planned City transit route or stop in a way that is financially viable?

What information will we use?

- Assessment of the location of existing HSR transit routes/stops and planned or funded transit (BLAST) within 800 metres of Candidate Expansion Areas
- Based on reference to applicable UHOP, RHOP, and master plan mapping

What are the key considerations?

What information will we use?

<ul style="list-style-type: none"> • Does the Candidate Expansion Area have potential to support the City’s planned rapid transit BLAST network? 	<ul style="list-style-type: none"> • Based on reference to the urban structure plan, transportation master plan and projected future density/population of Candidate Expansion Area
<p>Comprehensive Active Transportation Network</p> <ul style="list-style-type: none"> • Is the Candidate Expansion Area adjacent to an existing or planned pedestrian or cycling network? • Can the Candidate Expansion Area be connected to existing or planned pedestrian or cycling networks? 	<ul style="list-style-type: none"> • Proximity to existing or planned pedestrian or cycling network • Based on reference to applicable UHOP, RHOP, and master plan mapping • Secondary sources such as the Ministry of Transportation Ontario’s Transit Supportive Guidelines and potential for transit supportive densities
<p>Connected Street Network</p> <ul style="list-style-type: none"> • Is there sufficient capacity in the existing and planned street network to accommodate the proposed increase in population and/or employment? • Can a potential street network be added within the Candidate Expansion Area as a logical extension of the existing street network? Does it connect the Candidate Expansion Area to surrounding areas and key destinations? 	<ul style="list-style-type: none"> • Review of existing and planned (where available/applicable) street network • Assessment of potential street connectivity and block size • Based on input from City staff and with reference to the existing street network and applicable UHOP, RHOP, and master plan mapping



Natural Heritage and Water Resources

A Natural Heritage System includes natural heritage features and areas, such as wetlands, woodlands, and wildlife habitat and the linkages that provide connectivity to support various natural processes. Water Resources are a system of features, such as groundwater features and surface water features, as well hydrologic functions which sustain healthy aquatic and terrestrial ecosystems and human water consumption.

What are the key considerations?

Protect Water Resource System

- Does the Candidate Expansion Area demonstrate an avoidance and/or mitigation of potential negative impacts on watershed

What information will we use?

- Assessment of indicators of hydrologic function

What are the key considerations?	What information will we use?
<p>conditions and the water resource system including quality and quantity of water?</p>	<ul style="list-style-type: none"> Based on input from City and Conservation Authority staff
<p>Avoid Key Hydrological Areas</p> <ul style="list-style-type: none"> Does the Candidate Expansion Area avoid key hydrologic areas including significant ground water recharge areas, vulnerable aquifers, surface water contribution areas, and intake protection zones? 	<ul style="list-style-type: none"> Assessment of Impacts to key hydrological areas Based on input from City and Conservation Authority staff with reference to available mapping and data
<p>Connected and Protected Natural Heritage System</p> <ul style="list-style-type: none"> Does the Candidate Expansion Area avoid and protect Natural Heritage Systems as identified by the City and the Growth Plan? 	<ul style="list-style-type: none"> Assessment of the location of Natural Heritage System Based on input from City and Conservation Authority staff with reference to available mapping and data
<p>Mitigate Impact on Natural Heritage</p> <ul style="list-style-type: none"> Does the Candidate Expansion Area maintain, restore, or enhance the functions and features of the area including diversity and connectivity of natural features, the long-term ecological function and biodiversity of natural heritage systems? 	<ul style="list-style-type: none"> Assessment of existing natural heritage features such as significant woodlots, wetlands, natural heritage corridors/linkages, and species at risk wildlife habitat. Based on input from City and Conservation Authority staff with reference to available mapping and data



Complete Communities

Complete Communities are places within a community that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities of daily living, including an appropriate mix of jobs, local stores, services, a full range of housing, transportation options and public service facilities.

What are the key considerations?

What information will we use?

<p>Complete Community</p> <ul style="list-style-type: none"> • Can the Candidate Expansion Area function as a complete community including an appropriate mix of jobs, stores, services, housing, transportation options, and public service facilities for all ages and abilities? 	<ul style="list-style-type: none"> • Assessment of the Candidate Expansion Area’s ability to be designed as a complete community, based on relative size and location
<p>Proximity to Existing Community Services and Amenities</p> <ul style="list-style-type: none"> • Could the Candidate Expansion Area contribute to the surrounding community’s completeness? • Is the Candidate Expansion Area contiguous to the existing settlement area boundary? 	<ul style="list-style-type: none"> • Consideration of Candidate Expansion Area’s ability to contribute to completeness based on potential for new community facilities, amenities and park space • Assessment of proximity to existing parks, public facilities, amenities, etc • Potential need for additional community facilities based on relative size of the expansion area • Assessment of proximity of Candidate Expansion Area to existing settlement area and any development constraints which may impact/limit connectivity opportunities
<p>Diverse Range of Housing and Affordable Housing</p> <ul style="list-style-type: none"> • Can the Candidate Expansion Area provide a diverse range and mix of housing options for all income levels and social needs, including affordable housing? 	<ul style="list-style-type: none"> • Assessment of Candidate Expansion Area’s ability to physically accommodate a mix of housing options and affordable housing



Agricultural System

The agricultural system is the land base used for the purposes of growing food and the raising of livestock, providing a source of food and employment to a community, as well as the agri-food network. The agricultural land base includes prime agricultural areas, specialty crop lands, and rural lands, and the agri-food network refers to the elements that support the viability of the sector, such as farm buildings, farm markets, distributors, processing facilities and transportation networks.

What are the key considerations?

What information will we use?

Avoid Prime Agricultural Land / Mitigate Impact on Agricultural System

- Does the Candidate Expansion Area avoid prime agricultural areas? If not, are there reasonable alternatives that avoid prime agricultural areas?
- Does the Candidate Expansion Area provide an opportunity to mitigate or minimize impacts on **Canada Land Inventory classifications 1, 2 or 3**?
- Does the Candidate Expansion Area avoid/minimize fragmentation of agricultural lands and are contiguous agricultural lands retained?

- Assessment of prime agricultural areas and soil classes
- Based on input from City staff with reference to an Agricultural Impact Assessment and available mapping and data

Minimize Agri-food Network, Agricultural Operations, and Agricultural Systems Impacts

- Does the Candidate Expansion Area avoid or minimize and mitigate any adverse impacts on the agri-food network, including agricultural operations, to support local food security?
- Does the Candidate Expansion Area include lands that are actively being farmed, which may have an impact on local food security?

- Assessment of agricultural operations and farm markets within and in proximity to the Candidate Expansion Area Based on input from City staff with reference to the Agricultural Impact Assessment and OMAFRA's guideline.

Minimize Impact on Existing Agricultural Assets

- Does the Candidate Expansion Area contain existing agricultural operational assets such as barns or processing facilities?

- Qualitative assessment of location of existing agricultural assets
- Based on information provided by the City and available through OMAFRA

What are the key considerations?

Compatibility with Existing Livestock Operations

- Is the Candidate Expansion Area in compliance with the minimum distance separation formulae?

What information will we use?

- Assessment of the distance between the Candidate Expansion Area and existing agricultural operations
- Based on the Minimum Distance Separation (MDS) Formula with reference to OMAFRA's guideline



Natural Resources

Natural resources are to be managed wisely and include mineral aggregate and petroleum resources.

What are the key considerations?

Aggregate Resources and Petroleum Resources

- Does the Candidate Expansion Area include any known mineral aggregate resource areas or petroleum resources?
- Are there any active mineral aggregate operations within or adjacent to the Candidate Expansion Area?
- Does the Candidate Expansion Area contain any active or abandoned gas and petroleum wells?

What information will we use?

- Assessment of aggregate resource areas and petroleum resource areas
- Assessment of active mineral aggregate operations
- Assessment of active or abandoned gas and petroleum wells



Cultural Heritage

Cultural heritage resources and archaeological resources that have been determined to have cultural heritage value or interest are to be conserved in order to foster a sense of place and benefit communities.

What are the key considerations?

What information will we use?

<p>Cultural Heritage Resources</p> <ul style="list-style-type: none"> Does the Candidate Expansion Area contain significant cultural heritage resources including designated heritage properties and can they be conserved? 	<ul style="list-style-type: none"> Assessment of existing cultural heritage resources Consideration of Policy Framework Based on input from City staff with reference to RHOP and UHOP mapping
<p>Archeological Resources</p> <ul style="list-style-type: none"> Does the Candidate Expansion Area contain significant archaeological resources and can they be conserved? 	<ul style="list-style-type: none"> Assessment of potential archaeological resources Consideration of Policy Framework Based on input from City staff with reference to RHOP and UHOP mapping Consultation with Indigenous communities



PART 4: EVALUATION APPROACH FOR PHASING, WHITEBELT LANDS – STEP THREE

Phasing is about timing of development and determining the appropriate order of development over time. While the Province does not outline specific phasing criteria, both the Growth Plan and the Provincial Policy Statement provide policy direction on efficient development patterns and use of infrastructure in addition to requiring integrated planning to implement the Growth Plan. If Council supports the ‘Ambitious Density’ growth option, the City will require a portion of its whitebelt lands to accommodate forecast community growth to 2051. Not all of the lands will be required for development immediately. The use of phasing criteria will allow the City to identify the timing of development for new greenfield areas. It is anticipated that a portion of the expansion lands will be required for development prior to 2031, additional lands between 2031 and 2041, and the remaining lands between 2041 and 2051.

Once the candidate area urban boundary expansion feasibility assessment is complete, all feasible expansion areas will be subject to a phasing analysis based on the criteria outlined in the following pages. To assist with the analysis, the City will identify a variety of alternative phasing scenarios. Each scenario will be evaluated and subject to detailed technical analysis to understand the growth implications.

The supporting technical analysis to be completed for the phasing scenarios will include:

- Agricultural Impact Study;
- Financial Impact Assessment;
- Transportation Assessment;
- Water infrastructure Assessment;
- Waste infrastructure Assessment;
- Stormwater Assessment; and,
- Greenhouse Gas Emissions Impact Assessment.

Additional technical analysis related to land use planning and market demand will also be considered. Where detailed technical studies have been completed and are available for specific areas, these materials will also be considered.




Each phasing scenario will be assessed against the criteria and ranked accordingly. The approach to ranking will be of the following:


- **Most Preferred:** In instances where there is a discernible positive difference between phasing scenarios, a particular scenario may be ranked as Most Preferred under a particular criteria.
- **Somewhat Preferred/Somewhat Less Preferred:** For scenarios which are slightly more or less preferred compared to the others.
- **Least Preferred:** In instances where there is a discernible negative difference between the phasing scenarios, a particular scenario may be ranked as Least Preferred.
- **No Meaningful Difference:** Finally, in recognition that there may be relatively small or minor differences when comparing the scenarios against a particular criteria, the assessment of No Meaningful Difference between the scenarios will be used.



As noted elsewhere, no specific weighting is proposed for phasing criteria, since the Province requires the City to apply the policies of P2G in their entirety when making a decision.

How will we decide on a preferred phasing scenario?

The information gathered and considered will be used complete an analysis of the phasing scenarios. The assessment will be a comparative analysis, with the goal of drawing out the relative strength and challenges for the Candidate Expansion Areas. The phasing scenario evaluation will draw upon technical modelling which will be used to identify a preferred phasing scenario. The results of the evaluation will be documented in a summary table, and where applicable supported by detailed technical memos for specific technical areas (e.g. Agricultural Impact Study). In addition to the summary table, the overall recommendations for phasing will be documented planning report.

THEME	PHASING CRITERIA	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 4
<p>Climate Change</p> 	Does the phasing scenario present any significant opportunities associated with climate change?				
	Does the phasing scenario present any significant risks associated with climate change?				
	Does the phasing scenario result in negative GHG emissions impacts?				
<p>Municipal Finance</p> 	What are the cost estimates associated with the phasing scenario?				
	Are there any significant municipal financial risks associated with the scenario?				
	What is the impact on municipal debt load/capacity?				
<p>Servicing Infrastructure</p> 	Does the phasing scenario allow for efficient servicing based on existing or planned water infrastructure?				
	Does the phasing scenario allow for efficient servicing based on existing or planned wastewater infrastructure?				

THEME	PHASING CRITERIA	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 4
	Does the phasing scenario allow for efficient stormwater management based on existing or planned stormwater master plans/Subwatershed studies?				
	Are there options which optimize the timing and delivery of servicing infrastructure to reduce the City's financial exposure?				
<p>Transportation System</p> 	Does the phasing scenario prioritize development of areas that would be connected to the planned BLAST network or existing transit?				
	Does the phasing scenario align well with existing and planned road network and existing and planned active transportation network?				
	What are the impacts of the phasing scenario on the capacity of the road network?				
	Are there options which optimize the timing and delivery of transportation infrastructure to reduce the City's financial exposure?				

THEME	PHASING CRITERIA	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 4
<p data-bbox="224 304 451 388">Complete Communities</p> 	<p data-bbox="495 304 771 430">Does the phasing scenario support the creation of a complete community?</p>				
	<p data-bbox="495 493 771 640">Does the phasing scenario contribute to a logical expansion of the existing urban area?</p>				
	<p data-bbox="495 693 771 819">To what extent are the lands within the phasing scenario ready for development?</p>				
<p data-bbox="235 892 438 976">Agricultural System</p> 	<p data-bbox="495 892 771 1050">Does the phasing scenario prioritize development of areas that are non-prime agricultural?</p>				
	<p data-bbox="495 1102 771 1228">Does the phasing scenario minimize impacts on adjacent agricultural uses?</p>				
	<p data-bbox="495 1270 771 1459">Does the phasing scenario support local food security through food production, processing and distribution?</p>				
	<p data-bbox="495 1512 771 1606">Does the phasing scenario minimize land fragmentation?</p>				

**GRIDS 2 / MCR – SCREENING CRITERIA AND
EVALUATION TOOL**

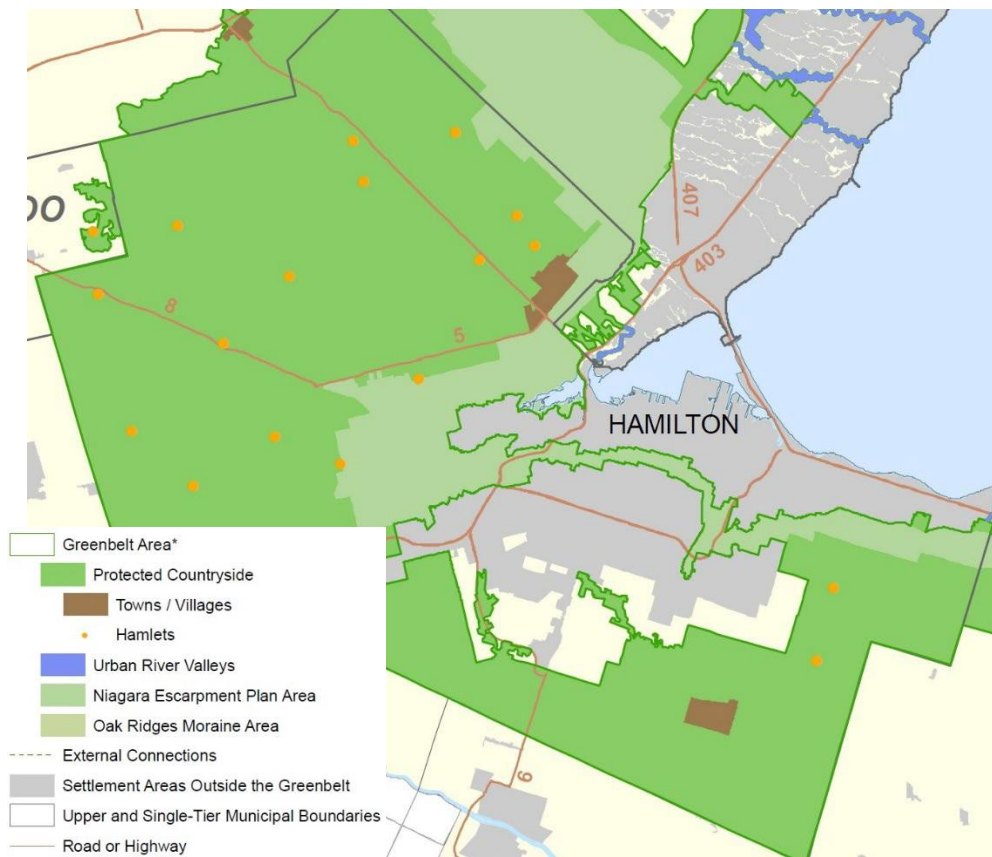
(WATERDOWN AND BINBROOK)



URBAN BOUNDARY EXPANSION EVALUATION – WATERDOWN AND BINBROOK

The Provincial Growth Plan 2019, as amended, allows for minor expansions of a settlement area boundary into the Greenbelt Plan Protected Countryside from areas that are identified as a Town or Village in the Greenbelt Plan. Within the City of Hamilton, both Waterdown and Binbrook are classified as ‘Towns’ within the Greenbelt Plan.

The expansion permitted by the Growth Plan policy in these areas, as noted below, is minor in size, being restricted to only 10 ha of land in total, with a maximum of 50% of that area permitted to be used for residential development. Because of the size restriction on expansions from these areas, the City has developed a special evaluation tool to be used for the consideration of expansions from Binbrook or Waterdown.



Source: Province of Ontario, Greenbelt Plan, 2017

The tool is a scaled down version of the GRIDS 2 / MCR Planning for Growth to 2051: Evaluation Framework and Phasing Criteria being used as part of the evaluation of the City’s whitebelt growth areas. Certain criteria that are included in the whitebelt evaluation are not appropriate for the evaluation of the small expansion requests from Waterdown and / or Binbrook due to

the size restriction, including the restriction on residential development, the Growth Plan policy direction, and the existing conditions in these areas.

Policy 2.2.8.3 (k) of the Growth Plan 2019, as amended, identifies the following criteria for the consideration of settlement area boundary expansion within the Greenbelt Plan area:

- k. within the Protected Countryside in the *Greenbelt Area*:
 - i) the *settlement area* to be expanded is identified in the Greenbelt Plan as a Town/Village;
 - ii) the proposed expansion would be modest in size, representing no more than a 5 per cent increase in the geographic size of the *settlement area* based on the *settlement area* boundary delineated in the applicable official plan as of July 1, 2017, up to a maximum size of 10 hectares, and residential *development* would not be permitted on more than 50 per cent of the lands that would be added to the *settlement area*;
 - iii) the proposed expansion would support the achievement of *complete communities* or the local agricultural economy;
 - iv) the proposed uses cannot be reasonably accommodated within the existing *settlement area* boundary;
 - v) the proposed expansion would be serviced by existing *municipal water and wastewater systems* without impacting future *intensification* opportunities in the existing *settlement area*; and
 - vi) expansion into the Natural Heritage System that has been identified in the Greenbelt Plan is prohibited

To assist the City with evaluation requests to expand the urban boundary in Waterdown and / or Binbrook, the evaluation framework on the following pages will be used.

The first phase of the evaluation is a screening tool. Each proposed expansion area will be evaluated against screening criteria based on the Growth Plan policy 2.2.8.3(k). Any expansion areas that cannot meet the screening criteria will not be considered further for expansion.

Expansion requests that pass the screening criteria will be evaluated in phase two against a series of criteria representing both provincial and local priorities to identify the preferred expansion option, if any.

It is noted that there is no requirement for the City to expand the urban boundary from Waterdown and / or Binbrook. Consideration of such an expansion will only be undertaken if there is a demonstrated need for the expansion (eg. logical rounding out of the boundary or recognition of existing uses), including an identified need for the non-residential portion of the expansion area.

PHASE ONE: INITIAL SCREENING:

All potential expansion areas from Waterdown and Binbrook will be screened against the Growth Plan criteria identified in Policy 2.2.8.3(k).

Any areas that do not pass ALL of the screening criteria will be excluded from consideration in the second phase of the evaluation.

This phase of the evaluation is an individual evaluation of each potential expansion area.

PHASE ONE: SCREENING CRITERIA:

THEME	SCREENING CRITERIA	AREA 1	AREA 2	AREA 3
Size / Use	Is the proposed expansion area less than 10 ha in size?	✓	✓	✗
	Is residential development restricted to a maximum of 50% of the expansion area?			
	Is there a demonstrated use / need for the non-residential portion of the expansion area?			
Complete Communities	Does the proposed expansion support the creation of a complete community or the local agricultural economy?			
	Has it been demonstrated that the proposed uses cannot be reasonably accommodated within the existing urban boundary?			
Servicing Infrastructure	Can the proposed expansion area be serviced by existing water / wastewater systems without impacting future intensification opportunities in the existing urban area?			
Natural Heritage	Does the proposed expansion area avoid the natural heritage system?			

PHASE TWO: EVALUATION CRITERIA AND IDENTIFICATION OF PREFERRED EXPANSION OPTION

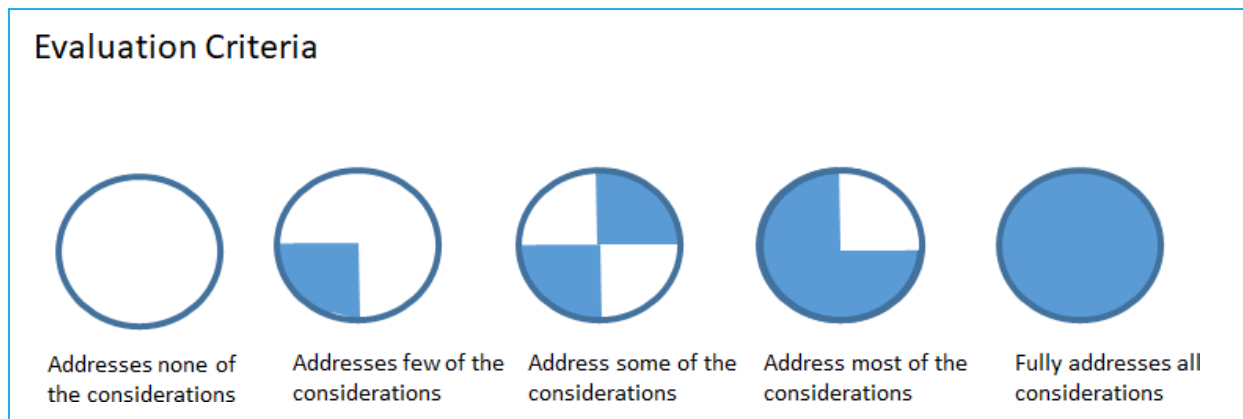
The second phase of the evaluation will evaluate each proposed expansion area that remains after the initial screening against a series of criteria which represent local and provincial planning priorities, including the GRIDS 2 10 Directions to Guide Development.

Each expansion area will be evaluated against the criteria and identified as fully addressing, mostly addressing, partially addressing or not addressing the criteria. Following the evaluation, the areas will be ranked against each other, and the expansion area that best satisfies the criteria will be identified as the preferred expansion option. If deemed necessary, proposed expansion areas may be divided into smaller areas for the purposes of evaluation.

If no expansion areas perform well against the criteria (i.e. only partially address or do not address all or most of the criteria), no areas will be identified as the preferred expansion area.




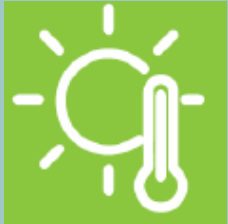
Only one expansion may take place from each of Waterdown and Binbrook.




The following is an example of the proposed evaluation tool:





The chart on the next page summarizes the criteria to be considered in relation to the Phase 2 evaluation of expansion areas from Waterdown and Binbrook.

PHASE 2 EVALUATION CRITERIA:

Theme	Criteria	Area 1	Area 2	Area 3
Efficient Servicing 	Can the expansion area be efficiently serviced based on existing water / wastewater and stormwater infrastructure?			
Transportation 	Does the expansion area align well with existing and planned road and active transportation networks?			
	What is the impact of the expansion area on the capacity of the road network?			
Complete Communities 	Does the expansion area contribute to the surrounding area's completeness?			
	Does the expansion area have access to community facilities or address gaps in currently available facilities?			
	Would the expansion area impact the scenic resources of the Niagara Escarpment?			
Climate Change 	Does the expansion area present any significant opportunities or risks associated with climate change?			

Theme	Criteria	Area 1	Area 2	Area 3
Natural Heritage and Water Resources 	Does the expansion area demonstrate avoidance and / or mitigation of potential negative impacts on watershed conditions?			
	Does the expansion area avoid key hydrologic areas?			
	Does the expansion area maintain, restore or improve the functions and features of the area including diversity and connectivity of natural features and the long term ecological function of natural heritage systems?			
Natural Hazards 	Does the Candidate Expansion Area contain any natural hazards?			
	Does the Candidate Expansion Area contain a significant amount of hazardous lands that would make the area unfeasible for future development?			
Agriculture 	Does the expansion area minimize / mitigate impacts on the agricultural system, including the agri-food network, to support local food security?			
	Does the proposed expansion minimize land fragmentation?			
	Is the proposed expansion in compliance with MDS guidelines?			

Theme	Criteria	Area 1	Area 2	Area 3
Finance 	<p>Does the proposed expansion have an unreasonable or unexpected financial impact on the City?</p>			
Cultural Heritage 	<p>Does the Candidate Expansion Area contain significant cultural heritage resources including designated heritage properties and can they be conserved?</p>			
	<p>Does the Candidate Expansion Area contain significant archaeological resources and can they be conserved?</p>			

Summary of Recommended Conversion Sites by Ward

Ward 3

Address	Existing Land Use	Area (ha)	Recommendation
390 Victoria Ave	Vacant, parking	0.2	Neighbourhoods (site specific policy)
15 – 121 Shaw St (odd only)	Residential, vacant, parking, commercial (office)	0.96	Neighbourhoods (area / site specific policy)
360 – 368 Emerald St (even only)	Residential	0.05	Neighbourhoods (area specific policy)
6 – 16 Douglas Ave (even only)	Residential, community garden	0.1	Neighbourhoods (area specific policy)
83 – 105 Cheever St (odd and even)	Residential	0.2	Neighbourhoods (area specific policy)
110- 166 Burton St	Residential	0.4	Neighbourhoods (area specific policy)
286 Sanford Ave	Commercial – office, vacant	0.2	Neighbourhoods (site specific policy)
42 Westinghouse Ave	Vacant, parking	0.5	Neighbourhoods (site specific policy)
268 – 276 Sanford Ave N & 13 – 23 Westinghouse Ave	Residential, vacant	0.3	Neighbourhoods (area specific policy)
39 Lloyd Street	Vacant	0.06	Neighbourhoods (area specific policy)
43 Lloyd Street	Vacant, industrial (automotive repair), residential	4.6	Neighbourhoods (area specific policy)
221 Gage Ave N	Retail	0.4	Neighbourhoods (area specific policy)
39 – 67 Lloyd St	Residential, vacant	0.65	Neighbourhoods (area specific policy)

Ward 3 Total Area: 8.62ha

Ward 4

Address	Existing Land Use	Area (ha)	Recommendation
401 Parkdale Ave N	Commercial - industrial	1.1	Arterial Commercial
300 Parkdale Ave N	Utilities – Hydro One	0.1	Arterial Commercial
308 Parkdale Ave N	Warehousing	0.1	Arterial Commercial
324 Parkdale Ave N	Commercial – Auto sales and rentals (Hyundai)	0.8	Arterial Commercial
350 Parkdale Ave N	Commercial – Auto sales and rentals (Ford)	2.0	Arterial Commercial
380 Parkdale Ave N	Commercial – Service/Auto Repair (Eastgate Collision)	0.1	Arterial Commercial
1811 Barton St E	Commercial – Sales (Spar-Marathon Roofing)	0.6	Arterial Commercial
1831 Barton St E	Commercial – Truck dealer	1.0	Arterial Commercial
85 Division St & 77 – 79 Merchison Ave	Vacant	0.5	Neighbourhoods (site specific policy)
166 – 180 Harmony Ave	Residential	0.15	Neighbourhoods

Ward 4 Total Area: 6.45 ha

Ward 5

Address	Existing Land Use	Area (ha)	Recommendation
2255 Barton St E	Commercial – Plaza with restaurant, grocery	2.4	Arterial Commercial
2275 Barton St E	Industrial - U-Haul self-storage	1.1	Arterial Commercial
2289 Barton St E	Commercial – Hall/ Sports Club, Ultimate Cycle	1.3	Arterial Commercial
2311 and 2333 Barton St E	Commercial – Car dealership (Toyota)	1.6	Arterial Commercial

2243 Barton St E	Industrial – (Fellfab)	0.7	Arterial Commercial
2345 Barton St E	Commercial - Tint Boyz, M&R Automotive	0.3	Arterial Commercial
305 & 307 Kenora Ave	Commercial – Billy Buff Auto Spa	0.1	Arterial Commercial
311 Kenora Ave	Industrial - Hess Millwork	0.2	Arterial Commercial
315 Kenora Ave	Industrial - Warehousing	0.2	Arterial Commercial
310 Kenora Ave	Industry – Modern Training Ontario – Truck/Forklift	0.3	Arterial Commercial
2371 Barton St E	Commercial (Food store – Lococo’s)	0.9	Arterial Commercial
2399 Barton St E	Industrial (Appears Vacant)	1.8	Arterial Commercial
2493 Barton St E	Industrial – Speedy Glass, Main Grocer, Young Kings Detailer, Krishna Sweets, Greco’s Auto Repair	0.2	Mixed Use – High Density
185 Bancroft Street and 25 Arrowsmith Drive	Vacant – lands for Confederation Go Station	2.13	Mixed Use – High Density
395 Centennial Parkway North	Confederation GO Station	1.92	Utilities (site specific policy)

Ward 5 Total Area: 15.15 ha

Ward 6

Address	Existing Land Use	Area (ha)	Recommendation
1423 Upper Ottawa St	Commercial Plaza	0.6	District Commercial (area specific policy)
1439 Upper Ottawa St	Commercial Plaza	0.7	District Commercial (area specific policy)
1447 and 1453 Upper Ottawa St	Commercial Plaza	0.8	District Commercial (area specific policy)
1475 Upper Ottawa St	Institutional/Commercial – Plaza Mall, McMaster Family Health Centre	0.9	District Commercial (area specific policy)

1515 Upper Ottawa St	Commercial Plaza	0.3	District Commercial (area specific policy)
1521-1527 Upper Ottawa St	Commercial Plaza	0.9	District Commercial (area specific policy)
1555 Upper Ottawa St	Commercial Plaza (Banquet Hall)	1.4	District Commercial (area specific policy)
1280 Rymal Road East & 385 Nebo Road	Vacant (Commercial Plaza in development)	5.3	Arterial Commercial (site specific policy)

(As per Council direction)

Ward 6 Total Area: 10.9 ha

Ward 10

Address	Existing Land Use	Area (ha)	Recommendation
Margaret Enclave (320 – 352 Millen Rd, 318 – 352 Margaret Ave, 413 – 431 Barton St)	Residential	5.0	Neighbourhoods
645-655 Barton Street	Vacant / Industrial	1.43	District Commercial (site specific policy)

Ward 10 Total Area: 6.43 ha

Ward 15

Address	Existing Land Use	Area (ha)	Recommendation
Portions 56 Parkside Drive, 90 and 96 Parkside Drive and 546 Hwy 6	Natural open space	6.0	Open Space

Ward 15 Total Area: 6.0 ha

Employment Area Conversion Sites - Bayfront 1

Employment Area Conversion Sites

- Area 1
- Area 2
- Area 3

- Area 1: 390 Victoria Ave N,
15-121 Shaw St (odd only)
360-368 Emerald St (even only)
6-16 Douglas Ave (even only)
83-105 Cheever St (odd and even)
110-166 Burton St (even only)
- Area 2: 268-286 Sanford Ave N (even only)
13-23 Westinghouse Ave (odd only)
42 Westinghouse Ave
- Area 3: 36-67 Lloyd St (odd only)
221 Gage Ave N

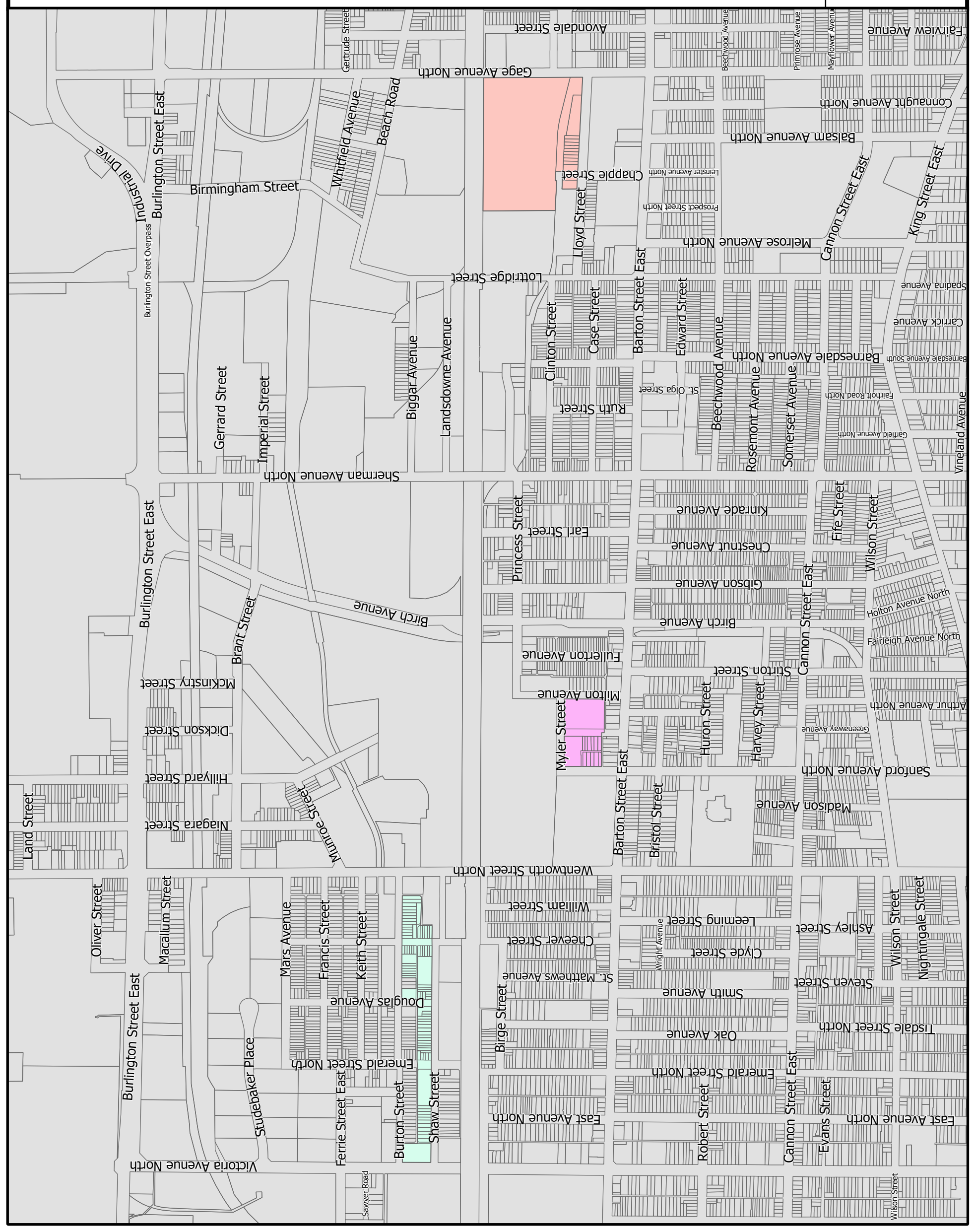
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Hamilton

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POLICY PLANNING & ZONING BY-LAW REFORM

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Employment Area Conversion Sites - Bayfront 2


Employment Area Conversion Sites

- Area 4
- Area 5


Area 4: 401 Parkdale Ave N
300-380 Parkdale Ave N (even only)
1811 Barton St E
1831 Barton St E


Area 5: 85 Division St
77-79 Merchison Ave
166-180 Harmony Ave (even only)

Date: 10/22/19



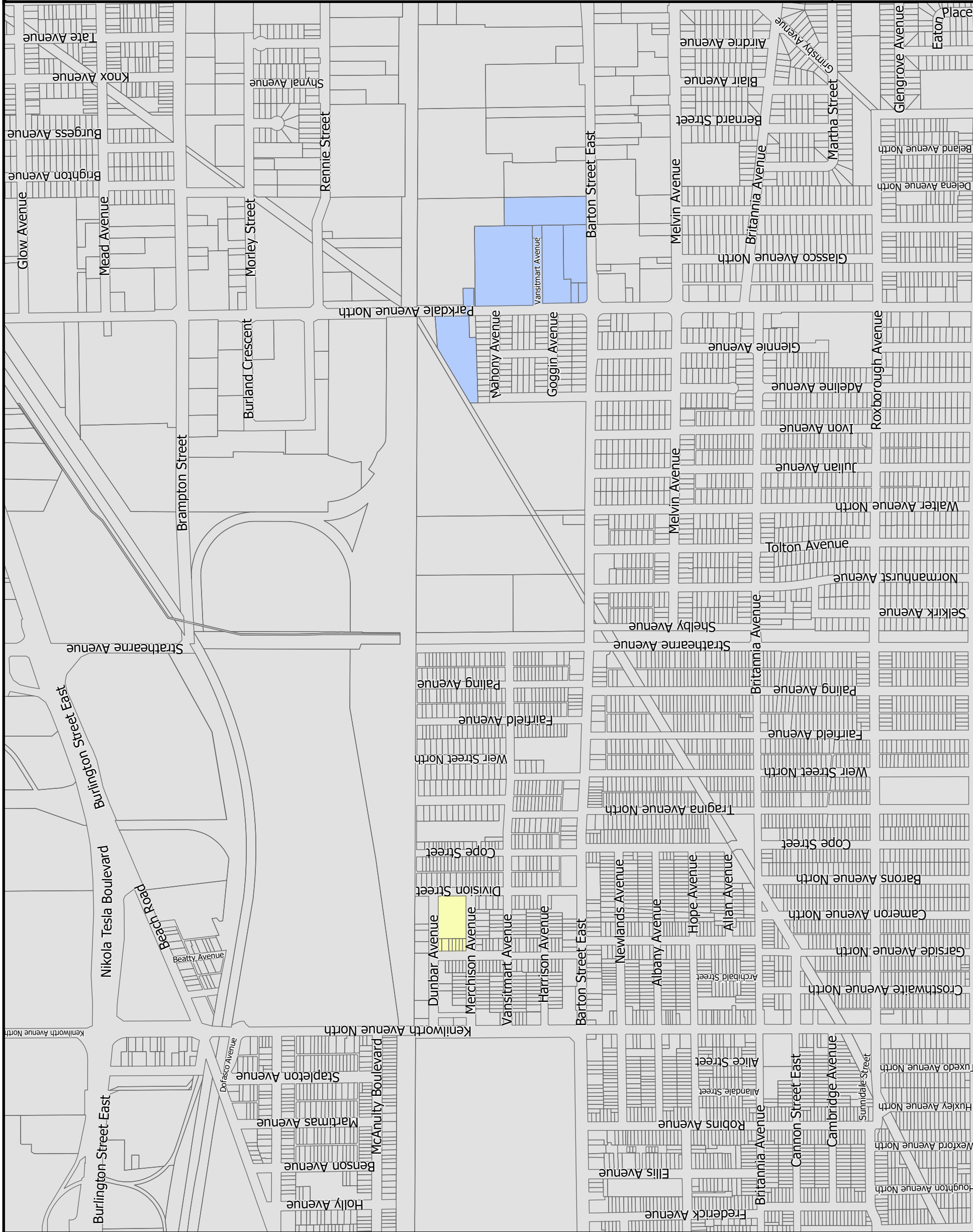
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Employment Area Conversion Sites - Flamborough

Employment Area Conversion Sites

Area 1



Area 1: Portions of 56, 90, & 96 Parkside Dr
546 Hwy 6

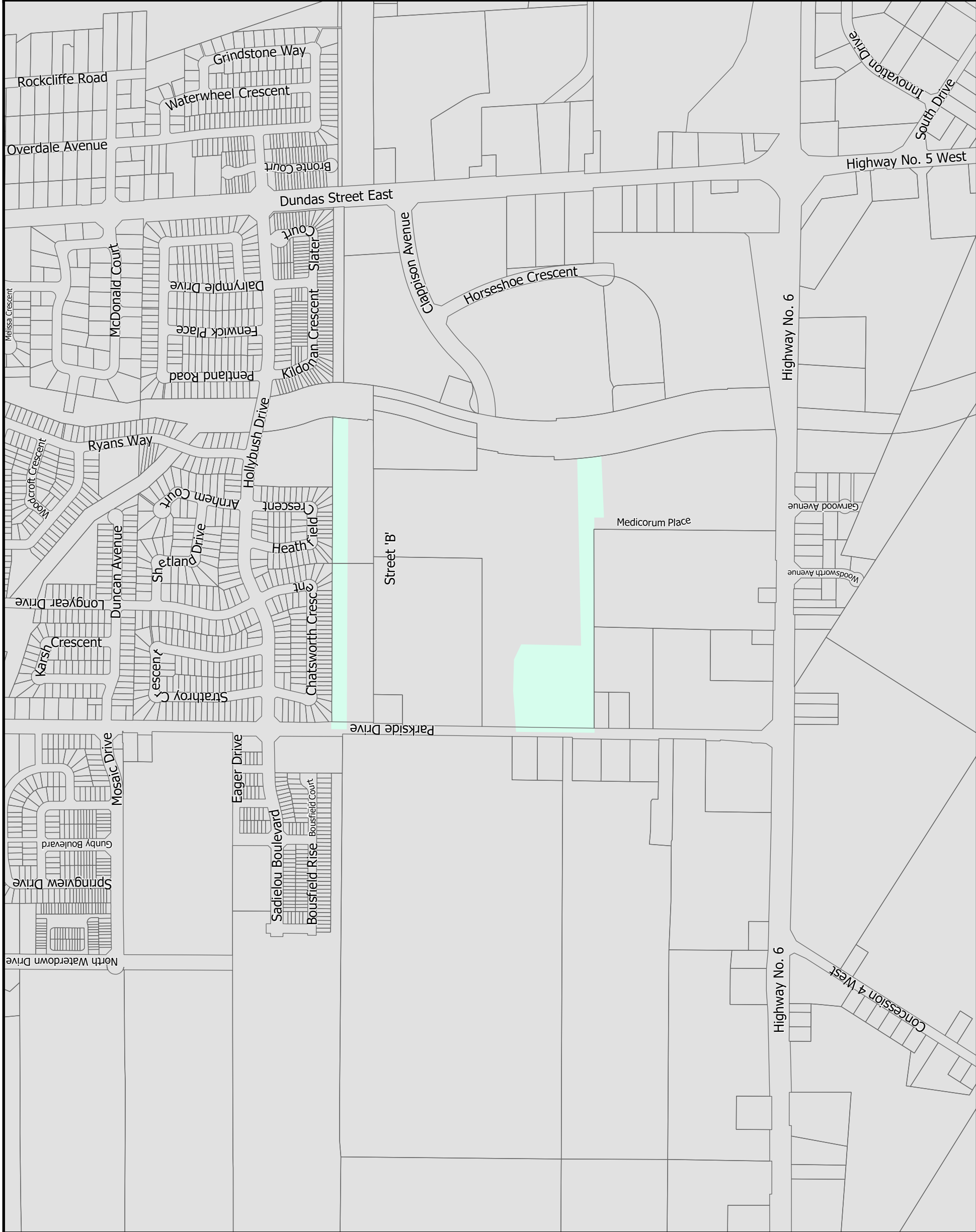


Date: 10/03/19



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Employment Area Conversion Sites - Red Hill

Employment Area Conversion Sites

- Area 1
- Area 2

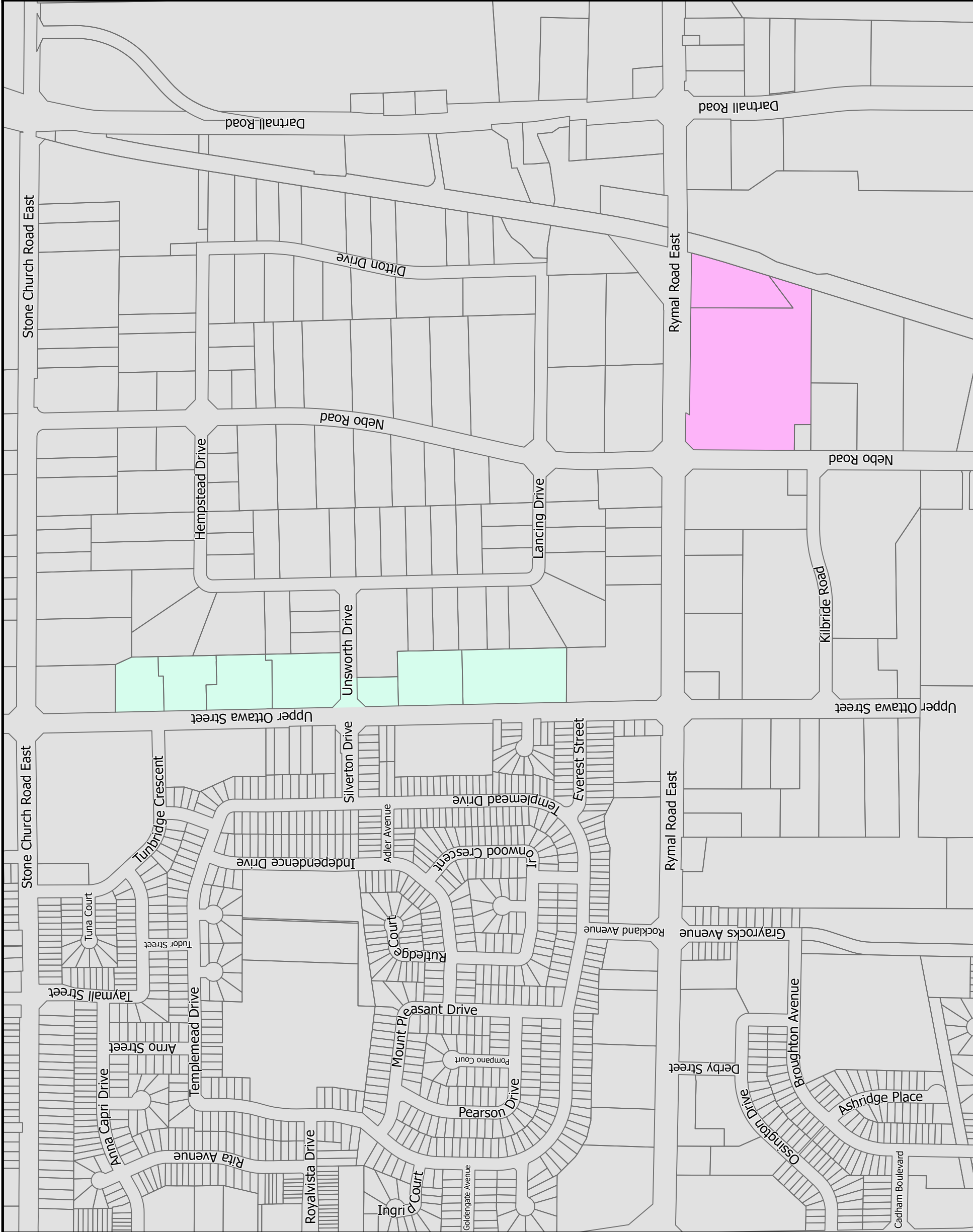
Area 1: 1423-1555 Upper Ottawa St (odd only)
Area 2: 1280 Rymal Road East and
385 Nebo Road
(Council directed conversion at August 2021
GIC meeting)



Date: 8/05/21

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Employment Area Conversion Sites - Stoney Creek

Employment Area Conversion Sites

- Area 1
- Area 2

Area 1: 320-352 Millen Rd (even only)
318-352 Margaret Ave
413-431 Barton St

Area 2: 645-655 Barton St

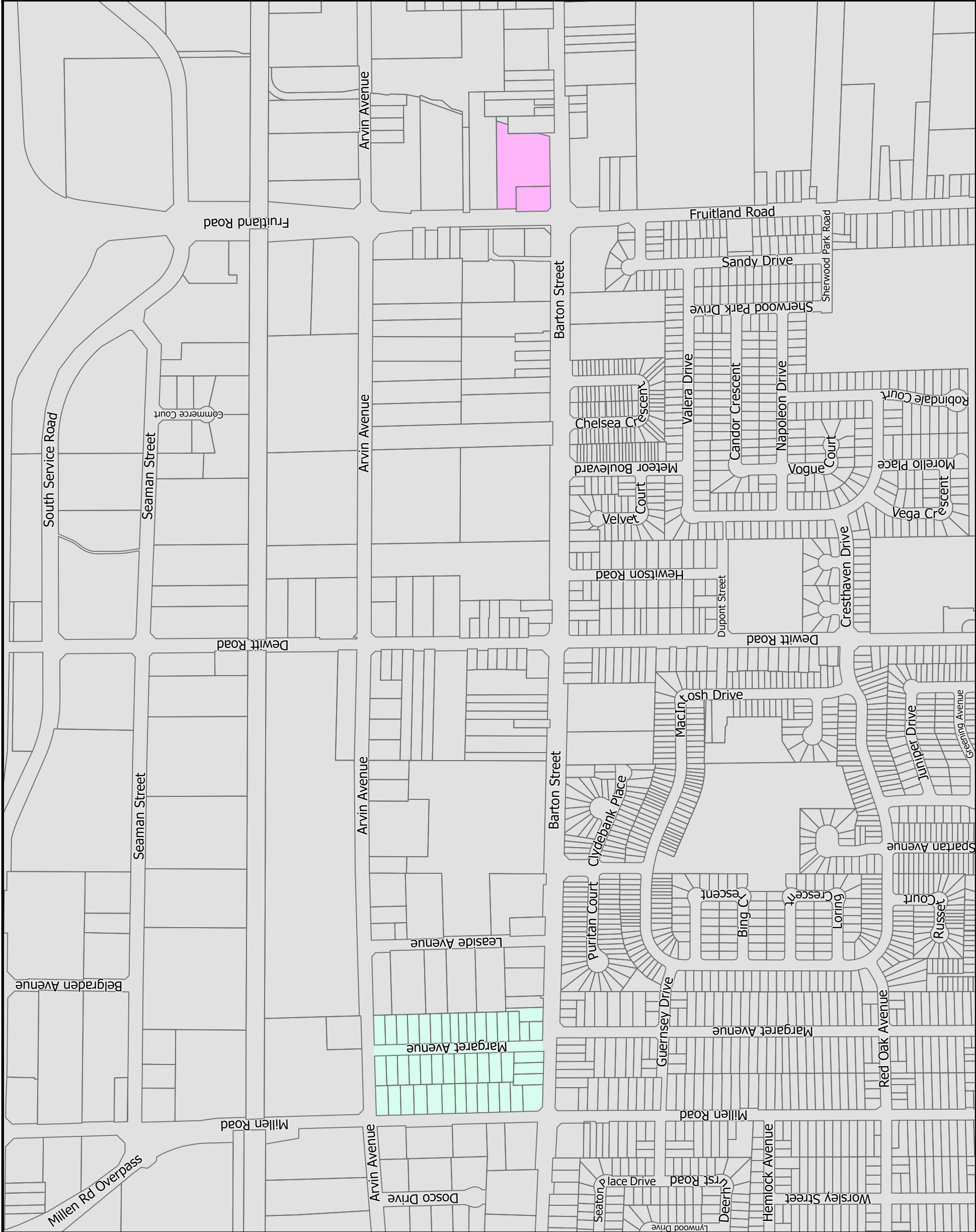


Date: 2/19/21



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CITY OF HAMILTON: EMPLOYMENT LAND REVIEW

AUGUST 2021



CITY OF HAMILTON

EMPLOYMENT LAND CONVERSION ANALYSIS

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1. INTRODUCTION

1.1 PURPOSE OF REPORT AND BACKGROUND INFORMATION

The purpose of this analysis is to review lands designated "Employment Area" within the Urban Hamilton Official Plan (UHOP) and identify any lands that may warrant conversion to non-employment uses. This review addresses lands along the margins of existing Employment Areas within the City of Hamilton where land uses may have morphed over time and the existing Employment Area designation may no longer be appropriate. A rigorous application of established conversion criteria serves as a guide in determining which lands are most appropriate for conversion. The output of this analysis is a list of recommended conversion sites for Council consideration.

Provincial Policy Framework, Requirements, and Municipal Comprehensive Review

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides land use planning direction related to employment areas. The PPS requires planning authorities to plan for, protect and preserve employment areas for current and future uses. Further, policy 1.3.2.4 addresses conversion of employment lands:

"Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion."

A comprehensive review as defined by the PPS is an official plan review initiated by a municipality based on a review of population and employment projections, which considers alternative directions for growth and development, and how best to accommodate development while protecting the provincial interest. As noted in policy 1.3.2.2, conversion of employment lands may be permitted through this municipally initiated process.

The PPS provides additional direction regarding the potential for employment land conversions prior to the next comprehensive review through Policy 1.3.2.5:

"Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development

corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.”

The Growth Plan, 2019, as amended, provides further direction regarding employment land conversions.

[Growth Plan 2019, as amended](#)

The *Growth Plan for the Greater Golden Horseshoe (2019), as amended* identifies the role that Hamilton will serve in accommodating employment in the Greater Golden Horseshoe region. The *Growth Plan* sets out population and employment forecasts for Hamilton to the year 2051. In order to meet these forecasts, the City of Hamilton needs to identify and designate an adequate supply of employment land suitable for a variety of employment uses that can accommodate employment growth to the year 2051.

The *Growth Plan* also provides the planning framework for protection of the long term supply of employment land. Policy 2.2.5.9 of the *Growth Plan* requires that employment land conversions to non-employment uses may only be permitted through a municipal comprehensive review (MCR). The MCR is the process undertaken by a municipality to update the municipal Official Plan to conform to the policies of the Growth Plan and other provincial plans. The MCR will result in a municipally-initiated Official Plan Amendment which comprehensively applies the policies of the Growth Plan.

Conversion criteria are set out in Growth Plan Policy 2.2.5.9, as follows:

“The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:

- a) there is a need for the conversion;
- b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
- c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;

- d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and
- e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.”

The 2019 Growth Plan introduced the concept of Provincially Significant Employment Zones (PSEZs). PSEZs are employment areas identified by the Province for the purpose of long term employment planning and economic development. In Hamilton, three of the City’s employment areas have been identified as PSEZs:

- Bayfront Industrial Area, East Hamilton Industrial Area and Stoney Creek Business Park;
- Red Hill North and South Business Parks; and,
- Airport Employment Growth District.

Additional PSEZs may be identified by the Province in the future.

The Growth Plan, 2019, as amended provides additional direction regarding Employment Land conversion for lands outside of PSEZs prior to the next MCR in Policy 2.2.5.10:

“Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the conversion would:

- a) Satisfy the requirements of policy 2.2.5.9 a), d) and e);
- b) Maintain a significant number of jobs on those lands through the establishment of development criteria; and
- c) Not include any part of an employment area identified as a provincially significant employment zone unless part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.”

While it is acknowledged that policy 2.2.5.10 permits employment land conversions outside of PSEZs (unless the PSEZ is within a major transit station area), to be considered in advance of the completion of the MCR, it is the City’s intention to consider employment land conversion comprehensively as part of the MCR. This report will consider all of the City’s employment areas, including those that are and are not identified as PSEZs, and will make recommendations to be implemented as part of the MCR.

Land Needs Assessment

This conversion analysis serves as one component of the MCR. The results of this analysis have been considered as part of the employment land supply information for the City's Land Needs Assessment (LNA) exercise. The LNA is a supply and demand analysis which identifies how much of the City's forecasted population and employment growth to the year 2051 can be accommodated in the City's existing land supply. Based on Provincial growth projections, Hamilton's employment areas are forecasted to accommodate approximately 112,090 jobs by the year 2051. The calculated supply capacity of the employment areas across the City is approximately 114,420 jobs, which equates to roughly a 60 hectare surplus of employment land. The proposed employment land conversions reviewed through this report account for approximately 44 ha of land to be redesignated for non-employment uses. Based on the City's LNA findings, the supply of employment lands after the recommended conversions, is sufficient to accommodate the anticipated job growth to the year 2051. There remain 4 conversion requests that are deferred at this time (plus one additional request to be deferred at the direction of Council at the August 2021 GIC meeting), which will be addressed at a later stage in the MCR. Should the outstanding deferral requests be approved, there is potential that the City will enter into a deficit of Employment Area designated lands during the planning horizon to 2051, but it is anticipated the deficit would be within the margin or error for the analysis of determining Employment Land Need as part of the LNA. A full review of the employment land needs analysis as part of the LNA is provided in Report PED17010(i).

Municipal Planning Framework

Urban Hamilton Official Plan (UHOP)

In addition to providing policy direction pertaining to the protection and enhancement of Employment Areas in the City, the UHOP also identifies Employment Area designations, permitted uses, and other provisions such as scale and design. The Employment Area Designation contains four land use designations that capture the range of employment lands in the city, which includes historical heavy industrial uses, port lands, and planned business parks. The Employment Area designations are Industrial Land, Business Park, Airport Employment Growth District, and Shipping and Navigation (see Figure 1).

The policies of the UHOP recognize and permit a broad range of uses within the Employment Area designations, including traditional manufacturing uses, research and development uses, warehousing, and logistics. Office uses are permitted, though limited in size and function in keeping with the intent of the Plan to encourage larger scale office uses to locate in the Downtown Urban Growth Centre. Ancillary uses which primarily support businesses and employees within the Employment Area (eg. restaurants, hotels,

banks, personal services) may also be permitted, subject to certain restrictions. Ancillary uses are to be located along the periphery of the Employment Area so as not to encourage the intrusion of non-employment uses into the employment lands. Further, the policies require that the types of permitted ancillary uses will be determined by the Zoning By-law. The intent of the restrictions is to ensure that such ancillary uses remain small scale and true to the primary function of supporting the businesses and employees.

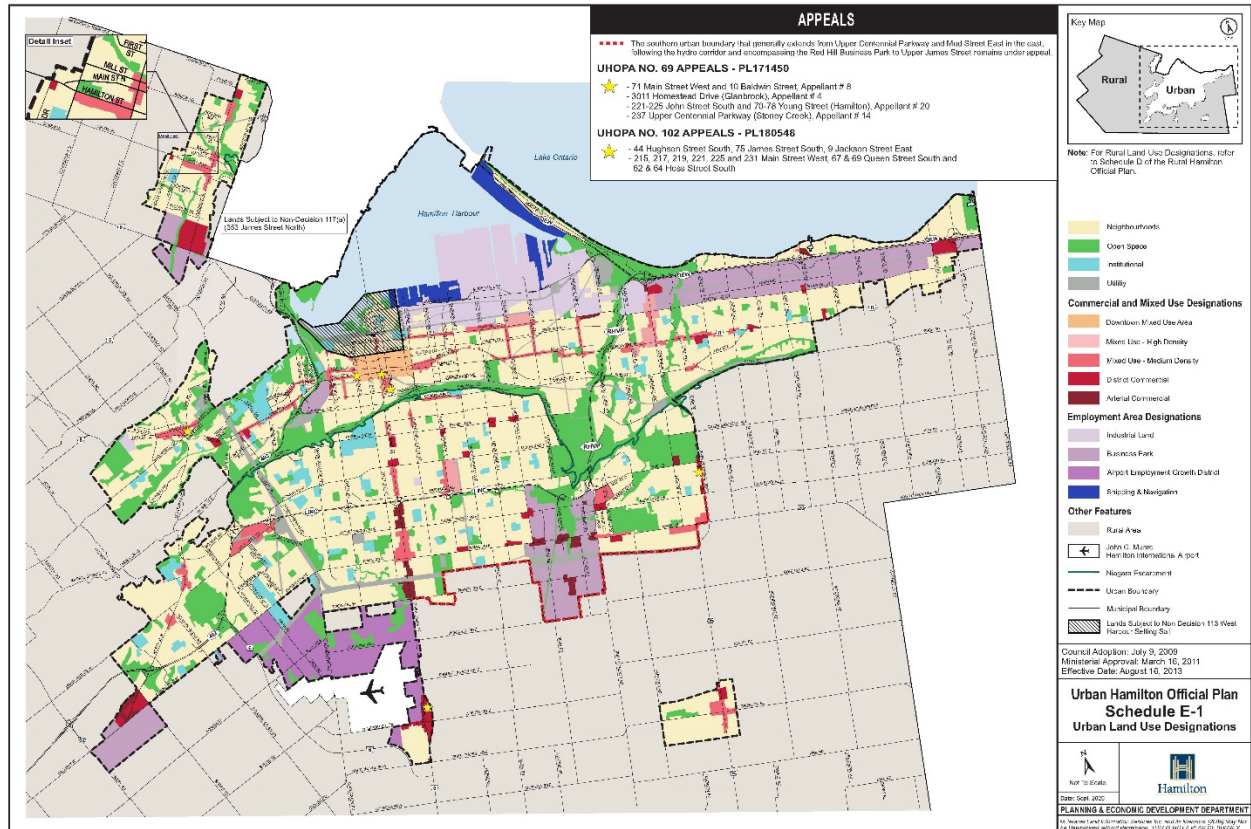


Figure 1 – Urban Hamilton Official Plan Schedule E-1

In this conversion analysis, the primary focus of the review is lands designated either Industrial Land or Business Park. Lands that fall within these designations are evaluated against the permitted use policies of the UHOP. Policies E.5.2.4, E.5.2.5, E.5.3.2, and E.5.4.3 of Volume 1 of the UHOP identify permitted uses in the Industrial Land and Business Park designations. Policy E.5.2.6 of the UHOP prohibits *major retail* uses, residential uses, and other sensitive uses within lands designated Employment Area on Schedule E-1 of Volume 1 of the UHOP. The permitted uses in these designations are identified in Table 1.

Table 1 – Permitted Uses in Industrial Land and Business Park Designations

Use	Industrial Land Designation	Business Park Designation
Manufacturing	✓	✓
Warehousing	✓	✓
Repair service	✓	✓
Building or contracting supply establishments	✓	✓
Building and lumber supply establishments	✓	✓
Transport terminals	✓	
Transportation terminals		✓
Research and development	✓	✓
Communication establishment	✓	✓
Private power generation	✓	✓
Dry cleaning plants	✓	-
Salvage/storage yards	✓	Prohibited
Motor vehicle repair and wrecking	✓	-
Waste processing facilities and waste transfer facilities	✓	✓
Office	Yes with limitations	Yes with limitations
Retail	Limited to 500 square meters of gross floor area for any individual business	Limited to 500 square meters of gross floor area for any individual business
Ancillary uses (hotels, fitness centers, financial establishments, restaurants, personal services, motor vehicle service stations, retail establishments, labour association halls, conference and convention centres, trade schools, commercial parking facilities, commercial motor vehicle and equipment	If uses primarily support industry, businesses, and employees within Employment Area	If use primarily supports industry. If uses primarily support business and employees within business parks; must front arterial roads or collector roads

Use	Industrial Land Designation	Business Park Designation
sales, and commercial rental establishments		
Accessory uses	Limited retail and office	Limited retail and office
Agriculture	Limited (only a cannabis growing and harvesting facility, a greenhouse, and an aquaponics facility)	Limited (only a cannabis growing and harvesting facility, a greenhouse, and an aquaponics facility)

Chapter F of the UHOP provides additional direction on the protection of employment areas, and in particular, policy F.1.1.11 indicates that the City may prepare additional criteria (beyond that of the Growth Plan) to evaluate potential employment conversion sites. This criteria is discussed in section 1.2 below.

Zoning By-law 05-200

Zoning By-law 05-200 is the Zoning By-law for the City of Hamilton. The Industrial Zones were approved and added to the By-law in 2011. While the UHOP provides high level policy direction regarding the different types of Employment Areas in the City (eg. Industrial Land, Business Park), the Zoning By-law implements this direction with permitted uses and regulations specific to each Zone. The Zones are structured to apply to specific geographic areas or to address specific functions. For example, there are different zones applied at the interior of an industrial area or business park as opposed to the exterior of these areas. The zones to be applied at the exterior permit different uses to ensure compatibility with adjacent lands and contain more stringent design criteria. There is also a zone which is applied in areas where ancillary uses are to be permitted. There are six primary industrial zones that are relevant to the discussions of this report, summarized below. In addition to the zones noted below, there are special zones that are applicable to certain geographic areas (i.e. airport related zones and shipping and navigation (port) zones) or specific activities (extractive industrial zone). There are no recommended conversion sites within lands applicable to the other industrial zones. The zones applicable to the conversion analysis are the following:

Business Park Zones:

Research and Development (M1) Zone – applied to the West Hamilton Innovation District, and permits a range of research and development related uses.

General Business Park (M2) Zone – applied to the interior of Business Parks, and permits a wide range of manufacturing and employment uses with minimal urban design requirements.

Prestige Business Park (M3) Zone – applied to the exterior of Business Parks and the entirety of the Red Hill North and South Parks. Permits a range of light industrial, office, and research and development uses, with enhanced urban design and setbacks to sensitive land uses.

Business Park Support (M4) Zone – designed to support employees and businesses within the Park, and generally applied at the exterior of the Park. Permits the same range of uses as the M3 Zone, but also limited commercial support uses.

Industrial Area Zones:

General Industrial (M5) Zone – applied in the interior of the Bayfront Industrial Area and the East Hamilton Industrial Area. This zone is the most permissive industrial zone and permits the widest range of manufacturing and employment related uses, as well as some uses which may take advantage of existing buildings or locate on existing smaller lots.

Light Industrial (M6) Zone – applied in the exterior of the Bayfront and all other industrial areas. Permits range of light industrial and ancillary uses.

1.2 METHODOLOGY AND CONVERSION CRITERIA

This conversion analysis builds on the previous conversion analysis, which was completed by the City of Hamilton in 2008. The methodology of this study utilizes a similar approach to the 2008 analysis, and incorporates information from the previous conversion analysis, while also assessing the current-day context of employment land in the City. This review addresses lands along the margins of existing Employment Areas within the City of Hamilton where land uses may have morphed over time and the existing Employment Area designation may no longer be appropriate. Areas that have experienced change since the completion of the previous study, in the form of new development, vacant lands or planning applications, will be reviewed through this analysis, as well as areas where staff have identified a need for potential boundary refinement due to existing uses.

The primary focus of this report is the Bayfront Industrial Area due to its longer history, complexity of existing land uses, and therefore greater need for potential boundary refinement, particularly along the edges of the area. Consideration is also given to potential conversion sites in the East Hamilton Industrial Area, Red Hill North Business Park, and the Flamborough Business Park due to existing uses or the need for boundary refinement. For the remaining employment areas in the City, no potential conversion sites were identified, and these areas are therefore not addressed in this Report.

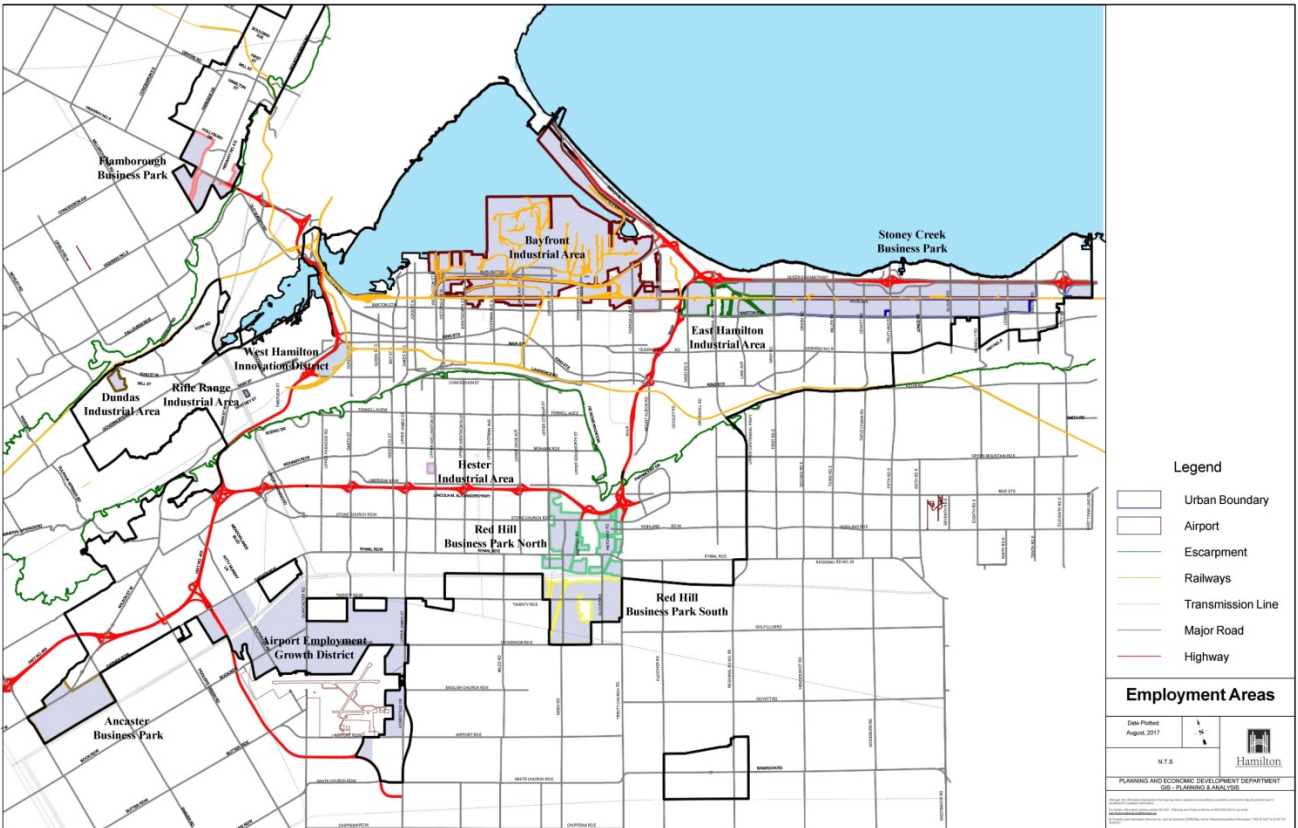


Figure 2 – City of Hamilton Employment Areas

Conversion Criteria

Sites were evaluated against the criteria for conversion of the Growth Plan Policy 2.2.5.9:

“The conversion of lands within *employment areas* to non-employment uses may be permitted only through a *municipal comprehensive review* where it is demonstrated that:

- a) there is a need for the conversion;
- b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
- c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
- d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and

- e) there are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed uses.”

Criteria (a) of Policy 2.2.5.9 addresses the question of ‘need’ for the conversion. The question of ‘need’ could be considered in different ways. For the purposes of this review, staff consider the test of need as being whether or not there are compelling, site / area specific reasons to convert the lands to a non-employment designation. This could include considerations of existing and surrounding land uses, suitability (size, location) of a property to accommodate employment uses, or potential benefit arising from a proposed non-employment use. The question of ‘need’ is not directly related to the City’s overall employment land supply, rather it is a local, site specific consideration of each conversion candidate.

Criteria (b) and (c) of Policy 2.2.5.9 relate to the City’s overall employment land need and that the conversion lands are not required for employment purposes to the planning horizon, and that the City will maintain sufficient employment lands. When considering the City’s overall employment land needs, it must be remembered that determining employment land need must take into account the adequacy of land supply to accommodate projected growth. It is not only about the amount of land available (supply), but also about the location, size, and readiness for development of the available lands. For this analysis, the sites and areas under consideration are generally small in size, in a location containing an existing mix of non-employment land uses, and the majority are already developed with other uses. Based on the results of the City’s LNA, the conversion of such lands will not have a significant impact on the City’s overall employment land need. Undeveloped lots of vacant, greenfield employment lands were not considered for conversion as they did not meet the conversion criteria. Based on the parcel sizes, none of the sites under consideration would offend criteria (b) and (c) of Policy 2.2.5.9.

Building on the Criteria for Evaluation identified by Policy 2.2.5.9 of the *Growth Plan*, this analysis uses an additional set of criteria to guide identification of potential conversion candidates. The additional criteria are similar to the criteria used in the conversion analysis completed in 2008. The additional City criteria are as follows:

Part A

1. Site(s) are mixed use blocks and located along the edges of industrial areas;

Part B (only applied to sites / areas that meet Criteria 1)

2. Conversion of the site(s) will not adversely affect the long-term viability and function of the employment areas;

3. Conversion of the site(s) will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities;
4. Conversion of the site(s) will not compromise any other planning policy objectives of the City, including planned commercial functions;
5. Conversion of the site(s) will not create incompatible land uses, including a consideration of the Ministry of Environment, Conservation and Parks Land Use Compatibility (D-series) guidelines;
6. Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure;
7. Conversion of the site(s) will result in a more logical land use boundary.

This criteria was modified from the criteria utilized in the City's 2008 Employment Land Conversion Analysis. The previous analysis included additional criteria to address smaller industrial area (less than 10ha) and scattered industrial sites. There has been no change to these smaller areas since 2008, and therefore these areas are not being reviewed further in this analysis, and the additional criteria was removed. The remainder of the criteria from 2008 remains valid and applicable to the review of employment lands and has been utilized for this analysis.

Any sites / areas that meet criteria 1 pass the initial screening. The remainder of the criteria are applied to the site / area to determine if the conversion is appropriate. If a site / area does not pass criteria 1, it is not evaluated any further.

Each site / area is reviewed under both the Growth Plan Policy 2.2.5.9 criteria and the City's criteria noted above.

GIS land use information and aerial photos were used to identify conversion candidates. Site visits were made to all sites that passed criteria 1 or where in-person analysis was required. Information from the 2008 conversion analysis was also taken into consideration in this analysis.

1.3 REPORT ORGANIZATION

The report is organized by Employment Area. A general description of each Employment Area is provided, followed by a planning analysis which identifies any sites under consideration for conversion and how these sites performed against the criteria. Recommendations for either no change in designation or conversion to another designation are provided.

Appendix A to this Report presents a separate review of the several residential enclaves which are scattered throughout the Bayfront and Stoney Creek Business Park. Recommendations regarding the future land use considerations of each enclave will be made in the appendix.

Appendix B provides a summary of the requests for employment land conversion which were received in response to the public call for conversion requests initiated in 2017. In total, 22 conversion requests were received through the public process. The staff analysis and response to each request is included in Appendix B.

Finally, Staff have been directed, through motion at the November 19, 2019 General Issues Committee, to review the potential conversion of the Confederation GO Station lands (395 Centennial Parkway North, 185 Bancroft Street and 25 Arrowsmith Drive). Analysis of conversion for this transit station property is provided separately as Appendix "D" to Report PED17010(k).

2. BAYFRONT INDUSTRIAL AREA

The Bayfront Industrial Area (the Bayfront) is located at the north end of the lower city and is roughly bounded by Wellington Street North, Barton Street East, Woodward Avenue, and Hamilton Harbour to the north. It is the largest Employment Area in Hamilton, at over 1,512 hectares (ha). The Bayfront Industrial Area has been identified by the Province as a Provincially Significant Employment Zone.

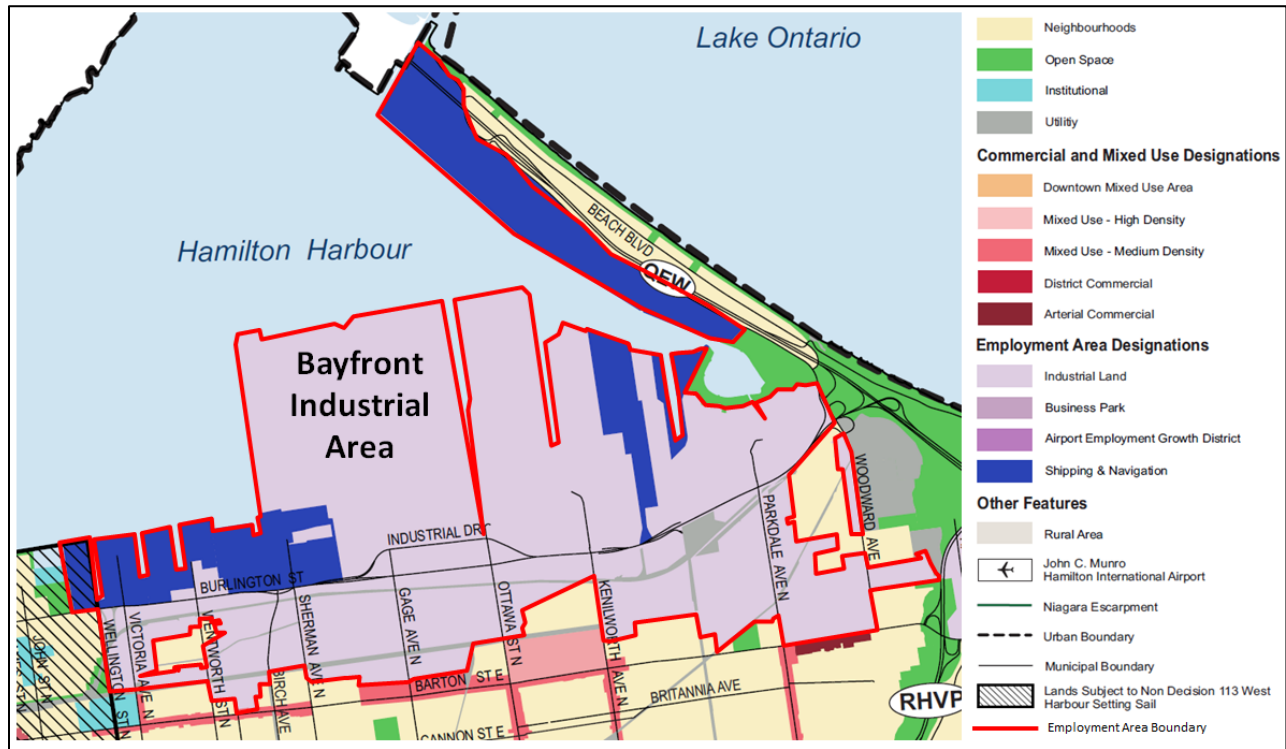


Figure 3 – Land Use Designations in Bayfront Industrial Area

The predominant land use in the Bayfront is industrial, which accounts for 77 per cent of the land in the area (1159 ha). Approximately 11 per cent (163 ha) of land in the area is attributed to transportation (includes port uses) and utilities. Vacant land accounts for 9 per cent of the area (137 ha). Remnant residential enclaves and residential parcels scattered throughout the area make up a small amount (1 per cent) of the total area in the Bayfront. Residential enclaves include Alpha East, Beatty, Biggar, Land, Leeds, Rowanwood, and Stapleton. Previous planning analyses conducted throughout the 1970's, 1980's, and 1990's identified that the long term intent for these residential enclaves was to retain the industrial land use designation and on the premise that they would evolve over time into industrial land uses. A separate consideration of these enclaves is addressed in Appendix A.

There is one Urban Hamilton Official Plan, Volume 3, area specific policy in this area. UH-1 applies to lands in the Bayfront Industrial Area that were identified for conversion through the previous analysis. The area specific policy directs that the zoning of the parcels should allow for the existing industrial or commercial use to continue. At such time as the industrial uses cease, and a new use is proposed, a number of criteria must be met including a restriction on major retail uses, demonstration that no negative impact on surrounding properties will be created, submission and approval of a Record of Site Condition, and compliance with provincial D-Series Guidelines.

Table 2 - Land Uses in Bayfront Industrial Area

Land Use	Total Hectares (ha)	Percentage of Total Area (%)
Commercial	22.66	1.50
Industrial	1159.19	76.67
Institutional	4.55	0.30
Office	1.89	0.13
Open Space	4.78	0.32
Residential	19	1.23
Transportation/Utility	162.74	10.76
Vacant Land	137.19	9.07
Total	1512	100

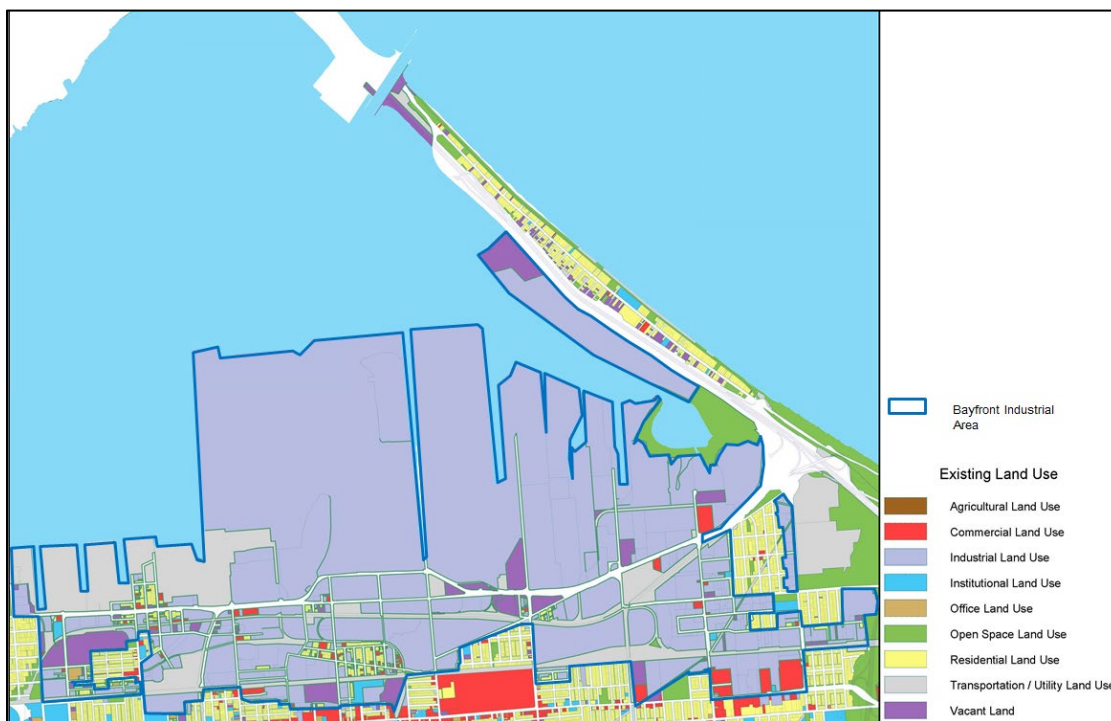


Figure 4 – Land Uses in Bayfront Industrial Area

The review of the Bayfront Industrial Area is broken down by sub-area in the analysis that follows.

2.1 AREA BOUNDED BY WELLINGTON STREET NORTH, WENTWORTH STREET NORTH, BURLINGTON STREET EAST AND RAIL LINE TO SOUTH

The Keith and Monroe residential neighbourhoods are located in the core of this area. The majority of the residential dwellings are designated Neighbourhoods and zoned Residential, although a small number of dwellings to the south of the area remain Industrial Land. A portion of the Land Residential Enclave is located in this area (southwest corner of Burlington and Wentworth) and is reviewed in Appendix "A" (Residential Enclaves Review).

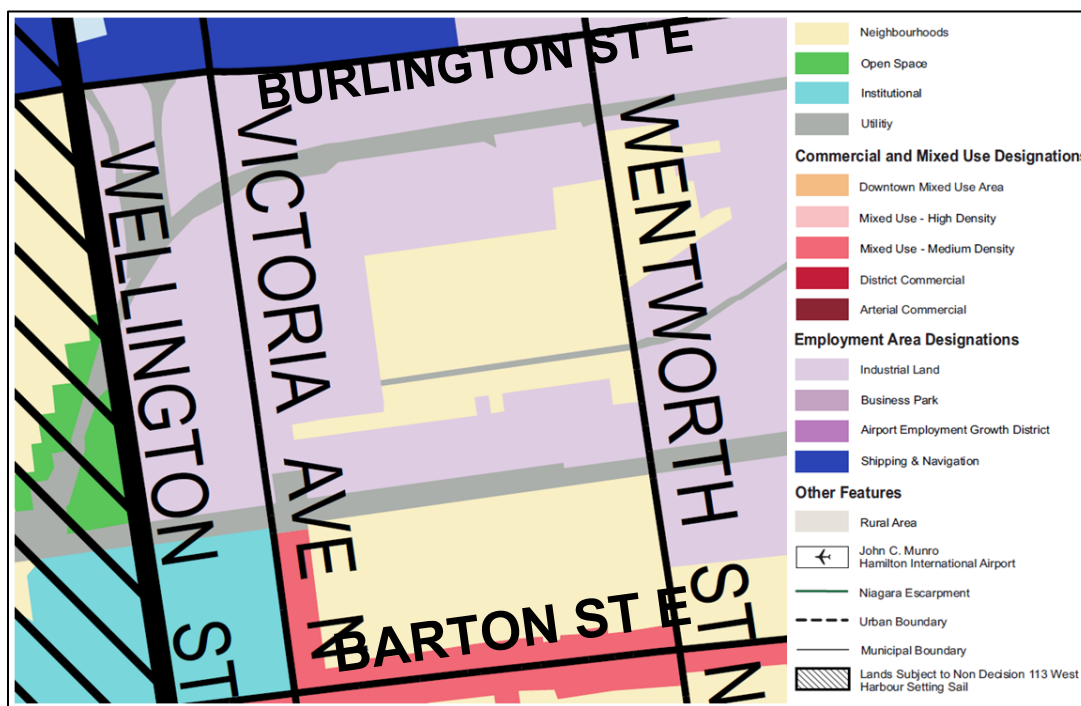


Figure 5 - Land Use Designations in area bounded By Wellington Street North, Wentworth Street North, Burlington Street East, and the utility/rail line to the south

Land uses in this area include industrial, office, transportation (rail lines), small blocks of residential parcels, and scattered commercial, residential, and open space uses. There are two large vacant sites and several smaller vacant sites.

Sites under review for potential conversion are identified in the table below and on the map. These sites were identified based on their location and existing land use.

**Table 3 – Potential Conversion Sites in area bounded by Wellington St N,
Wentworth St N,
Burlington St E and utility/rail line**

Address	Land Use	Zoning	Area (Ha)
240 Burlington St E	Industrial/community centre/community garden	M6 – Light Industrial	0.5
472 Wellington St N	Vacant	M6 – Light Industrial	0.8
450 Wellington St N	Mixed use – Ubrew, residential	M6 – Light Industrial	0.1
451 Victoria Ave N	Vacant	M6 – Light Industrial	3.2
390 Victoria Ave N	Vacant/parking	M6 – Light Industrial - SE/375	0.2
366 Victoria Ave N	Industrial	M6 – Light Industrial - SE/375	0.25
15 – 35 Shaw St	Single (7) and semi-detached (2) dwellings	M6 – Light Industrial - SE/375	0.2
20 – 24 Shaw St	Single (3) dwellings	M6 – Light Industrial - SE/375	0.09
26 Shaw St	Industrial	M6 – Light Industrial - SE/375	0.04
30 – 58 Shaw St	Single (11) dwellings	M6 – Light Industrial - SE/375	0.4
60 Shaw St	Vacant	M6 – Light Industrial - SE/375	0.06
64 Shaw St	Single (1) dwelling	M6 – Light Industrial - SE/375	0.02
65 Shaw St	Vacant/parking	M6 – Light Industrial - SE/375	0.2
353 Emerald St N	Single (1) dwelling	M6 – Light Industrial - SE/375	0.02
356 Emerald St N	Industrial	M6 – Light Industrial - SE/375	0.8

Address	Land Use	Zoning	Area (Ha)
118 Shaw St	Industrial	M6 – Light Industrial - SE/375	0.4
360 – 368 Emerald St N	Single (1) and semi-detached (2) dwellings	M6 – Light Industrial - SE/375	0.05
71 – 99 Shaw St	Single (6), semi-detached (3) and triplex (1) dwelling	M6 – Light Industrial - SE/375	0.25
103 Shaw St	Vacant	M6 – Light Industrial - SE/375	0.04
6 – 10 Douglas Ave	Triplex (1) dwelling	M6 – Light Industrial - SE/375	0.03
16 Douglas Ave	Park/community garden	M6 – Light Industrial - SE/375	0.07
107 – 117 Shaw St	Triplex (2) dwellings	M6 – Light Industrial - SE/375	0.07
121 Shaw St	Office	M6 – Light Industrial - SE/375	0.2
83 – 105 Cheever St	Single (1), triplex (2), townhouse (1) dwellings	M6 – Light Industrial - SE/375	0.1
92 – 104 Cheever St	Single (1) and triplex (2) dwellings	M6 – Light Industrial - SE/375	0.1
110 – 166 Burton St	Single (14) and semi-detached (5) dwellings	M6 – Light Industrial - SE/375	0.4
175 Wentworth Ave N	Industrial	M6 – Light Industrial - SE/375	0.4
331 Wentworth Ave N / 170 Shaw St	Industrial / Warehousing / Office	M6 – Light Industrial - SE/375	0.55
335 Wentworth Ave N	Single (1) dwelling	M6 – Light Industrial - SE/375	0.02

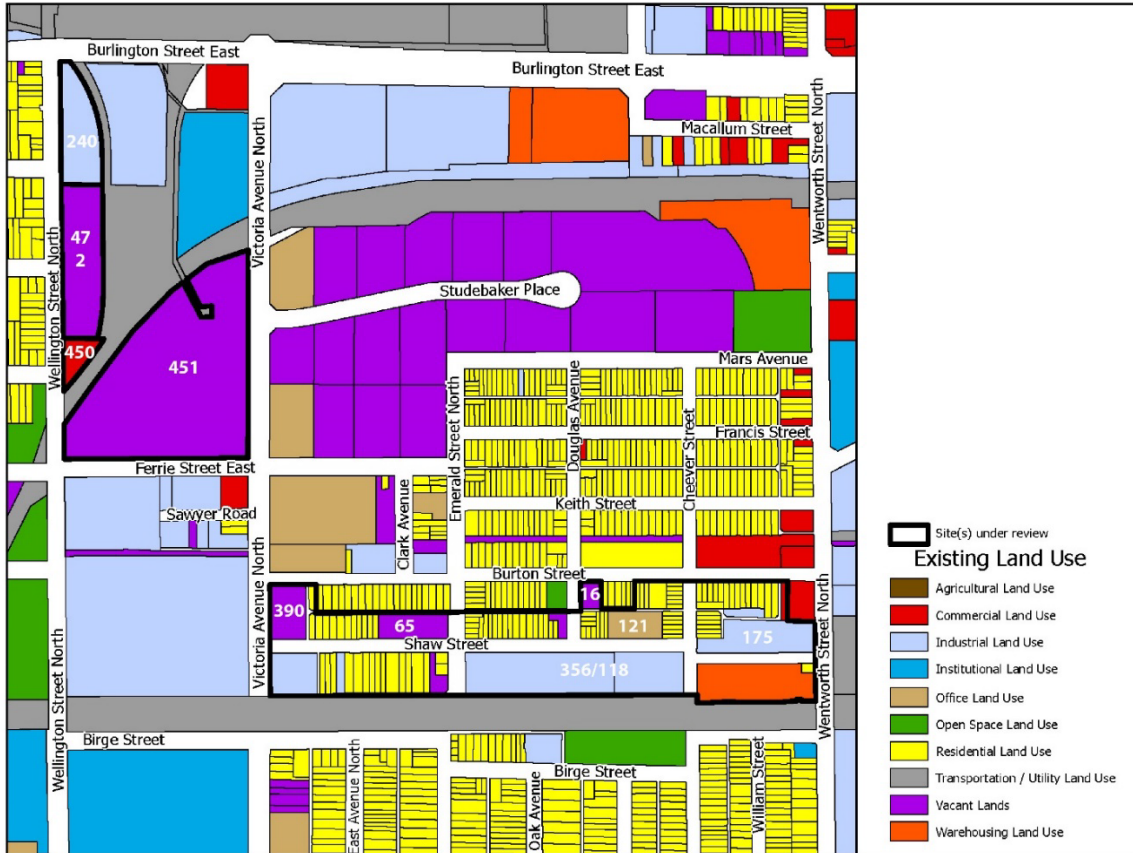


Figure 6 - Land Use in area bounded By Wellington St N, Wentworth St N, Burlington St and rail line

240 Burlington St E, 472 Wellington St N, and 450 Wellington St N

Do these parcels meet Criteria 1: Yes. 240 Burlington St E, 472 Wellington St N, and 450 Wellington St N are mixed use and vacant sites along the margin of the Bayfront, and are adjacent to residential uses.

Evaluation: These sites would not be a sizable loss to the industrial area should they be converted to non-employment uses since their collective area is 1.4 ha. The rear of these parcels abuts a railway junction. Conversion to a sensitive land use may create land use compatibility issues due to the adjacent railroad, which would not meet Criteria 5. At present, the boundary of the Bayfront Industrial Area logically follows Wellington St N, and therefore conversion of these sites would not meet Criteria 7.

Recommendation: Retain Employment Area designation. No conversions are recommended.

451 Victoria Ave N

Does this parcel meet Criteria 1: No. 451 Victoria Ave N is a vacant 3.2 ha parcel located internal to the industrial area, south of the rail line.

Recommendation: Retain Employment Area designation. No conversion recommended.

Lands south of Burton Street and north of rail line (366 and 390 Victoria Ave N, 15 – 175 Shaw St, 20 Shaw St – 64 Shaw St, 351 – 356 Emerald St, 118 - 170 Shaw St, 360 – 368 Emerald St, 6 – 16 Douglas Ave, 83 – 105 Cheever St, and 110 – 166 Burton St, 335 Wentworth St N)

Do these parcels meet Criteria 1: Yes. These parcels directly abut the lands designated Neighbourhoods to the north. The area is mixed use with a range of residential, commercial and industrial uses.

Evaluation: The existing boundary of this area is irregular, particularly along the south side of Burton St which abuts the Keith neighbourhood. There are two small parkettes at the intersection of Burton and Douglas. The park at 90 Burton St is designated Neighbourhoods while the open space at 16 Douglas Ave (which contains a community garden) is in the employment area. A newer townhouse development at 104 – 108 Burton St has been designated Neighbourhoods, while the remainder of the homes on the same block are designated Industrial. It is recommended that the parcels on the south side of Burton St which are currently designated Industrial Land (110 – 166 Burton St and 16 Douglas Ave) be converted to the Neighbourhoods designation to clean up this boundary and recognize the existing uses in the area, which are primarily residential.

For the remainder of the parcels in this area, Shaw St becomes a natural boundary, with the parcels to the north of Shaw St being recommended for conversion. The exception would be one property (175 Shaw St) to the north of Shaw St, at Wentworth St N, which contains an active industrial use and should remain in the employment designation. Included amongst the parcels being recommended for conversion are three vacant lots which are currently being utilized for parking. Two of these lots were included in a public request for conversion which is discussed in more detail in Appendix B. There is also one office building located at 121 Shaw St which is currently occupied by an engineering firm. The remainder of the lots being recommended for conversion contain residential uses.

There is a need for the conversion of the subject parcels to recognize the long-standing non-employment uses in the area which have not changed over time and are not transitioning to employment uses. There is also a demonstrated need to address the existing illogical boundary between the Neighbourhoods and the Employment Area designations in this area. The conversion of the parcels in this area would not adversely affect the existing employment area or existing uses or create incompatibilities as the

conversion is recognizing existing uses, and therefore satisfies City criteria 2, 3, 4 and 5 and Growth Plan criteria (d) and (e). Conversion could result in an overall community benefit by facilitating redevelopment of the vacant parcels for a wider range of uses, satisfying criteria 6. Criteria 7 is satisfied through the clean-up of the boundary between designations.

It is recommended that lands to the south of Shaw Street should remain industrial, as this area incorporates large active industrial operations abutting the rail line (Karma Candy at 356 Emerald St N / 118 Shaw St and 170 Shaw St). The Karma Candy lands, as well as an additional parcel south of Shaw St (60 Shaw St), were included in a public request for conversion which is analysed in more detail in Appendix B.

Recommendation: Within this area, lands to the north of Shaw St (with the exception of 175 Shaw St) are recommended for conversion. The identified lands should be redesignated to the Neighbourhoods designation, with a site specific policy to recognize the existing office building at 121 Shaw St (which exceeds the square footage permitted in the parent designation). An additional site specific policy area is recommended for the vacant parcel at 390 Victoria Ave N, which is adjacent to active industrial uses, to prohibit the use of these lands for sensitive uses. A local commercial or community use would be appropriate on these lands. An area specific policy will be applied to the remaining conversion parcels which will require that, at the development stage, any future redevelopment of the parcels be required to demonstrate compatibility with adjacent uses, including but not limited to the completion of a noise study, record of site condition (if required) and compliance with the Ministry of Environment, Conservation & Parks D-Series Guidelines.

2.2 AREA BOUNDED BY WENTWORTH ST N, BURLINGTON ST, SHERMAN AVE N, AND BARTON ST

This area is largely designated Industrial Land, with the Neighbourhoods designation on the southern margin of the Industrial Area and the Mixed Use – Medium Density designation along Barton St E. The land uses within the Industrial Area designation are largely industrial and utility land uses and as such, the designation is appropriate. While there are pockets of residential and vacant lands to the north, these lands are internal to the park and therefore do not warrant further review (the Land residential enclave at the northern edge of this area will be considered in Appendix A). However, one mixed use block on the periphery of the Industrial Area warrants further review.

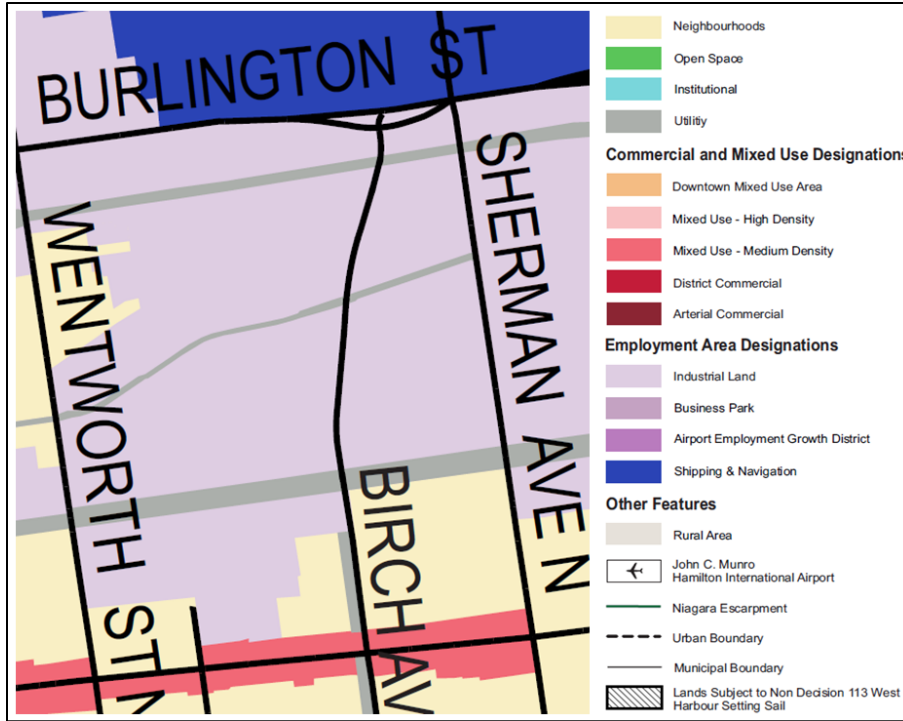


Figure7 - Land Use Designations in area bounded by Wentworth Street North, Burlington Street East, Sherman Avenue North, and Barton Street East

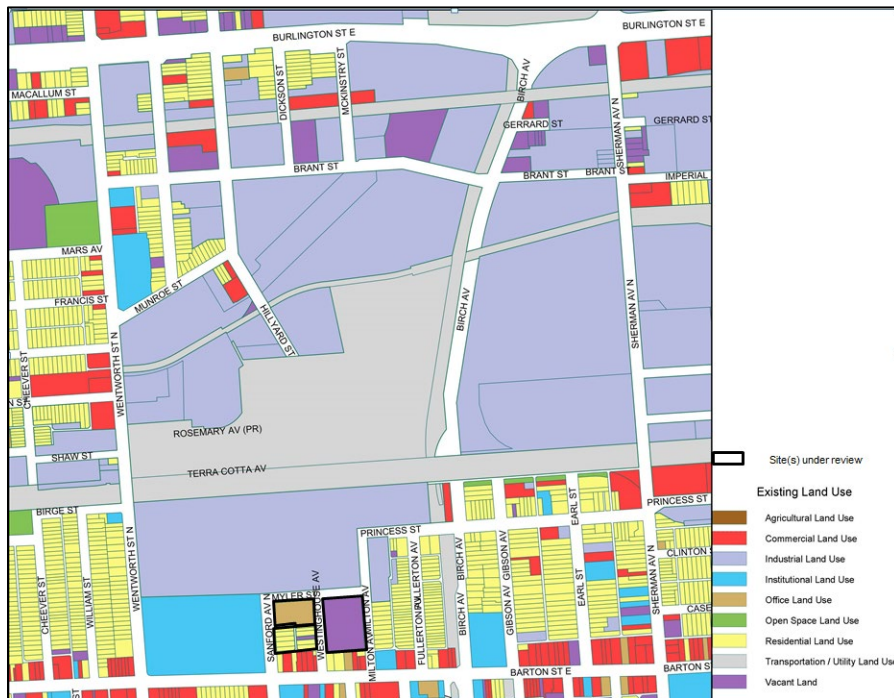


Figure 8 - Land uses in Area bounded by Wentworth St N, Burlington St, Sherman Ave N, and Barton St E

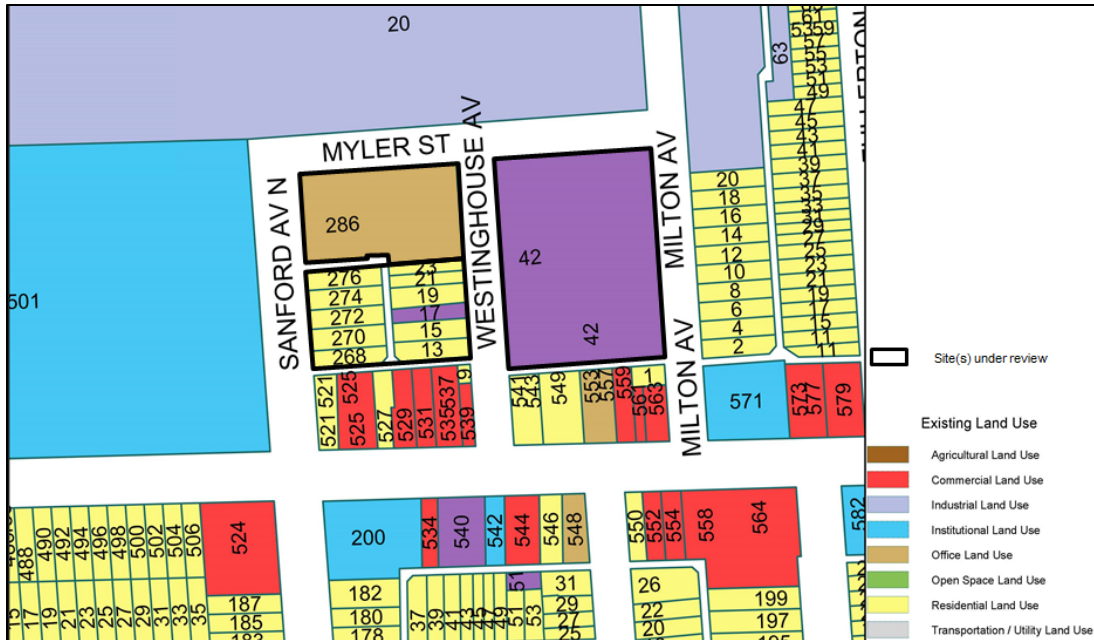


Figure 9 – Conversion Candidates at Former Westinghouse lands

The sites for possible conversion include:

Table 4 – Conversion Candidates in Area bounded by Wentworth Street North, Burlington Street East, Sherman Avenue North, and Barton Street East

Address	Land Use	Zoning	Area (Ha)
286 Sanford Ave N	Vacant office building (former Westinghouse)	M6 – Light Industrial	0.2 Ha
42 Westinghouse Ave	Vacant/parking (former Westinghouse)	M6 – Light Industrial	0.5 Ha
268, 270, 272, 274, 276 Sanford Ave N and 13, 15, 17, 19, 21, 23 Westinghouse Ave	Residential, vacant	M6 – Light Industrial	0.3 Ha

Do these parcels meet Criteria 1: Yes. These parcels are at the periphery of the industrial area and the block is mixed-use.

Evaluation: 286 Sanford Ave N is the site of the former Siemens Westinghouse operation office building, which has now been partially renovated for office use. 42 Westinghouse Avenue is a parking lot that appears to be underutilized based on site visits. The remainder of the parcels in this area (268 – 276 Sanford Avenue North and 13 -23 Westinghouse Avenue) are residential, except for one vacant parcel. The previous conversion analysis determined that conversion of these sites for residential purposes was not appropriate. This decision was in part based on an Ontario Municipal Board

(OMB) decision in the 1990's that denied a request to convert the site with the former office building (286 Sanford Ave N) to residential. The OMB decision identified noise from adjacent industry at 20 Myler Street that precluded the opportunity for redevelopment of 286 Sanford Avenue as a sensitive land use.

Since the last conversion analysis was completed, a new use of 286 Sanford Ave N has been realized. The building has been partially renovated for use as an office building, which is permitted under the current zoning because of the legal non-conforming status from the former use of the building as the Westinghouse head office. A need for the conversion of the lands at 286 Sanford to the Neighbourhoods designation has been demonstrated to recognize the office use. Conversion of the lands at 268 – 276 Sanford Ave N and 13 – 23 Westinghouse Ave to Neighbourhoods would recognize the existing residential uses. Inclusion of the vacant parcel at 42 Westinghouse in the conversion to Neighbourhoods would result in a more logical boundary, satisfying City criteria 7. It is suggested that the lands at 286 Sanford and 42 Westinghouse be placed in site specific policy area which would prohibit the development of residential or other sensitive land uses until such time as a Noise Impact Study is submitted and approved. The Noise Impact Study must demonstrate no negative impact on the existing adjacent industrial use from the introduction of a sensitive land use, which may result in the need to design any future sensitive uses to shield sensitive living areas from exposure to the industry to the north. The site specific policy would also permit the entirety of the existing building at 286 Sanford to be utilized for office purposes (in excess of the parent permissions of the Neighbourhoods designation for local commercial uses), satisfying City criteria 2, 3 and 5 and Growth Plan criteria (d). Conversion of the sites would satisfy City criteria 6 by recognizing the adaptive reuse of the heritage building at 286 Sanford, and allowing for an array of uses permitted under the Neighbourhoods designation, including local commercial uses, which can provide benefit to the local community. Finally, due to the small size of the converted parcels, conversion would not compromise other planning objectives, including planned commercial functions, as per City criteria 4. As is noted above, the use of the property at 286 Sanford for commercial office purposes is already a permitted use. Conversion will recognize existing permissions. It is not anticipated that the conversion would place undue demands on infrastructure or public service facilities, satisfying Growth Plan criteria (e).

Recommendation: The following conversions are recommended:

- 286 Sanford Ave and 42 Westinghouse to Neighbourhoods, with site specific policy area prohibiting residential or other sensitive uses until a Noise Impact Study and any other required studies are approved, and to permit an increased floor area for office uses.

- 268 – 276 Sanford Ave N and 13 – 23 Westinghouse Ave to Neighbourhoods, with an area specific policy which will require that, at the development stage, any future redevelopment of the parcels be required to demonstrate compatibility with adjacent uses, including but not limited to the completion of a noise study, record of site condition (if required) and compliance with the Ministry of Environment, Conservation & Parks D-Series Guidelines.

Note:

Through the public call for conversion requests, two requests for this area were received. These requests included the above noted lands, as well as an additional site at 30 Milton Ave. The applicants proposed a mix of uses for the area, including residential uses. As discussed in Appendix B, the applicants were asked for additional studies to justify the request for mixed uses on the site, including residential. The applicants did not provide the requested studies to justify any additional sensitive uses in this area.

2.3 AREA BOUNDED BY SHERMAN AVENUE NORTH, BURLINGTON STREET EAST, GAGE AVENUE NORTH, AND BARTON STREET EAST

The southern margin of the industrial area in this block abuts Neighbourhoods and Mixed Use – Medium Density designations. The majority of this area contains industrial land uses. Parcels along Barton Street East that fell within the industrial area were previously converted to Mixed Use – Medium Density. The previous conversion analysis also considered conversion of a small residential area in the Stiplely Neighbourhood. These lands were not converted due to their adjacency to functioning industrial land uses. A number of residential enclaves exist in this area (Rowanwood, Alpha East, Biggar and Leeds), which are discussed in Appendix A. Since the previous conversion analysis, a large industrial site has become vacant, changing the context of the area and warranting a new analysis.

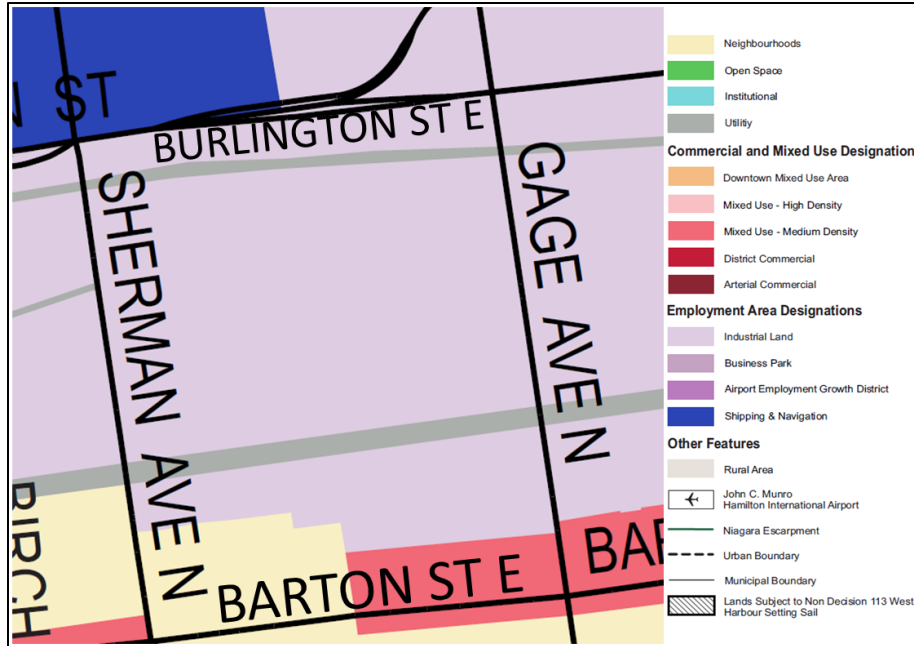


Figure 10 - Land use designations in area bounded by Sherman Avenue North, Burlington Street East, Gage Avenue North, & Barton Street East

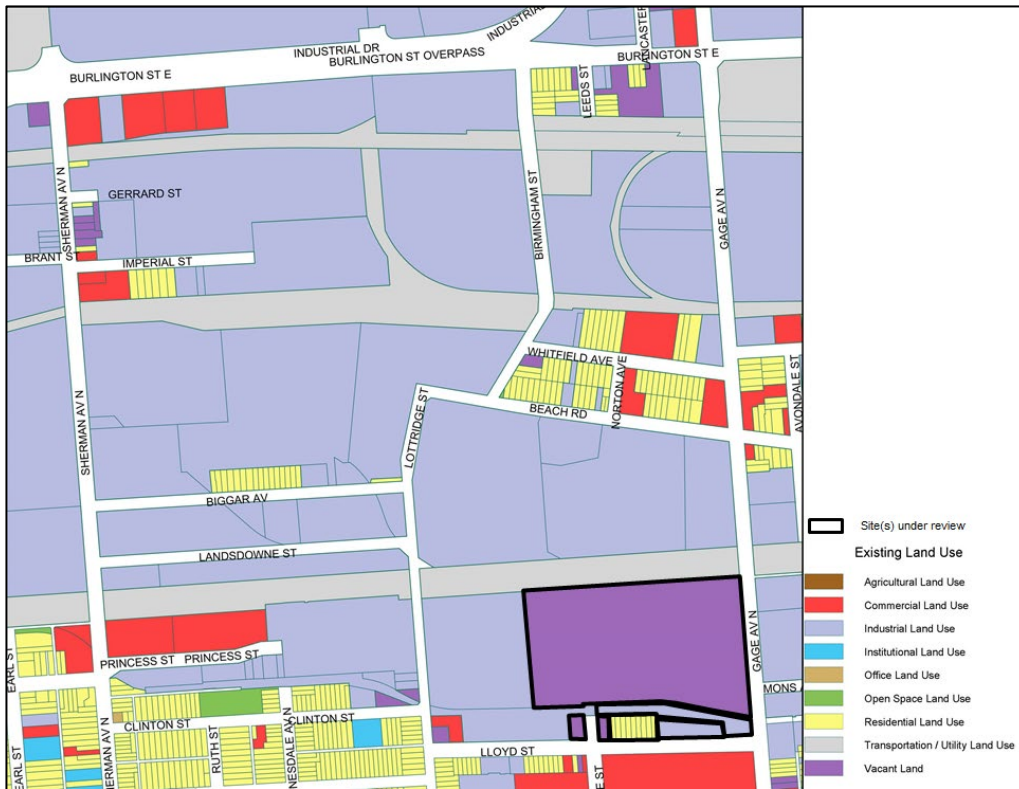


Figure 11 - Land uses in area bounded by Sherman Avenue North, Burlington Street East, Gage Avenue North, & Barton Street East

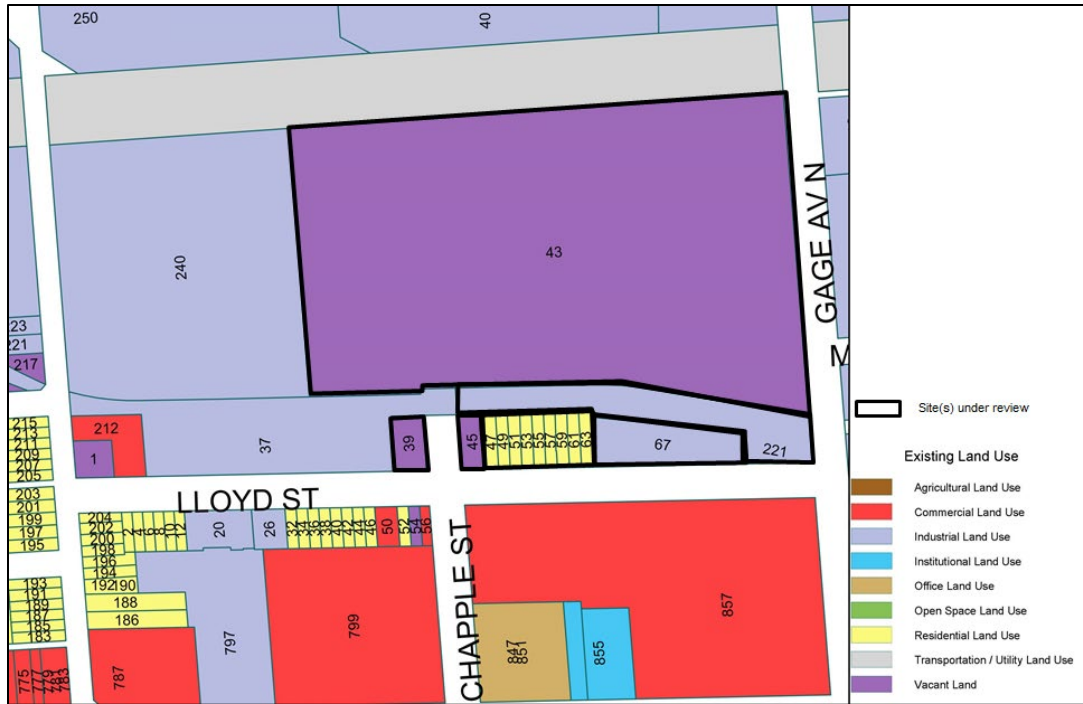


Figure 12 – Land uses in Lloyd Street Area and conversion candidate sites

The following sites are conversion candidates for further consideration:

Table 5 – Conversion Candidates for area bounded by Sherman Avenue North, Burlington Street East, Gage Avenue North, & Barton Street East

Address	Land Use	Zoning	Area (Ha)
39 Lloyd Street	Vacant	M6 – Light Industrial - SE/438	0.06 Ha
43 Lloyd Street	Vacant Industrial	M6 – Light Industrial - SE/438	4.6 Ha
221 Gage Ave N	Medium Industrial – automotive repair	M6 – Light Industrial	0.4 Ha
67 Lloyd St	Medium Industrial – appears vacant	M6 – Light Industrial - SE/438	0.2 Ha
45, 47, 49, 51, 53, 55, 57, 59, 61, and 63 Lloyd St	Residential and one vacant	M6 – Light Industrial	0.2 Ha

Do these parcels meet Criteria 1: Yes, these parcels are located along the edge of the industrial area.

Evaluation: Since the last conversion analysis, a need for the conversion of these parcels has been demonstrated. The properties at 39 Lloyd Street, and 43 Lloyd Street (former

Hamilton Builder's Supply) and certain adjacent residential parcels have been purchased by the City of Hamilton for use as a future outdoor recreational space, including soccer and baseball fields and a soccer practice facility. The use is permitted as-of-right under the public use provisions of the Zoning By-law. The use is proposed to compensate for a lack of sports fields / training facilities in the vicinity resulting in part from the redevelopment of Tim Horton's Field (which resulted in the loss of soccer and baseball fields from the site). Therefore, conversion of the site satisfies criteria 6 by providing an overall community benefit. The conversion does not offend criteria 7 as the site is located on an arterial road and is an extension of the Mixed Use Medium Density designation to the south. It is not anticipated that conversion of the site would negatively impact the overall viability of the employment area, as the recreational use is replacing a previous quasi industrial / commercial use which in itself was not contributing significantly to the overall viability of the area (satisfies criteria 2). Similarly, as the proposed use is recreational, conversion will not jeopardize other policy objectives, including planned commercial, thereby satisfying criteria 4.

The remaining two criteria address compatibility issues and impact on existing industry. There are existing industrial facilities directly to the west and north of the site. The proposed recreational use is considered a sensitive land use under the Ministry of Environment, Conservation and Parks (MOECP) D-6 Guideline if the municipality deems it to be sensitive. However, the MOECP Environmental Noise Guideline (NPC-300) does not consider a park to be a noise sensitive land use. Rather, only residential dwellings, or noise sensitive commercial or institutional buildings meet this definition. Therefore, the establishment of the park in the vicinity of the existing industrial operations will not create additional compatibility issues for the businesses, satisfying criteria 3 and 5. Staff note that there are already existing residential (sensitive) uses within the area and within the vicinity of these active industrial operations.

Recommendation: Conversion to Neighbourhoods is recommended. An area specific policy will be applied to the parcels. It is noted the intention is for these lands to develop into a park, but studies should be required prior to the redevelopment occurring, including the submission of a record of site condition. The area specific policy will require that any future redevelopment of the parcels be required to demonstrate compatibility with adjacent uses, including submission of any required studies.

2.4 AREA BOUNDED BY GAGE AVENUE NORTH, BURLINGTON STREET EAST, OTTAWA STREET NORTH, & BARTON STREET EAST

The southern portion of the industrial area in this block abuts Mixed Use - Medium Density, Neighbourhoods, and Utility designations. In terms of land use, the area is mixed use with large industrial parcels in the northern portion, a residential enclave (Rowanwood) adjacent to the northern side of the rail line, and industrial, institutional,

residential, and commercial land uses as well as vacant lands south of the rail line. Parcels located along Barton Street East and along the southern side of Linden Street were considered for conversion in the previous conversion analysis (Crown Point West 1 and 2) and were subsequently converted to Mixed Use – Medium Density. Several parcels along Linden Street warrant consideration for conversion due to the existence of a place of worship, residential properties, and a vacant parcel.

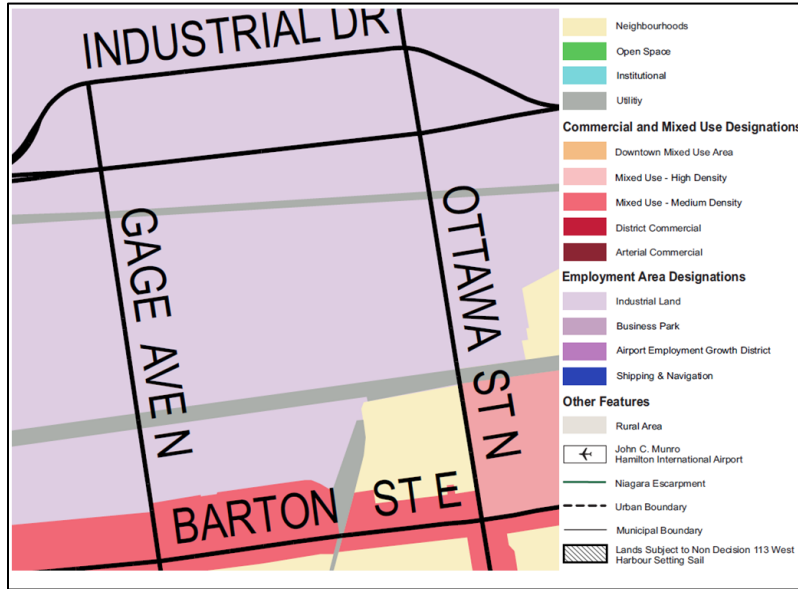


Figure 13 - Land use designations in area bounded by Gage Avenue North, Burlington Street East, Ottawa Street North, and Barton Street East

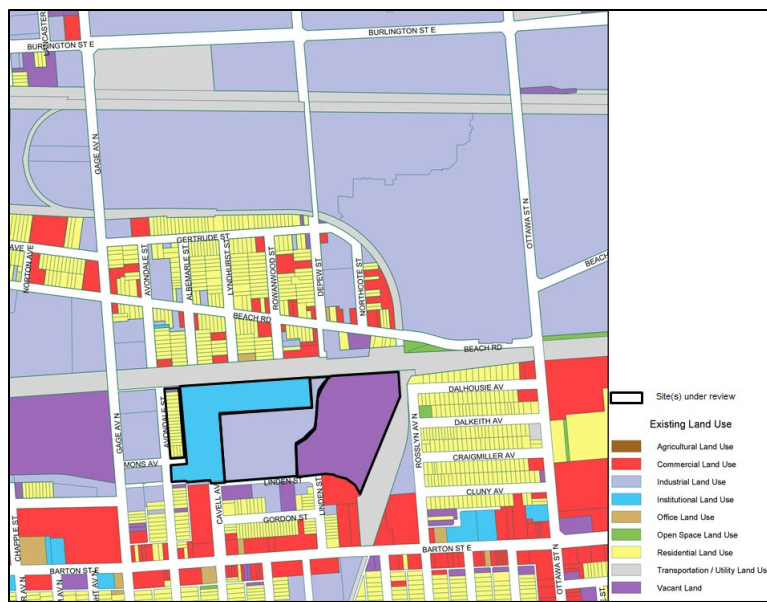


Figure 14 - Land uses in area bounded by Gage Avenue North, Burlington Street East, Ottawa Street North, and Barton Street East

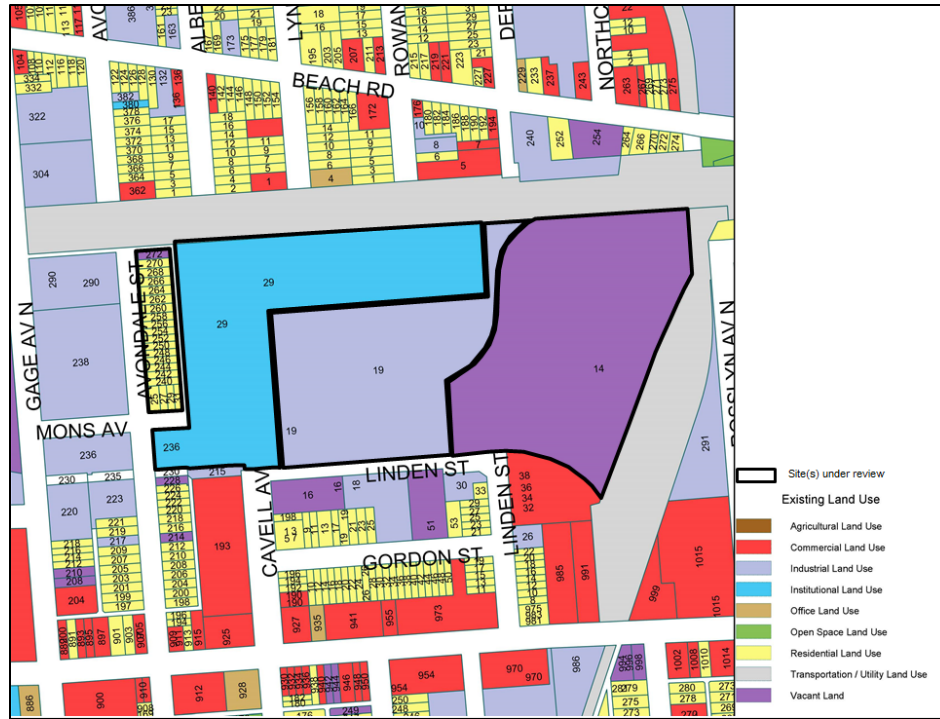


Figure 15 – Conversion Candidates in Linden Street Area

The following parcels are considered for conversion:

Table 6 – Conversion Candidates in area bounded by Gage Avenue North, Burlington Street East, Ottawa Street North, and Barton Street East

Address	Land Use	Zoning	Area (Ha)
14 Linden Street	Vacant/parking	M6 – Light Industrial	3.2 Ha
19 Linden Street	Medium industrial – Auto wreckers	M6 – Light Industrial	2.3 Ha
29 Linden St and 236 Avondale Ave	Institutional – Place of Worship	M6 – Light Industrial - SE/366	2.7 Ha
25-31 Mons Avenue and 240-272 Avondale Street	Residential, one vacant	M6 – Light Industrial	0.4 Ha

Do these parcels meet Criteria 1: Yes, these parcels are located on the southern edge of the industrial area and the block has a mix of uses.

Evaluation: While there a mix of uses within this area, there are also active industrial lands. An auto wreckers yard is located in the middle of these parcels (19 Linden Street). There are also warehousing/distribution and other industrial uses immediately east and west of the parcels under consideration. Residential uses exist on the east side of Avondale Street and a large place of worship occupied 2.7 ha of land (the place of worship

was established under the former City of Hamilton Zoning By-law 6593 which permitted places of worship as-of-right throughout the City). If only the residential parcels and the place of worship are converted, land use compatibility issues could arise between existing industrial uses as well as the rail line (does not meet Criteria 2 and 5). The vacant site at 14 Linden St is sizable (3.2 ha) and located adjacent to rail. Conversion of this site may preclude new industry from developing on this site (conflicts with Criteria 3). If these sites were converted to commercial designation, new commercial uses could potentially compete with and jeopardize existing commercial sites along Barton St E (conflicts with Criteria 4).

Recommendation: Retain Employment Area designation. Conversion is not recommended.

2.5 AREA BOUNDED BY KENILWORTH AVENUE NORTH, NIKOLA TESLA BOULEVARD, PARKDALE AVENUE NORTH, AND BARTON STREET EAST

A residential area designated Neighbourhoods borders the Industrial Area to the southwest. Mahoney Park also borders the Industrial Area. In terms of land use, the majority of the area is industrial. A small area at the intersection of Dunbar Ave and Kenilworth Ave N (Homeside) was considered for conversion in the last Conversion Analysis, however, this area was retained as Industrial Lands due to the predominant industrial land use in the area. A request for conversion has been received for this area, which is discussed in Appendix B.

The area bounded by Strathearne Ave, Barton St E, Parkdale Ave N, and the rail line was also previously considered for conversion in the last Conversion Analysis but was not converted due to compatibility issues with the rail line as well as the predominance of industrial land uses in the area. Since then, a site has become vacant (360 Strathearne Ave). The rail line that passes diagonally through the area has been closed and is proposed as a recreational trail in the Hamilton Recreation Trails Master Plan (proposed "pipeline trail"). The northeast corner of Barton St E and Strathearne Ave is designated Neighbourhoods and the existing use is commercial. The Coca Cola and Orlick industrial uses in this block are still in operation.

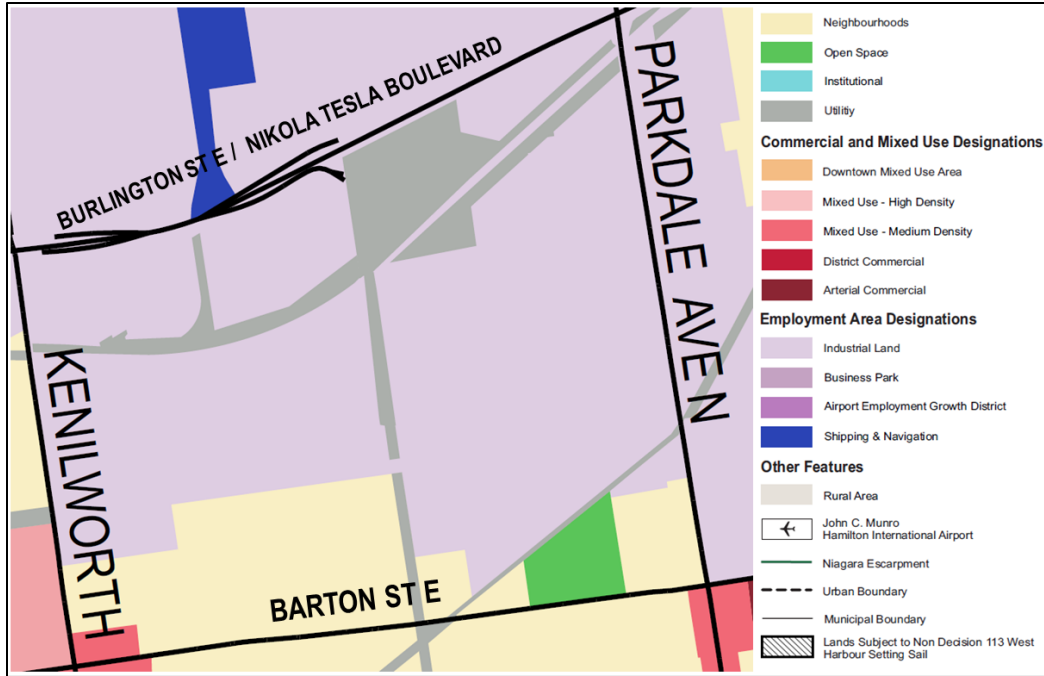


Figure 16 – Land use designations for Area bounded by Kenilworth Ave N, Nikola Tesla Blvd, Parkdale Ave N, and Barton St E

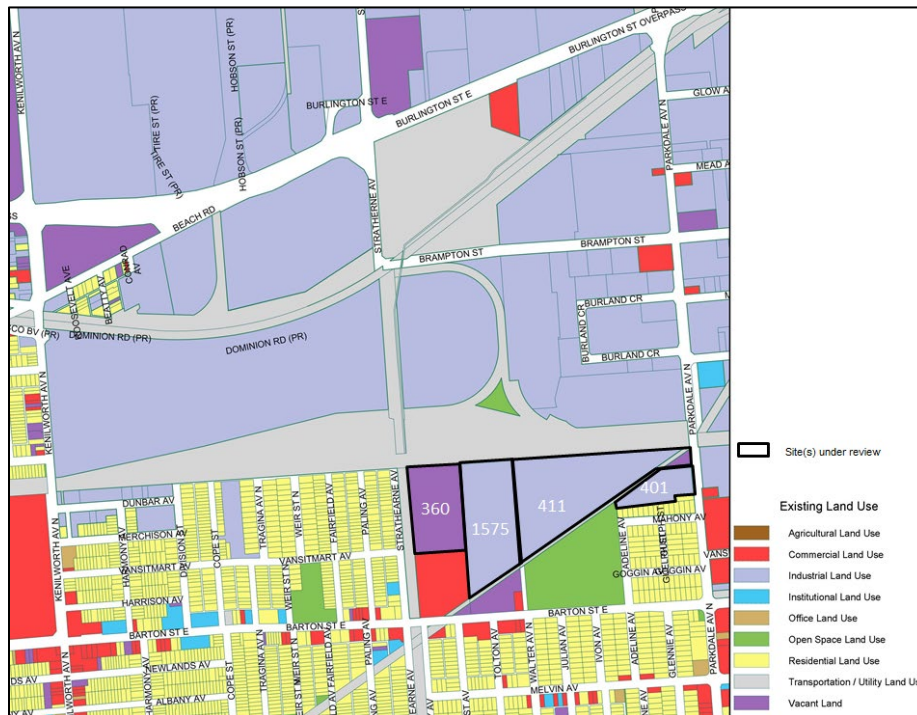


Figure 17 – Land uses for Area bounded by Kenilworth Ave N, Burlington St E/Nikola Tesla Blvd, Parkdale Ave N, and Barton St E

The following parcels are considered for conversion:

Table 7 – Conversion Opportunity Sites in area bounded by Kenilworth Ave N, Burlington St E/Nikola Tesla Blvd, Parkdale Ave N, and Barton St E

Address	Land Use	Zoning	Area (Ha)
360 Strathearne Ave	Vacant	M6 – Light Industrial	2.5 Ha
1575 Barton St E	Medium Industrial – Coca Cola	M6 – Light Industrial	3.5 Ha
411 Parkdale Ave N	Medium Industrial – Orlick Industries (aluminum die-casting)	M6 – Light Industrial	4.6 Ha
401 Parkdale Ave N	Carquest Auto Parts (retail)/ Auto paint shop, Thrifty Car Rental	M6 – Light Industrial	1.1 Ha

Do these parcels meet Criteria 1: Yes, this area contains a mix of uses and is situated along the margin of the Bayfront. The context of the area has also changed since the last Conversion Analysis due to the ceasing of pipeline operations and new vacant lands at 360 Strathearne Ave, warranting a new review.

Evaluation: While the block is mixed use, Coca Cola and Orlick Industries are still functioning industrial uses that make up a large portion of the area block. 360 Strathearne is not recommended for conversion to non-employment designations because it is adjacent to existing industrial uses, and non-industrial uses may be incompatible and effect viability of existing employment uses (does not meet Criteria 5 and 6).

401 Parkdale Ave N is a potential conversion candidate. Conversion of the site would address a need to recognize the existing uses which are primarily retail. The small size of the site will not adversely impact the employment area or other city planning objectives (City criteria 2 and 4 and Growth Plan criteria (d)). The site is already functioning as a primarily retail use, therefore there is no concern for conflict with adjacent industries, satisfying City criteria 2 and 5. Mahoney Park and the former pipeline (planned recreational trail) provide a buffer between the industrial uses and the residential parcels (City criteria 7). The parcels across from 401 Parkdale Ave N on the east side of Parkdale Ave N are also being recommended for conversion because the uses are commercial / retail. The small size of the parcel does not create any infrastructure concerns should it be redeveloped (Growth Plan criteria (e)).

Recommendation: Conversion of 401 Parkdale Ave N to Arterial Commercial is recommended.

2.6 AREA BOUNDED BY PARKDALE AVENUE NORTH, NIKOLA TESLA BOULEVARD, RED HILL VALLEY PARKWAY, & BARTON STREET EAST

This area contains a significant amount of residential lands that are recognized and designated Neighbourhoods in the UHOP, a sizeable site designated Utilities (Hamilton Water), Open Space abutting the Red Hill Valley Parkway. The boundary line of the Bayfront in this area is not straight and rather unclear. Conversion opportunities in the previous Conversion Analysis were Parkview West and Parkview East areas, but these areas were not recommended to the shortlist for conversion due to the predominance of industrial land uses in the area. As the existing context has not changed significantly from the previous analysis, Parkview East and Parkview West will not be reviewed again in this analysis.

McQuesten West (lands on the south side of Barton St E) was reviewed in the last Conversion Analysis and converted to the Arterial Commercial designation. There are several commercial uses on the north side of Barton St E that warrant conversion consideration. These sites were not considered in the previous conversion analysis.

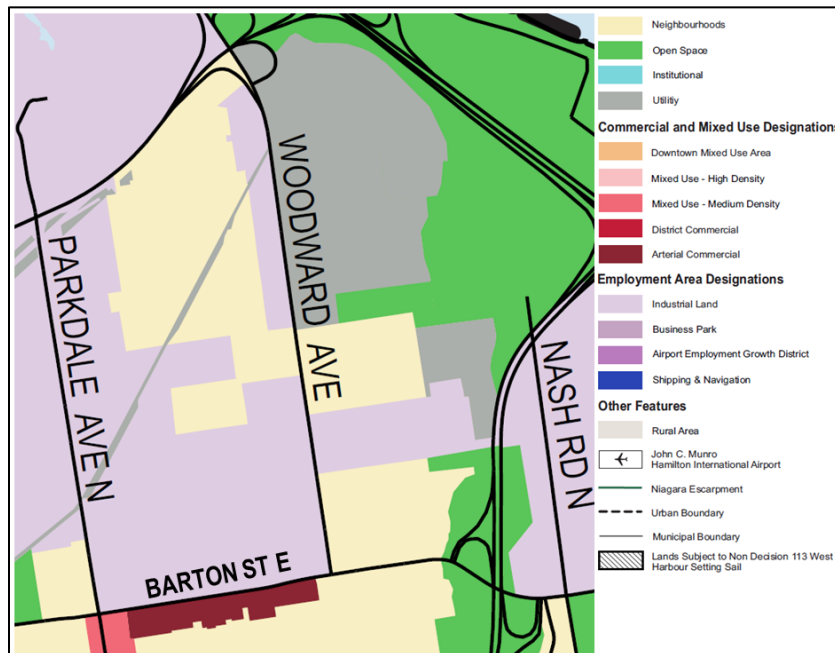


Figure 18 – Land use designations in area bounded by Parkdale Ave N, Nikola Tesla Blvd, Red Hill Valley Pkwy, & Barton St E

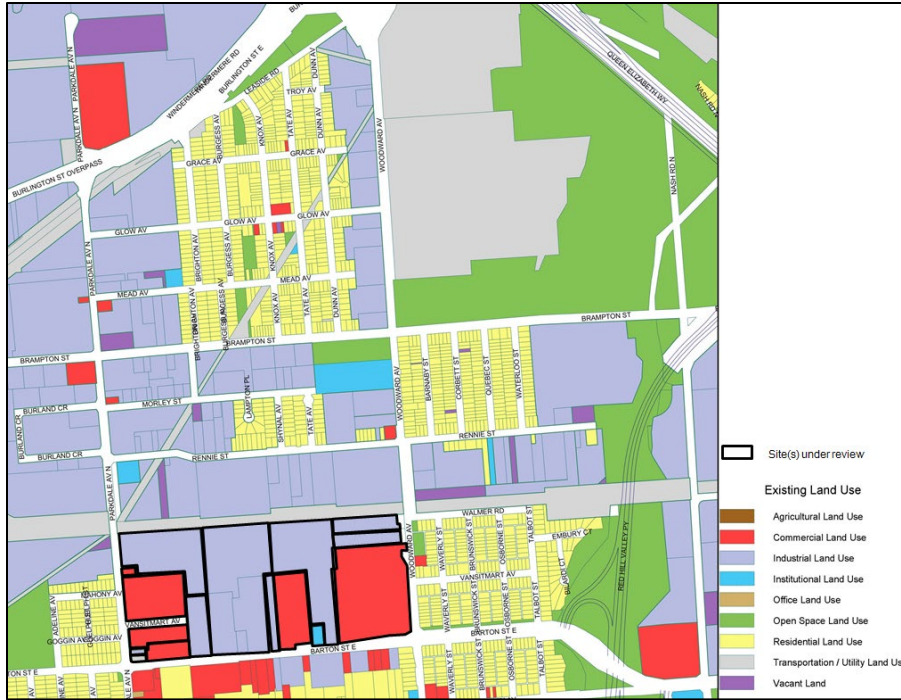


Figure 19 - Land Uses in area bounded by Parkdale Ave N, Nikola Tesla Blvd, Red Hill Valley Pkwy, & Barton St E

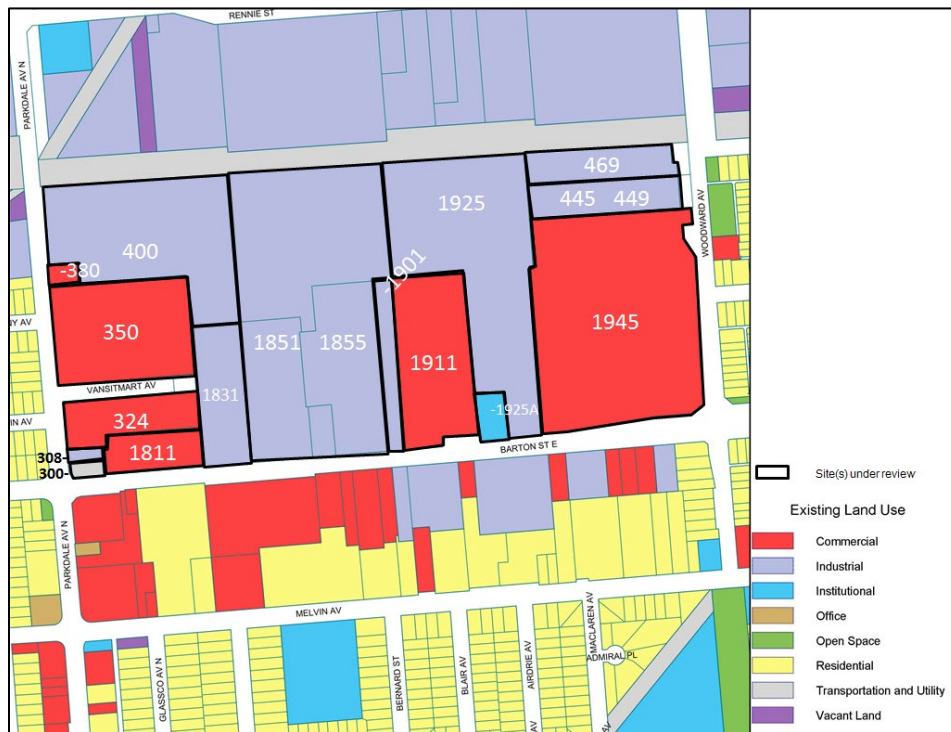


Figure 20 - Conversion Candidates in Parkdale Avenue N - Woodward Avenue Area

Parcels under consideration for conversion to non-employment uses include:

Table 8- Area bounded by Parkdale Ave N, Nikola Tesla Blvd, The Red Hill Valley Parkway, & Barton St E

Address	Land Use	Zoning	Area (Ha)
400 Parkdale Ave N	Parkdale Industrial Mall - Carrier Distribution, Gerrie Electric Wholesale, The Equipment Specialist, Hercules, Spectrum Patient Services (patient transfer), WWG HVAC and Refrigeration Wholesaler	M6 – Light Industrial	2.9
380 Parkdale Ave N	Commercial – Service/Auto Repair (Eastgate Collision)	M6 – Light Industrial	0.1
350 Parkdale Ave N	Commercial – Auto sales and rentals (Ford)	M6 – Light Industrial	2.0
324 Parkdale Ave N	Commercial – Auto sales and rentals (Hyundai)	M6 – Light Industrial	0.8
308 Parkdale Ave N	Industrial – Warehousing	M6 – Light Industrial	0.1
300 Parkdale Ave N	Utilities – Hydro One	M6 – Light Industrial	0.1
1811 Barton St E	Commercial – Sales (Spar-Marathon Roofing)	M6 – Light Industrial	0.6
1831 Barton St E	Commercial – Truck dealer (Eastgate Truck Centre)	M6 – Light Industrial	1.0
1851 and 1855 Barton St E	Industrial – McNally, Inter County Concrete Products	M6 – Light Industrial	6.2
1901 Barton St E	Industrial – Trombetta Construction Materials	M6 – Light Industrial	0.4
1911 Barton St E	Commercial – Recreation/Sports Club (Doublalink Arena)	M6 – Light Industrial	1.9
1925-A Barton St E	Institutional – Community Centre / Hall (Croatian National home office)	M6 – Light Industrial	0.2
1925 Barton St E	Industrial	M6 – Light Industrial	3.9
1945 Barton St E	Commercial – Building and contracting supply establishment (Lowe's)	M6 – Light Industrial	4.0
445-449 Woodward Ave	Industrial	M6 – Light Industrial	0.8
469 Woodward Ave	Industrial – Plastics Plus custom moulding, Broche	M6 – Light Industrial	0.7

Do these parcels meet Criteria 1: Yes, there are several auto-oriented commercial uses on the east side of Parkdale Ave N and north side of Barton St E. The block is mixed use and located along the edge of the industrial area boundary.

Evaluation: There is a predominance of auto-oriented commercial uses at the intersection of Barton St E and Parkdale Ave N. The parcels along the north side of Barton St E between Parkdale Ave N and Woodward Ave are industrial; however a recreational arena as well as a community hall are also fronting Barton St E in this section. The Lowe's at the northwest corner of Barton St E and Woodward Ave is a permitted use in the industrial area. A conversion of some of the sites to the Arterial Commercial designation will complement the existing commercial designations on the south side of Barton St E between Parkdale Ave N and Woodward Ave. However, conversion of all of the sites in this block would amount to a loss in Employment Land of 29.9 Ha, and there are functioning industrial sites in this area.

The parcels recommended for conversion are 300, 308, 324, 350, and 380 Parkdale Ave N, and 1811 and 1831 Barton St E. These parcels are suitable candidates for conversion, because they contain existing land uses that serve a commercial function. There is a need for the conversion to recognize the existing uses. Motor Vehicle Dealerships are not permitted in any of the industrial or business park designations. These uses are more appropriately suited to the Arterial Commercial designation, which is intended to specialize in commercial uses that require large sites for parking / storage. Because the parcels are already functioning as commercial uses, City criteria 2 and 4 are not offended. As no sensitive uses are permitted in the Arterial Commercial designation, City criteria 3 and 5 and Growth Plan criteria (d) are satisfied. In terms of creating more logical boundaries, this recommendation would not offend this criterion, as the parcels proposed for redesignation are to the immediate east of a residential area that is already disrupting the employment area boundary along Barton Street East. Regarding City criteria 6 and Growth Plan criteria (e), the uses are existing and therefore there is no anticipated negative impact on the local community, servicing or infrastructure.

Recommendation: The parcels recommended for conversion are 300, 308, 324, 350, and 380 Parkdale Ave N, and 1811 and 1831 Barton St E.

3. EAST HAMILTON INDUSTRIAL AREA

The East Hamilton Industrial Area is located south of the Queen Elizabeth Way and north of Barton Street East between the Red Hill Valley Parkway and Grays Road. The western portion of the industrial area (west of Centennial Parkway North) falls within the Centennial Neighbourhoods Secondary Plan study area and is adjacent to the Bayfront Industrial Area. This portion is designated Industrial Land. The eastern portion of the Industrial Area (east of Centennial Parkway North) is contiguous with the Stoney Creek Business Park, and is designated Business Park. A small portion of this area along Barton St E falls within the Centennial Neighbourhoods Secondary Plan study area. The East Hamilton Industrial Area has been identified by the Province as a Provincially Significant Employment Zone.

Industrial uses account for 71 percent of the area in East Hamilton Industrial Area. Other uses include commercial (9 percent of area), transportation/utility (7 percent), and open space (7 percent). Just over 4 percent of the land in the area is vacant.

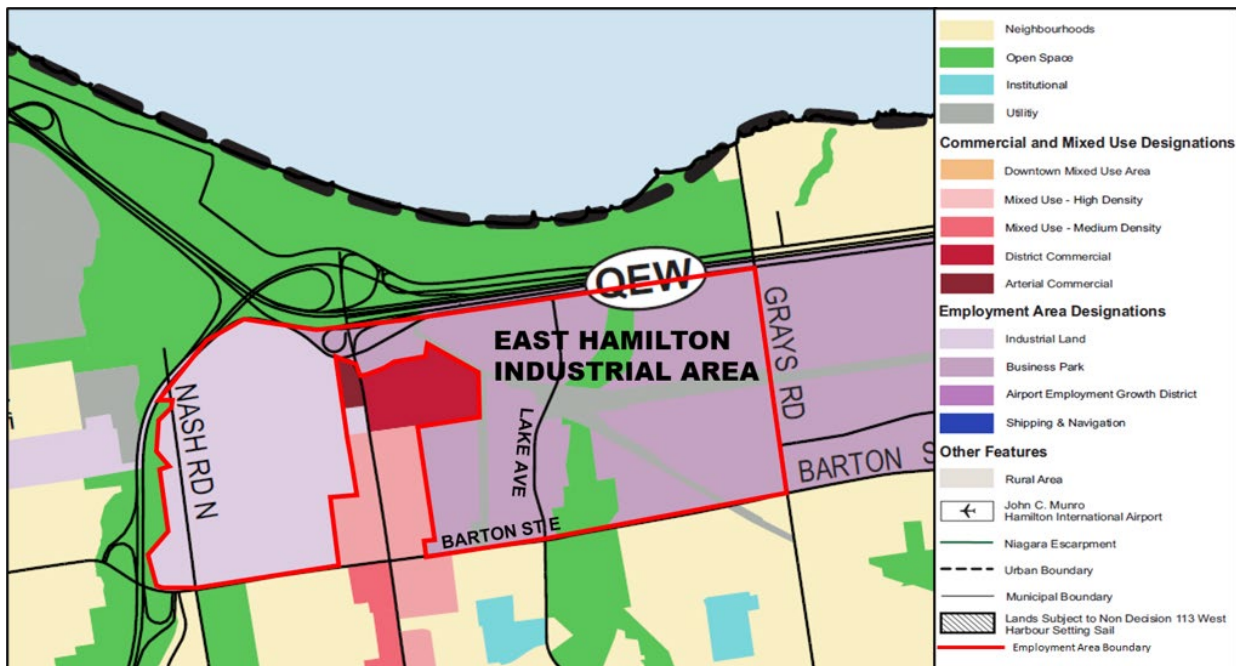


Figure 21 - Land use designations in East Hamilton Industrial Area

Table 9 - Land use Breakdown for lands within East Hamilton Industrial Area

Land Use	Total Hectares (ha)	Percentage of Total Area (%)
Commercial	16.91	9.25
Industrial	131.45	71.9
Institutional	1.46	0.80
Office	0.08	0
Open Space	11.95	6.54
Residential	0.17	0
Transportation/Utility	12.95	7.10
Vacant Land	7.76	4.25
Total	182.73	100

3.1 AREA BOUNDED BY RED HILL VALLEY PARKWAY, QEW INTERCHANGE, CENTENNIAL PARKWAY NORTH, AND BARTON STREET EAST

The lands designated Industrial in this area abut the Arterial Commercial designation to the east approaching Centennial Parkway N, and Neighbourhoods and Open Space designations to the south along Barton St E. This portion of the East Hamilton Industrial Area is also adjacent to the Bayfront Industrial Area to the west, and falls within the Centennial Neighbourhoods Secondary Plan area. The land uses in the area are predominantly industrial. However, there are several auto-oriented commercial uses along the north side Barton St E between the Red Hill Valley Pkwy and the lands designated Mixed Use – High Density approaching Centennial Pkwy N. These parcels will be considered for conversion.

This area falls within the approved Centennial Neighbourhoods Secondary Plan area. The Secondary Plan identifies several Site Specific Policy Areas within this area. Lands along the north side of Barton Street East are identified as Area Specific Policy – Area H, which directs that these lands be considered for conversion through the municipal comprehensive review.

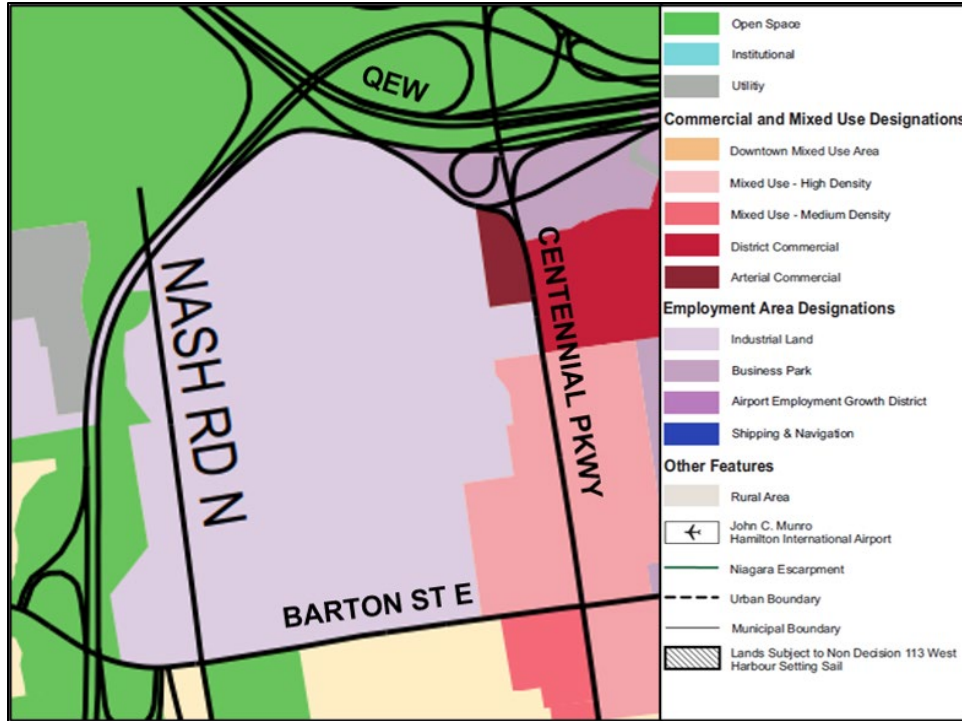


Figure 22 - Land use designations in area bounded by Red Hill Valley Pkwy, QEW, Centennial Pkwy N, and Barton St E

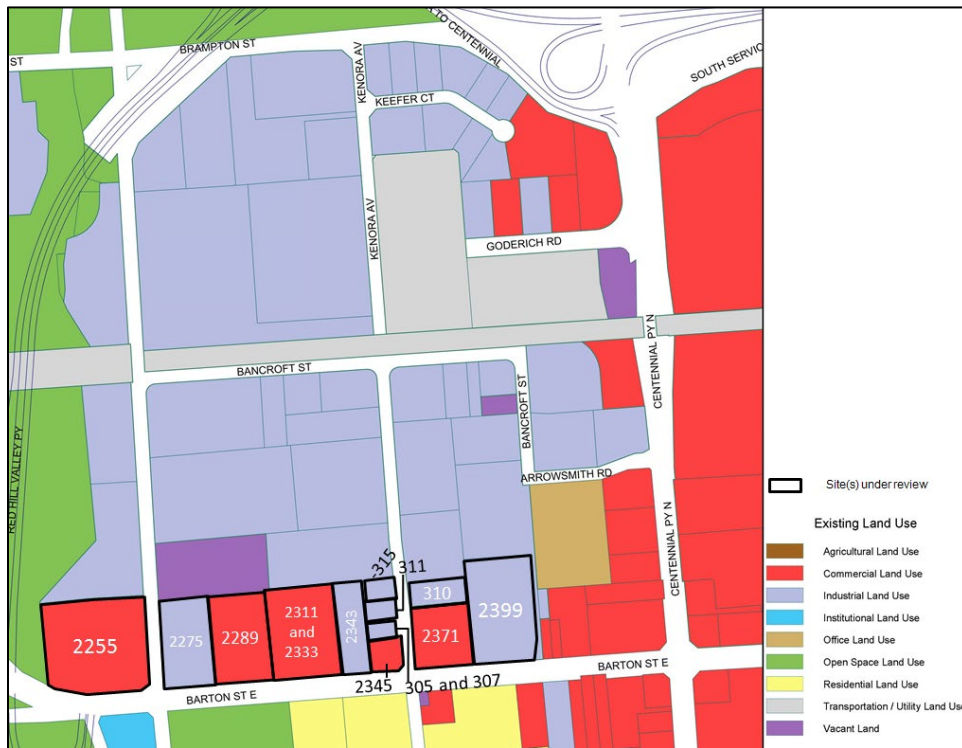


Figure 23 - Land uses in area bounded by Red Hill Valley Pkwy, QEW, Centennial Pkwy N, & Barton St E

Parcels for conversion consideration include:

Table 10 – Conversion Candidates along Barton St E between Red Hill Valley Pkwy and Centennial Pkwy N

Address	Land Use	Zoning	Area (Ha)
2255 Barton St E	Commercial – Plaza with restaurant, grocery	M6 – Light Industrial - SE/417	2.4
2275 Barton St E	Industrial - Uhaul self-storage	M6 – Light Industrial	1.1
2289 Barton St E	Commercial – Hall/Sports Club – Ultimate Cycle	M6 – Light Industrial - SE/640	1.3
2311 & 2333 Barton St E	Commercial – Toyota Car Dealership	M6 – Light Industrial - SE/640	1.6
2243 Barton St E	Medium Industrial - (Fellfab)	M6 – Light Industrial	0.7
2345 Barton St E	Commercial – M & R Automotive, Tint Boyz	M6 – Light Industrial	0.3
305 & 307 Kenora Ave	Commercial – Billy Buff Auto Spa	M6 – Light Industrial	0.1
311 Kenora Ave	Hess Millwork	M6 – Light Industrial	0.2
315 Kenora Ave	Industrial – Truck Drivers of Canada	M6 – Light Industrial	0.2
310 Kenora Ave	Industry - Modern Training Ontario (Truck/Forklift), ColTek (Electronics repair), Advantage Machining	M6 – Light Industrial	0.3
2371 Barton St E	Commercial (Grocery – Lococo's)	M6 – Light Industrial - SE/640	0.9
2399 Barton St E	Medium Industrial (Appears Vacant)	M6 – Light Industrial	1.8

Do these parcels meet Criteria 1: Yes, these parcels are located along the edge of the industrial area and the majority of uses are commercial.

Evaluation: As previously mentioned, Area Specific Policy – Area H is applicable to the lands on the north side of Barton St E. The policy directs these lands to be considered for conversion, as follows:

“6.7.18.8 Area Specific Policy – Area H (north side of Barton Street) For the lands located on the north side of Barton Street East, designated Light Industrial and

Business Park, shown as Area H on Map B.6.7-4 – Centennial Neighbourhoods Secondary Plan – Site Specific Policy Areas, the City shall assess of the appropriateness of these lands as employment lands during the next municipal comprehensive review, and may consider a conversion to other uses. The assessment shall consider, but is not limited to the following factors:

- a) the existing function of the lands;
- b) the proximity of the lands to major transportation routes;
- c) opportunities to introduce transitional land uses along the edge of the industrial area; and,
- d) consideration of the potential need for arterial commercial lands City-wide.”

Barton St E in this area has evolved from industrial uses to auto-oriented commercial uses. The Industrial land use designation is no longer appropriate. Converting these sites to commercial use would create a buffer between the sensitive land uses on the south side of Barton St E and the industrial uses north of Barton St in this area, thereby recognizing the transitional role that these lands play between residential and industrial land uses in the area. City criteria 2, 3 and 5 and Growth Plan criteria (d) are satisfied as there is no introduction of sensitive uses, which are not permitted in the Arterial Commercial designation.

Arterial Commercial parcels along Centennial Parkway have been redesignated to Mixed Use – Medium Density through the secondary plan process. A conversion of parcels along Barton St E to the Arterial Commercial designation will complement the planned land use designations of the parcels along Centennial Parkway North by allowing for different types of commercial uses, and compensate for the loss of Arterial Commercial lands in the area, satisfying criteria 4 and 6. Criteria 7 is not offended as the conversion will result in a logical boundary of the Arterial Commercial designation on the north side of Barton St. It is not anticipated that the conversion would result in a negative impact on infrastructure or public service facilities, satisfying Growth Plan criteria (e).

Recommendation: Convert all identified parcels to Arterial Commercial designation.

Note: At the November 19, 2019 General Issues Committee, staff were directed by motion to review the potential conversion of the Confederation GO Station lands (395 Centennial Parkway North, 185 Bancroft Street and 25 Arrowsmith Drive). Analysis of conversion for this transit station property is provided separately as Appendix “D” to Report PED17010(k).

3.2 AREA BOUNDED BY CENTENNIAL PARKWAY, QEW, GRAYS ROAD, AND BARTON STREET EAST

The land use designation in this portion of the industrial area is Business Park. To the west, the business park abuts District Commercial and Arterial Commercial designations. Open Space and Utility designations are also located throughout the area.

There is one Urban Hamilton Official Plan site specific policy in this area. UHE-6 applies to lands located at 50 Covington Street, and permits a motor vehicle repair garage in addition to the permitted uses in the Employment Area – Business Park designation.

The majority of parcels in the area are industrial in use. Through the Council adopted Centennial Neighbourhoods Secondary Plan, one site has been identified as a potential conversion candidate and will be reviewed here (area specific policy – Area H).

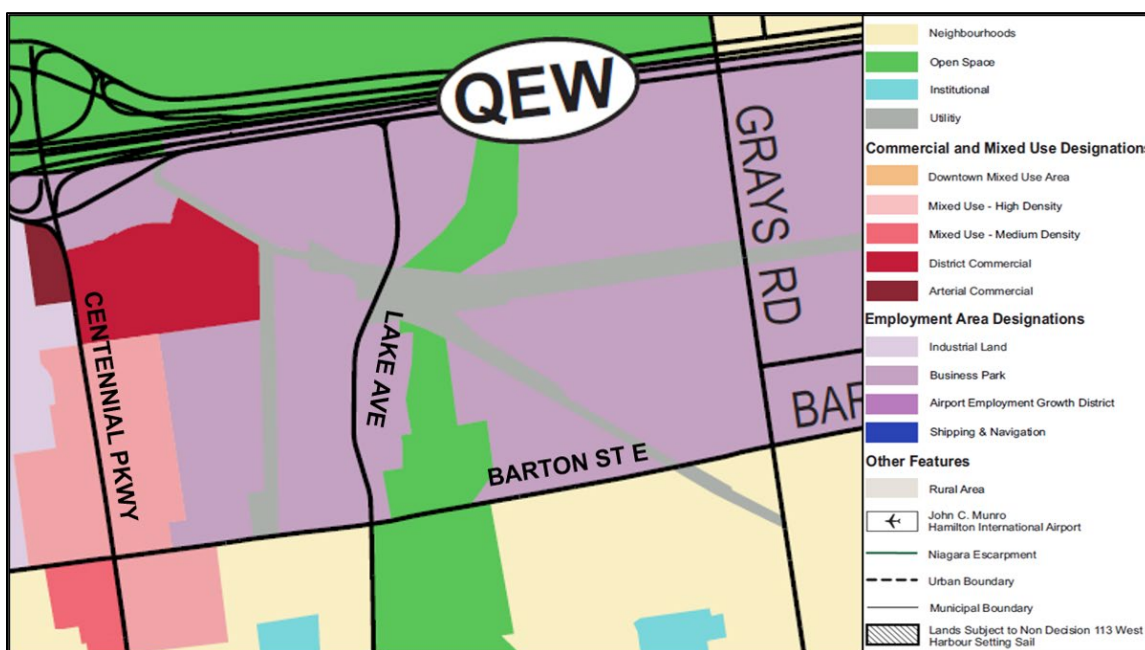


Figure 24 - Land Use Designations in Area bounded by Centennial Pkwy, QEW, Grays Rd, and Barton St E



Figure 25 - Land Uses and sites for conversion consideration in area bounded by Centennial Pkwy, QEW, Grays Rd, and Barton St E

Site under consideration for conversion:

Table 11 - Site under conversion consideration along Barton St E between Red Hill Valley Pkwy and Centennial Pkwy N

Address	Land Use	Zoning	Area (Ha)
2493 Barton St E	Commercial – Speedy Glass, Mian Grocer, Young Kings Detailer, Krishna Sweets, Greco’s Auto Repair	M3 – Prestige Business Park	0.24

Does this site meet Criteria 1: Yes, this site is in a mixed use area along the southern edge of the industrial area.

Evaluation: This site has been identified through the Centennial Neighbourhoods Secondary Plan as Area Specific Policy – Area H, which is to be considered for potential conversion through the MCR process. Area Specific Policy – Area H is as follows:

“6.7.18.8 Area Specific Policy – Area H (north side of Barton Street) For the lands located on the north side of Barton Street East, designated Light Industrial and Business Park, shown as Area H on Map B.6.7-4 – Centennial Neighbourhoods Secondary Plan – Site Specific Policy Areas, the City shall assess of the

appropriateness of these lands as employment lands during the next municipal comprehensive review, and may consider a conversion to other uses. The assessment shall consider, but is not limited to the following factors:

- a) the existing function of the lands;
- b) the proximity of the lands to major transportation routes;
- c) opportunities to introduce transitional land uses along the edge of the industrial area; and,
- d) consideration of the potential need for arterial commercial lands City-wide.”

Conversion of this site would result in a more logical land use boundary for both the Mixed Use – High Density designation and the Sub-Regional Service Node boundary. Conversion of the site will not violate any of the conversion criteria and will not offend the considerations identified in Area Specific Policy – Area H due to its small size and location at the periphery of the Business Park designation.

Recommendation: Conversion of 2493 Barton St E is recommended.

4. RED HILL BUSINESS PARK NORTH

Red Hill Business Park North is 257 ha that is bounded by the Lincoln Alexander Parkway, Upper Ottawa Street, the utility corridor south of Rymal Road East, and roughly follows the Upper Red Hill Valley Parkway. The Red Hill North Business Park has been identified by the Province as a Provincially Significant Employment Zone. The land use designation in the area is Business Park, however there is a large portion of the area designated Open Space through the middle of the business park, as well as several intersection areas where lands are designated Arterial Commercial or District Commercial.

There are five Urban Hamilton Official Plan, Volume 3 site specific policies that apply to lands in this area, as follows:

- UHE-1 applies to lands located at 320 Anchor Road, Hamilton, and permits an observation and detention home, in addition to uses permitted in the Employment Areas – Business Park designation;
- UHE-2 applies to lands located at 230 Anchor Road, Hamilton, and permits limited commercial uses associated with a wedding centre to be permitted in the Employment Areas – Business Park designation;
- UHE-3 applies to lands located at 10 Dartnall Road, Hamilton and permits a garden centre and related uses in the Employment Area – Business Park designation;
- UHE-4 applies to lands located at 211 Pritchard Road, Hamilton, and provides a series of policies to provide a framework for how the site should be developed, including permitted uses, prohibited uses, criteria for offices, and urban design; and,
- UHE-5 applies to lands located at 406 Pritchard Road, Hamilton, and permits a private community centre, including a place of worship, in addition to uses permitted in the Employment Area – Business Park designation.
- UHE-9 applies to lands located at 1375 Stone Church Road East and 60 Arbour Road, Hamilton, and in addition to the permitted uses of the Employment Area – Business Park designation, permits a wedding chapel with a maximum gross floor area of 300 square metres.

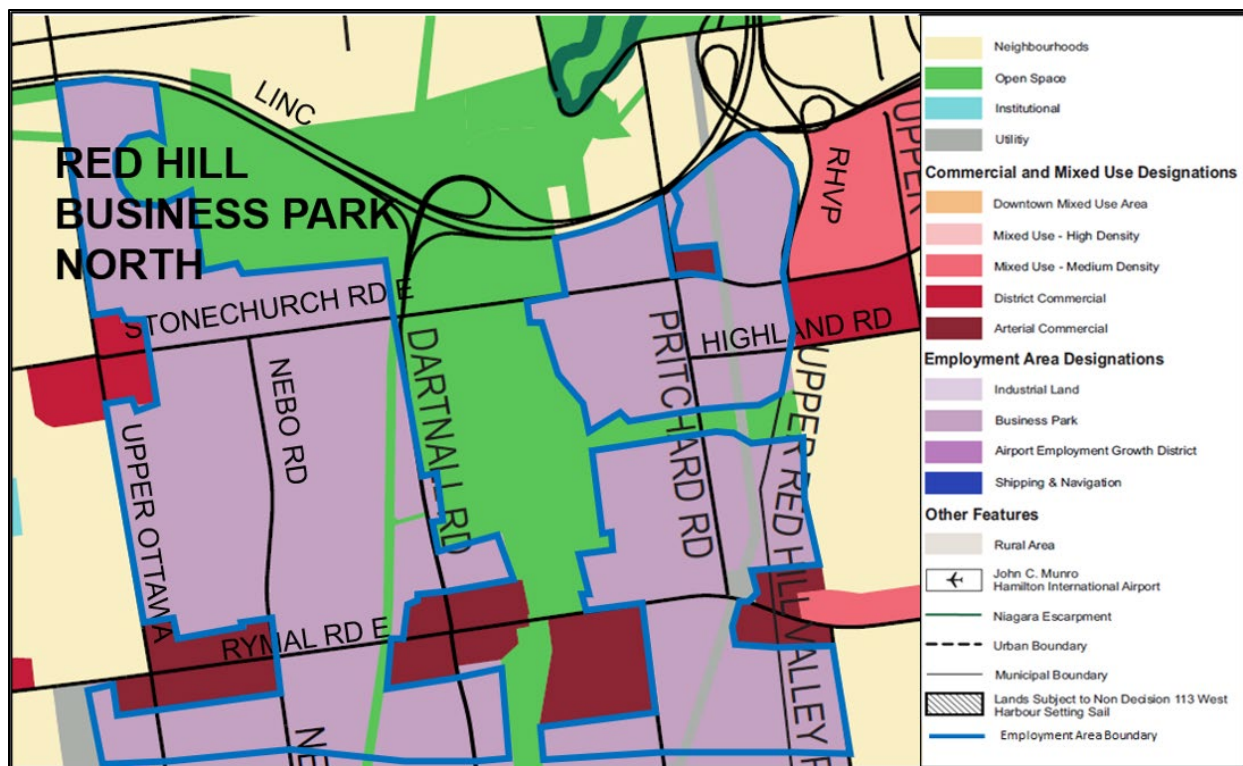


Figure 26 – Land use designations in Red Hill North Business Park

The predominant land use in the area is industrial (42 percent of area). Vacant land accounts for 24 percent of the total area.

Table 12 - Land use breakdown in Red Hill North Business Park

Land Use	Total Hectares (ha)	Percentage of Total Area (%)
Agricultural	6.06	2.36
Commercial	17.26	6.71
Industrial	108.57	42.2
Institutional	16.38	6.37
Office	6.19	2.41
Open Space	6.11	2.37
Residential	8.58	3.33
Transportation/Utility	25.33	9.85
Vacant Land	62.77	24.40
Total	257.25	100

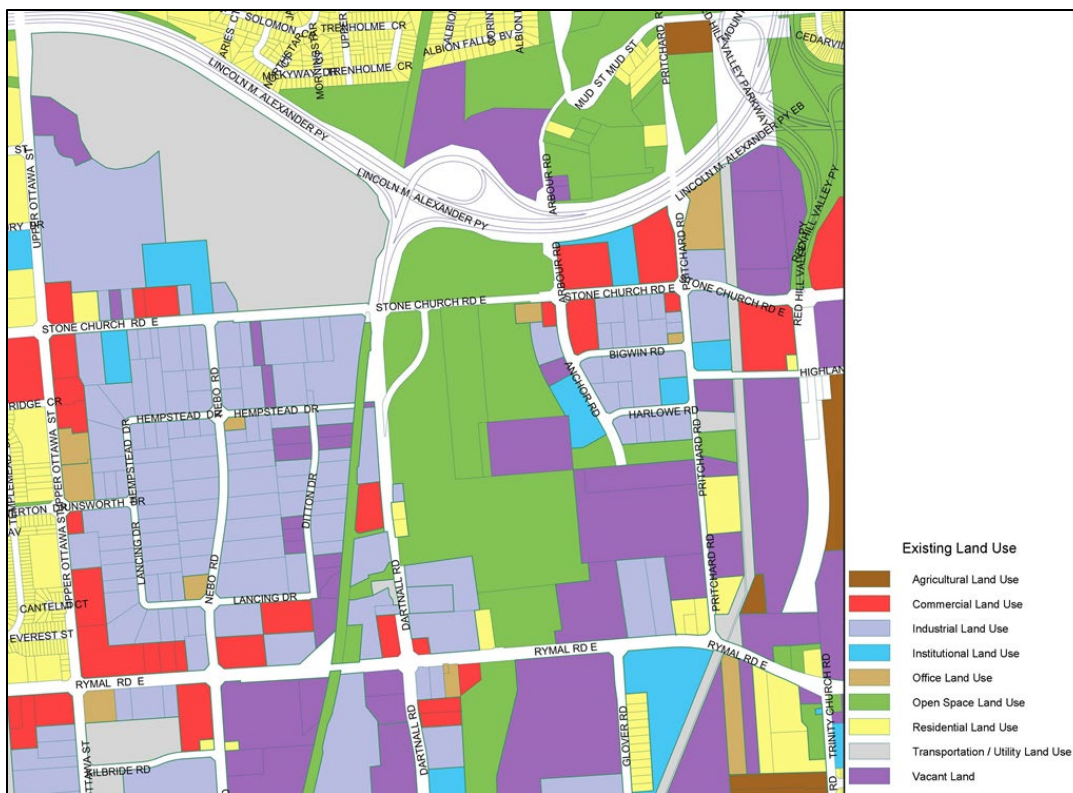


Figure 27 – Land Uses in Red Hill Business Park North

Lands considered for conversion in Red Hill Business Park North are identified in Table 13, as well as in Figures 28, 29 and 30 below.

Note: Conversion request has been received for lands located in the northeastern corner of the business park (1725 Stone Church Road East) and lands along Rymal Road East (1280 Rymal Road East and 385 Nebo Road). These requests will be considered as part of Appendix B.

Table 13 - Opportunity Sites for Conversion in Hamilton Mountain (Red Hill) Business Park

Address	Land Use	Zoning	Area (Ha)
1150 Stone Church Road East	Institutional – Place of Worship	M3 – Prestige Business Park - SE/369	1.1
1151 Stone Church Road East	Industrial / Commercial - Super Sausage	M3 – Prestige Business Park	0.3
1157 Stone Church Road East	Vacant	M3 – Prestige Business Park	0.3
1175 Stone Church Road East	Commercial Plaza (Signarama, East)	M3 – Prestige Business Park	0.3

Address	Land Use	Zoning	Area (Ha)
	Mountain Animal Hospital, Nail Salon)		
1185 Stone Church Road East	Commercial Recreation (Mountain Sports Complex)	M3 – Prestige Business Park	0.3
1215 Stone Church Road East	Commercial (Recreation and Sports Club – 5-star Fitness)	M3 – Prestige Business Park	0.8
1221 Stone Church Road East	Industrial – Ontario Stone Design/The Butler’s Kitchen	M3 – Prestige Business Park	0.3
1227 Stone Church Road East	Institutional – Emergency and Medical Services Training Centre	M3 – Prestige Business Park	2.8
1249 Stone Church Road East	Commercial – Carquest Auto Parks, Donut Diner	M3 – Prestige Business Park	0.5
1423 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.6
1439 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support - SE/369	0.7
1447 and 1453 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.8
1475 Upper Ottawa St	Institutional/Commercial – Plaza Mall, Stone Church Family Health Centre	M4 – Business Park Support	0.9
1515 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.3
1521-1527 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.9
1555 Upper Ottawa St	Banquet Hall (Michelangelo’s)	M4 – Business Park Support	1.4
10 Trinity Church Road	Institutional – Place of Worship	AA - Agriculture	.03
12 Trinity Church Road	Cemetery	P4 – Open Space	0.78

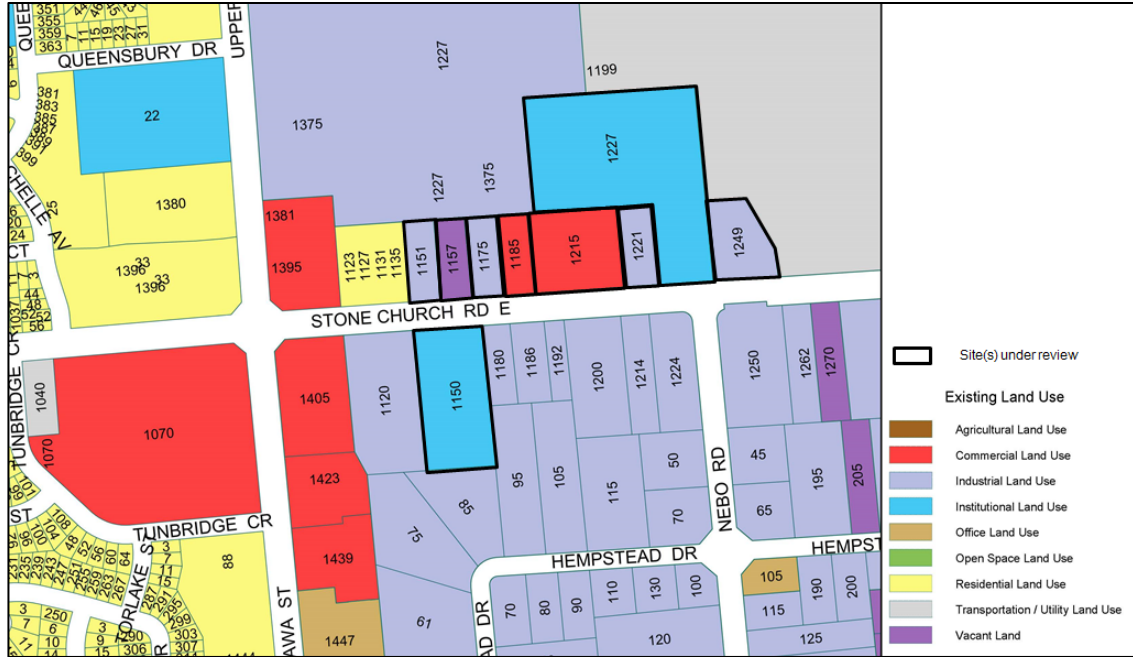


Figure 28- Land uses and sites under review in Red Hill Business Park North along Stone Church Road East

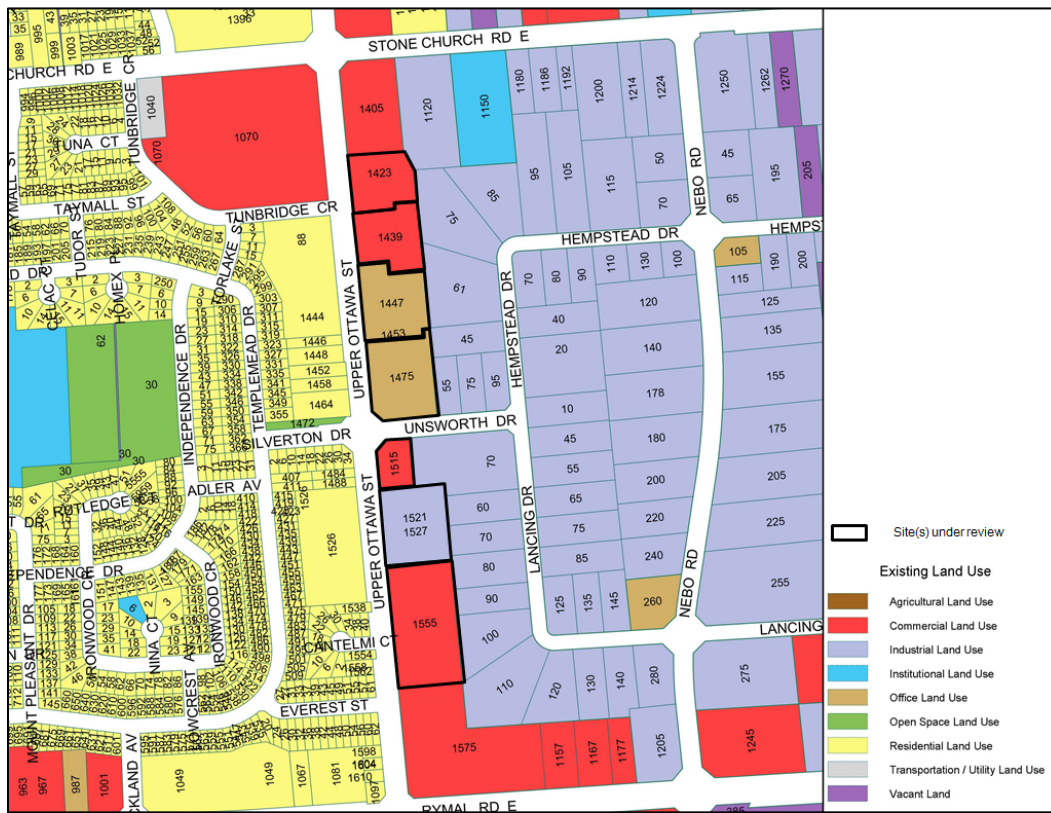


Figure 29 - Land uses and sites under review in Red Hill Business Park North along Upper Ottawa Street

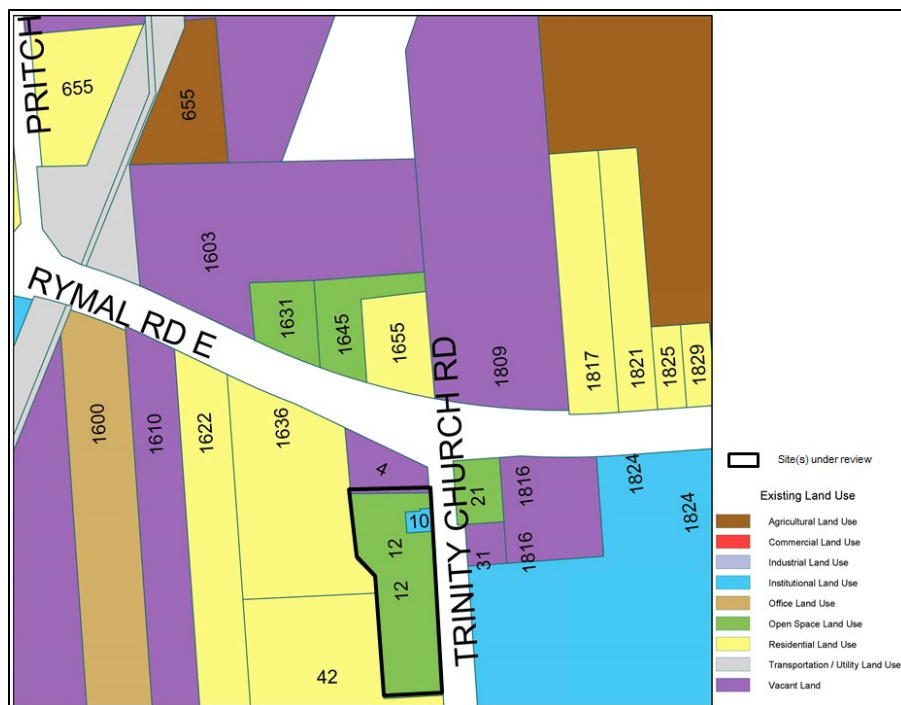


Figure 30 – Land uses and sites under review in Red Hill Business Park North along Trinity Church Road

1150 – 1249 Stone Church Road East

Do these parcels meet Criteria 1: No, these parcels are not along the margin of the Business Park.

Evaluation: The institutional use at 1150 Stone Church Road E is permitted by the current zoning and is too small to recognize as an Institutional designation based on UHOP requirements. The emergency services training facility at 1227 Stone Church is a public use permitted by the zoning by-law. This parcel is large and should retain the employment designation in the event that the current use ceases, then it may be redeveloped for employment uses. The other existing uses are quasi commercial/industrial sites. Redesignation would extend the commercial designation further into the Business Park which is not preferred.

Recommendation: Retain Employment Area designation. No conversions recommended.

1423 – 1555 Upper Ottawa Street

Do these parcels meet Criteria 1: Yes, these parcels are along the margin of the Business Park and contain a mix of uses, predominantly commercial.

Evaluation: The uses on these sites are predominantly commercial in nature, with large commercial plazas containing quick serve food, financial establishments, offices, as well

as a stand-alone medical clinic and a stand-alone banquet hall. Directly south of the banquet hall at the northeast corner of Rymal Road E and Upper Ottawa Street are lands designated Arterial Commercial. The District Commercial designation and appropriate District Commercial (C6) zoning permit commercial uses in larger commercial plazas and as stand-alone commercial buildings located on major roads. In addition, the District Commercial (C6) zone permits medical clinics, whereas the Arterial Commercial (C7) zone does not. The intent of the designation and zone is to serve the daily and weekly needs of the residents in the immediate neighbourhood. As such, the existing uses would be appropriately redesignated and rezoned to District Commercial. However, the District Commercial designation does permit some residential uses above the first storey, as well as live-work units. Due to the proximity of these lands to the adjacent business park, residential and other sensitive land uses would not be appropriate. An area specific policy and corresponding zoning should be applied to these lands to prohibit residential and other sensitive land uses. Provided an Area Specific Policy is applied to these lands to prohibit the development of sensitive land uses, this conversion would not offend any of the conversion criteria as it represents a recognition of the uses already present on the lands. The extent of the plaza-form commercial uses along this portion of Upper Ottawa make it unlikely that the lands would ever revert to industrial uses in the future and therefore there is a need for conversion to recognize the existing uses. Further, the extension of the commercial designation represents a logical extension of commercial designations along the length of Upper Ottawa Street.

Recommendation: Convert 1423, 1439, 1447, 1453, 1475, 1515, 1521, 1527, and 1555 Upper Ottawa Street to District Commercial with an area specific policy to prohibit the development of residential and other sensitive land uses.

10-12 Trinity Church Road

Does this parcel meet Criteria 1: Yes, this parcel is located on the edge of the employment area, and is located in a mixed-use area.

Evaluation: These parcels are used for non-employment uses (church and cemetery), and are located on a corner where there are a variety of non-employment uses. These lands are located on the eastern boundary of the employment area. Directly to the north (4 Trinity Church Road), the lands are designated Arterial Commercial and are currently used for parking associated with the church. The Central Park residential Plan of Subdivision is planned and being developed to the north on the north side of Rymal Road East. The lands directly to the east are designated Neighbourhoods, and are currently vacant. Other adjacent land uses also include residential and commercial (to the west and south).

While the employment designation is not an accurate reflection of the existing land use, staff are concerned about conversion of this site leading to pressure to convert additional sites in this area of Rymal and Trinity Church Roads. This would not satisfy criteria 2 in terms of impacting the long term viability of the employment area.

Recommendation: For the site at 10-12 Trinity Church Road, no conversion is recommended, but the zoning on the parcel at 10 Trinity Church Road (place of worship) should be updated through a future housekeeping amendment to reflect the existing use with a site specific zone.

5. FLAMBOROUGH BUSINESS PARK

Flamborough Business Park is a 153 ha business park located in Waterdown. It is bounded by the urban boundary to the west, south, and east. The major intersection of Clappison's Corners (Hwy 6 and Dundas St) is located at the core of Business Park. Abutting urban land use designations include Neighbourhoods to the northeast, District Commercial to the northeast, and Open Space through the middle of the business park.

There are two Urban Hamilton Official Plan, Volume 3, site specific policies that apply to lands located in the Flamborough Business Park. UFE-1 applies to the North Wentworth Community Centre and Harry Howell Arena, located at 27 Hwy 5. This site specific policy permits a community centre, arena, and community park, in addition to the uses already permitted by the Employment Area – Business Park designation.

UFE-2 applies to a portion of the lands located at 56 Parkside Drive, 90 and 96 Parkside Drive and 546 Highway No. 6, Flamborough (see Figure below), and restricts the uses on these portions of the land to Natural Open Space.

The predominant land use in the Flamborough Business Park is industrial, with over 45 ha or 31 percent of the total area. Vacant land and agriculture account for 25 percent and 23 percent of the total area, respectively. There is a large institutional use (North Wentworth Community Centre and Harry Howell Arena) located at the intersection of Highway 6 and Highway 5 W, Flamborough.

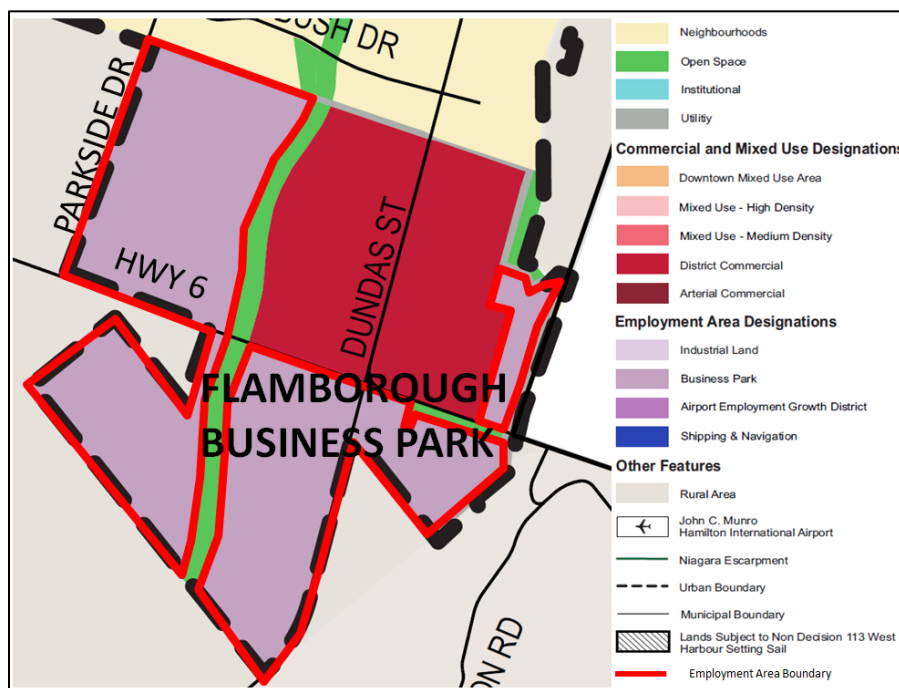


Figure 31 - Land designations in Flamborough Business Park

Table 14 - Land Use in Flamborough Business Park

Land Use	Area (Ha)	Percentage of Total Area (%)
Agriculture	10.7	6.2
Commercial	4.98	2.9
Industrial	46.28	26.8
Institutional	8.56	5.0
Office	6.18	3.6
Open Space	13.69	7.9
Residential	5.13	3.0
Transportation/ Utility	3.7	2.1
Warehousing	28.42	16.5
Vacant Lands	43.21	25.0
Total	172.72	100

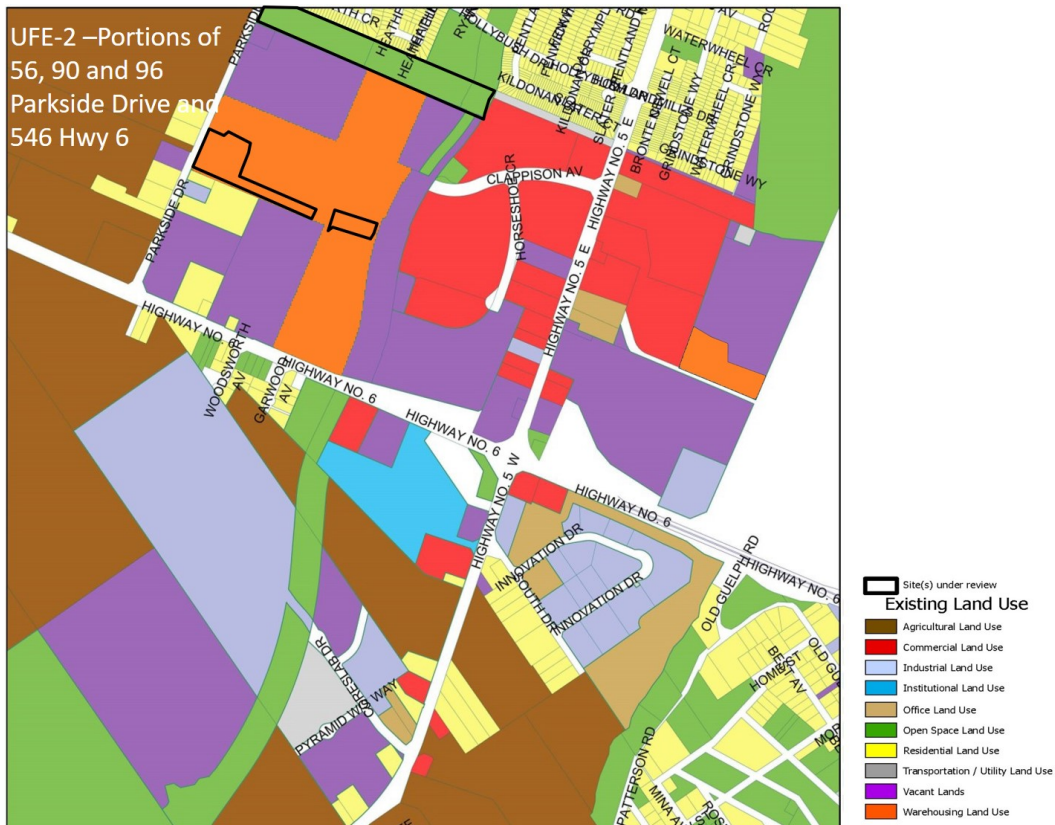


Figure 32 - Land uses in Flamborough Business Park

Site under consideration:

Table 15 – Site under consideration for conversion in Flamborough Business Park

Address	Land Use	Zoning	Area (Ha)
Portions of lands located at 56 Parkside Drive, 90 and 96 Parkside Drive and 546 Hwy 6	Natural open space	P5 –	4.06
		Conservation /	+1.96 =
		Hazard Lands	6.02

Does these sites meet Criteria 1: Portions of 56 Parkside Drive, 90 & 96 Parkside Drive, and 546 Hwy 6 are not located at the periphery of the Business Park, however, the protection of these lands through conversion to an Open Space designation is important.

Evaluation:

These lands are critical Linkages, as identified in the Urban Hamilton Official Plan Natural Heritage System on Schedule B. As mentioned previously, Site Specific Policy UFE-2 restricts the uses on these lands to Natural Open Space only. Thus, the policy framework supports the direction to protect these lands through the conversion to Open Space, and supports the need for conversion.

Recommendation: Conversion to the Open Space designation is recommended for portions of 56 Parkside Drive, 90 & 96 Parkside Drive, and 546 Hwy 6.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 SUMMARY OF RECOMMENDED CONVERSIONS FROM EMPLOYMENT LAND CONVERSION ANALYSIS

Based on the above analysis, the following areas have been identified for conversion to a non-employment use:

Address	Existing Land Use	Zoning	Area (ha)	Recommendation
Bayfront Industrial Area				
390 Victoria Ave	Vacant, parking	M6 - Light Industrial – SE/375	0.2	Neighbourhoods, (site specific policy)
15 – 35 Shaw St	Residential	M6 - Light Industrial – SE/375	0.2	Neighbourhoods (area specific policy)
65 Shaw St	Vacant, parking	M6 - Light Industrial – SE/375	0.2	Neighbourhoods (area specific policy)
360 – 368 Emerald St	Residential	M6 - Light Industrial – SE/375	0.05	Neighbourhoods (area specific policy)
71 – 99 Shaw St	Residential	M6 - Light Industrial – SE/375	0.25	Neighbourhoods (area specific policy)
103 Shaw St	Vacant	M6 - Light Industrial – SE/375	0.04	Neighbourhoods (area specific policy)
6 – 10 Douglas Ave	Residential	M6 - Light Industrial – SE/375	0.03	Neighbourhoods (area specific policy)
16 Douglas Ave	Community Garden	M6 - Light Industrial – SE/375	0.07	Neighbourhoods (area specific policy)
107 – 117 Shaw St	Residential	M6 - Light Industrial – SE/375	0.07	Neighbourhoods (area specific policy)
121 Shaw St	Commercial - office	M6 - Light Industrial – SE/375	0.2	Neighbourhoods (site specific policy)
83 – 105 Cheever St	Residential	M6 - Light Industrial – SE/375	0.2	Neighbourhoods (area specific policy)

110- 166 Burton St	Residential	M6 - Light Industrial – SE/375	0.4	Neighbourhoods (area specific policy)
286 Sanford Ave	Commercial – office, vacant	M6 – Light Industrial	0.2	Neighbourhoods (site specific policy)
42 Westinghouse Ave	Vacant, parking	M6 – Light Industrial	0.5	Neighbourhoods (site specific policy)
268 – 276 Sanford Ave N & 13 – 23 Westinghouse Ave	Residential, vacant	M6 – Light Industrial	0.3	Neighbourhoods (area specific policy)
39 Lloyd Street	Vacant	M6 – Light Industrial - SE/438	0.06	Neighbourhoods (area specific policy)
43 Lloyd Street	Vacant, industrial (automotive repair), residential	M6 – Light Industrial - SE/438	4.6	Neighbourhoods (area specific policy)
221 Gage Ave N	Retail	M6 – Light Industrial	0.4	Neighbourhoods (area specific policy)
67 Lloyd St	Vacant	M6 – Light Industrial - SE/438	0.2	Neighbourhoods (area specific policy)
39 – 63 Lloyd St	Residential	M6 – Light Industrial	0.45	Neighbourhoods (area specific policy)
401 Parkdale Ave N	Commercial - industrial	M6 – Light Industrial	1.1	Arterial Commercial
300 Parkdale Ave N	Utilities – Hydro One	M6 – Light Industrial	0.1	Arterial Commercial
308 Parkdale Ave N	Warehousing	M6 – Light Industrial	0.1	Arterial Commercial
324 Parkdale Ave N	Commercial – Auto sales and rentals (Hyundai)	M6 – Light Industrial	0.8	Arterial Commercial
350 Parkdale Ave N	Commercial – Auto sales and rentals (Ford)	M6 – Light Industrial	2.0	Arterial Commercial
380 Parkdale Ave N	Commercial – Service/Auto Repair (Eastgate Collision)	M6 – Light Industrial	0.1	Arterial Commercial
1811 Barton St E	Commercial – Sales (Spar-Marathon Roofing)	M6 – Light Industrial	0.6	Arterial Commercial

1831 Barton St E	Commercial – Truck dealer	M6 – Light Industrial	1.0	Arterial Commercial
East Hamilton Industrial Area				
2255 Barton St E	Commercial – Plaza with restaurant, grocery	M6 – Light Industrial - SE/417	2.4	Arterial Commercial
2275 Barton St E	Industrial - U-Haul self-storage	M6 – Light Industrial	1.1	Arterial Commercial
2289 Barton St E	Commercial – Hall/ Sports Club, Ultimate Cycle	M6 – Light Industrial - SE/640	1.3	Arterial Commercial
2311 and 2333 Barton St E	Commercial – Car dealership (Toyota)	M6 – Light Industrial - SE/640	1.6	Arterial Commercial
2243 Barton St E	Industrial – (Fellfab)	M6 – Light Industrial	0.7	Arterial Commercial
2345 Barton St E	Commercial - Tint Boyz, M&R Automotive	M6 – Light Industrial	0.3	Arterial Commercial
305 & 307 Kenora Ave	Commercial – Billy Buff Auto Spa	M6 – Light Industrial	0.1	Arterial Commercial
311 Kenora Ave	Industrial - Hess Millwork	M6 – Light Industrial	0.2	Arterial Commercial
315 Kenora Ave	Industrial - Warehousing	M6 – Light Industrial	0.2	Arterial Commercial
310 Kenora Ave	Industry – Modern Training Ontario – Truck/Forklift	M6 – Light Industrial	0.3	Arterial Commercial
2371 Barton St E	Commercial (Food store – Lococo's)	M6 – Light Industrial - SE/640	0.9	Arterial Commercial
2399 Barton St E	Industrial (Appears Vacant)	M6 – Light Industrial	1.8	Arterial Commercial
2493 Barton St E	Industrial – Speedy Glass, Mian Grocer, Young Kings Detailer, Krishna Sweets, Greco's Auto Repair	M3 –Prestige Business Park	0.2	Mixed Use – High Density
Red Hill Business Park (North)				
1423 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.6	District Commercial (area specific policy)
1439 Upper Ottawa St	Commercial Plaza	M4 – Business	0.7	District Commercial

1447 and 1453 Upper Ottawa St	Commercial Plaza	Park Support - SE/369 M4 – Business Park Support	0.8	(area specific policy) District Commercial (area specific policy)
1475 Upper Ottawa St	Institutional/Commercial – Plaza Mall, McMaster Family Health Centre	M4 – Business Park Support	0.9	District Commercial (area specific policy)
1515 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.3	District Commercial (area specific policy)
1521-1527 Upper Ottawa St	Commercial Plaza	M4 – Business Park Support	0.9	District Commercial (area specific policy)
1555 Upper Ottawa St	Commercial Plaza (Banquet Hall)	M4 – Business Park Support	1.4	District Commercial (area specific policy)

Flamborough Business Park

Portions 56 Parkside Drive, 90 and 96 Parkside Drive and 546 Hwy 6	Natural open space	P5 – Conservation / Hazard Lands	6.0	Open Space
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Total Area Recommended for Conversion: 37.12 ha

6.2 SUMMARY OF RECOMMENDED CONVERSIONS FROM RESIDENTIAL ENCLAVES REVIEW (APPENDIX A)

In addition to the above, the following areas are recommended for conversion based on the analysis in Appendix A (Residential Enclaves Review):

Address	Existing Land Use	Zoning	Area (ha)	Recommendation
Margaret Enclave (320 – 352 Millen Rd, 318 – 352 Margaret	Residential	R1 – Single Residential, ND – Neighbourhood Development,	5.0	Neighbourhoods

Ave, 413 – 431 Barton St)	GC – General Commercial
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Total Area Recommended for Conversion: 5.0 ha

6.3 SUMMARY OF RECOMMENDED CONVERSIONS FROM REQUEST FOR CONVERSIONS ANALYSIS (APPENDIX B)

In addition to the above, the following areas are recommended for conversion based on the analysis in Appendix B (Requests for Conversion):

Address	Existing Land Use	Zoning	Area (ha)	Recommendation
85 Division St & 77 – 79 Merchison Ave	Vacant	M6 – Light Industrial	0.5	Neighbourhoods (site specific policy)
166 – 180 Harmony Ave	Residential	M6 – Light Industrial	0.15	Neighbourhoods
645-655 Barton Street East	Vacant / Industrial	M3 – Prestige Business Park M4 – Business Park Support	1.43	District Commercial (site specific policy)
1280 Rymal Road E & 385 Nebo Road	Vacant (Commercial Plaza in construction)	M3 – Prestige Business Park M4 – Business Park Support	5.3	Arterial Commercial (site specific policy)
(As per Council direction)				

Total Area Recommended for Conversion: 7.38 ha

6.4 TOTAL LAND AREA RECOMMENDED FOR CONVERSION

The total land area recommended for conversion through the Employment Land Review (including the Residential Enclaves Review and the Requests for Conversion) is **49.5 ha**. An additional **4.0** hectares of employment land is recommended for conversion based on the review of the Confederation GO station lands (see Appendix “D” to Report PED17010(k)). The recommended conversions recognize existing non-employment uses on the subject lands, or the redesignation of under-utilized parcels within the City’s older industrial areas. The redesignation of these lands will be implemented through a future Official Plan Amendment passed under Section 26 of the *Planning Act* as part of the Municipal Comprehensive Review.

RESIDENTIAL ENCLAVES REVIEW

City of Hamilton
AUGUST 2021



RESIDENTIAL ENCLAVES REVIEW

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1.0 INTRODUCTION

Residential enclaves are distinct clusters of approximately ten or more residential dwellings located within Employment Areas in the City of Hamilton. Residential enclaves are designated “Employment Area” (Industrial Land or Business Park) on Schedule E-1 – Urban land Use Designations of Volume 1 of the Urban Hamilton Official Plan (UHOP). The enclaves are not consistently zoned, both across and within Employment Areas in the City. In some circumstances, zoning is not consistent among parcels within an enclave. The majority of residential enclaves in Hamilton are located in the Bayfront Industrial Area and the Stoney Creek Business Park.

The proximity of residential enclaves to active industrial land uses has historically caused incompatibility issues. Various studies throughout the 1970s to the 1990s were completed to address the environmental and social challenges experienced by residents living in residential enclaves. The studies identified residents’ interest in remaining in the enclave and determining the most appropriate ultimate land use. Many of the recommendations that emerged from these studies have been implemented; however, there are several residential enclaves that require additional attention to understand the existing context and to comprehensively assess the zoning framework. The purpose of this report is to:

- outline the history of residential enclaves in the City of Hamilton;
- identify the current status of residential enclaves and their evolution over time in terms of the policy framework, regulatory/zoning framework, and actual land use; and,
- identify any policy or zoning changes that are required to create a consistent approach to planning for residential enclaves located in different Employment Areas in the City.

Residential enclaves that are still in existence (i.e. designated Employment Area on Schedule E-1) and will be reviewed through this analysis are identified in Table 1.

Table 1 – Residential Enclaves under review in this Analysis

Employment Area	Residential Enclave	Area of Enclave (Ha)
Bayfront Industrial Area	Land	9.25
	Leeds	0.9
	Alpha East	1.09
	Biggar	0.42
	Rowanwood	13.84

	Stapleton	1.07
	Beatty	0.93
Stoney Creek Business Park	Margaret	5.01
	Barton	2.97
	Cornell	2.10
	McNeilly	2.60
	Winona	5.39

This review is being conducted as part of the City’s Municipal Comprehensive Review (MCR) Employment Land Review. It is appropriate to review the enclaves at this time because any conversions of designated employment land to a non-employment designation can only occur through the MCR. Therefore, should any recommendations for re-designation arise from this review, the implementation would need to occur through the MCR.

This review is focussed on the residential enclaves in the former City of Hamilton (Bayfront Industrial Area) and City of Stoney Creek (Stoney Creek Business Park) which have been identified and previously reviewed under studies by the former municipalities. The review will consider updates to the existing planning permission for those lands. This review is not considering existing legal non-conforming single detached dwellings located in the City’s other Business Parks, which either do not meet the definition of an enclave (10 or more contiguous dwellings) or are located in undeveloped areas of the Business Park which are anticipated to develop with employment uses in the future. Those dwellings will retain their legal-non conforming status for as long at the use continues.

1.1 BACKGROUND ON RESIDENTIAL ENCLAVES IN FORMER CITY OF HAMILTON

Residential enclaves in the City of Hamilton are located in the Bayfront Industrial Area (Bayfront). The following reports were produced in the 1970s and 1990s to address issues with residential enclaves:

Review of the Residential Enclaves, 1977

This report addressed residential enclaves in the Bayfront. Ten distinct residential enclaves were studied. Residents in these enclaves experienced disturbance from adjacent industry as well as uncertainty about future land use.

- All enclaves except McAnulty were designated Industrial in the Official Plan in 1951 and zoned for heavy industry since 1950. McAnulty was originally designated Residential with Commercial on the perimeter, but was later redesignated to Industrial in the 1969 Official Plan. The zoning for McAnulty at the time of this report in 1977 was Residential, reflecting the designation prior to the 1969 Official Plan.
- The report surveyed residents in the enclaves and evaluated two alternatives – to clear housing in the area, or to retain and improve housing.
- Enclaves were independently evaluated on the basis of public attitude (desire to remain in area), standard of environment, standard of housing, availability of services, and size of area.
- Recommendations from the 1977 study were as follows:
 - Biggar, Stapleton, Leeds, Alpha, and Keith Pockets (2) should be cleared for industry;
 - Keith and Monroe should undergo a Neighbourhood Plan process to plan for a mix of industrial and residential uses (note: Neighbourhood Plan was completed and area designated Residential in City's 1982 Official Plan. Zoning had been changed to residential in 1979);
 - McAnulty should be redesignated to Residential, with consideration for buffering from industrial uses by including commercial and open space uses (note: area was redesignated to Residential in 1978); and,
 - Rowanwood, Land, and Beatty should be re-evaluated in two years' time.

Residential Enclaves Study, 1992

The Regional Municipality of Hamilton-Wentworth brought forward a discussion paper in 1992 that re-evaluated future land use in residential enclaves and re-assessed the merits of the City's program of purchasing residential lands and selling them for industry. This study evaluated Alpha East, Beatty, Biggar, Land, Leeds, Rowanwood, and Stapleton enclaves. The highlights of the study are as follows:

- Residential development was gradually being eroded by industrial and commercial uses in the enclaves;
- The revenue realized from the sale of lands for industrial purposes was poor relative to the cost to purchase the residential land;
- Most residents within the smaller enclaves, with the exception of Leeds and Biggar, wished to leave the area.

The 1992 report identified a number of options for consideration, ranging from no change, to a recognition of all enclaves as Residential. There were no policy or zoning changes taken as a result of this report.

1.2 BACKGROUND ON RESIDENTIAL ENCLAVES IN FORMER CITY OF STONEY CREEK

There are five residential enclaves in the Stoney Creek Industrial Business Park, which were reviewed through the following report in 1990:

Residential Enclaves, 1990

The purpose of this study was to identify the ultimate land use of existing residential uses within the Stoney Creek Industrial Business Park. Most residents felt that there were issues with excessive noise, traffic, smoke, and dust. The recommendations from the study were as follows:

- Margaret Enclave and a portion of the McNeilly Enclave south of the Arvin Avenue extension and east of McNeilly Road should be recognized as residential areas; and,
- Cornell, Barton, and Winona enclaves should maintain their designation as Industrial Business Park.

In November 1992 (further amended in 1993), the City of Stoney Creek passed Official Plan Amendment No. 45 to the City of Stoney Creek Official Plan (OP) which recognized the existing residential enclaves at Margaret Avenue and the east side of McNeilly Road, but maintained the Industrial - Business Park designation on the lands. The accompanying staff report noted that the proposed Stoney Creek Comprehensive Zoning By-law was placing a residential zone on these enclaves to implement the recommendations of the 1990 study. The Report further stated that an amendment to the OP was necessary to ensure the Zoning By-law conformed, but that staff were not recommending a redesignation of the enclaves to Residential in the OP. Instead, the Report noted that it was more appropriate to describe the location of the enclaves generally within the Business Park designation, and when an Industrial Area Secondary Plan and Neighbourhood Plan was prepared in the future, the enclaves would be clearly identified and appropriate policies developed. No such Secondary Plan was ever developed for these lands.

The Urban Hamilton Official Plan (UHOP) came into force and effect in August, 2013. The UHOP carried forward land use designations from the former City of Hamilton Official Plan and City of Stoney Creek Official Plan. The majority of the lands within the residential enclaves were re-zoned to an industrial zone (some with a special exception as described below) in the City of Hamilton Zoning By-law 05-200 in 2010 with the introduction of the new industrial zones. However, lands within the Margaret enclave and a portion of the McNeilly enclave maintain the residential and commercial zoning of the former City of Stoney Creek Zoning By-law.

1.3 EXISTING CONTEXT OF RESIDENTIAL ENCLAVES

At present, there are still land use incompatibility issues between residential enclaves and adjacent industrial uses. In addition, some enclaves have been recognized in the Zoning By-law with a Special Exception (SE), while some others have not. SE 375 in Zoning By-law 05-200 identifies an existing dwelling and expansion to the existing dwelling as permitted, subject to additional regulations. SE 727 of Zoning By-law 6593 was the precursor to SE 375, and contained the same permissions and regulations as SE 375. Table 2 identifies existing land uses and zoning for all residential enclaves in the Bayfront Industrial Area and Stoney Creek Industrial Business Park.

Table 2 – Zoning and Land Uses by Percent Total Area for Existing Residential Enclaves in the Bayfront Industrial Area and Stoney Creek Industrial Business Park

Enclave	Total Area (Ha)	Percent of Area Residential Land Use (%)	Percent of Area Industrial Land Use (%)	UHOP Designation	Zoning
Bayfront Industrial Area					
Land	9.25	51	26	Industrial Land	M5 – General Industrial M5 – General Industrial – Special Exception 375 M6 – Light Industrial – Special Exception 375
Leeds	0.9	46	33	Industrial Land	M5 – General Industrial
Alpha East	1.09	28	31	Industrial Land	M5 – General Industrial
Biggar	0.42	83	17	Industrial Land	M5 – General Industrial
Rowanwood	13.84	57	23	Industrial Land	M5 – General Industrial M5 – General Industrial – Special Exception 375 M6 – Light Industrial – Special Exception 375
Stapleton	1.07	17	49	Industrial Land	M6 – Light Industrial
Beatty	0.93	76	9	Industrial Land	M6 – Light Industrial – Special Exception 375
Stoney Creek Business Park					
Margaret	5.01	94	0	Business Park	R1 – Single Residential - One ND – Neighbourhood Development GC – General Commercial – Special Exception 28
Barton	2.96	70	7	Business Park	M3 – Prestige Business Park

					M3 – Prestige Business Park – Special Exception 423
Cornell	2.11	77	10	Business Park	M3 – Prestige Business Park
McNeilly	2.61	93	0	Business Park	R1 – Residential M3 – Prestige Business Park
Winona	5.4	51	10	Business Park	M3 – Prestige Business Park

Special Exception (SE) 375 is applied to residential uses in the Land, Rowanwood and Beatty enclaves. The purpose of the SE is to permit the legally existing residential uses on the subject lands, and to establish specific regulations (setbacks etc.) which would apply to any future additions or modifications. The text of the SE is as follows:

“375. Within the lands zoned General Industrial (M5) Zone and Light Industrial (M6) Zone, identified on Maps 829, 870, 871, 912, 913, 914, 915, 956, 957, 958, 959, 1147, 1198, 1199 of Schedule “A” – Zoning Maps and described as:

(many addresses listed)

The following special provisions shall apply:

a) In addition to Subsections 9.5.1 and 9.6.1, and notwithstanding Subsections 9.5.2 and 9.6.2 ii), the legally established residential uses existing on the date of passing of this By-law (May 26, 2010) shall also be permitted.

b) Notwithstanding Subsections 9.5.3 and 9.6.3, the following regulations shall apply to the use permitted in Clause a):

- i) Minimum Front Yard 6.0 metres*
- ii) Maximum Building Height 14.0 metres*
- iii) Minimum Side Yard 0.6 metres*
- iv) Minimum Rear Yard 7.5 metres*
- v) Accessory buildings shall be subject to Subsection 4.8.1”*

The Vacuum Clause (4.12(c)) of the General Provisions of Zoning By-law 05-200 applies to the lands within the Industrial zones and provides that any lot and building existing on the effective date of the Zoning By-law would be deemed to comply with the regulations of the By-law respecting setbacks, height and lot area and width.

In addition, Section 1.11 of Zoning By-law 05-200 addresses Legal Non-Conforming Uses. Section 1.11(d) permits swimming pools, hot tubs and accessory buildings, and section 1.11(e) permits the addition of a porch, deck, balcony, fire escape or open stairs, on a lot containing an existing legal non-conforming single detached or duplex dwelling, all without the requirement to amend the Zoning By-law.

A detailed review of each residential enclave, including land use breakdown, change in land use since the completion of the 1990 and 1992 studies, and existing zoning, will follow.

2.0 RESIDENTIAL ENCLAVES IN HAMILTON BAYFRONT INDUSTRIAL AREA

2.1 LAND

The Land residential enclave is one of the larger enclaves in the Bayfront, and is located in the general area of Burlington Street East and Wentworth Street North. The predominant land use in the area is still residential, with 50 percent of the area having a residential land use.

Table 3 - Land Use Breakdown in Land Residential Enclave

	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	15	1.13	12%	11.4%
Industrial	21	2.4	26%	22.5%
Office	2	0.12	1%	
Residential	178	4.69	51%	58.7%
Vacant Land	19	0.91	10%	7.4%
Grand Total	235	9.25	100%	100%

Since 1992, the percentage of residential land area has decreased, while the percentage of industrial and vacant land area have both increased marginally.

Figure 1 - Land Use in Land Residential Enclave



The existing zoning within the Land residential enclave is M5 (General Industrial), M5 (General Industrial) – Special Exception (SE) 375, and M6 (Light Industrial) – SE 375. Previous to the adoption of Zoning By-law 05-200, the zoning in this residential enclave was K (Heavy Industrial) – SE 727. SE 375 recognizes the existing dwellings and allows for some expansion. The zoning from the previous zoning by-law has been brought forward in the new zoning by-law, with the exception of the area bounded by Burlington Street East, Wentworth Street North, Oliver Street, and Wilfred Street. This area of the enclave was not zoned with SE 375.

Figure 2 - Zoning in Land Residential Enclave

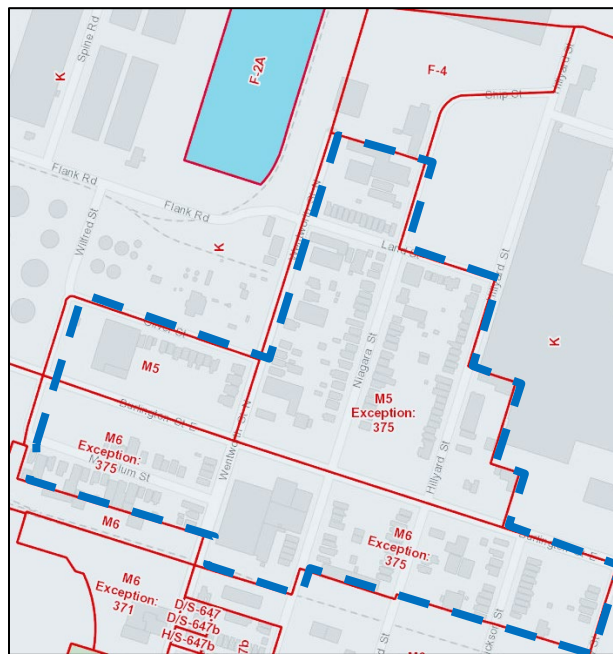


Figure 3 - Lands without Special Exception in Land Residential Enclave



2.2 LEEDS

The Leeds residential enclave is located in the general area of Burlington Street East and Gage Avenue North. The predominant land use in the area is still residential, with 46 percent of the area having residential land uses. More than 20 percent of the land area is vacant.

Table 4 – Existing Land Use Breakdown in Leeds Residential Enclave

	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	1	0	0%	1.6%
Industrial	5	0.3	33%	35.8%
Residential	20	0.41	46%	43.1%
Vacant Land	3	0.19	21%	19.5%
Total	29	0.9	100%	100%

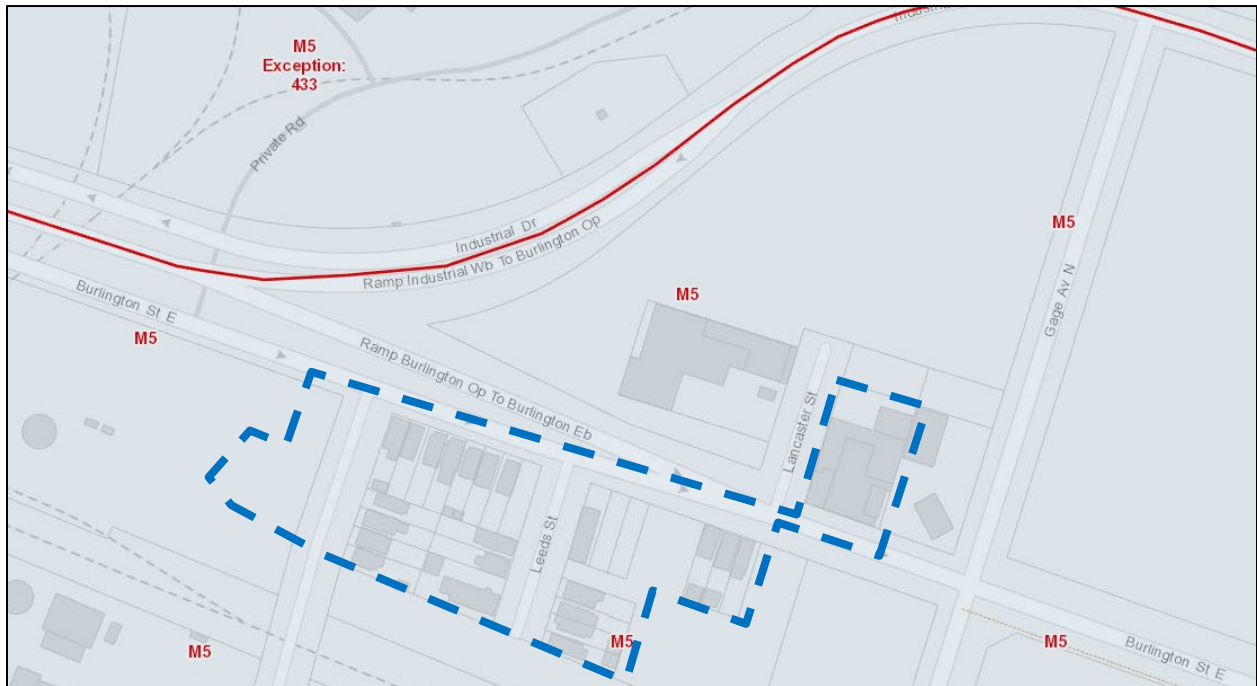
Since 1992, the amount of lands in residential use has marginally increased, while the industrial land has seen a slight decline in area.

Figure 4 – Land Use in Leeds Residential Enclave



The zoning applicable to the lands in Leeds is the M5 – General Industrial zone. Previous zoning under Zoning By-law 6593 was K (Heavy Industrial). There is no special exception applied in this area to recognize the existing dwellings.

Figure 5 - Zoning in Leeds Residential Enclave



2.3 ALPHA EAST

Alpha East is generally located in the area of Burlington Street East and Sherman Avenue North. The predominant land use in the area is industrial. Residential land uses have declined over time, and at present there are only 9 residential parcels in total, and only 5 of those are located adjacent to each other. The existing land use for the area is as follows:

Table 5 – Land Use Breakdown in Alpha East Residential Enclave

	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area(%)
Commercial	3	0.29	27%	35.7%
Industrial	6	0.34	31%	31.0%
Residential	9	0.3	28%	33.3%
Vacant Land	5	0.16	15%	0
Grand Total	23	1.09	100%	100%

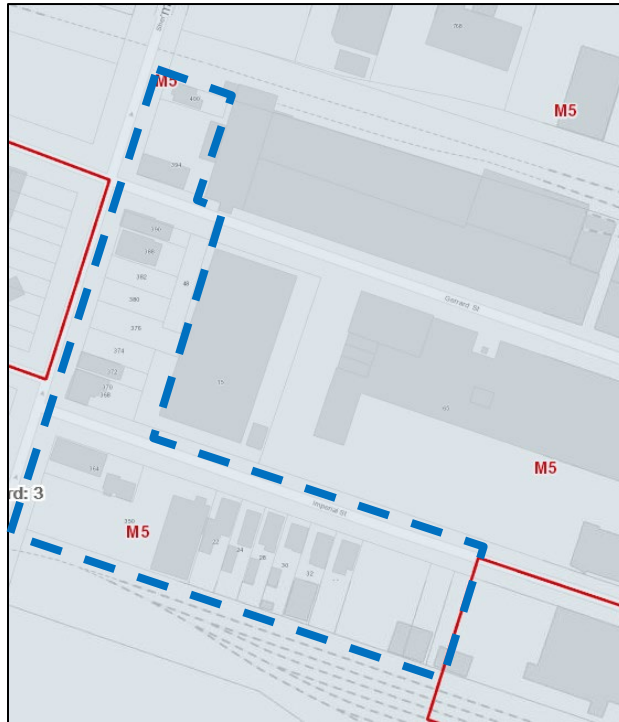
The industrial usage of land in Alpha East has remained stable over the time period. Residential usage has declined slightly. The greatest change is an increase in vacant lands.

Figure 6 – Land Use in Alpha East Residential Enclave



This area is zoned M5 – General Industrial. Previous zoning under Zoning By-law 6593 was K (Heavy Industrial). There is no special exception applied in this area to recognize the existing dwellings.

Figure 7 – Zoning in Alpha East Residential Enclave



2.4 BIGGAR

Biggar residential enclave is located in the general area of Sherman Avenue North and Biggar Avenue. The predominant land use in the area is residential, with 83% of the area having residential land uses, though there has been an introduction of industrial land uses, as noted below. The enclave is surrounded by large industrial parcels and is isolated within the core of the industrial area.

Table 6 – Land Use Breakdown in Biggar Residential Enclave

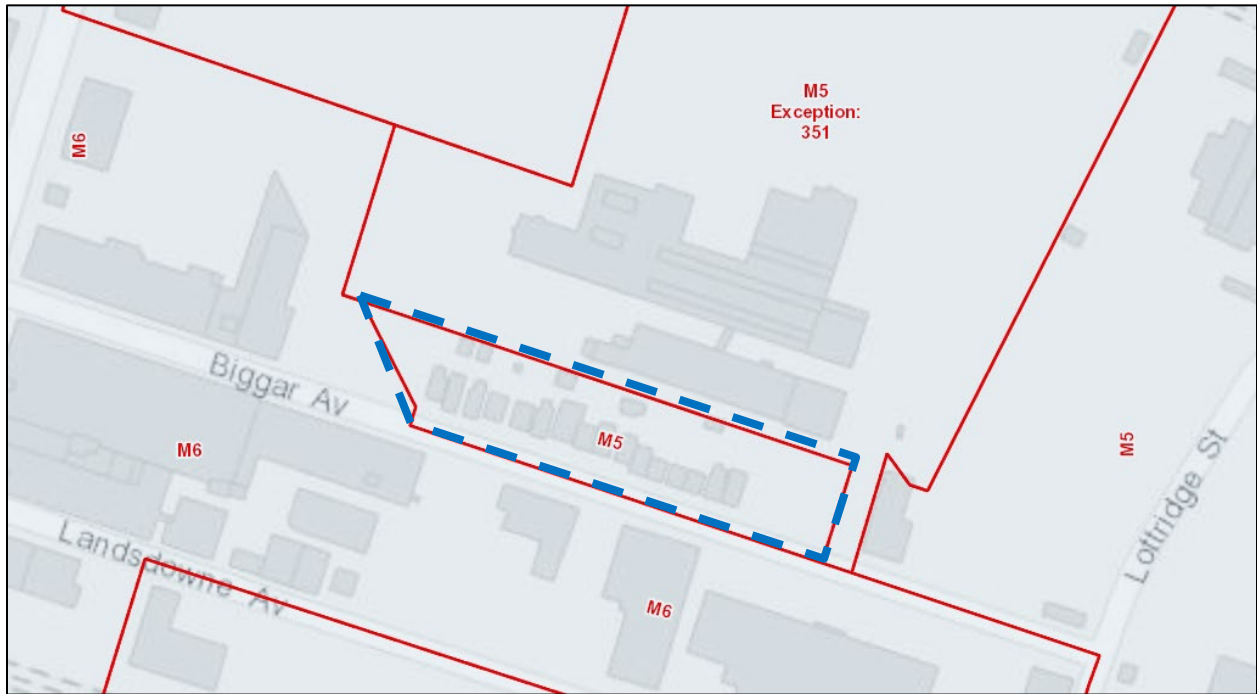
	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Industrial	3	0.07	17%	0%
Residential	16	0.35	83%	100%
Total	19	0.42	100%	100%

Figure 8 – Land Use in Biggar Residential Enclave



This area is zoned M5 – General Industrial. Previous zoning under Zoning By-law 6593 was K (Heavy Industrial). There is no special exception applied in this area to recognize the existing dwellings.

Figure 9 – Zoning in Biggar Residential Enclave



2.5 ROWANWOOD

The Rowanwood enclave is located in the general area of Gage Avenue North and Beach Road and is the largest enclave in the Bayfront. The predominant land use in this enclave is residential, with 57 percent of the area having residential land uses.

Table 7 – Land Use Breakdown in Rowanwood Residential Enclave

	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	30	2.52	18%	5.9%
Industrial	22	3.17	23%	30.7%
Institutional	1	0.02	0%	1.4%
Office	2	0.07	1%	0%
Residential	314	7.84	57%	58.0%
Transportation and Utility	3	0	0%	0%
Vacant Land	5	0.22	2%	4.0%
Total	378	13.84	100%	

While the residential land area in Rowanwood has stayed consistent since 1992, there has been a decrease in the industrial land area, and an increase in commercial lands.

Figure 10 – Land Use in Rowanwood Residential Enclave



Parcels in this area have zoning that includes M5 (General Industrial), M5 (General Industrial) – Special Exception (SE) 375, and M6 (Light Industrial) – SE 375. SE 375 recognizes the existing dwellings and allows for some expansion. The previous zoning for this area under Zoning By-law 6593 was K (Heavy Industrial) – SE 727.

Figure 11 – Zoning in Rowanwood Residential Enclave



2.6 STAPLETON

Stapleton is located in the general area of Burlington Street East and Stapleton Avenue. The predominant land use in the area is industrial, which accounts for 49 percent of the total area. The existing land use is as follows:

Table 8 – Land Use Breakdown in Stapleton Residential Enclave

	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	1	0.14	13%	0
Industrial	9	0.52	49%	28.4%
Residential	5	0.18	17%	34.3%
Vacant Land	4	0.23	21%	22.6%
Institutional Land	0	0	0	14.7%
Grand Total	19	1.07	100%	

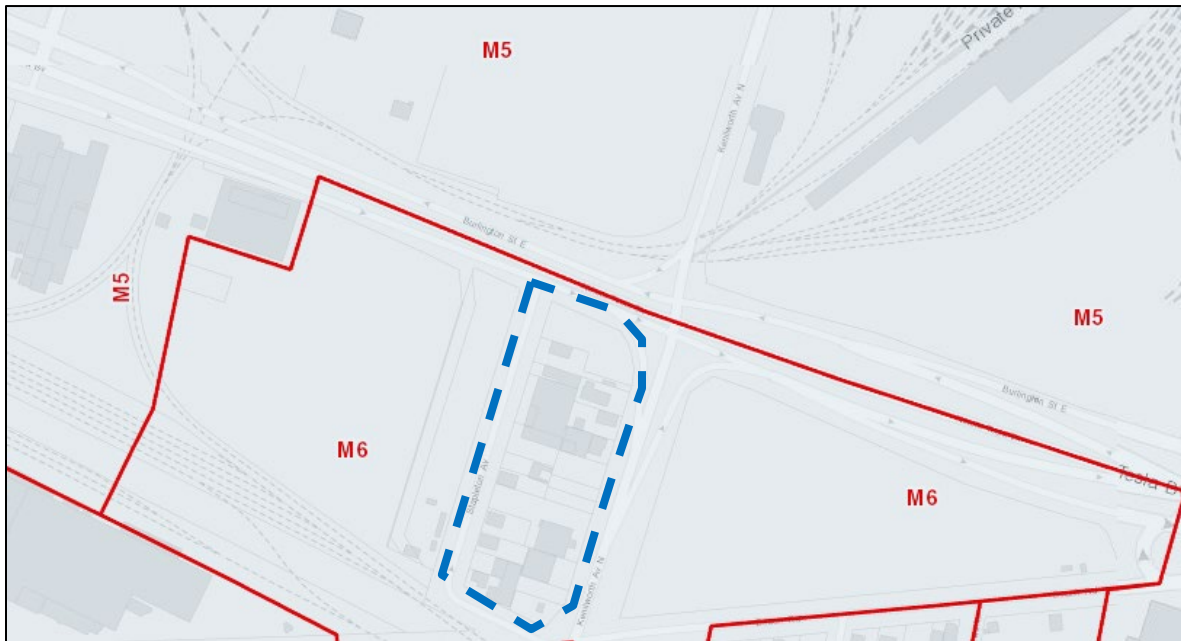
There has been a significant shift in land use in Stapleton since 1992. Industrial land use has increased from 28% to 49%, while residential land area has seen a decline from 34% to 17%. An institutional use has ceased and a commercial use has been added.

Figure 12 – Land use in Stapleton Residential Enclave



The zoning in this enclave is M6 (Light Industrial). The previous zoning under Zoning By-law 6593 was K – Heavy Industrial. There is no special exception applied in this area to recognize the existing dwellings.

Figure 13 – Zoning in Stapleton Residential Enclave



2.7 BEATTY

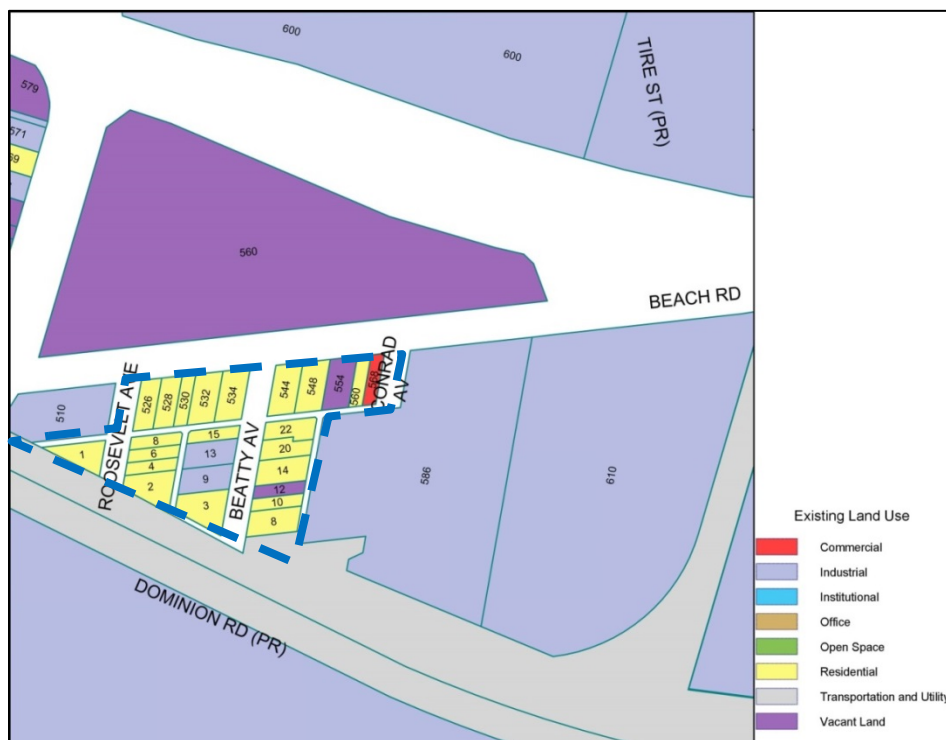
The Beatty residential enclave is located in the general area of Burlington Street East and Beach Road. The predominant land use in this area is residential, with 76 percent of the total area having residential land uses. The existing land uses are as follows:

Table 9 – Land Use Breakdown in Beatty Residential Enclave

	Existing			1992
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	1	0.02	2%	0
Industrial	2	0.08	9%	4.4%
Residential	20	0.71	76%	93.4%
Transportation and Utility	1	0.05	5%	0
Vacant Land	2	0.07	8%	2.2%
Grand Total	26	0.93	100%	100%

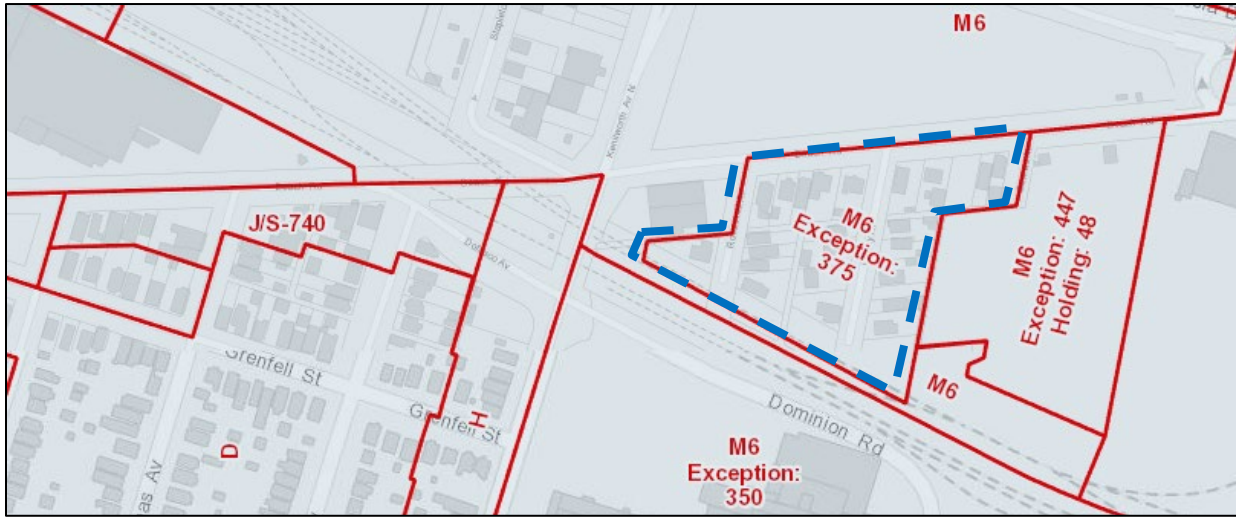
There has been some decrease in residential land area since 1992, and a small increase in industrial land area, but change has been relatively minor.

Figure 14 – Land Use in Beatty Residential Enclave



The zoning for parcels in this area is M6 (Light Industrial) – Special Exception (SE) 375. The previous zoning in this enclave was K (Heavy Industrial) – SE 727. The SE recognizes the residential dwellings and allows for some expansion.

Figure 15 – Zoning in Beatty Residential Enclave



3.0 RESIDENTIAL ENCLAVES IN STONEY CREEK BUSINESS PARK

3.1 MARGARET ENCLAVE

Margaret enclave is located at the northeast corner of Millen Road and Barton Street. The predominant land use in this enclave is residential. Land use in this enclave has been consistent over time. The 1990 study identified that the housing stock in this enclave were in good form and dwellings face each other along a local road, creating a sense of residential environment. The recommendation in 1990 was to recognize and include provisions to protect this residential area in the Secondary Plan for the Industrial Business Park and in the implementing Zoning By-law.

Table 10 – Land Use Breakdown in Margaret Residential Enclave

	Existing			1990
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	2	0.29	6%	6%
Industrial	0	0	0	0%
Residential	43	0.71	94%	94%
Transportation and Utility	0	4.72	0	0
Vacant Land	0	0	0	0%
Grand Total	45	5.01	100%	100%

Figure 16 – Land Use in Margaret Residential Enclave

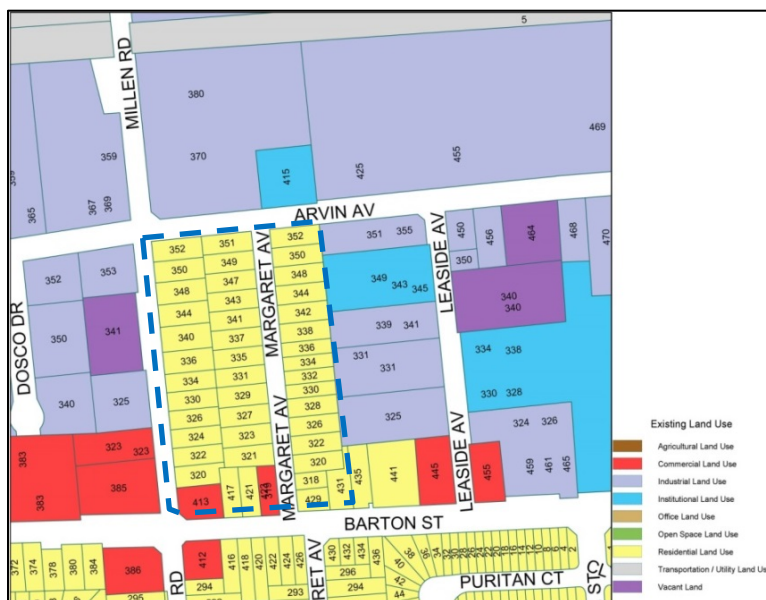


Figure 17 – Zoning in Margaret Residential Enclave



The zoning applicable to lands in the Margaret enclave include the R1 (Single Residential-One) Zone, the ND (Neighbourhood Development) Zone and the GC-28 (General Commercial) Zone in the City of Stoney Creek Zoning By-law.

3.2 BARTON ENCLAVE

The Barton enclave is located on the north side of Barton Street between Fruitland Road and Kenmore Avenue. The previous 1990 Residential Enclave study identified that there were 18 dwellings within the enclave, but several other dwellings in the area that were not considered as part of the enclave because they were not zoned residential and there was significant industry surrounding them. The study also identified recent redevelopment of a site in the enclave to commercial/industrial that divided the enclave into two, which could influence redevelopment of other parcels. The proximity to the Fruitland Road highway interchange and the location on an arterial road could also provide incentive for industrial redevelopment. The recommendation of the 1990 study was to leave these parcels as non-conforming uses in the Stoney Creek Official Plan.

Table 11 – Land Use Breakdown in Barton Residential Enclave

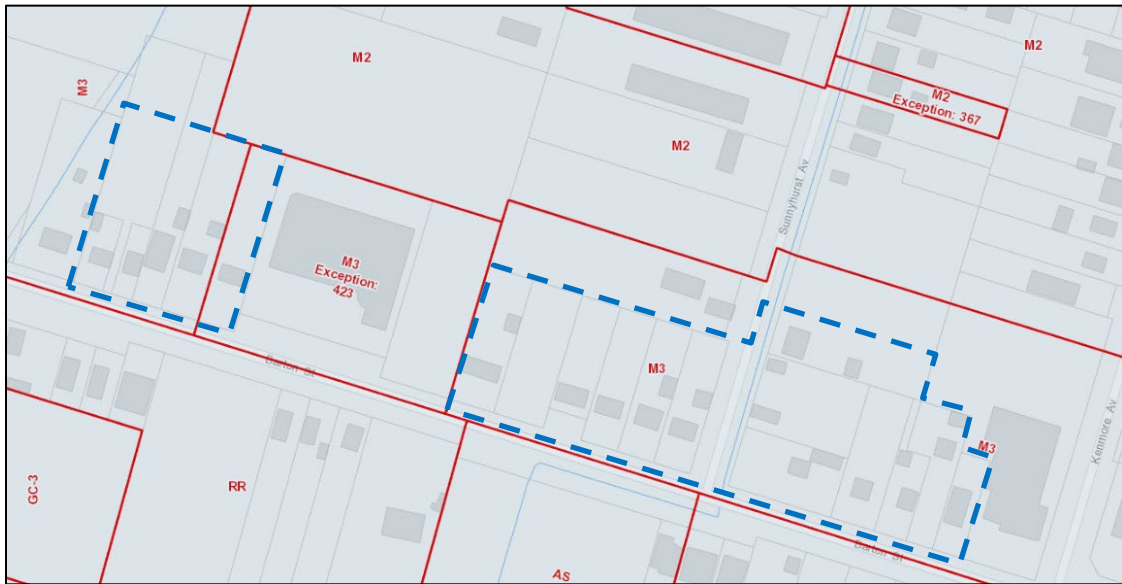
	Existing			1990
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Office	1	0.2	7%	7%
Residential	16	2.07	70%	93%
Vacant Land	3	0.69	23%	0
Grand Total	20	2.96	100%	100%

Of the residential parcels that were included in the enclave study area, three are now vacant (673, 695, 701 Barton St). The use of the remainder of the parcels has not changed.

Figure 18 – Land Uses in Barton Residential Enclave



Figure 19 – Zoning in Barton Residential Enclave



The residential parcels in this area are zoned M3 (Prestige Business Park) Zone. There is no site specific zoning to recognize the residential uses.

3.3 CORNELL ENCLAVE

The Cornell enclave is located at the northeast corner of Barton Street and Jones Road around Cornell Avenue. The existing land use is similar to the land use at the time of the previous 1990 Residential Enclave study. The previous study identified land use conflicts with existing industrial/commercial uses within and surrounding the enclave area. Some of the parcels have lots with frontages on Barton Street rather than Cornell Avenue, which detracts from the sense of neighbourhood in the enclave. The recommendation from the previous study was to leave these parcels as non-conforming uses in the Stoney Creek Official Plan.

Table 10 – Land Use Breakdown in Cornell Residential Enclave

	Existing			1990
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	1	0.17	8%	0
Industrial	2	0.22	10%	13%
Residential	12	1.62	77%	82%
Vacant Land	1	0.1	5%	5%
Grand Total	16	2.11	100%	100%

Figure 20 – Land Uses in Cornell Residential Enclave

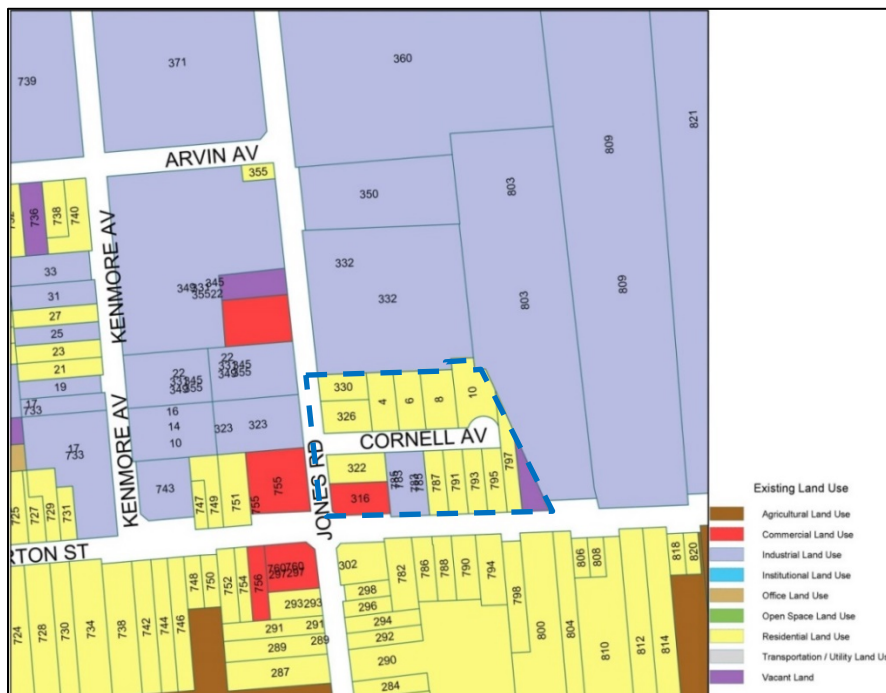
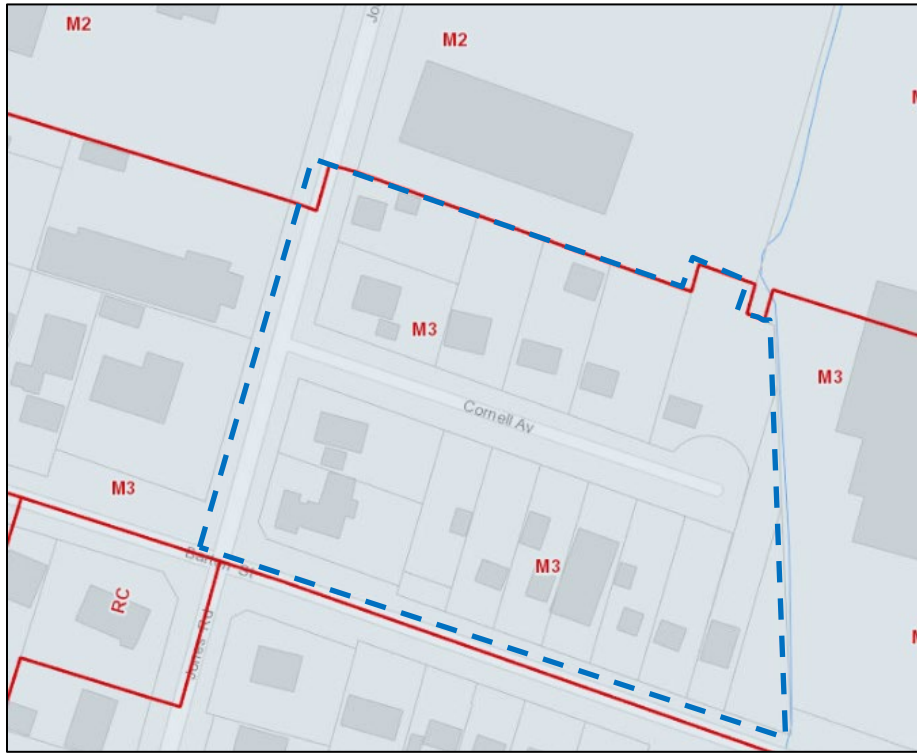


Figure 21 – Zoning in Cornell Residential Enclave



The residential parcels in this enclave are zoned M3 (Prestige Business Park) Zone. There is no site specific zone to recognize the existing dwellings.

3.4 MCNEILLY ENCLAVE

The McNeilly Enclave is located along McNeilly Road between Barton Street and the C.N.R. mainline. The existing land use appears to be similar to the land use that existing at the time of the Residential Enclave study. The previous study identified that there was a potential road extension of Arvin Road that would bisect the enclave on the eastern side. Since the homes to the south of the road extension and east of McNeilly Road were in good condition and relatively undisturbed by industry, in 1990 it was recommended that those parcels remain residential.

Table 11 – Land Use Breakdown in McNeilly Residential Enclave

	Existing			1990
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Industrial	0	0	0	7%
Residential	16	2.43	93%	90%
Vacant Land	2	0.17	7%	3%
Grand Total	18	2.6	100%	100%

Since 1990, land use by area in the McNeilly enclave has been fairly stable. One property that was industrial has been converted to residential, and one previously residential property is now vacant.

Figure 22 – Land Uses in McNeilly Residential Enclave



Figure 23 – Zoning in McNeilly Residential Enclave



The zoning for the parcels on the east side of McNeilly Road, south of the Arvin Avenue extension, is R1 (Residential) Zone, while the remainder of the parcels are zoned M3 (Prestige Business Park) Zone. This is consistent with the recommendations of the 1990 Study.

3.5 WINONA ENCLAVE

The Winona Enclave is located at the eastern boundary of the Business Park, south of the South Service Road, and is bounded by Winona Road, Victoria Avenue, and Oriole Road. At the time of the previous study, the majority of the parcels were zoned residential. Due to the location, lack of facilities, varied state of housing, and mix of uses in the area, the previous study recommended that the parcels stay as non-conforming uses in the Stoney Creek Official Plan, while also creating policy and zoning provisions that promote land assembly and industrial redevelopment for the parcels.

Table 12 – Land Use Breakdown in Winona Residential Enclave

	Existing			1990
	Number of Parcels	Total Area (Ha)	Percentage of Area (%)	Percentage of Area (%)
Commercial	1	0.17	3%	0
Industrial	1	0.56	10%	18%
Residential	14	2.75	51%	64%
Transportation and Utility	1	0.4	7%	0
Vacant Land	4	1.52	28%	18%
Grand Total		5.4	100%	100%

Since the completion of the 1990 Study, the land area in residential and industrial use has decreased, and more land is now either vacant or used for utility purposes.

Figure 23 – Land Uses in Winona Residential Enclave

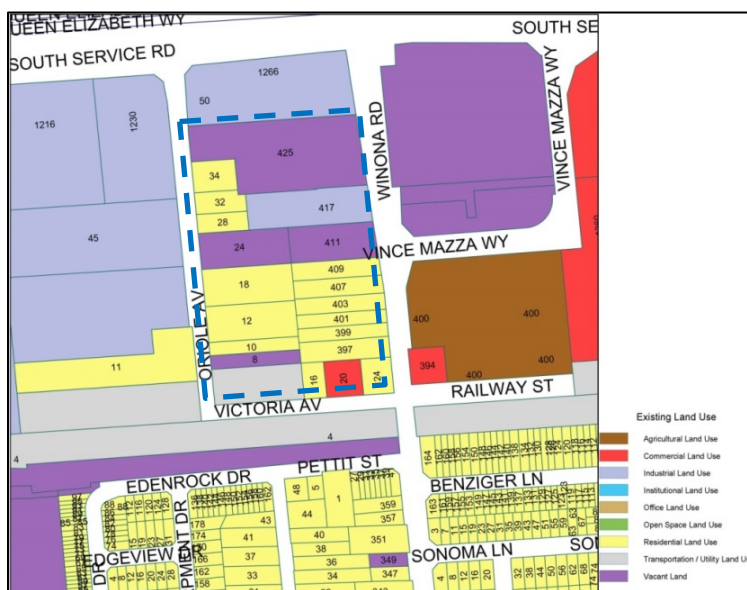


Figure 24 – Zoning in Winona Residential Enclave



All parcels in this enclave are zoned M3 (Prestige Business Park) Zone, with no site specific to recognize the existing residential uses.

4.0 ANALYSIS AND RECOMMENDATIONS

This review of the residential enclaves in Hamilton and Stoney Creek has identified some change in the composition of the enclaves over the past 25 to 30 years, but the residential uses within the enclaves nonetheless remain, and the enclaves have not disappeared or converted entirely to industrial uses. Some enclaves have experienced more change than others. Further, different planning permissions currently apply to different enclaves (eg. three enclaves contain site specific industrial zoning while the majority do not; two enclaves are zoned residential).

4.1 DEFINITION OF AN ENCLAVE

In considering the appropriate land use designation and zoning for the enclaves going forward, the first question staff considered was “is the area still meeting the definition of a residential enclave”? Three criteria were evaluated to determine if the enclave was still in existence:

- Do residential uses continue to form the majority land use in the enclave?
- Has the percentage of residential land uses in the enclave remained fairly stable over time?
- Does the enclave contain a grouping of at least 10 or more contiguous residential parcels (consistent with previous criteria utilized in 1990 Stoney Creek study)?

If one of the above three criteria were not satisfied, the area was deemed to no longer meet the definition of an enclave. Table 13 below summarizes the performance of each enclave against the criteria.

Table 13 – Comparison of enclaves to criteria

Enclave	Zoning	Is residential the majority land use?	Have residential uses remained stable over time?	10 + contiguous residential parcels?
Land	M5 & M6, SE 375	✓	✓	✓
Leeds	M5	✓	✓	✓
Alpha East	M5	X	✓	X
Biggar	M5	✓	✓	✓
Rowanwood	M5 & M6, SE 375	✓	✓	✓

Stapleton	M6	X	X	X
Beatty	M6, SE 375	✓	✓	✓
Margaret	R1, ND	✓	✓	✓
Barton	M3	✓	X	✓
Cornell	M3	✓	✓	✓
McNeilly	R1, M3	✓	✓	✓
Winona	M3	✓	✓	✓

Based on the above, Alpha East, Stapleton and Barton enclaves are no longer meeting the definition of a residential enclave due to change in land use composition over time. The residential uses still existing in these enclaves are currently zoned industrial (M3, M5 or M6) and are considered legal non-conforming provided they were legally established under previous zoning.

Recommendation: no change to planning permissions is required for Alpha East, Stapleton, and Barton enclaves. These areas are no longer meeting the definition of a residential enclave. Existing uses will maintain legal non-conforming status.

4.2 OFFICIAL PLAN AND ZONING CONSIDERATIONS

For the remaining areas which are still meeting the definition of a residential enclave, staff reviewed the existing planning permissions for each area, and whether or not any changes are required. Two primary factors were considered:

- In recognition of the longevity of the residential uses in these enclaves and stability over time, how can planning permissions be enhanced to provide flexibility and opportunity for property owners, while still maintaining conformity with provincial and local planning policy direction to preserve and protect employment lands?
- How can consistency in designation and zoning amongst the enclaves be improved?

The following discussion summarizes the recommendations for the enclaves, grouped together by current status of planning permissions:

4.2.1 LAND, ROWANWOOD AND BEATTY

These three enclaves in Hamilton are designated Industrial Land and zoned M5 or M6 with Special Exception (SE) 375. SE 375 recognizes the existing residential use on the property and identifies special setbacks which would apply to additions or alterations to the existing residential use.

Within these enclaves, the composition of land uses has been fairly stable, and residential uses remain the majority land use. The percentage of residential land area has decreased minimally in Beatty and Land, with a corresponding small increase in industrial area. Residential land area has remained consistent in Rowanwood, with a slight drop in overall industrial land area, and an increase in commercial uses.

The existing SE 375 provides recognition of the existing residential uses in these enclaves and allows for additions or alterations to the existing dwellings. Therefore, there are no recommended changes to the planning permissions for these enclaves, with the exception of extending the SE 375 zoning to include a small group of homes fronting on Oliver and Wentworth Streets in the Land enclave.

Recommendation: extend SE 375 to include homes at Oliver and Wentworth Streets in the Land enclave; no changes required for Beatty and Rowanwood.

4.2.2 LEEDS, BIGGAR, CORNELL, AND WINONA

These enclaves in Hamilton and Stoney Creek are currently designated Industrial Land and zoned M5 (Leeds, Biggar) or designated Business Park and zoned M3 (Cornell, Winona). There are no special exceptions within these enclaves to recognize the existing residential uses. The dwellings in these enclaves are considered legal non-conforming (provided they were legally established under the previous zoning). As a legal non-conforming use, section 1.11 of Zoning By-law 05-200 permits the addition of a porch, deck, balcony etc, or an accessory building, swimming pool or hot tub. However, additions or extensions to the dwelling beyond those identified in section 1.11 would require an application under the *Planning Act* to the Committee of Adjustment for the extension or enlargement of a legal non-conforming use.

Within these enclaves, residential remains the predominant land use in terms of land area and number of properties, though for most of these areas there has been a small decline in the amount of residential land area over time. Industrial uses have remained stable or seen a small decline over time. As the residential uses in these enclaves have generally remained stable over time, it is recommended that the special exception SE 375 be applied to the zoning in these enclaves. Applying this exception would provide added property rights to the landowners in these enclaves and allow freedom to expand or

renovate the existing dwellings without the need to apply for additional planning approvals (provided zoning by-law provisions are met). Applying the zoning exception on these lands is not considered an employment land conversion, and therefore could be completed in advance of the completion of the MCR. It is anticipated that the special exception could be applied to these properties as part of the next Zoning By-law 05-200 Housekeeping Update following Council approval of the Residential Enclaves Review .

The special exception should be applied as follows:

- Leeds: apply SE 375 to 910 – 922 Burlington St E, 116 – 122 Birmingham St, 7 – 9 Leeds St, 2 – 10 Leeds St. The properties at 940 – 944 Burlington St E are isolated from the other parcels and should remain legal non-conforming. (Figure 25)



Figure 25

- Biggar: apply SE 375 to the residential dwellings at 23 to 57 Biggar Avenue. (Figure 26)

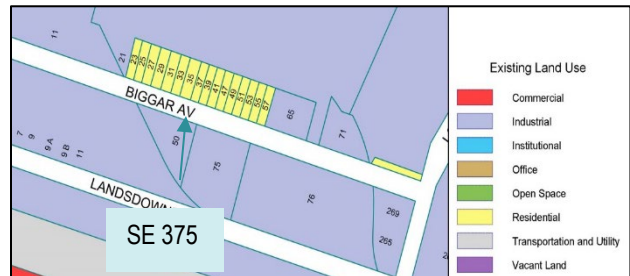


Figure 26

- Cornell: apply SE 375 to 4 – 10 Cornell Ave, 787 – 797 Barton St, 316 – 330 Jones Rd. (Figure 27)

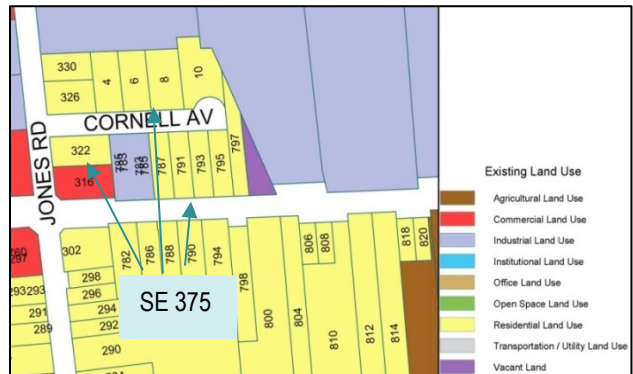
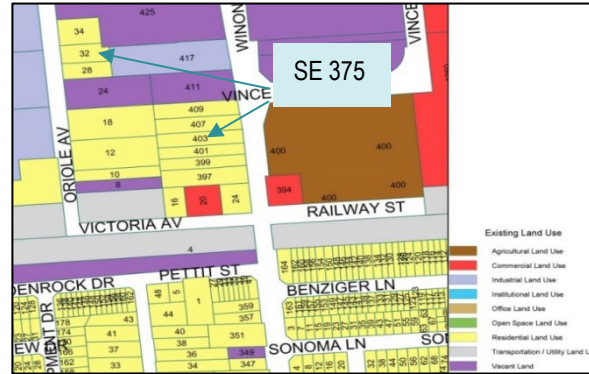


Figure 27

- Winona: apply SE 375 to 397 – 409 Winona Rd, 10 – 18 Oriole Ave, 28 – 34 Oriole Ave, and 16 and 24 Victoria Ave. (Figure 28)



Recommendation: apply Special Exception SE 375 to the residential properties in Leeds, Biggar, Cornell, and Winona, as shown in Figures 25 - 28 above.

4.2.3 MARGARET AND MCNEILLY

Margaret and McNeilly are enclaves in the Stoney Creek Business Park which are both designated Business Park in the UHOP, but which contain residential zoning (Margaret is zoned R1 and ND, McNeilly is a mix of R1 and M3). There is currently a mis-alignment in these enclaves between the Official Plan designation and the Zoning By-law, which needs to be addressed.

Both of these enclaves are predominantly residential (94% and 93% respectively), and contain no industrial land uses. Both have been stable over time. However, beyond those similarities, there is also a considerable difference in the size and layout of these two enclaves. Margaret (5 ha, 43 residential dwellings) is considerably larger than McNeilly (2.6 ha, 16 residential dwellings). The Margaret enclave forms a continuous residential block along the entirety of both sides of Margaret Avenue between Barton Street and Arvin Avenue, in addition to the dwellings fronting onto the east side of Millen Road. The McNeilly enclave, in contrast, is a dis-continuous row of dwellings on the east side of McNeilly Road, in addition to four dwellings on the west side of McNeilly, with industrial uses to both sides. Only the first 8 dwellings on the east side of McNeilly Road north of Barton contain residential zoning.

In recognition of the above, to correct the current discrepancy between the land use designation and the zoning of these enclaves, staff recommend the following:

- Margaret – this enclave should be removed from the Business Park designation and re-designated to Neighbourhoods as part of the MCR Employment Land Review. This conversion of these lands recognizes the long-standing residential uses on the lands, which have experienced no intrusion of industrial uses over time. The conversion would not create a boundary issue as the entirety of the block between Barton and Arvin can be redesignated on both sides of Margaret and the east side of Millen.

Conversion is not anticipated to create incompatible land uses as the existing situation has existed for many years with little change or conflict. This change would correct the existing non-conformity between the UHOP and the Zoning By-law, and would allow the landowners to maintain their existing property rights established through the zoning. (Figure 29)

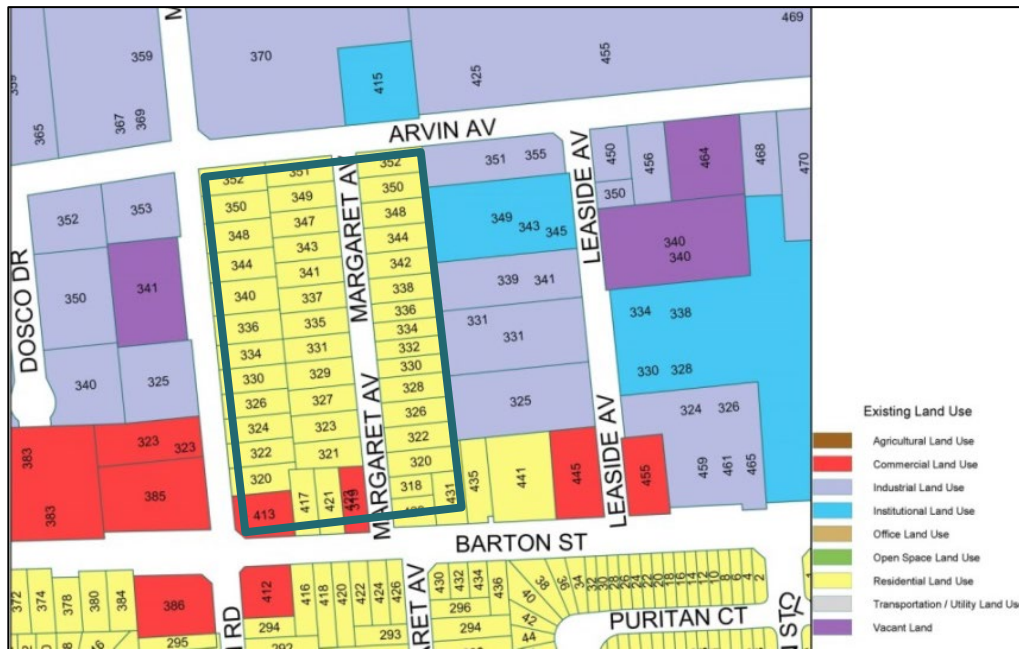


Figure 29 – Margaret enclave: lands to be redesignated to Neighbourhoods

- McNeilly – staff are not recommending a re-designation of this enclave, which would result in an illogical boundary between the Neighbourhoods and Business Park designations, particularly on the west side of McNeilly. The size and smaller number of dwellings in this area do not warrant redesignation. Further, entrenching the residential lands uses further through Official Plan designation could impact the viability of adjacent industrial parcels in the future by precluding future redevelopment for employment uses on some of the surrounding vacant or underutilized parcels. Currently, only eight dwellings on the east side of McNeilly Rd are zoned residential. Staff recommend rezoning the subject lands from the Single Residential (R1) Zone and the Prestige Business Park (M3) Zone to the Prestige Business Park (M3) Zone with Special Exception 375. Applying this exception would allow freedom to expand or renovate the existing dwellings without the need to apply for additional planning approvals (provided zoning by-law provisions are met). (Figure 30)

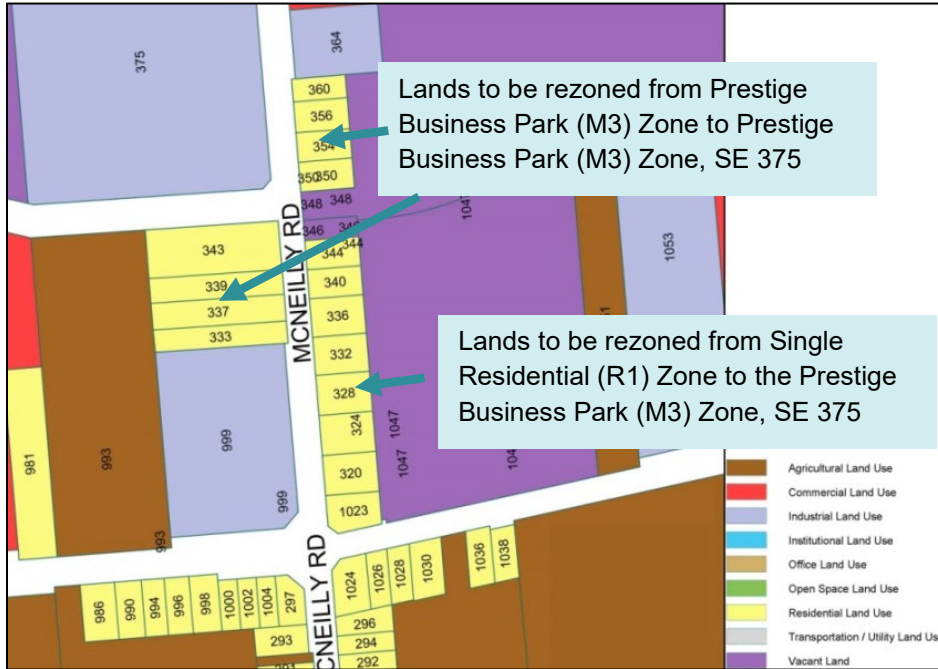


Figure 30 – McNeilly enclave: lands to be rezoned

Recommendation: Redesignate the Margaret enclave from Business Park to Neighbourhoods in the UHOP. Change the zoning of the McNeilly enclave from the Single Residential (R1) Zone and the Prestige Business Park (M3) Zone to the Prestige Business Park (M3) Zone with Special Exception 375.

5.0 CONCLUSIONS

Considerable study of the residential enclaves in the Bayfront Industrial Area and the Stoney Creek Business Park has occurred over the years. This review has examined the existing land uses in each of the enclaves as well as the change in composition of the lands uses over time. In general, with the exception of three enclaves, land use change in the enclaves has been fairly minor, and the enclaves maintain their primarily residential composition.

In light of this conclusion, the policy and zoning changes recommended in this report will improve consistency in planning permissions among the enclaves, provide increased property rights for land owners, and correct an existing discrepancy between the Official Plan and Zoning By-law for two enclaves in Stoney Creek.

**EMPLOYMENT LAND REVIEW:
*REQUESTS FOR CONVERSION***

CITY OF HAMILTON

AUGUST 2021



Hamilton

REQUESTS FOR CONVERSION – EMPLOYMENT LAND REVIEW

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1.0 INTRODUCTION

The purpose of the Employment Land Conversion Analysis (“conversion analysis”) is to identify if any lands currently designated “Employment Area” in the Urban Hamilton Official Plan warrant conversion to a non-employment land use. The conversion analysis involved the identification of lands located along the edge of Employment Areas that were also located within a mixed use area, where land uses have morphed over time and a site / area may be more suitable for a non-employment land use designation.

In addition to City staff’s review of Employment Area boundaries for potential conversion sites/areas, staff invited public requests for conversions. Staff presented at the Open for Business Subcommittee on May 25, 2017 to share project information and advise Councillors, members of the public, and the business community of the opportunity for members of the public to submit conversion requests. Notices were also placed in the Hamilton Spectator (June 2nd, 2017) and the Realtors Association of Hamilton and Burlington (Issue 5 – June 2017). Project and public request information was available on the City’s website.

In November 2019, staff presented the draft findings of Employment Area Conversion Analysis (Report PD17010(f)) including the Residential Enclaves Review and Requests for Employment Conversion. The draft results of the Employment Land Review were presented for public review through a series of Open Houses in November and December 2019 for the GRIDS2 – MCR project. Following the release of the draft Employment Land Review and public open houses, staff received additional information from applicants to support their conversion requests. Furthermore, the completion of the Land Needs Assessment has determined that the supply and demand for future Employment Area lands is relatively balanced to the year 2051. A small surplus of land may be available to support a limited number of conversion requests at this time through the MCR. The updated analysis of the requests for conversion are provided in the following sections of this report.

Land Needs Assessment

The City undertook a Land Needs Assessment (LNA) in order to determine if additional Employment Area land is required to accommodate future job growth to the year 2051. Employment forecasts are provided in Schedule 3 of The Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), and Hamilton is forecasted to grow by 122,090 jobs by the year 2051. The LNA, completed for the City by Lorus and Associates, indicates that of the forecasted job growth, roughly 112,000 of these jobs are anticipated to be located in Hamilton’s Employment Areas. The existing Employment Areas in the City have been determined, through the LNA, to be able to accommodate approximately

114,000 jobs until the year 2051. Therefore, the supply and demand of employment land to anticipated job growth are roughly in balance, and there is no need for additional Employment Area land to the year 2051. The small difference in the anticipated supply and demand over the 30-year planning horizon equates to a small surplus of Employment Lands, representing approximately 60 hectares. While this surplus is within the margin of error for the LNA for Employment Land supply analysis, it does provide limited opportunity for some Employment Area conversions to be considered through the Municipal Comprehensive Review.

1.1 CRITERIA FOR CONVERSION ANALYSIS

Growth Plan criteria:

A new Growth Plan for the Greater Golden Horseshoe was released in May, 2019 and amended in August 2020. Policy 2.2.5.9 of the Growth Plan identifies criteria that must be met prior to the conversion of lands to non-employment uses. The Provincial conversion criteria, as outlined in the Growth Plan, are as follows:

- “2.2.5.9 The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:
- a) there is a need for the conversion;
 - b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
 - c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
 - d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and
 - e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.”

The 2019 Growth Plan update introduced the concept of Provincially Significant Employment Zones (PSEZs). PSEZs are employment areas identified by the Province for the purpose of long term employment planning and economic development. In Hamilton, three of the City’s employment areas have been identified as PSEZs:

- Bayfront Industrial Area, East Hamilton Industrial Area and Stoney Creek Business Park;

- Red Hill North and South Business Parks; and,
- Airport Employment Growth District.

Policy 2.2.5.12 of the Growth Plan 2019, as amended, indicates that additional PSEZs may be identified by the Minister in the future, and that specific direction for planning in those areas will be provided. To date, no further policy direction regarding PSEZs has been provided by the Province.

The Growth Plan 2019, as amended, provides additional direction regarding Employment Land conversion for lands outside of the PSEZs in Policy 2.2.5.10:

“Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the conversion would:

- a) Satisfy the requirements of policy 2.2.5.9 a), d) and e);
- b) Maintain a significant number of jobs on those lands through the establishment of development criteria; and
- c) Not include any part of an employment area identified as a provincially significant employment zone unless part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.”

While it is acknowledged that policy 2.2.5.10 permits employment land conversions outside of PSEZs to be considered in advance of the completion of the MCR, it is the City’s intention to consider employment land conversion comprehensively as part of the MCR. This report is being prepared as part of the City’s MCR, and any recommended conversion sites will be implemented as part of the final MCR submitted to the province for approval.

Criteria (a) of Policy 2.2.5.9 addresses the question of ‘need’ for the conversion. For the purposes of this review, staff consider the test of need as being whether or not there are compelling, site / area specific requirements to convert the lands to a non-employment designation. This could include considerations of existing and surrounding land uses, suitability (size, location) of a property to accommodate employment uses, or potential benefit arising from a proposed non-employment use. The question of ‘need’ is not directly related to the City’s overall employment land supply, rather it is a local, site specific consideration of each conversion candidate.

Criteria (b) and (c) of Policy 2.2.5.9 relate to the City’s overall employment land need and determination that the conversion lands are not required for employment purposes to the planning horizon, and that the City will maintain sufficient employment lands. When considering the City’s overall employment land needs, it must be remembered

that determining employment land need must take into account the adequacy of land supply to accommodate projected growth. It is not only about the amount of land available (supply), but also about the location, size, and readiness for development of the available lands. For this analysis, the sites and areas under consideration are small in size, in some cases are already developed with other uses, and / or are located in an area with a mix of existing uses. As noted in the previous section, the results of the City's Land Needs Assessment indicate that the City has an adequate supply of employment designated lands to meet the forecasted job to 2051. Based on the parcel size of the requested conversions, none of the sites under consideration would offend criteria (b) and (c) of Policy 2.2.5.9.

City of Hamilton criteria:

In accordance with Policy F.1.1.11 of the Urban Hamilton Official Plan, the City of Hamilton has established additional criteria to guide the conversion analysis. Both Provincial and municipal evaluation criteria were used to evaluate potential conversion of sites in Employment Areas.

Additional criteria established by the City of Hamilton are:

1. Site(s) are mixed use blocks and located along the edges of employment areas;
2. Conversion of the site(s) will not adversely affect the long-term viability and function of the employment areas;
3. Conversion of the site(s) will not compromise any other planning policy objectives of the City, including planned commercial functions;
4. Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure;
5. Conversion of the site(s) will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities;
6. Conversion of the site(s) will not create incompatible land uses, including a consideration of the Ministry of Environment, Conservation and Parks Land Use Planning guidelines (D-series guidelines); and,
7. Conversion of the site(s) will result in a more logical land use boundary for an employment area.

This criteria was modified from the criteria utilized in the City's 2008 Employment Land Conversion Analysis. The previous analysis included additional criteria to address smaller industrial area (less than 10ha) and scattered industrial sites. There has been

no change to these smaller areas since 2008, and therefore these areas are not being reviewed further in this analysis, and the additional criteria was removed. The remainder of the criteria from 2008 remains valid and applicable to the review of employment lands and has been utilized for this analysis.

City of Hamilton criteria 1 was used as an initial screening of conversion requests to determine whether a site / area may warrant additional information / studies, such as a Planning Justification Report, Noise Impact Study, or other supporting studies. All of the above criteria, including Provincial criteria in the Growth Plan, must be met prior to staff recommending conversion of a site.

1.2 CONVERSION REQUESTS

In total, 22 requests were submitted for conversion consideration. Two submissions from separate applicants were received for properties in the same vicinity (former Westinghouse site), and therefore these submissions are reviewed together in this report. One submission (for the property at 2255 Barton Street East, Stoney Creek) is located in an area that has already been identified by the City as an area of recommended conversion (see Volume 1 of this report), so it is not considered further in this review. Finally, one submitter withdrew their request during the review period. Therefore, a total of 19 sites / areas are reviewed in this report.

Submitters were asked to outline the site, current uses, the proposed use / conversion, and justification for how the site /area would meet both the Provincial and municipal conversion criteria. Staff identified six sites / areas as meeting criteria 1 and warranting further analysis. Additional studies were requested for these sites / areas. Additional studies were submitted to the City's Planning Division for four of these sites / areas.

This report provides a planning analysis of the sites / areas where conversion was requested. The report first identifies the sites which did not pass criteria 1. For the majority of those sites, no further analysis was conducted. However, in cases where additional information was provided by the submitter after criteria 1 was determined not to be met, Staff have provided a brief analysis. None of the sites which did not pass Criteria 1 are being recommended for conversion, **with the exception of the site at 1280 Rymal Road East and 385 Nebo Road which was directed for conversion by Council motion**. In addition, four sites are being deferred from consideration at this time. One deferral is to allow additional time for the applicant to submit detailed information about the conversion for Staff review and consideration. Another deferral is to allow for Staff to have more time to review the proposed conversion in the context of the development of the existing business park. For two of the sites, the deferral is due to their location adjacent to rural lands that may be considered as part of the evaluation process for urban boundary expansion as part of the Municipal Comprehensive Review (pending

the results of the land needs assessment). The report then provides an in-depth analysis for each of the remaining sites that did pass criteria 1, and Staff recommendations are identified for each of these sites.

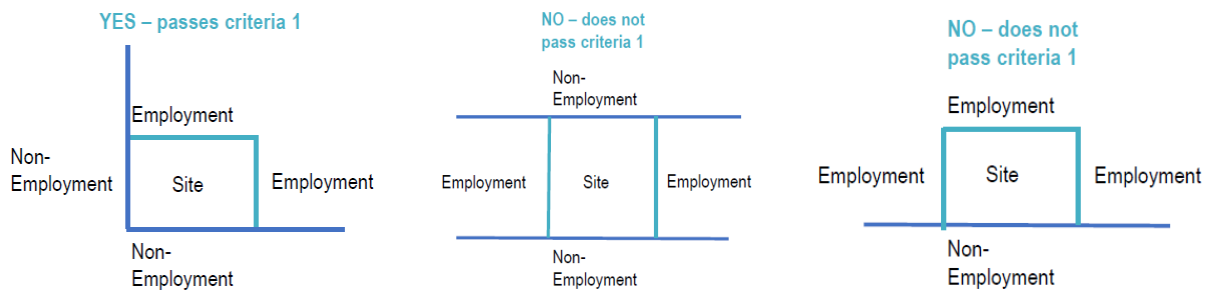
2.0 INITIAL SCREENING

2.1 – CRITERIA NUMBER ONE NOT PASSED

City of Hamilton Criteria 1 stipulates that a site / area must be in a mixed use block and located along the edge of the employment area.

Edge Criteria

The intent of this component of the criteria is to ensure that in converting a site, Employment Areas are not compromised by truncating other existing employment uses from the remainder of the Employment Area. Thus, only edge properties are considered for conversion. Individual sites that only had one edge located along the boundary of an employment area were not considered as edge properties. Generally, sites with 2 or more edges located along the boundaries of an employment area were typically considered as edge properties, though each site was reviewed in context (for example, the property at 1400 South Service Rd, Stoney Creek has two edges which abut non-employment designated lands, but the site is in the middle of a large area of vacant employment lands, with employment designated lands to the east and west, and therefore is not considered a true edge parcel). This determination is summarized in the diagrams below:



Mixed-use Block Criteria

Sites / areas were only considered for conversion if the abutting/adjacent land uses were mixed use. This component of the criteria ensures that a site is converted only if the existing context has significantly morphed over time, and conversion to another use would be appropriate given the mixed use nature of the area. It is important to clarify that sites which are currently vacant or occupied by existing residential or agricultural uses, and are likewise surrounded by lands not yet developed for employment

purposes, are not considered to meet the criteria of a mixed use area. These sites are currently underdeveloped but expected to evolve over time into the designated employment use. The ‘mixed use’ criteria is meant to capture sites that are within developed areas that have changed over time from a typical employment area into a mixed use or commercial nature.

Both aspects of criteria 1 must be met for a site / area to pass the initial screening. Any submission that did not meet criteria 1 was not further considered for potential conversion. Therefore, no additional studies were requested. Of the nineteen (19) sites/areas submitted for conversion, ten (10) sites did not pass criteria 1 (see Table 1):

Table 1 – Conversion Requests – Did Not Pass Initial Screening

Site Address	Existing Use / Context	Employment Area (Designation) / Zoning	Suggested / Requested Redesignation	Why Request Did Not Meet Criteria 1
Concession 4, Lots 13, 14, 15, and 36, Ancaster (25.14 Ha total)	Vacant	Ancaster (“Business Park”) M2, P5	Residential	This site is not located along the edge of the Employment Area and is not in a mixed use area.
330 Nash Road, Stoney Creek (1.62 Ha)	Vacant	Stoney Creek (“Business Park”) M6 – 414	Commercial/ retail or high density residential	This site is not located along the edge of the Employment Area.
21 and 20 Brockley Drive, Stoney Creek (1.32 Ha)	Vacant building	Stoney Creek (“Business Park”) M2 – 414	Mixed Use (retention of existing uses plus commercial and office uses)	These sites are not located along the edge of the Employment Area.
212 Glover Road, Glanbrook (26.60 Ha)	Vacant	Red Hill South (“Business Park”) M3	Mixed use (ground floor commercial with residential)	This site is not located along the edge of the Employment Area and is not in a mixed use area.
Portion of 140 Garner Road East, Ancaster (approx. 33 Ha)	Agriculture	AEGD (“Airport Prestige Business” with Site Specific Policy – Area	Requesting expansion of the employment supportive uses and potential for	This site is not in a mixed use area. Note: Addition of non-employment use

Site Address	Existing Use / Context	Employment Area (Designation) / Zoning	Suggested / Requested Redesignation	Why Request Did Not Meet Criteria 1
		"H") M11 – 26 and H57	mixed use inclusive of residential to support gateway	permissions to lands designated Employment is considered to be a conversion.
404 Fruitland Road, Stoney Creek (5.28 Ha)	Motor Vehicle Wreckers Yard	Stoney Creek ("Business Park") M3 – 401 with H-25	Commercial (retail commercial complex including several freestanding restaurant pads, retail stores, and anchor grocery store; hotel, community centre, movie theatre)	This site is not along the edge of the Employment Area (only one edge abuts non-employment designation).
1400 South Service Road, Stoney Creek (7.28 Ha)	Currently vacant, formerly dwellings	Stoney Creek ("Business Park") M3 – 404	Mixed use with residential, commercial and office uses	This site is not along the edge of the Employment Area. It is in the middle of a large block designated Employment and therefore conversion would result in the creation of 'orphan' employment parcels. Although Criteria 1 was not passed, the applicant submitted additional material for staff review to demonstrate the need for conversion. The additional material did not demonstrate a need for conversion.
105 Beach Road, Hamilton (0.15 Ha)	Vacant building (formerly	Bayfront ("Industrial	Renovation of existing building to contain two	The site is not along the edge of the Employment Area.

Site Address	Existing Use / Context	Employment Area (Designation) / Zoning	Suggested / Requested Redesignation	Why Request Did Not Meet Criteria 1
	contained restaurant and 2 dwelling units), parking area	Land") M6 – 375	restaurants and 10 dwelling units; construction of additional building with 4 dwelling units.	
1280 Rymal Road East and 385 Nebo Road, Hamilton (5.3 ha)	Vacant, site approved for commercial development	Red Hill North ("Business Park") M3 and M4	Inclusion of specialty food store in commercial development of site.	The site is not located at the edge of the Employment Area. Although Criteria 1 was not passed, the applicant submitted additional material for staff review to demonstrate the need for conversion. The additional material did not demonstrate a need for conversion. (note: site recommended for conversion by Council)

ADDITIONAL ANALYSIS

The following subsections of the report provide a summary of the additional analysis undertaken by Planning Staff in circumstances where the submitter had provided further information for consideration, but where Planning Staff have determined the property did not pass City Criteria 1 - Site(s) are within an area that contains a mix of uses and located along the edges of employment areas. Three sites have been given further analysis in this section, however none are recommended for conversion to non-employment uses.

2.1.1 – 1400 SOUTH SERVICE ROAD, STONEY CREEK

Overview and Existing Context

The lands at 1400 South Service Road are approximately 7.3 hectares in size and currently designated as “Business Park” on Schedule E-1 of the Urban Hamilton Official Plan. The lands are located within the Fruitland-Winona Secondary Plan area. The surrounding parcels to the east and west are designated for employment uses, and the employment uses extend beyond the City boundary into the Town of Grimsby (Region of Niagara). The QEW Niagara corridor is located to the north, and a rail corridor is located immediately to the south. A linear watercourse is located on the east side of the subject lands and is designated as part of the City’s Natural Heritage System. The subject lands are currently undeveloped.



Figure 1 – Land Use designations for 1400 South Service Road and surrounding lands

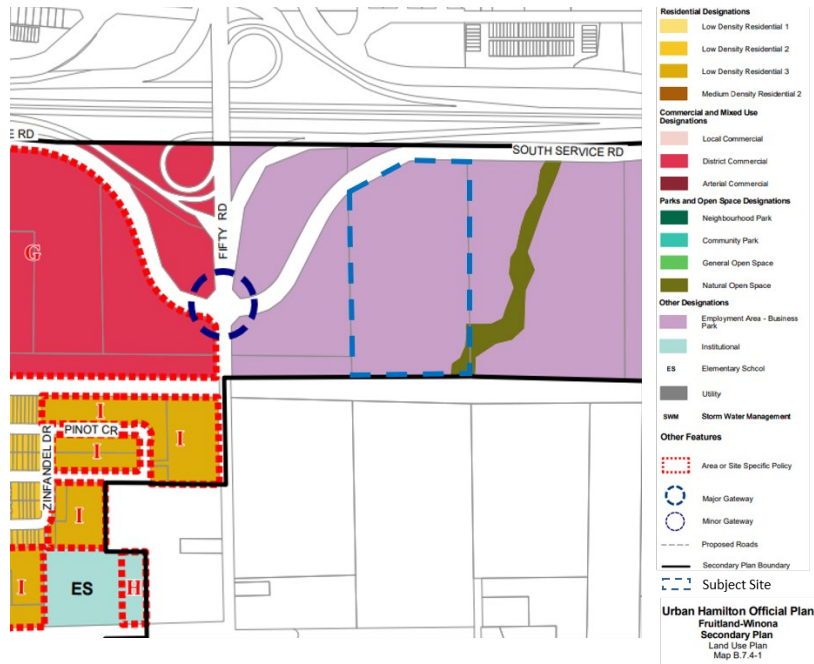


Figure 2 – Fruitland-Winona Secondary Plan area with 1400 South Service Road within Plan area

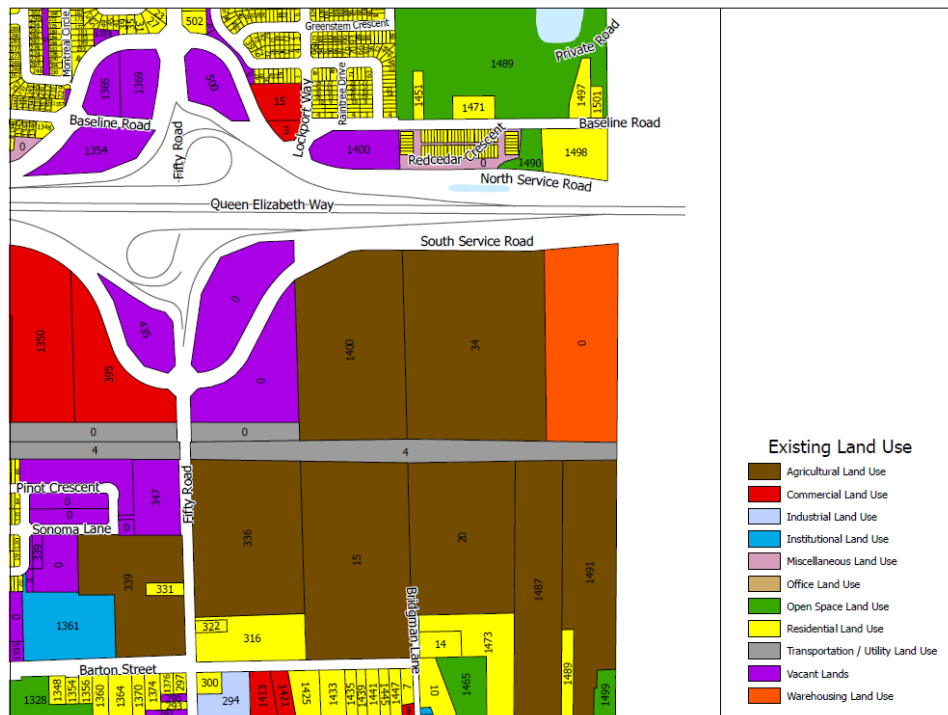


Figure 2 – Land Uses for 1400 South Service Road and surrounding lands

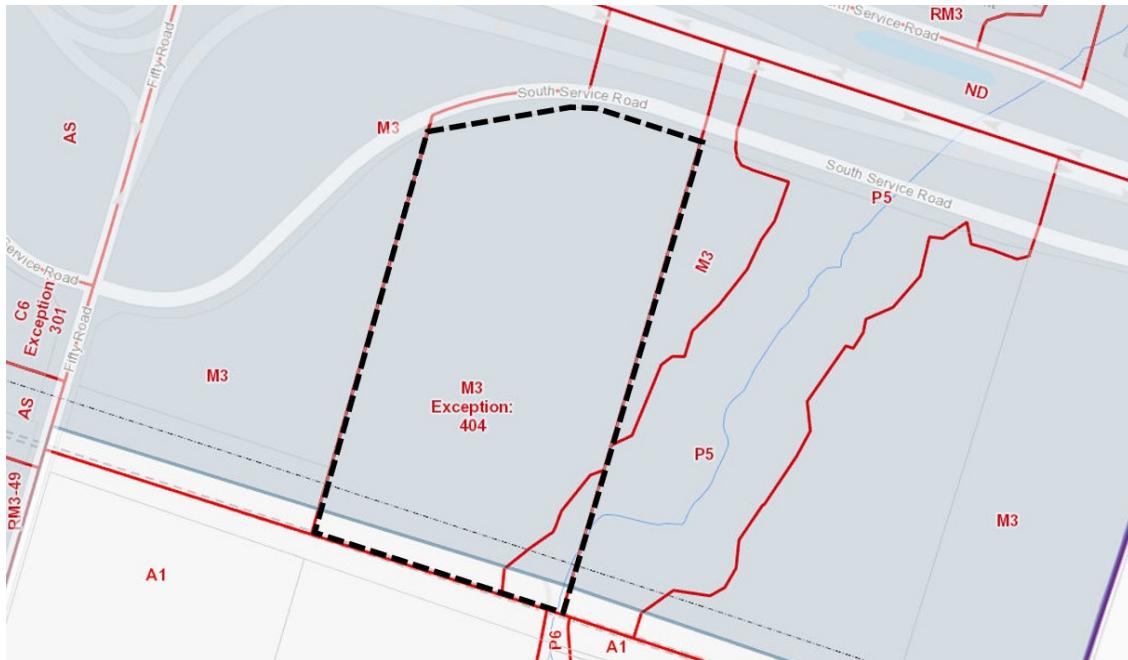


Figure 3 - Zoning for 1400 South Service Road

Applicant's Proposed Conversion, Proposed Land Use, and Rationale

Following the presentation of the Draft Employment Land Review and Request for Conversion analysis, the agent for the property owner of 1400 South Service Road provided Staff with a supplementary letter indicating how they feel the proposal meets the provincial and City evaluation criteria. The applicant indicates that the proposed conversion to allow a high-density, mixed-use development on this parcel would support future transit facilities along the GTA-Niagara rail corridor, as well as local transit expansion. The applicant has provided the opinion that the watercourse east of the parcel bisects the employment area and creates an edge condition.

Staff have investigated future plans for transit station facilities in the area of the subject lands by consulting Metrolinx documentation as well as City Transportation staff. While the site is located along the Go Transit Niagara Rail Line, the 2018 Metrolinx Regional Transportation Plan does not indicate a future regional transit station at the intersection of the QEW and Fifty Road. The nearest identified rail station locations for this route are the Confederation GO station (10km west) and a Grimsby station at Casablanca Boulevard (2.4km east). Based on this information, there does not appear to be a plan for a regional higher order transit to service the immediate area of Fifty Road and the QEW.

Staff recognize that on Appendix B – Major Transportation Facilities and Routes of the Urban Hamilton Official Plan and Map B.7.4-3 – Transportation Classification Plan of the Fruitland-Winona Secondary Plan there is a 'future multi-modal transportation hub'

identified at the Winona Crossing site on the west side of Fifty Road. Should this transit hub be developed by the City in the future, it would be serviced by local transit routes, not a 'potential rapid transit line' as indicated on UHOP Volume 1, Appendix B – Major Transportation Facilities and Routes and Map B.7.4-3 – Transportation Classification Plan of the Fruitland-Winona Secondary Plan. Planned rapid transit along the B-Line is identified to Eastgate Square (Centennial Parkway). Through future updates to the UHOP, identification of a 'potential rapid transit line' extending eastward from Eastgate Square to Fifty Road is planned to be removed from the appropriate mapping schedules and appendices to recognize the current plans for local transit service.

Table 2 – Analysis of 1400 South Service Road, Stoney Creek Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	The need for conversion has not been established. There are no higher order transit facilities planned at the intersection of Fifty Road and the QEW that would necessitate the development of this parcel to support ridership. A future local transit hub in the Fifty Road and QEW area may be developed in the future, however the timing of providing transit services to this area is not definitive. The immediate area is well served with residential designated land in the Fruitland-Winona Secondary Plan and the nearby Urban Lakeshore Area Secondary Plan.	No
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	The lands are designated as "Business Park" in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 which has demonstrated that the City has sufficient employment land supply for the planning horizon. The removal of the lands for employment purposes would not significantly impact the overall land supply for the uses for which it was designated.	Yes

Conversion Criteria	Analysis	Conversion Criteria Met?
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan</p>	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051, with a small surplus of approximately 60 hectares.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	<p>Neutral</p>
<p>The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan</p>	<p>The lands are not located on the periphery of an industrial area. Development of sensitive land uses on this property may compromise the development of future employment uses on adjacent parcels. The Fruitland-Winona Secondary Plan adequately accommodates residential development densities in the established residential designations. Additional residential designated land is not needed in the Secondary Plan area. Development of this parcel with high-density mixed-uses may compromise the ability of priority intensification areas of the City (Downtown Urban Growth Centre, Nodes and Corridors) to achieve their intensification goals set out in the UHOP.</p>	<p>No</p>
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>The site is located in the urban area of the City of Hamilton, and infrastructure and facilities may be available to support the proposed use, but this has not been confirmed.</p>	<p>Neutral</p>

Table 3 – Analysis of 1400 South Service Road using City Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
<p>Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.</p>	<p>The site is not located on a block that contains a mix of uses. The parcel is constrained by a rail corridor and Urban Boundary to the south, and the QEW to the north. Designations on either side of these corridors do not inform a mixed use condition due to a lack of connectivity to the parcel. Lands to the west and east of the parcel are designated employment lands. The employment area continues to the east into the Town of Grimsby. While a commercial hub is located on the west side of Fifty Road, this site is not contiguous to the subject lands.</p> <p>While this block is bisected by a small area identified as a Core Natural Heritage Area on Schedule B of Vol. 1 of the UHOP, the employment area continues to the east of these lands and is continuous with employment designated lands in the Town of Grimsby. The presence of the linear natural heritage feature does not create an edge condition as the employment area continues on lands surrounding the site.</p>	<p>No</p>
<p>Conversion will not adversely affect the long-term viability and function of the employment areas.</p>	<p>The lands are located interior to an employment area. The introduction of sensitive land uses on the subject lands will adversely affect the long-term viability of this area of employment lands.</p>	<p>No</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
<p>Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.</p>	<p>There are no large, stand alone employment facilities located in the area of the subject lands. The introduction of sensitive uses on the property may preclude the development of adjacent lands for the employment purposes for which they were intended.</p>	<p align="center">Neutral</p>
<p>Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.</p>	<p>The conversion proposes mixed-uses for the property including high-density housing. While this would not represent a substantial addition of commercial uses to the area, and it is not anticipated to have an impact on planned commercial functions elsewhere, the introduction of high density housing in this location may compromise UHOP intensification objectives in the priority intensification areas in the City (Downtown Urban Growth Centre, Nodes and Corridors).</p>	<p align="center">No</p>
<p>Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.</p>	<p>The introduction of sensitive land uses on this property pose compatibility concerns due to the proximity of a major highway (QEW) and rail corridor (CN Rail) routes, as well as any future employment uses on adjacent parcels.</p>	<p align="center">No</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.	Residential development in the form of complete communities is clearly stated as a desirable planning outcome in the UHOP. Complete communities have a high level of physical connectivity to other communities and public facilities. The development of an isolated parcel of land within an employment area would not assist in the achievement of complete communities.	No
Conversion will result in a more logical land use boundary.	The proposed redesignation would result in an isolated parcel of mixed use development within a block of land designated for employment uses. This would not create a more logical land use boundary for the employment area.	No

Conclusion

Planning Staff have considered the supplementary information submitted by the applicant and maintain that while the property fronts onto the South Service Road, the property is not located on the edge of the employment area and is not in an area that has transitioned to mixed uses. The linear natural heritage feature adjacent to the parcel does not create an edge condition as the employment area continues to the east. The property is located interior to a block of employment lands designated for employment, including employment lands within the Town of Grimsby. The potential conversion of these lands would result in the fragmentation of the employment area and the establishment of an isolated residential mixed-use parcel. The need for conversion has also not been adequately established. A higher order transit station is not planned in the immediate area, and the area is well established with housing and mixed uses in the Fruitland-Winona Secondary Plan area and to the north in the Urban Lakeshore Secondary Plan area.

2.1.2 – 1280 RYMAL ROAD EAST AND 385 NEBO ROAD

Overview and Existing Context

The subject lands have an approximate area of 5.3 ha (13.1 ac) and are located at the southeast corner of Rymal Road East and Nebo Road. The subject lands are designated “Business Park” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP). The northern area of the site is zoned Business Park Support (M4) and the southern area of the site is zoned Prestige Business Park (M3) according to the City of Hamilton’s Zoning By-law 05-200. The site is currently vacant.

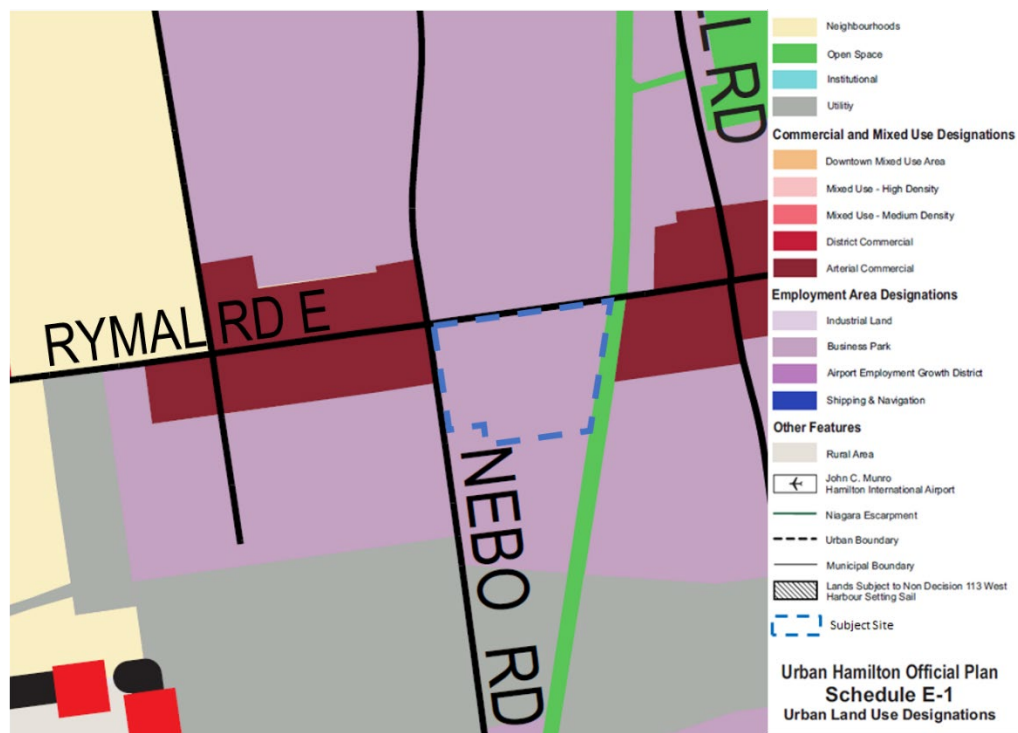


Figure 5 – Land Use designations for 1280 Rymal Road East & 385 Nebo Road and surrounding lands



Figure 6 – Land Uses for 1280 Rymal Road East & 385 Nebo Road and surrounding lands

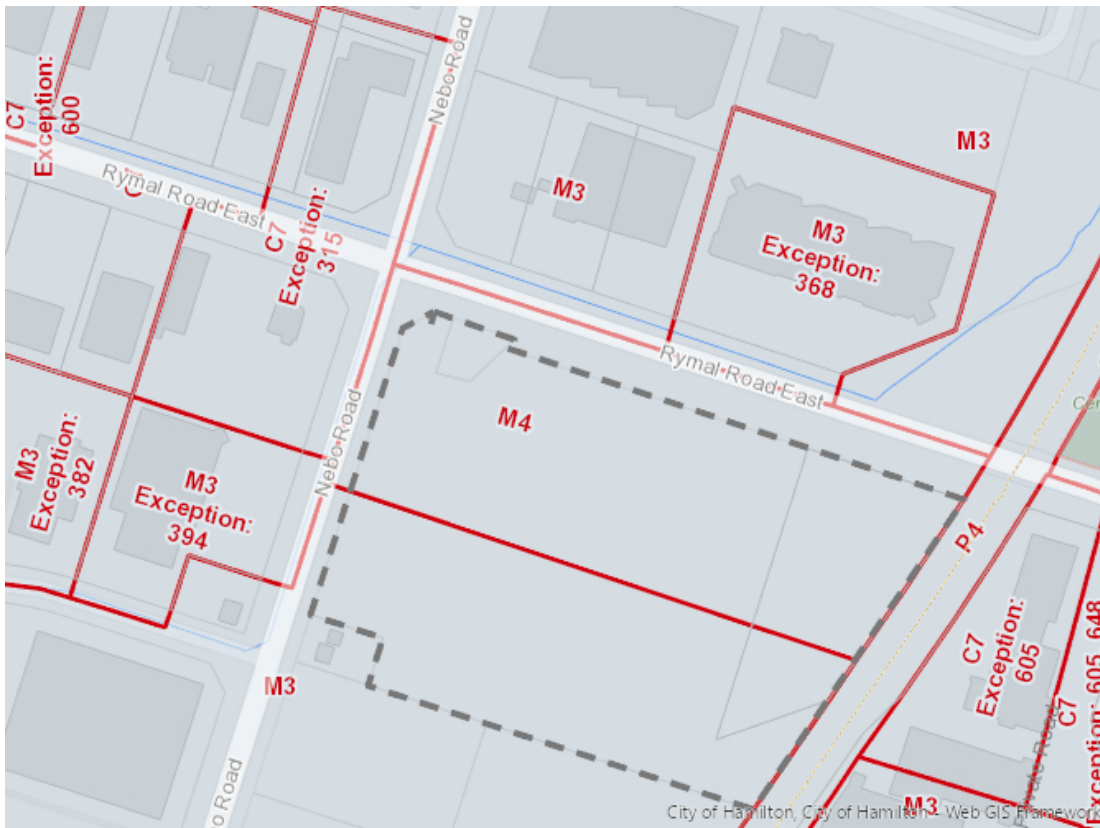


Figure 7 - Zoning for 1280 Rymal Road East & 385 Nebo Road and surrounding lands

Applicant’s Proposed Conversion, Proposed Land Use, and Rationale

The subject lands have recently received Site Plan Approval for the development of a gas bar, car wash, small-scale retail uses, medical clinic, restaurants, and a building and lumber supply establishment (all permitted uses under the current M3 / M4 zoning), totalling a floor area of approximately 18,000 square metres. The applicant has expressed an interest in establishing a specialty retail food and grocery business as part of the future site development. The conversion request proposes that the site be redesignated to allow a full range of commercial uses and that the floor area restriction of 500 square metres for retail establishments be removed.

A Planning Justification Report and supplementary demographic information was submitted in support of the conversion request. The applicant has identified that the proposed specialty grocery store would serve a broader regional population as well as the employees of the Red Hill North Employment Area.

The proposed development would require the conversion of the subject lands from the Employment Area – Business Park designation to a site specific Arterial Commercial designation to permit a food store, which is normally a prohibited use. Arterial Commercial sites are intended to be locations for larger, land-intensive commercial uses including automotive sales and service and building supply or landscaping establishments. Similarly, the proposal would require a site specific Arterial Commercial (C7) zone to permit a grocery store use on the site since they are not a permitted use as-of-right.

Table 4 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 5 identifies how the proposed conversion performs against City’s conversion criteria.

Table 4 – Analysis of 1280 Rymal Road East & 385 Nebo Road Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	The Business Park Support (M4) zone that applies to northern portion of the subject lands and is immediately adjacent to Rymal Road East permits a range of commercial uses to serve the needs of the business park. A large grocery store exists on the west side of Nebo Road, across the street from the subject lands,	No

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>and this existing use serves residents of the area as well as employees from nearby businesses in the employment area.</p> <p>The market review of the proposed use did not evaluate other potential locations in the area with appropriate land use permissions, and therefore did not adequately justify the need for the proposed conversion. The need for additional commercial space in the form of a specialty grocery store use has not been sufficiently demonstrated by the landowner to support the conversion request.</p>	
<p>The lands are not required over the horizon of this Plan for the employment purposes for which they are designated</p>	<p>The lands are designated as "Business Park" in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 and conversion of the subject lands will not have a significant effect on overall land need for the "Business Park" designation due to the small parcel size.</p>	<p align="center">Yes</p>
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan</p>	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	<p align="center">Neutral</p>
<p>The proposed uses would not adversely affect the overall viability of the employment area or the</p>	<p>The site is relatively small (approx. 5.3 ha) and located within the Red Hill North Business Park. The corridor of Rymal Road East in this area is predominantly</p>	<p align="center">Yes</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan	commercial. The property has received Site Plan Approval for the development of a commercial plaza with uses permitted in the current "Business Park" designation. The development of additional retail/commercial uses on this site would not adversely affect the overall viability of the Red Hill North employment area.	
There are existing or planned infrastructure and public service facilities to accommodate the proposed uses	There are no anticipated issues with infrastructure or public service facilities in the area to accommodate the proposed commercial development.	Yes

Table 5 – Analysis of 1280 Rymal Road East & 385 Nebo Road using City Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.	Land uses in the area of the subject lands include commercial, limited stand-alone residential, as well as industrial and vacant lands. Lands outside of the Red Hill North Business Park along Rymal Road are designated as Arterial Commercial in this area. The Red Hill North Business Park continues north of the subject lands on the opposite side of Rymal Road. The Red Hill North business park also extends south of the subject lands to the hydro-electric corridor. Following the hydro-electric corridor, is the Red Hill South Business Park. East of the subject lands is an area of land for Arterial Commercial purposes along Rymal Road, and lands designated as Business Park. Lands at	No

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>the southwest and northwest corners of Rymal Road East and Nebo Road are not located in the employment area</p> <p>Due to the central location of the lands in the business park, the lands are not considered to be on the edge of the Employment Area.</p>	
<p>Conversion will not adversely affect the long-term viability and function of the employment areas.</p>	<p>The site is relatively small (approx. 5.3ha) and located along a major arterial corridor (Rymal Road). The subject lands are approved for the development of an 18,000 square metre commercial development comprised of uses permitted through the M3 (Prestige Business Park) and M4 (Business Park Support) zones. These uses appropriately serve the business park function.</p> <p>The conversion request does not introduce new sensitive land uses which could negatively impact the viability of the employment area, therefore this criteria is not offended by the proposal.</p>	<p align="center">Yes</p>
<p>Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.</p>	<p>There are no existing employment uses on the site, however there are existing employment uses to the east and south of the subject lands. No sensitive land uses are proposed through the conversion request.</p>	<p align="center">Yes</p>
<p>Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.</p>	<p>With the exception the subject lands, the immediate area along the south side of Rymal Road East is designated for Arterial Commercial uses. The approved site plan application for the subject lands demonstrates that the site can fully develop with commercial uses that compliment the adjacent Arterial Commercial uses and nearby employment uses without the need for conversion to a non-employment designation.</p>	<p align="center">No</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>The proposed conversion to allow a grocery store would require a redesignation to a site-specific Arterial Commercial designation. The planned function of the Arterial Commercial designation is to provide a corridor of land reserved for large, land intensive commercial uses that may need space for outdoor storage or large areas for outdoor sales.</p> <p>Food stores are prohibited in the Arterial Commercial designation, and a redesignation to permit this use would not fit with the intent of the UHOP for this lands use designation.</p>	
<p>Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.</p>	<p>The development that has been approved for the site through Site Plan Application does not create incompatible land uses. The use proposed through the conversion request does not introduce sensitive land uses. Compatibility in line with provincial guidelines can be maintained, therefore this criteria has been met.</p>	<p align="center">Yes</p>
<p>Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.</p>	<p>Potential conversion of the site to accommodate the proposed use will likely not result in additional demands for servicing or infrastructure. However, development of the site with uses permitted by the existing designation and zoning will also not result in increased demands for these services. The net benefit of the proposal to the community with regard to efficient uses of servicing and infrastructure is neutral.</p>	<p align="center">Neutral</p>
<p>Conversion will result in a more logical land use boundary.</p>	<p>While the conversion of these parcels would potentially result in a more logical extension of the commercial uses along Rymal Road East, the north-south connection of the Red Hill North Business</p>	<p align="center">Neutral</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>Park would be removed, resulting in the fragmentation of the employment area.</p> <p>The impact on the Employment Area will be neutral as the site can already accommodate a range of commercial uses.</p>	

Staff Recommendation

Staff do not recommend conversion of the subject lands from the current Business Park designation to a site specific Arterial Commercial designation. The Arterial Commercial designation expressly prohibits grocery stores as a use, and to redesignate to permit the use would not meet the intent of the UHOP policies. The location of the subject lands within the Red Hill North Business Park does not place the site at the edge of an employment area. The need for conversion to support the proposed use of the site for a retail grocery store has not been adequately demonstrated through the applicant's request. The site is capable of fully developing with a range of commercial uses that are permitted as-of-right through the existing Business Park designation and the implementing M3 and M4 zoning. This has been demonstrated through the approved application for Site Plan Control.

Note: The site at 1280 Rymal Road East and 385 Nebo Road was recommended for conversion by way of a Council motion when the Employment Land Review was presented at the General Issues Committee in August 2021.

2.2 DEFERRED DECISIONS

Four conversion requests are being deferred at this time and are listed in Table 8 below, **in addition to one additional request recommended for deferral by Council at the General Issues Committee in August 2021.**

The McMaster Innovation Park conversion request is deferred to allow additional time for the applicant to provide additional planning information to staff about the proposal.

The Frid Street deferral is to allow Staff more time to review and research the proposed conversion, including a submitted Planning Justification Report, in the context of the east section of the West Hamilton Innovation District Secondary Plan.

For the remaining two deferral areas (Twenty Road West and 700 Garner Road E), the conversion requests are being deferred to allow for review of the requests in

coordination with the evaluation of growth options as part of the next phase of GRIDS 2 / MCR. The deferral of these conversion requests should not be construed as support for the proposed conversions, and the future recommendation on these requests could be for no change to the current Employment Area designation, enhanced permissions for certain parcels, or for conversion to an alternative designation. As such, the following requests will be considered comprehensively in the future as part of the MCR, and no further review will be undertaken as part of this report.

Table 8 – Conversion Requests – Deferred Decisions

Site Address	Existing Use / Context	Employment Area (Designation) / Zoning	Suggested / Requested Redesignation	Reason for Evaluation Deferral
WHID - McMaster Innovation Park (3.1 ha)	Institutional, Research and Development	West Hamilton Innovation District ("Employment Area – Research District") M1 - 7	Redesignation of certain areas for high-density residential multiple dwellings	Additional time is needed to integrate all required planning studies to justify the conversion request for McMaster Innovation Park.
70 – 100 Frid Street (2.24 ha)	Warehouse, Office, Industrial	West Hamilton Innovation District ("Employment Area – Research District") M1	Redesignation to allow introduction of residential uses above ground floor in mixed use, multiple dwellings	Staff require additional time to review and research the conversion request and any implications for future uses in the east section of the WHID Secondary Plan area.
700 Garner Road East, Ancaster (26.63 ha)	Vacant	AEGD ("Institutional" with Site Specific Policy – Area "D") I3 - 27 (Holding 37)	Requesting a designation that permits a variety of institutional uses, as well as commercial and residential uses	This site is currently designated Institutional, with a site specific policy which indicates that the lands shall be developed for employment uses should the planned institutional use (Redeemer College) not develop.

Site Address	Existing Use / Context	Employment Area (Designation) / Zoning	Suggested / Requested Redesignation	Reason for Evaluation Deferral
				<p>Since the request for conversion was submitted for these lands, a subdivision application was initiated in early 2021 in accordance with the existing Institutional designation on the lands, which proposes three large blocks for future development, once uses are determined.</p> <p>The lands are located adjacent to lands which are currently designated Rural. The conversion requests should be considered in coordination with the review of growth options in the next phase of GRIDS 2 / MCR. The deferral of the employment land conversion request is being recommended to allow for the area to be evaluated comprehensively, and should not be construed as support for either the conversion request or for the redesignation of the adjacent rural lands.</p>
Twenty Road West area (44.2 ha) & part	Vacant, agricultural	Twenty Rd. West - AEGD ("Airport Prestige	Proposed mixed use and compact residential	The lands are located in proximity to lands which are currently designated Rural. The conversion

Site Address	Existing Use / Context	Employment Area (Designation) / Zoning	Suggested / Requested Redesignation	Reason for Evaluation Deferral
<p>of former Glancaster Golf and Country Club (11 ha) (Approx. 55.2 ha)</p>		<p>Business” with Site Specific Policy Area “1” and “Airport Light Industrial”) Glancaster Golf and Country Club (“Airport Light Industrial”)</p>	<p>development.</p>	<p>requests should be considered in coordination with the review of growth options in the next phase of GRIDS 2 / MCR. The deferral of the employment land conversion request is being recommended to allow for the area to be evaluated comprehensively, and should not be construed as support for either the conversion request or for the redesignation of the adjacent rural lands.</p>
<p>1725 Stone Church Road East (8.97 ha)</p>	<p>Vacant</p>	<p>Red Hill North Business Park “M3”</p>	<p>Mixed use with residential.</p>	<p>Council direction at August 2021 General Issues Committee.</p>

3.0 CONVERSION REQUESTS – INITIAL SCREENING PASSED

The following section summarizes the staff response to the sites that passed criteria 1 and underwent further analysis.

3.1 645 AND 655 BARTON STREET, STONEY CREEK

Overview and Existing Context

The subject lands have an approximate area of 1.43 ha (3.53 ac) and are located at the northeast corner of Barton Street and Fruitland Road. The subject lands are designated “Business Park” on Volume 1, Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

The Fruitland Winona Secondary Plan area abuts the subject lands to the south. The southwest corner of the Fruitland Road and Barton Street intersection is designated “Arterial Commercial” on Volume 2, Map B.7.4-1 – Fruitland Winona Secondary Plan – Land Use Plan. Sites at the northwest and southwest corner of the intersection are designated “District Commercial” on Volume 1, Schedule E-1 – Urban Land Use Designations.

The site is currently vacant. The eastern portion of site previously served as outdoor storage and trailer parking, while the southwestern portion of the site is undeveloped. Parcels in the immediate area are mixed-use, including industrial uses to the north (tire depot), residential uses to the east, industrial uses to the southeast, commercial uses to the south (banquet hall), and commercial uses to the southwest and west (retail / services commercial plazas).

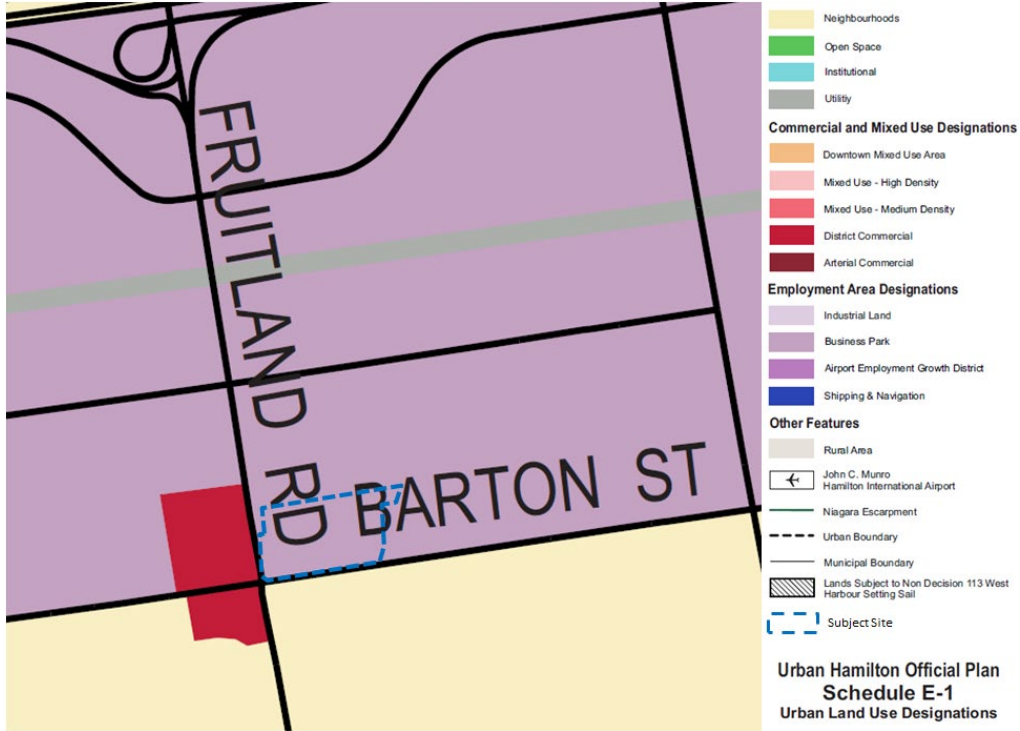


Figure 11 – Land Use designations for 645-655 Barton Street and surrounding lands

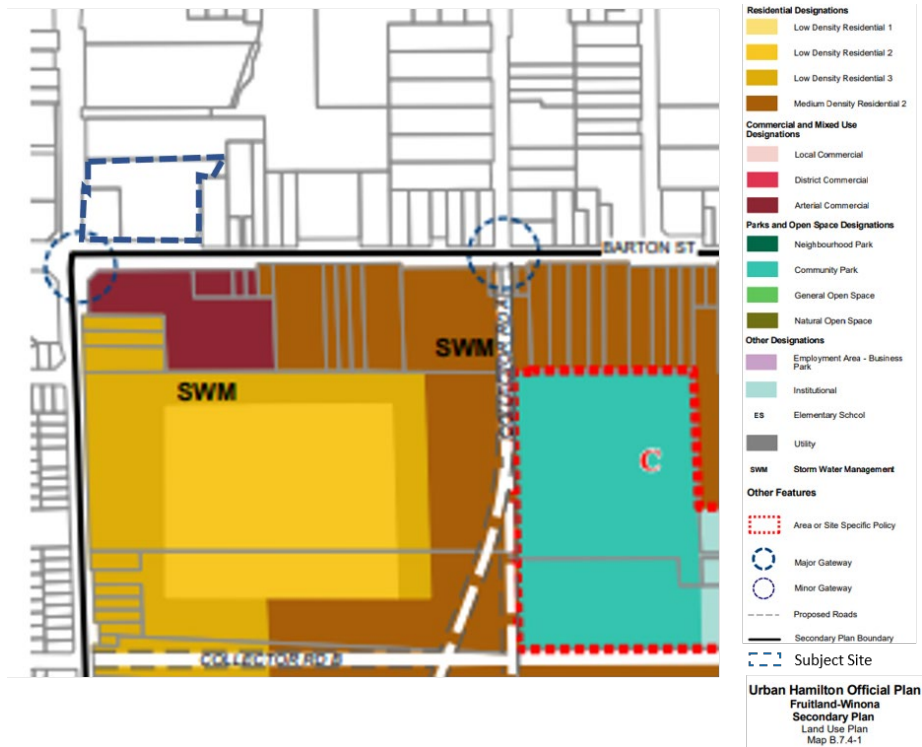


Figure 12 – Fruitland-Winona Secondary Plan area with Subject Site (645-655 Barton Street) adjacent to Plan area

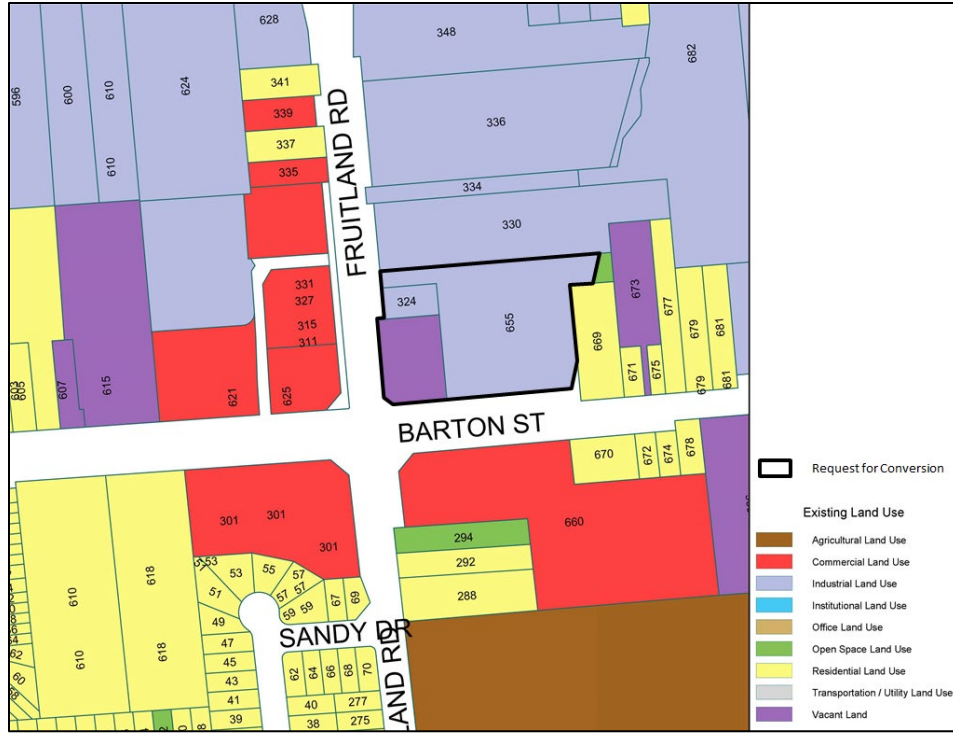


Figure 13 – Land Uses for 645-655 Barton Street and surrounding lands



Figure 14 - Zoning for 645-655 Barton Street

Applicant's Proposed Conversion, Proposed Land Use, and Rationale – Updated Analysis

The applicant proposes a commercial site with three buildings with a combined floor area of approximately 3,900 square metres (42,000 square feet) and 174 parking spaces. The potential uses proposed for the site include a chain drug store, grocery store, and specialty retail commercial uses.

The applicant has requested that the subject lands be converted from the "Business Park" designation and redesignated to the "District Commercial" designation. A Planning Justification Report and Noise Impact Study (in support of a proposed daycare use) were submitted with the original conversion request. The original request was not supported by Planning Staff because there was not enough information provided to demonstrate a need for the conversion. Planning Staff also did not support the proposed daycare use on the lands due to the proximity to the employment area.

Following the initial request and review, the applicant submitted a Market Needs Assessment to demonstrate the need for conversion. The applicant also removed the proposed daycare use from their request. The key findings of the Market Needs Assessment are as follows:

- The existing commercial node does not currently serve the needs of residents from the nearby neighbourhood
- Additional retail and commercial uses would assist in meeting local daily/weekly shopping needs as well as the shopping needs of employees of the nearby employment area
- There are no vacant stores or sites designated for District Commercial that could accommodate the proposed development
- The site's size and location have ability the support large major retail chain uses (grocery and/or drugstore)
- The redesignation will complete the commercial quadrant at Barton Street East and Fruitland Road

Analysis and Application of Criteria

The proposed development will require the conversion of the subject lands from Employment Area to a commercial designation and zoning.

Table 9 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 10 identifies how the proposed conversion performs against City's conversion criteria.

Table 9 – Analysis of 645-655 Barton Street Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	<p>The Planning Justification Report speaks to a commercial land use designation being more appropriate for the subject site given the existing land uses at the Barton Street – Fruitland Road intersection are predominantly commercial.</p> <p>The Market Needs Assessment indicates that the area around the site is underserved by the proposed commercial uses (grocery store and/or major drugstore). Customer origin data suggests that the proposed uses could assist in serving the daily and weekly shopping needs of residents in the area, as well as employees of the nearby employment area.</p>	Yes
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	The lands are designated as Business Park in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 and conversion of these parcels will not have a significant effect on overall land need due to the small parcel size.	Yes
The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	Neutral
The proposed uses would	The site is relatively small (approx. 1.45	Yes

Conversion Criteria	Analysis	Conversion Criteria Met?
not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan	ha) and located at the boundary of the Employment Area, at an intersection where commercial uses exist on 3 of the 4 corners. A new commercial use at this site would not compromise the integrity of the Employment Area.	
There are existing or planned infrastructure and public service facilities to accommodate the proposed uses	There are no anticipated issues with infrastructure or public service facilities in the area to accommodate the proposed commercial development.	Yes

Table 10 – Analysis of 645-655 Barton Street using City Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.	<p>The site is located along the southern edge of the Stoney Creek Business Park and is located at the corner of an intersection where all other corners are designated commercial. Therefore, the site is considered to be on the edge of the Employment Area.</p> <p>Surrounding land uses abutting or adjacent to the subject lands include industrial, commercial, and residential. Therefore, there is a mix of uses in the area.</p>	Yes
Conversion will not adversely affect the long-term viability and function of the employment areas.	The site is relatively small (approx. 1.45 ha) and located at the boundary of the Employment Area, at an intersection where commercial uses exist on 3 of the 4 corners. A new commercial use at this site would not compromise the integrity of the Employment Area.	Yes, provided no sensitive uses permitted.

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>The applicant submitted a noise impact study in support of the initially proposed daycare use, but staff were not satisfied that it demonstrated that there will be no negative impact on existing and future employment uses if a sensitive land use is introduced at this location.</p> <p>In the final submission, the applicant has removed the daycare use. However, Staff are still concerned about the potential introduction of permissions for new sensitive uses at this location should the lands be re-designated to District Commercial (which permits limited residential uses as-of-right).</p> <p>To address staff concerns, a site specific special policy will be required which will prohibit sensitive land uses on the site.</p>	
<p>Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.</p>	<p>There are no existing employment uses on the site, however there are existing employment uses to the north of the subject lands.</p> <p>See comments above regarding restriction on sensitive land uses in order to protect the operations of exiting, and future, employment uses.</p>	<p align="center">Yes, provided no sensitive uses permitted.</p>
<p>Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.</p>	<p>The Fruitland Road – Winona Road intersection is planned for commercial uses on three of the four corners. Further, a portion of the subject land are zoned Business Park Support (M4) Zone, which permits a range of commercial uses intended to serve the needs of employees and customers of the Business Park. As such, commercial uses are already envisioned on a portion of this site.</p>	<p align="center">Yes</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>The applicant's Commercial Needs Assessment indicates that existing district commercial uses in the area do not support the needs of the surrounding neighbourhood. The proposed use of a commercial food store and/or drugstore on the property would assist in catering to the needs of the nearby community.</p>	
<p>Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.</p>	<p>While the applicant has removed the proposed daycare use from their final submission, the requested designation of District Commercial would still permit residential as of right.</p> <p>Staff are not satisfied that there will be no negative impact on existing and future employment uses in the area if a sensitive land use is introduced at this location. To address staff concerns, a special policy will be required which will prohibit sensitive land uses on the site.</p>	<p>Yes, provided no sensitive land uses permitted.</p>
<p>Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.</p>	<p>There are currently no identifiable servicing and infrastructure issues. Conversion would provide for commercial redevelopment of an underutilized site and allow for better utilization of existing transit and infrastructure.</p>	<p>Yes</p>
<p>Conversion will result in a more logical land use boundary.</p>	<p>The conversion of these parcels would result in a relatively neutral impact on the Business Park boundary, since the northwest corner of the Barton Street – Fruitland Road intersection is already designated District Commercial.</p>	<p>Yes</p>

Staff Recommendation

Staff have reviewed the applicant's proposal and the additional submitted information and recommend a modified conversion of the 1.45 ha parcel because a need for the conversion for commercial uses has been sufficiently demonstrated. Furthermore, it is

acknowledged that the other three corners of the Barton / Fruitland intersection are used for commercial purposes, and the redesignation of the subject lands would complete the commercial uses at the intersection and enhance the gateway into Fruitland Winona Secondary Plan. Staff find that commercial use of this property would not offend the other conversion criteria, provided no sensitive lands uses are introduced. Staff propose a modified conversion to the District Commercial designation to support the uses proposed by the applicant with a special policy area to restrict the introduction of sensitive land uses.

3.2 286 SANFORD AVENUE NORTH, 42 WESTINGHOUSE AVENUE, 30 MILTON AVENUE AND ADJACENT RESIDENTIAL PARCELS

Overview and Existing Context

The subject lands are located in the general area of Barton Street East between Wentworth Avenue North and Birch Avenue. More than one property in the same area has been submitted for conversion consideration by separate parties, and are being addressed as one site for the purposes of this analysis. The addresses are 30 Milton Avenue (0.34 ha or 0.84 ac), 42 Westinghouse Avenue (0.52 ha or 1.30 ac), 286 Sanford Avenue North (0.24 ha or 0.59 ac), and a small pocket of ten (10) residential parcels and one vacant parcel located between Myler Street and Barton Street East, which collectively account for an area of 0.24 ha (0.59 ac).

The subject lands are designated "Industrial Land" on Volume 1, Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP). In this area, the Employment Area abuts lands designated "Residential" and "Mixed Use – Medium Density."

The existing uses on the subject lands include:

- an office building at 286 Sanford Avenue North which is the former head office of the Westinghouse company. This building has been vacant for many years, but has recently undergone a renovation to redevelop a portion of the building for new office uses;
- an under-utilized/vacant parking lot at 42 Westinghouse Avenue;
- an office building at 30 Milton Avenue (which has a raised pedestrian walkway connection to the industrial building at 20 Myler Street); and,
- residential parcels at 268-276 Sanford Avenue North and 13, 15, 17, 19, and 23 Westinghouse Avenue.

Surrounding land uses include industrial to the north (Siemens), residential uses to the east, commercial uses to the south, and institutional (fire station) and open space (Woodlands Park) to the west.

History

The previous conversion analysis completed by the City in 2008 determined that conversion of these sites for residential uses was not appropriate. This decision was in part based on an Ontario Municipal Board decision in the 1990's that denied a request to convert the site with the former office building (286 Sanford Ave N) to residential. The OMB decision identified noise from adjacent industry at 20 Myler Street that precluded

the opportunity for redevelopment of 286 Sanford Avenue as a sensitive land use. There is no new information about noise from existing industrial uses at 20 Myler Street.

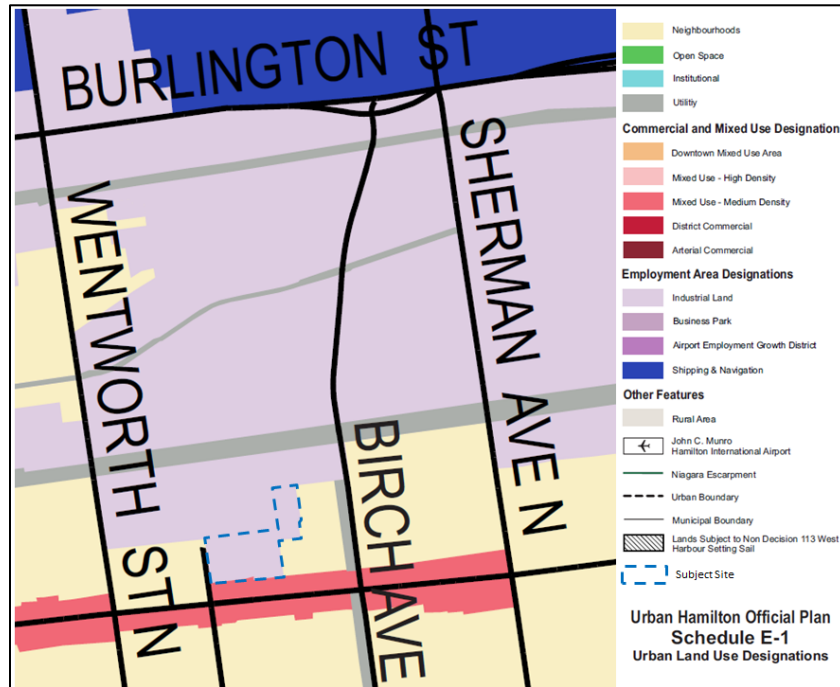


Figure 15 – Land use designations for 286 Sanford Avenue North, 42 Westinghouse Avenue, 30 Milton Avenue and adjacent residential parcels

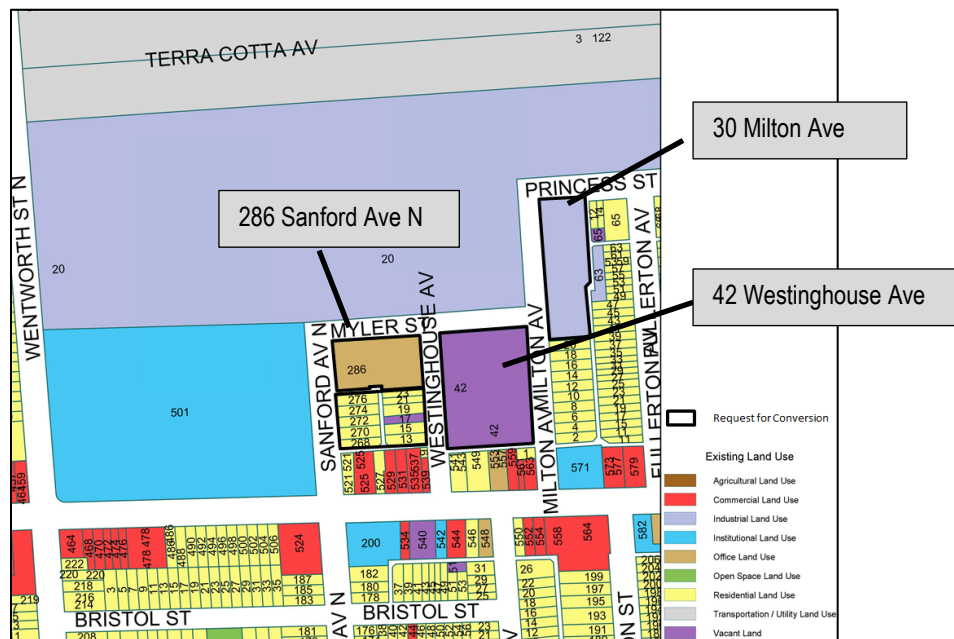


Figure 16 – Land uses for 286 Sanford Avenue North, 42 Westinghouse Avenue, 30 Milton Avenue and adjacent residential parcels

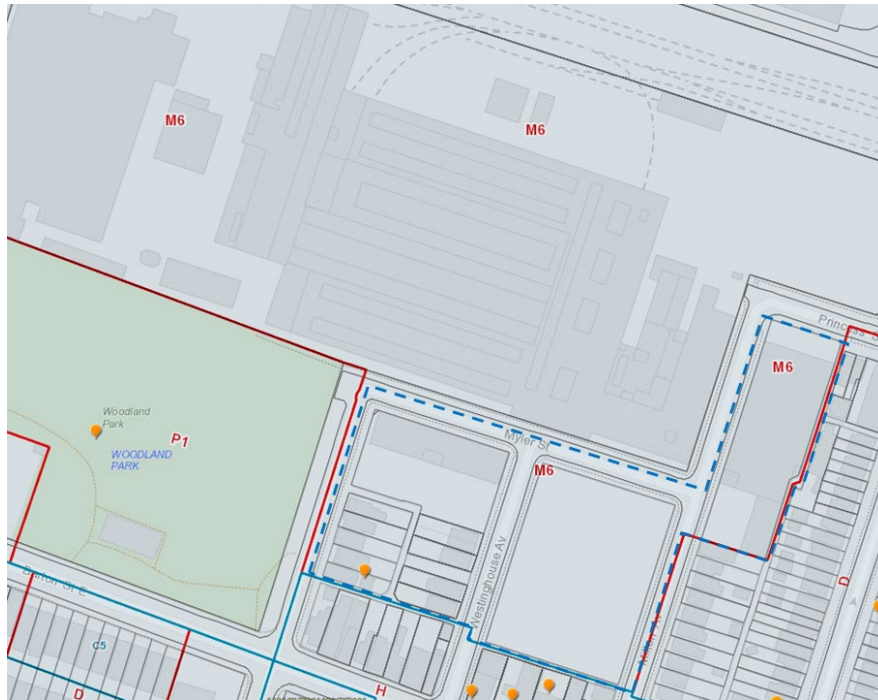


Figure 17 – Zoning for 286 Sanford Avenue North, 42 Westinghouse Avenue, 30 Milton Avenue and adjacent residential parcels

Applicant's Proposed Conversion, Proposed Land Use, and Rationale

Two separate letters were received respecting these parcels but are being considered as one in this analysis. The applicants propose the following:

Applicant 1

- 286 Sanford Ave N – adaptive reuse of existing vacant office building to commercial uses that accommodate architectural, construction, and design businesses. It is noted that these uses are already permitted within the building. The building has retained legal non-conforming status as an office use, and therefore the entirety of the building can be used for office purposes without the need for zoning approvals. There is also mention of a wider range of uses, including retail and residential, which are not permitted by the current zoning.
- 42 Westinghouse Ave – existing vacant parking lot proposed for development into a mixed use development including commercial and retail space and affordable housing.
- The applicant has also included the existing residential parcels to the south of 286 Sanford Ave N in their request, citing their inclusion as resulting in a more logical boundary.

Applicant 2

- 42 Westinghouse Ave – mixed use proposal.
- 30 Milton Ave – existing vacant office building. Proposal is for a mixed use type development with commercial/workshop on the ground floor.

Staff requested the submission of a Planning Justification Report and Noise Impact Study to support the conversion request, but the applicants have not submitted the required studies.

Analysis and Application of Criteria

Through the analysis completed by staff in the City of Hamilton Employment Land Review, staff are recommending the lands located at 286 Sanford Ave N and 42 Westinghouse Ave to Neighbourhoods, with a special policy area to prohibit the introduction of sensitive land uses until a noise impact study is submitted and approved. Staff are also recommending the redesignation of the existing residential uses to the south of these parcels as Neighbourhoods. The analysis and justification for these recommendations can be found in the Employment Land Review report.

Staff acknowledge that the applicants had requested redesignation of 286 Sanford and 42 Westinghouse for mixed use purposes, including residential. However, the applicants did not provide the requested studies, particularly a Noise Impact Study, to justify the introduction of sensitive uses. In light of the adjacent active industrial use, and the history of these subject parcels with the OMB decision not permitting conversion, staff cannot support sensitive uses on these parcels. Introduction of sensitive uses could impact the operations of the adjacent industry which would not pass the conversion criteria.

This analysis will only address the additional parcel at 30 Milton Avenue which was not analysed in the Employment Land Review report. 30 Milton Avenue is currently a vacant office and light manufacturing building. There is an overhead pedestrian walkway above Milton Ave which connects 30 Milton Ave to 20 Myler Street, which is a large active steel manufacturing facility. The applicant is proposing mixed use development of the property, which would require the conversion of the subject lands from Employment Area to a mixed use designation. Table 11 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 12 identifies how the proposed conversion performs against City's conversion criteria.

Table 11 - Analysis of 30 Milton Avenue Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	A need for this conversion has not been demonstrated. The existing building could be reutilized for industrial / office purposes.	No
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	The lands are designated as Industrial Lands in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 and conversion of these parcels will not have a significant effect on overall land need due to the small parcel size.	Yes
The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	Neutral
The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan	<p>While 30 Milton is currently vacant, the building and the site are large enough to accommodate a new employment use. Conversion of this site would preclude that opportunity.</p> <p>Further, the proposed residential components could potentially adversely affect the adjacent large manufacturing industry. Staff are concerned about the introduction of permissions for new sensitive uses at this location. While it is acknowledged that sensitive uses already</p>	No

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>exist in the vicinity of the subject lands, the redesignation of 30 Milton Ave would result in sensitive uses being located closer to the industry at 20 Myler Ave. The previous OMB decision regarding 286 Sanford had identified concerns with the introduction of residential uses at this location and the potential impact (limitations) on the operations of the steel manufacturer at 20 Myler Ave. There was also a question as to whether or not it would be possible to fully mitigate the noise emanating from the industry if a sensitive use was proposed in such close proximity. The applicants have not submitted any justification in the form of a planning report or noise impact study to address this concern.</p> <p>In the absence of a noise impact study to address the impact of introducing sensitive land uses on the subject lands, it is not possible to confirm that this criteria has been met if sensitive uses are proposed.</p>	
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>This area falls within a fully developed part of the urban area.</p>	<p>Yes</p>

Table 12 - Analysis of 30 Milton Avenue using City Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.	The site is on the edge of the Bayfront Industrial Area. Uses to the north are industrial, south is residential and commercial (along Barton St E), east is residential, and west is parkland. Therefore, the area is mixed use.	Yes
Conversion will not adversely affect the long-term viability and function of the employment areas.	While 30 Milton is currently vacant, the building and the site are large enough to accommodate a new employment use. Conversion of this site would preclude that opportunity. Please see comments above regarding the introduction of sensitive uses.	No
Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.	While 30 Milton is currently vacant, the building and the site are large enough to accommodate a new employment use. Conversion of this site would preclude that opportunity. Further, the introduction of sensitive uses could negatively impact the industrial manufacturing use at 20 Myler Ave.	No
Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.	Staff are recommending conversion of the sites to the south (286 Sanford and 42 Westinghouse) to a mixed use designation. As such, there will already be an opportunity for new mixed use / commercial uses in the vicinity and there is no known benefit to adding additional permissions on this site.	Neutral
Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.	The proposed residential components could potentially adversely affect the adjacent large manufacturing industry. Please see comments above regarding the introduction of sensitive uses.	No

Conversion Criteria	Analysis	Conversion Criteria Met?
Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.	There is no evidence to support a community benefit to redesignation of this parcel. Further, redesignation may preclude future employment opportunities on the parcel.	Neutral
Conversion will result in a more logical land use boundary.	Conversion would not create a boundary issue.	Yes

Recommendation

The proposed conversion of 30 Milton Avenue does not meet several of the City and provincial conversion criteria. Conversion of the property precludes the opportunity for reuse of the existing building or redevelopment of the site for an employment use. Further, introduction of sensitive uses could have a negative impact on the existing adjacent industry. No studies have been submitted by the applicant to address this concern. Therefore, staff do not support the conversion.

3.3 1725 STONE CHURCH ROAD EAST, STONEY CREEK

Overview and Existing Context

The subject lands are located in the northeast corner of the Red Hill Business Park (North) and are located directly southwest of the Red Hill Valley Parkway / Lincoln Alexander Parkway intersection and front onto Stone Church Road East. The lands are 8.97 ha (22.2 ac) in size.

The subject lands are designated “Business Park” on UHOP Volume 1, Schedule E-1. The northeast portion of the subject lands fall within the West Mountain Area (Heritage Green) Secondary Plan Area, and are designated “Employment” on Map B.7.5-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan.

Directly to the west of the subject lands is a 30 metre wide utility corridor designated “Utility” that spans the length subject lands. To the west of the utility corridor are lands designated “Arterial Commercial”. Lands to the east are designated “Mixed Use – Medium Density”, and to the southeast are designated “District Commercial”.

Surrounding land uses include retail commercial to the east, a grocery store to the southeast, a service station to the south (gas station, car wash, Tim Horton’s drive through, and McDonald’s).

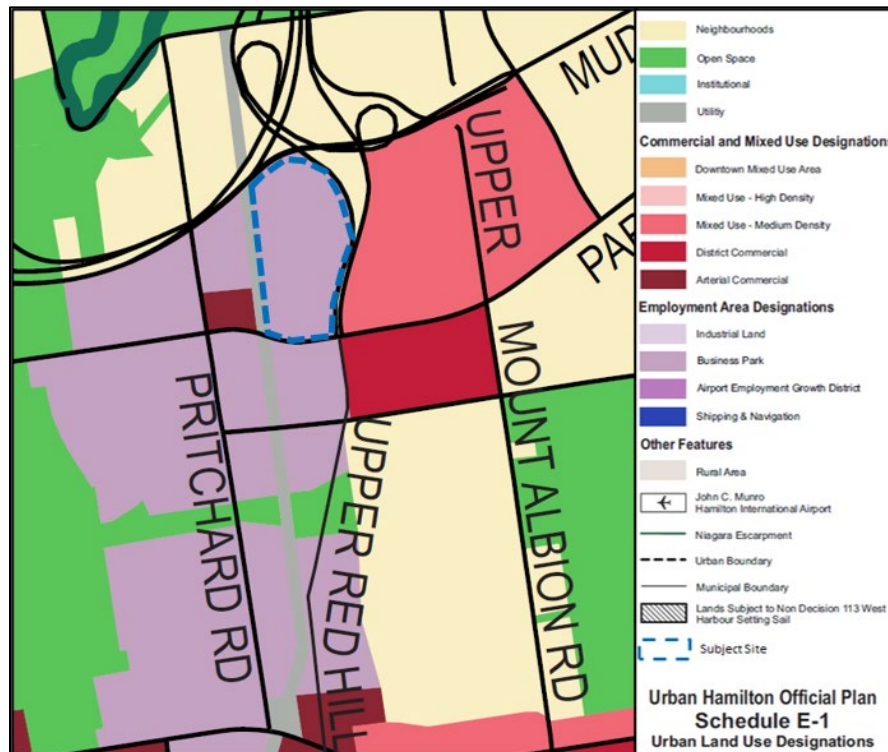


Figure 18 – Land use designations for 1725 Stone Church Road East



Figure 19 – Land uses for 1725 Stone Church Road East



Figure 20 – Zoning for 1725 Stone Church Road East

Applicant’s Proposed Conversion, Proposed Land Use, and Rationale

The applicant proposes to broaden the range of permitted uses to include retail, restaurants, financial establishments, personal services, commercial recreation, and possibly office. In terms of building type, single tenancies or multi-tenanted buildings, as well as multi-storeyed development is proposed. Total building area yield is in the range of 16,720 – 20,900 sq. metres (180,000 – 225,00 sq. ft). The applicant also tentatively proposes high density residential uses on the northwest corner of the subject lands. The applicant’s justification is that expanded use permissions on the site could support businesses and employees within the Employment Area and contribute to vibrant, mixed use character of the West Mountain Core Area community node, and also enhance the gateway to the West Mountain Core Area.

Analysis and Application of Criteria

The proposed conversion would require a redesignation of the subject lands from Business Park / Employment in Volumes 1 and 2 of the UHOP to a Mixed Use designation, depending on the density.

Table 13 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 14 identifies how the proposed conversion performs against the City’s conversion criteria.

Table 13 - Analysis of 1725 Stone Church Road East Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	The site is currently vacant. There is also a large commercial node to the east of the subject site, which is still being developed. The Planning Justification Report speaks to the ability of the Heritage Greene mixed use precinct to accommodate higher intensity mixed uses, but does not provide any justification for a need for additional commercial / mixed uses in the vicinity. There is no compelling site-specific circumstances which identify a need for the conversion of this site to provide for additional commercial uses in the area.	No
The lands are not required over the horizon of this Plan	The lands are designated as Business Park in the Urban Hamilton Official Plan. The	Yes

<p>for the employment purposes for which they are designated</p>	<p>City has completed the Land Needs Assessment to the year 2051 and it has forecasted that there will be a small surplus of employment lands over the planning horizon. While the 8.9 hectare conversion is a significant area of land, the conversion of this parcel will not have a significant effect on overall land need due to the available surplus.</p>	
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan</p>	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	<p align="center">Neutral</p>
<p>The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan</p>	<p>The conversion of this site to a commercial use could set a precedent for other nearby sites that are quasi-commercial-industrial to be converted. While it is recognized that there are existing commercial uses on surrounding lands, these uses are permitted as part of the employment designation and existing zoning. Introducing further commercial permissions by converting the subject property could set a precedent for future further encroachment of commercial uses in the business park and future conversion requests through subsequent official plan reviews.</p>	<p align="center">No</p>
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>Likely met but would require further study to confirm requirements.</p>	<p align="center">Yes</p>

Table 14 - Analysis of 1725 Stone Church Road East Using City Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.	The site is on edge of the Red Hill Business Park (North). The surrounding land uses are mixed, with commercial uses to the east, west, and south, industrial uses to the southwest, and a mix of road network, open space, and residential to the north.	Yes
Conversion will not adversely affect the long-term viability and function of the employment areas.	Unclear. The subject site is located in the corner of the employment area, and removing the lands may have little impact on the function of the employment area as a whole. However, conversion of this site could set a precedent, which could encourage landowners in the vicinity to request conversion of parcels in the future.	Unclear. Proponent has not demonstrated no negative impact will occur.
Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.	There are no existing large industrial facilities in the immediate area. Existing employment uses in close proximity to the subject lands include self-storage, tool manufacturing, uniform manufacturing, graphic design/embroidery/screen printing and are not anticipated to be negatively impacted by a conversion.	Yes
Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.	New commercial / office uses may compete with existing commercial uses located in the West Mountain Core Area of the West Mountain (Heritage Green) Secondary Plan, where the intent is to create a vibrant mixed use area and a commercial centre for the surrounding community.	No
Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.	If residential uses are proposed in the future, a noise impact study would be required to demonstrate that any noise impacts from surrounding stationary noise sources and traffic noise sources could be mitigated. As there are no large scale manufacturing uses in the immediate	Yes

	vicinity, a compatibility issue is not anticipated.	
Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.	The site is currently undeveloped. Development of the site would constitute intensification of a site within an area that is already developed, which would be a community benefit. However, the site is currently designated and zoned for employment uses. Increasing the City's employment assessment base is an important component of the City's future growth, and therefore conversion of lands out of the employment designation is not encouraged.	No
Conversion will result in a more logical land use boundary.	The applicant proposes to shift the boundary to either the hydro corridor directly west of the parcel, or an alternative boundary of Pritchard Road is suggested since the lands at the northeast corner of Pritchard Road and Stone Church Road E are designated Commercial. Staff find that the existing boundary of the Red Hill Valley Parkway provides a logical separation between the employment area and the adjacent community node, and a change is not recommended.	No

Recommendation

The subject lands do not meet several of the Provincial and City conversion criteria. While the applicant's justification report focussed on the potential for the converted site to contribute to the vitality of the adjacent node, it is noted that the subject lands are not located within the community node. The subject lands are located within the Business Park, and therefore the planned intent is for these lands to contribute to the viability of the overall employment area. Commercial and mixed use development should be concentrated to the east. Further, Staff are concerned that conversion of this parcel could lead to conversion pressures on adjacent parcels. Therefore, conversion is not recommended.

Note: Council direction to recommend site for deferral at August 2021 General Issues Committee.

3.4 354-356 EMERALD STREET NORTH AND 118 SHAW STREET, 60 SHAW STREET/351 EMERALD AVENUE NORTH, 65 SHAW STREET, 1 DOUGLAS DRIVE/101-103 SHAW STREET

Overview and Existing Context

The subject area includes several parcels of land that are located in the Bayfront Industrial Area. The subject lands are designated “Industrial” on Schedule E-1 of the UHOP. Surrounding lands are also designated “Industrial”. The southern boundary of the Employment Area in this area is the rail line, while the boundary to the north is a former residential enclave that is now designated “Neighbourhoods”. While the enclave was removed from the Employment Area, there are several parcels in the vicinity of the subject sites, particularly along Shaw Street that are residential.

The total area requested for conversion is 1.48 Ha. Current land uses of the subject sites include industrial (Candy Manufacturing, Warehousing, Office) and parking lots.

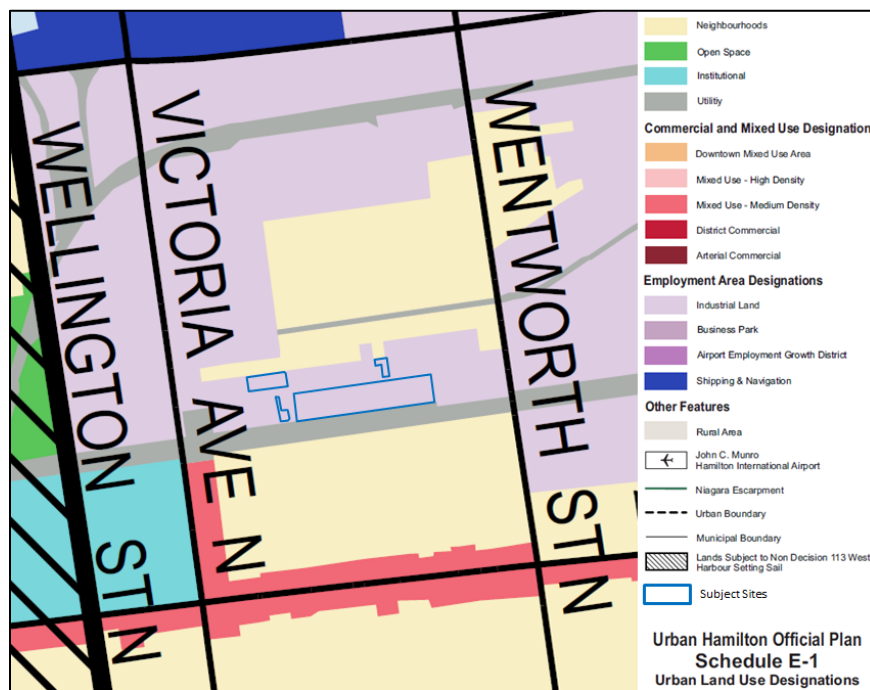


Figure 21: Land use designations for 354-356 Emerald Street North and 118 Shaw Street, 60 Shaw Street/351 Emerald Street North, 65 Shaw Street, 1 Douglas Drive/101-103 Shaw Street



Figure 22 – Land uses for 354-356 Emerald Street North and 118 Shaw Street, 60 Shaw Street/351 Emerald Street North, 65 Shaw Street, 1 Douglas Drive/101-103 Shaw Street



Figure 23 – Zoning for 354-356 Emerald Street North and 118 Shaw Street, 60 Shaw Street/351 Emerald Street North, 65 Shaw Street, 1 Douglas Drive/101-103 Shaw Street

Applicant's Proposed Conversion, Proposed Land Use, and Rationale

The applicant proposes conversion of the following properties, with the proposed uses noted as follows:

- 354/356 Emerald St N and 118 Shaw St – adaptive reuse of industrial/ office/ warehousing buildings or redevelopment project to a mixed use development consisting of residential, retail, and office.
- 65 Shaw St – residential / mixed-use
- 60 Shaw St / 351 Emerald St N – residential / mixed use
- 1 Douglas Drive / 101-103 Shaw St – residential

The applicant submitted a Planning Justification Report and Noise Impact Study in support of the proposed conversions. Within the Planning Justification Report, the applicant notes the potential of converting the entirety of the employment area to the north of the railway tracks. The rationale for this consideration is that the employment lands in this area are surrounded to the north and south by lands designated Neighbourhoods, and that the majority of the land uses in the area are residential. The applicant suggests that converting the entirety of this area to Neighbourhoods would be a better reflection of the actual existing uses.

Analysis and Application of Criteria

Through the analysis completed by staff in the City of Hamilton Employment Land Review, all lands within this area to the north of Shaw Street are being recommended for conversion. The analysis and justification for this recommendation can be found in the Employment Land Review report.

This analysis will focus on the remaining parcels being requested by the applicant south of Shaw Street: 354 – 356 Emerald St N / 118 Shaw St (1.17 ha / 2.89 ac) and 60 Shaw St (0.06 ha / 0.15 ac). 354 – 356 Emerald and 118 Shaw currently contains an active industrial use (Karma Candy) and 60 Shaw is currently vacant. The applicant proposes mixed use development of the subject lands, which would require the conversion of the subject lands from Employment Area to a commercial or mixed use designation. Table 15 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 16 identifies how the proposed conversion performs against City's conversion criteria.

**Table 15 - Analysis of 354-356 Emerald Street North / 118 Shaw St, and 60 Shaw Street
Using Provincial Conversion Criteria**

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	A need for the conversion has not been demonstrated. There is an existing active industrial use on the largest site which needs to be protected. The smaller site is vacant. The applicant suggests that the sites could be redeveloped for mixed use or residential purposes, contributing to mild intensification in the neighbourhood and increasing housing opportunities. Staff suggest that the proposed redesignations of the lands north of Shaw St in Volume 1 of the Employment Land Review will allow for these opportunities to occur in the neighbourhood. There is no compelling need to include the two properties south of Shaw Street in the conversion, particularly in consideration of the active industrial use on the lands, and the adjacency to the rail line.	No
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	The lands are designated as "Industrial Lands" in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 and conversion of these parcels will not have a significant effect on overall "Industrial Land" designation land need due to the small parcel size	Yes

Conversion Criteria	Analysis	Conversion Criteria Met?
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan</p>	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051, with a small surplus of approximately 60 hectares.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	<p align="center">Neutral</p>
<p>The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan</p>	<p>Existing employment uses on the proposed conversion sites may be compromised. The PJR did not address loss of existing employment uses. The employment area as a whole would not be impacted as these sites fall within a former residential enclave and uses are mixed.</p>	<p align="center">No</p>
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>Yes – well within existing urbanized/developed area</p>	<p align="center">Yes</p>

**Table 16 - Analysis of 354-356 Emerald Street North / 118 Shaw Street and 60 Shaw Street
Using City Conversion Criteria**

Conversion Criteria	Analysis	Conversion Criteria Met?
Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.	The area contains a mix of residential, industrial, commercial, and parking land uses. The area is located on the edge of the Employment Area.	Yes
Conversion will not adversely affect the long-term viability and function of the employment areas.	Removal of the subject sites from the Employment Area designation would impact a large industrial manufacturing operation.	No
Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.	The existing employment use on the subject lands is Karma Candy, an active industrial manufacturer. The conversion of the subject sites would be a change in land use from an existing employment use.	No
Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.	The conversion would not represent a substantial addition of commercial/residential land uses to the area, and it is not anticipated to have an impact on planned commercial functions elsewhere.	Yes
Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.	Conversion may create conflicting land uses, however the Noise Study indicates that impacts can be adequately controlled through mitigation measures, façade design, and warning clauses. There are existing residential uses in the area that are in equal or closer proximity to existing employment uses.	Yes

Conversion Criteria	Analysis	Conversion Criteria Met?
Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.	Existing industrial uses and jobs could be lost.	No
Conversion will result in a more logical land use boundary.	No – through the Employment Land Review report, staff are recommending the lands north of Shaw St be converted to the Neighbourhoods designation, which will result in a more logical boundary. Staff cannot support the conversion of 354-365 Emerald and 118 Shaw as this would impact an existing employment use. Staff recommend maintaining the lands south of Shaw St in the Employment Area designation, which would include the property at 60 Shaw St.	No

Recommendation

The subject lands do not meet all of the Provincial and City conversion criteria. The particular area of concern is with regard to the existing industrial use on the subject lands, Karma Candy, which is a large industrial use which occupies the entirety of one of the parcels proposed for conversion. Staff are concerned about the loss of a viable employment use. The Planning Justification Report submitted by the applicant did not address this issue. Therefore, staff do not support the conversion request of 354 -356 Emerald St N / 118 Shaw St or 60 Shaw St.

As noted, the remaining lands requested by the applicant (65 and 101-103 Shaw St) are being recommended for conversion in the Employment Land Review report.

3.5 2683 Barton Street East, Stoney Creek

Overview and Existing Context

The subject lands are located in the East Hamilton Business Park. The subject lands are designated "Business Park" on Schedule E-1 of the UHOP. Surrounding lands to the north and east are also designated "Industrial". To the south, lands are designated Neighbourhoods on the south side of Barton Street. Lands to the west are designated Open Space to recognize a natural ravine.

The lands are currently occupied by a vacant building. Surrounding uses include a mix of industrial and commercial uses to the north and east, and residential to the south. The size of the parcel is 0.8 ha.

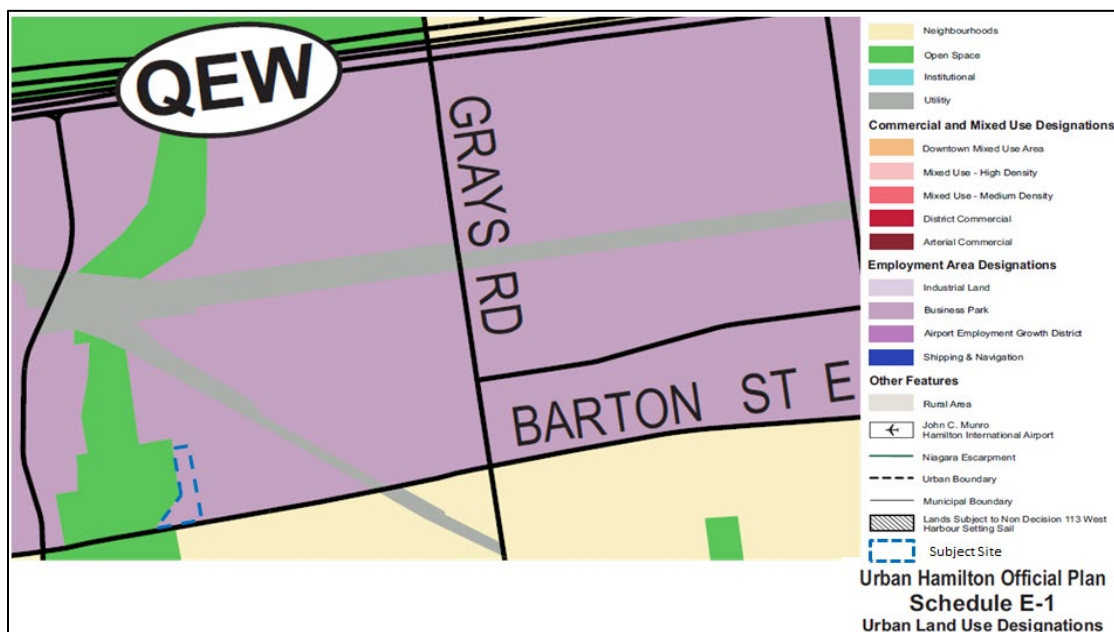


Figure 24- Land use designations for 2683 Barton Street East

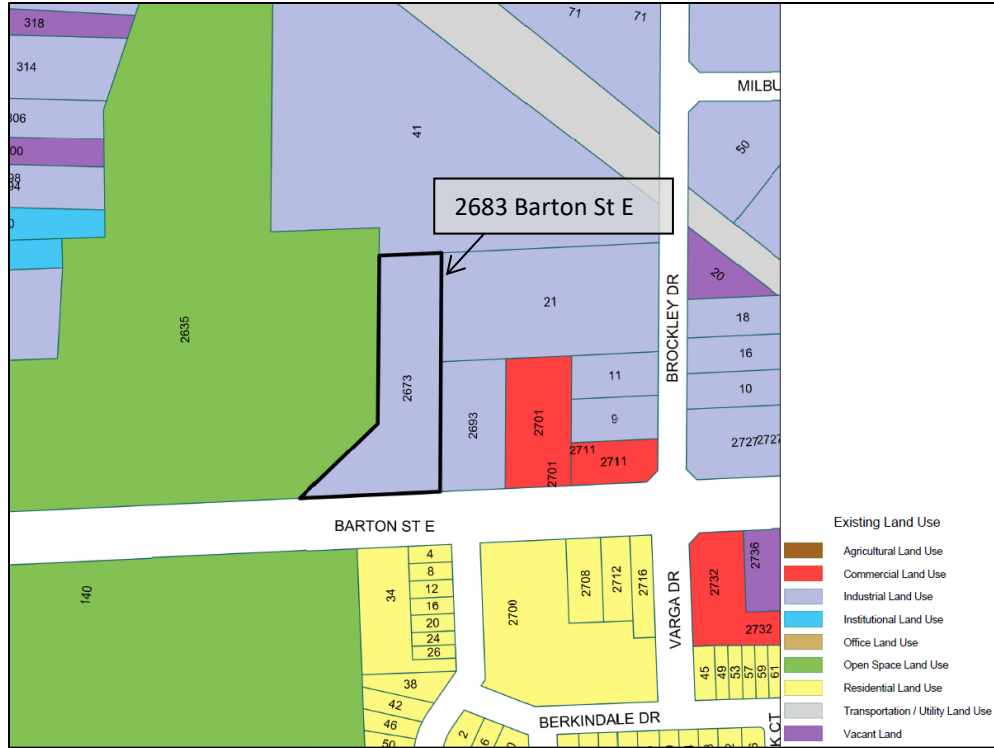


Figure 25 – Land uses for 2683 Barton Street East



Figure 26- Zoning for 2683 Barton Street East

Applicant’s Proposed Conversion, Proposed Land Use, and Rationale

The applicant proposes conversion of the property to allow for a possible combination of commercial, office and high density residential uses. The applicant cites the adjoining natural area to the west and the residential uses to the south as limiting factors in the type of employment uses that can locate on the lands. Further, the applicant notes that they have actively marketed the property for many years without success. Staff requested the submission of a Planning Justification Report and Noise Impact Study to support the conversion request, but the applicant has not submitted the required studies.

Analysis and Application of Criteria

The proposed development will require the conversion of the subject lands from Employment Area to a commercial or mixed use designation. Table 17 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 18 identifies how the proposed conversion performs against City’s conversion criteria.

Table 17 - Analysis of 2683 Barton Street East Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	There has been no need demonstrated for the conversion of these lands. Staff are not aware of any compelling site specific factors resulting in a need for conversion of these lands.	No
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	The lands are designated as “Business Park” in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 and conversion of these parcels will not have a significant effect on overall land need for the “Business Park” designation due to the small parcel size	Yes

Conversion Criteria	Analysis	Conversion Criteria Met?
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan</p>	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	<p>Neutral</p>
<p>The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan</p>	<p>The proposed residential components could potentially adversely affect adjacent industry, but not the entirety of the employment area.</p> <p>In the absence of a noise impact study to address the impact of introducing sensitive land uses on the subject lands, it is not possible to confirm that this criteria has been met.</p>	<p>No</p>
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>Yes – well within existing urbanized/developed area</p>	<p>Yes</p>

Table 18 - Analysis of 2683 Barton Street East Using City Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
<p>Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.</p>	<p>The area is located on the edge of the Employment Area, with two sides adjoining non-employment uses (Neighbourhoods to the south and Open Space to the west). The surrounding lands within the Business Park contains a mix of industrial and commercial uses, and residential uses exist to the south.</p>	<p align="center">Yes</p>
<p>Conversion will not adversely affect the long-term viability and function of the employment areas.</p>	<p>The conversion will not affect the employment area as a whole, as the subject parcel is small in size and located in such an area that it would not result in the isolation or separation of other employment uses.</p> <p>However, staff are concerned that the introduction of a Mixed Use or Neighbourhoods designation on the subject lands could lead to pressures to convert more parcels in the future.</p>	<p align="center">Neutral</p>
<p>Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.</p>	<p>Existing employment uses adjacent to the proposed conversion could be negatively affect by new sensitive land uses, as conversion of the lands for residential uses would represent an introduction of sensitive uses on the north side of Barton Street in this area.</p>	<p align="center">No</p>
<p>Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.</p>	<p>The conversion would not represent a substantial addition of commercial/ residential land uses to the area, and therefore it is not anticipated that it would impact planned commercial functions elsewhere.</p>	<p align="center">Yes</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.	The applicant has not submitted a Noise Impact Study to demonstrate that potential impacts can be mitigated.	No
Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.	The applicant has not provided any rationale for the conversion of this property, other than an inability to find a buyer or tenant for the lands. The City has identified the lands on the north side of Barton Street for employment uses. Introduction of a Mixed Use or Neighbourhoods designation on the subject lands could lead to pressures to convert more parcels in the future.	No
Conversion will result in a more logical land use boundary.	No – there are no other Mixed Use or Neighbourhoods designated lands on the north side of Barton Street in this area.	No

Recommendation

The subject lands do not meet a number of the provincial and city conversion criteria, and the applicant has not submitted a Planning Justification Report or Noise Impact Study to address these issues. Staff are concerned about conversion of the subject lands, and the potential for further conversion pressures on the north side of Barton Street as a result. No convincing rationale has been provided to support the conversion.

Staff do not support the conversion request.

3.6 85 DIVISION STREET AND 77 – 79 MERCHISON AVENUE, HAMILTON

Overview and Existing Context

The subject lands are located in the Bayfront Industrial Area. The subject lands are designated "Industrial Land" on Schedule E-1 of the UHOP. Surrounding lands to the north and west are also designated "Industrial". To the south and east, lands are designated Neighbourhoods.

The lands are currently occupied by a vacant building, formerly used for light industrial purposes. The building has been vacant for approximately 20 years. Surrounding uses include light industrial uses directly to the north, with the CN rail line further north and Dofasco on the north side of the rail line. A new light industrial building is proposed on the vacant lot to the north of the subject lands. To the west there is a mix of residential and light industrial uses. To the east and south are residential neighbourhoods. The size of the parcel is 0.5 ha.

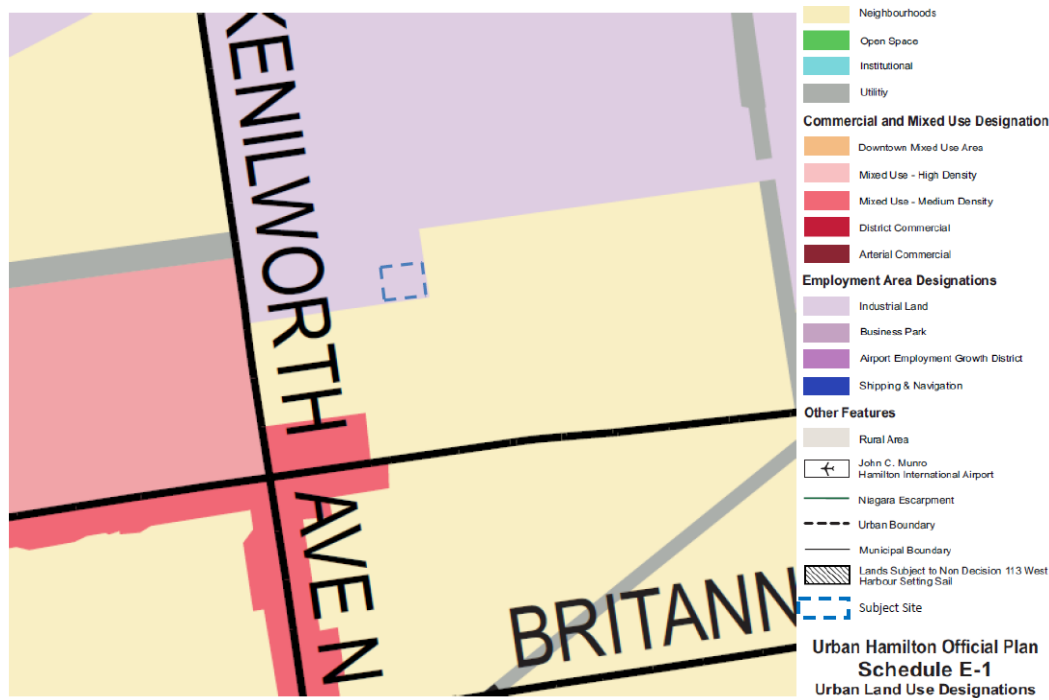


Figure 27- Land use designations for 85 Division Street and 77 – 79 Merchison Avenue

Applicant’s Proposed Conversion, Proposed Land Use, and Rationale

The applicant proposes conversion of the property to allow for residential development. The applicant cites the residential uses existing on three sides of the property as a limiting factor in the type of employment uses that can locate on the lands. Further, the applicant notes that they have actively marketed the property for many years without success. The applicant has submitted a Planning Justification Report and Noise Impact Study to support the conversion request.

Analysis and Application of Criteria

The proposed development will require the conversion of the subject lands from Employment Area to a Neighbourhoods designation. Table 19 identifies how the proposed conversion performs against the Provincial conversion criteria, as outlined in Policy 2.2.5.9 of the Growth Plan. Table 20 identifies how the proposed conversion performs against City’s conversion criteria.

Table 19 - Analysis of 85 Division Street and 77 – 79 Merchison Avenue Using Provincial Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
There is a need for conversion	Staff are satisfied that a need for conversion has been demonstrated due to site specific circumstances. The site is surrounded on three sides by residential uses which is a limiting factor in redevelopment of the site for industrial uses. The existing building has been vacant for more than 20 years and damaged by fire. Conversion of the site is needed to permit residential development which would allow for site clean up and remediation, resulting in an overall benefit to the neighbourhood.	Yes
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	The lands are designated as Industrial Lands in the Urban Hamilton Official Plan. The City has completed the Land Needs Assessment to the year 2051 and conversion of these parcels will not have a significant effect on overall land need for the “Industrial Land” designation due to	Yes

Conversion Criteria	Analysis	Conversion Criteria Met?
	the small parcel size.	
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the plan</p>	<p>The Land Needs Assessment completed as part of the MCR, indicates that there is sufficient supply of employment lands to accommodate forecasted growth to the year 2051, with a small surplus of approximately 60 hectares.</p> <p>Should additional lands be identified for conversion beyond those identified in this Report, the cumulative impact may result in an Employment Land shortfall which will need to be evaluated and addressed through revised employment area land need calculations.</p>	<p align="center">Neutral</p>
<p>The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan</p>	<p>The proposed residential development could potentially adversely affect adjacent industry, but not the entirety of the employment area.</p> <p>Staff note there is already a significant amount of existing residential development in proximity to the existing industrial uses, so it is unlikely that additional residential development would have a significant effect on the viability of the existing uses. However, introducing residential uses on the subject lands would result in sensitive uses being brought closer to the light industrial business at 45 Dunbar Ave by approximately 7 metres. The applicant submitted a Noise Impact Feasibility Study which identified that it will be feasible to mitigate noise impacts from the adjacent industrial / rail uses in accordance with MOECP guidelines. However, to ensure protection of the existing businesses on the north side of Dunbar Ave, staff recommend the lands be placed in a special policy area requiring the completion of detailed noise study, including demonstration of building design</p>	<p align="center">Yes, provided future dwelling units are designed to shield sensitive living areas from the Dunbar Street frontage. A detailed noise study will be required prior to site development.</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
	shielding sensitive living areas from the Dunbar Street frontage, prior to site development.	
There are existing or planned infrastructure and public service facilities to accommodate the proposed uses	Yes – within existing urbanized/developed area.	Yes

Table 20 - Analysis of 85 Division Street and 77 – 79 Merchison Avenue Using City Conversion Criteria

Conversion Criteria	Analysis	Conversion Criteria Met?
Site(s) are within an area that contains a mix of uses and located along the edges of employment areas.	The area is located on the edge of the Bayfront Industrial Area, with two sides adjoining non-employment uses (Neighbourhoods to the south and east). The surrounding lands within the vicinity contain a mix of industrial, commercial and residential uses.	Yes
Conversion will not adversely affect the long-term viability and function of the employment areas.	The conversion will not affect the employment area as a whole, as the subject parcel is small in size and located in such an area that it would not result in the isolation or separation of other employment uses.	Yes
Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.	Staff note that there is already a significant amount of existing residential development in proximity to the existing industrial uses, so it is unlikely that additional residential development would have a significant effect on the viability of the existing uses. However, introducing residential uses on the subject lands would result in sensitive uses being brought closer to the light	Yes, provided future dwelling units are designed to shield sensitive living areas from the

Conversion Criteria	Analysis	Conversion Criteria Met?
	<p>industrial business at 45 Dunbar Ave by approximately 7 metres. The applicant submitted a Noise Impact Feasibility Study which identified that it will be feasible to mitigate noise impacts from the adjacent industrial / rail uses in accordance with MOECP guidelines. However, to ensure protection of the existing businesses on the north side of Dunbar Ave, staff recommend that the lands be placed in a special policy area requiring the completion of detailed noise study, including demonstration of building design shielding sensitive living areas from the Dunbar Street frontage, prior to site development.</p>	<p>Dunbar Street frontage. A detailed noise study will be required prior to site development.</p>
<p>Conversion will not compromise any other planning policy objectives of the City, including planned commercial functions.</p>	<p>The applicant is not proposing the addition of any commercial land uses as part of the proposal.</p>	<p>Yes</p>
<p>Conversion will not create incompatible land uses, including a consideration of MOECP Land Use Compatibility Guidelines.</p>	<p>There is already extensive residential development within the area. The subject lands are surrounded on three sides by residential dwellings. A detailed noise study will be required prior to site development to ensure potential adverse effects are addressed.</p>	<p>Yes, provided a detailed noise study will be required prior to site development.</p>
<p>Conversion will be beneficial to the community through its contribution to the overall intent and goals of the City's policies and demands on servicing and infrastructure.</p>	<p>Introduction of residential uses would fit well with existing neighbourhood fabric. The site is surrounded on three sides by residential uses and has been sitting vacant for many years.</p>	<p>Yes</p>
<p>Conversion will result in a more logical land use boundary.</p>	<p>Conversion of the lands would not result in a more logical boundary, but would also not create a boundary that is a concern.</p>	<p>Neutral</p>

Conversion Criteria	Analysis	Conversion Criteria Met?
	The impact would be neutral. However, to avoid splitting a block with dual designations, staff recommend that the existing 7 dwellings at 166 – 180 Harmony Avenue, which share the same block as the subject lands, also be redesignated to Neighbourhoods in recognition of the existing uses.	

Recommendation

Staff recommend conversion of the subject lands at 85 Division Street and 77 – 79 Merchison Avenue to the Neighbourhoods designation. The subject property is surrounded on three sides by residential uses. The land use pattern in the immediate vicinity has remained stable and there has been no change in the surrounding residential uses to industrial uses over time. The redesignation of the subject lands would therefore increase compatibility with the surrounding residential uses.

Staff note there are existing active industrial uses on the north side of Dunbar Avenue, however these uses are already impacted by existing sensitive land uses in the vicinity. The introduction of additional residential uses on the subject lands would bring sensitive uses closer to one existing business (45 Dunbar Ave) by approximately 7 metres. The applicant submitted a noise impact study which concluded that there are no noise issues arising from the existing industrial uses in the vicinity, and that any noise concerns arising from surrounding road and rail traffic can be addressed through proper building construction and noise warning clauses registered on title.

To ensure that the long term future operational viability of the businesses will not be impacted by the introduction of additional residential uses in the vicinity, staff recommend placing the subject lands in a site specific policy area which will require the submission of a detailed noise control study prior to development. In addition, building design to shield sensitive living areas from the Dunbar Avenue frontage will also be required. It is noted that the applicant submitted a Noise Impact Feasibility Study which identified that it will be feasible to mitigate noise impacts from the adjacent industrial and rail uses in accordance with MOECP guidelines, however, a Detailed Noise Control Study will still be required prior to development of the site once building design and layout is known. It is also recommended that the subject lands be investigated to be deemed a Class 4 area under the Ministry of Environment Conservation and Parks, NPC-300 noise guideline. A Class 4 noise area classification allows for higher daytime and night-time sound level limits than would otherwise be permitted in relation to a noise

sensitive land use such as residential dwellings. The impact of the higher levels is mitigated by specified noise control measures. A council resolution deeming the lands to be Class 4 would be required. The site specific policy area would also require the submission of any other studies required to demonstrate land use compatibility, including but not limited to, a record of site condition.

Staff also recommend the redesignation of the seven residential parcels directly west of the subject lands to the Neighbourhoods designation to create a clean boundary and recognize the existing uses.

4.0 SUMMARY AND CONCLUSIONS

Staff have completed a review of the requests for conversion received as part of the Employment Land Review. Of the requests submitted, nine did not pass criteria 1, and of those, two were included in the report with additional analysis. Four conversion sites are being deferred for consideration to a later phase of the MCR, with two related to the review of Community Area growth options resulting from GRIDS 2. Six conversion request sites passed criteria 1 and were further evaluated as part of this Report. Of these six sites, the following sites satisfied all criteria and are being recommended for conversion:

- 645 – 655 Barton Street, Stoney Creek in the Stoney Creek Business Park is being recommended for conversion to the District Commercial designation, with a site specific policy area to restrict the development of any sensitive uses on the site.
- 85 Division Street and 77 – 79 Merchison Avenue in the Bayfront Industrial Area (together with the adjacent existing dwellings at 166 – 180 Harmony Avenue) is being recommended for conversion to Neighbourhoods, with a site specific policy area requiring approval of a detailed noise control study and special building design to shield sensitive living space from adjacent industrial uses, and other studies to demonstrate compatibility, prior to development,.
- Council has directed staff to convert the lands at 1280 Rymal Road East and 385 Nebo Road in the Red Hill North Business Park to facilitate the grocery store development proposed by the applicant.



GENERAL ISSUES COMMITTEE REPORT 21-016

9:30 a.m.

Monday, August 9, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually.

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

Absent: Councillor T. Whitehead – Leave of Absence

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-001, AND RESPECTFULLY RECOMMENDS:

1. International Village Business Improvement Area (BIA) Revised Board of Management (PED21150) (Ward 2) (Item 7.2)

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

- (a) Clay Burns

2. Hate Prevention and Mitigation Update (CM19006(e)) (City Wide) (Item 8.2)

- (a) That the recommendations presented in the Hamilton Hate Prevention – Final Report by Sage Solutions (attached as Appendix “A” to Report 21-016, be endorsed;
- (b) That staff be directed to report back to the General Issues Committee in October 2021 with an action plan to implement the City-focused recommendations, outlined in the Hamilton Hate Prevention – Final Report by Sage Solutions (attached as Appendix “A” to Report 21-016, and next steps to further equity, diversity and inclusion priorities for the City of Hamilton; taking into consideration work underway, such as the Community Safety and Well-being Plan; Urban Indigenous Strategy; and, other related initiatives; and,

- (c) That staff be directed to provide recommendations that focus on the operations of third parties, contained in the Hamilton Hate Prevention – Final Report by Sage Solutions (attached as Appendix “A” to Report 21-016, to the relevant organizations for their consideration.

3. Feasibility of Creating a Technology Hub on South City Hall Lands (PED21109) (Ward 2) (Item 10.1)

- (a) That staff be directed to prepare a land disposition strategy, through either a land sale or long-term land lease, for the City Hall Precinct Lands;
- (b) That staff be directed to prepare all relevant technical due-diligence studies required for executing the land disposition strategy including the following:
 - (i) Land-use, zoning, heritage planning, massing, parks and open space, environmental assessment, sustainable design, and functional servicing studies;
 - (ii) Assessment of municipal corporate requirements, including capital and operational parking impact analysis;
 - (iii) Highest and Best Use determination;
 - (iv) Property appraisal, based on highest and best use; and,
 - (v) Review of municipal financial implications;
- (c) That staff be directed to prepare options for Committee’s consideration on a process to facilitate the land disposition for the City Hall Precinct lands;
- (d) That Reserve Account #112221 entitled “Economic Development Investment Reserve” be approved for up to \$100,000, for any technical due diligence and expertise necessary to complete the approved direction; and establish a project ID;
- (e) That staff be directed to report back to the General Issues Committee with recommendations for consideration, regarding the disposition for the City Hall Precinct lands, in first quarter of 2022; and,
- (f) That staff be directed to consider the inclusion of a tower to accommodate staff located in other downtown locations in the review of the City Hall Precinct lands.

- 4. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 260 and 276 Dunsmure Road, Hamilton ERG-18-04 (PED21148) (Ward 3) (Item 10.2)**
- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-18-04, submitted by Dunsmure Developments Ltd.(Sarit Chandaria), owner of the properties at 260 and 276 Dunsmure Road, Hamilton, for an ERASE Redevelopment Grant not to exceed \$1,875,628, the actual cost of the remediation over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
 - (b) That the General Manager of Planning and Economic Development Department be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to give effect to the ERASE Redevelopment Grant for Dunsmure Development Ltd. (Sarit Chandaria), owner of the properties at 260 and 276 Dunsmure Road, Hamilton, in a form satisfactory to the City Solicitor; and,
 - (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.
- 5. Business Improvement Area Advisory Committee Report 21-007, July 13, 2021 (Item 10.3)**
- (a) **International Village Business Improvement Area Expenditure Request (Item 11.1)**

That the expenditure request from the International Village Business Improvement Area, in the amount of \$7,110.80 for Office Expenses – moving expenses, renovations and new furniture, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

(b) Business Improvement Areas Parking Master Plan Response (Item 11.2)

WHEREAS, the City of Hamilton Parking has recently shared with BIAs recommendations for a parking plan in the City of Hamilton, and in response, the Hamilton BIAs would like to see City of Hamilton support for local small businesses and local BIAs continue;

WHEREAS, in keeping with Hamilton BIAs contributions to the unique vibrant neighbourhoods, destinations and districts of Hamilton;

WHEREAS, priority pricing for parking and reduced paid hours for parking are key strategies that promote foot traffic to our local businesses and attract new visitors within the Business Improvement Areas (BIAs); and,

WHEREAS, a supportive parking plan is critical as small businesses move to recovery mode following the pandemic;

THEREFORE, BE IT RESOLVED:

- (a) That the Business Improvement Areas Advisory Committee request that there be no changes to the current paid parking schedule for Monday-to-Sunday parking, within the BIAs where paid parking is established, be approved;
- (b) That the current paid parking hours, within the BIAs where paid parking is established, remain in effect;
- (c) That a free Saturday and Sunday parking program be extended to those BIAs that wish to partake; and,
- (d) That staff, in collaboration with the BIAs, be directed to investigate parking revenue options that would support a BIA preferred parking program, and report back to the Business Improvement Area Advisory Committee.

6. Canada Community Revitalization Fund Initial Intake (FCS21077) (City Wide) (Item 10.4)

- (a) That the Mayor and City Clerk be authorized and directed to execute all necessary documentation, including Funding Agreements to receive funding under the Canada Community Revitalization Fund with content satisfactory to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor; and,

- (b) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Canada Community Revitalization Fund.

7. Advisory Committee for Persons with Disabilities Report 21-007, July 13, 2021 (Item 10.6)

(a) Communications (Item 4.4)

- (i) That the correspondence from Justin Jones, WSP Canada Inc., respecting Ward 8 Complete Streets Project Feedback (Item 4.4), be received; and,
- (ii) That Anthony Frisina and James Kemp be approved to represent the Advisory Committee for Persons with Disabilities at the Residents Advisory Council for the Ward 8 Complete Streets Project.

(b) Resignation of Shahan Aaron from the Built Environment Working Group of the Advisory Committee for Persons with Disabilities (Item 6.1(a))

That the resignation of Shahan Aaron from the Built Environment Working Group of the Advisory Committee for Persons with Disabilities, be received.

8. Hate Flags and Symbols (CM19006(f)/LS19031(e)) (City Wide) (Item 10.7)

- (a) That signs or decoration, which include, but are not limited to, expressions and symbols associated with hate, such as the Confederate flag and the Nazi swastika, be banned from public property within the City of Hamilton, in recognition of the adverse power that such symbols can have on the psychology and well-being of community members;
- (b) That staff be directed to prepare an Amending By-law to By-law 10-197, being the Hamilton Sign By-law, to provide that the City of Hamilton may, at its sole discretion, remove, without notice, or order to be removed, any sign or decoration, which has been determined is for an unlawful activity, or contains expressions and symbols associated with hate, profanity or obscenity or other message that is deemed offensive or discriminatory, as defined in the Ontario Human Rights Code, for Council's approval;

- (c) That the Mayor correspond with the Honourable David Lametti, Minister of Justice and Attorney General of Canada, in support of the Federation of Canadian Municipalities (FCM) resolution, respecting Strengthening Canada's Hate Speech Laws (attached as Appendix "B" to Report 21-016, to request the Federal Government develop legislation that would clarify and strengthen the definition of hate speech and symbols, including explicit recognition of the psychological harm that can be caused by hateful symbols, and work with all levels of government in addressing the root causes of hate speech;
- (d) That the Mayor correspond with the Honourable Doug Downey, Attorney General of Ontario, to request that the Province enact legislation that would enable municipalities to make enforceable decisions regarding symbols deemed unacceptable by the local community, with such consideration to also include a review of statutes where hate speech may be identified as illegal; and,
- (e) That a copy of this resolution be forwarded to the Association of Municipalities of Ontario, the Federation of Canadian Municipalities as well as local MPs and MPPs for their information.

9. 2021 Property and Liability Insurance Renewal Report (LS21027) (City Wide) (Item 10.8)

- (a) That the Liability and Property Insurance coverage for the term January 1, 2021 to January 1, 2022, be renewed through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$10,148,551 (net of taxes);
- (b) That the 2021 Risk Management Property and Liability budget shortfall of \$2,085,121 be funded through the 2021 year-end surplus or Tax Stabilization Reserve (110046);
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Liability and Property Insurance coverage for the terms January 1, 2021 to January 1, 2022, through Marsh Canada Ltd., in a form satisfactory to the City Solicitor, on behalf of the City of Hamilton;
- (d) That five (5) permanent FTEs be approved, effective January 2022, namely two litigation solicitors, a law clerk, a legal assistant and a Risk Management assistant, with the annual compensation costs totalling \$645,000 to be cost recovered from City Departments and appropriate Boards and Agencies, commencing in 2022; and,

- (e) That the one-time costs of \$29,000 related to equipment and materials in support of the additional complement, to be funded from the Unallocated Capital Reserve (108020), be approved.

10. Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) (HSC20056(a)) (City Wide) (Item 10.9)

- (a) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to enter into the Rapid Housing Initiative Agreement, with the Canada Mortgage and Housing Corporation (CMHC), to accept Hamilton's Rapid Housing Initiative allocation through the Cities Stream in the amount of \$12,945,935 for the creation of a minimum of 49 new affordable housing units through conversion or rehabilitation of existing buildings, new builds, including modular construction, in a form satisfactory to the City Solicitor;
- (b) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Rapid Housing Initiative (RHI) and provide support to projects applying to the RHI Cities Stream including: entering into any agreements and ancillary agreements on such terms as they consider appropriate; approving purchase orders; exempting actions from approved City policies, procedures, and business practices, as needed to meet RHI timelines; and taking other actions needed to ensure success, in a form satisfactory to the City Solicitor;
- (c) That affordable housing exemptions from Municipal Development Charges (as defined by City of Hamilton Development Charges By-laws No. 19-142 and 11-174 or successor by-laws) for projects funded under the Rapid Housing Initiatives Cities Stream, Rounds I and II, be funded from the Unallocated Capital Levy Reserve (#108020);
- (d) That an estimated increase of \$248,000 to the Housing Services Division's 2023 operating budget, to fund rent subsidies for 49 units created under the Rapid Housing Initiative Round II for the required program affordability period of 20 years, be referred to the 2023 Operating Budget (GIC) for consideration; and,
- (e) That the Housing Services Division report back to the Emergency and Community Services Committee, as appropriate, on the City's progress with the Rapid Housing Initiative including both the first and second round of funding.

11. Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide) (Item 10.10)

- (a) That the following Hamilton Priorities, be approved in advance of the Federal election:
 - (i) Supportive Housing & Tackling Poverty – addressing the economic impact of COVID-19 on vulnerable populations through supports for homelessness and an affordable housing strategy;
 - (ii) Impacts of Climate Change – disaster mitigation and adaption support for areas either impacted or at risk of being impacted by the effects of Climate Change;
 - (iii) Strong Economic Recovery – investment in critical infrastructure to support economic development and continued support for workers and businesses recovering from COVID-19;
 - (iv) Equity, Diversity and Inclusion – support for marginalized communities that have been impacted by hate related incidents, namely, the Black, Jewish, 2S-LGBTQIA+, and Indigenous communities;
 - (v) Championing rural and northern communities by committing to universal internet access and modernizing, streamlining funding tools; and,
- (b) That staff be directed to report back to the General Issues Committee to provide relevant supplementary materials that will support election related meetings with candidates and campaign teams.

12. Disposition of City-Owned Property (PED21154) (Ward 12) (Item 14.2)

- (a) That the City's property, identified in Appendix "A" attached to Report PED21154, be declared surplus for the purposes of disposition;
- (b) That the Corporate Real Estate Office of the Planning and Economic Development Department be authorized and directed to enter into any agreements necessary (including any requisite easements) to affect the orderly disposition of the property identified in Appendix "A" to attached to Report PED21154, to the Hamilton Region Conservation Authority, for nominal land value, plus ancillary costs and fees, on the terms and conditions contained in Appendix "B" attached to Report PED21154, and

such other terms and conditions deemed acceptable to the General Manager, Planning and Economic Development Department;

- (c) That the sum of \$2,500 + HST, to be charged and credited to Dept. ID No. 812036 (Real Estate – Admin Recovery), for recovery of expenses including Real Estate and Legal administration fees, be approved;
- (d) That the City Solicitor be authorized and directed to complete the transaction for the sale of the City’s property identified in Appendix “A” attached to Report PED21154, on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms deemed appropriate by the City Solicitor;
- (e) That the Mayor and City Clerk be authorized and directed to execute any and all necessary documents related to the sale of the City’s property identified in Appendix “A” attached to Report PED21154, in a form satisfactory to the City Solicitor; and,
- (f) That Report PED21154, respecting the Disposition of City-Owned Property, remain confidential until final completion of the real estate transaction.

13. Human Services Integration (HSC21032) (City Wide) (Item 14.3)

- (a) That the direction provided to staff in Closed Session, respecting Report HSC21032, Human Services Integration, be approved;
- (b) That the Ontario Works, Housing Services, Children’s Services and Neighbourhood Development Divisions within the Healthy and Safe Communities Department operate under a Human Services framework for the purpose of transferring complement between these divisions, at the discretion of the General Manager, Healthy and Safe Communities Department, until such time at which human services integration work is complete;
- (c) That staff be directed to report back to the General Issues Committee on an annual basis respecting any transfer of complement made under the Human Services framework; and,
- (d) That Report HSC21032, respecting Human Services Integration, remain confidential until approved by Council.

14. Proposed Settlement of Appeals by 2362302 Ontario Inc. and West End Home Builders Association of City of Hamilton Development Charges By-law 14-153 (LS21024 / FCS21067 / PED21152) (City Wide) (Item 14.4)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21024 / FCS21067 / PED21152, Proposed Settlement of Appeals by 2362302 Ontario Inc. and West End Home Builders Association of City of Hamilton Development Charges By-law 14-153 (City Wide), be approved; and,
- (b) That Report LS21024 / FCS21067 / PED21152, Proposed Settlement of Appeals by 2362302 Ontario Inc. and West End Home Builders Association of City of Hamilton Development Charges By-law 14-153 (City Wide) including the appendices, remain confidential.

15. Encampment Litigation Update (LS20023(d)) (City Wide) (Item 14.5)

That Private & Confidential Options “A” to “C”, as outlined in Report LS20023(d), respecting the Encampment Litigation Update, be REFERRED to the emergency Council meeting of August 9, 2021 for consideration.

16. Legal Opinion - Jurisdiction (LS21029) (City Wide) (Item 14.6)

That Report LS21029, respecting Legal Opinion – Jurisdiction, remain confidential.

17. Indemnification of Legal Fees (LS21030) (City Wide) (Item 14.7)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21030 - Indemnification of Legal Fees, be approved; and,
- (b) That Report LS21030, respecting the Indemnification of Legal Fees, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. ADDED DELEGATION REQUESTS

- 6.1. Mouna Bile, Hamilton Community Legal Clinic, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols
- 6.2. Ruth Greenspan, No Hate in the Hammer, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols
- 6.3. Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols
- 6.4. Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.5. Lily Lumsden, Hamilton Immigration Partnership Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.6. Kim Martin, Social Planning and Research Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.7. Sandi Bell, Hamilton Anti Racism Resource Centre, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update
- 6.8. Lyndon George, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update

This delegate withdrew, just prior to commencement of the meeting.

8. STAFF PRESENTATIONS

- 8.2. Hate Prevention and Mitigation Update (CM19006(e)) (City Wide)

10. DISCUSSION ITEMS

- 10.9. Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) (HSC20056(a)) (City Wide)

- 10.10. Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide)

14. PRIVATE AND CONFIDENTIAL

- 14.5. Encampment Litigation Update (LS20023(d)) (City Wide)

Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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.

- 14.6. Legal Opinion - Jurisdiction (LS21029) (City Wide)

Pursuant to Section 9.1, Sub-sections (f) and (k) of the City's Procedural By-law 21- 021 and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains 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.

- 14.7. Indemnification of Legal Fees (LS21030) (City Wide)

Pursuant to Section 9.1, Sub-sections (b), (e), (f) and (k) of the City's Procedural Bylaw 21-021 and Section 239(2), Sub-sections (b), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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.

The agenda for the August 9, 2021 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Clark declared a potential interest to Item 14.7, respecting Report LS21030 – Indemnification of Legal Fees.

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

(i) July 5, 2021 (Item 4.1)

The Minutes of the July 5, 2021 General Issues Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved to appear before the General Issues Committee on August 9, 2021:

- (i) Mouna Bile, Hamilton Community Legal Clinic, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 6.1)
- (ii) Ruth Greenspan, No Hate in the Hammer, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 6.2)
- (iii) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 6.3)
- (iv) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.4)
- (v) Lily Lumsden, Hamilton Immigration Partnership Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.5)
- (vi) Kim Martin, Social Planning and Research Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.6)
- (vii) Sandi Bell, Hamilton Anti Racism Resource Centre, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 6.7)

For disposition of these matters, please refer Items 2 and 8.

(e) CONSENT ITEMS (Item 7)

(i) Business Improvement Area (BIA) Advisory Committee Minutes 21-006, June 8, 2021 (Item 7.1)

The Business Improvement Area (BIA) Advisory Committee Minutes 21-006, June 8, 2021, were received.

(f) PRESENTATIONS (Item 8)

(i) COVID-19 Verbal Update (Item 8.1)

Paul Johnson, General Manager, Healthy & Safe Communities Department, provided the verbal update regarding COVID-19.

The presentation, respecting the COVID-19 Verbal Update was received.

(ii) Hate Prevention and Mitigation Update (CM19006(e)) (City Wide) (Item 8.2)

Rebecca Sutherns, of Sage Solutions, addressed Committee and provided a PowerPoint presentation respecting Report CM19006 – Hate Prevention and Mitigation Update.

The presentation, respecting Report CM19006 – Hate Prevention and Mitigation Update, was received.

The consideration of Report CM19006(e), respecting the Hate Prevention and Mitigation Update, was DEFERRED until after the delegates had been heard.

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

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

The presentations provided by the following delegates were received:

(i) Paven Bratch, Metro Partners Inc., respecting Item 10.1 - Report PED21109, Feasibility of Creating a Technology Hub on South City Hall Lands (Item 9.1)

(ii) Mouna Bile, Hamilton Community Legal Clinic, respecting Item 10.7 - Report CM19006(f)-LS19031(e), Hate Flags and Symbols (Item 9.2)

- (iii) Ruth Greenspan, No Hate in the Hammer, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 9.3)
- (iv) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 10.7 - Report CM19006(f)/LS19031(e), Hate Flags and Symbols (Item 9.4)
- (v) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.5)
- (vi) Lily Lumsden, Hamilton Immigration Partnership Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.6)
- (vii) Kim Martin, Social Planning and Research Council, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.7)
- (viii) Sandi Bell, Hamilton Anti Racism Resource Centre, respecting Item 8.2 - Report CM19006(e), Hate Prevention and Mitigation Update (Item 9.8)

For disposition of these matters, please refer to Items 2, 3 and 8.

The General Issues Committee recessed for 30 minutes until 1:00 p.m.

(h) DISCUSSION ITEMS (Item 10)

(i) Feasibility of Creating a Technology Hub on South City Hall Lands (PED21109) (Ward 2) (Item 10.1)

- (a) That sub-section (c) to Report PED21109, Feasibility of Creating a Technology Hub on South City Hall Lands, be deleted in its entirety and replaced with the following in lieu thereof:
 - (c) ~~That staff be directed to prepare options for Committee's consideration on a process to facilitate the land disposition;~~
 - (c) ***That staff be directed to engage in direct discussions with Metro Partners that may lead to the creation of a Technology Hub development on the City Hall Precinct lands, as per Appendix "A" to Report PED21109 and determine the studies that could be completed by Metro Partners as part of a negotiated agreement;***

- (b) That sub-section (e) to Report PED21109, be deleted in its entirety and replaced with the following in lieu thereof:
 - (e) ~~That staff report back to the General Issues Committee with recommendations for consideration in first quarter of 2022.~~
 - (e) ***That staff be directed to report back to General Issues Committee with recommendations and any conditions therein that would be associated to a sale or long-term land lease to Metro Partners for consideration in the first quarter of 2022.***

The following Motion, be withdrawn:

- (a) That sub-section (c) to Report PED21109, Feasibility of Creating a Technology Hub on South City Hall Lands, be deleted in its entirety and replaced with the following in lieu thereof:
 - (c) ~~That staff be directed to prepare options for Committee's consideration on a process to facilitate the land disposition;~~
 - (c) ***That staff be directed to engage in direct discussions with Metro Partners that may lead to the creation of a Technology Hub development on the City Hall Precinct lands, as per Appendix "A" to Report PED21109 and determine the studies that could be completed by Metro Partners as part of a negotiated agreement;***
- (b) That sub-section (e) to Report PED21109, be deleted in its entirety and replaced with the following in lieu thereof:
 - (e) ~~That staff report back to the General Issues Committee with recommendations for consideration in first quarter of 2022.~~
 - (e) ***That staff be directed to report back to General Issues Committee with recommendations and any conditions therein that would be associated to a sale or long-term land lease to Metro Partners for consideration in the first quarter of 2022.***

Report PED21109, respecting the Feasibility of Creating a Technology Hub on South City Hall Lands, was **amended** by adding a new sub-section (f), to read as follows:

- (f) ***That staff be directed to consider the inclusion of a tower to accommodate staff located in other downtown locations in the review the review of the City Hall Precinct lands.***

For further disposition of this matter, please refer to Item 3.

(ii) **Farmers' Markets - Rent Relief and Governance Comparators (PED21158) (City Wide) (Item 10.5)**

Report PED21158, respecting the Farmers' Markets - Rent Relief and Governance Comparators, was DEFERRED to the September 8, 2021 General Issues Committee to allow the City Solicitor time to review the matter.

(iii) **Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide) Item 10.10)**

Sub-section (a) to Report CM21010, respecting Hamilton's Federal Election Priorities 2021, was **amended**, by adding a new sub-section (v), to read as follows:

- (v) ***Championing rural and northern communities by committing to universal internet access and modernizing, streamlining funding tools***

For further disposition of this matter, please refer to Item 11.

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

(a) **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 (Item 13.1.a.):

- (aa) Potential Solutions to the Chedoke Creek Matter (Item 13.1.aa.)
Current Due Date: July 5, 2021
Proposed New Due Date: December 8, 2021
- (bb) Budgetary Plan to Address the Chedoke Creek Matter (Item 13.1.bb.)
Current Due Date: July 5, 2021
Proposed New Due Date: September 22, 2021
- (cc) Election Expense Reserve Needs related to consideration of Internet Voting for the 2026 Municipal Election (Item 13.1.cc.)
Current Due Date: August 9, 2021
Proposed New Due Date: September 22, 2021

(j) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – July 5, 2021 (Item 14.1)

- (a) The Closed Session Minutes of the July 5, 2021 General Issues Committee meeting, were approved; and,
- (b) The Closed Session Minutes of the July 5, 2021 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session, respecting Items 14.2 to 14.7, pursuant to Section 9.1, Sub-sections (b), (c), (d), (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (b), (c), (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; a proposed or pending acquisition or disposition of land by the municipality or local board; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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.

(k) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 7:16 p.m.

Respectfully submitted,

Chad Collins, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



Hamilton

Hate Prevention & Mitigation Initiative

Recommendations Report

FINAL

April 29, 2021

Prepared by Rebecca Sutherns PhD CPF
Sage Solutions

sage
SOLUTIONS

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Executive Summary

This report offers 18 recommendations stemming from research and stakeholder engagement related to Hate Mitigation and Prevention in the City of Hamilton that occurred in 2020 and 2021 in response to high numbers of hate-related incidents reported to police. What started as a project focused on municipal bylaws and policies has turned its attention to a more holistic suite of interventions which, taken together, could serve not only to reduce hate but also to build proactively the kind of diverse and welcoming city that Hamilton wants to be. Those recommendations are summarized here, with further methodological and content details provided within the body of the report:

Proactive Leadership

1. *Accelerate decisive and well-informed City responses to stand against hate. Be firmer in condemning hateful activities in the city while promoting alternative positive values.*
2. *Create, resource and implement an action plan to confront systemic racism, oppression, and other forms of discrimination in Hamilton.*
3. *Convene collaborative opportunities for productive dialogue amongst community organizations, businesses, and other local institutions, with the goal of building a welcoming city together.*
4. *Measure and report on progress.*

Centering Communities

5. *Follow through with actions that support what the City has already heard.*
6. *Deeply listen to the voices of those experiencing hate, acknowledge their experiences and provide ongoing opportunities for community feedback.*
7. *Incorporate more diverse representation at decision-making tables.*
8. *Initiate convergent strategies to coordinate and accelerate the work that community organizations are doing to combat hate in the city.*
9. *Redirecting funding away from punitive efforts and toward prevention, including increasing resources for social services partnerships to address mental health, addictions and affordable housing.*
10. *Invest in equity-promoting programming and re-evaluate City grants and granting processes to ensure they are equitable and accessible.*
11. *Invest in more safe community spaces.*

Education and Early Intervention

1. *Partner with community organizations, District School Boards, and other relevant collaborators, to co-create and implement an educational curriculum together with young people about racism, hate, equity, diversity, inclusion, and justice and belonging, from the perspective of people living in Hamilton.*
2. *Invest in placemaking initiatives that encourage diverse community interactions across groups.*

Regulations and Enforcement

3. *Leverage the municipal regulatory framework to stand against the presence of hate, beginning on City property but extending beyond that where legally possible.*
4. *Develop a hate incident community mapping mechanism to better track and collect data for hate incidents happening in the city.*
5. *Build a coordinated community reporting system*
6. *Embrace community-led responses to harm*
7. *Building and fostering working relationships between community organizations and Hamilton Police Service.*

Background

Hate initially and directly harms an individual and then inevitably ripples, profoundly impacting entire communities and requiring considerable work to dismantle and unlearn. Tragic events globally and here in Canada, such as the mass shooting at the Islamic Cultural Centre of Quebec City, have shown that no community is immune from the effects of hateful rhetoric. A recent poll conducted by the Canadian Race Relations Foundation found that a majority of Canadian adults polled believe the amount of hateful and racist comments and content online has increased over the past few years.¹ The poll also states that one in five Canadians has experienced online hate, harassment, or violence, including 40% of 18 to 29-year-olds and 29% of racialized Canadians.² Data from Statistics Canada reveals an increase in the number of police-reported hate incidents and crimes report over the last five years. Even in contexts where overall rates are stable, the intensity or seriousness of crimes is often showing an increase over time.³

In 2019, the Government of Canada committed to a three-year Anti-Racism Strategy to combat racism and discrimination that is anti-Indigenous, Islamophobic, antisemitic, anti-Black, and homophobic.⁴ This commitment reflects an acknowledgement that throughout Canada's history, and into today, there are people and communities who face systemic racism and hate, and that government leadership needs to do more to combat discrimination in its various forms if it wants to uphold its values of being a diverse, welcoming and inclusive. The strategy does not outright name transphobia and anti-Asian hate.

Like the federal government, municipalities have the potential to act as a catalyst for dismantling hatred in their own communities, through the creation and enforcement of regulations; visible, proactive leadership; allocation of resources to tangible improvement measures; the design of physical spaces, as well as support for and collaboration with social service agencies, police services, and grassroots organizations to work powerfully together toward more equitable and compassionate communities.

In late 2019, the City of Hamilton embarked on a Hate Prevention and Mitigation Initiative. The project was initially prompted by concern that the rates of police-reported hate crimes in Hamilton had jumped, as in 2017 Hamilton Police Services investigated 136 reported incidents of hate and bias, an increase of 18.3% from the previous year. In 2018, a total of 125 incidents

¹ *Online Hate and Racism: Canadian experiences and opinions on what to do about it.* Conducted for the Canadian Race Relations Foundation. https://www.crrf-fcrr.ca/images/CRRF_OnlineHate_Racism_Jan2021_FINAL.pdf

² *Online Hate and Racism: Canadian experiences and opinions on what to do about it.* Conducted for the Canadian Race Relations Foundation. https://www.crrf-fcrr.ca/images/CRRF_OnlineHate_Racism_Jan2021_FINAL.pdf

³ Iner, Dryer, ed. *Islamophobia in Australia Report II.* Sydney: Charles Sturt University and ISRA, 2019.
Nathan, Julie. *Report on Antisemitism in Australia.* New South Wales: Executive Council of Australian Jewry, 2019.

⁴ *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022.* Government of Canada. <https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html>

of hate and bias were reported to the Hamilton Police Service, a decrease of 8% over 2017, but a figure that still positioned Hamilton as the community with the highest number of per capita reported hate crimes in Canada by a significant margin.^{5,6} A more recent report released in April 2021 from the Hamilton Police Services Board documented 80 reported incidents, of which 72 were hate and bias incidents and eight were hate and bias crimes.⁷ The total number of incidents last year marked a 13.1% decrease from 2019, in which 92 incidents were reported.⁸

Data categorization methods vary, even between Hamilton Police Services and Statistics Canada. Moreover, reported data only includes those incidents that are reported to police services and therefore depends not only on police services' level of expertise in identifying and classifying crimes motivated by hate, but also on the community's willingness to report to police. A shift in the numbers may be related to a change in reporting practices by the public to police services (for example, as a result of outreach by police to communities or heightened sensitivity after high profile events), or it can represent a true increase in the extent of hate crimes being committed. Historically, reported numbers are lower due to chronic underreporting of hate crimes by impacted communities to police services. Feedback from the community on this most recent report reflects an understanding that although the figures are heading in the right direction, these numbers do not accurately depict the extent and severity of experiences of hate. However, even if the numbers are accurate, they are still relatively quite high and therefore cause for concern.

Statistics Canada defines hate crime as incidents that can be carried out against a person or property, based on presumed race, colour, national or ethnic origin, religion, sexual orientation, gender identity or expression, language, sex, age, mental or physical disability, or any other similar factor.⁹ Identities are intersectional; hate can be compounded, differently impacting people based on the multitudes that identities hold. For example, Statistics Canada found that "police-reported violent hate crimes against Indigenous and Muslim populations more likely than other hate crimes to involve female victims."¹⁰ In Canada, members of the Jewish, Muslim, Indigenous, Black and other racialized communities, and LGBTQ2S+ communities have been

⁵ Statistics Canada reported that Hamilton saw the highest rate of hate crimes (17.1 hate crimes per 100,000 population) among Census metropolitan areas in 2018, with 97 incidents. These hate crimes tended to target the Black (31%) and Jewish (26%) populations.

⁶ *2018 Hate/Bias Statistical Report*. Hamilton Police Service. https://develop.hamiltonpolice.on.ca/sites/default/files/2018_annual_hate_bias_crime_report.pdf

⁷ *2020 Hate/Bias Statistical Report*. Hamilton Police Service. <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=266931>

⁸ "Despite the summer of hate, Hamilton's hate incidents tumbled in 2019." *The Hamilton Spectator* (January 31, 2020). <https://www.thespec.com/news/hamilton-region/2020/01/31/despite-summer-of-hate-hamilton-s-hate-incidents-tumbled-in-2019.html>

⁹ *Police-reported hate crime, 2018*. Statistics Canada. <https://www150.statcan.gc.ca/n1/daily-quotidien/200226/dq200226a-eng.htm>

¹⁰ *Police-reported hate crime in Canada, 2018*. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

reported as most likely targets of hate crime, which is reflected in Hamilton's data. Further, more recent reports detail a disturbing surge of anti-Asian hate crimes in Canada with the impetus of the COVID-19 pandemic.¹¹

Hate is a complex issue, and addressing it requires a multi-faceted response involving multiple government levels and many community actors working together toward shared goals. The City therefore committed not only to reviewing its hate-related policies, but also to exploring ways the municipality can ensure the community lives up to the positive aspirations it holds for itself of being an inclusive and welcoming city that is the best place to raise a child and age successfully. It did so by learning from other communities' experiences, building on previous community recommendations and listening further to the community through a multi-faceted engagement process that has unfolded throughout 2020.¹²

This report presents the final recommendations of the Hate Prevention and Mitigation Initiative to Hamilton's City Council, based on findings from extensive research and community engagement as described below. It outlines tangible actions the municipality can take to combat hate in its city. That ultimate impact of hate prevention and mitigation will only occur, however, if the City goes beyond accepting these recommendations to investing in their disciplined implementation.

Defining Hate

This project is formally known as "the hate prevention and mitigation initiative." Hate, hateful incidents, discrimination and even hate crimes lack a consistent definition across jurisdictions. Concerns were raised about the terminology used within this project. As one participant said, "*Hate' is too general—name racism, transphobia, Islamophobia, violence etc. for what they are—hate has lost meaning and is implied to be negative in every context—it creates more distance—also individualizes it to talk about 'behaviours' or 'incidents.'*" Another expressed concern this way: "*City officials have used that word 'hate' to describe justifiable hurt and anger directed towards institutions (such as hate for police) and equated them as the same thing as white supremacist violence.*"

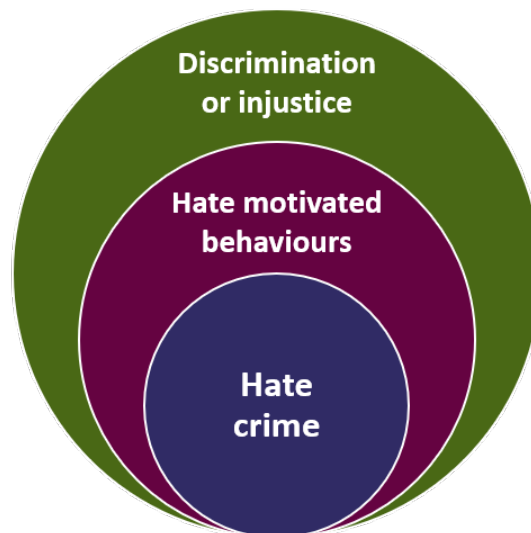
A glossary of terms has been provided for reference in Appendix A. The terms "hateful behaviours" or "hate-motivated incidents" have been used to refer to a broader category than hate crimes but a more targeted category than discrimination generally. We recognize this language's limitations, as "behaviours" may only be the visible tip of a much larger iceberg of attitudes that could be called hateful or perhaps also unwelcome, non-inclusive, discriminatory

¹¹ *New report details 'disturbing rise' in anti-Asian hate crimes in Canada.* CTV News (March 23, 2021). <https://www.ctvnews.ca/health/coronavirus/new-report-details-disturbing-rise-in-anti-asian-hate-crimes-in-canada-1.5358955>

¹² Refer to the consultant's [Stakeholder Engagement Summary Report](#) for details.

or biased. More accurate descriptions are used whenever possible. This project has been using the following working definitions of hate crime, hate-motivated behaviours and discrimination to inform its work:

Hate Crime: A criminal act that promotes hatred against identifiable groups of people, motivated by bias, prejudice or hate. Although individuals and groups that promote this destructive form of human rights-based discrimination often defend their right to “free speech,” it is a criminal offence to disseminate hate propaganda and/or to commit hate crimes.



Hate motivated behaviour: Any act or attempted act intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by hostility toward the victim's real or perceived ethnicity, national origin, immigrant status, religious belief, gender, sexual orientation, age, disability, political affiliation, race, or any other physical or cultural characteristic.

Discrimination: Any form of unequal treatment based on a ground protected by human rights legislation that results in disadvantage, whether imposing extra burdens or denying benefits. Discrimination can be intentional or unintentional; and it may occur at an individual or systemic level. It may include direct actions or more subtle aspects of rules, practices and procedures that limit or prevent access to opportunities, benefits, or advantages that are available to others.

This project invites Hamilton to move from a narrow definition of hate as a crime to a broader understanding of hate prevention and mitigation as building blocks to achieving a welcoming, diverse and inclusive city, as expressed in *Our Future Hamilton*.

Methodology

Design and facilitation of stakeholder engagement was led by Dr. Rebecca Sutherns and her team from Sage Solutions (www.rebeccasutherns.com), the Guelph-based consulting firm hired to support the City with this project, in conjunction with two community engagement staff at the City (John Ariyo and Pauline Kajiura) and local community leaders.

Guiding Principles for Engagement

The design and implementation of this engagement process was guided by the City's Core Principles of Public Engagement.¹³

1. Transparency and Trust
2. Accountability and Action
3. Inclusion and Diversity
4. Create Opportunities for Active Participation
5. Collaboration, Cooperation and Shared Purpose
6. Ongoing Engagement and Open Communication
7. Learning, Reflection and Evaluation
8. Capacity for Engagement

Specifically, this commitment led to the following decisions:

- Inviting a cross-section of community leaders to inform the initial engagement design
- Provision of a variety of accessible engagement platforms and opportunities, where possible, given pandemic restrictions
- Priority given to hearing from those most directly and frequently affected by hate in Hamilton
- Ensuring that the questions asked are meaningful and have the potential to be impactful within the City and across the wider community
- Inclusion of verbatim quotations in engagement reports, to allow residents' words to communicate the key messages directly
- Building on relevant recommendations already communicated to the City through other consultations and community events

Engagement Design

Careful and intentional decisions were made in the overall design of the community engagement activities, particularly due to the sensitivity of the subject matter. Certain research methodologies are better suited to eliciting input on difficult issues than others. There was a need to balance broad and deep input while choosing to centre the courageous voices of those with lived experience without seeking to retraumatize them.

The range of community engagement activities planned initially within the Hate Prevention and Mitigation Initiative were adapted in terms of their timing, breadth and formats due to COVID-19 restrictions that evolved as the project unfolded. Initial plans were made in late 2019 and early 2020, that would have involved a blend of in-person and online formats. They were informed by advice from community leaders in equity-seeking groups, as well as City

¹³ *Public Engagement Charter*, Hamilton's Engagement Committee, City of Hamilton.

Councillors. Engagement was then paused and then became fully digital as the global pandemic took hold.

Fully digital engagement on a sensitive and nuanced topic presents both opportunities and challenges. The most common primary benefit of digital engagement—reach to a large number of people—likely proved truer for the Listening Sessions in this project, at which attendance was quite robust, compared to the survey, which received relatively few responses for other reasons discussed below. It is unusual to have more people participate synchronously than asynchronously in community engagement activities. Digital platforms can allow for a lot of information to be collected in a short time, through widely accessible asynchronous surveys and the chat feature in synchronous meetings. Chat allows for multiple concurrent conversation threads, which proved both to enrich and distract from the interactions in this case. It is a challenge to create trust in a virtual room for a 90-minute session comprising a mix of participants who may or may not have been known to one another previously. Digital methods also offer additional layers of anonymity less possible in in-person sessions. In this project, input was collected asynchronously using an engagement platform new to the City during COVID-19, which also introduced additional complexity.

A variety of notable events such as Black Lives Matter, the release of the independent report on Hamilton police behaviour at Pride 2019, and a general sense of stress and disconnection during COVID-19 have certainly affected this project, not only in terms of the engagement activities that occurred, but also a heightened sensitivity, awareness and level of tension around some of the issues being discussed, including systemic racism and defunding police. At the same time, other issues such as the yellow vest protests lessened in prominence over a similar time period.

Comparative Research

Preliminary research conducted at the outset of this project in early 2020 sought to understand how other municipalities across Canada, and selected examples from Australia, England and the United States, are approaching mitigating hate and discrimination in their cities. Specifically, it explored municipal policies and bylaws pertaining to hate crimes or hate-motivated incidents and behaviours on city property and public property, community-based tools, or proactive approaches to community building. The findings from the comparative research identified seven (7) possible approaches the City of Hamilton could take to prevent and mitigate hateful behaviour. These approaches were then presented during community engagement activities to garner feedback on which approaches would work best in Hamilton.¹⁴

Phase 1 – Community Engagement Activities

The first phase of community engagement occurred between June and September 2020. It involved roughly 275 people in total, who participated in live “Listening Session” focus groups,

¹⁴ Refer to the consultant's [Comparative Research Report](#) for details.

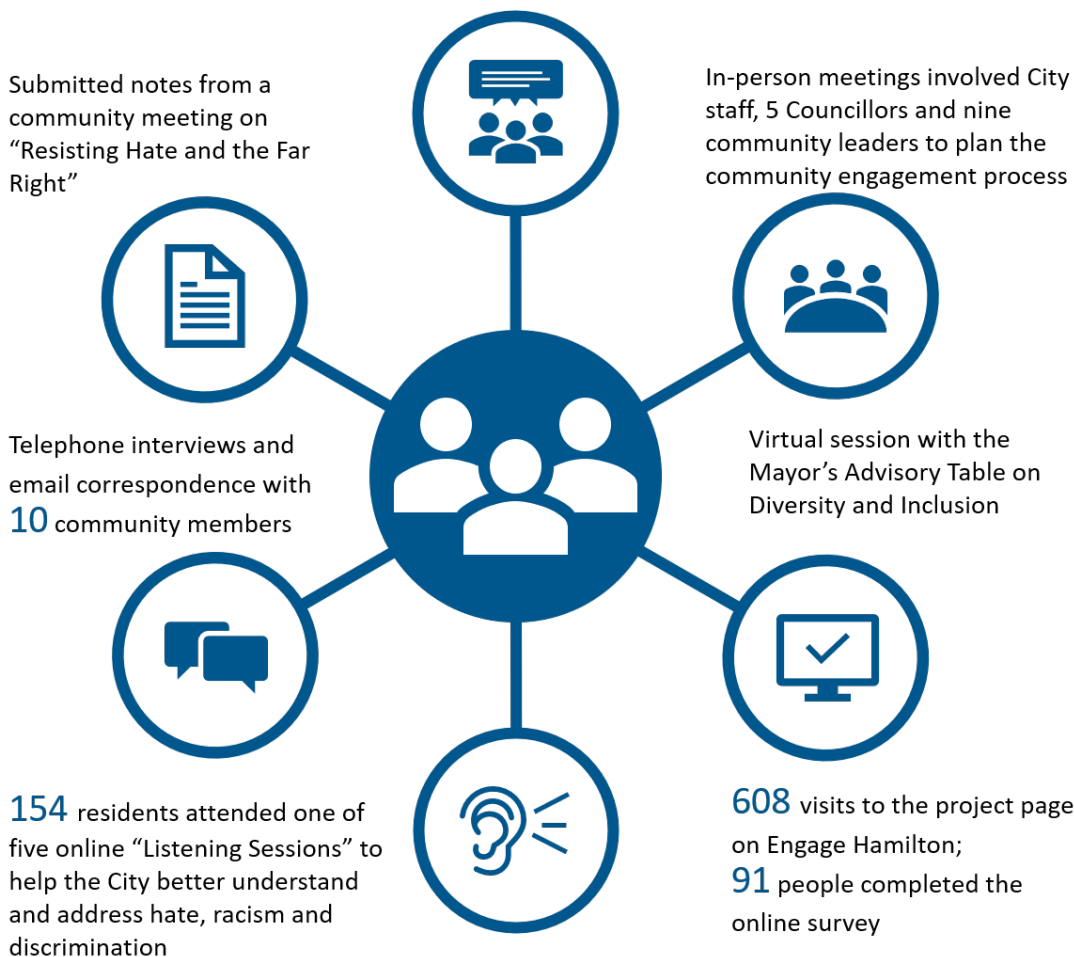
telephone interviews and email correspondence, an online survey and conversations with existing committees such as the Mayor's Advisory Table on Diversity and Inclusion.

Five Listening Sessions were hosted with a total of 154 participants in attendance.¹⁵ The first Listening Session was open to all community members, while the remaining four sessions targeted subpopulations known to be more likely to experience hate in Hamilton: people of faith (particularly Jewish and Muslim people), people who identify as LGBTQ2S+, Black and other racialized communities and Indigenous Peoples. This method was selected as a way to create spaces for community members to talk about their unique lived experiences of hate in Hamilton. One-on-one conversations were also conducted through telephone and email correspondence, both proactively and responsively, including with residents who self-identified as yellow vesters.

The digital survey was intended to provide an accessible means of participation for those unable to attend a Listening Session. Questions were adapted to a survey format and the link was publicized/circulated by the City. In order to participate, respondents were required to provide their email address, as a means of building a database of interested residents. Although responses were not linked back to those addresses, the project team did become aware the need to provide an email address proved to be a barrier to full participation.

During these sessions and through the online survey, participants provided vital feedback to help the City better understand people's direct experience of hate, their sense of safety, and perceptions of the extent of hate, racism, and discrimination in Hamilton. Participants weighed in on seven (7) approaches to prevent and mitigate hateful behaviour which emerged from the initial comparative research within this project. The following diagram summarizes the various activities used to gather feedback during Phase 1. Detailed feedback can be found in the *Stakeholder Engagement Summary Report*.

¹⁵ See *invitation* for details.



Phase 2 – Community Engagement Activities

From September to December 2020, Sage Solutions conducted the second phase of community engagement activities. This round of engagement fulfilled a promise to the community to invite their input into draft recommendations before anything was put forward to Council for consideration. It was bolstered in response to a Council directive. In late September 2020, based on the initial community engagement results, Council requested that the City's project team and Sage Solutions explore options to gather additional community input to inform the project recommendations out of concern that the sample size was too small.¹⁶

This second engagement phase involved approximately 100 people, including six targeted focus group conversations and an online survey that generated 37 responses. The online survey was open for eight weeks (November 16, 2020-January 8, 2021) and invited members of the public

¹⁶ "That staff be directed to review options as to how to obtain feedback from a larger sample of the broader community, with focus given to those with lived experiences, if possible, as it relates to the Hate Prevention and Mitigation Initiative, and report back to the General Issues Committee." General Issues Committee Minutes 20-014. September 23, 2020. <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=243473>

to identify up to five recommendations that they support. Three of the focus groups involved existing Advisory Committees at the City of Hamilton: the Committee Against Racism, the LGBTQ2S+ Advisory Group and the Mayor's Roundtable on Diversity and Inclusion. Three other sessions were convened expressly to gather feedback for this project. They included a session with members of the Hamilton Police Service, City staff and ten community leaders representing equity-seeking groups. The diagram to the right summarizes the activities used to gather feedback during Phase 2.



In all cases in this second phase, a set of twenty draft recommendations¹⁷ emerging from Phase 1 were provided to participants, and they were invited to make suggestions to strengthen them. It was made clear that the recommendations could change based on additional forthcoming data, but having something concrete to respond to was deemed helpful to focus the input during this round.

Further to the directive from Council, City staff proposed investing in a telephone poll to increase the representativeness of the input received across the general Hamilton population rather than focusing so heavily on the voluntary participation of those with lived experience of hate or their community representatives. In February 2021, Council decided based on this second phase of engagement that they had heard enough to consider the data reliable enough to use as the basis for future policy decisions, so the recommendation of a poll was dropped. City staff conducted conversations in March/April 2021 with three groups specifically identified as being underrepresented in previous attendance: representatives from Jewish communities, Muslim communities and a community organization called No Hate in the Hammer. Input received during the second phase of community input was used to revise the draft recommendation.

¹⁷ Refer to the [Draft Recommendations Summary](#) for the draft recommendations.

Findings

Comparative Research

Across twenty comparable municipalities across Canada, and selected examples from Australia, England and the United States, a great deal of variability exists in approaches to mitigating hate and discrimination. This environmental scan focused on approaches such as municipal policies and bylaws pertaining to hate crimes or hate-motivated incidents and behaviours on city property and public property, community-based tools, or proactive methods to community building.¹⁸

At a local level, municipalities have a range of levers at their disposal by which to address hate-related behaviours, directly and indirectly. These include:

- Strategic planning and leadership
- Communication and community engagement
- Environmental design and maintenance of public spaces
- Community placemaking and programming (including investment in the work of community organizations)
- Public education and capacity building
- Proactive partnerships
- Regulations and policies
- Enforcement practices (including tracking and reporting; situational crime prevention; levelling consequences etc.)
- Emergency response and symbolic representation

Across the municipalities included in this report, there was a noticeable difference in tone between affirmative and punitive responses, with each community choosing where it lands on that spectrum. Moreover, it is difficult to assess the effectiveness of these various approaches. Reported hate crime rates are one important but rough measure of results, but there are multiple contributing factors to that number that do not necessarily give an accurate depiction of hate-related incidents or how safe people feel about reporting or even living in each place. Similarly, the existence of a published strategy document or piece of legislation does not necessarily speak to how well used or effective that policy or regulation has been in practice.

Despite these variabilities, the following observations emerged:

- a multi-pronged approach is needed;
- a single “one size fits all” model is not appropriate to each place;
- municipalities are able to use various levers to influence behaviour, and yet
- mitigating hate requires coordinated action well beyond municipal control;

¹⁸ Refer to the consultant's [Comparative Research Report](#) for details.

- no single municipality currently has this issue “figured out,” but Hamilton can learn from the composite experience of others.

Further, there are several elements which, taken together, create an environment in which hate is less likely to flourish. These include the following:

- Zero tolerance of hate-related behaviour—in writing, in perception and experientially
- Effective communication, including to help residents navigate how to handle hate related incident they experience and/or witness
- A supportive suite of legislation, policies, regulations and codes of conduct that are actually followed
- Broad and specific training for police in respect, diversity and recognition of hate crimes
- Public education (e.g. campaigns, values exercises, dialogue, training) to set shared community norms and expectations and to increase knowledge
- Ongoing training and workshops for municipal staff and community organizations to share best and emerging practices in building diverse, inclusive and equitable communities
- Intentional collaborative relationships across the community, including with police services
- Access to trauma-informed, culturally appropriate support for victims
- Safe, responsive and transparent reporting mechanisms that extend beyond only reporting to police services and that are well-used
- Community-wide tracking of hate-related incidents
- Crime prevention through environmental design
- Support for community groups and initiatives that promote diversity and inclusion and address root causes of discrimination
- Investment in alternative models of enforcement to achieve community safety, such as restorative justice
- Creativity and openness to meet emerging needs as they arise

Cities thrive when multi-lateral, holistic approaches are used to combat systemic problems. Based on this research, seven main categories were distilled to guide community engagement conversations and to receive feedback on possible actions for Hamilton to take. These categories include proactive leadership, listening to community, public education, creating safe and inclusive spaces, community programming, regulations, and enforcement, as shown below. Once community feedback was received, these categories were modified to serve as the structure for the final recommendations.



Phase 1 Engagement Findings

The various sources of information from the first phase of community engagement activities revealed a considerable degree of congruence in the opinions expressed, across a range of respondents. Overall findings showed that the City of Hamilton is both building momentum and has considerable work to do to live up to its own vision and values regarding hate prevention and mitigation.

When survey participants were asked about their perception of the extent of the problem of hate in Hamilton, 55% were aware of hateful incidents, 33% stated they had been targets of a hate incident, 68% believe the situation has recently become worse in Hamilton. Further, 77% of participants in the listening sessions for groups most affected by hate deemed hate to be one of the top three priorities facing the City right now.

When asked about the sense of safety in Hamilton, 51% of survey participants indicated they had avoided activities or events because they felt unsafe while there or on their way there. Forty-two participants provided examples of feeling unsafe at events. Several people said they felt unsafe in parks, anywhere after dark, the City hall forecourt, or anywhere with police presence.

During the Listening Sessions, participants were asked to reflect on why hateful incidents happen across communities and why they happen specifically in Hamilton. Notably, ignorance, fear of difference, generationally taught hate, a cultural and political rise in divisiveness and extremism, the impact of white supremacy and colonialism, lack of investment in ending racism, and gentrification, were identified as the main catalysts of hate in communities.

The reasons cited for hate specifically in Hamilton reflected a polarized understanding of the issue. While some saw it as a problem concentrated among a relatively small number of individuals, many others provided systemic explanations rooted in colonialism and white supremacy and/or in a generational and economic legacy in Hamilton itself, as a city seen

historically as being “favourable terrain” for divisiveness. They also pointed to a lack of representation, fear, ignorance and a dislike of difference underlying what they describe as a critical issue for the City.

Within the seven categories presented for possible actions, noticeably low priority was given to regulation and enforcement, despite that having been the City’s initial focus for this project. Instead, participants reported looking for proactive, visible and principled municipal leadership that is not seen as performative but rather collaborative and responsive to the needs and asks of diverse communities. There was a desire to bridge what is happening to communities and the City’s response to it by valuing and using the knowledge that communities hold as an essential element of hate prevention initiatives. They want to see a follow-up on reports previously submitted rather than additional engagement at this time. They are also asking for resources to be shifted away from police enforcement and towards social services and community programming that can better support the unique needs of different communities. Lastly, they want the City to invest in safe spaces for support and dialogue. Specifically, there was a strong appetite for access to trauma-informed healing and supports.

A full report on Phase 1 engagement findings was submitted to Council and can be found here. [\(link to Stakeholder Engagement Summary Report\)](#)

Phase 2 Engagement Findings

Overall, the high-level feedback on the draft set of recommendations presented during the second phase of engagement was overwhelmingly positive across all input channels. Respondents affirmed that the recommendations accurately reflected the key messages communicated in the initial phase of engagement and that they would make a significant difference if implemented. Descriptors such as “cohesive,” “direct,” “impactful” were used to describe the draft. In the online survey, support for the recommendations addressing social services, diverse representation at decision-making tables, deeper listening to those with direct experience of hate, executing an action plan to confront racism and discrimination, and building trust in Hamilton Police Services was especially strong.

The main concern expressed during this stage was that the draft recommendations were seen as “vague.” There were numerous requests for them to be more concrete and measurable, in order to guide implementation more explicitly. People were craving more details on how to make these recommendations happen and accountability for making sure they do.

There remains a significant degree of skepticism regarding the likelihood of the recommendations being effectively implemented in Hamilton for a variety of reasons, including their lack of specificity, the complexity and longstanding nature of the issues, political divisions on Council and perceived history of inaction by the City on the concerns they address. Accountability mechanisms including clear roles, responsibilities, targets and timelines are therefore seen as critical in advancing their legitimacy and acceptance. Showing progress on implementation will build momentum and strengthen trust.

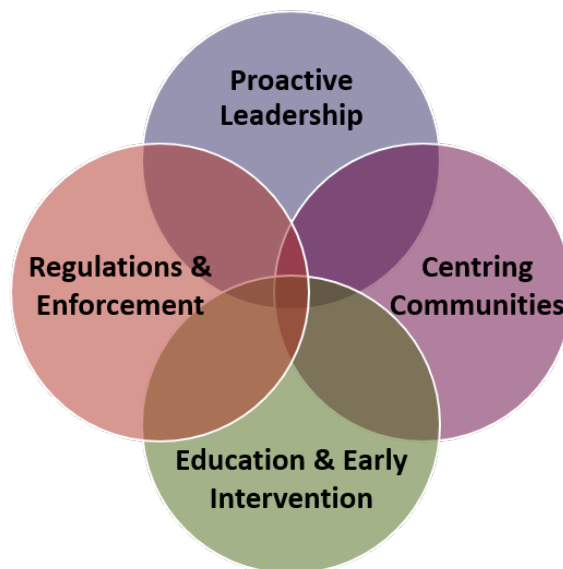
More specifically, additional suggestions for improvement included the following and these have been heeded to the full extent possible in the recommendations that follow:

- Provide more in-depth analysis and clearer definitions of terms in the more fulsome final report, to explain the differences between, for example, “hate,” “hate crimes,” “hateful incidents” and “discrimination.” Some people would prefer the use of more specific terms such as anti-Black racism and anti-Semitism in place of the more generic term “hate” throughout.
- Acknowledge examples of the existing efforts already underway to address many of the recommendations, by the City and community organizations, to avoid implying the process is starting from a blank slate or that community work is being co-opted or ignored by the City.
- There is a need for working groups on specific items that can monitor and generate action when implementing recommendations. Further, recommendations need more details defined around who, what, when, and how.
- Fill gaps in input from groups that experience hate in Hamilton but that have not participated actively in the engagement opportunities presented thus far. This would include reaching out specifically to representatives of the Jewish and Muslim communities and No Hate in the Hammer, for example, as well as perhaps scanning input on social media related to this project.
- Integrate more opportunities for those communities impacted by hate to talk about their experiences. For example, Jewish people to talk about anti-Semitism.
- There is no need to enlarge the sample size [as per Council’s directive at the General Issues Committee meeting of September 23, 2020]. Doing so undermines the City’s commitment to listen that is highlighted in the draft recommendations. People have adequately and courageously described their experiences, and this project was not intended to assess whether hate/racism/discrimination are problems in Hamilton, but rather to address them.
- Attach dollar figures to the recommendations and hold the City accountable for the results of that investment. The allocation of financial resources is seen as the true test of commitment. In addition to dollar figures in the report, there should be a total amount of dollar figures suggested to address these issues.
- There were numerous suggestions of how to improve the wording of individual recommendations to make them clearer and in several cases more assertive.

Recommendations

The following recommendations were initially drafted based on research and feedback gathered during the first phase of this initiative, then refined based on the feedback received on that draft during the second phase of community engagement in the fall of 2020 and initial more recent conversations as described above.

The initial seven categories of interventions identified through the comparative research have been combined into four that are particularly salient for Hamilton: **proactive leadership**, **centring communities**, **education and early intervention**, and **regulations and enforcement**, with several specific recommendations listed within each category.



These recommendations can be treated separately but will be most powerful when treated as a cohesive framework, supported by performance targets, accountability mechanisms and sufficient resources to ensure they are implemented. The comparative research showed that well-led cities integrate initiatives aimed at social inclusion, diversity, and combating hate, which overall contribute more broadly to positive city-building.

Summary of Recommendations

Proactive Leadership

1. *Accelerate decisive and well-informed City responses to stand against hate. Be firmer in condemning hateful activities in the city while promoting alternative positive values.*
2. *Create, resource and implement an action plan to confront systemic racism, oppression, and other forms of discrimination in Hamilton.*
3. *Convene collaborative opportunities for productive dialogue amongst community organizations, businesses, and other local institutions, with the goal of building a welcoming city together.*
4. *Measure and report on progress.*

Centering Communities

5. *Follow through with actions that support what the City has already heard.*
6. *Deeply listen to the voices of those experiencing hate, acknowledge their experiences and provide ongoing opportunities for community feedback.*
7. *Incorporate more diverse representation at decision-making tables.*
8. *Initiate convergent strategies to coordinate and accelerate the work that community organizations are doing to combat hate in the city.*
9. *Redirecting funding away from punitive efforts and toward prevention, including increasing resources for social services partnerships to address mental health, addictions and affordable housing.*
10. *Invest in equity-promoting programming and re-evaluate City grants and granting processes to ensure they are equitable and accessible.*
11. *Invest in more safe community spaces.*

Education and Early Intervention

12. *Partner with community organizations, District School Boards, and other relevant collaborators, to co-create and implement an educational curriculum together with young people about racism, hate, equity, diversity, inclusion, and justice and belonging, from the perspective of people living in Hamilton.*
13. *Invest in placemaking initiatives that encourage diverse community interactions across groups.*

Regulations and Enforcement

14. *Leverage the municipal regulatory framework to stand against the presence of hate, beginning on City property but extending beyond that where legally possible.*
15. *Develop a hate incident community mapping mechanism to better track and collect data for hate incidents happening in the city.*
16. *Build a coordinated community reporting system*
17. *Embrace community-led responses to harm*
18. *Building and fostering working relationships between community organizations and Hamilton Police Service.*

Proactive Leadership

The community is appealing for courageous, authentic leadership that takes a stand against hate, from the City and across the city, in formal and informal ways. Timely, responsive and decisive actions are needed to demonstrate leaders' presence, self-reflection, awareness and empathy around what communities face. This commitment is seen as the first step in lessening the metaphorical distance between City leadership and residents concerned about hate in the city. This category was repeatedly identified as the most important starting point for addressing hate in Hamilton.

Recommendation #1:

Accelerate decisive and well-informed City responses to stand against hate. Be firmer in condemning hateful activities in the city while promoting alternative positive values.

Activities do not necessarily have to be illegal to be undesirable in a city. There is concern that the Charter of Rights and Freedoms, designed to support the freedom of Canadians, is being used in Hamilton as a shield to allow hate to flourish in the name of freedom of expression, upholding the freedom of some at the expense of others' safety. Hamilton could instead choose publicly to emphasize and promote values of tolerance, inclusion, justice and equity while condemning behaviours that contradict those values.

Publicly acknowledging that hate exists and is a problem in Hamilton that manifests itself in various ways is the number one step required to begin addressing it.¹⁹ In order for these public acknowledgements to be seen as having integrity, they need to be supported by other aligned and concrete actions and made by leaders who have earned the public's trust.

It is recommended that the City develop a framework out of which it addresses hate crimes and incidents with defined and appropriate responses. This operational guide would include timely statements from the Mayor's Office that proactively and unequivocally condemn hateful behaviour, support communities experiencing hate and demonstrate in practical ways that the City of Hamilton is anti-hate.

Prompt and decisive action steps by Council upon approving these recommendations would be one indication of its commitment to responding to concerns to building momentum in preventing and mitigating hate in Hamilton.

¹⁹The City of Toronto has recently been working on an action plan to confront systemic anti-Black racism. The plan has five themes, 22 recommendations and 80 actions that the City will undertake. *Toronto Action Plan to Confront Anti-Black Racism*, City of Toronto, 2017. <https://www.toronto.ca/legdocs/mmis/2017/ex/bgrd/backgroundfile-109127.pdf>

Recommendation #2:

Create, resource and implement an action plan to confront systemic racism, oppression, and other forms of discrimination in Hamilton.

The City of Hamilton must not only acknowledge unequivocally that hate is a structural problem in the city, but also spell out concrete action steps to address it, several of which are outlined in the additional recommendations that follow. As the recommendations from the Gandhi 150 Conference state, “beyond the spoken word, people need a sign of solidarity in a measurable form. People need to see measurable action from the city and publicized proof of that action.”²⁰

The community wants to see investment in action, not in more research and consultation. Any action plan needs to be both led and shaped by those with lived experience of systemic inequalities. It requires timelines, performance targets, clear roles and responsibilities, completion dates, and sufficient, multi-year resources to make a system-level impact over time. Investment in this action plan will have ripple effects and positive outcomes in other areas that contribute to a thriving city. An example to consider is the Toronto Action Plan to Confront Anti-Black Racism.²¹

One specific component of this action plan would be for a City staff and related partners such as Hamilton Police Services, to participate in ongoing anti-oppression training and integrated in-service practices. A community effort in 2014 was involved in making Hamilton a Sanctuary City; part of this agreement was that staff from the City of Hamilton were to receive training. This recommendation has yet to be enacted, and was cited as an example of poor follow up on commitments. Reversing that decision would display tangible action on part of the City.

Another component of this action plan could be to establish community-led working groups, with resources and accountability, to move these recommendations forward in a timely and effective way.

Recommendation #3:

Convene collaborative opportunities for productive dialogue amongst community organizations, businesses, and other local institutions, with the goal of building a welcoming city together.

The City could convene and/or support skillfully facilitated opportunities for candid sharing of best and emerging practices, challenges, and pathways to improvement across sectors, all with

²⁰ Report from the Working Groups, Gandhi 150 Conference: Waging Action on Hate and Racism in Hamilton, October 2019. <https://www.humanities.mcmaster.ca/gandhi/onefifty/Gandhi150ConferenceSummaryReport.pdf>

²¹ The City of Toronto recognizes its responsibility to create a city that works for all residents. Confronting and removing barriers caused by Anti-Black Racism benefits all Torontonians, especially other Toronto communities experiencing racism and marginalization.

a shared intention of aligning residents' experiences with the values the City espouses.²² This could include supporting new and existing initiatives. The City should support community voices in leading this work—not only to be heard but to direct the outcomes of a cohesive and integrated strategy across sectors over time.

Recommendation #4:

Measure and report on progress.

It is recommended that the City set tangible goals and determine performance targets that will allow for transparent reporting on progress towards the goals. For example, metrics could include resources allocated to promoting inclusion; events sponsored; third-party monitoring of interactions between Hamilton Police Services and residents; all within a comprehensive and public monitoring system that reports progress toward combatting hate.²³ Data collected during this initiative could serve as a partial community-wide baseline to track progress toward Hamilton living up to its aspirations of being a good city to grow old and raise a family.

Centering Communities

Hamilton residents are looking to their local government to listen to community voices, amplify their messages, support community work, proactively build relationships with communities that are experiencing hate, and recognize community wisdom as essential to building diverse, inclusive and equitable communities. This involves inviting marginalized community members to decision-making tables, supporting community programming, and investing in safe, inclusive spaces.

Recommendation #5:

Follow through with actions that support what the City has already heard.

Engaging the community, across a range of perspectives, needs to be followed up with timely action and clear explanations of how that input has been heard, analyzed and translated into activity planning. There is a strong sense that the City has not followed up on recommendations previously made that would have made progress toward a more inclusive city well before this project began. It is therefore recommended, as a start, that the City provide detailed follow-through plans on high-profile sets of recent recommendations such as the *Pride in Hamilton* report²⁴ and this project. Engagement with no action is disingenuous; it is not only a waste of resources but can be retraumatizing for victims and erodes trust in the City. Follow-through builds trust, which is integral for constructive collaboration moving forward.

²² An example of this is the annual Diversity Symposium hosted by the City of Richmond, BC, to share best and emerging practices in building diverse, inclusive and equitable communities.

²³ *Report Regarding Board Motion of June 18, 2020 (BIPOC)*, Guelph Police Services Board Meeting (September 17, 2020): 40-63. <https://events.guelphpolice.ca/meetings/Detail/2020-09-17-1430-September-17-2020/038dd4a2-5015-4011-9f22-ac3800e2dd27>

²⁴ *Pride in Hamilton: An Independent Review into the Events Surrounding Hamilton Pride 2019*, Scott Bergman (Cooper, Sandler, Shime & Bergman LLP), June 2020.

Recommendation #6:

Deeply listen to the voices of those experiencing hate, acknowledge their experiences and provide ongoing opportunities for community feedback.

Community engagement is not a one-off activity; ongoing listening is a necessary condition for change to occur. The City should value the knowledge that communities hold, particularly through the lived experiences of individuals, as an essential element of hate prevention initiatives. It is recommended that the City embed ongoing listening/reflecting/acting/reporting cycles into their practice, as a continuation of these community engagement processes and Council's February 2021 commitment to acknowledging the wisdom of those who have first-hand knowledge of the issues at hand. The City must create the space to receive critical feedback and facilitate an environment where residents feel their experiences are heard and validated. Deep listening and openness to ongoing dialogue are instrumental to building relationships and goodwill.

Recommendation #7:

Incorporate more diverse representation at decision-making tables.

It is recommended that the City make it easier for community members to access and influence what goes on municipally. Make decision-making processes more transparent to the wider community. For example, the City could explore and remove barriers that may be hindering equitable representation at decision-making tables. This includes exploring how to make various tables more impactful by paying attention to who sits on committees and how much influence they have on actual decisions, as well as reviewing the success of current City hiring practices in service of equity, diversity, inclusion and reconciliation targets.

Recommendation #8:

Initiate convergent strategies to coordinate and accelerate the work that community organizations are doing to combat hate in the city.

Many community organizations are working on anti-hate initiatives in Hamilton, directly (e.g. No Hate in the Hammer) and in related areas such as anti-racism. The City can work with these community organizations to develop convergent strategies to accelerate this work and value it as an essential element not only of hate prevention but of city building. For example, the City could coordinate a unified and well-funded city-wide public education campaign that would allow Hamilton to radically change its narrative. The campaign could provide opportunities for those who have experienced hate to share their stories in a meaningful way with the broader community, training in effective ways to intervene when you see hate incidents occurring and customized, culturally responsive resources available when people are impacted by a hateful incident in the city. Current community efforts can be accelerated and amplified with City support.

Recommendation #9:

Redirecting funding away from punitive efforts and toward prevention, including increasing resources for social services partnerships to address mental health, addictions and affordable housing.

Regulations and enforcement approaches were lower priorities to Hamilton residents than proactive investment in prevention to combat hate. There was an overwhelming community call for allocating resources to community services that can better support community members who are struggling, see fighting inequality as an important pathway to building community cohesion. For example, hate is often an expression of people's frustration at their primary needs not being met, including affordable housing, living wage employment, meaningful social connections and holistic health care. Redirecting funding toward investing more heavily in these social determinants of health is a proven upstream approach to addressing anti-social behaviours and building more equitable, economically vibrant cities.

Further, cities across North America are exploring alternative crisis response services for supporting situations in which people require high-priority, immediate response and a robust amount supports without police involvement.²⁵

Recommendation #10:

Invest in equity-promoting programming and re-evaluate City grants and granting processes to ensure they are equitable and accessible.

The current COVID-19 pandemic has created an immense strain on community organizations and services. The City should use all of the levers at its disposal to promote equity and inclusion, including its grants to community groups. The City should provide necessary financial support to trusted and embedded community organizations that are community-owned and trauma-informed and thus well-positioned to provide timely and necessary responses to hate incidents. Applications need to be simple and targeted, giving applicants the freedom to try different approaches that can better support various communities' unique needs.²⁶

For example, the City could convene an ad hoc group of community-based organizations currently working with equity-seeking communities to provide direction on how to invest in anti-hate programming as well as re-evaluate City grants and granting processes to ensure that they are equitable and accessible. Outreach and application support are also needed to expand the range of applicants and ideas brought forward.

²⁵ For example, Toronto has recently approved a non-police crisis response team pilot to mental health-related crisis calls. <https://www.thestar.com/news/gta/2021/04/25/toronto-approved-non-police-crisis-response-teams-this-woman-is-trying-to-build-them.html>

²⁶ For example, each year, the City of Guelph allocates grant funding to not-for-profit organizations to support the City's strategic goals, as guided by their collaboratively-developed Community Plan.

Recommendation #11:

Invest in more safe community spaces.

Marginalized communities need safe spaces to gather, and the City should invest in creating them, including digitally. Multi-use community hubs can be equipped with specific resources that know how best to support community members. These places can take various forms, inspired by spaces such as revitalized public libraries or the 519 in Toronto, which is an example of a community space committed to the health, happiness and full participation of the LGBTQ2S+ communities. As per the Gandhi 150 recommendations, there need to be safe spaces for everyone to be safe and heard and to acknowledge when spaces are not experienced as safe.²⁷ The City needs to consult with impacted communities to discern why current spaces are not meeting their needs. Further, safe spaces for youth are especially in demand across various communities.²⁸

Education and Early Intervention

Preventative work has proven long-term benefits for building understanding and community.²⁹ Early intervention and public education are integral in communicating what kind of city Hamilton wants to be and setting citizens' expectations about the behaviours that are desirable in the city.

Recommendation #12:

Partner with community organizations, District School Boards, and other relevant collaborators, to co-create and implement an educational curriculum together with young people about racism, hate, equity, diversity, inclusion, and justice and belonging, from the perspective of people living in Hamilton.

Despite education falling primarily under provincial jurisdiction, it was noted throughout this project as a necessary local response to hate.³⁰ For instance, the City can support anti-hate guest speakers and Hamilton-specific content in local schools and can use its influence to encourage the provincial government to develop anti-racist and anti-hate curriculum more broadly for the Ontario schools.³¹

²⁷ *Report from the Working Groups*, Gandhi 150 Conference: Waging Action on Hate and Racism in Hamilton, October 2019. <https://www.humanities.mcmaster.ca/gandhi/onefifty/Gandhi150ConferenceSummaryReport.pdf>

²⁸ Feedback from meeting with the Muslim community expressed a need for more investment in safe spaces for youth from diverse backgrounds that are safe and have structure. Currently, there are not enough mental health resources and the social aspect within these spaces where youth from diverse backgrounds can feel safe.

²⁹ For example: *Upstream: The Quest to Solve Problems Before They Happen*, Dan Heath (Avid Reader Press / Simon & Schuster: 2020)

³⁰ For example, the 519 partnered with the Toronto District School Board to create "Families Against Homophobia," curriculum that acknowledges children with LGBTQ2S parents.

³¹ For example, the Guelph Black Heritage Society's #ChangeStartsNow campaign is raising public awareness and funds for the development of educational resources and programs about anti-Black racism and discrimination.

Education is not limited to schools. Bystander intervention training could be provided to any interested Hamilton residents, as a demonstration of the City's commitment to creating a community that values diversity in practice.

Recommendation #13:

Invest in placemaking initiatives that encourage diverse community interactions across groups.

Hate is fuelled by a lack of familiarity and contact with people who are different from you. Currently, there are not enough spaces and events where diverse groups of people can interact—and feel safe doing so. Pandemic isolation has exacerbated this problem. It is recommended that the City invest in community-building, intergenerational or multicultural programming that animates the city in positive ways.³² Placemaking can be a preventative, proactive activity and one that is highly appropriate for the municipality to undertake as it gives people opportunities to interact with and learn from people whose experiences are different from their own. For example, the City should encourage accessible community arts activities guided by professional artists working with residents to co-create murals, theatrical productions, spoken word performances, and other forms of art, which explore the historical, political or culture of a specific place.³³

Regulations and Enforcement

Regulations alone are not sufficient, but are one set of tools uniquely at the City's disposal and should be used to promote a welcoming and inclusive municipality and to take a stand against hate. These regulations must be accompanied by enforcement within the context of a broad-gauged accountability framework that involves accessible community reporting mechanisms, robust evaluation and transparent reporting back to the community.

Recommendation #14:

Leverage the municipal regulatory framework to stand against the presence of hate, beginning on City property but extending beyond that where legally possible.

Hamilton has begun to enact bylaws and other regulations that mitigate hate, and the City is encouraged to continue to do so. These could include hate-specific regulations and others that address hate indirectly. A preventative orientation is preferable over a punitive one. For instance, policies that promote positive assembly and accelerate diverse community-building events in the City forecourt are preferred over those that emphasize surveillance and protectionism.

³² For inspiration, see the New Orleans project called Paper Monuments. <https://www.papermonuments.org>

³³ For example, see Case Study Topic: Community Art to Reduce Urban Inequities and Gang Violence by Pasha Shabazz McKenley in https://canurb.org/wp-content/uploads/EBPP_2021-03-25_FINAL.pdf

Recommendation #15:

Develop a hate incident community mapping mechanism to better track and collect data for hate incidents happening in the city.

There is a significant need to document incidents that are happening in the city to develop a better understanding of the scope of hate in Hamilton. A community mapping mechanism would help to illustrate the rates and types of hate incidents in the city.³⁴ The information generated can support the outreach and education initiatives while also disclosing to communities where incidents are taking place. This mechanism needs to be easy to find, access, and use. For example, it can be an online form where users can document hate incidents or call a support line, where someone can input their information to the online form. The mechanism could also be specific to impacted communities, for example, 'Fight Against COVID-19 Racism' is a national platform developed to report and track anti-Asian racism.³⁵

Recommendation #16:

Build a coordinated community reporting system.

A coordinated community reporting system could be linked to the above mapping resource. It would provide culturally responsive and trauma-informed support to those reporting acts of hate and connect them with resources, and alleviate the current chronic underreporting of hate crimes.³⁶ Access to a community-owned reporting mechanism could give victims of hate incidents the possibility to file a complaint through multiple trusted community connections, such as a religious or community organization, rather than directly through the police. These reporting channels must then be linked to provide a more comprehensive and coordinated understanding of hate activity in the city that could then be publicly reported on and used to improve prevention, community supports and enforcement.

Recommendation #17:

Embrace community-led responses to harm.

The City should support and encourage restorative processes and frameworks of accountability to repair harm impacting the community. There is a deep reliance on using punitive justice as the only means to access 'justice' in society. In conjunction with local community organizations, the City could institute restorative justice processes that facilitate direct accountability for hateful actions, thereby supporting positive and lasting behavioural changes that lead to safe

³⁴ An example of this mechanism is the StopHateAB.ca website launched by The Alberta Hate Crimes Committee (AHCC), <https://stophateab.ca>

³⁵ The Fight Against Covid-19 Racism platform was developed as a collaboration between several Chinese Canadian organizations, in response to rise in xenophobia and racism toward Asian communities during the pandemic. This platform aims to provide a space for individuals to share their experiences of racism and linking them to helpful resources, while also tracking and recording the numbers of incidents occurring across Canada. <https://www.covidr racism.ca>

³⁶ The HCCI, McMaster University and the Sherman Center for Digital Scholarship are currently developing this kind of tool and would benefit from direct support from the City.

and connected communities.³⁷ It is recommended that the City support impacted communities in the actions they want to take to engage with offenders and explore they can be supported to do so.

Recommendation #18

Building and fostering working relationships between community organizations and Hamilton Police Service.

Representatives of groups that are known to experience hate in Hamilton, particularly BIPOC³⁸ and LGBTQ2S+ communities, have been clear in expressing their lack of trust in the Hamilton Police Services.³⁹ Similar reservations have been expressed by people who have experienced police involvement for other reasons, including yellow vest protesters. These concerns are situated within a broader context of differential enforcement in policing.⁴⁰ They both fuel and are fuelled by larger cultural conversations linked to Black Lives Matter and movements to Defund the Police. An institution designed to promote safety is seen by some as making them feel unsafe and even perpetuating harm.

Until trust in police is strengthened, their ability to enforce hateful behaviours in Hamilton is likely to lack legitimacy. This represents a vicious cycle in which mistrust itself makes both parties reluctant to do the work required to rebuild that trust. A long view is required, along with a commitment to listening and learning. HPS can continue to deepen working relationships with community organizations who are working on anti-hate initiatives to expand police understanding of their role in improving or exacerbating hate and discrimination in Hamilton.

More broadly increasing education on systemic racism, equity, justice, diversity and inclusion could be another place to start. A visible commitment to HPS training and education that then translates into changed actions can help build trust within the community and help HPS be more impactful at making the city a safer space for all. Finding ways to make policing more accountable and accessible to the public, with transparent action plans of how HPS will improve community relationships, is critical. Without persisting in addressing problematic dynamics between marginalized groups and police, the other recommendations listed here will be less effective in addressing hate in Hamilton than they otherwise could be.

³⁷ The Coalition of Muslim Women of KW and Community Justice Initiatives is piloting a restorative approach to incidents of hate crime in Waterloo Region by offering a safe space for people to build an understanding of one another. The two organizations are working together to develop a model to apply a restorative justice approach to hate-based incidents or crimes against members of the Muslim community, particularly women.
<https://www.kwcf.ca/news/ir2020-cji-cmw>

³⁸ Black, Indigenous, and People of Colour

³⁹ The recent inquiry into the Hamilton Police Services' role in Pride 2019 highlights the inadequacy of the HPS response to violence and has further undermined trust in police in Hamilton, or at least documented some reasons for it.

⁴⁰ For example, a 2018 Ontario Human Rights Commission study found that Black people are 20 times more likely to be injured or killed by police than their counterparts.

Conclusion

The community is longing for action and concrete plans from the City to mitigate and prevent hate in Hamilton. Residents are tired of lists of recommendations that have been not led to changed behaviours, beginning at City Hall. performative actions and is craving genuine and honest initiatives. Anything less than genuine and concerted actions and this project, and the all the resiliency of those who engaged and offered their perspectives, will be for nothing. Persistent and timely responses to hate crimes and hate incidents that are community-centric and trauma-informed are essential. For this reason, meaningful support, intentional collaboration and the allocation of appropriate resources to community organizations that are doing the work to fight against hate in Hamilton are imperative for the success of these recommendations.

Appendix A: Glossary of Terms

Anti-Black racism Prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, such that anti-Black racism is either functionally normalized or rendered invisible to the larger white society. Anti-Black racism is manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society such as the lack of opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system.⁴¹

Anti-racism Beliefs, actions, policies and movements developed to actively identify and eliminate prejudice, stereotyping, and discrimination based on race.

Anti-Semitism Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.⁴²

BIPOC Black, Indigenous, and People of Colour

Colonialism Colonialism is a practice of domination, which involves the subjugation of one people to another. Settler colonialism — such as in the case of Canada — is the unique process where the colonizing population does not leave the territory, asserts ongoing sovereignty to the land, actively seeks to assimilate the Indigenous populations and extinguish their cultures, traditions and ties to the land.⁴³

⁴¹ Government of Ontario, "A Better Way Forward: Ontario's 3-year Anti-Racism Strategic Plan." <https://www.ontario.ca/page/better-way-forward-ontarios-3-year-anti-racism-strategic-plan>.

⁴² International Holocaust Remembrance Alliance, "Working Definition of Antisemitism." <https://www.holocaustremembrance.com/working-definition-antisemitism>.

⁴³ Government of Ontario, "Ontario's anti-racism strategic plan: Terminology." <https://www.ontario.ca/page/ontarios-anti-racism-strategic-plan#section-8>

Discrimination Any form of unequal treatment based on a ground protected by human rights legislation that results in disadvantage, whether imposing extra burdens or denying benefits. Discrimination can be intentional or unintentional; and it may occur at an individual or systemic level. It may include direct actions or more subtle aspects of rules, practices and procedures that limit or prevent access to opportunities, benefits, or advantages that are available to others.

Equity The practice of ensuring fair, inclusive and respectful treatment of all people, with consideration of individual and group diversities. Access to services, supports and opportunities and attaining economic, political and social fairness cannot be achieved by treating individuals in exactly the same way. Equity honours and accommodates the specific needs of individuals/ groups.⁴⁴

Hate crime A criminal act that promotes hatred against identifiable groups of people, motivated by bias, prejudice or hate. Although individuals and groups that promote this destructive form of human rights-based discrimination often defend their right to “free speech,” it is a criminal offence to disseminate hate propaganda and/or to commit hate crimes.

Hate-motivated behaviour: Any act or attempted act intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by hostility toward the victim's real or perceived ethnicity, national origin, immigrant status, religious belief, gender, sexual orientation, age, disability, political affiliation, race, or any other physical or cultural characteristic.

Homophobia Negative attitudes, feelings, or irrational aversion to, fear or hatred of gay, lesbian, or bisexual people and communities, or of behaviours stereotyped as “homosexual.” It is used to signify a hostile psychological state leading to discrimination, harassment or violence against gay, lesbian, or people.⁴⁵

⁴⁴ Rainbow Health Ontario, “LGBT2SQ Terms and Definitions Glossary.”
<https://www.rainbowhealthontario.ca/news-publications/glossary/>

⁴⁵ The 519, “Glossary of Terms.” <https://www.the519.org/education-training/glossary>

Intersectionality A term coined by black feminist legal scholar Dr. Kimberlé Crenshaw to describe the ways in which our identities (such as race, gender, class, ability, etc.) intersect to create overlapping and interdependent systems of discrimination or disadvantage.⁴⁶

Islamophobia Includes racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level. (Ontario Human Rights Commission, Policy on Preventing Discrimination Based on Creed).⁴⁷

Systemic racism The direct and indirect action of our community institutions that has perpetuated inequality, discrimination and disparity of outcomes based on race for generations. Systemic racism can be directly visible within institutions such as lack of racialized individuals in senior leadership. It can also be painfully inconspicuous, such as racist jokes, stereotypes, prejudices, derogatory remarks, micro-aggressions and limited opportunities.

Transphobia Negative attitudes and feelings and the aversion to, fear or hatred or intolerance of trans people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment and violence toward trans people, or those perceived to be trans.⁴⁸

⁴⁶ The 519, "Glossary of Terms." <https://www.the519.org/education-training/glossary>

⁴⁷ Government of Ontario, "A Better Way Forward: Ontario's 3-year Anti-Racism Strategic Plan." <https://www.ontario.ca/page/better-way-forward-ontarios-3-year-anti-racism-strategic-plan>.

⁴⁸ LGBT2SQ Terms and Definitions Glossary. Rainbow Health Ontario. <https://www.rainbowhealthontario.ca/news-publications/glossary/>

The Federation of Canadian Municipalities resolution

Resolution – Strengthening Canada’s Hate Speech Laws

Meeting – Annual Conference – June 2021

Resolution Status – Adapted

Sponsor – Town of Collingwood, ON

Resolution:

WHEREAS Canadians generally recognize of the strength of community that is derived from embracing and appreciating all community members regardless of ethnic origin, gender and sexual orientation, socioeconomic status, or faith – and in accordance with statements made by the Federal Government, individual Provinces, and The United Nations, that hate speech has no place in an inclusive society that seeks to empower its constituents; and

WHEREAS it is widely recognized that symbols can have a powerful and profound effect on the psychology and well-being of community members; therefore, be it

RESOLVED that FCM petition the Canadian Government to build on Parliament’s 2019 Report Taking Action to End Online Hate and engage in the development of legislation that would clarify and strengthen the definition of hate speech, including explicit recognition of the psychological harm that can be caused by hateful symbols, and work with all levels of government in addressing the root causes of hate speech.



**PLANNING COMMITTEE
REPORT
21-012**

August 10, 2021

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

Also in Attendance: Councillor B. Clark and A. VanderBeek

THE PLANNING COMMITTEE PRESENTS REPORT 21-012 AND RESPECTFULLY RECOMMENDS:

- 1. Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists’ Club (PED21065(a)) (City Wide) (Item 7.1)**
 - (a) That the Municipal Contribution Agreement, attached as Appendix “A” to Report PED21065(a)), between the City of Hamilton and the Hamilton Naturalists’ Club for a one-time funding contribution towards hiring a project coordinator for the development of a Biodiversity Action Plan, be approved; and,
 - (b) That the General Manager of Planning and Economic Development (or their designate) and the General Manager of Public Works (or their designate) be authorized and directed to sign the Municipal Contribution Agreement, attached as Appendix “A” to Report PED21065(a), on behalf of the City of Hamilton.

- 2. To Incorporate City Lands into Rachel Drive by By-law (PED21138) (Ward 10) (Item 7.2)**
 - (a) That the following City lands designated as Part 2 on Plan 62R-21169 be established as a public highway to form part of Rachel Drive;
 - (b) That the By-law to incorporate the City lands to form part of Rachel Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,

- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

3. Site Alteration By-law No. 19-286 (PED19201(a)) (City Wide) (Item 7.3)

That Report PED19201(a) respecting Site Alteration By-law No. 19-286, be received.

4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21153) (City Wide) (Item 7.4)

That Report PED21153 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

5. Request to Deem Lands located at 323 Rymal Road East, Hamilton, as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (PED21160) (Ward 7) (Item 7.5)

- (a) That the request by IBI Group on behalf of 133364 Ontario Inc., to deem the lands located at 323 Rymal Road East (see Appendix "A" attached to Report PED21160) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning) be approved by Council;

- (b) That the Class 4 Area designation apply only to the development proposal attached as Appendix "B" to Report PED21160 with the requirement that all noise mitigation and warning clauses be secured and implemented through the applicable Site Plan Control Approval and future Draft Plan of Condominium applications.

6. Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) (Item 9.1)

- (a) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-181, as amended by By-law No. 20-215, under Zoning By-law No. 05-200 to further extend the time period for the outdoor commercial patio regulations until December 31, 2021, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(b), be approved by City Council;

- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-214 under Zoning By-law No. 05-200 to extend the time period for permissions for temporary tents until December 31, 2021 and to extend the permissions for temporary tents to certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (c) That there were no public submissions received regarding this matter.

7. Application for Approval of a Draft Plan of Subdivision for Lands Located at 4 Vickers Road, Hamilton (PED21155) (Ward 7) (Item 9.2)

- (a) That Draft Plan of Subdivision application 25T-202004, by The Biglieri Group, on behalf of Dicenzo (Linden Park) Holdings Inc., Owner, to establish a Draft Plan of Subdivision on lands located at 4 Vickers Road (Hamilton), as shown on Appendix “B”, attached to Report PED21155, be APPROVED subject to the following conditions:
 - (i) That this approval applies to the Draft Plan of Subdivision application 25T-202004 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 15, 2020, consisting of seven development blocks (Blocks 1 - 7) attached as Appendix “B” to Report PED21155;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202004, attached as Appendix “C” to Report PED21155, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, 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;

- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21155;
 - (v) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision.
- (b) That the public submissions were received and considered by the Committee in approving the application.

8. Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) (Item 10.1)

- (a) That the amendment to the City of Hamilton Property Standards By-law 10-221 with respect to improvements and maintenance involving rental properties and apartments described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "A" to Report PED21049(a) be approved;
- (b) That the amendment to Table 14 to the City of Hamilton Administrative Penalties By-law 17-255 described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "B" to Report PED21049(a) be approved;
- (c) That the amendment to the City of Hamilton Vital Services By-law 09-190 and the City of Hamilton Administrative Penalty By-law 17-255 described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "C" to Report PED21049(a) be approved; and,
- (d) That the amending By-laws attached as Appendix "A", Appendix "B", and Appendix "C" to Report PED21049(a), which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

9. License Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14) (Item 10.2)

- (a) That the draft By-law "Rental Housing Units" (Schedule 31) attached as Appendix "A" to Report PED21097/LS21022, which has been prepared in a form satisfactory to the City Solicitor be referred to the September 21st, 2021 Planning Committee meeting to satisfy the public notice requirement for implementation;

- (b) That Staff prepare a transition plan to inform business property owners and tenants of the requirements of the pilot by-law, provide owners with adequate time and information to gain compliance and avoid displacement of tenants;
- (c) That Staff prepare a fee schedule to achieve full cost recovery with no net levy impact for the implementation of the 2 year pilot project in Wards 1, 8 and parts of Ward 14 at a total cost of \$2,014,992 with the creation of 10 temporary FTEs as follows: three full-time temporary zoning Staff to be funded from zoning verification fees; four full-time temporary Fire Inspectors to be funded from inspection fees; and one full-time temporary Licensing Administrator and two full-time temporary Licensing Compliance Officers to be funded from licensing fees;
- (d) That Staff report back to Planning Committee after the “Rental Housing Units” (Schedule 31) has been enacted for 18 months with an update on the pilot project; and,
- (e) That the contents of Appendix “C” to Report PED21097/LS21022 remain confidential under solicitor-client privilege.

10. Interim Control By-law Extension - Pleasantview Area (PED21157) (Ward 13) (Item 10.3)

- (a) That Interim Control By-law No. 20-186 be extended for an additional year from the date of the passing of the By-law No. 20-186 (September 10, 2020), to allow additional time to complete the Pleasantview Land Use Study and bring forward for Council’s consideration amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Pleasantview Land Use Study, for lands located generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/York Road to the west;
- (b) That the Draft By-law No. 21-XXX, attached as Appendix “B” to Report PED21157 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (c) That, to provide additional opportunities for public consultation and feedback on the necessary draft Official Plan Amendment and Zoning By-law for the Pleasant View lands, and to ensure alignment with the proposed extension of Development Control on the area under the Niagara Escarpment Plan (NEP), the statutory public meeting be scheduled no earlier than November 16, 2021.

11. Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) (Item 10.4)

That the Pier 8 Block 16 Urban Design Guidelines, attached as Appendix “B” to Report PED21018, be adopted and staff be directed and authorized to use the guidelines to evaluate and guide development applications for lands identified as Pier 8 (65 Guise Street East), Block 16 in the West Harbour area, as shown on Appendix “A” to Report PED21018.

12. Demolition Permit for 323 Rymal Rd. East (Item 11.1)

WHEREAS, the owner has received conditional site plan approval and is awaiting final sign off on the Delegated Authority as per the Demolition Control By-Law and is currently working through site plan approvals.

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 323 Rymal Road East, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act*, as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

13. Noise Concerns and Request for Expiry of Extended Construction Hours (Added Item 12.1)

WHEREAS, municipalities have the authority under the *Municipal Act, 2001* to pass a Noise By-law to regulate and prohibit with respect to noise;

WHEREAS, in response to the COVID-19 pandemic, the Ontario government sought to accelerate construction projects in municipalities;

WHEREAS, the Ontario government passed O.Reg 131/20, under the *Municipal Act, 2001* (“O.Reg 131/20”) allowing for extended construction hours for projects associated with the healthcare sector to 24 hours a day and any other construction activity in a municipality between the hours of 6am and 10pm;

WHEREAS, O.Reg 131/20 limits a municipality’s authority and enforcement through Section 451.1 of the *Municipal Act, 2001* from prohibiting and regulating noise with respect to after-hour noise from construction sites;

WHEREAS, there has been an increase in complaints as a result of after-hour noise caused by construction sites impacting the quiet enjoyment of the residents of Hamilton; and,

WHEREAS, O.Reg 131/20 is set to expire on October 7, 2021;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor contact the Premier of Ontario, and local Members of Parliament to ask that the Province to promptly expediate the expiry of O.Reg 131/20, the COVID exemption for after-hours noise from construction sites.
 - (b) That the Mayor contact the Premier of Ontario, and local Members of Parliament to request that the Province not make the temporary regulations of O.Reg 131/20, or any similar restrictions, permanent through an amendment to the *Municipal Act, 2001*.
 - (c) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.
- 14. Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 to Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (LS21023/PED21143) (Ward 12) (Added Item 14.2)**
- (a) That Report LS21023/PED21143 respecting Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 To Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (Ward 12), be received;
 - (b) That Report LS21023/PED21143, its closed session recommendations (a), (b), and (c), and its Appendices "A", "B", "C", "D", "E", "F" and "G" hereto, remain confidential; and,
 - (c) That the staff direction provided in Closed Session be approved.
- 15. Waterdown Bay - 392 Dundas Street East (LS20003(a)/PED20049(a)) (Ward 15) (Added Item 14.3)**
- That Report LS20003(a)/PED20049(a) respecting Waterdown Bay – 392 Dundas Street East, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.2 Viv Saunders respecting Parking By-law Officers - Private Property
- 5.3 Viv Saunders respecting Barton St EA - 2 Rural Lanes Widening to 5 Urbanized Vehicle Lanes

2. DELEGATION REQUESTS (Item 6)

- 6.1 Delegation Requests respecting Licence Rental Housing (Item 10.2) (For Today's Meeting)

(a) Virtual / Pre-recorded Delegations:

(b) Crystal Henderson being replaced by Donna Bacher, President,

(c) Sara Shwadchuk submitting written comments only as Item 6.1(b)(ar)

(e) Added Virtual / Pre-recorded Delegations:

- (i) Ian Borsuk
- (ii) Cameron Kroetsch
- (iii) Darlene Wesley, ACORN Hamilton
- (iv) Siobhan Teel, McMaster Students Union
- (v) Karl Andrus, Hamilton Community Benefits Network
- (vi) Rick Rankin, ACORN Hamilton
- (vii) Ruth Draaistra, MSA
- (viii) Mymoon Bhuiyan, McMaster Student Union
- (ix) Cassandra Pichler, ACORN Hamilton
- (x) Veronica Gonzalez, ACORN Hamilton
- (xi) Jonathan Lopez, ACORN Hamilton
- (xii) Alex Wilson
- (xiii) Robert Flis
- (xiv) Simranjeet Singh, McMaster Student Union
- (xv) Hunter Celenza, ACORN Hamilton
- (xvi) Michael Lopez, ACORN Hamilton
- (xvii) Jacqueline Elliot, ACORN Hamilton
- (xviii) Thomas Cooper, Hamilton Roundtable for Poverty

Reduction
(xix) Marnie Schurter, ACORN Hamilton

(f) Added Pre-recorded Submissions:

- (i) Marnie Schurter
- (ii) Rick Rankin
- (iii) Cassandra Pichler
- (iv) Jonathan Lopez
- (v) Jacqueline Elliot
- (vi) Hunter Celenza
- (vii) Ruth Draaistra - WITHDRAWN
- (viii) Michael Lopez

(b) Added Written Delegations:

- (b) Robert D. Hamilton
- (c) Nikki Ellis
- (d) John Day
- (e) Steve Greene
- (f) Hamilton and District Apartment Association
- (g) Colin Fraser
- (h) Casey Van Dijk
- (i) Ben Faber
- (j) Anne Devries
- (k) Jordan Raycroft
- (l) Pat and Al Ward
- (m) Paul Salvi
- (n) Barry Miller
- (o) C. and John Kool
- (p) Karen Ford
- (q) John Durac
- (r) Keith Clark
- (s) Cheryl Boileau
- (t) Lisa Crapsi
- (u) Chris Ferguson
- (v) Maureen McLellan
- (w) Mike and Ida Caruso
- (x) Margaret Regan
- (y) Michael Ronney
- (z) Lynn Sharpe
- (aa) Jantina and John DeVries
- (ab) John Cassidy
- (ac) John Benedetti
- (ad) Carol Pacella
- (ae) John Simpson
- (af) Jordan Cozzi

- (ag) Donna Swan and Sheila Boyd
- (ah) Edgar Rogalski
- (ai) Robert Flis
- (aj) Brian Melnike
- (ak) Guy Bisson
- (al) James Sherriff
- (am) Karen Bird
- (an) Nanette Morton
- (ao) Toni Simpson
- (ap) John Schooley
- (aq) Shannon McKnight, ACORN Hamilton
- (ar) Sara Shwadchuk

3. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.2 Application for Approval of a Draft Plan of Subdivision for Lands Located at 4 Vickers Road, Hamilton (PED21155) (Ward 7)

- (a) Added Written Submissions:
 - (a) Nicole Thebaud

4. NOTICES OF MOTION (Item 12)

12.1 Noise Concerns and Request for Expiry of Extended Construction Hours

5. PRIVATE AND CONFIDENTIAL (Item 14)

14.2 Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 to Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (LS21023/PED21143) (Ward 12)

14.3 Waterdown Bay - 392 Dundas Street East (LS20003(a)/PED20049(a)) (Ward 15)

The agenda for the August 10, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared a conflict with Items 6.1, 10.2, and 14.1, which relate to Rental Housing Licensing and Item 10.1 which relates to Property Standards on rental properties, as she is a landlord of rental properties.

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

(i) July 6, 2021 (Item 4.1)

The Minutes of the July 6, 2021 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Communication Items 5.1, 5.2 and 5.3

The following Communications were received:

5.1 Ontario Land Tribunal (formerly LPAT) Decisions

- (a) PL130701 - 899 Nebo Road (PED13147) (September 4, 2013 Planning Committee)

5.2 Viv Saunders respecting Parking By-law Officers - Private Property

5.3 Viv Saunders respecting Barton St EA - 2 Rural Lanes Widening to 5 Urbanized Vehicle Lanes

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Licence Rental Housing (Item 10.2) (For Today's Meeting) (Item 6.1)

(a) Virtual / Pre-recorded Delegations (Item 6.1(a))

The following Virtual / Pre-recorded Delegation Requests were approved for today's meeting:

- (a) Ira Rosen, Ainslie Wood Community Association
(b) Donna Bacher, President, Realtors Association of Hamilton-Burlington
(d) Rosemary Lukosius, Ainslie Wood Community Association

(e) Added Virtual / Pre-recorded Delegations:

- (i) Ian Borsuk
(ii) Cameron Kroetsch
(iii) Darlene Wesley, ACORN Hamilton
(iv) Siobhan Teel, McMaster Students Union
(v) Karl Andrus, Hamilton Community Benefits Network
(vi) Rick Rankin, ACORN Hamilton
(vii) Ruth Draaistra, MSA
(viii) Mymoon Bhuiyan, McMaster Student Union

- (ix) Cassandra Pichler, ACORN Hamilton
- (x) Veronica Gonzalez, ACORN Hamilton
- (xi) Jonathan Lopez, ACORN Hamilton
- (xii) Alex Wilson
- (xiii) Robert Flis
- (xiv) Simranjeet Singh, McMaster Student Union
- (xv) Hunter Celenza, ACORN Hamilton
- (xvi) Michael Lopez, ACORN Hamilton
- (xvii) Jacqueline Elliot, ACORN Hamilton
- (xviii) Thomas Cooper, Hamilton Roundtable for Poverty Reduction
- (xix) Marnie Schurter, ACORN Hamilton

(f) Added Pre-recorded Submissions:

- (i) Marnie Schurter
- (ii) Rick Rankin
- (iii) Cassandra Pichler
- (iv) Jonathan Lopez
- (v) Jacqueline Elliot
- (vi) Hunter Celenza
- (viii) Michael Lopez

(b) Written Delegations (Item 6.1(b))

The following Written Delegation Requests were received and referred to the consideration of Item 10.2:

- (a) Emily Kam
- (b) Robert D. Hamilton
- (c) Nikki Ellis
- (d) John Day
- (e) Steve Greene
- (f) Hamilton and District Apartment Association
- (g) Colin Fraser
- (h) Casey Van Dijk
- (i) Ben Faber
- (j) Anne Devries
- (k) Jordan Raycroft
- (l) Pat and Al Ward
- (m) Paul Salvi
- (n) Barry Miller
- (o) C. and John Kool
- (p) Karen Ford
- (q) John Durac
- (r) Keith Clark
- (s) Cheryl Boileau

- (t) Lisa Crapsi
- (u) Chris Ferguson
- (v) Maureen McLellan
- (w) Mike and Ida Caruso
- (x) Margaret Regan
- (y) Michael Ronney
- (z) Lynn Sharpe
- (aa) Jantina and John DeVries
- (ab) John Cassidy
- (ac) John Benedetti
- (ad) Carol Pacella
- (ae) John Simpson
- (af) Jordan Cozzi
- (ag) Donna Swan and Sheila Boyd
- (ah) Edgar Rogalski
- (ai) Robert Flis
- (aj) Brian Melnike
- (ak) Guy Bisson
- (al) James Sherriff
- (am) Karen Bird
- (an) Nanette Morton
- (ao) Toni Simpson
- (ap) John Schooley
- (aq) Shannon McKnight, ACORN Hamilton
- (ar) Sara Shwadchuk

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

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

- (i) Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) (Item 9.1)**

No members of the public were registered as Delegations.

The staff presentation was waived.

The public meeting was closed.

- (a) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-181, as amended by By-law No. 20-215, under Zoning By-law No. 05-200 to further extend the time period for the outdoor commercial patio regulations until December 31, 2021, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-214 under Zoning By-law No. 05-200 to extend the time period for permissions for temporary tents until December 31, 2021 and to extend the permissions for temporary tents to certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED20135(b) were **amended** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 6.

(ii) Application for Approval of a Draft Plan of Subdivision for Lands Located at 4 Vickers Road, Hamilton (PED21155) (Ward 7) (Item 9.2)

No members of the public were registered as Delegations.

The staff presentation was waived.

Mike Pettigrew with The Biglieri Group was in attendance and indicated support for the staff report.

The delegation from Mike Pettigrew with The Biglieri Group, was received.

The following written submission was received:

9.2(a) (a) Nicole Thebaud expressing concerns with the application.

The public meeting was closed.

(a) That Draft Plan of Subdivision application 25T-202004, by The Biglieri Group, on behalf of Dicenzo (Linden Park) Holdings Inc., Owner, to establish a Draft Plan of Subdivision on lands located at 4 Vickers Road (Hamilton), as shown on Appendix "B", attached to Report PED21155, be APPROVED subject to the following conditions:

- (i) That this approval applies to the Draft Plan of Subdivision application 25T-202004 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 15, 2020, consisting of seven development blocks (Blocks 1 - 7) attached as Appendix "B" to Report PED21155;
- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202004, attached as Appendix "C" to Report PED21155, be received and endorsed by City Council;
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, 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;

- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21155;
- (v) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision.

The recommendations in Report PED21155 were **amended** by adding the following sub-section (b):

(b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

For disposition of this matter, refer to Item 7.

(iii) Delegations respecting Licence Rental Housing (Item 10.2) (Item 9.3)

The Committee was advised that the following Virtual Delegations (Item 9.3(a)(e)) were Pre-recorded submissions only:

- (vi) Rick Rankin, ACORN Hamilton
- (ix) Cassandra Pichler, ACORN Hamilton
- (xi) Johathan Lopez, ACORN Hamilton
- (xv) Hunter Celenza, ACORN Hamilton
- (xvi) Michael Lopez, ACORN Hamilton
- (xvii) Jacqueline Elliot, ACORN Hamilton
- (xix) Marnie Schurter, ACORN Hamilton

The following Virtual and Pre-recorded Delegations addressed Committee respecting Licence Rental Housing (Item 10.2):

- (a) Ira Rosen, Ainslie Wood Westdale Community Association
- (b) Donna Bacher, President, Realtors Association of Hamilton-Burlington
- (d) Rosemary Lukosius, Ainslie Wood Community Association
- (e)
 - (i) Ian Borsuk
 - (ii) Cameron Kroetsch
 - (iii) Darlene Wesley, ACORN Hamilton
 - (iv) Siobhan Teel, McMaster Students Union
 - (v) Karl Andrus, Hamilton Community Benefits Network
 - (vii) Ruth Draaistra, MSA
 - (viii) Mymoon Bhuiyan, McMaster Student Union
 - (x) Veronica Gonzalez, ACORN Hamilton
 - (xiii) Robert Flis

- (xiv) Simranjeet Singh, McMaster Student Union
- (xviii) Thomas Cooper, Hamilton Roundtable for Poverty Reduction

The Committee recessed from 12:30pm to 1:00pm.

The following Virtual and Pre-recorded Delegations addressed Committee respecting Licence Rental Housing (Item 10.2) (Continued):

- (f) (i) Marnie Schurter
- (ii) Rick Rankin
- (iii) Cassandra Pichler
- (iv) Jonathan Lopez
- (v) Jacqueline Elliot
- (vi) Hunter Celenza
- (vii) Michael Lopez

The Virtual and Pre-recorded Delegations (Item 9.3), were received.

Alex Wilson was not in attendance when called upon to speak.

For disposition of this matter, refer to Item 9 and (l)(i).

Item 10.2 was moved to be heard after Closed Session.

For disposition of this matter, refer to Item 9 and (l)(i).

(g) DISCUSSION ITEMS (Item 10)

(i) Interim Control By-law Extension – Pleasantview Area (PED21157) (Ward 13) (Item 10.3)

Christine Newbold, Manager of Community Planning and GIS, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (a) That Interim Control By-law No.20-186 be extended for an additional year from the date of the passing of the By-law No. 20-186 (September 10, 2020), to allow additional time to complete the Pleasantview Land Use Study and bring forward for Council's consideration amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Pleasantview Land Use Study, for lands located generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/York Road to the west; and

- (b) That the Draft By-law No. 21-XXX, attached as Appendix “B” to Report PED21157 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

The recommendations in Report PED21157 were **amended** by adding the following sub-section (c) as follows:

- (c) ***That, to provide additional opportunities for public consultation and feedback on the necessary draft Official Plan Amendment and Zoning By-law for the Pleasant View lands, and to ensure alignment with the proposed extension of Development Control on the area under the Niagara Escarpment Plan (NEP), the statutory public meeting be scheduled no earlier than November 16, 2021.***

For disposition of this matter, refer to Item 10.

- (ii) **Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) (Item 10.4)**

Jennifer Roth, Planner I, and Alissa Mahood, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 11.

- (h) **MOTIONS (Item 11)**

Councillor Danko relinquished the Chair to Councillor Johnson to present a Motion respecting Demolition Permit for 323 Rymal Road East.

For disposition of this matter, refer to Item 12.

Councillor Danko assumed the Chair.

- (i) **NOTICES OF MOTION (Item 12)**

- (i) **Noise Concerns and Request for Expiry of Extended Construction Hours (Added Item 12.1)**

Councillor Johnson introduced a Notice of Motion respecting Noise Concerns and Request for Expiry of Extended Construction Hours.

The Rules of Order were waived to allow for the introduction of a Motion respecting Noise Concerns and Request for Expiry of Extended Construction Hours.

For disposition of this matter, refer to Item 13.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

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

**(a) Items to be Transferred to the Public Works Committee
Outstanding Business List:**

21B - Advisory Committee for Persons with Disabilities Report
20-007, December 8, 2020 (Item 9.1) - Recommendation (c)

21C - Advisory Committee for Persons with Disabilities Report
20-007, December 8, 2020 (Item 9.1) - Recommendation (e)

(b) Items to be Removed:

12A – Licensing of Rental Housing
(Addressed as Item 10.2 on the August 10th agenda)

20E – Waterdown Bay – 392 Dundas Street East
(Addressed as Item 14.3 on the August 10th agenda)

21O – Extension of Support for Businesses Operating Outdoors
(Addressed as Item 9.1 on the August 10th agenda)

21P - Request to Designate 323 Rymal Road East as a Class 4
Noise Area
(Addressed as Item 7.5 on the August 10th agenda)

(k) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session to discuss Items 14.1, 14.2 and 14.3 pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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.

(i) License Rental Housing (PED21097/LS21022) (Wards 1, 8 and part of Ward 14) (Item 14.1)

For disposition of this matter, refer to Item 9 and (l)(i).

(ii) Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 to Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (LS21023/PED21143) (Ward 12) (Added Item 14.2)

For disposition of this matter, refer to Item 14.

(iii) Waterdown Bay - 392 Dundas Street East (LS20003(a)/PED20049(a)) (Ward 15) (Added Item 14.3)

For disposition of this matter, refer to Item 15.

(l) DISCUSSION ITEMS (Item 10) – Continued

(i) License Rental Housing (PED21097/LS21022) (Wards 1, 8 and part of Ward 14) (Item 10.2)

The recommendations in Report PED21097/LS21022 were ***amended*** by deleting sub-sections (a), (b), and (c), and inserting new sub-sections, and renumbering the balance as follows:

~~**(a) — That consideration for a Rental Housing Licensing pilot project for Wards 1, 8 and parts of Ward 14 be postponed to Q1 2023;**~~

~~**(b) — That Staff report back to Planning Committee in Q1 2023 with an Information Report that includes the following:**~~

~~**(i) — updated information on average market rents and vacancy rates post-COVID;**~~

~~**(ii) — number of secondary dwelling units created and number of secondary dwelling units legalized following the City's recent adoption of the new secondary dwelling unit zoning changes; and**~~

~~**(iii) — complaints and enforcement activity with respect to the expanded property standards & vital services for rental housing under City of Hamilton Property Standards By-law 10-221.**~~

- ~~(c)~~ ~~*That Staff be directed to re-engage with stakeholders in 2022 to re-assess and re-confirm comments and perspectives with respect to rental housing licensing post-COVID;*~~
- (a) *That the draft By-law “Rental Housing Units” (Schedule 31) attached as Appendix “A” to Report PED21097/LS21022, which has been prepared in a form satisfactory to the City Solicitor be referred to the September 21st, 2021 Planning Committee meeting to satisfy the public notice requirement for implementation;*
- (b) *That Staff prepare a transition plan to inform business property owners and tenants of the requirements of the pilot by-law, provide owners with adequate time and information to gain compliance and avoid displacement of tenants;*
- (c) *That Staff prepare a fee schedule to achieve full cost recovery with no net levy impact for the implementation of the 2 year pilot project in Wards 1, 8 and parts of Ward 14 at a total cost of \$2,014,992 with the creation of 10 temporary FTEs as follows: three full-time temporary zoning Staff to be funded from zoning verification fees; four full-time temporary Fire Inspectors to be funded from inspection fees; and one full-time temporary Licensing Administrator and two full-time temporary Licensing Compliance Officers to be funded from licensing fees;*
- (d) *That Staff report back to Planning Committee after the “Rental Housing Units” (Schedule 31) has been enacted for 18 months with an update on the pilot project.*
- ~~(d)(e)~~ That the contents of Appendix “C” to Report PED21097/LS21022 remain confidential under solicitor-client privilege; and,
- ~~(e)(f)~~ That this item be identified as complete and removed from the Planning Committee Outstanding Business List.

For disposition of this matter, refer to Item 9.

(m) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 4:18 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



BOARD OF HEALTH REPORT 21-008

9:30 a.m.

Wednesday, August 11, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually

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

**Absent with
Regrets:** Councillors T. Whitehead – Leave of Absence; Councillor E. Pauls - Personal

THE BOARD OF HEALTH PRESENTS REPORT 21-008 AND RESPECTFULLY RECOMMENDS:

- 1. Correspondence from Southwestern Public Health to the Minister of Minister of Health respecting Financial Support of Local Public Health Units in Their Ongoing COVID-19 Pandemic Response (Item 5.1)**

That the Correspondence from Southwestern Public Health to the Minister of Minister of Health respecting Financial Support of Local Public Health Units in Their Ongoing COVID-19 Pandemic Response, be endorsed.

- 2. Mandatory COVID-19 Vaccines and Vaccine Passport Programs (Added Item 11.1)**

That the Mayor correspond with the Premier, Minister of Health and the Attorney General expressing Hamilton's desire for the Province to institute Mandatory COVID-19 Vaccines, where permissible by law, and a Vaccine Passports Program with a copy being forwarded to local municipalities and the Association of Municipalities of Ontario.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

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

The agenda for the August 11, 2021 Board of Health was approved, as presented.

(c) DECLARATIONS OF INTEREST (Item 3)

None

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

(i) July 7, 2021 (Item 4.1)

The Minutes of July 7, 2021, were approved, as presented.

(e) COMMUNICATIONS (Item 5)

(i) Correspondence from the Minister of Health respecting One-time Funding for 2021- 2022, and 2022-2023 (Item 5.2)

The Correspondence from the Minister of Health respecting One-time Funding for 2021- 2022, and 2022-2023, was received.

(f) STAFF PRESENTATIONS (Item 9)

(i) Overview of COVID-19 Activity in the City of Hamilton 11 Mar 2020 to Present (Item 9.1)

Dr. N. Tran, Associate Medical Officer of Health; Michelle Baird, Director, Healthy and Safe Communities and Stephanie Hughes, Epidemiologist, Healthy and Safe Communities, addressed the Board with an Overview of COVID-19 Activity in the City of Hamilton 11 Mar 2020 to present, with the aid of a PowerPoint presentation.

The Presentation respecting an Overview of COVID-19 Activity in the City of Hamilton 11 Mar 2020 to present, was received.

The Mayor relinquished the Chair to Councillor Nann for the remainder of the meeting.

(g) ADJOURNMENT (Item 15)

There being no further business, the Board of Health adjourned at 11:53 a.m.

Respectfully submitted,

Mayor F. Eisenberger
Chair, Board of Health

Councillor N. Nann
Acting Chair, Board of Health

Loren Kolar
Legislative Coordinator
Office of the City Clerk



PUBLIC WORKS COMMITTEE REPORT 21-011

1:30 p.m.

Wednesday, August 11, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. VanderBeek (Chair), N. Nann (Vice-Chair), C. Collins, J.P. Danko, J. Farr, L. Ferguson, T. Jackson, S. Merulla and M. Pearson

**Absent with
Regrets:** Councillor T. Whitehead – Leave of Absence
Councillor E. Pauls – Personal

Also Present: Councillor B. Clark

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 21-011 AND RESPECTFULLY RECOMMENDS:

1. COVID-19 Wastewater Surveillance Initiative (PW21048) (City Wide) (Item 7.1)

That Report PW21048, respecting a COVID-19 Wastewater Surveillance Initiative, be received.

2. Old Dundas Road Sewage Pumping Station (HC005) Emergency Overflow to Ancaster Creek Feasibility Study (PW14107(a)) (Ward 12) (Item 7.2)

That staff be directed to apply to the Ministry of Environment, Conservation and Parks (MECP) for the installation of stormwater overflow into Ancaster Creek.

3. City of Hamilton Annual Collision Report – 2020 Statistics and Trends (PW21047) (City Wide) (Item 7.3)

That Report PW21047, respecting the City of Hamilton Annual Collision Report – 2020 Statistics and Trends, be received.

- 4. Proposed Permanent Closure and Sale of a Portion of Pinot Crescent, Stoney Creek (PW21043) (Ward 10) (Item 9.1)**
- (a) That the application of the owner of Block 9, plan 62M-1241 to permanently close and purchase a portion of road allowance abutting Block 9, (“Subject Lands”), as shown on Appendix "A" and Appendix “B”, attached to Public Works Committee Report 21-011, be approved, subject to the following conditions:
 - (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
 - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of Block 9, Plan 62M-1241, as described in Report PW21043, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owner of Block 9, Plan 62M-1241 pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
 - (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
 - (v) That the City Solicitor be authorized to amend and waive such terms as she considers reasonable to give effect to this authorization and direction;
 - (vi) That the Public Works Department publish any required notice of the City’s intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
 - (vii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

5. Commercial E-Scooters Operations (PED20134(b)) (City Wide) (Item 10.1)

- (a) That staff be directed to initiate a Request for Proposals to select a maximum of two commercial E-Scooter operators to operate a 24-month pilot program within the City of Hamilton, with two optional one-year extensions based on the general scope and terms set out in Appendix “C” attached to Public Works Committee Report 21-011, and pending staff review of the pilot program;
- (b) That the General Manager of Planning and Economic Development be authorized to negotiate, enter into, and execute an agreement, any amendments, and ancillary documents required to give effect thereto with the successful proponents to the request for proposals for Commercial E-Scooter operators in a form satisfactory to the City Solicitor, based on the general scope and terms outlined in Appendix “C”, attached to Public Works Committee Report 21-011;
- (c) That, upon the award of any agreements with a Commercial E-Scooter operator, the General Manager of Planning and Economic Development be authorized to amend the operating agreement with Hamilton Bike Share Inc. (HBSI) for the operation of the base bike share program to provide an operating offset equivalent to the annual vehicle fee, device equity fee, winter operations offset fee and per trip fee collected from the Commercial E-Scooter operator; and,
- (d) That staff be directed to consult the Advisory Committee for Persons with Disabilities, the CNIB Foundation and the Seniors Advisory Committee on a quarterly basis with respect to the Commercial E-Scooter pilot program.

6. Biosolids Management Project - Approval of Change in Control of Harbour City Solutions (PW11098(h)) (City Wide) (Item 10.3)

- (a) That the General Manager of Public Works be authorized to execute a consent authorizing and approving the transfer of control of Bird Capital Hamilton Biosolids Holdings Inc. and Maple Hamilton Biosolids Holdings Inc., as requested by Synagro Hamilton Biosolids LP, in a form approved by the City Solicitor; and,
- (b) That the consent to authorize and approve the transfer of control of Bird Capital Hamilton Biosolids Holdings Inc. and Maple Hamilton Biosolids Holdings Inc. be subject to the issuance of Final Completion Phase 1 and Final Completion certificates by the Independent Certifier as required and defined in the Project Agreement, and such other reasonable conditions as may be specified by the City Solicitor.

- 7. Standardization of Hamilton Water Equipment, Parts, Supplies and Services (PW21045) (City Wide) (Item 10.4)**
- (a) That the standardization of the products, services, manufacturers and distributors, identified in Appendices “D”, “E” and “F” attached to Public Works Committee Report 21-011, pursuant to Procurement Policy #14 - Standardization and as the single source of supply for the listed equipment, parts, supplies and services for the Hamilton Water Division be approved;
 - (b) That the General Manager of Public Works, or their designate, be authorized to negotiate, enter into and execute any required Contract and any ancillary documents required to give effect thereto with those suppliers identified in Appendices “D”, “E” and “F” attached to Public Works Committee Report 21-011, with content acceptable to the General Manager of Public Works, and in a form satisfactory to the City Solicitor; and,
 - (c) That the General Manager of Public Works, or their designate, be authorized to amend any Contracts executed and any ancillary documents as required in the event that a service provider, manufacturer, or distributor identified in Appendices “D”, “E” and “F” attached to Public Works Committee Report 21-011 undergoes a name change or a new distributor relationship in a form satisfactory to the City Solicitor.
- 8. Cost Recovery Using Funding Methodology for Municipal Infrastructure Extensions - Rymal Road from Approximately 200m East of Second Road West to Upper Centennial Parkway (PW21046) (Ward 9) (Item 10.5)**
- (a) That the General Manager of Finance and Corporate Services be authorized and directed to prepare a cost recovery by-law in accordance with the *Municipal Act, 2001* the *City of Hamilton Act, 1999* and the City's Funding Methodology for Municipal Infrastructure Extensions Policy to recover the local portion of infrastructure extension construction costs to be incurred, in addition to permit fees, against the benefiting properties identified in Appendix "G" attached to Public Works Committee Report 21-011 with the following terms:
 - (i) The charge to each property, as identified in Appendix "G" attached to Public Works Committee Report 21-011, the current flat fee as of the date of payment/connection in accordance with the City's annual user fee by-law;
 - (ii) The charge shall be due at the earlier of the time of connection (building permit), as a condition of severance, or may be paid at any time;

- (iii) At time of connection, the benefitting owners may elect to spread the payment over 15 years by placing the charge on tax roll; interest shall apply based on the City's then current 15 year borrowing rate;
- (iv) Any unpaid amounts may be added to the property tax roll and collected in the same manner as municipal taxes.

9. Private Tree Giveaway (PW21044) (City Wide) (Item 10.6)

- (a) That staff be directed to plan and execute a City Wide Private Tree Giveaway Program for the remainder of 2021 and on an annual basis from 2022 and beyond, subject to the approval of the following:
 - (i) That \$15,000 be allocated from the 2021 Forestry tax operating budget to fund the 2021 Fall Private Tree Giveaway Program; and,
 - (ii) That the 2022 Private Tree Giveaway Program annual operating budget request of \$45,000 be referred to the 2022 tax operating budget process for consideration.

10. Installation of Traffic Calming Measures at Various Locations throughout Ward 6 (Item 11.1) (REVISED)

WHEREAS, the residents of Beacon Avenue have submitted a petition with 46 names for the installation of speed cushions on Beacon Avenue to address roadway safety concerns as a result of speeding, cut-through traffic;

WHEREAS, the residents of Moxley Drive have submitted a petition with 45 names for the installation of speed cushions on Moxley Drive between Beacon Avenue and Mohawk Road East to address roadway safety concerns as a result of speeding, cut-through traffic;

WHEREAS, the residents of Rapallo Drive, that were part of a neighbourhood petition of 67 names, are requesting the installation of speed cushions along Rapallo Drive, to address roadway safety concerns as a result of speeding and cut through traffic;

WHEREAS, the residents of East 45th Street have submitted a petition containing 50 signatures for the installation of additional speed cushions on East 45th Street, between 10th Avenue and Fennell Avenue East, to address roadway safety concerns as a result of speeding, cut-through traffic;

WHEREAS, the residents of Organ Crescent have submitted a petition containing 45 signatures for the installation of speed cushions on Organ Crescent, to address roadway safety concerns as a result of speeding, cut-through traffic;

WHEREAS, the residents of Eaglewood Drive have submitted a petition containing 75 signatures for the installation of speed cushions on Eaglewood Drive, between Eva Street and Sinena Avenue, to address roadway safety concerns as a result of speeding, cut-through traffic; and,

WHEREAS, the residents of Fernwood Crescent have submitted a petition containing 31 signatures for the installation of speed cushions on Fernwood Crescent, between 9th Avenue and Castlefield Drive, to address roadway safety concerns as a result of speeding, cut-through traffic;

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to install traffic calming measures on the following roadways as part of the 2021 Traffic Calming program (Fall Application):
 - (i) Beacon Avenue, Hamilton (2 speed cushions);
 - (ii) Moxley Drive, from Beacon Avenue and Mohawk Road East, Hamilton (1 speed cushion);
 - (iii) Rapallo Avenue, Hamilton (2 speed cushions);
 - (iv) East 45th Street, from 10th Avenue and Fennell Avenue East, Hamilton (5 speed cushions);
 - (v) Organ Crescent, Hamilton (4 speed cushions);
 - (vi) Eaglewood Drive, from Eva Street and Sinena Avenue, Hamilton (3 speed cushions);
 - (vii) Fernwood Crescent, from 9th Avenue and Castlefield Drive, Hamilton (2 speed cushions);
- (b) That all costs associated with the installation of traffic calming measures at the identified locations throughout Ward 6 be funded from the Ward 6 Minor Maintenance Account (4031911606) at a total cost not to exceed \$133,000 (including contingency); and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

11. Installation of Traffic Calming Measures on Bellagio Avenue, Showcase Drive, Keystone Crescent, Fletcher Road and Gatestone Drive to Address Safety Concerns Around Area Elementary Schools (Ward 9) (Item 11.2)

WHEREAS, the City of Hamilton is committed to the safety of all road users and is a leader in Vision Zero initiatives; and,

WHEREAS, the Ward 9 office has continued to receive complaints and concerns related to the safety of elementary students accessing schools in these areas;

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to install traffic calming measures on the following roadways as part of the 2021 Traffic Calming program (fall application), at a cost not to exceed \$60,000, to be funded from the Ward 9 Minor Maintenance account (4031911609):
 - (i) Gatestone Drive, from Foxtrot Drive to Shadyglen Drive, Hamilton (2 speed cushions);
 - (ii) Bellagio Avenue, from Fletcher Road to Keystone Crescent, Hamilton (3 speed cushions);
 - (iii) Keystone Crescent, from Bellagio Avenue to Showcase Drive, Hamilton (2 speed cushion);
 - (iv) Showcase Drive, from Keystone Crescent to Fletcher Road, Hamilton (2 speed cushions);
 - (v) Fletcher Road at Pinehill Drive, Hamilton, northwest corner, corner radius reduction;
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

12. Additional Funding for the Study of Design Improvements to Southam Park, Hamilton (Ward 8) (Item 11.3)

WHEREAS, parks play an important role in the creation of livable cities, and the amenities in parks animate the spaces for use by the public;

WHEREAS, Southam Park, located at 480 Upper James Street, was approved as a project through the 2020 capital budget process to design improvements to the park; and,

WHEREAS, additional funds are required to complete studies and detailed design;

THEREFORE, BE IT RESOLVED:

- (a) That \$51,000 of funding be allocated from the Ward 8 Special Capital Re-investment Reserve Fund #108058 to Project ID 4402056008, to complete the studies and detailed design of Southam Park; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

13. Installation of Traffic Calming Measures at Various Locations throughout Ward 1 (Item 11.4)

WHEREAS, the City of Hamilton has adopted Vision Zero approach which considers human error as part of the road way safety equation,

WHEREAS, roads adjacent to parks and schools frequently see the greatest number of young pedestrians and cyclists at risk by speeding motorists; and,

WHEREAS, Ward 1 residents have repeatedly advocated for the installation of speed cushions on various roadways throughout their neighbourhoods to address roadway safety concerns as a result of speeding and cut-through traffic;

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to install traffic calming measures on the following roadways as part of the 2021 Traffic Calming program:
 - (i) Homewood Avenue from Dundurn Street South to MacDonald Avenue, Hamilton (1 speed cushion);
 - (ii) Stanley Avenue from Dundurn Street South to MacDonald Avenue, Hamilton (1 speed cushion);
 - (iii) Charlton Avenue West from Locke Street South to Dundurn Street South, Hamilton (2 speed cushions);
 - (iv) Beddoe Drive from Studholme Road to southerly end, Hamilton (3 speed cushions);
 - (v) Dromore Crescent from Marion Avenue North to Oak Knoll Drive, Hamilton (1 speed cushion);

- (vi) Marion Avenue North from Haddon Avenue North to Dromore Crescent, Hamilton (1 speed cushion);
 - (vii) Parkside Drive from Devon Place to Glen Road, Hamilton (1 speed cushion);
 - (viii) Glen Road from Parkside Drive to Kipling Road, Hamilton (1 speed cushion);
 - (ix) Strathcona Avenue North from York Boulevard to Florence Street, Hamilton (1 speed cushion);
 - (x) Chatham Street from Locke Street South to Dundurn Street South, Hamilton (2 speed cushions);
- (b) That all costs associated with the installation of traffic calming measures at the identified locations throughout Ward 1 be funded from the Ward 1 Reserve Account (108051) at a total cost not to exceed \$100,000 (including contingency); and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

14. Ward 1 Park Improvements (Item 11.5)

WHEREAS, Victoria Park (500 King Street West, Hamilton) is a diverse community park in Ward 1 with recreation amenities that promote healthy activity opportunities for the community;

WHEREAS, one of the two multi-use courts within Victoria Park does not include the basketball and hockey infrastructure that is now standard within new multi-use court amenities;

WHEREAS, the addition of this infrastructure is desirable to increasing recreation opportunities for residents at Victoria Park;

WHEREAS, the junior play structure located within Mapleside Park (12 Spruceside Avenue, Hamilton) has reached end of life;

WHEREAS, the asphalt pathways at both Mapleside Park and Radial Park (12 Spruceside Avenue, Hamilton) require replacement,

WHEREAS, drainage improvements can be effectively added to Mapleside Park during the play structure and pathway improvements to improve park conditions;

WHEREAS, these community amenities at both Mapleside Park and Radial Park are valuable recreation opportunities for children, youth and families within the Kirkendall North and Kirkendall South neighbourhoods;

WHEREAS, park pathways offer a valuable active transportation link to pedestrians and bike users in Ward 1 and beyond; and,

WHEREAS, the asphalt pathways at Alexander Park (201 Whitney Avenue, Hamilton), Churchill Park (255 Glen Road, Hamilton) and Jackson Playground (439 Jackson Street West, Hamilton) require replacement;

THEREFORE, BE IT RESOLVED:

- (a) That \$35,000 of funding be allocated from the Ward 1 Special Capital Re-Investment Discretionary Fund (#3302009100), to improve the existing court within Victoria Park, Hamilton, with basketball posts/nets and fencing improvements to include built in hockey nets, be approved;
- (b) That the replacement of the existing junior play structure, pathway replacements and drainage improvements at Radial Park and Spruceside Park, Hamilton, at an approximate cost of \$146,000, to be funded from Ward 1 Special Capital Re-Investment Reserve Fund (#108051), be approved;
- (c) That the replacement of portions of asphalt pathways at Alexander Park, Churchill Park and Jackson Playground, Hamilton, at an approximate cost of \$90,000, to be funded from the Ward 1 Special Capital Re-Investment Reserve Fund (#108051), be approved; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**15. Material Recycling Facility Unsolicited Proposal (CONFIDENTIAL)
(PW21050) (City Wide) (Item 14.1)**

- (a) That the direction provided to staff in Closed Session, respecting Report PW21050, Material Recycling Facility Unsolicited Proposal, be approved; and,
- (b) That Report PW21050, respecting the Material Recycling Facility Unsolicited Proposal, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

6.1 Delegation Requests respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(b)) (City Wide) (for today's meeting):

6.1(a) James Kemp, Advisory Committee for Persons with Disabilities

6.1(b) Chris Schafer, Bird Canada

6.1(c) Ashley Brown, Spin Mobility Inc.

11. MOTIONS

11.1 Installation of Traffic Calming Measures at Various Locations throughout Ward 6 **(REVISED)**

The agenda for the August 11, 2021 Public Works Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) July 7, 2021 (Item 4.1)

The Minutes of the July 7, 2021 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(a) The following delegation requests, respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(b)) (City Wide), were approved for today's meeting:

(i) James Kemp, Advisory Committee for Persons with Disabilities (Added Item 6.1(a))

(ii) Chris Schafer, Bird Canada (Added Item 6.1(b))

(iii) Ashley Brown, Spin Mobility Inc. (Added Item 6.1(c))

For further disposition of this matter, refer to Item (f)(ii).

(e) CONSENT ITEMS (Item 7)

- (a) The following Consent Items, were received:
- (i) Hamilton Cycling Committee Meeting Minutes - April 7, 2021 (Item 7.4)
 - (ii) Hamilton Cycling Committee Staff Liaison Report - May 5, 2021 (Item 7.5)
 - (iii) Hamilton Cycling Committee Meeting Minutes – June 2, 2021 (Item 7.6)

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Proposed Permanent Closure and Sale of a Portion of Pinot Crescent, Stoney Creek (PW21043) (Ward 10) (Item 9.1)

Councillor VanderBeek advised that notice of the Proposed Permanent Closure and Sale of a Portion of Pinot Crescent, Stoney Creek (PW21043) (Ward 10) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 4.

(ii) Delegations respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(b)) (City Wide) (Added Items 9.2(a) – 9.2(c))

The presentations from the following delegates, respecting Item 10.1 - Commercial E-Scooters Operations (PED20134(b)) (City Wide), were received:

- (i) James Kemp, Advisory Committee for Persons with Disabilities (Added Item 9.2(a))
- (ii) Chris Schafer, Bird Canada (Added Item 9.2(b))
- (iii) Ashley Brown, Spin Mobility Inc. (Added Item 9.2(c))

For further disposition of this matter, refer to Items 5 and (g)(i).

(g) **DISCUSSION ITEMS (Item 10)**

(i) **Commercial E-Scooters Operations (PED20134(b)) (City Wide) (Item 10.1)**

- (a) That staff be directed to initiate a Request for Proposals to select a maximum of two commercial E-Scooter operators to operate a 24-month pilot program within the City of Hamilton, with two optional one-year extensions based on the general scope and terms set out in Appendix "C" attached to Public Works Committee Report 21-011, and pending staff review of the pilot program;
- (b) That the General Manager of Planning and Economic Development be authorized to negotiate, enter into, and execute an agreement, any amendments, and ancillary documents required to give effect thereto with the successful proponents to the request for proposals for Commercial E-Scooter operators in a form satisfactory to the City Solicitor, based on the general scope and terms outlined in Appendix "C", attached to Public Works Committee Report 21-011; and,
- (c) That, upon the award of any agreements with a Commercial E-Scooter operator, the General Manager of Planning and Economic Development be authorized to amend the operating agreement with Hamilton Bike Share Inc. (HBSI) for the operation of the base bike share program to provide an operating offset equivalent to the annual vehicle fee, device equity fee, winter operations offset fee and per trip fee collected from the Commercial E-Scooter operator.

Report PED20134(b), respecting Commercial E-Scooters Operations, was **amended** to add recommendation (d), to read as follows:

- (d) ***That staff be directed to consult the Advisory Committee for Persons with Disabilities, the CNIB Foundation and the Seniors Advisory Committee on a quarterly basis with respect to the Commercial E-Scooter pilot program.***

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

(ii) **Protected Bike Lane Curbs (Hamilton Cycling Committee - Citizen Committee Report) (Item 10.2)**

The Hamilton Cycling Committee - Citizen Committee Report, respecting Protected Bike Lane Curbs, was referred to appropriate staff for a report back to the Public Works Committee.

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

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

(a) Items Requiring a New Due Date:

- (i) Municipal Class Environmental Assessment and Conceptual Design of Ancaster Elevated Water Reservoir**
Item on OBL: AAP
Current Due Date: August 11, 2021
Proposed New Due Date: September 20, 2021
- (ii) Funding Options for a 5 Year and 10 Year Lead Water Service Line Replacement Plan**
Item on OBL: ABJ
Current Due Date: August 11, 2021
Proposed New Due Date: September 10, 2021
- (iii) Corporate Energy and Sustainability Policy**
Item on OBL: ABQ
Current Due Date: August 11, 2021
Proposed New Due Date: September 10, 2021

(b) Items Considered Complete and Needing to be Removed:

- (i) Advisory Committee for Persons with Disabilities Report 20-007, December 8, 2020 (Items 5 and 7); and, Regulation of E-Scooters**
Addressed as Item 10.1 on today's agenda - Report PED20134(b)
Items on OBL: 21B, 21C and ABN

(i) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session respecting Item 14.1, pursuant to Section 9.1, Sub-sections (j) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (j) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(i) Material Recycling Facility Unsolicited Proposal (PW21050) (City Wide) (Item 14.1)

For disposition of this matter, refer to Item 15.

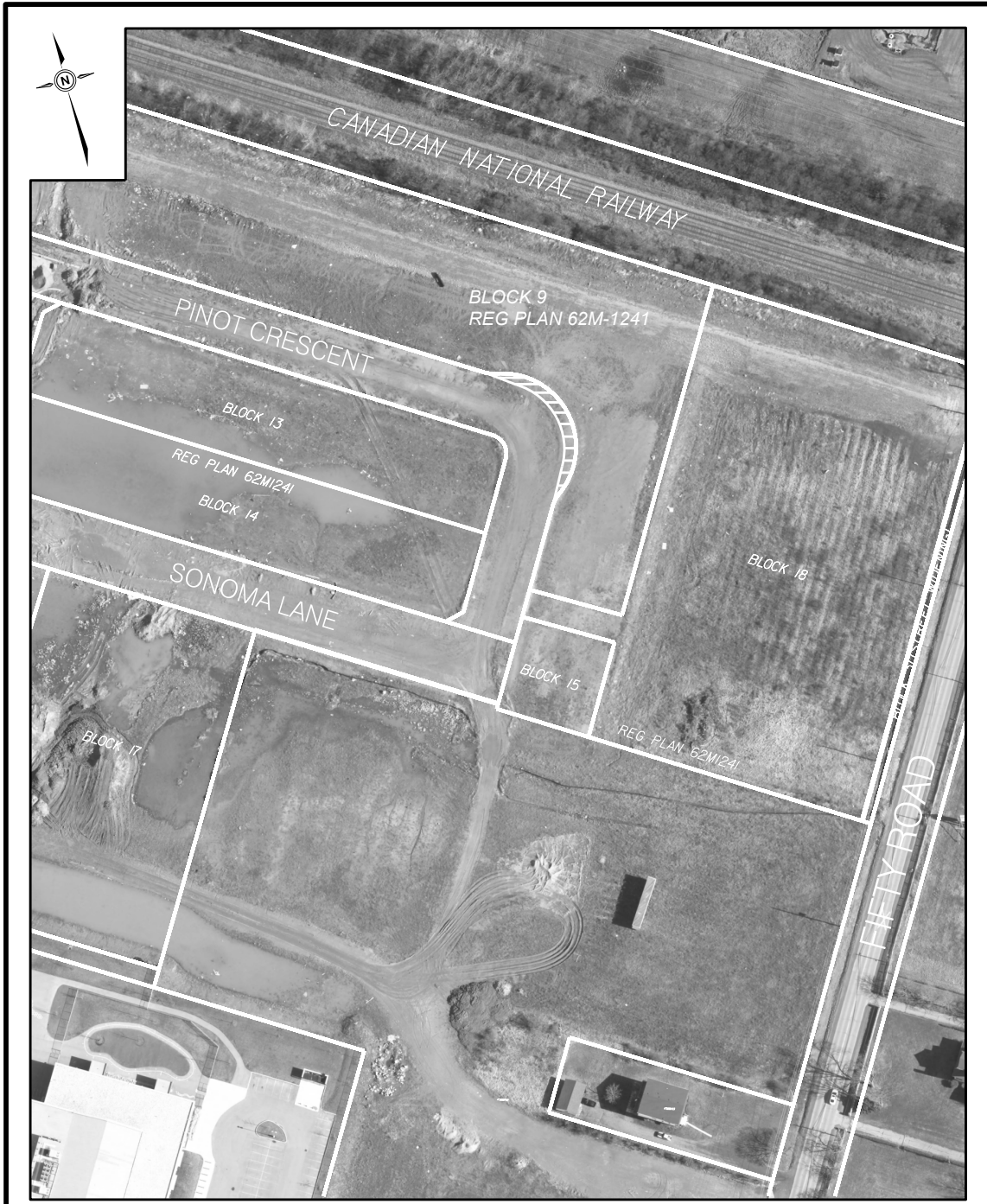
(j) ADJOURNMENT (Item 15)

There being no further business, the Public Works Committee adjourned at 3:52 p.m.

Respectfully submitted,

Councillor A. VanderBeek
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



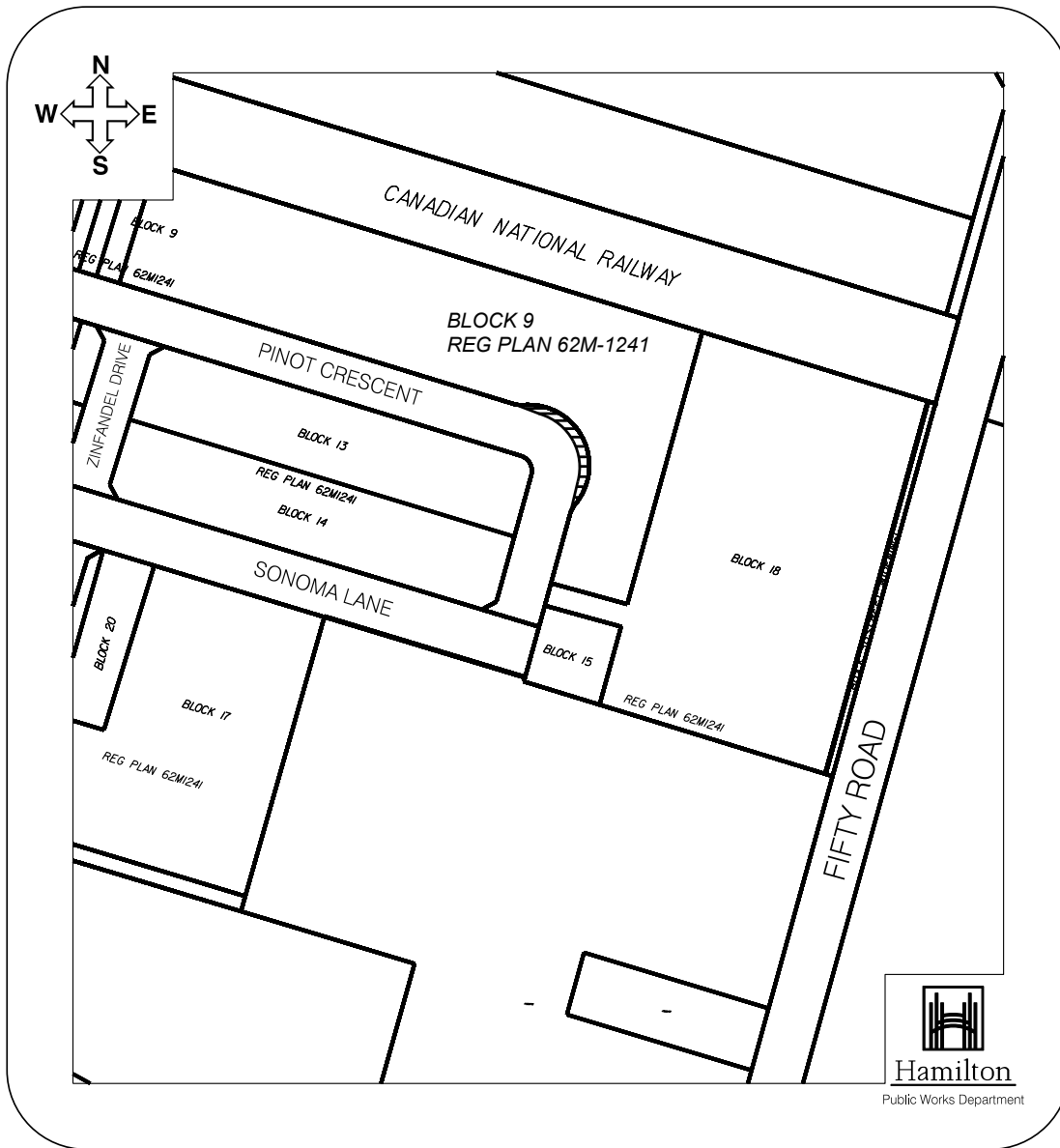
PROPOSED CLOSURE OF PORTION OF
PINOT CRESCENT, STONEY CREEK

Geomatics & Corridor Management Section
Public Works Department

LEGEND

 Lands to be Closed

NTS | 04/05/2021 | Sketch by: CF

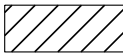


LOCATION PLAN

PROPOSED CLOSURE OF
 PORTION OF
**PINOT CRESCENT,
 STONEY CREEK**

CITY OF HAMILTON
 PUBLIC WORKS DEPARTMENT

LEGEND


SUBJECT LANDS

DATE: May 4, 2021	Not to Scale Sketch By: CF
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REFERENCE FILE NO : PW21_



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 11, 2021
SUBJECT/REPORT NO:	Commercial E-Scooters Operations (PED20134(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Peter Topalovic (905) 546-2424 Ext. 5129
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to initiate a Request for Proposals to select a maximum of two commercial E-Scooter operators to operate a 24-month pilot program within the City of Hamilton, with two optional one-year extensions based on the general scope and terms set out herein this Report PED20134(b) and pending staff review of the pilot program;
- (b) That the General Manager of Planning and Economic Development be authorized to negotiate, enter into, and execute an agreement, any amendments, and ancillary documents required to give effect thereto with the successful proponents to the request for proposals for Commercial E-Scooter operators in a form satisfactory to the City Solicitor; based on the general scope and terms outlined in this Report PED20134(b);
- (c) That, upon the award of any agreements with a Commercial E-Scooter operator, the General Manager of Planning and Economic Development be authorized to amend the operating agreement with Hamilton Bike Share Inc. (HBSI) for the operation of the base bike share program to provide an operating offset equivalent to the annual vehicle fee, device equity fee, winter operations offset fee and per trip fee collected from the Commercial E-Scooter operator; and,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Commercial E-Scooters Operations (PED20134(b)) (City Wide) - Page 2 of 17

- (d) That Items 21B, 21C and ABN, respecting Advisory Committee for Persons with Disabilities Report 20-007 (Items 5 and 7) and the Regulation of E-Scooters, be identified as completed and removed from the Public Works Outstanding Business List.

EXECUTIVE SUMMARY

On November 25, 2020, Council approved Report PED20109(c) Public Bike Share Program Phased Procurement Process which established an operating agreement through to December 2022 for the operation of the existing base bike share program through Hamilton Bike Share Inc. (HBSI), as well as, a phased procurement process for introducing a broader suite of micro-mobility options in the City, potentially including electric kick style scooters (E-Scooters). This Report addresses that second phase of the procurement process, specifically the establishment of commercial E-Scooter operations.

Staff presented Report PED20134(a) to Public Works Committee on May 3, 2021, recommending the initiation of an RFP process for a commercial e-scooter operator. Committee referred the report back to staff to undertake further engagement and receive input from specific stakeholder groups including the Advisory Committee for Persons with Disabilities (ACPD) and the Seniors Advisory Committee. Report PED20134(b) presents a revised recommended approach to a commercial E-Scooter operation as a result of the feedback received through this additional engagement.

Council approved the use of personal E-Scooters in the City, and the by-laws and regulations that would apply to the personal use of E-Scooters, on December 16, 2020, through Report PED20134/PW20050. This occurred in response to the Province of Ontario's five-year pilot program which permits E-Scooters on municipal roads throughout the Province, if a municipality passes a by-law to "opt-in". The five-year pilot launched January 1, 2020, under *Ontario Regulation 389/19* made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (HTA) with the goal of evaluating the use of E-Scooters by evaluating their ability to safely integrate with other vehicle types and determine whether they should be permanently allowed on roads in Ontario.

On December 16, 2020, Council also approved amendments to By-law 01-215 being a by-law to Regulate Traffic (City of Hamilton Traffic By-law) and to By-law 01-219, being a By-law to Manage and Regulate Municipal Parks (City of Hamilton Parks By-law) to permit E-Scooters on roads, bike lanes and designated pathways, as part of a phased approach. By-law 20-270 was also passed by Council on December 16, 2020 to regulate commercial E-Scooters and make it clear that commercial operators must have City approval before they can operate in the City of Hamilton.

SUBJECT: Commercial E-Scooters Operations (PED20134(b)) (City Wide) - Page 3 of 17

This Report addresses the next phase of the micro-mobility program, which is to permit commercial E-Scooter operations in the City of Hamilton as a 24-month pilot program, with potential for two one-year extensions, at the discretion of the City. Staff is recommending a competitive Request for Proposal (RFP) process to allow commercial E-Scooter operators to submit their business plans to the City and compete for the ability to operate commercial E-Scooters in Hamilton. The successful applicants will then sign a formal agreement with the City. It is recommended that a maximum of two contracts be awarded to qualified E-Scooter system operators, who will be selected through the RFP process. Each operator will be allowed to operate a maximum of 350 E-Scooters in the current bike share service area. However, if the operator wishes to extend their service area beyond the minimum, they will be able to provide additional E-Scooters in the ratio of 150 devices per ten square kilometres to a maximum of 900 E-Scooters (per operator). The operator will have to demonstrate that there is coverage in the service areas they choose to operate in and have strategies to reduce clumping of vehicles. The RFP and subsequent agreement will establish the parameters for commercial operators as well as establish the fees that will be paid to the City in relation to the program.

This Report provides an overview of the recommended commercial E-Scooter pilot framework as well as the terms for the recommended RFP process, including how proponents will operate their vehicles, what support systems they will be required to provide, how they will comply with City regulations and by-laws, and the associated fees related to operating in Hamilton.

The proposed operating framework outlined in this Report identifies key aspects of the program including length of the pilot, permitted operating speeds, operating areas, requirements for locking of devices, parking management, and allowable devices.

This Report also outlines key aspects of the RFP process. Both the overall operating framework and RFP elements were developed taking into account experience in other jurisdictions such as Ottawa, ON, Calgary, AB, Kelowna, BC, Seattle, WA, and San Francisco, CA where programs are already in place. Additionally, the framework incorporates concerns and communications that have been submitted by various stakeholders in Hamilton, notably the Advisory Committee for Persons with Disabilities (ACPD).

Successful E-Scooter system operators will be awarded contracts to operate in the City and pay fees to the City to cover the costs of application processing, bike parking improvements, device equity and enforcement as well as operations fees to offset impacts to the existing public bike share system.

Alternatives for Consideration – See Page 16

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial impacts on the City. All capital and operating costs will be the responsibility of the commercial operator. All City costs for administration of the program and enforcement costs will be recovered through the program fees as well as fine revenues.

Successful E-Scooter operations applicants who are awarded contracts will be charged fees to cover application processing, bike parking improvements, enforcement and vehicle operations fees to offset impacts to the existing public bike share system. This is projected to make the E-Scooter program revenue neutral and is in line with North American municipal E-Scooter systems best practices.

The minimum required fees include:

- 1) **\$5,000** Annual Administration Fee;
- 2) **\$8** Annual Program Improvement Fee per E-Scooter;
- 3) **\$45** Annual Vehicle Fee per E-Scooter;
- 4) **\$15** Annual Device Equity Fee per E-scooter;
- 5) **\$10,000** Annual Winter Operations offset fee; and,
- 6) **\$0.05** per trip for all E-Scooters.

Successful proponents will be required to provide a \$15,000 revolving security deposit. The City can recover costs associated with enforcement should the commercial operator not address concerns in the adequate timeframe (e.g. removing and storing improperly parked E-Scooters). The proponent will be required to replenish the security deposit should it fall under \$5,000. This security deposit will be utilized on a “fee for service” basis where required (e.g. removal of improperly parked devices).

Report PED20109(c) indicated that a portion of revenues from the procurement outlined in this Report would be allocated to offset the operating impact on the base bike share program, in recognition of the impact that new micro-mobility services will have on the operation of the bike share program. Therefore, staff are recommending that the annual vehicle fees and per trip fees be allocated as an operating offset to the current bike share operator. The Device Equity Fee will also be paid to the bikeshare operator but must be used to invest in capital and operating improvements to the Everyone Rides Initiative (ERI) Adaptive Bike

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Share Program. The Administration Fee and Program Improvement Fee would be allocated for the City's administration costs.

The Winter Operations Fees will be collected but returned to the operator if they have demonstrated winter operations experience and operate 50% of their fleet in winter between November and March of the pilot period. If the E-Scooter operator does not have winter operating experience and does not operate in winter then these fees will be payable to the bike share operator, who does operate over winter and can accommodate E-Scooter users during the winter months.

Staffing: There are no staffing impacts associated with adopting the staff recommendation. Existing Transportation Planning Staff in the Sustainable Mobility Group will provide oversight of the successful E-Scooter operators, as they do with the current bike share system.

Enforcement of the approved Traffic-By-law will be by Hamilton Police Services and enforcement of operations within Parks will be overseen by the Licensing and By-law Services Division. Enforcement activities include:

- Management of the right-of-way and ensuring no obstruction of pedestrian areas;
- Vehicle safety compliance;
- Vehicles contained in the proper operating and parking areas;
- Vehicles removed from any paths or parks where they are not permitted; and,
- Improper riding behaviour.

Transportation Planning staff will handle public complaints and the operators will be asked to promptly resolve issues identified in the right-of-way. If they do not do so, then Municipal Licensing and By-law Services will be called in, and their costs for enforcement will be covered by the security deposit.

Legal: Legal Services will work with successful E-Scooter system operators to enter into operations contracts with the City, following the RFP process.

HISTORICAL BACKGROUND

E-Scooters have emerged as a new mode of transportation with an electric motor and the ability to be imminently shareable through app-based technology. Shared commercially operated E-Scooters have been launched in more than 125 cities across

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the United States and are quickly launching in the Canadian market. Ontario joins Alberta and Quebec amongst the growing number of Canadian Provinces allowing E-Scooters on the roadway.

On December 16, 2020, Council approved the operation of E-Scooters in Hamilton by amending certain City by-laws (PED20134/PW20050) outlined in Public Works Committee Minutes 20-12, Item 9.2; in response to the Province's five-year pilot program which permits E-Scooters on municipal roads throughout the Province, if a municipality passes a by-law to "opt-in". The five-year pilot launched January 1, 2020, under *Ontario Regulation 389/19* made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (HTA) with the goal of evaluating the use of E-Scooters, specifically their ability to safely integrate with other vehicle types and determine whether existing rules of the road are adequate.

Currently, personal E-Scooters, are allowed, to operate on roads, bike lanes, multi-use paths in the road right-of-way, and designated pathways in parks. They are not permitted to operate on any pedestrian right-of-way or in most parks and park pathways. If Council approves the use of commercial E-Scooters in Hamilton, the same rules would also apply.

Staff presented Report PED20134(a) to Public Works Committee on May 3, 2021, recommending the initiation of an RFP process for a commercial E-Scooter operator. Committee referred the report back to staff to undertake further engagement and receive input from specific stakeholder groups including the Advisory Committee for Persons with Disabilities (ACPD) and the Seniors Advisory Committee.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The operating framework outlined in this Report complies with the Provincial pilot regulation, *Ontario Regulation 389/19: Pilot Project - Electric Kick-Scooters*, that came into effect January 1, 2020. The pilot is intended to evaluate the use of E-Scooters over a five-year period to examine their ability to safely integrate with other vehicle types and determine whether existing rules of the road are adequate.

The RFP to secure Micro-mobility Service Providers for the E-Scooter program will be issued and awarded in accordance with By-Law 20-007, the City's Procurement Policy.

RELEVANT CONSULTATION

This Report was prepared in consultation with staff from Transportation Planning, Licencing and By-law Services, Environmental Services Division, and Transportation Operations and Maintenance Division, working closely with Legal Services and Procurement.

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Staff from Hamilton Municipal Parking, and Hamilton Police Services were consulted with respect to operations and enforcement matters.

The Hamilton Cycling Advisory Committee, Cycle Hamilton, and the Canadian National Institute for the Blind (CNIB) have provided input through meetings and/or correspondence.

Correspondence from the ACPD and their feedback was received by Council on February 10, 2021, General Issues Committee Report 21-003 Item 9.1. Additional correspondence from the ACPD Committee was received at the May 3, 2021 Public Works Committee (Report 21-006, item 9.1) and at the ACPD Committee meeting on May 11, 2021. Recommendations from the ACPD have been considered in the development of the Commercial E-Scooter RFP process. Specifically, the RFP will require operators to:

- Include specialized equipment or techniques that alert pedestrians to the presence of an E-Scooter and ensure that the E-Scooter is perceptible to persons with sight impairments;
- Commence operations under a 24-month pilot program to allow for monitoring of impacts and benefits;
- Include provisions for operators to train users on safe operation;
- Include additional safety training on where users are permitted to ride an E-Scooter and where they cannot not ride them; and,
- Include highly visible contact information on the E-Scooters including the identifying vehicle number, a complaint phone number, and a complaint website.

It is also noted that the industry is moving towards a more formal regime which will address licencing, and insurance requirements as advocated for by the ACPD; however, these matters are generally regulated by the Province of Ontario. Staff will also work with the Hamilton Police Service, and By-law Services, on specialized enforcement of the E-Scooters.

Staff also presented to the Seniors Advisory Committee on May 7, 2021 to gather the Committee's insight and comments on the Commercial E-Scooter Program. Comments provided by this Committee largely pertained to how the operations would work, viability of winter operations, and connections to lower density residential areas.

A focus group of the Mobility Lab, a collective of transportation groups in the City, was held to get additional feedback on the program.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Commercial E-Scooter Operating Framework

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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The five-year provincial pilot launched January 1, 2020, under *Ontario Regulation 389/19* made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (*HTA*) includes specific regulations for E-Scooters, including vehicle and safety requirements, and operator and safety requirements. However, the regulation assumes that municipalities may add additional regulations with respect to parking, operating parameters (e.g. operating area), liability, fees, and fines for non-compliance.

The report PED20134/PW20050 approved by Public Works Committee on December 7, 2020 (Item 9.2) already permits citizens to operate their personally owned E-Scooters in the City right-of-way and some pathways in the City as signed. Proper use and behaviour is regulated through By-law 01-215, a By-law to Regulate Traffic, and By-law 01-219, a By-law To Manage and Regulate Municipal Parks with penalties administered through By-law 17-225, being a By-law to Establish a System of Administrative Penalties.

This Report sets out the operating framework specifically for Commercial E-Scooter operations, building upon the previous report and by-law. All by-laws and fines for private E-Scooters will also apply to commercial operations as they do to individual citizens.

In developing the framework for Commercial E-Scooter operations, staff took into account practices in other jurisdictions, emerging new practices that address some previous concerns with E-Scooters, and recent input received from stakeholders since Report PED20134/PW20050 was approved by Public Works Committee and Council.

Key aspects of the proposed Hamilton commercial E-Scooter pilot framework include:

- **Length of Agreement:** The term of the agreement will be for 24-months with the option for two one-year extensions at the discretion of the City. The City reserves the right to terminate the agreement should the commercial operator breach the agreement for any reason, with proper notification;
- **Number of Scooters:** Staff is recommending a maximum of two operators be selected, with each operator managing a fleet of no less than 150 scooters and no more than 350 scooters in the existing bike share service area. However, if the operator wishes to extend their service area beyond the minimum, they will be able to provide additional E-Scooters in the ratio of 15 devices per one square kilometer to a maximum of 900 E-Scooters per operator and the operator may choose how many square kilometers they wish to operate in;
- **Operating Speed:** Commercial E-Scooters will be limited to a maximum speed of 20 km/h (comparable to a beginner cyclist) and will be “geo-fenced” to reduce speed

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- to 10 km/h when operating in identified parks, high-pedestrian areas, and paths (comparable to walking speed);
- **Operating Areas:** E-Scooters will be permitted to operate on roads, bike lanes, and designated pathways and trails. E-Scooters will not be permitted to operate on sidewalks. Stickers will be required on every E-Scooter saying, "No Sidewalk Riding" and an app message will remind users of this when starting their trip;
 - **Lock-Up E-Scooters:** All commercial E-Scooters will be required to have a "locking" mechanism and will be required to be fastened to a rack or pole, similar to the existing bikeshare system. This aims to address the issues experienced in other jurisdictions where E-Scooters could be left anywhere;
 - **Parking Management and Enforcement:** Commercial operators will be required to educate users on proper parking procedures, such as not blocking the sidewalk clearway path of travel, obstructing features such as utility accesses, garbage bins, or doorways, or curbside zones reserved for uses such as buses, taxis or loading. The City and members of the public will be able to report improperly parked E-Scooters, which the operator will be required to address within a defined time period. Should the operator not meet the time period, the City has the option to address the issue and recover the cost through a security deposit;
 - **Scooter Style:** All E-Scooters will be kick-style, meaning that they will not have a seat or pedal, and riders will need to stand while using them. To adhere to the Government of Ontario's E-Scooter pilot framework, there can only be one rider at a time, no cargo can be carried, baskets are not allowed, it must have two wheels and brakes, must have a horn or bell, as well as, front and rear lights;
 - **Scooter Complaint Hotline:** Include highly visible contact information on the E-Scooters including a unique identifying vehicle number, a call-in complaint phone number, and a complaint website;
 - **Scooter Platform Visual Alert:** E-Scooters will be required to have a high-contrast treatment on the handle bars and the deck (the part on which riders stand) that helps to visually alert individuals with low vision of potential obstructions in their path;
 - **Acoustic Vehicle Alerting System:** Operators will be required to include specialized equipment or techniques that create a sound automatically to alert pedestrians of the presence of an E-Scooter on a sidewalk or pathway. This alert system is in addition to the provision of a bell, which is a legal requirement for operators; and,
 - **Winter Operations Offset Fee:** If the operator has no winter experience, then this fee will be collected to offset the fact that the mobility service will not be available for a portion of the year. Operators that do not have winter operations experience will not be permitted to operate in the winter and will not receive a refund on this fee.

Implications of E-Scooters and Commercial Operations

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E-Scooters are increasingly being promoted as a means for improving mobility within a community because of their convenience for short trips and low space requirements. E-Scooters assist with the first-mile or last-mile commute and can support connections to transit. Since they are powered by electricity, they also have environmental benefits including reduced air emissions.

Commercial E-Scooter operations present challenges because the vehicles are generally stored in the City's right-of-way and managed by third-party operators. These challenges include parking compliance, illegal sidewalk riding and safety, both for the user and for pedestrians. The number of E-Scooter operators and the number of devices they operate, influence the degree of impact to the management of the right-of-way. In order to minimize this impact, the number of E-Scooter operators and devices are limited. Furthermore, safety technologies, locking mechanisms, safety procedures, and training requirements are standard practice. As a result of their low cost and ability to be rented out by a simple mobile device application, large numbers of E-Scooters can potentially be deployed where commercial operators exist.

Request for Proposal Process

Various approaches were considered for introducing commercial E-Scooter operators ranging from a simple application process to a more formalized licencing regime similar to what is used for taxis or Personal Transportation Providers (PTPs). However, based on experience in other jurisdictions, and taking into account the City of Hamilton's Procurement Policy, it was determined that an RFP approach would be most appropriate.

The RFP process will ensure that the City is able to launch an E-Scooter micro-mobility system that is right sized for the City and mitigates the impacts to the City's bike share system.

The RFP will require proponents to provide the details of their operations, compliance, communication and monitoring plans, and these will be evaluated as part of the RFP process. This includes the following areas:

- **Fleet Operations and Maintenance Plan:** Includes information on how the vehicles will be operated and maintained; how they will be deployed and how the geofencing will be used; how vehicles will be balanced, charged and repaired, and other key operating elements;
- **Staffing Plan:** Will outline how staffing will be maintained to operate the system and what types of hiring practices will be employed;

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- **Geographic Area:** Will outline the intended geographic area within the City that the operator will service. This area must include the minimum service area, which will be the existing bike share service area, but may be extended further, as proposed by the RFP proponent;
- **Data Management, Sharing and Reporting:** Will outline how the proponent will provide the key information requested by the City and what additional information they will provide; how they will convey that information to the City, and how that data is to be shared with partners who will perform analysis on the data including McMaster University;
- **Low Greenhouse Gas Emissions Plan:** Outlines business practices to ensure that the operations of the system result in low greenhouse gas emissions;
- **Website, Smartphone Application and Open Application Interface Plan:** Will outline what information will be conveyed to the user on-line, how they will be able to access the system and rent an E-Scooter, and how the application will be open so that third-party applications can allow users to access the systems in convenient ways;
- **Fleet Size and Operating Area Plan:** The operator will determine their fleet between 150 and 900 vehicles and indicate where these vehicles will operate within, and if applicable, beyond the minimum required service area. They will also provide a plan for how vehicles will be balanced and maintained within their geography;
- **Communication and Education Requirements:** Will outline how the proponent will promote safe use of the vehicles and how they will ensure users understand that the right-of-way needs to be managed and E-Scooters properly parked. This may include videos, campaigns, and signage;
- **Vehicle Parking Plan and Right-of-Way Safety Plan:** Will outline how proponents will attend to mis-parked E-Scooters, and the tools and strategies that will be used to ensure right-of-way safety;
- **Vehicle and Equipment Safety Requirements:** The operator will provide technical details on their equipment and how safety of the rider and those using the right-of-way are maintained;
- **Insurance and Liability:** Outlines that the proponent has the required insurance and liability documentation and policies in place;
- **Compliance, Security and Enforcement Plan:** Describes how the proponent will ensure compliance with all City by-laws and uphold any E-Scooter prohibitions that have been set by the City;
- **Fleet Expansion:** The City reserves the right to allow operators to add additional E-Scooters to allow for expansion of the service area;
- **Additional Infrastructure and Education Support:** Proponents will be encouraged to provide plans and resources for enhanced signage at key E-Scooter parking areas, support for enhanced education programs, support for the ERI

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- Program (the Bike Share Equity Program operated by HBSI) and support for additional bike parking infrastructure to be installed by the City;
- **Adaptive Vehicles:** The current kick-style E-Scooters that are permitted as part of the Provincial pilot program are for able bodied persons, and in order to offset an increase in vehicles of one type in the right of way, it is important to invest in adaptive vehicles through the ERI in the form of a \$15 per vehicle adaptive bike share improvement fee that will help increase options for those who cannot ride an E-Scooter;
 - **E-Scooter Subsidy Program:** Each operator will be required to provide subsidized passes for accessing the E-Scooters and non-smartphone access options; and,
 - **Program Assessment:** Operators will be required to share anonymous trip-related data with the City of Hamilton during the pilot, monthly. This will include the number of vehicles, the number of vehicle trips, the number of active members, average trip duration, average trip length, the average length of time between uses, and other information to aid in assessing the success of the program and future expansion opportunities. Staff will work report back to Committee before the end of the pilot program.

The RFP and the operating contract that successful proponents will execute will help ensure that operations are in line with North American best practices and ensure that equity in the right-of-way is preserved so that pedestrian travel is not compromised at any time during E-Scooter program operations.

Any E-Scooter micro-mobility system operator will be eligible to apply to the RFP process. Applications will be evaluated as part of the RFP process based on the above-mentioned criteria. Only those applications that qualify and pass the evaluation will be permitted to operate in the City. If more than two operators pass, the operators with the top two highest evaluation scores will be permitted to operate and all others will not be awarded permits.

Operating Considerations for Commercial Operations

The RFP process and all necessary contracts and agreements will take into account the following considerations:

- Sidewalk and Pathway Operations Considerations

The regulations and by-laws approved on December 16, 2020 (PED20134/PW20050) outlined in Public Works Committee Minutes 20-12, Item 9.2; and By-law Number 20-270, take the general approach that E-Scooters will be treated similar to bicycles in that they are permitted to operate within the road right-of-way as a vehicle and not be permitted to operate on sidewalks. This is in part, due to the fact, that E-Scooters operate with similar speeds to bicycles but also takes into account that many sidewalks

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in Hamilton's older areas are often narrow and do not have generous furniture zones, and the operation of E-Scooters on sidewalks could compromise the pedestrian environment.

It is proposed, however, that E-Scooters be allowed to operate on selected pathways through parks. This would be a permissive approach, whereby, E-Scooters would not be allowed to operate in parks, unless in a designated area where City signs are posted. The focus would be on allowing their use on pathways that provide key community connections, are sufficiently wide, and are routinely maintained. Pathways, where E-Scooters are allowed, will be signed as such, keeping in mind the need to restrict access to private connections.

Commercial E-Scooter vehicles can have speed restrictions through areas such as parks using geo-fencing technology, this practice is employed in many North American municipalities. This ensures technology-based enforcement and compliance for commercially operated E-Scooters in areas where they are not permitted.

Commercial E-Scooter operators will also need to ensure that their vehicles have safety precautions that limit the rider's ability to ride in areas they are not permitted, including sidewalks and park pathways that are not on the approved list. This can be achieved through geo-fencing and speed limiting technologies, as well as the required acoustic vehicle alerting systems and techniques. The RFP process will ask for the operators' detailed mitigation plans for sidewalk and pathway safety. The RFP will also seek proof from potential operators that the operators are trained, licensed, and insured, to contribute positively to the safety of the right-of-way, and protection of pathways for unimpeded pedestrian use.

Any failure of successful proponents to the RFP to ensure unimpeded access to pedestrian right-of-way will risk a termination of their contract to operate their E-Scooter service.

- Right-of-Way Storage Considerations

Since commercial E-Scooters will be stored primarily in the "furniture zone" of the right-of-way, it is important to minimize their encroachment onto any pedestrian areas. Many jurisdictions in North America, including Chicago, IL are now requiring commercial E-Scooters to have locking mechanisms that allow them to be fastened to bike racks and poles in the furniture zone. The RFP process includes this "lock-to" requirement and requires that operators contribute to the improvement to bike parking in the right-of-way to ensure that there are ample parking locations.

In addition to this, operators will be required to remove any E-Scooters that are encroaching on pedestrian spaces, that are improperly parked, or E-Scooters that are

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not fastened to a bike rack or pole. In order to reinforce good usage practices, operators will be required to have education programs to ensure users know how to use the equipment and properly lock it up and have audible warnings when they are in use.

- Compliance and Enforcement

As with any new mode, enforcement will be a key consideration. Similar to bicycles, the enforcement of traffic by-laws will be carried out by Hamilton Police Services, and operations within Parks will be enforced by Licencing and By-Law Services. Enforcement requirements for personal E-Scooters are expected to be fairly modest but depend on uptake.

In terms of commercial operations, the RFP and contract address compliance requirements for commercial E-Scooter vehicles including: furniture zone parking; locking mechanisms; technology-based and geographic information services-based monitoring and enforcement; areas of operation; allowable fleet sizes; data sharing; insurance requirements; user education; communications; and fees. Staff in Transportation Planning (TP) will manage the contracts and ensure compliance and will deal with complaints about E-Scooters. Enforcement needs associated with commercial operations such as parking of E-Scooters and removal of abandon or improperly parked devices, will be built into operations agreements. TP Staff will manage the contracts, ensure compliance, and handle complaints about E-Scooters that are improperly parked or damaged. If E-Scooter companies do not properly tend to their equipment upon City request, then By-law Staff will be notified to levy any necessary costs through the security deposit.

Impact on the Existing Bike Share Program

A commercial E-Scooter program will enable the City to gain the most benefit from the use of E-Scooters as part of the City's overall micro-mobility strategy and the support of first-last mile connections to transit. However, the City must also balance these benefits with the potential impacts to the existing public bike share program.

The City-owned public bike share operations could be negatively impacted with the introduction of commercial E-Scooter operations. The data in North America on impacts is inconclusive and highly dependent on the existing conditions, ridership and municipal support for the existing bike share system operations. When E-Scooter programs are introduced in cities with stable, municipally funded, and supported bike share programs, there are usually initial impacts to bike share ridership which generally stabilize over time.

In recognition of this potential impact, Report PED20109(c) indicated that a portion of revenues from commercial E-Scooter operations would be allocated to offset the

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operating impact on the base bike share program. Staff are recommending that the vehicle and trip fees collected from E-Scooter operators will be used to offset operating impacts to the bike share program. Staff are also recommending that a Device Equity Fee be collected to invest in capital and operations of an adaptive vehicle fleet operated by the ERI. This fee recognizes that the E-Scooters permitted under the Provincial pilot regulations can predominantly only be used by able-bodied individuals, and an investment in other types of vehicles is necessary to provide more options to more residents.

Constant monitoring of ridership and revenues for the E-Scooter program and the bike share program will take place during the 24-month pilot to better understand the impacts and develop contingency plans to ensure sustainable operations.

Potential Issues Raised by the Community and Mitigation Plan

The issues presented to the General Issues Committee and Public Works Committee from the ACPD, including the May 11, 2021 and previous meetings, and the CNIB are well documented and have inspired changes to this Report and the recommended strategy for introducing commercial E-Scooter operations. Similarly, input from the Seniors Advisory Committee, Cycling Advisory Committee, and community groups were taken into account. This section summarizes some key issues raised and proposed mitigation strategies.

Issue Raised	Mitigation Strategy
Improper E-scooter parking - how can individuals report issues (e.g. improper parking); how improper parking can be mitigated	Operators need to have clear contact information on their vehicles. E-scooters will be required to conform to "lock to" parking approach whereby devices must be locked to approved municipal infrastructure.
Convenience and functionality – E-Scooters may not be suitable for inclement weather; battery power may be limited; do not have a basket to store items.	Operators must bring the newest version of their vehicles to Hamilton, which have better safety features and battery life. Baskets are not permitted under the Provincial regulations, at this time.
Operations and operating model – private operators have no incentive to operate over the long term and can decide to leave the City abruptly, similar to the	The City is charging fees to operate E-Scooter programs and is offsetting bike share operations with a portion of those fees. However, the best micro-mobility programs are those with long term public

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Issue Raised	Mitigation Strategy
<p>departure of the former Bike Share Operator in May 2020.</p> <p>The E-Scooter program could have substantial impacts to the bike share program.</p>	<p>private partnerships and not permit-based models.</p>
<p>Operational issues – challenges to winter operations, ease of sidewalk riding, potential for sidewalk clutter, may clutter bike share stations, e-bikes have all the convenience of E-Scooters, but with the benefit of being a bike.</p>	<p>A winter operations offset fee is being collected, in the event that the operator cannot operate in Winter; sidewalk clutter is being addressed by requiring lock-to scooters and revolving line of credit to recoup enforcement costs; bike share stations will be monitored during the pilot and e-bikes are being explored in subsequent reports.</p>
<p>Safety and enforcement – concerns regarding pedestrian and E-Scooter conflicts and enforcing helmet usage for user 16 or 17 of age.</p>	<p>This Report has incorporated best practice mitigation strategies for safety and enforcement.</p>
<p>Equity – the E-Scooters permitted through the Provincial pilot can predominantly only be used by able-bodied people; is a smartphone the only way to access the E-Scooters.</p>	<p>A device equity fee will be collected to invest in adaptive bike share; operators will be required to have subsidy programs; however, non-smartphone access may be a challenge during the pilot but may be feasible if a program is made permanent.</p>
<p>Parking Capacity – Existing bike parking cannot accommodate the influx of vehicles; accommodating E-Scooters can take away from investments in cycling and bike share, which still requires more investment.</p>	<p>The City plans to install more bike parking to provide sufficient parking for bikes and E-Scooters; the E-Scooter program will complement the cycling program and will support the continued investment in cycling infrastructure and bike share.</p>

ALTERNATIVES FOR CONSIDERATION

Council can decide not to seek a pilot commercial E-Scooter operator. Private individuals would continue to be allowed to operate personal E-Scooters in accordance with City by-laws.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

N/A

PT:cr

Parts, Supplies, Equipment and Services for the City of Hamilton Environmental Laboratory

Vendor Name	Services	Distributor	Est. Annual Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
AirOn HVAC Services Ltd.	The Makeup Air Unit (Engineered Air) is the sole unit that provides exhaust for all laboratory chemical hoods. AirOn has been providing this service and now has an intimate history of the needs and complexity until a replacement unit can be provided under separate contract.		\$75,000	\$75,629	\$ 175,519.15	\$ 74,650.00	\$ 58,612.00	
Eurofins Abraxis Inc	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	\$ 10,500.00	\$ 9,552.00	\$ 8,892.72	\$ 6,675.00	\$ 9,300.00	USD Shipping not included (PT)
Agilent Technologies Canada, Inc.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	\$ 100,000.00	\$ 55,472.32	\$ 63,855.20	\$ 64,948.96	\$ 66,610.49	
The Canadian Association for Laboratory Accreditation Inc. (CALA)	On site ISO 17025 Laboratory Assessments utilized by the Environmental Laboratory to maintain ISO 17025 Accreditation.		\$ 15,000.00	\$ 12,346.58	\$ 24,265.70	\$ 27,550.00	\$ 22,400.00	
IDEXX Distribution, Inc./IDEXX Laboratories Canada Corp./IDEXX Laboratories, Inc.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	\$ 35,000.00	\$33,420.61	\$ 7,513.26	\$ 16,805.00	NA	
Magnetar Corporation	Maintenance and Upgrades to SIRIUS Laboratory Information Management System (LIMS) database.		\$ 55,000.00	\$ 39,246.67	\$ 25,432.48	\$ 22,245.76	\$ 21,601.37	
Millipore (Canada Ltd.)/ EMD Millipore Corporation/Millipore Canada Ltd.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	\$ 21,000.00	\$ 14,147.42	\$ 16,488.92	\$ 17,671.00	\$ 14,692.36	
PTC Proficiency Testing Canada (Proficiency Testing Canada Inc.)		Provider of specialized standards utilized by the Environmental Laboratory to maintain ISO 17025 Accreditation.	\$ 13,000.00	\$10,600.00	NA	NA	NA	
SGS Canada Inc.	Laboratory Analytical Services Accredited to ISO 17025 and MECP Licensed for regulatory drinking water analysis for specific tests listed in their scope of analysis.		\$ 90,000.00	\$ 123,171.35	\$ 34,059.27	\$ 38,738.10	\$ 109,074.00	

Parts, Supplies, Equipment and Services for the City of Hamilton Environmental Laboratory

Vendor Name	Services	Distributor	Est. Annual Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Skalar Inc.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	Original Equipment Manufacturer spare parts, brokerage fees, supplies and services for existing equipment utilized by the Environmental Laboratory.	\$ 20,000.00	\$ 19,334.95	\$ 13,377.95	\$ 22,071.50	\$ 17,794.00	
Systems Plus (1936100 Ontario Inc.)		Provider of pre-cleaned, pre-labelled Laboratory Bottles for all analytical analysis including regulatory drinking water.	\$ 50,000.00	\$ 35,568.82	\$ 34,607.66	\$ 31,150.74	\$ 44,404.30	
VWR (A Part of Avantor) / VWR International Co./Avantor Delivered by VWR		Provider of specialized standards utilized by the Environmental Laboratory to maintain ISO 17025 Accreditation.	\$ 30,000.00	\$ 25,895.00	\$ 21,000.00	\$ 20,616.00	\$ 23,342.00	
Environmental Resource Associates (ERA)								
			\$ 514,500.00	\$ 454,384.72	\$ 425,012.31	\$ 343,122.06	\$ 387,830.52	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
3M	x			Original Equipment Manufacturer for DBI-Sala Davit Guard System and associated parts.			\$ 24,000.00	\$ 6,000.00	\$ -	\$ -	\$ -	
ABB Inc.	x	x	x	Original Equipment Manufacturer for analyzers and transmitters, as well as GE Industrial Solutions electrical control equipment, switchgear, soft starters, variable frequency drives. Power distribution equipment / Centrifuge power and control	Original Equipment Manufacturer, sole goods and authorized service provider for ABB and GE Industrial Solutions products.	Original Equipment Manufacturer, sole goods and authorized service provider for ABB and GE Industrial Solutions products.	\$ 5,500.00	\$ -	\$ 2,280.00	\$ 13,768.00	\$ -	
ACI Instrumentation Ltd.			x			ACI Instruments LTD is the exclusive Ontario distributor for Pulsar, Greyline, Hydroflow and Krohne products.	\$ 35,000.00	\$ 21,000.00	\$ 22,589.00	\$ 79,319.00	\$ 8,679.88	
Active Scale Manufacturing Inc.	x	x	x	Original Equipment Manufacturer for the truck weigh scale system used at the Woodward WWTP.	Original Equipment Manufacturer, sole goods and authorized service provider for Active Scale products.	Original Equipment Manufacturer, sole goods and authorized service provider for Active Scale products.	\$ 2,500.00	\$ 3,872.00	\$ 850.00	\$ -	\$ 1,564.00	
Additel	x			Original Equipment Manufacturer for process measurement and calibration monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Advantech	x			Original Equipment Manufacturer for process measurement and calibration monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Aerzen Canada Inc.	x	x	x	Original Equipment Manufacturer for Aerzen blowers and associated parts.	Original Equipment Manufacturer, sole goods and authorized service provider for Aerzen Canada products.	Original Equipment Manufacturer, sole goods and authorized service provider for Aerzen Canada products.	\$ 4,000.00	\$ -	\$ 1,788.90	\$ 1,040.60	\$ 11,437.31	
Alfa Laval Canada Inc.	x	x	x	Original Equipment Manufacturer for centrifuges, gravity thickener belts (formerly Ashbrooks) and associated parts.	Original Equipment Manufacturer, sole goods and authorized service provider for Alfa Laval Canada Inc. and Ashbrooks products.	Original Equipment Manufacturer, sole goods and authorized service provider for Alfa Laval Canada Inc. and Ashbrooks products.	\$ 75,000.00	\$ 10,035.00	\$ 26,114.02	\$315,342.13	\$ 59,451.79	
Armstrong	x			Original Equipment Manufacturer for pumps, hot waterrecirculation systems and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Asco	x			Original Equipment Manufacturer for regulatory flow control and pressure control equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Asea Brown Boveri (ABB)	x			Original Equipment Manufacturer for regulatory water quality monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
ASI Group		x			Provision of underwater services for inspection, repair, cleanout, or installation of equipment.		\$ -	\$ -	\$ 8,151.00	\$ 25,111.00	\$ 7,113.00	
ATI	x			Original Equipment Manufacturer for gas monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Auma Actuators Inc	x			Original Equipment Manufacturer for actuators.			\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Avensys Solutions Inc.		x	x		Sole goods and Original Equipment Manufacturer authorized service provider for Teledyne ISCO and QCEC automatic water/wastewater sampling and flow monitoring equipment for Canada.	Sole distributor for Fluid Components International LLC products for the Province of Ontario and sole distributor for Teledyne ISCO and QCEC automatic water/wastewater sampling and flow monitoring equipment for Canada.	\$ 50,000.00	\$ 70,571.00	\$ 34,219.00	\$ 48,481.45	\$ 28,872.00	
AW Chesterton Co Ltd	x	x	x	Original Equipment Manufacturer for Mechanical Seal Pump and Valve Packing, Engineered Polymer Hydraulic/Pneumatic Seals, Sheet Gaskets, Metal and Concrete Composite Coating Systems, MRO and Production Cleaners and Degreasers, Lubricants and Metal Working Fluids.	Original Equipment Manufacturer, sole goods and authorized service provider for AW Chesterton Co. Ltd products and Inpro/Seals® Custom Engineered Bearing Protection and Process Seals.	Exclusive distributor for Inpro/Seals® Custom Engineered Bearing Protection and Process Seals.	\$ 4,500.00	\$ 1,542.00	\$ 3,666.60	\$ 10,560.00	\$ 1,027.00	
Aysix Analytical Equipment	x			Original Equipment Manufacturer for process monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Baker Hughes Energy Services Canada (formerly Bentley Nevada and General Electric Canada)	x	x	x	Original Equipment Manufacturer for pump monitoring equipment.	Original Equipment Manufacturer, sole goods and authorized service provider for Bentley Nevada products and services, including but not limited to vibration monitoring equipment and	Original Equipment Manufacturer, sole goods and authorized service provider for Bentley Nevada products, including but not limited to vibration monitoring equipment and associated parts.	\$ 5,000.00	\$ -	\$ -	\$ 6,442.50	\$ 7,272.50	
Benshaw	x	x	x	Original Equipment Manufacturer for soft starters, variable frequency drives and switchgear equipment.	Original Equipment Manufacturer, sole goods and authorized service provider for Benshaw products including soft starters variable frequency drives and switchgear products and services.	Original Equipment Manufacturer, sole goods and authorized service provider for Benshaw products including soft starters variable frequency drives and switchgear products and services.	\$ 4,000.00	\$ -	\$ -	\$ 8,028.00	\$ 3,320.00	
Blue-White	x			Original Equipment Manufacturer for chemical metering and dosing equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Brentwood Industries	x			Original Equipment Manufacturer for clarifier tank equipment and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
C & M Environmental Technologies Inc.		x	x		Sole Original Equipment Manufacturer authorized service provider for Brentwood, WesTech, Environmental Dynamics International and SPIRAC products.	Sole authorized distributor for Brentwood, WesTech, Environmental Dynamics International and SPIRAC products. Sole authorized sales representative for WesTech sludge mixers and associated parts in Ontario.	\$600,000.00	\$ -	\$ -	\$ 21,376.88	\$ 86,831.29	
Can-Am Instruments Ltd.		x	x		Sole Original Equipment Manufacturer authorized service provider for Hach Flow & Sampling in Ontario.	Sole authorized distributor of Hach Flow & Sampling products in Ontario.	\$ 12,000.00	\$ 10,073.00	\$ 1,958.34	\$ 13,955.76	\$ 22,082.60	
Cancoppas Limited		x	x		Sole Original authorized service provider for Aysix Technologies products, and GWF Technologies.	Sole authorized distributor for Aysix Technologies products in Canada, and GWF Technologies products in Ontario.	\$ 30,000.00	\$ 62,427.00	\$ 24,677.25	\$ 19,765.42	\$ 2,617.24	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Caterpillar Inc.	x			Original Equipment Manufacturer for engines, generators, controllers and associated parts for back-up power equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Chemline	x			Original Equipment Manufacturer for pressure control devices, valves, control and regulation devices, piping, tubing and flow meters.			\$ -	\$ -	\$ -	\$ -	\$ -	
Cla-Val	x			Original Equipment Manufacturer for specialty valves and flow monitoring.			\$ -	\$ -	\$ -	\$ -	\$ -	
Conval Process Solutions Inc.			x			Sole authorized distributor for GA Industries products in Ontario.	\$ 15,000.00	\$ -	\$ 23,618.45	\$ 13,709.00	\$ 14,400.72	
Crane Pumps And Systems Canada	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Danfoss / Vacon	x			Original Equipment Manufacturer for Vacon soft starters and variable frequency drives.			\$ -	\$ -	\$ -	\$ -	\$ -	
Devine & Associates Ltd.		x	x			Sole authorized distributor of Cla-Val products in Ontario.	\$ 10,000.00	\$ 4,086.00	\$ 22,324.00	\$ 4,216.00	\$ 7,751.86	
Dezurik	x			Original Equipment Manufacturer for valves.			\$ -	\$ -	\$ -	\$ -	\$ -	
Directrik			x			Sole authorized distributor for Seepex, Vogelsang, Flowserve (including but not limited to Worthington, Pacific, Ingersoll-Rand, Byron Jackson, Durco, Innomag and Sihi) and Trillium Flow Technologies (WEMCO, WSP) products for the province of Ontario, Hidrostal/Bedford pumps	\$ 6,000.00	\$ 18,067.00	\$ 24,572.53	\$ -	\$ -	
Drive Centre		x	x		Original Equipment Manufacturer authorized service provider for AC drive systems including Danfoss, VLT and VACON brands.		\$ 6,000.00	\$ -	\$ 11,845.60	\$ -	\$ -	
Eaton Industries Canada Company	x	x		Original Equipment Manufacturer parts for electrical distribution equipment covering Eaton Industries Canada, Cutler-Hammer, Westinghouse, Cooper, and Klockler Moller brand names. Parts include transformers, switchgear, breakers, relays/power meters, Ct's, Pt's, surge protectors and other associated electrical distribution parts.	Original Equipment Manufacturer authorized service provider for power distribution systems covering Eaton Industries Canada, Cutler-Hammer, Westinghouse, Cooper, and Klockler Moller brand names. Field service and technical support for the uninterrupted power supply units for the power distribution system.		\$300,000.00	\$ 77,000.00	\$127,341.00	\$124,004.43	\$235,974.10	
Endress+Hauser	x			Original Equipment Manufacturer for process measurement and optimization monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Envirocan Wastewater Treatment		x	x		Sole Original Equipment Manufacturer authorized service provider for JWC Environmental, Muffin Monster®, Channel Monster®, Auger Monster®, Screenings Washer Monster®, Honey Monster® and Monster Screening Systems® products.	Sole authorized distributor for JWC Environmental, Muffin Monster®, Channel Monster®, Auger Monster®, Screenings Washer Monster®, Honey Monster® and Monster Screening Systems® products.	\$ 60,000.00	\$ -	\$ -	\$ 36,300.00	\$138,764.00	
Environmental Dynamics	x			Original Equipment Manufacturer for aeration diffusers and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Eramosa Engineering Inc.	x	x		Consultant and provider of the SCADA architecture , DATA, Network under SCADA master plan , SCADA _E network provider.	Sole Original Equipment Manufacturer authorized service agent in North America for existing eRIS software users. SCADA support service and maintenance provider for network,data, SCADA architecture core system level.		\$300,000.00	\$221,826.00	\$ 90,331.64	\$430,455.47	\$612,110.71	
ESC Automation Inc.		x	x		Sole Original Equipment Manufacturer authorized service provider for Delta Controls	Sole authorized distributor for Delta Controls products.	\$ 60,000.00	\$ 54,000.00	\$ 43,937.00	\$ 82,887.00	\$ 46,458.00	
Evoqua Water Technologies Ltd (Formerly US Filter)	x		x	Original Equipment Manufacturer for intake screens, clarification systems, separation systems and associated parts as well as disinfection, water quality and regulatory monitoring equipment.		Sole authorized distributor for Wallace & Tiernan equipment and associated parts.	\$120,000.00	\$120,508.00	\$ 21,104.99	\$549,684.42	\$ 26,081.07	
Fag Bearings	x			Original Equipment Manufacturer for bearing as identified on motor name plates.			\$ -	\$ -	\$ -	\$ -	\$ -	
Floval Equipment Ltd.		x	x		Sole authorized service provider for HydraTite Seal products.	Sole authorized distributor for BNW Valve, HydraTite Seal, DeZURIK Inc. (DeZURIK, APCO, Willamette, and Hilton) and Hebdraulique products.	\$ 20,000.00	\$ -	\$ 14,000.00	\$ 19,723.00	\$ 588.73	
Flow Motion	x			Original Equipment Manufacturer for chemical metering equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Gerrie Electric Wholesale Limited		x	x	Original Equipment Manufacturer for electrical distribution equipment including transformers, switchgear, breakers, relays/power meters, Ct's, Pt's, surge protectors, motors and other associated distribution equipment.	Sole Original Equipment Manufacturer authorized service provider for Rockwell Automation, Allen Bradley, Endress+Hauser brand electrical distribution systems and parts, and Advantech SCADA OIT computer.	Sole authorized distributor for Rockwell Automation, Allen Bradley, and Endress+Hauser brand electrical distribution systems and parts. Rockwell Agent for technical support under Rockwell technical support agreement.	\$130,000.00	\$243,200.00	\$135,000.00	\$126,582.97	\$ 7,633.48	
Golden Anderson	x			Original Equipment Manufacturer for valves and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Gorman Rupp	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Gratec	x			Original Equipment Manufacturer for mixers and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
GrayMatter Systems		x	x		Sole authorized service and support representative in Canada for GE Digital Software as well as being assigned as the Partner of Record to Service the City of Hamilton. Provides support for the GE Historian and Alarm and Events software	Sole authorized service and support representative in Canada for GE Digital Software as well as being assigned as the Partner of Record to Service the City of Hamilton.	\$250,000.00	\$ 20,483.00	\$ -	\$ -	\$ -	
Grundfos	x			Original Equipment Manufacturer for submersible pumps and related parts, and chemical dosing equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Hach Sales & Service LP	x	x	x	Original Equipment Manufacturer for regulatory analyzers, monitoring and control devices.	Original Equipment Manufacturer authorized service provider for repair, start-up service, warranty repair or maintenance on HACH instruments.	Original Equipment Manufacturer and sole source distributor for all Hach branded products.	\$130,000.00	\$259,394.00	\$ 89,537.75	\$ 73,963.28	\$ 89,869.32	
HCE Telecom Inc.	x	x	x	City authorized SCADA ISP provider	HCE provides remote SCADA access and communications to Hamilton Water Infrastructure including fibre optic cable installation and repair services.	HCE is the distributor for communication hardware, routers, switches and cellular antennas.	\$ 50,000.00	\$ 29,000.00	\$ -	\$ -	\$ -	
Hydroflow	x			Original Equipment Manufacturer for electronic water conditioners and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Hydromatic Pumps	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Hydrovision (GWF Technologies)	x			Original Equipment Manufacturer for flow monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Indachem Inc		x	x		Sole Original Equipment Manufacturer authorized service representative for PolyBlend ® line of products, equipment and associated parts.	Sole authorized distributor for PolyBlend ® line of products, equipment and associated parts.	\$ 34,000.00	\$ 34,200.00	\$ -	\$ -	\$ -	
Flygt	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
John Brooks Company Limited		x	x		Sole Original Equipment Manufacturer authorized service provider for Vaughan Co. Inc. (including Chopper, Triton, and Rotomix brands).	Sole authorized distributor for Engineered Systems (Municipal) , Vaughan Co. Inc. (Chopper, Triton, Rotomix), Goulds Water Technology.	\$ 15,000.00	\$ 10,186.00	\$ 270.60	\$ 75,878.02	\$ 3,096.00	
John Crane	x	x	x	Original Equipment Manufacturer for seals, packing, couplings and associated parts.	Sole Original Equipment Manufacturer authorized service provider of John Crane products.	Original Equipment Manufacturer and sole goods distributor of John Crane products.	\$ 12,500.00	\$ 22,400.00	\$ 9,455.84	\$ 13,829.20	\$ 3,698.50	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
JSM Controls Inc		x			Service for chlorination equipment and gas chlorination systems in water/wastewater treatment applications. JSM controls maintains the correct TSSA licensing and credentials to perform this work and are well versed with the process and equipment within Hamilton Water's facilities. Their ongoing sole source service support ensures that timely service is received for highly regulated process equipment, to support regulatory compliance and continuance of operations.		\$ 25,000.00	\$ 19,000.00	\$ 40,000.00	\$ 40,894.00	\$132,000.29	
JWC Environmental - Muffin Monster	x			Original Equipment Manufacturer for grinders and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Krohne	x			Original Equipment Manufacturer for flow meters.			\$ -	\$ -	\$ -	\$ -	\$ -	
KSB Pumps Inc. (Canada)	x	x	x	Original Equipment Manufacturer for pumps and associated parts.	Sole Original Equipment Manufacturer authorized service provider in Canada for all KSB manufactured pumps, valves, parts and service.	Original Equipment Manufacturer and sole goods provider in Canada for all KSB manufactured pumps, valves, parts and service.	\$ -	\$ -	\$ -	\$ 9,102.26	\$ -	
Lakeside Process Controls Ltd		x	x		Sole Original Equipment Manufacturer authorized service provider for Emerson Automation Solutions products including, but not limited to, MicroMotion flowmeters, Fisher Control Valves, DeltaV® Control Systems, and the Rosemount brand of measurement devices.	Sole authorized distributor for Emerson Automation Solutions products including, but not limited to, MicroMotion flowmeters, Fisher Control Valves, DeltaV® Control Systems, and the Rosemount brand of measurement devices.	\$ 10,000.00	\$ 32,463.00	\$ 4,638.06	\$ 1,280.00	\$ 9,116.08	
Landmark Municipal Services ULC (LMS)		x			Providers of specialized services including the annual aircraft lighting and maintenance on water towers, and water tower maintenance including cleaning. Landmark maintains the required qualifications for tower climbing, harnessing, safety planning, rescue planning documentation and personnel, etc.		\$ 45,000.00	\$ 10,350.00	\$ 18,500.00	\$ 9,800.00	\$ 9,361.05	
Link Belt	x			Original Equipment Manufacturer for bearings, seals and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Lonestar	x			Original Equipment Manufacturer for aeration blowers and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Lotowater Technical Services Inc		x			Lotowater is the preferred service provider to the City of Hamilton for potable water wells assessment, maintenance and repair. They are local and readily available to respond to emergency situations, they have profound experience with each of the City's communal drinking water wells, and they maintain an inventory of repair parts and equipment at their facility.		\$ 35,000.00	\$135,230.00	\$ -	\$ -	\$ 33,178.69	
Mccrometer	x			Original Equipment Manufacturer for regulatory flow monitoring devices.			\$ -	\$ -	\$ -	\$ -	\$ -	
Micro Pump	x			Original Equipment Manufacturer of pumps for regulatory water quality sampling systems and chemical metering equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Moyno Inc	x			Original Equipment Manufacturer for pumps, grinders and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
MSA	x			Original Equipment Manufacturer for gas monitoring equipment, self contained breathing apparatus, confined space entry equipment, and associated replacement parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Myers Pumps	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
NatPro - DXP			x			Sole authorized distributor for Pentair and Aurora products.	\$ -	\$ -	\$ -	\$ -	\$ -	
Netzsch	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Nivus	x			Original Equipment Manufacturer for flow and level control equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Pentair	x			Original Equipment Manufacturer for Aurora, Aurora Fire, Fairbanks, Nijhuis, Layne-Vertiline, VTSH (vertical turbine solid handling) products and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Philadelphia Mixing Solutions	x			Original Equipment Manufacturer for mixers and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
PMC Engineering	x			Original Equipment Manufacturer for level, pressure and process monitoring and control equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Pro Aqua Inc			x			Sole authorized distributor for Evoqua's Wastewater Treatment Group equipment.	\$ 2,500.00	\$ 2,336.00	\$ 2,080.70	\$110,566.68	\$ -	
Prominent	x			Original Equipment Manufacturer for regulatory water quality monitoring and disinfection equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Pulsar	x			Original Equipment Manufacturer for level monitoring equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Red Valve	x			Original Equipment Manufacturer for valves and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Rockwell Automation (Allen-Bradley)	x	x		Original Equipment Manufacturer for soft starters, variable frequency drives and SCADA components.	Technical support provider for their provided hardware and software		\$ -	\$ -	\$ -	\$ -	\$ -	
Ro-Flo Compressors LLC	x			Original Equipment Manufacturer for compressors and associated parts.			\$ -	\$ -	\$ -	\$ 60,558.00	\$ -	
Rotork Controls (Canada) Ltd.	x	x	x	Original Equipment Manufacturer for actuators.	Original Equipment Manufacturer authorized service provider.	Original Equipment Manufacturer authorized distributor.	\$ 15,000.00	\$ 13,000.00	\$ 17,205.05	\$ 43,910.66	\$ 28,903.43	
S&C Electric Canada	x	x		Original Equipment Manufacturer for outdoor power distribution and control devices within S&C cabinets.	Original Equipment Manufacturer authorized service provider for outdoor power distribution and control devices within S&C		\$ -	\$ -	\$ -	\$ -	\$ -	
SCG (Formerly Metcon Sales & Engineering Limited)			x			Sole authorized distributor for Spencer Equipment, Watson Marlow Fluid Technology and ProMinent Canada products.	\$ 55,000.00	\$ 70,000.00	\$ 37,965.04	\$ 52,918.46	\$ 61,045.42	
Schneider Electric Canada	x	x		Original Equipment Manufacturer for the power distribution system, soft starters and variable frequency drives including Shneider Electric, Federal Pioneer, and Square D brands. Original Equipment Manufacturer for ION Metering parts and relays.	Original Equipment Manufacturer authorized service provider for the power distribution system, soft starters and variable frequency drives including Shneider Electric, Federal Pioneer, Square D brands. Original Equipment Manufacturer authorized service provider for ION Metering parts and relays. Equipment Manufacturer Provider of SME 2020 software software		\$ 20,000.00	\$ -	\$ -	\$ 10,874.44	\$ -	
Schweitzer	x	x		Original Equipment Manufacturer for protective relay and communications equipment associated with the power distribution system.	Original Equipment Manufacturer authorized service provider for protective relay and communications equipment associated with the power		\$ -	\$ -	\$ -	\$ -	\$ -	
Schwing Bioset Inc	x		x	Original Equipment Manufacturer for biosolids equipment and associated parts.		Original Equipment Manufacturer and sole distributor of Schwing spare parts used on Schwing equipment.	\$ 50,000.00	\$ 34,000.00	\$ 230,598.16	\$ 26,132.50	\$ -	
Seepex	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	Refer to Directrik
Siemens Canada Limited	x	x		Original Equipment Manufacturer for power distribution, soft starters and variable frequency drives.	Original Equipment Manufacturer authorized service provider for power distribution, soft starters and variable frequency drives.		\$ 20,000.00	\$ -	\$ -	\$ 58,480.04	\$ 50,617.00	
Singer Valve	x			Original Equipment Manufacturer for valves and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
SKF Bearings	x			Original Equipment Manufacturer for bearings as identified on motor name plates.			\$ 10,000.00	\$ -	\$ 12,500.00	\$ -	\$ -	
Smart Turner Pumps Inc.	x		x	Original Equipment Manufacturer for pumps and associated parts.		Original Equipment Manufacturer and sole distributor of Smart Turner Pumps.	\$ 20,000.00	\$ 58,370.00	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Smith & Loveless, Inc.	x		x	Original Equipment Manufacturer for pumps, grit classification systems and associated parts.		Original Equipment Manufacturer and sole distributor of Smith & Loveless products and equipment.	\$ 25,000.00	\$ 24,000.00	\$ 85,761.18	\$ 49,961.63	\$ 10,065.50	
Spaans Babcock	x		x	Original Equipment Manufacturer for screws, gear box and associated parts.		Original Equipment Manufacturer and sole distributor Spaans Babcock products and training / inspection services in North America. The products include Spaans Babcock screw pumps, hydro screw generators, fine screen and any spare parts related to these products.	\$ 20,000.00	\$ 71,125.00	\$ 8,455.00	\$ 7,833.00	\$ 16,925.14	
SPD Sales Limited		x	x		Sole Original Equipment Manufacturer authorized service provider for Grundfos, Kurz Instruments, Vega, Xylem Brands (YSI IQ Sensornet, Royce Technologies & WTW products).	Sole authorized distributor for MSA Safety Inc. (for Fixed Gas and Flame Detection products), ATI products, Blue- White Industries Pro-Series M product line, Nivus, Grundfos, Kurz Instruments, Chemtrac, and Xylem Brands (YSI IQ Sensornet, Royce Technologies & WTW products).	\$ 50,000.00	\$115,781.00	\$ 79,801.75	\$ 43,437.00	\$ 59,499.57	
Spirac	x			Original Equipment Manufacturer for grit handling augers and associated			\$ -	\$ -	\$ -	\$ -	\$ -	
SPX Flow	x			Original Equipment Manufacturer for mixer process systems and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
SRP Control Systems Limited		x	x		Sole Original Equipment Manufacturer authorized service provider of Additel products in Canada.	Sole authorized distributor of Additel, PMC Engineering Legacy Series Industrial Pressure Transmitters, PMC Engineering VersaLine Series Submersible Depth and Level Sensors, and STS Series Precision Pressure Sensors in Canada.	\$ 15,000.00	\$ 19,920.00	\$ 16,215.00	\$ -	\$ -	
Suez Treatment Solutions Inc. (formerly Infilco Degremont)	x		x	Original Equipment Manufacturer for Climber Screen ®, and associated parts.		Original Equipment Manufacturer and sole distributor of Climber Screen ®, and associated parts.	\$150,000.00	\$ 52,547.00	\$ -	\$357,720.21	\$176,538.71	
Syntec Process Equipment Ltd.		x	x		Sole Original Equipment Manufacturer authorized service provider for Fontaine-Aquanox and Val-Matic products.	Sole authorized distributor for Banyan Products, Fontaine-Aquanox, Master Distributor of Chemline Plastics, J&S Valve Inc., Netzsch, Singer, Limitorque Products for Simons Automation and Supply, Trueline Valve Corp., Val-Matic,	\$100,000.00	\$172,381.00	\$197,007.30	\$129,690.50	\$ 75,000.96	
T.D. Rooke Associates Limited			x			Sole authorized distributor for SPXFLOW – Lightning Mixers, and associated parts.	\$ 25,000.00	\$ -	\$ -	\$ -	\$ 55,300.28	
Teledyne (ISCO)	x			Original Equipment Manufacturer for auto samplers.			\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Toromont Industries Ltd.		x	x	Original Equipment Manufacturer for all parts pertaining to Power Distribution Back-up Generator systems.	Sole authorized service provider for CAT branded products and parts and back-up generator systems. Service provider for the ELU Instrumentation and control system (I&C)	Sole authorized dealer for the sale of CAT branded products and parts.	\$ 10,000.00	\$ -	\$ 1,094.34	\$ -	\$ -	
Transcat Inc		x			An ISO 17025 accredited organization that is able to provide on-site calibration services on a multitude of different instruments. Standardization ensures timely and expert response to regulatory instrumentation equipment.		\$ 17,500.00	\$ 16,745.00	\$ 16,844.00	\$ 21,835.34	\$ 15,847.54	
Trojan Technologies	x			Original Equipment Manufacturer for disinfection process equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Troy-Ontor Inc		x	x		Sole Original Equipment Manufacturer authorized service provider for Auma products in Canada.	Sole authorized distributor for Auma products in Canada.	\$ 20,000.00	\$ 18,000.00	\$ 19,431.92	\$ 29,897.00	\$ -	
UGSI Chemical Feed, Inc	x			Original Equipment Manufacturer for PolyBlend ® product line of equipment, including but not limited to pumps, mixers, drives, controllers, ORP, Stranrol Analyzers and Chemical Feed/mixing systems.			\$ -	\$ -	\$ -	\$ -	\$ -	
United Electric Controls	x			Original Equipment Manufacturer for pressure control and monitoring			\$ -	\$ -	\$ -	\$ -	\$ -	
Val-Matic	x			Original Equipment Manufacturer for valves and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Varec	x			Original Equipment Manufacturer for digester equipment and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Vaughan Pumps	x			Original Equipment Manufacturer for pumps and associated parts.			\$ -	\$ -	\$ -	\$ -	\$ -	
Vega	x			Original Equipment Manufacturer for process control equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Wajax Industrial Components		x	x		Sole Original Equipment Manufacturer authorized service provider for Moyno Progressing Cavity Pumps in Ontario.	Sole authorized distributor for Moyno Progressing Cavity Pumps in Ontario.	\$ 50,000.00	\$101,000.00	\$ 23,845.51	\$325,401.64	\$ 14,323.32	
Wallace And Tiernan	x			Original Equipment Manufacturer for disinfection process equipment.			\$ -	\$ -	\$ -	\$ -	\$ -	
Westech Industrial Ltd	x	x	x	Original Equipment Manufacturer for flame arresters and associated parts. OEM provider for Westech sludge mixers and associated parts in Canada.	Sole Original Equipment Manufacturer authorized service provider for Emerson and Varec digester gas or biogas equipment in Canada.	Sole authorized sales representative for Emerson and Varec equipment for Emerson and Varec digester gas or biogas equipment in Canada.	\$ 10,000.00	\$ -	\$ -	\$ 5,013.00	\$ -	
West Tech Engineering	x	x		Sole Manufacturer of digester mixers	Sole service provider for the digester mixers		\$ -	\$ -	\$ -	\$ -	\$ -	

Vendor Name	Original Equipment	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
Xylem Canada Company	x	x		Sole authorized distributor of Flyght branded submersible pumps and mixers, and associated parts.	Sole Original Equipment Manufacturer authorized service provider for Flyght branded submersible pumps and mixers.	Sole authorized distributor of Flyght branded submersible pumps and mixers, and associated parts.	\$300,000.00	\$330,861.00	\$293,238.49	\$452,639.62	\$302,944.69	
YSI	x			Original Equipment Manufacturer for regulatory analyzers, monitoring and control devices.			\$ -	\$ -	\$ -	\$ -	\$ -	
							\$3,470,000	2,596,979	1,844,815	3,962,370	2,477,363	

Vendor Name	Manufacturer	Service	Distributor	Goods	Services	Distributor	Estimated Spend 2021	Annual Spent 2020	Annual Spent 2019	Annual Spent 2018	Annual Spent 2017	Comments
4iMAC INC		x			Technical support for the modification and upgrade of the existing INFOR EAM Computerized Maintenance System.		\$ 70,000.00	\$ 30,138.00	\$ 69,199.20	\$ 23,078.50	\$ 33,249.75	
AECOM Canada Ltd		x			Host and responsible vendor for the National Water Wastewater Benchmarking Initiative (NWWBI) across Canada.		\$ 55,000.00	\$ 50,773.00	\$ 49,895.00	\$ 49,895.00	\$ 37,421.00	
DCM - Data Communications Management	x			Mailable toilet leak dye strip manufacturer, used for high water billing notifications. Proprietary product from DCM.			\$ 17,000.00	\$ 9,800.00				
Devine & Associates Limited			x			Equipment and services to maintain existing water distribution system anti-stagnation valve (3/4" or 1" programmable timer valve).	\$ 50,000.00	\$ 265,838.00	\$174,531.74	\$279,231.58	\$ 88,730.50	
E.H. Wachs	x	x	x	Supply of Original Equipment Manufacturer spare parts, equipment and services for ERV-750 Valve Exerciser - Automated Valve Operator, VMT2 Valve and Hydrant Maintenance Trailer, WACHS Vital (valve data collection) software system, WACHS Hydrant Cutter, and guillotine saw.	Supply of Original Equipment Manufacturer spare parts, equipment and services for ERV-750 Valve Exerciser - Automated Valve Operator, VMT2 Valve and Hydrant Maintenance Trailer, WACHS Vital (valve data collection) software system, WACHS Hydrant Cutter, and guillotine saw.	Supply of Original Equipment Manufacturer spare parts, equipment and services for ERV-750 Valve Exerciser - Automated Valve Operator, VMT2 Valve and Hydrant Maintenance Trailer, WACHS Vital (valve data collection) software system, WACHS Hydrant Cutter, and guillotine saw.	\$ 120,000.00	\$ 86,681.00	\$ 57,421.44	\$ 30,000.00	\$ 29,749.58	
Evans Utility & Municipal Products	x	x	x	Supply of Original Equipment Manufacturer spare parts, equipment and services for meter spacers of various sizes and red hed reducers, parts to assemble or create Fire Hydrant Meters (i.e. 2.5" Female Swivel by 3" MIPT Adapter), fabricated stands for Fire Hydrant Meters.	Supply of Original Equipment Manufacturer spare parts, equipment and services for meter spacers of various sizes and red hed reducers, parts to assemble or create Fire Hydrant Meters (i.e. 2.5" Female Swivel by 3" MIPT Adapter), fabricated stands for Fire Hydrant Meters.	Supply of Original Equipment Manufacturer spare parts, equipment and services for meter spacers of various sizes and red hed reducers, parts to assemble or create Fire Hydrant Meters (i.e. 2.5" Female Swivel by 3" MIPT Adapter), fabricated stands for Fire Hydrant Meters.	\$ 35,000.00	\$ 33,233.00	\$ 22,088.85	\$ 15,573.50	\$ 4,847.00	
Flowpoint Environmental Systems LP		x			Maintenance and upgrades to software which supports the City's Bulk Water Filling and Hauled Waste Stations to allow customers to create an account online and make purchases.		\$ 30,000.00	\$ 18,901.00		\$ 12,575.00		
Industrial Scientific Corporation	x	x	x	Supply of Original Equipment Manufacturer spare parts, equipment and services to maintain existing Ventis gas detectors and accessories used by Hamilton Water.	Supply of Original Equipment Manufacturer spare parts, equipment and services to maintain existing Ventis gas detectors and accessories used by Hamilton Water.	Supply of Original Equipment Manufacturer spare parts, equipment and services to maintain existing Ventis gas detectors and accessories used by Hamilton Water.	\$ 60,000.00	\$ 56,179.00	\$ 57,840.91	\$ 52,155.72		
Infor Canada Ltd.	x		x	Licensing components, software vendors and support for the existing INFOR EAM Computerized Maintenance System.		Licensing components, software vendors and support for the existing INFOR EAM Computerized Maintenance System.	\$ 500,000.00	\$ 480,054.00	\$427,642.60	\$ 43,211.00		
Kronos Inc.	x	x	x	Supply of Original Equipment Manufacturer spare parts, equipment and support services to maintain existing Kronos In Touch 9000 terminals.	Original Equipment Manufacturer spare parts, equipment and support services to maintain existing Kronos In Touch 9000 terminals.	Original Equipment Manufacturer spare parts, equipment and support services to maintain existing Kronos In Touch 9000 terminals.	\$ 40,000.00	\$ 46,632.00	\$ 25,116.98	\$ 10,000.00	\$ 30,000.00	
Lannick Contract Solutions Inc.		x			Staffing agency support for GIS and Technical development systems.		\$ 60,000.00	\$ 41,235.00				
Pipeline Repair Services Inc.		x			Specialized pipeline repair services (6" to 48" linestop installations), for the City's water distribution system.		\$ 50,000.00			\$ 56,500.00	\$ 42,120.00	
Van Essen Instruments - Canada	x	x	x	Supply of Original Equipment Manufacturer spare parts, equipment and support services to maintain existing water level and water quality dataloggers, including communication devices and cables.	Original Equipment Manufacturer spare parts, equipment and support services to maintain existing water level and water quality dataloggers, including communication devices and cables.	Original Equipment Manufacturer spare parts, equipment and support services to maintain existing water level and water quality dataloggers, including communication devices and cables.	\$ 10,000.00		\$ 24,355.50	\$ 30,000.00	\$ 11,050.11	
Voicenet Interactive Inc		x			Provision of mass outbound calling in the event of adverse water quality incidents and other water distribution and wastewater collection system notifications (e.g. Frozen Water Services, Backwater Valve Maintenance, Water Use Restrictions, etc.).		\$ 20,000.00	\$ 19,479.00		\$ 10,000.00		
							\$1,117,000.00	\$ 1,138,943.00	\$908,092.22	\$612,220.30	\$277,167.94	

Rymal Road East - Approx. 200m East of Second Rd to Upper Centennial Pkwy Municipal Act - Development Charges				
Service Cost - Sanitary Sewer Service Extension Flat Fee and One Sanitary Lateral				
Roll Number	Propert Address	Service Extension Sanitary Sewer Flat Fee 2020-2021	Sanitary Laterals (Estimate)	Estimated Cost Per Property
251800385032000	2099 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385031600	2105 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385031500	2109 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385031400	2113 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385031200	#2119 Rymal Road East	\$7,945.00	\$5,220.16	\$13,165.16
251800385031000	2129 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385030800	2133 Rymal Road East	Excluded from cost recovery. Per current designation and zoning it is not developable.		
251800385030600	2149 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385030400	2153 Rymal Road East	\$7,945.00		\$7,945.00
251800385030300	2155 Rymal Road East	\$7,945.00		\$7,945.00
251800385030200	2157 Rymal Road East	\$7,945.00	\$7,612.80	\$15,557.80
251800385030000	0 Rymal Road East	\$7,945.00		\$7,945.00
251800385001800	2227 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385001000	2237 - 2241 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385000800	2247 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
251800385000600	2251 Rymal Road East	\$7,945.00	\$2,966.00	\$10,911.00
251800385000590	2257 Rymal Road East	\$7,945.00	\$12,614.50	\$20,559.50
251800385000400	2273 - 2297 Rymal Road East	\$7,945.00		\$7,945.00
251800385000100	# 21 Upper Centennial Pkwy	\$7,945.00	\$12,614.50	\$20,559.50
251890113006400	2200 Rymal Road East	\$7,945.00	\$7,116.20	\$15,061.20

251890113006100	2250 Rymal Road East	\$7,945.00	\$21,973.11	\$29,918.11
251890113006095	2260 Rymal Road East	\$7,945.00	\$22,901.31	\$30,846.31
TOTAL:				\$302,573.97

NOTE:

- 1) If the property owner chooses to connect to the sewer after December 31, 2021 then the Service Extension Flat Fee shall be the rate in the year in which the property owner applies for a Permit to connect.
- 2) The estimated cost for sanitary laterals will be adjusted to reflect as constructed cost.



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-012

**9:30 a.m.
August 12, 2021
Council Chambers
Hamilton City Hall**

Present: Councillors L. Ferguson (Chair), C. Collins, B. Johnson, M. Pearson, A. VanderBeek, and M. Wilson

Absent: Councillor B. Clark - Personal

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 21-012 AND RESPECTFULLY RECOMMENDS:

1. CONSENT ITEMS (Item 7)

That the following Consent Items, be received:

- (a) 2019 Audited Financial Statements for City of Hamilton Business Improvement Areas (BIAs) (FCS21038) (City Wide) (Item 7.1)**
- (b) Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide) (Item 7.3)**

2. Governance Review Sub-Committee Report 21-004 - June 25, 2021 (Item 10.1)

- (a) Poll Results – Recording of Advisory Committee Meetings (FCS21054) (City Wide) (Outstanding Business List Item) (Item 7.1)**

That Report FCS21054, respecting Poll Results – Recording of Advisory Committee Meetings, be received.

- (b) Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item) (Item 10.1)**

- (i) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;**

- (ii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
- (iii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
- (iv) That Council approve the amendments to the Procedural By-Law 21-021 outlined in **REVISED** Appendix "A" to Audit, Finance & Administration Report 21-012 to permanently allow Virtual Participation for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

3. Governance Review Sub-Committee Report 21-005 - July 14, 2021 (Item 10.2)

(a) 2022 Municipal Election: Voting Methods and Tabulating By-law (FCS21073) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (i) That the draft By-law attached as Appendix "A" to Governance Review Sub-Committee Report 21-005, to permit the continued use of optical scanning vote tabulators for the purpose of counting votes in municipal elections, and to permit the use of a special vote by mail as an alternative voting method that does not require electors to attend at a voting place in order to vote, which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (ii) That a one-time increase of \$125,000 to the Election Expense Reserve (112206) be funded through the Tax Stabilization Reserve, to support a special vote-by-mail initiative for the 2022 municipal election; and,
- (iii) That the annual contribution to the Election Expense Reserve (112206) be increased by \$31,250 to cover the increased costs to deliver a special vote-by-mail for future municipal elections, be referred to the 2022 Operating Budget deliberations for consideration.

4. Review: Ward 3 Capital Reserve Administrative Oversight (AUD21008) (City Wide) (Item 10.3)

- (a) That Report AUD21008, respecting the Review: Ward 3 Capital Reserve Administrative Oversight Report, be received;

- (b) That the Management Responses as detailed in Appendix “B” to Audit, Finance & Administration Report 21-012, be approved; and,
- (c) That the General Manager of Finance and Corporate Services be directed to implement the Management Responses (attached as Appendix “B” to Audit, Finance & Administration Report 21-012) and report back to the Audit, Finance and Administration Committee by May 2022 on the nature and status of actions taken in response to the review report.

5. 2020 Reserve Report (FCS21063) (City Wide) (Item 10.4)

- (a) That the 2020 Reserve Report and the 2020 Reserves Detail Report, with 2019 Comparative figures and 2021-2023 Projections, attached as Appendix “A” to Report FCS21063, be received;
- (b) That a Neonatal Interfacility Reserve Policy, attached as Appendix “C” to Audit, Finance & Administration Report 21-012, be approved and that the reserve be established subject to the terms outlined in the Policy; and,
- (c) That a Community Paramedicine LTC Reserve Policy, attached as Appendix “D” to Audit, Finance & Administration Report 21-012, be approved and that the reserve be established subject to the terms outlined in the Policy.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.2 Gabriel Nicholson, respecting Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

Recommendation: Be received and referred to consideration of Item 7.3, Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

The agenda for the August 12, 2021 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) July 8, 2021 (Item 4.1)

The Minutes of the July 8, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

Communications 5.1 to 5.2, were approved, as follows:

(i) Correspondence from David Broom, respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (Item 5.1)

Recommendation: Be received and referred to consideration of Item 10.1, Governance Review Sub-Committee Report 21-004.

(ii) Gabriel Nicholson, respecting Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide) - Item 7.3. (Added Item 5.2)

Recommendation: Be received and referred to consideration of Item 7.3, Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

(e) CONSENT ITEMS (Item 7)

The following Consent Items (Item 7), were received:

(i) Various Advisory Committee Minutes (Item 7.2):

- (1) Immigrant and Refugee Advisory Committee - June 10, 2021 (Item 7.2(a))
- (2) Committee Against Racism - April 27, 2021 (Item 7.2(b))
- (3) Hamilton Mundialization Advisory Committee - May 19, 2021 (Item 7.2(c))

(f) DISCUSSION ITEMS (Item 10)

(i) Governance Review Sub-Committee Report 21-004 – June 25, 2021 (Item 10.1)

The Chair advised that public notice was given for the amendments to the City of Hamilton Procedural By-law 21-021 to permanently allow virtual participation for members of Council, Standing Committees, Sub-

Committees, Citizen Advisory Committees and delegations, Item 2 of the Governance Review Sub-Committee Report 21-004, inviting interested parties to make virtual representations at today's meeting. There were no registered speakers.

(a) Poll Results – Recording of Advisory Committee Meetings (FCS21054) (City Wide) (Outstanding Business List Item) (Item 7.1)

That Report FCS21054, respecting Poll Results – Recording of Advisory Committee Meetings, be received.

(b) Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (i) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;
- (ii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
- (iii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
- (iv) That Council approve the amendments to the Procedural By-Law 21-021 outlined in **REVISED** Appendix "A" to permanently allow Virtual Participation for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

Amendment to Item 2 of Governance Review Sub-Committee Report 21-004 respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide)

WHEREAS, the Municipal Act 2001, as amended, section 240 Subject to the procedure by-law passed permits “the head of council may at any time call a special meeting; and (b) upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition”;

WHEREAS, the current Procedural By-law 21-021 is silent on section 240 and the Mayor may require the holding of a special meeting of the Council without notice, in order to consider and deal with urgent and extraordinary matters; and

WHEREAS, the deadline for a Request to Speak with a pre-recorded video was inadvertently omitted from the Procedural By-Law 21-021 and from the proposed amendments considered by Governance Review Sub-Committee on June 25, 2021.

THEREFORE BE IT RESOLVED:

That Appendix “A” to Item 2 attached to Governance Review Sub-Committee Report 21-004 respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide), be revised to include the following additional **amendments** to the Procedural By-Law 21-021:

(i) **SECTION 3 – COUNCIL MEETINGS**

3.4 Special Meetings of Council

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.

- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.
- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***

(ii) **SECTION 5 – COMMITTEE MEETINGS**

5.12 Delegations

(1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee

ELE Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee

(a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.

(b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is

meeting on a Monday, the deadline will be 12:00 noon on the Friday before.

(c) Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.

(d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).

(5) An IN-PERSON or VIRTUAL delegation **or a delegate with a pre-recorded video** of one or more persons, shall be limited to an oral presentation of not more than five minutes.

The following Motion was DEFEATED:

That the amendment be **amended** to remove the words "to consider and deal with such urgent and extraordinary matters" from the end of subsection (7), as follows:

(7) Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice. ~~to consider and deal with such urgent and extraordinary matters.~~

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

(g) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee adjourned at 10:49 a.m.

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

PROPOSED AMENDMENTS TO THE PROCEDURAL BY-LAW 21-021

1. The proposed **amendments** to the Council Procedural By-law 21-021; that would be required to permit the virtual participation of a member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee meetings outside of an emergency where the Council member cannot attend in person:

SECTION 1 - DEFINITIONS

- 1.1 In this By-law,

"ELE" means Electronic meeting procedures and applies to Virtual and Hybrid meetings ***during an emergency*** and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

"Hybrid" means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings ***during an emergency***.

"Virtual" means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings ***during an emergency***.

SECTION 3 – COUNCIL MEETINGS

3.4 Special Meetings of Council

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.

- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.
- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***

3.7 Quorum

- (2) A majority of Members of Council is necessary to constitute a quorum of Council.
 - (2.1) ***A Member of Council participating in-person or virtually shall be counted in determining whether or not a quorum of Members is present at any point in time.***

3.11 Order of Business

- (1) The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:
 - (a) Approval of Agenda
 - (b) Declarations of Interest
 - (c) Ceremonial Activities ~~***(ELE - During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)***~~
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Committee Reports

- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

- (2) ***All Ceremonial Activities at Council meetings will take place virtually, during an Emergency.***

SECTION 5 – COMMITTEE MEETINGS

5.4 Quorum

- (1) The quorum for all Committees shall be a half of the membership rounded up to the nearest whole number.

(1.1) A Member of a Committee participating in-person or virtually shall be counted in determining whether or not a quorum of members is present at any point in time.

5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
- (a) Ceremonial Activities ~~***(ELE – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)***~~
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) Consent Items
 - (h) Staff Presentations
 - (i) Public Hearings/ Delegations

- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions
- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

(3) *All Ceremonial Activities at Committee meetings will take place virtually, during an Emergency.*

5.12 Delegations

(1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee

ELE Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee

(a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.

(b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday before.

(c) *Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.*

(d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).

- (5) An IN-PERSON or VIRTUAL delegation **or a delegate with a pre-recorded video** of one or more persons, shall be limited to an oral presentation of not more than five minutes.

SECTION 8 – ORDER AND DECORUM

- 8.5** No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:
- (a) be allowed on the floor while an IN-PERSON / **HYBRID** meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated and from which they speak;
 - (b) before or during an IN-PERSON / **HYBRID** meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

SECTION 9 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

- 9.5** ***A member of Council, of a Local Board or of a Committee of either of them can participate virtually in a meeting that is closed to the public.***

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

~~**10.1** ***Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 10.2.***~~

10.1 Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings ~~during an emergency~~ when attending in-person is not possible.

10.2 Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings ~~during an emergency~~ when attending in-person is not possible.

10.3 Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or

any other applicable legislation, or at a Standing Committee of Council is permitted by members of the public at Committee meetings.

- 10.4** *Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.*
- 10.5** *The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.*

SECTION 11 – IN-PERSON / VIRTUAL / HYBRID MEETINGS DURING AN EMERGENCY

- 11.1** All VIRTUAL ~~/HYBRID~~ Council and Committee meetings shall be streamed live.
- 11.2** *All IN-PERSON / HYBRID Council and Committee meetings may be streamed live.*
- 11.3** *Upon being apprised that an IN-PERSON / HYBRID meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will continue as long as quorum is maintained and the connection will be resumed as soon as possible.*
- 11.4** Upon being apprised that a VIRTUAL meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.5** If the live feed of a VIRTUAL meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned with the names of the Council/Committee members present and any decisions of Council/Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting. The Council/Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.

- 2.** The proposed **amendments** to the Council Procedural By-law 21-021, that would be required to permit the virtual participation of Advisory Committee and Sub-Committee members (public) at Advisory Committee and Sub-Committee meetings outside of an emergency where the Advisory Committee or Sub-Committee member cannot attend in person:

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

- 10.2** Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings ~~during an emergency~~ when attending in-person is not possible.
- 10.4** *Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.*
- 10.5** *The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.*

- 3.** The proposed **amendments** to the Council Procedural By-law 21-021, that would be required to continue to permit delegations to appear virtually:

Sections 5.12 and 5.13 of the Council Procedural By-law 21-021, currently permits delegations to appear virtually without any references to 'during an emergency', therefore, only one proposed **amendment** to Section 5.12 (1) INP would be required to permit virtual delegations at an IN-PERSON meeting whether during or outside of an emergency.

5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person **or virtually** to address a Committee

AUD21008
Review: Ward 3 Capital Reserve Administrative Oversight

RECOMMENDATIONS
AND
MANAGEMENT RESPONSES

Recommendations

The following 5 recommendations will strengthen controls and increase process efficiencies related to reserve administration to reduce the risk and impact of errors:

1. That the Corporate Services Department implement a process to ensure that the Financial Planning, Administration and Policy Division is provided with all confidential Committee and Council reports and minutes so that they can be reviewed to ensure that City financial records are updated with the relevant financial implications from these reports.

It is important that City financial records are complete and accurate, while ensuring the confidentiality of the reports is maintained.

Management Response

Agreed. Finance staff will work with Clerk's office to ensure a process that balances the need for financial accuracy with the need to maintain appropriate confidentiality of records.

Expected completion date: Q3 2021

2. That a process be developed to reconcile actual reserve spending and future reserve commitments in the PeopleSoft Financial system and Reserve spreadsheets.

Management Response

Agreed. An update of the current Reserve Forecast SOP will begin in the summer with the introduction of the new budget software (Questica).

Expected completion date: Q3 2021

3. That the reconciliation process developed for Recommendation #2 continue for at least six months after going live with the Questica system to ensure reserve information within the PeopleSoft Financial and Questica systems produce accurate and complete reports.

Management Response

Agreed. The intention is that, in the new budgeting platform, the reserve information will be kept up-to-date (live), which will require regular reconciliations by associated staff to ensure the reports are pulling information accurately.

Expected completion date: Q1 2022

4. That this new reconciliation process and related expectations be incorporated into the Supervisor's job description and performance appraisal, as well as the Section's written operating procedures or work instructions.

Management Response

Partially Agree. We agree that the development of Standard Operating Procedures for updating the Council Action Items Worksheet is necessary. We believe that the existing job description captures the requirement to establish and document procedures and would therefore be captured in the annual performance appraisal process.

Expected completion date: Q3 2021

5. That a standard operating procedure be developed, approved and implemented for the communication of financial errors that exceed a pre-determined threshold, any related corrections/adjustments to Council and to inform other impacted stakeholders.

Management Response

Partially Agree. A standard operating procedure will be established to inform impacted stakeholders of financial errors that exceed a pre-determined threshold. The reporting or informing of financial errors will be conducted as per the Capital Projects' Monitoring Policy and the Budget Control Policy.

Expected completion date: Q1 2022

Reserve Policy – Neonatal Interfacility Transfers	 Hamilton	Corporate Services Department
Policy No:		
Page 1 of 2		Approval:

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balance in the Neonatal Interfacility Transfers Reserve.
PURPOSE	To fund the life-cycle replacement, conversion and fit-up of a Paramedic Service ambulance and related equipment which is dedicated to supporting the Ministry of Health’s Neonatal Interfacility Transfers program.
SCOPE	This Policy applies to all City employees who manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • The General Manager of Finance and Corporate Services has the authority to recommend the use of the Neonatal Interfacility Transfers Reserve in accordance with the Provincial funding agreement terms and conditions. <p>The source of funds that are to be transferred to this Reserve include:</p> <ul style="list-style-type: none"> • Funds received from the Province specified for the life-cycle replacement, conversion and fit-up of a Paramedic Service ambulance and related equipment which is dedicated to supporting the Ministry of Health’s Neonatal Interfacility Transfers program • Annual Council approved operating budget transfer to reserve. • Year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council. • Repayment of principal plus interest for any internal borrowings from the reserve as per policies and procedures. • Remaining balances in reserves approved for closure. • Investment income earned on the reserve’s balance as per policies and procedures. • One-time unexpected sources of operating revenues. <p>The use of funds from this Reserve is not permitted for any other use in accordance with the Provincial funding agreement.</p>
RESERVE BALANCE TARGET LEVEL	<p>The balance in the reserve has a target level and ceiling as follows:</p> <p>Target Level: \$250,000</p>

Reserve Policy – Neonatal Interfacility Transfers	 Hamilton	Corporate Services Department
Policy No:		
Page 2 of 2		Approval:

	Target Ceiling: \$300,000 (adjusted for the future cost of the life-cycle replacement, conversion and fit-up of a Paramedic Service ambulance and related equipment)
GOVERNING LEGISLATION	This reserve is governed by an agreement between the City of Hamilton Paramedic Services with the Ministry of Health for the Province of Ontario to deliver land inter-facility ambulance transports for critically-ill neonatal and pediatric patients facilitated by the specialized transport team that operates out of the McMaster Children’s Hospital (MCH).
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy
POLICY HISTORY	N/A

Reserve Policy – Community Paramedicine Long-Term Care	 Hamilton	Corporate Services Department
Policy No:		
Page 1 of 2		Approval:

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balance in the Community Paramedicine Long-Term Care Reserve.
PURPOSE	To fund the life-cycle replacement, conversion and fit-up of Paramedic Service vehicles and related equipment which is dedicated to supporting the Ministry of Long-Term Care's Community Paramedicine Long-Term Care program.
SCOPE	This Policy applies to all City employees who manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • The General Manager of Finance and Corporate Services has the authority to recommend the use of the Community Paramedicine Long-Term Care Reserve in accordance with the Provincial funding agreement terms and conditions. <p>The source of funds that are to be transferred to this Reserve include:</p> <ul style="list-style-type: none"> • Funds received from the Province specified for life-cycle replacement, conversion and fit-up of Paramedic Service vehicles and related equipment which is dedicated to supporting the Ministry of Long-Term Care's Community Paramedicine Long-Term Care program • Annual Council approved operating budget transfer to reserve. • Year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council. • Repayment of principal plus interest for any internal borrowings from the reserve as per policies and procedures. • Remaining balances in reserves approved for closure. • Investment income earned on the reserve's balance as per policies and procedures. • One-time unexpected sources of operating revenues. <p>The use of funds from this Reserve is not permitted for any other use in accordance with the Provincial funding agreement.</p>
RESERVE BALANCE TARGET LEVEL	<p>The balance in the reserve has a target level and ceiling as follows:</p> <p>Target Level: \$250,000</p>

Reserve Policy – Community Paramedicine Long-Term Care		Corporate Services Department
Policy No:	Hamilton	
Page 2 of 2		Approval:

	Target Ceiling: \$300,000 (adjusted for the future cost of the life-cycle replacement, conversion and fit-up of Paramedic Service vehicles and related equipment)
GOVERNING LEGISLATION	This reserve is governed by an agreement between the City of Hamilton Paramedic Services with the Ministry of Long-Term Care for the Province of Ontario to support seniors on the provincial long-term care waitlist, or soon to be eligible for long-term care, by providing them with community paramedicine services in their own homes.
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy
POLICY HISTORY	N/A

CITY OF HAMILTON

MOTION

Council: August 13, 2021

MOVED BY COUNCILLOR L. FERGUSON.....

SECONDED BY COUNCILLOR.....

Amendment to Item 2 of the Audit, Finance & Administration Committee Report 21-006, respecting Report FCS20069(b) – Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy

WHEREAS, Council at its meeting of April 28, 2021, approved Item 2 of the Audit, Finance & Administration Committee Report 21-006, which was subject to finalization of the 2020 audited financial statements; and,

WHEREAS, the 2020 audited financial statements have now been finalized an amendment is required to reflect the total Hamilton Police Services' Surplus.

THEREFORE, BE IT RESOLVED:

- (a) That Sub-section (d) to Item 2 to the Audit, Finance & Administration Committee Report 21-006, respecting Report FCS20069(b) – Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy, be **amended** by removing the words “subject to finalization of the 2020 audited financial statements”, to read as follows:
 - (d) That ~~, **subject to finalization of the 2020 audited financial statements,**~~ the Disposition of 2020 Year-End Operating Budget Surplus / Deficit, be approved as follows:
- (b) That the Table depicting the Disposition / Reconciliation of Year End Surplus (Deficit) referred to in Sub-Section (d) to Item 2 to the Audit, Finance & Administration Committee Report 21-006, respecting Report FCS20069(b) – Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy, be **amended** as follows:
 - (i) Corporate Surplus from Tax Supported Operations – deleting \$55,325,707 and replacing it with **\$54,763,630**;
 - (ii) Disposition to/from Self-Supporting Programs & Agencies - deleting \$(6,063,995) and replacing it with **\$(5,501,918)**; and,

(iii) Less: Police (Transfer to Police Reserve) – deleting \$(2,690,482) and replacing it with **\$(2,128,405)**;

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS / (DEFICIT)	\$	\$
Corporate Surplus from Tax Supported Operations		\$ 54,763,630
Disposition to/from Self-Supporting Programs & Agencies		\$ (5,501,918)
Less: Police (Transfer to Police Reserve)	\$ (2,128,405)	
Less: Library (Transfer to Library Reserve)	\$ (3,333,841)	
Less: Farmers Market (Transfer to Hamilton Farmers Market Reserve)	\$ (39,672)	
Balance of Corporate Surplus		\$ 49,261,712
Less: Transfer to Social Housing Stabilization Reserve		\$ -
Less: Transfer for Ontario Summer Student Jobs Services		\$ -
Less: Transfer of HUC Dividend to Unallocated Capital Levy Reserve		\$ -
Less: Transfer for Concessionary Loans		\$ (2,000,000)
Less: Transfer to Tax Stabilization Reserve		\$ (3,000,000)
Less: Transfer to Early Years System Reserve		\$ 903,318
Add: Transfer from HEF Capital Project Reserve		\$ (1,000,000)
Less: Transfer to fund 2021 "Rent Ready" Program		\$ (121,000)
Less: Transfer to fund Menstrual Products Affordability Pilot Program		\$ (1,500,000)
Less: Transfer to Climate Change Reserve		\$ (700,000)
Less: Transfer to 2022 Capital Budget - Recreation Facilities Discretionary Block (Unallocated Capital Levy Reserve)		\$ (162,872)
Less: Transfer to ATS Reserve for PRESTO Agreement		\$ (5,000,000)
Less: Transfer to fund Red Hill Creek Inquiry		\$ (1,300,000)
Less: Transfer to Sick Leave Liability - General Reserve		\$ (15,100,000)
Less: Transfer to fund shortfall in Development Charge Exemptions		\$ (3,996)
Less: Hamilton Status of Women Advisory Committee - Donation of Remaining 2020 Budget Allocation		\$ (20,277,162)
Less: Transfer to COVID-19 Emergency Reserve		\$ -
Balance of Tax Supported Operations		\$ -
Corporate Deficit from Rate Supported Operations		\$ (4,592,662)
Add: Transfer from the Rate Supported Water Reserve		\$ 10,211,949
Less: Transfer to the Rate Supported Wastewater Reserve		\$ (5,619,287)
Less: Transfer to the Rate Supported Stormwater Reserve		\$ -
Balance of Rate Supported Operations		\$ -

The Main Motion, as amended, to read as follows:

2. Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy (City Wide) (Item 8.1)

- (a) That the Tax and Rate Operating Budget Variance Report as at December 31, 2020 attached as Appendices "A" and "B", respectively, to Report FCS20069(b) be received;
- (b) That, in accordance with the "Budgeted Complement Control Policy", the 2020 complement transfer transferring complement from one department / division to another, complement additions and removals of FTE with no impact on the levy, and budget from one department / division to another or from one cost category to another with no impact on the levy as outlined in Appendix "C" to Report FCS20069(b), be approved;

- (c) That, in accordance with the “Budget Complement Control Policy”, the 2020 extensions of temporary positions with 24-month terms or greater, with no impact on the levy, as outlined in Appendix “D” to Report FCS20069(b), be approved;
- (d) That the Disposition of 2020 Year-End Operating Budget Surplus / Deficit be approved as follows:

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)	\$	\$
Corporate Surplus from Tax Supported Operations		\$ 54,763,630
Disposition to/from Self-Supporting Programs & Agencies		\$ (5,501,918)
Less: Police (Transfer to Police Reserve)	\$ (2,128,405)	
Less: Library (Transfer to Library Reserve)	\$ (3,333,841)	
Less: Farmers Market (Transfer to Hamilton Farmers Market Reserve)	\$ (39,672)	
Balance of Corporate Surplus		\$ 49,261,712
Less: Transfer to Social Housing Stabilization Reserve		\$ -
Less: Transfer for Ontario Summer Student Jobs Services		\$ -
Less: Transfer of HUC Dividend to Unallocated Capital Levy Reserve		\$ -
Less: Transfer for Concessionary Loans		\$ (2,000,000)
Less: Transfer to Tax Stabilization Reserve		\$ (3,000,000)
Less: Transfer to Early Years System Reserve		\$ 903,318
Add: Transfer from HEF Capital Project Reserve		\$ (1,000,000)
Less: Transfer to fund 2021 "Rent Ready" Program		\$ (121,000)
Less: Transfer to fund Menstrual Products Affordability Pilot Program		\$ (1,500,000)
Less: Transfer to Climate Change Reserve		\$ (700,000)
Less: Transfer to 2022 Capital Budget - Recreation Facilities Discretionary Block (Unallocated Capital Levy Reserve)		\$ (162,872)
Less: Transfer to ATS Reserve for PRESTO Agreement		\$ (5,000,000)
Less: Transfer to fund Red Hill Creek Inquiry		\$ (1,300,000)
Less: Transfer to Sick Leave Liability - General Reserve		\$ (15,100,000)
Less: Transfer to fund shortfall in Development Charge Exemptions		\$ (3,996)
Less: Hamilton Status of Women Advisory Committee - Donation of Remaining 2020 Budget Allocation		\$ (20,277,162)
Less: Transfer to COVID-19 Emergency Reserve		\$ -
Balance of Tax Supported Operations		\$ -
Corporate Deficit from Rate Supported Operations		\$ (4,592,662)
Add: Transfer from the Rate Supported Water Reserve		\$ 10,211,949
Less: Transfer to the Rate Supported Wastewater Reserve		\$ (5,619,287)
Less: Transfer to the Rate Supported Stormwater Reserve		\$ -
Balance of Rate Supported Operations		\$ -

CITY OF HAMILTON

MOTION

Council: August 13, 2021

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR B. CLARK.....

Support for the NCCM Recommendations brought forward by the National Council of Canadian Muslims

WHEREAS, as a local response to the requests from the City of Hamilton's Muslim leaders respecting the municipal portion of the NCCM Recommendations brought forward by the National Council of Canadian Muslims (NCCM) released July 19, 2021 and attached as Appendix A to this motion;

WHEREAS, the City of Hamilton's Muslim leaders are requesting endorsement and commitments to several of the recommendations within NCCM Recommendations;

WHEREAS, there is city-wide concern after the Islamophobic attack, in the City of Hamilton, allegedly by a Cambridge man, on the wife and daughter of Imam, Kamal Gurgi of our cherished downtown mosque;

WHEREAS, the National Council of Canadian Muslims has called a National Summit on Islamophobia taking place on Thursday, July 22, 2021, which is designed to engage all levels of government to take action on dismantling Islamophobia; and

WHEREAS, in order to reassure the National Council of Canadian Muslims that City of Hamilton is in support of the NCCM Recommendations at the municipal level.

THEREFORE, BE IT RESOLVED:

- (a) That the Director of By-Law Enforcement be directed to report back to Planning Committee on options to create a by-law(s) to undertake NCCM Recommendation 55:
 - 55. Pass municipal street harassment bylaws that are proportional and constitutional such as the approach now being adopted in Edmonton after the NCCM initiative. Bylaws should also address clearly hateful verbal assaults and give authorities the ability to ticket and fine when necessary.
- (b) That the Director of Government Relations and Community Engagement be directed to meet with local leaders of the National Council of Canadian Muslims and report back to the General Issues Committee on a plan that celebrates the

history of local Muslims and assists in directing these leaders to existing programs, such as the City Enrichment Fund, to undertake NCCM Recommendation 59:

59. Invest in celebrating the history of local Canadian Muslims and initiatives through a concrete program that brings these figures and names to the forefront of local-level recognition. Municipalities should fund events and spaces where their accomplishments are celebrated in a way that clearly shows that Muslims have made real contributions to Canadian society and are far from the violent caricatures that constantly make the news.
- (c) That the Director of Government Relations and Community Engagement be directed to work with local leaders of the National Council of Canadian Muslims to determine what dedicated local funding may be required to fulfil community-based anti-Islamophobia initiatives and report back to the Audit, Finance and Administration Committee, to undertake NCCM Recommendation 56:
56. Municipalities provide dedicated funding for local community-based anti-Islamophobia initiatives.
- (d) That the Director of Government Relations and Community Engagement be directed to report back to the Audit, Finance and Administration Committee on local anti-Islamophobic public awareness campaigns and options respecting a potential program(s) for training young Muslim leaders for the future, to undertake NCCM Recommendations 58 and 61:
58. Municipalities dedicate specific funding for anti-Islamophobia public awareness campaigns.
 61. Develop models for training young Muslim leaders for the future such as Youth Fellowship program in Toronto.
- (e) That NCCM Recommendation 60, be referred to the Hamilton Police Services Board for consideration:
60. Redirect funding towards alternative measures to policing in municipal budgets.

CITY OF HAMILTON

MOTION

COUNCIL: August 13, 2021

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Supporting Community Resilience through the Powell Park Community Garden in Ward 3

WHEREAS, the Powell Park Community Garden is run by a group of Ward 3 resident volunteers who grow food to support local community food access; and

WHEREAS, the COVID-19 pandemic has resulted in an increase need for access to fresh, nutritious food.

THEREFORE, BE IT RESOLVED:

- (a) That \$675 from the Ward 3 Bell Tower Fund (Account #3301609603) be allocated to the GALA Community Planning Team to assist in covering the costs associated with the Powell Park Community Garden; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON MOTION

Council: August 13, 2021

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY MAYOR F. EISENBERGER.....

Block Party Assistance Program

WHEREAS, the COVID-19 pandemic has taken its toll on citizens to various degrees, which for so many includes an absence in socializing safely with friends and neighbours;

WHEREAS, there is an interest from some residents during phase three of reopening to safely hold block parties on streets where they live and within the parameters and guidelines of Ontario’s Roadmap to Reopen;

WHEREAS, Council has been a leader in ensuring that the safe return to events in Hamilton is incentivized with many incentives and supports derived from the unprecedented work of the Mayor’s Task Force on Economic Recovery, which included approving amendments to previous policies and fee reductions where applicable in an effort to bring our communities back to life in both work and play;

WHEREAS, the costs to host a block party can far exceed \$2,000.00, which includes but is not limited to, a street closure permit at approximately \$700 and contracting of a 3rd party company to close the street at approximately \$1,000, in addition to the current requirement for the these types of street closures to go through a Special Events Advisory Team process, which creates the potential for delays and further restrictions.

THEREFORE, BE IT RESOLVED:

That the appropriate staff be requested to report back to the next Emergency and Community Services Committee meeting with options for residents wishing to hold safe block parties that are less costly and more efficiently approved.

CITY OF HAMILTON

MOTION

COUNCIL: August 13, 2021

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Commemorating the 75th Anniversary of the Stelco Strike in Woodlands Park in Ward 3

WHEREAS, Ward 3 residents have initiated a historical and artistic placemaking project to commemorate the 75th Anniversary of the Stelco workers strike in Woodlands Park;

WHEREAS, this placemaking project aims to commemorate Woodlands Park historical role as the "Workers' Park," a place for organizing; and

WHEREAS, the project aims to speak to the past and ongoing community resilience and strength of residents in the area while also inspiring local involvement in future park renewal.

THEREFORE, BE IT RESOLVED:

- (a) That \$1500 from the Ward 3 Bell Tower Fund (Account # 3301609603) be allocated to the Barton Village BIA to assist in covering the costs of the project works; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

COUNCIL COMMUNICATION UPDATES

July 2, 2021 to August 5, 2021

Council received the following Communication Updates during the time period listed above, the Information Updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
July 6, 2021	Planning and Economic Development	Time Limit and Paid Parking Enforcement (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-07-06/comm-update-time-limit-and-paid-parking-enforcement.pdf
July 19, 2021	Corporate Services	Investing in Canada Infrastructure Program – Transit Stream Funding Announcement (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-07-19/communication-update-icip-transit-funding-announcement.pdf
July 19, 2021	Corporate Services	Small Business Property Tax Class Update (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-07-19/communication-update-small-business-property-tax-class-july-2021.pdf
July 23, 2021	Public Works	Chedoke Creek Order - Cootes Paradise Workplan - HW.21.03	https://www.hamilton.ca/sites/default/files/media/browser/2021-07-23/communication-update-chedoke-creek-order-cootes-paradise-workplan-hw-21-03.pdf
July 23, 2021	Planning and Economic Development	Resuming the Accessible Taxicab Financial Incentive Program (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-07-26/communication-update-ped-resuming-accessible-taxicab-financial-incentive-program-july2021.pdf
July 27, 2021	Public Works	Drinking Water Fountains - New Web Page Launch (ES21005) (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-07-28/communication-update-pw-drinking-water-fountains.pdf
August 4, 2021	City Manager's Office	LRT Memorandum of Understanding Update (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2021-08-04/comms-update-lrt-memorandum-understanding-update-city_wide.pdf

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Ward: 1, 2, 3, 4, 5, 8, 9, 11, 15

Bill No. 125

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Rate	Adding/ Deleting
<i>5 - Parking Meters</i>	<i>E</i>	Hunter	North	Hughson to 28.4m westerly	15 min	\$2.00	Deleting
<i>5 - Parking Meters</i>	<i>E</i>	Hunter	Both	MacNab to James	3 hr	\$2.00	Deleting
<i>5 - Parking Meters</i>	<i>E</i>	Hunter	South	John to Catharine	3 hr	\$2.00	Deleting

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 2 of 5

5 - Parking Meters	E	Hunter	North	James to 28.4m west of Hughson	1 hr	\$2.00	Deleting
5 - Parking Meters	E	Hunter	North	John to Hughson	2 hr	\$2.00	Deleting
5 - Parking Meters	E	Hunter	South	From 40.2m east of James to 19.8m easterly	1 hr	\$2.00	Deleting
5 - Parking Meters	E	Hunter Street East	North	James Street to Hughson Street	2 hr	\$2.00	Adding
5 - Parking Meters	E	Hunter Street West	North	MacNab Street to James Street	2 hr	\$2.00	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	G	Hunter	South	from 60m east of James to 24.1m easterly	Anytime	Deleting
8 - No Parking	G	Hunter	South	from 47.2m west of John to 36m westerly	Anytime	Deleting
8 - No Parking	E	Wellington	East	from 47m north of Barton to 6.1m northerly	Anytime	Deleting
8 - No Parking	C	Chesapeake Drive	South & East	41 metres west of Keewaydin Street to 30 metres west thereof	Anytime	Adding
8 - No Parking	G	Hunter Street East	North	22 metres west of Hughson Street to 20 metres west thereof	Anytime	Adding
8 - No Parking	G	Hunter Street East	North	37 metres east of Hughson Street to 19 metres east thereof	Anytime	Adding
8 - No Parking	G	Hunter Street West	North	23 metres west of James Street to 6 metres west thereof	Anytime	Adding
8 - No Parking	C	Keewaydin Street	East & North	56 metres south of Segwun Road to 35 metres south thereof	Anytime	Adding
8 - No Parking	E	Vespari Place	East	22 metres south of Megna Court to 6 metres south thereof	Anytime	Adding
8 - No Parking	E	Vespari Place	North	106 metres south of Megna Court to 6 metres east thereof	Anytime	Adding
8 - No Parking	G	Wellington Street North	East	30 metres north of Barton Street East to 22 metres north thereof	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 - Permit	E	Adeline Ave.	East	70m north of Roxborough to 6m northerly	Anytime	Deleting
12 - Permit	E	Adeline Ave.	West	72m north of Roxborough to 6m northerly	Anytime	Deleting
12 - Permit	E	Brant St.	North	from 13m west of Niagara St to 6m westerly	Anytime	Deleting
12 - Permit	E	Chestnut	West	from 203.5m north of Cannon to 6m northerly	Anytime	Deleting
12 - Permit	E	Oxford St.	West	46m north of York Blvd. to 6m north thereof	Anytime	Deleting
12 - Permit	E	Francis Street	North	from 17.6 metres east of Emerald Street to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Francis Street	South	from 24 metres east of Emerald Street to 6 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
13 - No Stopping	E	Hunter	North	James to MacNab	Mon. - Fri. 4:00 pm -6:00 pm	Deleting
13 - No Stopping	E	Hunter	North	Hughson to a point 50 feet westerly	Anytime	Deleting
13 - No Stopping	E	Hunter	North	Hughson to a point 53 feet easterly	Anytime	Deleting
13 - No Stopping	E	Hunter	South	from 135 feet west of Locke to 170 feet westerly therefrom	Anytime	Deleting
13 - No Stopping	E	Hunter	South	commencing at a point 276 feet east of James and extending to a point 143 feet easterly therefrom	Anytime	Deleting
13 - No Stopping	D	Pumpkin Pass	North	Blue Ribbon Way to 35.4 metres east thereof	8:00 a.m. to 4:00 p.m. Monday to Friday September 1 to June 30	Deleting
13 - No Stopping	D	Pumpkin Pass	North	from 42.4 metres east of Blue Ribbon Way to Fall Fair Way	8:00 a.m. to 4:00 p.m. Monday to Friday September 1 to June 30	Deleting
13 - No Stopping	E	Hunter Street East	North	30 metres west of John Street to 7 metres west	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

thereof

<i>13 - No Stopping</i>	<i>E</i>	Hunter Street West	North	MacNab Street to James Street	Mon. - Fri. 4:00 pm -6:00 pm	Adding
<i>13 - No Stopping</i>	<i>F</i>	Westbank Trail	West	19 metres north of Stockbridge Gardens to 30 metres south thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>F</i>	Westbank Trail	East	Stockbridge Gardens to 15 metres north thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>F</i>	Westbank Trail	East	Stockbridge Gardens to 20 metres south thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
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<i>14 - Wheelchair LZ</i>	<i>E</i>	Hunter	South	261 feet west of John	Anytime	Deleting
<i>14 - Wheelchair LZ</i>	<i>E</i>	Hunter Street East	North	29 metres east of James Street to 7 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
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<i>16 - TAXI</i>	<i>E</i>	Hunter	South	from 59 feet west of John to 81 feet westerly	Anytime	Deleting
<i>16 - TAXI</i>	<i>E</i>	Hunter Street East	North	19 metres west of John Street to 30 metres west thereof	Anytime	Adding

- 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.

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 5 of 5

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 13th day of August 2021.

F.
Eisenberger
Mayor

A. Holland
City Clerk

A. Holland
City Clerk

Authority: Item 31, Economic Development
and Planning Committee
Report: 06-005
CM: April 12, 2006
Ward: 2

Bill No. 126

CITY OF HAMILTON

BY-LAW NO. 21- To Amend Zoning By-law No. 05-200 Respecting Lands Located at 191 King Street West, Hamilton

WHEREAS the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25th day of May 2005; and,

WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April, 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the “H” Holding provision from By-laws where the conditions have been met;

AND WHEREAS the conditions of Holding Provisions 17, 19 and 20 for the lands located at 191 King Street West, Hamilton have been satisfied;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 952 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to the Downtown Mixed Use – Pedestrian Focus (D2) Zone for the lands identified in the Location Map attached as Schedule “A” to this By-law.
2. That Schedule “D” – Holding Provisions is amended by deleting Holding Provisions 17, 19 and 20 for the lands identified in the Location Map attached as Schedule “A” to this By-law;
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 13 day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk




This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021


 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 21-_____
 to Amend By-law No. 05-200
 Map 952

Subject Property
 191 King Street West

 Change in zoning from Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use – Pedestrian Focus (D2) Zone

Scale: N.T.S	File Name/Number: ZAD-20-021	
Date: July 6, 2021	Planner/Technician: MK/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 4

Bill No. 127

CITY OF HAMILTON

BY-LAW NO. 21-

To Repeal and Replace By-law No. 21-094 Respecting Removal of Part Lot Control Block "A", Registered Plan No. 865, 270 Melvin Avenue, Hamilton

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1 to 42, inclusive, and a common element condominium, shown as Part 43 on deposited Reference Plan 62R-21672, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Block "A", Registered Plan No. 865, in the City of Hamilton
2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 13th day of August, 2023.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 14, Planning Committee
Report 21-011 (PED21113)
CM: July 9, 2021
Ward: 14

Bill No. 128

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 87-57 Respecting Lands located at 1269 Mohawk Road (Ancaster)

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. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 14 of Report 21-011 of the Planning Committee, at its meeting held on the 9th day of July, 2021, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1 to Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster) as amended, is hereby further amended by changing the zoning from the Agricultural “A” Zone (Block 1) and the Residential “R4-666” Zone, Modified (Block 2) to the Holding Residential Multiple “H-RM6-708” Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following sub-section:

“RM6-708”

- (i) That notwithstanding the permitted uses of Subsection 19.1 of the Residential Multiple “RM6” Zone, of Zoning By-law No. 87-57 of the Town of Ancaster, the following use shall be permitted:

a) Apartment building containing a maximum of 19 dwelling units in conjunction with the building existing at the date of the passing of this By-law.

- (ii) That notwithstanding the provisions of Subsections 19.2 (a), (c), (f), (g), (h), (i), (j), (k), (l), (m), of the Residential Multiple “RM6” Zone, Section 7.11, and the provisions of Section 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following regulations shall apply:

Regulations:

- | | |
|-------------------------------|--|
| a) Minimum Lot Area | 0.19 ha |
| c) Maximum Density | 100 units per hectare |
| f) Maximum Lot Coverage | 40% |
| g) Minimum Front Yard | 7.5m except for the building existing on day of the passing of this By-law. |
| h) Minimum Side and Rear Yard | 7.5m (westerly side yard) except for the building existing at the date of the passing of this By-law.
2.0m (easterly side yard)
15.0m (rear yard) |
| i) Parking | Notwithstanding Sections 19.2(i) and 7.14(b) (i) (C), the required parking spaces shall be as follows:

Dwelling Unit and Visitor Parking – 1.25 plus 0.25 |

'H' to the proposed Residential Multiple "RM6-708" Zone, Modified, with the 'H' symbol being eligible to be removed conditional upon:

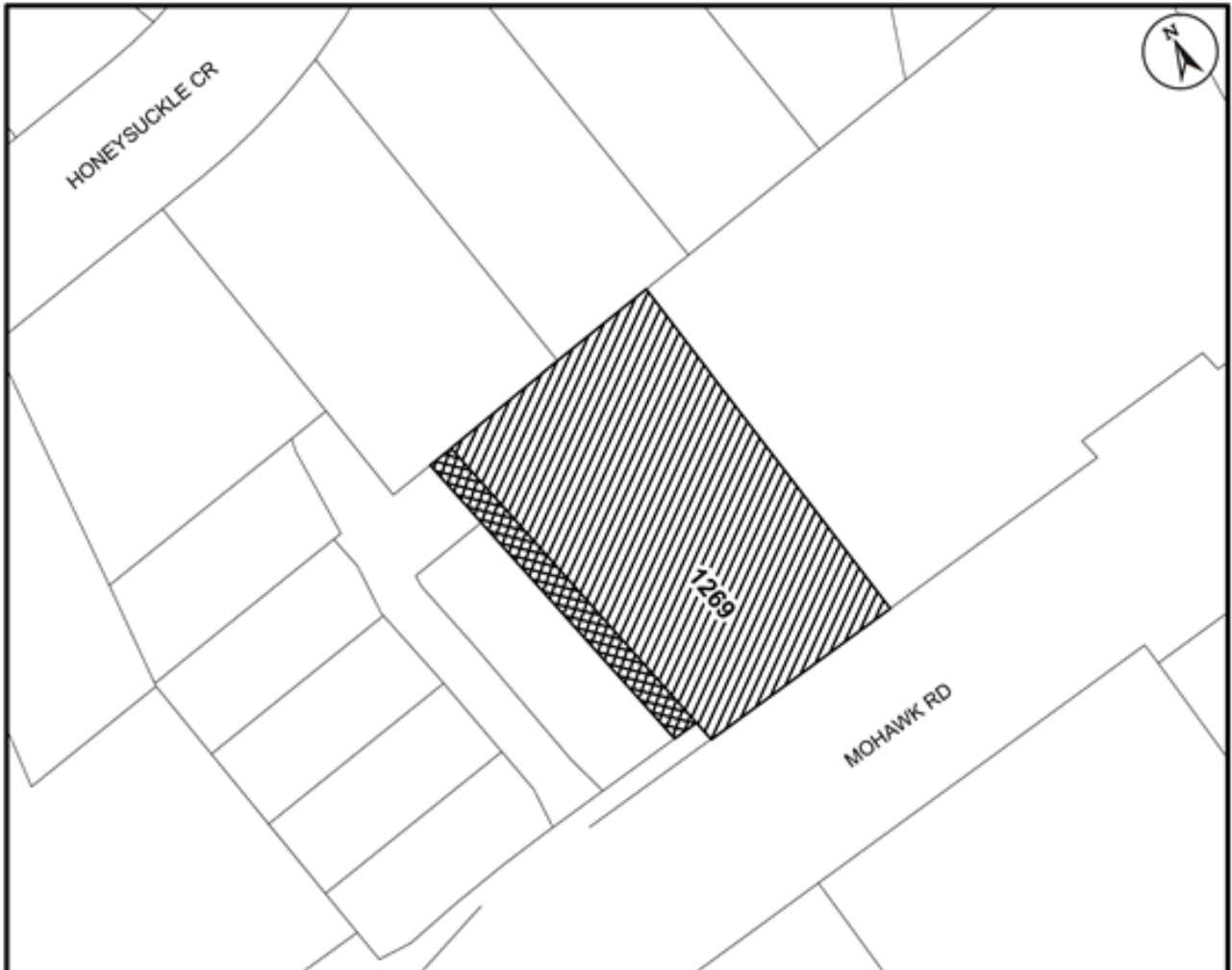
- a) That the owner shall submit and receive approval of a Documentation and Salvage Report which further details their approach for removing, labelling, storing, and if required, reassembly of material salvaged from any portions of existing buildings on-site, to the satisfaction of the Director of Planning and Chief Planner.
 - b) That the owner shall submit and receive approval of a Stage 3 (and if required, Stage 4) archaeological assessment for site to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
4. 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 Residential Multiple "RM6" Zone, subject to the special requirements referred to in Section 2 of this By-law.
 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*.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-006





This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 87-57

Subject Property
 1269 Mohawk Road West, Ancaster, (Ward 14)

-  Block 1 - Change in Zoning from the Agricultural "A" Zone to the Holding Residential Multiple "H-RM6-708" Zone, Modified
-  Block 2 - Change in Zoning from the Residential "R4-666" Zone, Modified to the Holding Residential Multiple "H-RM6-708" Zone, Modified

Scale:
 N.T.S.

Date:
 June 1, 2021

File Name/Number:
 ZAC-19-006

Planner/Technician:
 MD/NB



CITY OF HAMILTON

BY-LAW NO. 21-

**To Amend Zoning By-law No. 90-145-Z
Respecting Lands located at 585 Skinner Road, in the Former Town of
Flamborough, now in the City of Hamilton**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Flamborough" 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 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;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1991;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-183 of the Planning and Economic Development Committee at its meeting held on the 2nd day of June 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding provision from By-laws where the conditions have been met;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Ontario Municipal Board on August 16, 2013.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

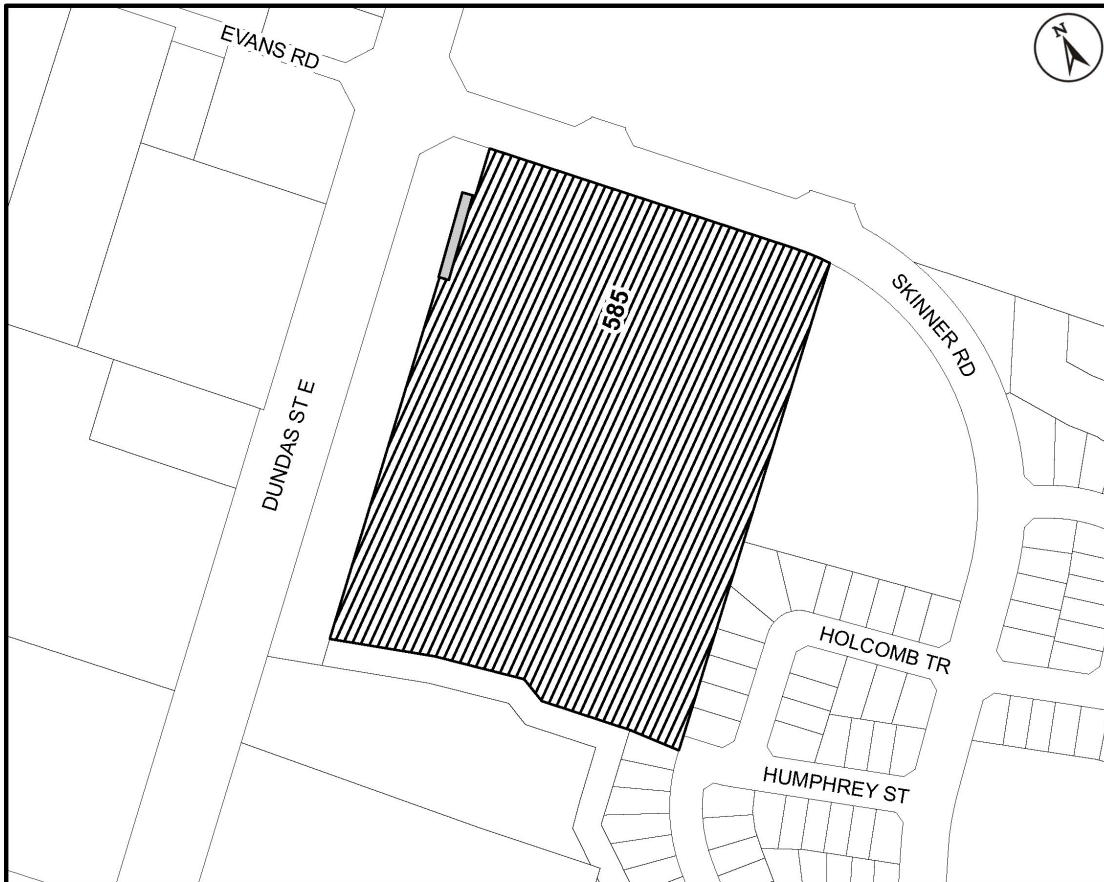
1. That Schedule "A-31" appended to and forming part of By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended to rezone from the Urban Commercial "UC-14(H)" Zone, Holding to the Urban Commercial "UC-14" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. 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 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAH-21-013



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 90-145-Z</p>	<p>Subject Property</p> <ul style="list-style-type: none"> 585 Skinner Road, Flamborough Block 20 - Change in Zoning from Urban Commercial "UC-14(H)" Holding Zone to Urban Commercial "UC-14" Zone
--	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAH-21-013</p>	
<p>Date: June 21, 2021</p>	<p>Planner/Technician: VL/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 6, Planning Committee
Report: 21-011 (PED21117)
CM: July 9, 2021
Ward: 8

Bill No. 130

CITY OF HAMILTON

BY-LAW NO. 21-

To Adopt:

**Official Plan Amendment No. 152 to the
Urban Hamilton Official Plan**

Respecting:

**15, 17 and 21 Stone Church Road East
(Hamilton)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 152 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 152

The following text, together with Appendix “A” – Volume 1: Schedule E-1 – Urban Land Use Designations attached hereto, constitutes Official Plan Amendment No. 152 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands from the “Arterial Commercial” designation to the “Mixed Use - Medium Density” designation to permit the development of a five storey mixed use multiple dwelling.

2.0 Location:

The lands affected by this Amendment are known municipally as 15, 17 and 21 Stone Church Road East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design policies for a Primary Corridor and for the Mixed Use – Medium Density Designation of the Urban Hamilton Official Plan;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

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

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No. 21-130 passed on the 13th day of August, 2021.

**The
City of Hamilton**

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix A
 APPROVED Amendment No. 152
 to the Hamilton Urban Official Plan

Lands to be redesignated from "Arterial Commercial" to "Mixed Use - Medium Density"
 (15, 17 & 21 Stone Church Road East, Hamilton)

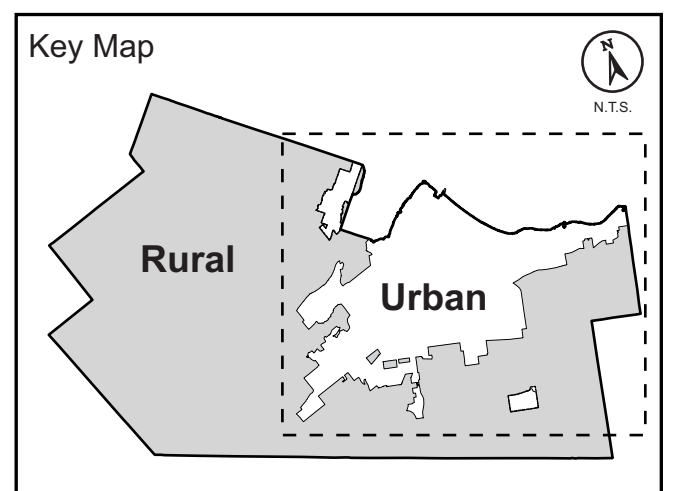
Date: July 30, 2021	Revised By: TV/NB	Reference File No.: OPA-U-152(H)
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APPEALS

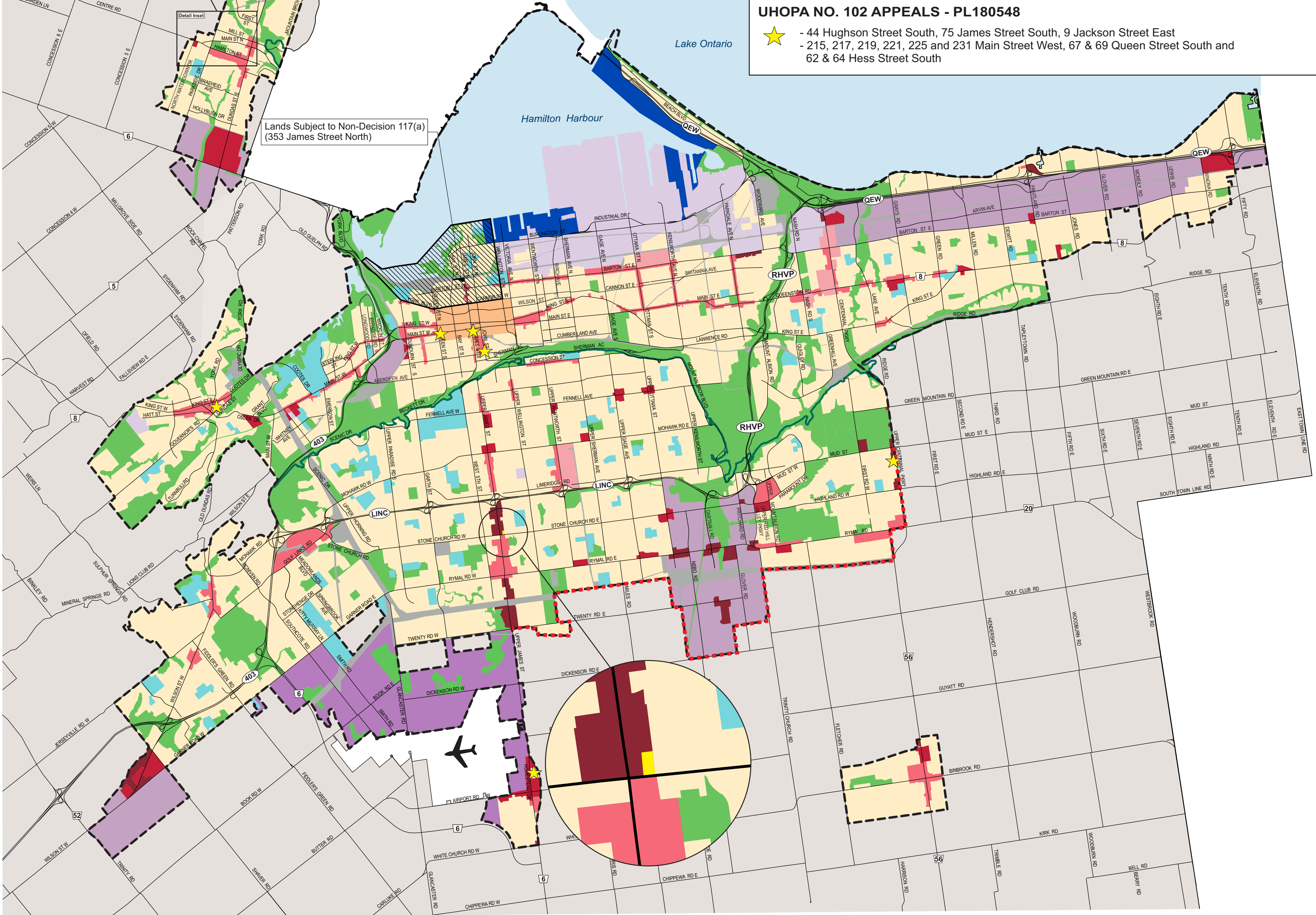
--- The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.

- UHOPA NO. 69 APPEALS - PL171450**
- ★ - 71 Main Street West and 10 Baldwin Street, Appellant # 8
 - 3011 Homestead Drive (Glanbrook), Appellant # 4
 - 221-225 John Street South and 70-78 Young Street (Hamilton), Appellant # 20
 - 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14

- UHOPA NO. 102 APPEALS - PL180548**
- ★ - 44 Hughson Street South, 75 James Street South, 9 Jackson Street East
 - 215, 217, 219, 221, 225 and 231 Main Street West, 67 & 69 Queen Street South and 62 & 64 Hess Street South



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: June 2021
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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Authority: Item 6, Planning Committee
Report 21-011 (PED21117)
CM: July 9, 2021
Ward: 8

Bill No. 131

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 15, 17 and 21 Stone Church Road East, Hamilton

WHEREAS Council approved Item 6 of Report 21-011 of the Planning Committee, at the meeting held on the 9th day of July, 2021; and,

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Urban Hamilton Official Plan Amendment No. 152.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map 1343 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone for the lands attached as Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:
 - “742. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1343 of Schedule “A” – Zoning Maps and described as 15, 17 & 21 Stone Church Road East, the following special provisions shall apply:
 - a) Notwithstanding Section 4.9 (a) and 5.6 (c) and in addition to 5.1 (a)(v)(b), the following regulations shall apply:
 - i) Mechanical and Unitary Equipment Within a required front yard, provided such equipment shall have a minimum setback of 0.5 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.

- ii) Number of Parking Spaces for a Multiple Dwelling and Commercial or Institutional Uses
 - a) Multiple Dwelling:
 - i) Minimum 1 parking space per dwelling unit; and,
 - ii) Maximum 1.25 parking spaces per dwelling unit.
 - b) Commercial or Institutional Uses:
 - i) 0 for less than 450.0 square metres of gross floor area; and,
 - ii) 1 for each 17.0 square metres of gross floor area greater than 450.0 square metres.
- b) Notwithstanding Section 10.5.3 (b), (c), (d) and (g), the following regulations shall apply:
 - i) Minimum Rear Yard 18 metres.
 - ii) Minimum Interior Side Yard 15 metres abutting a Residential or Institutional Zone or lot containing a residential use.
 - iii) Building Height
 - a) Minimum 7.5 metre façade height for any portion of a building along a street line;
 - b) Maximum 22.0 metres; and,
 - c) In addition to a) and notwithstanding b) above, any building height above 11.0

metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Subsection ii) and iii) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.

- d) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
 - i) The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;
 - ii) The wholly enclosed or partially enclosed

structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,

- iii) The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

iv) Built Form for New Development

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

- a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- b) For an interior lot or a through lot the minimum width of the ground floor façade facing the front

lot line shall be greater than or equal to 40% of the measurement of the front lot line.

- c) In addition to Subsections a) and b) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
 - d) No parking, stacking lanes, 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 ground floor; and,
 - 2. shall be accessible from the building with direct access from the public sidewalk.
 - f) A walkway shall be permitted in a Planting Strip where required by the By-law.”
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-028



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1343</p>	<p>Subject Property</p> <p>15, 17 & 21 Stone Church Road East, Hamilton</p> <p> Change in Zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-028 & UHOPA-20-016</p>	
<p>Date: March 30, 2021</p>	<p>Planner/Technician: TV/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 7, Planning Committee
Report: 21-011 (PED21136)
CM: July 9, 2021
Ward: 10

Bill No. 132

CITY OF HAMILTON

BY-LAW NO. 21-

To Adopt:

**Official Plan Amendment No. 153 to the
Urban Hamilton Official Plan**

Respecting:

**466, 478, 482 and 490 Highway No. 8
(Stoney Creek)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 153 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 153

The following text, together with Appendix “A”, Volume 2: Map B.7.1-1 – Land Use Plan, Western Development Area attached hereto, constitutes Official Plan Amendment No. 153 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands and establish a Site Specific Policy Area within the Western Development Area Secondary Plan to permit the development of a long term care facility and two multiple dwellings with local commercial uses on the ground floor.

2.0 Location:

The lands affected by this Amendment are known municipally as 466, 478, 482 and 490 Highway No. 8, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposal implements the vision for complete communities.
- The proposal contributes to the provision of a range of housing, including supportive housing within the Western Development Area Secondary Plan.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.1.1 Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.1 – Western Development Area Secondary Plan

- a. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.1 – Western Development Area Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area E

B.7.1.5.5 In addition to Policy B.7.1.4.1, for lands located at 490 Highway No. 8, designated “Institutional” and identified as Site Specific Policy – Area “E” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan, the following policies shall apply:

- a) High density residential uses shall be permitted in accordance with Policy B.7.1.1.5 of Volume 2;
- b) Notwithstanding Policy E.3.6.6 b) of Volume 1, the permitted net residential density shall be no greater than 243 units per hectare;
- c) Local commercial uses shall be permitted in accordance with Policies B.7.1.2.1 and B.7.1.2.2 of Volume 2; and,
- d) In addition to the locational requirements for residential uses of Policy E.3.8.10 of Volume 1, residential uses may also be located on the ground floor provided the residential uses do not face Highway No. 8.”

Maps

4.1.2 Map

- a. That Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan be amended by:

- i) redesignating the lands at 466 Highway No. 8 from “Local Commercial” to “Institutional”; and,
- ii) identifying the portion of the subject lands known as 490 Highway No. 8 as Site Specific Policy – Area E,

as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No. 21-132 passed on the 13th day of August, 2021.

**The
City of Hamilton**

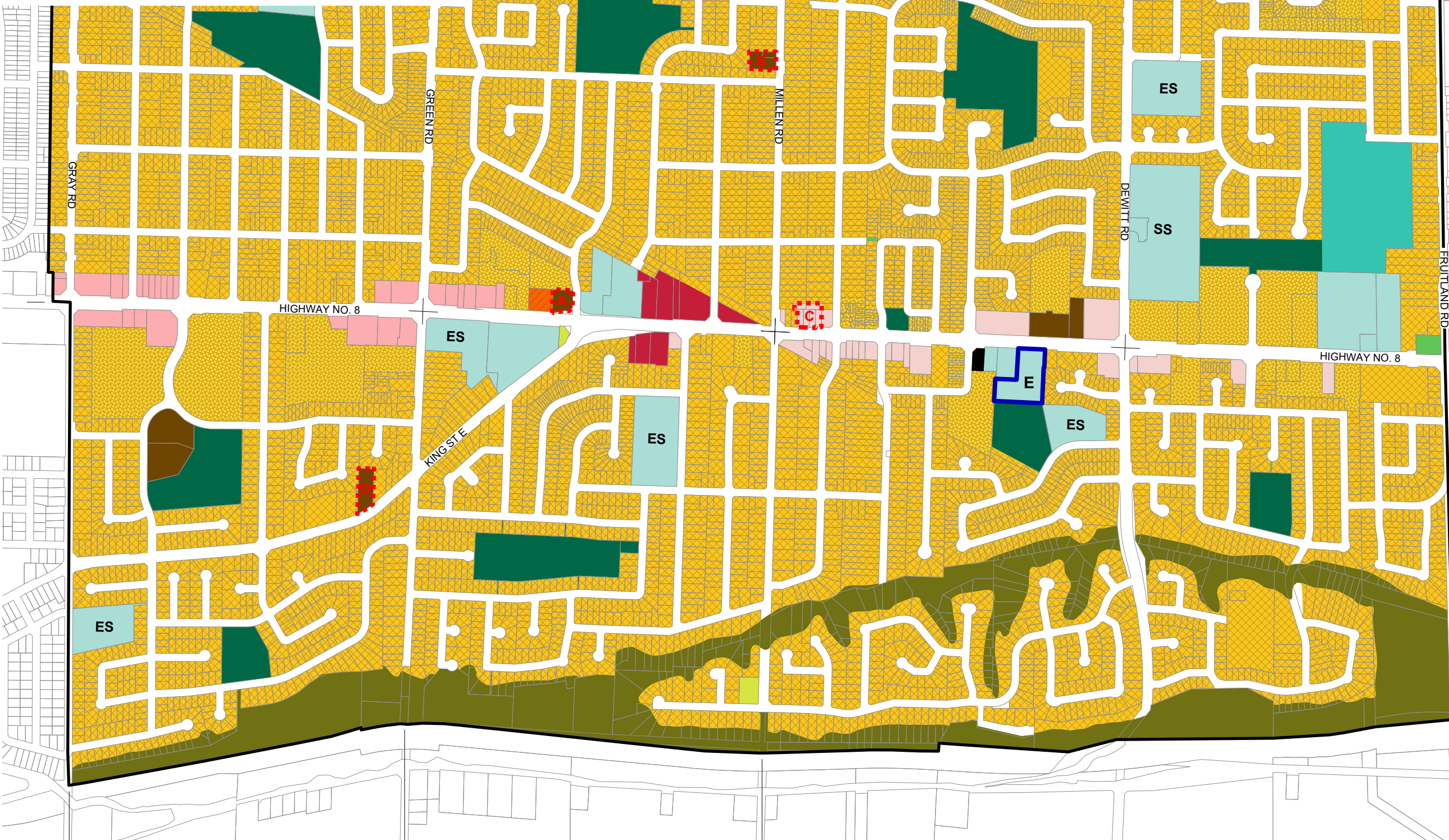
F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix A
 APPROVED Amendment No. 153
 to the Urban Hamilton Official Plan

- Lands to be redesignated from "Local Commercial" to "Institutional"
- E Lands to be identified as Site Specific Policy - Area E
 (466-490 Highway Number 8, Stoney Creek)

Date: August 5, 2021	Revised By: MS/NB	Reference File No.: OPA-U-153(S)
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- ### Legend
- Residential Designations**
- Low Density Residential 2b
 - Low Density Residential 3c
 - Medium Density Residential 3
 - High Density Residential 1
- Commercial and Mixed Use Designations**
- Local Commercial
 - Mixed Use - Medium Density
 - District Commercial
- Parks and Open Space Designations**
- Parkette
 - Neighbourhood Park
 - Community Park
 - General Open Space
 - Natural Open Space
- Other Designations**
- Institutional
 - ES** Elementary School
 - SS** Secondary School
- Other Features**
- Area or Site Specific Policy
 - Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Western Development Area
Secondary Plan
 Land Use Plan
 Map B.7.1-1



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Authority: Item 7, Planning Committee
Report 21-011 (PED21136)
CM: July 9, 2021
Ward: 10

Bill No. 133

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 05-200 Respecting lands located at 466 to 490 Highway No. 8, Stoney Creek

WHEREAS Council approved Item 7 of Report 21-011 of the Planning Committee, at its meeting held on July 9, 2021;

WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment No. 153; and,

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Maps 1252 & 1305 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 are amended as follows:
 - a) Changing the zoning from Neighbourhood Commercial (C2, 579) Zone to Major Institutional (I3, 744, H36) Zone;
 - b) Lands to be added to Zoning By-law No. 05-200 as Major Institutional (I3, 744, H36) Zone; and,
 - c) Changing the zoning from Major Institutional (I3) Zone to Major Institutional (I3, 744, H36) Zone.

2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“744. Within the lands zoned Major Institutional (I3, 744) Zone, identified on Map 1252 & 1305 of Schedule “A” – Zoning Maps and described as 466 - 490 Highway No. 8, the following special provisions shall apply:

 - a) Notwithstanding the definition of Lot as noted in Section 3: Definitions, and notwithstanding any change in land ownership or any severance, partition or division of the property, lands subject to this special provision shall be considered as one lot for the purposes of the Zoning By-law.

 - b) Notwithstanding the definition of Multiple Dwelling, as defined within Section 3 of the Zoning By-law, a Multiple Dwelling shall mean a building or part thereof containing three or more dwelling units, which shall not include a street townhouse dwelling or semi-detached

dwelling but may include uses permitted in accordance with Section 10.2.1 and 10.2.1.1 of the Zoning By-law, and shall not be deemed a Dwelling Unit in Conjunction with a Commercial Use.

REGULATIONS

LONG TERM CARE FACILITY

- c) Notwithstanding Section 8.3.2.1 b) the following regulations shall apply:
- i) Minimum Side Yard
 - 1. 3.5 metres abutting a street.
 - 2. 1.8 metres where a lot line abuts the hypotenuse of the daylight triangle.
 - 3. 7.0 metres abutting an interior side lot line.
 - ii) Minimum Rear Yard 7.0 metres

MULTIPLE DWELLING

- d) Notwithstanding Sections 8.3.2.2a) and b), and in addition to Section 8.3.2.2, the following regulations shall apply:
- i) Minimum Side Yard
 - 1. 2.9 metres abutting a Neighbourhood Park (P1) Zone or a street.
 - 2. 6.0 metres where lot line abuts a Residential Zone lot line.
 - ii) Minimum Rear Yard 8.9 metres
 - ii) Maximum Building Height 30.0 metres
 - iii) Maximum total gross floor area for uses permitted by Section 10.2.1.1 500 square metres

4. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“36. Notwithstanding Sections 8.3 and 10.5 of this By-law, within lands zoned Major Institutional (I3, 744) Zone, identified on Maps 1252 & 1305 of Schedule A – Zoning Maps and described as 466 to 490 Highway No. 8, no development shall be permitted until such time as:

- i) Necessary upgrades are completed to the sanitary sewer system and necessary payments are provided, to the satisfaction of the Manager of Engineering Approvals.”

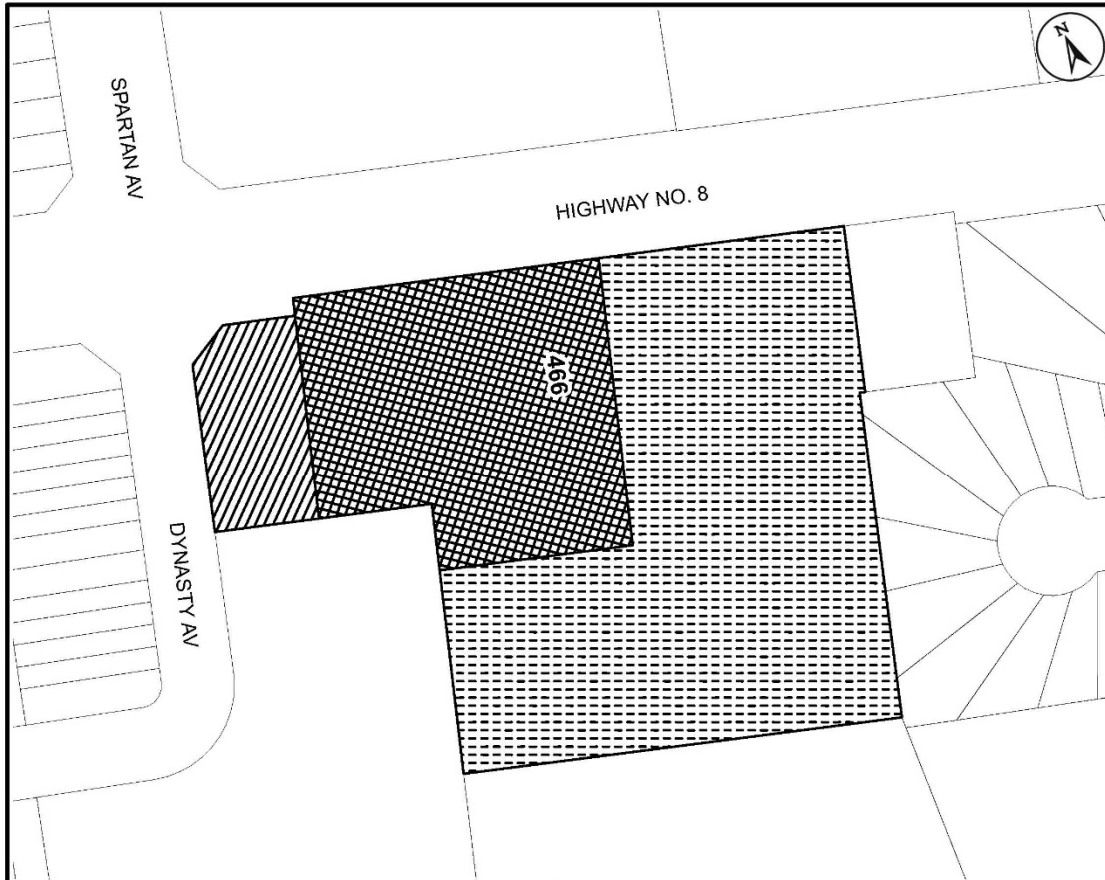
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law in accordance with the *Planning Act*.

PASSED this 13th day of August, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-18-059
UHOPA-18-25



This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021




 Mayor

 Clerk

Schedule "A"

Map forming Part of
 By-law No. 21-_____

to Amend By-law No. 05-200
 Maps 1252 & 1305

- Subject Property**
 466 Highway No. 8
-  Block 1 - Change in zoning from the Neighbourhood Commercial (C2, 579) Zone to the Major Institutional (I3, 744, H36) Zone
 -  Block 2 - Lands to be added to Zoning By-law No. 05-200 as Major Institutional (I3, 744, H36) Zone
 -  Block 3 - Change in zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 744, H36) Zone

Scale: N.T.S	File Name/Number: ZAC-18-059 & UHOPA-18-025	 Hamilton
Date: May 3, 2021	Planner/Technician: MS/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 8, Planning Committee
Report 21-011 (PED21125)
CM: July 9, 2021
Ward: 12

Bill No. 135

CITY OF HAMILTON
BY-LAW NO. 21-

**To Amend Zoning By-law No. 05-200, Respecting Lands Located at 822 and 914
Book Road West and 1276 Shaver Road, Hamilton**

WHEREAS Council approved Item 8 of Report 21-011 of the Planning Committee at its meeting held on the 9th day of July, 2021;

AND WHEREAS this By-law conforms with the Rural Hamilton Official Plan upon adoption of Official Plan Amendment No. 29.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 174 and No. 159 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from Open Space (P4) Zone to the Agriculture (A1, 746) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to the By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:
 - “746. Within the lands zoned Agriculture (A1) Zone, identified on Maps 174 and No. 159 of Schedule “A” – Zoning Maps and described as 822 and 914 Book Road West and 1276 Shaver Road, the following shall apply:
 - 1) Notwithstanding Section 12.1.3.3a), the minimum Lot Area shall be 0.3 hectares for Block 1;
 - 2) Notwithstanding Section 4.8.2 c), the gross floor area of all buildings accessory to a single detached dwelling shall not exceed 450 square metres for Block 1;
 - 3) Notwithstanding Section 12.1.3.3d), the minimum front yard setback shall be 8.0 metres for Block 3; and
 - 4) Notwithstanding Section 12.1.3.3c), the maximum building height is 11 metres.
3. That Schedule F: Special Figures of By-law 05-200 is hereby amended by adding Figure 23: 822 and 914 Book Road West and 1276 Shaver Road.

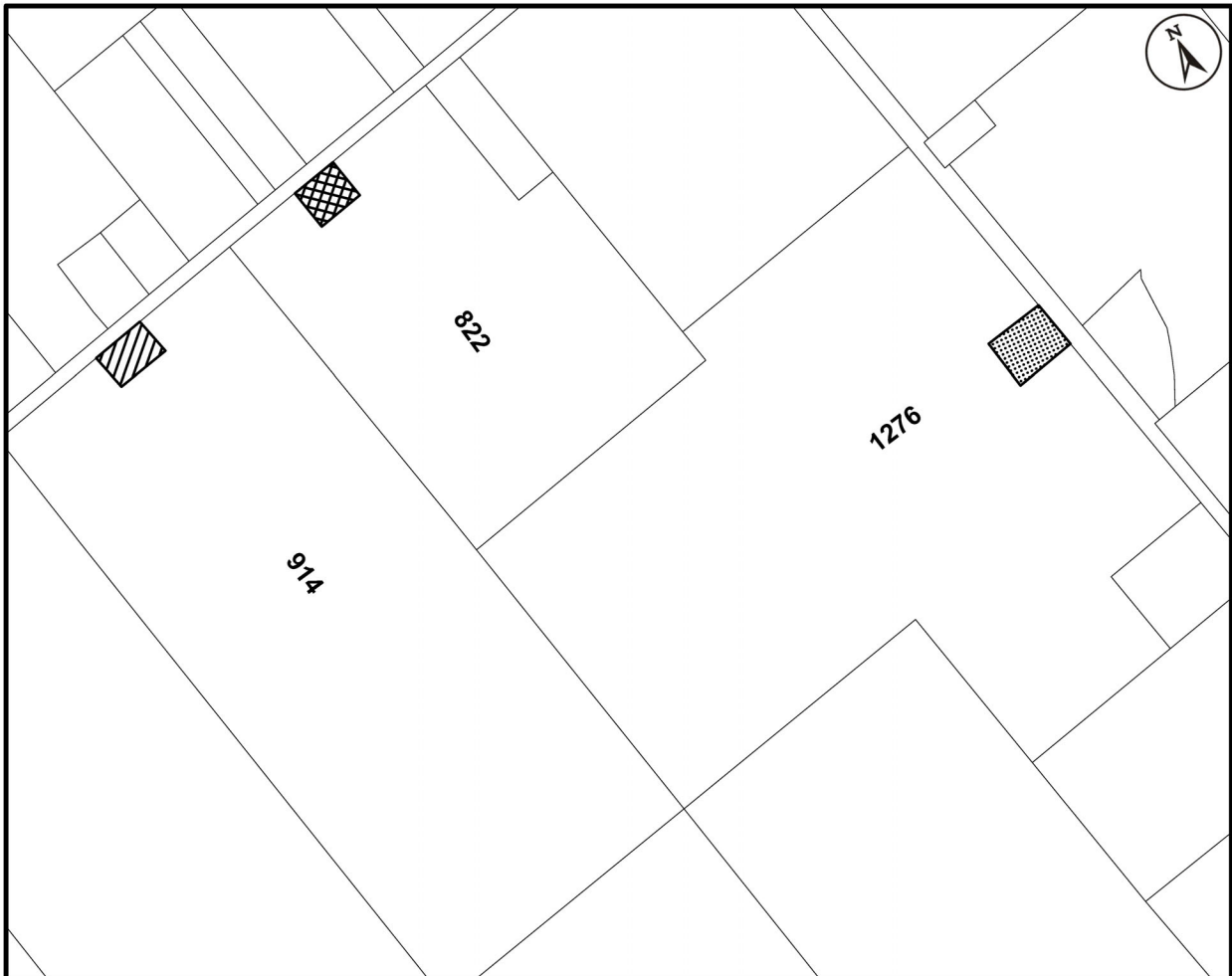
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 13th day of August, 2021

F. Eisenberger
Mayor

RHOPA-20-028
ZAR-20-045

A. Holland
City Clerk



This is Schedule "A" to By-law No. 21- Passed the day of, 2021	----- <p style="text-align: center;">Mayor</p> ----- <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 124 and 173</p>	<p>Subject Property 822 and 914 Book Road West and 1276 Shaver Road</p> <ul style="list-style-type: none"> Block 1 - Change in Zoning from Open Space (P4) Zone to Agriculture (A1, 746) Zone Block 2 - Change in Zoning from Open Space (P4) Zone to Agriculture (A1, 746) Zone Block 3 - Change in Zoning from Open Space (P4) Zone to Agriculture (A1, 746) Zone
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Scale: N.T.S	File Name/Number: ZAC-20-045/RHOPA-20-028	<p style="margin: 0;">Hamilton</p>
Date: June 11, 2021	Planner/Technician: AB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 9, Planning Committee
Report: 21-011 (PED20188)
CM: July 9, 2021
Ward: 15

Bill No. 135

CITY OF HAMILTON

BY-LAW NO. 21-

To Adopt:

**Official Plan Amendment No. 154 to the
Urban Hamilton Official Plan**

Respecting:

**10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road
(Flamborough)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 154 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 154

The following text, together with Appendix “A” – Volume 2, Map B.4.3.1 – Waterdown South Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. 154 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish an Area Specific Policy within the Waterdown South Secondary Plan to facilitate the appropriate development of the Mixed Use – Medium Density designation.

2.0 Location:

The lands affected by this Amendment are known municipally as 10 Mallard Trail, 39 Mallard Trail, 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, in the former Township of Flamborough.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment reflects the retail and commercial development trends for the area;
- The Amendment will not result in a negative impact on established commercial areas such as Downtown Waterdown;
- The proposed land use is compatible with existing and approved development in the immediate area; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

Urban Hamilton Official Plan Amendment No. 154	Page 1 of 3	
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4.1 Volume 2 – Secondary Plans

Text

4.1.1 Chapter B.4 – Waterdown Secondary Plans – Section B.4.3 – Waterdown South Secondary Plan

- a. That Volume 2, Chapter B.4 – Waterdown Secondary Plans, Section B.4.3 – Waterdown South Secondary Plan be amended by adding a new Area Specific Policy, as follows:

“Area Specific Policy – Area D

B.4.3.15.4 For the lands located at 10 Mallard Trail, 39 Mallard Trail, 40 Mallard Trail and 488 Dundas Street East, Flamborough, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area D on Map B.4.3-1 – Waterdown South Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.4.3.4.3 a) of Volume 2, commercial uses shall be located primarily at grade;
- b) Notwithstanding Policy B.4.3.4.3 e) v) of Volume 2, residential accessory uses such as fitness rooms, amenity areas and access to the residential uses above shall be permitted on the first floor of the building;
- c) Notwithstanding Policy B.4.3.4.3 g) of Volume 2, the total retail and service commercial floor space within the Mixed Use - Medium Density designation shall not be less than 1,980 square metres; and,
- d) Notwithstanding Policy B.4.3.4.3 j) iv) of Volume 2, the implementing Zoning By-law shall establish a minimum requirement for 1,980 square metres of retail and service commercial space to be divided amongst 10 Mallard Trail, 39 Mallard Trail, 40 Mallard Trail and 488 Dundas Street East along the ‘retail main street’.

B.4.3.15.5 For the lands located at 10 Mallard Trail, 39 Mallard Trail, 40 Mallard Trail, 488 Dundas Street East, Flamborough, designated Mixed Use – Medium Density and the lands located at 585 Skinner Road, Flamborough, designated District Commercial, and identified as Area Specific Policy – Area D on Map B.4.3-1 – Waterdown South Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Policy B.4.3.4.2 g) of Volume 2, shall not apply to 10 Mallard Trail, 39 Mallard Trail, 40 Mallard Trail, 488 Dundas Street East, and 585 Skinner Road;
- b) Policy B.4.3.14.4 b) of Volume 2 shall not apply.”

Maps and Appendices

4.2.1 Map

- a. That Volume 2: Map B.4.3-1 – Waterdown South Secondary Plan – Land Use Map be amended by identifying the subject lands as Area Specific Policy Area D, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No. 21-135 passed on the 13th day of August, 2021.

**The
City of Hamilton**

F. Eisenberger
Mayor

A. Holland
CITY CLERK

Appendix A
 APPROVED Amendment No. 154
 to the Urban Hamilton Official Plan

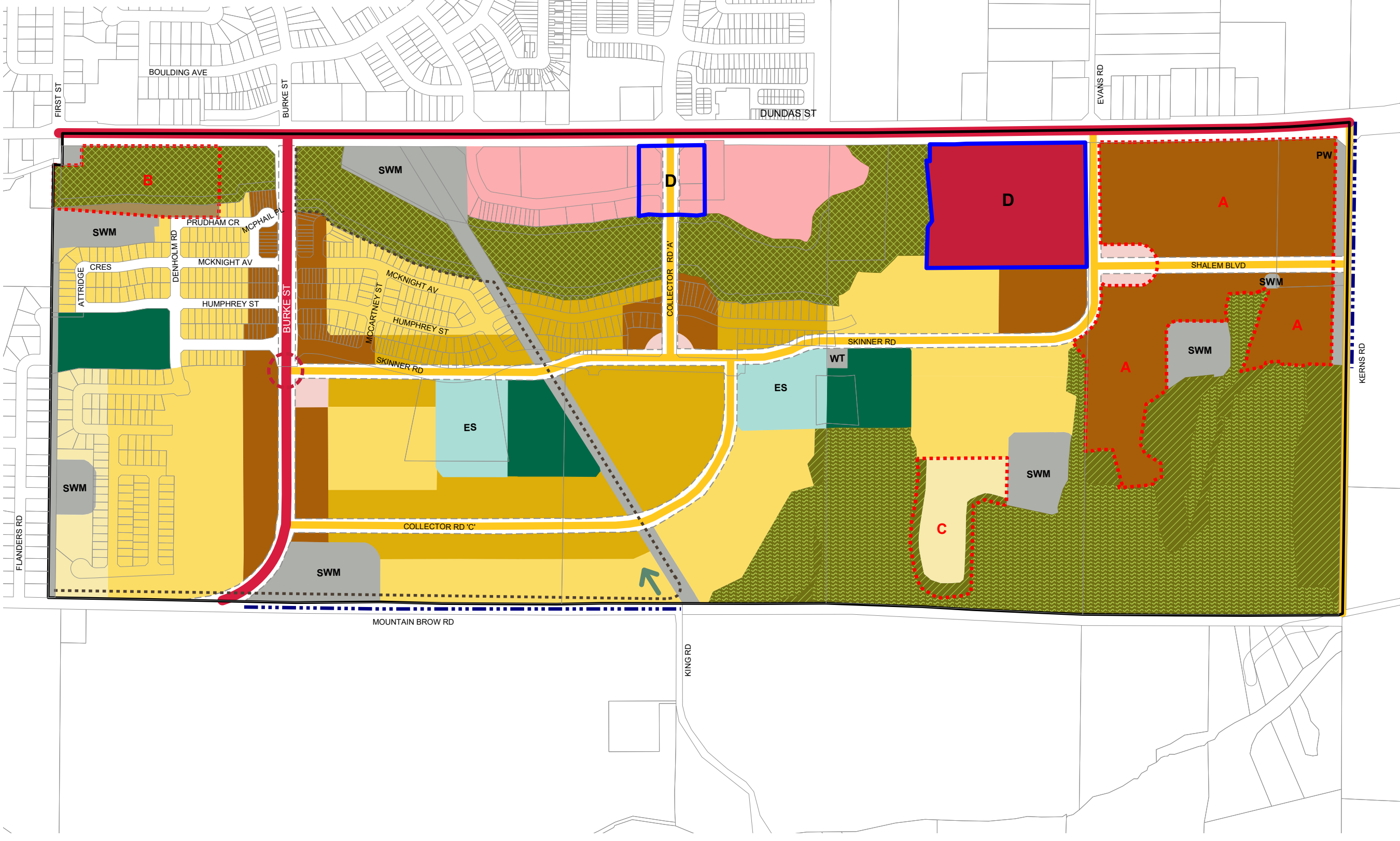
D Lands to be identified as
 Area Specific Policy - Area D

(10, 39 and 40 Mallard Trail, 488 Dundas Street East and
 585 Skinner Road, Flamborough)

Date:
 August 5, 2021

Revised By:
 CT/NB

Reference File No.:
 OPA-U-154(F)



Legend

- Residential Designations**
- Low Density Residential 1
 - Low Density Residential 2
 - Low Density Residential 3
 - Medium Density Residential 2
- Commercial and Mixed Use Designations**
- Local Commercial
 - Mixed Use - Medium Density
 - Arterial Commercial
- Parks and Open Space Designations**
- Neighbourhood Park
 - Natural Open Space - Grindstone Creek Natural Area
 - Natural Open Space - Escarpment Natural Area
 - Natural Open Space - Escarpment Protection Area
- Other Designations**
- Institutional
 - Elementary School (ES)
 - Hazard Lands - Karst Area
 - Utility
 - Storm Water Management (SWM)
 - Water Tower (WT)
- Other Features**
- Area or Site Specific Policy (dashed red line)
 - Roundabouts (dashed red circle)
 - Local Road Connection (green arrow)
 - Place of Worship (PW)
 - Major Arterial Road (thick red line)
 - Collector Road (yellow line)
 - Trail Links (dashed black line)
 - Special Character Road (blue dashed line)
 - Proposed Roads (dashed grey line)
 - Secondary Plan Boundary (thick black line)

Urban Hamilton Official Plan
Waterdown South
Secondary Plan
 Land Use Plan
 Map B.4.3-1

Authority: Item 9, Planning Committee
Report 21-011 (PED20188)
CM: July 9, 2021
Ward: 15

Bill No. 137

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 10, 39 and 40 Mallard Trail and 488 Dundas Street East (Flamborough)

WHEREAS the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Flamborough” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

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 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 21-011 of the Planning Committee, at its meeting held on the 9th day of July, 2021, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment 154;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. For the purposes of this By-law, By-law No. 14-099 (Urban Commercial “UC-13” Zone) shall apply to Blocks 1, 2a and 2b of this By-law.
2. That the Urban Commercial “UC-13” Zone regulations, as contained in By-law No. 14-099, be further amended to include the following special requirements:

“17.3.13 UC-13” (Block 1)

In addition to By-law No. 14-099, the following provisions shall apply:
Permitted Uses

- (a) That all uses permitted by Section 17.1, except residential, shall count towards the minimum retail and service commercial total gross floor area calculation built out on the first and second floor.
- (b) Ground floor accessory/associated uses such as fitness rooms, amenity areas and access to residential uses above.

That Sections 17.3.13 (l), (m) and (q) of By-law No. 14-099 be deleted and replaced with the following:

- (l) Gross Floor Area
 - (i) Minimum of 1,256 sq m of retail and service commercial floor space is to be provided within the lands zoned UC-13 (Mixed-Use Medium – Retail Main Street Zone).
 - (ii) The distribution of the minimum gross floor area shall be provided as follows:
 - 10 Mallard Trail: minimum 306 sq m.
 - 40 Mallard Trail: minimum 950 sq m.
- (m) Gross Floor Area Maximum GFA for retail and service commercial uses shall not exceed a total of 25,000 sq m when combined with the GFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (q) Notwithstanding Section 5.21, any commercial use at grade shall be exempt from the applicable parking requirement.

“17.3.13 UC-13” (Block 2a)

In addition to By-law No.14-099, the following provisions shall apply:

Permitted Uses

- (a) That all uses permitted by Section 17.1, except residential, shall count towards the minimum retail and service commercial total gross floor area calculation built out on the first and second floor.

- (b) Ground floor accessory/associated uses such as fitness rooms, amenity areas and access to residential uses above.

Zone Provisions

- (a) Notwithstanding Sections 5.21.1 and 5.21.3, Parking spaces for disabled persons shall be designated and provided as part of the required parking spaces in accordance with the following requirements: 1.25 parking space, including visitor parking spaces, shall be provided per apartment dwelling unit and may be provided across zone limits.
- (b) Notwithstanding Subsection 5.13.1 (a) and (b), one (1) loading space, which shall also be permitted to be used for waste collection, shall be provided for all buildings in this development across zone limits.
- (c) Notwithstanding Subsection 5.4.2 (b) “Dwelling Unit Area (Minimum)”, a minimum gross floor area of 46 square metres shall be provided for bachelor and one bedroom dwelling units and a minimum gross floor area of 63 square metres shall be provided for two or more bedroom dwelling units.
- (d) Notwithstanding Subsection 5.21.5 (f) “Location of Parking on a Lot”, parking shall be permitted to be located in a yard abutting a street.
- (e) Notwithstanding Subsection 5.21.6.b) driveways with two- way vehicular movement shall have a minimum unobstructed width of not less than 6.0 metres.
- (f) Notwithstanding Subsection 5.21.11 (b) “Enclosed Parking”, any enclosed parking structure below grade or less than 1.2 metres above grade shall be set back a minimum of 0.7 metres from each lot line except 0.0 metres from the lot line at the hypotenuse of the daylight triangle at the corner of Dundas Street East and Mallard Trail.
- (g) All parking spaces and access for this development shall be permitted to be used by all uses proposed for this development and may be provided across zone limits.
- (h) The regulations of Section 5.16.2 “Lots with More than One Zone” shall not apply.
- (i) Section 5.20 (d) of Flamborough Zoning By-law No. 90-145-Z shall not apply.

That Sections 17.3.13 (h), (l), (m), and (q) of By-law No. 14-099 be deleted and replaced with the following provisions :

- (h) A maximum exterior side yard shall not be required to the Valley Trail Place exterior side lot line and to the exterior side lot line at the hypotenuse of the daylight triangle at the corner of Valley Trail Place.

- (l) Gross Floor Area Minimum of 306 sq m of retail and service commercial floor space is to be provided within the lands zoned UC-13 (Mixed-Use Medium – Retail Main Street Zone).
- (m) Gross Floor Area Maximum GFA for retail and service commercial uses shall not exceed a total of 25,000 sq m when combined with the GFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (q) Notwithstanding Section 5.21, any commercial use at grade shall be exempt from the applicable parking requirement.

“17.3.13 UC-13” Zone (Block 2b)

In addition to By-law No.14-099, the following provisions shall apply:

Permitted Uses

- (a) Notwithstanding Section 17.1(b), apartment units shall be permitted however, they shall not be located within the first/ground floor, except for access, accessory office, utility areas and fitness rooms.
- (b) That all uses permitted by Section 17.1, except residential, shall count towards the minimum retail and service commercial total gross floor area calculation built out on the first and second floor.
- (c) Planting Strip – General Provisions Section 5.12.2(a) shall not apply.
- (d) Notwithstanding Subsection 5.21.5 (f) “Location of Parking on a Lot”, parking shall be permitted to be located in a yard abutting a street.
- (e) Notwithstanding Subsection 5.21.6.b) driveways with two- way vehicular movement shall have a minimum unobstructed width of not less than 6.0 metres.
- (f) In addition to Section 5.13, a loading space shall also be permitted to be used for waste collection.
- (g) In addition to the definition of “Planting Strip” in Section 3 of Flamborough Zoning By-law No. 90-145-Z, a “transformer” shall be permitted within a planting strip.

That Sections 17.3.13 (g), (i), (l), (m) and (q) of By-law No. 14-099 be deleted and replaced with the following regulations:

- | | |
|--|---|
| (g) Interior Side Yard (maximum): | 3.5 metres, except for the side yard related to the common wall of a Live-Work Unit, in which case a minimum side yard of 0.0 metres shall be provided. |
| (i) Planting Strip (minimum): | A planting strip shall not be required between Mallard Trail and the parking spaces. |
| (l) Gross Floor Area | Minimum of 418 sq m of retail and service commercial floor space is to be provided within the lands zoned UC-13 (Mixed-Use Medium – Retail Main Street Zone). |
| (m) Gross Floor Area | Maximum GFA for retail and service commercial uses shall not exceed a total of 25,000 sq m when combined with the GFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor. |
| (q) Notwithstanding Section 5.21, any commercial use at grade shall be exempt from the applicable parking requirement. | |
3. That the amending By-law be added to Schedule “A-32” of Flamborough Zoning By-law No. 90-145-Z.
4. 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 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-046






This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021


 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 90-145-Z

Subject Property
 10, 39, and 40 Mallard Trail and 488 Dundas Street East,
 Flamborough
 To further modify the Urban Commercial "UC-13" Zone

-  Block 1 - 10 Mallard Trail and 40 Mallard Trail
-  Block 2a - 488 Dundas Street East
-  Block 2b - 39 Mallard Trail

Scale: N.T.S	File Name/Number: ZAC-19-046/UHOPA-19-013	 Hamilton
Date: June 17, 2021	Planner/Technician: EM/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Ward: 2, 3, 6, 7, 13

Bill No. 138

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
<i>8 - No Parking</i>	<i>E</i>	Sirente	West	commencing 65 feet south of the south curb line of Sirente and extending 34 feet southerly	Anytime	Deleting
<i>8 - No Parking</i>	<i>E</i>	Arrowhead Drive	South	Upper Wentworth Street to Onyx Drive	Anytime	Adding
<i>8 - No Parking</i>	<i>G</i>	Brucedale Avenue East	South	37 metres west of Upper Wentworth Street to 10 metres west thereof	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

8 - No Parking	E	Cumberland Avenue	South	Burris Street to 16.2 metres east thereof	Anytime	Adding
8 - No Parking	E	Organ Crescent	East & North	25 metres south of Keen Court to 74 metres south thereof	Anytime	Adding
8 - No Parking	E	Rexford Drive	West	38 metres south of Princip Street to 7 metres south thereof	Anytime	Adding
8 - No Parking	E	Sirente Drive	East & North	58 metres south of Rockview Avenue to 47 metres south thereof	Anytime	Adding
8 - No Parking	E	Sirente Drive	West	57 metres east of Cyprus Drive to 46 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	Elgin St.	West	50m north of Robert St. to 6m northerly	Anytime	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
13 - No Stopping	E	Arrowhead Drive	Both	Upper Wentworth Street to 20 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
14 - Wheelchair LZ	E	Kensington Ave. N	West	13m north of Campbell Ave. to 10m north thereof	Anytime	Deleting

- 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.

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 3 of 3

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 13th day of August 2021.

F.
Eisenberger
Mayor

A. Holland
City Clerk

A. Holland
City Clerk

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Ward: 2, 3, 6, 7, 13

Bill No. 139

CITY OF HAMILTON

BY-LAW NO. 21-

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*;

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To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 3 of 3

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 13th day of August 2021.

F.
Eisenberger
Mayor

A. Holland
City Clerk

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 21-

To Confirm the Proceedings of City Council at its meeting held on August 13, 2021.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 13th day of August 2021, in respect of each recommendation contained in

Special General Issues Committee Report 21-015 – August 4, 2021,
General Issues Committee Report 21-016 – August 9, 2021,
Planning Committee Report 21-012 – August 10, 2021,
Board of Health Report 21-008 – August 11, 2021,
Public Works Committee Report 21-011 – August 11, 2021,
and
Audit, Finance & Administration Committee Report 21-012 – August 12, 2021

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 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk